



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 4 December 2024

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

Enquiries regarding this agenda: Cameron Overton

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Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr David Brown (Vice-Chair)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Bill Hunt (Chair)
Cllr Alan Sharp

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Lucius Vellacott

Liberal Democrat members

Cllr Chika Akinwale
Cllr Ross Trent
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson (Lead Member)

Liberal Democrat substitutes

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

Lead Officer: David Morren, Interim Planning Manager

9:30am: Planning Committee members meet at The Grange reception for site visits.

AGENDA

- 1. Apologies and substitutions** [oral]
- 2. Declarations of interests** [oral]

To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

- 3. Minutes** **[Page 5]**
To confirm as a correct record the minutes of the meeting of the Planning Committee held on 6 November 2024.
- 4. Chair's announcements** **[oral]**
- 5. TPO/E/06/24** **[Page 39]**
Confirmation of Tree Preservation Order E/06/24
Location: 22 Victoria Street, Littleport, Ely, Cambridgeshire, CB6 1LX
- 6. 22/00039/RMM** **[Page 63]**
Approval of the details for reserved matters for appearance, landscaping, layout and scale of planning application 18/01435/OUM for up to 41 new homes to include 12 new affordable dwellings, accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways.
Location: Site east of Clare House Stables, Stetchworth Road, Dullingham, Suffolk.
Applicant: Mr Robert Nobbs.
Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R6BPD0GG0CT00>
- 7. 24/00340/RMM** **[Page 121]**
Reserved matters for layout, scale, appearance and landscaping of 164 dwellings (excludes self-build plots), internal roads, parking, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 17/01707/OUM.
Location: Land adjacent to 43 Mepal Road, Sutton, Cambridgeshire.
Applicant: Vistry Homes East Anglia and Ms E Newbury, Mr P Marshall
Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAYOZVGGKRC00>
- 8. 24/00892/FUL** **[Page 181]**
Demolition of 2 bed dwelling and replace with 3 bed dwelling.
Location: Clovelly 116, Ashley Road, Newmarket, Suffolk, CB8 8DB.
Applicant: Holly Roeder
Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SIO7ZCGGJ9000>
- 9. Planning performance report – October 2024** **[Page 199]**
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Notes

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several [free public car parks close by](https://www.eastcambs.gov.uk/parking/car-parks-ely) (https://www.eastcambs.gov.uk/parking/car-parks-ely). 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. Public access to the Council Chamber will be from 30 minutes before the start

of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

The livestream of this meeting will be available on [the committee meeting’s webpage](https://www.eastcambs.gov.uk/meetings/planning-committee-041224) (<https://www.eastcambs.gov.uk/meetings/planning-committee-041224>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee) (<https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee democratic.services@eastcambs.gov.uk, to **register by 10am on Tuesday 3rd December**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - Applicant/agent or supporters
 - Local Ward Councillor
 - Parish/Town Council
 - County Councillors
 - National/Statutory Bodies
3. The 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 or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:
 - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
 - the fire assembly point is in the front staff car park by the exit barrier
 - the 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
5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as 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
7. 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 at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 6 November 2024

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr Lavinia Edwards
Cllr Julia Huffer (substitute for Cllr Martin Goodearl) (Acting Vice Chair)
Cllr Bill Hunt (Chair)
Cllr Alan Sharp
Cllr John Trapp
Cllr Ross Trent
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:

Maggie Camp – Director Legal Services
Kevin Drane – Trees Officer
Holly Durrant - Senior Planning Officer
Gemma Driver – Senior Planning Officer
Rachel Gordon – Interim Planning Team Leader
David Morren – Interim Planning Manager
Cameron Overton – Trainee Democratic Services Officer
Charlotte Sage – Planning Officer
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

In attendance:

Andrew Fleet (Objector, Agenda Item 5)
Ian Bayes (Neighbour, Agenda Item 5)
Jezz Davies (Neighbour, Agenda Item 5)
Parish Cllr Christopher Standley (Parish Councillor, Agenda Item 6)
Malcom Roper (Neighbour, Agenda Item 6)
Dr Stephen Ladyman (Applicant, Agenda Item 6)
Tim Dobson (Applicant, Agenda Item 8)
Alastair Morbey (Applicant, Agenda Item 9)
Yvonne Mackender (Supporter, Agenda Item 9)
Phillip Kratz (Agent, Agenda Item 10)

4 other members of the public

Lucy Flintham – Office Team Leader

36. Apologies and substitutions

Apologies for absence were received from Cllrs David Brown and Martin Goodearl.

Cllr Julia Huffer was attending as substitute for Martin Goodearl.

Due to Cllr Brown's absence, Cllr Julia Huffer Vice Chaired the meeting.

37. Declarations of interest

Cllr Julia Huffer declared herself to be predetermined on Agenda Item 6 (23/01088/FUL – Land East of 19 Station Road, Fordham, Cambridgeshire) and after addressing the committee would leave the meeting for the remainder of the item.

Cllr Lavinia Edwards declared that she had called in Item 10 (24/00366/FUL – 12 Swaffham Road, Burwell, Cambridge) but that she would be keeping an open mind.

38. Minutes

The Committee received the Minutes of the extraordinary meeting held on 13th August 2024 and of the Planning Committee meeting held 4th September 2024

It was resolved unanimously:

That the Minutes of the extraordinary Planning Committee meeting held on 13th August 2024 and the Planning Committee meeting held 4th September 2024 be confirmed as a correct record and be signed by the Chair.

The Chair noted that an amendment was requested by a Councillor for Soham ward but that in the absence of a written copy of the speech, this could not be adopted. The Chair requested that the amendment be filed by the clerk.

39. Chair's announcements

The Chair made the following announcements:

- The Chair announced that Gemma Driver, Senior Planning Officer was to leave East Cambridgeshire District Council after 5 years at the organisation. The Chair thanked Gemma Driver for her service and valuable contributions throughout her time there. The Chair wished Gemma Driver good luck in her future endeavours.
- The Chair welcomed Rachel Gordon, Interim Planning Team Leader, to East Cambridgeshire District Council.

40. TPO/E/05/24 – Land South East of 4 Meadowbrook, Aldreth, Cambridgeshire

Kevin Drane, Trees Officer, presented a report (Z81, previously circulated) recommending approval of the TPO, including T1 which had been disputed for this TPO.

The main considerations for the application were deemed to be:

- **The opinion of the tree owner/agent who objected to the confirmation of tree T1 in the TPO**
 - The tree owner did not regard T1 as worthy of protection but had no objection to the protection of the other trees, as they performed an important landscape function in marking the edge of the built-up area.
 - As T1 was separate from the trees on the southern boundary and only visible from the head of the cul-de-sac at Meadowbrook, its removal would have had negligible impact on the landscape or character of the area.
 - There was pressure to continually prune the tree, due to its proximity to a neighbour's swimming pool.
 - T1 was affected by Ash dieback and while it was not excessive at the time, the tree was clearly vulnerable to the disease.
 - They were prepared to replace T1 with 6 replacement trees.
- **The support of the TPO from the neighbouring property owners**
 - Support for the TPO had been received by neighbouring property owners and the Parish Council.
 - As a mature tree, it provided a valuable local amenity which was intended to be removed.
 - The tree was a potential bat roost. Neighbours had witnessed bats flying around the tree in summer months.
- **The amenity value of the tree, and the visual impact of its loss in the local landscape**
 - This matter was based on subjective assessment, as the amenity value of a tree was not defined in law. The Government suggestion was that it was necessary to exercise judgement on the matter.
 - It was assessed using the TEMPO method. T1 scored 16 points out of a maximum 25 points. This placed T1 in the 'definitely merits TPO category'
 - Although public views of the tree were limited, the tree was visible from properties, both of which expressed support of the TPO.
- **The current lack of evidence supporting the removal of T1**
 - Regarding Ash dieback, there was no evidence suggesting that T1 was infected. The genetic variability of Ash makes it unclear if this tree would have been infected in the future.
 - Should the removal of T1 be necessary in the future, TPO legislation required that it be replaced by only 1 new tree. Were the removal be approved by planning application, 6 new trees

would have been required based on its size at the time; this was subject to potential changes in Biodiversity Net Gain legislation in the future.

- **Future occupiers**

- Without a TPO in place, were the ownership of neighbouring properties to change in the future, it would have been at the owners discretion whether trees T2-9 were removed. This would have resulted in their amenity value and locality being lost.

In summary, it was recommended that Members approved the TPO for the reasons set out in the presentation and report.

The Chair welcomed Mr Andrew Fleet to address the committee:

“Thank you for allowing me to speak on this item on behalf of Meadow Barn developments, who own this site and object to the TPO.

“I need to make it clear that our objection relates only to tree T1, which our clients intend to fell to make way for the erection of a dwelling on the plot. You will have seen the representations already submitted by Hutchinsons on behalf of our clients, which appear in your background papers, and I do not intend to merely reiterate the points made, which I hope you will take into account in any event, but rather I shall concentrate on what we consider to be the critical issues.

“I would emphasise that our arboriculture consultant does not agree that tree T1 is worthy of a TPO designation for the reasons set out in his detailed report.

“Whilst the tree is visible from the two adjacent properties, it is separated from the main boundary belt and is only visible from the head of the cul-de-sac, which is a private drive. It is therefore not open to public view and its removal would not detract from the overall landscape quality of the area, particularly as our clients have proposed to replace it with six new trees to supplement the existing tree belt, a situation which your tree officer has indicated would be acceptable to your Council, even if the TPO were to be confirmed. Bearing in mind it is already showing signs of dieback, such a solution would represent a significant gain in amenity terms.

“A Planning Inspector has already determined that tree T1 does not merit protection (paragraph 1.7 of Hutchinsons’ representations).

“Importantly, the conclusions in section 5 of your report provide an incorrect amenity value for tree T1. Using the TEMPO method, it is stated that the tree scores 16 points, which places it in the highest category where the tree “definitely merits a TPO”. However, the actual score, using the assessment contained in your report only adds up to 14 points, which at best indicates that a TPO is only just defensible. Bearing in mind the lack of public visibility, the risk of Ash dieback and the replacement planting our clients are proposing, we suggest that the score should be reduced further.

“We therefore request the Committee to omit tree T1 from the proposed TPO.”

The Chair invited questions to Mr Fleet.

Cllr Christine Ambrose Smith queried if T1 was located in a conservation area. Mr Fleet informed Members that it was not.

Cllr John Trapp asked about the importance of tree T1 not having a TPO to the objectors. Mr Fleet explained that his clients had made two planning applications for the site in question, both of which had been dismissed. He continued that were a TPO to be in place, there would be another obstacle to overcome.

The Chair acknowledged that a letter from Haddenham Parish Council, in strong support of the TPO, had been received and viewed by Members. The Chair requested the Clerk to file the document.

The Chair thanked Mr Fleet and welcomed Mr Ian Bayes and Mr Jezz Davies to address the Committee.

Mr Ian Bayes:

“Dear Committee Members,

“Thank you for the opportunity to express our support for this Tree Preservation Order at Meadowbrook, as recommended by your Tree Officer and also endorsed by the Parish Council on Monday 4th Nov.

“As some of you may know, this particular site at Meadowbrook has a long history of planning applications, refused four times by East Cambs, plus twice at appeal.

“So why is this relevant, well this TPO is a direct result from the most recent planning refusal.

“On Friday 28th June, East Cambs issued a planning refusal for the sixth attempt at gaining development approval at this site, quoting two key factors;

“1. The development would be out of keeping with the character and appearance of the area

“2. Information was intentionally not submitted to support the categorisation of this mature ash tree T1.

“On the following Tuesday 2nd July, a contractor appointed by the developer arrived at Meadowbrook to cut down this particular healthy, mature Ash tree referenced T1 in the planning refusal.

“Due to concerns over whether the tree was covered under an existing TPO, plus we believe tree T1 was being used as a summer bat roost, as we have a registered maternity roost with 15-20 long eared bats, which you was invited to come and look at, we contacted the East Cambs Tree Officer, who we understand visited the site and also spoke with the contractor to explain the reasons for the interim TPO.

“For a TPO to be confirmed, we understand that the following key requirements need to be satisfied.

“1. Does the tree or trees have public amenity value – Yes, as they form the southern boundary of Aldreth, can be viewed from popular local public rights of way, making a positive contribution to the character and appearance of the area. The trees (including the tree T1) provide a high level of amenity as they form a key outlook from living areas in adjacent properties. Additionally, the healthy Category A mature ash tree T1 is likely to be used by bats (protected species), which would have a detrimental impact to the local environment if it was removed. This clearly demonstrates a TPO would be in the public interest and a TPO would result in public amenity value.

“2. Is there a known or foreseeable threat to the tree? – Yes, it can be demonstrated without any doubt that the trees covered under this TPO (including T1) were and remain under a known or foreseeable threat, as demonstrated by the developer sending a contractor to cut down the particular tree.

“Allowing tree T1 to be excluded from this TPO would remove a key reason for planning refusal for any future appeal or new application, plus adversely impact protected species identified at the site.

“So, we therefore request the committee approve this particular TPO as recommended by your Tree Officer and the Parish Council, including tree T1 at the site, to protect public amenity from an immediate treat.

“Should the committee decide to include or exclude tree T1 from the TPO, we request a condition is included that full and detailed bat surveys are undertaken to satisfy legal obligations to ensure the potential removal of T1 will not have any detrimental impact to the local environment.

“Thank you very much.”

Mr Jezz Davies:

“Thank you for allowing me to add to what my neighbour Ian has said.

“Just to reiterate, I was concerned that the attempt to remove the tree was going to remove a very good amenity we have, rather than address the entirely reasonable issues that were raised by the Planning Committee earlier in the year.

“Some of you came out to see the tree this morning. As you saw, it’s a nice, big, healthy tree. It’s very close to my boundary, in fact it overhangs my boundary. I feel it’s almost become part of my garden, and I think I’m the only person who has made any attempt to look after the tree in the last 27 years.

“I certainly feel that in the absence of any clear plan for this plot at the moment, given that previous applications to develop have all been refused, that removal of the tree would be unjustified anyway. I hope the planning committee is therefore able to confirm the TPO. We need to protect our native trees; this would be a small contribution towards that.

“Thanks very much.”

The Chair invited Members questions to Mr Bayes and Mr Davies.

When questioned by Cllr Gareth Wilson, Mr Davies informed Members that while he did have a swimming pool, it was decommissioned from the end of September and was covered with a debris cover, so the leaves of T1 falling into the swimming pool was not a concern throughout the winter months.

Mr Bayes noted that there was no need to remove the tree, except to shape future appeals, in light of the previous six rejected planning applications to develop on this site since 1997, when queried by Cllr John Trapp.

Cllr John Trapp further enquired as to the length of time bats had been present in the area. Mr Bayes informed Members that he had first seen them 13 years prior, and that there was approximately between 15 and 20 bats. Mr Bayes informed Members that his loft was a registered maternity roost.

The Chair allowed Mr Fleet to address the Committee. Mr Fleet stated that preliminary ecology reports had been undertaken by his clients, which showed that there was no bat activity in the area.

The Chair thanked Mr Bayes and Mr Davies and welcomed comments from the Trees Officer.

The Trees Officer confirmed that the objector was correct in his calculation, that the amenity score was, in fact, 14 and not 16, which placed T1 in the ‘TPO defensible, just’ category.

The Chair invited questions to the Trees Officer.

The Trees Officer confirmed that in his assessment, there were no present signs of Ash dieback, when questioned by Cllr Gareth Wilson.

The Chair invited debate.

Cllr Christine Ambrose Smith commented that irrespective of the presence of bats and the number of planning applications previously refused, as this tree did not form part of the street scene as others do, the owners should have a

say in the land they own. The actions taken regarding this issue ought to be under the control of the landowner. The Councillor noted that this view did not fit with various policies in place.

Cllr Julia Huffer stated that she lived in a house with blanket TPOs throughout the garden. It was her view that while the trees were occasionally a nuisance, they were for the most part a joy. That tree T1 was a joy. Cllr Julia Huffer, therefore, proposed Members accept the recommendation for approval of the TPO. The proposal was supported by both Cllrs John Trapp and Christine Whelan.

Cllr Julia Huffer's proposal was seconded by Cllr Christine Whelan.

Cllr Gareth Wilson noted the point that landowners ought to be able to do what they wished with their own land. However, it was his view that East Cambridgeshire was more in need of trees than most places and that, therefore, T1 should have been kept.

The Chair invited Members to vote.

It was resolved with 9 votes in favour, 1 vote against and 0 abstentions:

That the TPO be confirmed, including the one tree objected to, on the grounds set out in report Z81.

41. 23/01088/FUM – Land East of 19 Station Road, Fordham, Cambridgeshire

Holly Durrant, Senior Planning Officer, presented a report (Z82, previously circulated) recommending approval of an application seeking full planning permission for the development of retirement housing with support (use class C3) (age restricted to over 60s) comprising of 21 dwellings, a residents' community building, landscaping, access and associated infrastructure.

The Senior Planning Officer noted a point of clarification that recommendation point B should have read reference 23/01088/FUM, not 23/01338/OUM.

The Senior Planning Officer provided an overview of the proposal and showed associated photographs and site plans. It was explained that bungalows would be built using modern methods, highly insulated and sustainable. It was further explained that there would be a community building present and that three of the housing units would be 'affordable', capped at 80% of the market value. As part of the proposed development, it was proposed there would be upgrades to the existing access, including footpath provision, extension on to Station Road and an uncontrolled pedestrian crossing point to link up to the existing Northern footpath.

It was proposed that there would be on-site landscaping and biodiversity enhancements, as well as off-site Biodiversity Net Gain as part of the proposed heads of terms of the legal agreement.

The main considerations for the application were deemed to be:

- **Principle of development** – At a national and local level, it was recognised that there was an urgent specialist need for housing for older people. The proposal fell within ‘retirement living’ or ‘sheltered housing’; also known as ‘housing without care’ or ‘housing with support’ the terms may be used interchangeably. The Council’s Local Plan, as well as the Fordham Neighbourhood Plan allowed for exceptions outside of the Development Envelope, for which this application was situated, under policy HOU 6 for retirement provision. The policy itself allowed for ‘Nursing Homes’ and ‘Care Homes’ outside of the Development Envelope but sought to direct proposals such as this towards a settlement within the settlement boundaries. The applicant provided sites within both Fordham and Isleham as potential alternatives, both of which were deemed inappropriate. Therefore, whilst there was technical conflict with Policy GROWTH2 and HOU 6 of the Local Plan and Policy 1 of the Neighbourhood Plan the proposal was generally considered to align with the objectives of the policy, providing retirement housing in a sustainable location, noting the facilities provided within the village of Fordham. The material considerations of this proposal were deemed to outweigh the policy conflict; notwithstanding that it would have met an identified need, it would have potentially released family housing back on to the market, as well as various other benefits set out in report Z82.
- **Housing Mix and Affordability** – The predominant provision on site was two-bed, with six three-bed units. Three discount units were to be provided. The policy target was 8 affordable units, meaning the proposal was underproviding 5 affordable units. Following independent viability assessments, the maximum number of affordable units was considered to be 3 given the nature of the proposed development. It was noted that as part of the Section 106 agreement, there was provision for the viability to be reassessed if more affordable housing was achievable. The proposed development was therefore considered to comply with Policy HOU 3 of the Local Plan.
- **Residential amenity** – The site was proposed to be arranged around a central SuDS Pond and open space. It was considered that given the low scale of development, the proposed development would not have had any unacceptable residential amenity impact upon surrounding occupiers and would provide a very good level of amenity to occupiers. It was noted that the gardens did appear small comparative to the plot itself, but that the units were designed for a variety of different end users, with a variety of dwelling garden sizes to meet the needs of the end users. There were planning conditions relating to the details of Air Source Heat Pumps and a noise management plan for the community building, noting the surrounding residential uses.
- **Visual amenity** – The proposers were supported by a landscape visual impact assessment, which ultimately concluded very minor residential

visual and landscape harm, at a very localised level, which was outweighed by the delivery of high-quality units and site-wide landscaping scheme.

- **Highways, Access and Safety** – The developers suggested they would provide improved access to the site, as well as a pedestrian footpath along Station Road, with an uncontrolled pedestrian crossing to the north. The access road was proposed for adoption, whereas the internal site was proposed as a shared surface road around a central open space area. Whilst this was not proposed for adoption, there were no highway concerns, with regards to overall layout and parking. Each dwelling was to benefit from policy compliant levels of parking, as well as additional visitor parking, and parking for the community building. There was a proposed bin store to the front of the site near the community building for occupiers and the community building itself.
- **Ecology and Trees** – The site was bounded by resisting trees and hedgerows, as well as other neutral grassland in the centre. It was proposed that the loss of neutral grassland was to be offset by offsite contributions, as well as on-site enhancements, including blue infrastructure, seeding roofs and orchards. While this site was not a mandatory biodiversity net gain site, it was targeting a 10% net gain, achieved by offsite contributions.
- **Flood Risk and Drainage** – The site was designed, following comments from the lead local Flood Authority, around the central SuDS Pond. There were no objections to the proposal on this basis. Matters of water quality and pollution control were also considered to have been addressed.
- **Other Material Considerations** – There were no concerns regarding historic environmental contamination. With regards to climate change, the proposed developments were targeting EPCA rating, which was considered to accord with the objectives of the Local Plan. As set out within the report, there was also a details list of Heads of Terms, including the optional care packages to be provided as part of the scheme.

In summary, the proposals represented a scheme fully designed around its intended occupiers. The proposals provided a choice of high-quality, accessible and future-proof bungalows, in a sustainable location, with variably sized gardens to suit a variety of needs. Each dwelling was designed to support independent living in later life, supported by smart technology and a site warden to aid day-to-day living, with optional care packages available. The community building was also considered to benefit residents, as well as the wider community, facilitating engagement and reducing isolation. The provision of retirement bungalows was also likely to release market housing and family homes back into the villages of Fordham and Isleham. The dwellings were designed with a high level of efficiency and sustainability. Whilst below policy targets for affordable housing, the site was to deliver a mix of dwellings across the site, including three discount market sale units. For the reasons set out in the report, as well as the developers intention to offset its own impact offsite, cumulatively, the above reasons were considered to weigh significantly in favour of the application proposals.

In light of the above rationale, this application was recommended to Members for approval.

The Chair invited Cllr Julia Huffer to address the committee and, in turn, leave following any questions.

“Thank you Chair and Members of the Committee for allowing me to address you today. Those of you who know me, will know that I fully understand the necessity of truly affordable housing, not just for the young or families but for the older members of our communities, which is why I have championed CLT developments in my ward and beyond. Truly affordable homes for all generations. When the applicant approached the Parish Council in Fordham (of which I also happen to be a member) and asked to make a presentation I attended and listened to see what benefits this site could bring to Fordham as it is outside of the development envelope and contrary to the Fordham Neighbourhood Plan.

“They spoke of well-designed houses and a community room; it was sounding too good to be true and then someone asked about the tenancy of the development. A housing association you would think, as this is being proposed as housing for the over 60s, and only acceptable as an exception site, as it is outside of the development envelope and contrary to the Fordham Neighbourhood Plan. You can imagine my astonishment when they answered “no, all market housing” and no single bedroom but two- and three-bedroom bungalows. Who downsizes to a 3-bedroom house at 60 plus? Then you would think if this is going to be truly affordable market housing, what will the market value be? I was stunned to discover that the approximate market value would be in excess of £350,000. This was two years ago, so I can only surmise that the figure has increased. In my opinion, that cannot be considered affordable housing unless you are selling a property in London or Cambridge and looking to relocate to the country and have enough disposable income to be able to buy this kind of property outright, as no mortgage company would entertain a mortgage at 60 years old.

“The report states that Fordham has a need on a local level for this kind of housing. I would refute this. A 75-bed care home opened not 500 metres from this site in July – and I note that this type of development would free-up housing in Fordham, well if there is anybody looking to free-up large houses in Fordham, I don’t know any of them and I’ve lived there for nearly 30 years - Fordham benefits from not one, but two independent living closes, numbering some 80 bungalows over the two sites, run by Sanctuary also with a warden and two community areas only 50 metres from the Care Home. In Isleham they have 25 bungalows for the over 55 and the Lady Peyton homes at reduced rents for local residents. We have no shortage of truly affordable and suitable homes for elderly residents.

“I move onto the proposal to only offer 3 of the 21 units at a discount in contravention of the Neighbourhood Plan, which demands 40% or 8 units.

“Unacceptable on every level.

“The application also falls foul of our Neighbourhood Plan’s environment policy and buying “units off site” to make up the net-loss of almost 7% is again unacceptable on every level.

“This application is the kind of application that makes my blood boil.

“Outside of the development envelope and contrary to the Fordham Neighbourhood Plan. Under any other circumstances it would have been refused out of hand, however, an attempt to get around this is being made by the applicant as the only way they can attempt to get it approved is to call it an exception site, normally reserved for sites like the one is Isleham, also in my ward, where a housing association is building 49 homes, truly affordable for local people. This is a wolf in sheep’s clothing, a pseudo exception site. 21 units with only 3 of those being proposed at discount market rate which would be roughly £307,000. I can think of no one in my ward that will benefit in any way from this site. It is a market housing development pure and simple. It is not an affordable housing development. It is contrary to the Fordham Neighbourhood Plan which this committee has a duty to protect. It is outside of the development envelope which this committee has a duty to protect. If you allow this development to proceed, it will open the floodgates to pseudo exception sites all over the district. The applicant is trying to exploit a loophole, please don’t allow this to happen and refuse this application.”

The Chair invited questions to Cllr Julia Huffer.

In discourse with Cllr John Trapp, Cllr Julia Huffer confirmed that the proposal was offering 3 discounted dwellings, at 80% of the market value price and that at a minimum, the proposal should have suggested 8 affordable homes according to the Fordham Neighbourhood Plan. Cllr Julia Huffer also noted that there were already significant provisions for elderly residents and that this application was for market housing, regardless of how it was presented.

Following an enquiry from Cllr Gareth Wilson, Cllr Julia Huffer stated it was her belief that 60 years of age was not considered ‘elderly’ and that this age was presented to form part of the exception. This was owing to an exception being local association housing. Other developments of this nature, having been proposed as entirely affordable, had been acceptable in the past and were this application to have been entirely affordable, there would have been no objection on her part.

Cllr Christine Ambrose Smith indicated that the proposal of two- and three-bedroom bungalows had benefits to its end user in varying circumstances and queried Cllr Julia Huffer’s objection to it. Cllr Julia Huffer suggested that she would not have an objection to the number of rooms in each dwelling, were this application to be entirely affordable, but that as it is market housing, she could not support it.

The Chair thanked Cllr Julia Huffer, who subsequently left the meeting.

The Chair welcomed Mr Christopher Standley, Fordham Parish Councillor to address the committee. Mr Standley was joined by Mr Malcolm Roper who confirmed that he would not speak and was present to answer any questions from Members.

“Chairman and Members of the Planning Committee,

“The proposed development is outside of the Development Envelope, as shown in the Fordham Neighbourhood Plan. The proposed site would extend the village into open countryside, which is not the wishes of the community, as demonstrated at the referendum for the Fordham Neighbourhood Plan.

“Through the National Planning Policy Framework, the government gave extra protection to Neighbourhood Plans, which includes policies and allocations of housing development, which is the very reason why Fordham Parish Council produced its Neighbourhood Plan. The Parish Council gave a great deal of consideration to the development envelope, as it did not wish to expand the village into the open countryside but contain it as far as possible within the existing boundary.

“It is clear that this proposal expands the village into the open countryside.

“The Parish Council asks the Committee to respect the wishes of the residents of Fordham, acknowledge the Neighbourhood Plan and take into account that Fordham is taking on far more development in East Cambridgeshire, with larger growth than any other of the larger villages in the district. More than 43%, with is over 500 dwellings.

“The proposed development is specifically for elder people and the Parish Council are concerned that the proposed development being on the outskirts of the village is isolated from the village. The closest shop is around half a mile from the site and the centre of the village is, obviously, even further. Elderly residents would have to drive into the village, or if fit but unable to drive, would have to walk some distance to shop, to visit the recreation ground or attend a concert or whatever at the village hall. In any event the Parish Council consider this site to be inappropriate for such a development.

“If permission was granted, as submitted, for retirement homes, then it could soon be changed to a normal housing development on the grounds that a principle of development had been established. The Parish Council respectfully ask the Planning Committee to refuse this application for all the given reasons.

“Thank you.”

The Chair invited questions from Members to Mr Standley and Mr Roper.

Cllr Christine Ambrose Smith questioned the premise that older people may need to walk to the shop, given that supermarkets and online retailers deliver,

noting the stereotypical nature of the assertion. Cllr Ambrose Smith further queried the notion that this development would be in open countryside. Mr Malcolm Roper stated that this development was outside of the Neighbourhood Plan, originally in open countryside and that it remained in open countryside because once developed, the open countryside would have moved further outside of the village. Mr Roper continued to explain that behind the proposed development was cultivated agriculture land and that only in front of the development were there properties and this was a backland development behind said houses on Station Road.

In dialogue with Cllr John Trapp, Mr Christopher Standley confirmed that there were no cycle paths from the proposed development site to Fordham and that the connecting road was particularly busy. Mr Christopher Standley also informed Cllr Trapp the Parish Council would indeed be satisfied, were the proposed development to be 100% affordable. It was further confirmed that the field upon which the proposed development was to be built did not suffer from waterlogging, but that the one adjacent did.

The Chair thanked Mr Christopher Standley and Mr Malcolm Roper before inviting Dr Stephen Ladyman to address the Committee.

“Good afternoon.

“My name is Stephen Ladyman, I’m a director of the company that will operate the proposed scheme once built. I’ve worked in the retirement sector and with the NHS for many years and I am also a former Health Minister.

“The Chief Medical Officer recently used his Annual Report to highlight the ‘absolute priority’ of creating environments for older people in areas like Fordham. Older people don’t want to move out of their local community into urban apartments. The Housing Needs Report for Specific Groups (2021) demonstrated a clear shortfall in the availability of retirement housing with support in ‘all areas’ within Cambridgeshire and West Suffolk. In addition, across England, ours is an ageing population and the need for good quality, purpose built accommodation to support older people to be able to live independent and healthy lives for as long as possible must be addressed. This application is for a C3 planning use class - but this is a specialist proposal, it should not be mistaken for typical market housing and the developer’s intention is to go beyond the normal criteria for C3 retirement accommodation. Most providers of this type of accommodation simply create properties that are sold on an age restricted basis, sometimes with a part-time warden and sometimes without and they seldom have much in the way of shared community facilities.

“The SageHaus Living retirement model is more comparable to Sheltered Living with all homes coming with a 24-hour monitored alarm and a Site Manager based on site and available to assist residents with any issues. For those residents who require additional care the SageHaus Living domiciliary care package will be made available. In addition, the community hub will be designed as a versatile space that will provide meals and activities every day.

“Residents do not have to use the services provided, we are not creating a care home. Their low rise, bungalow homes will be designed to make independent living easier even if they have restricted mobility and will include the latest in assistive technology - but if they need additional support, it will be available.

“And the people who move into this new scheme, will all be freeing up homes for local families.

“This is a sustainable scheme, on the edge of an existing settlement so that residents have access to existing facilities. The developer was not able to identify any other suitable or available sites in Fordham and it is extremely challenging to bring forward sites suitable for low rise bungalow properties which is what many older people say they are looking for. With a severe lack of sites allocated specifically for elderly housing this is why housing needs for the elderly continue go unmet, especially in rural locations.

“The properties that are proposed at this site are purposefully designed to make independent living easier even if residents have restricted mobility; modern building techniques will ensure that the schemes carbon footprint is minimised; and a sympathetic soft-landscaping scheme will ensure that it is visually appealing and will address the biodiversity issues raised by some of the consultees.

“This scheme offers independent living for older people with support available when it’s wanted, if it’s wanted. It’s a much needed, sustainable, visually attractive scheme.

“I hope you will support it and, if you do, we would be happy to work with officers to address any outstanding concerns or queries.

“Thank you for listening to me.”

The Chair invited Members to ask questions to Dr Stephen Ladyman.

Cllr Chika Akinwale asked Dr Ladyman to comment on the inability of the developer to provide 8 affordable homes in lieu of the 3 proposed. Dr Ladyman stated that this development addressed the need for market housing, which was also identified as a need in the local area. Dr Ladyman noted that this market housing was aimed at older people, and that the ages were likely to be closer to 75-80 years of age.

Cllr Chika Akinwale restated her previous query of why the developer was providing 3, rather than 8 affordable homes. Dr Ladyman informed Members that as they were providing community offerings on site, which carried a significant cost, the viability of more than 3 affordable dwellings was low.

Following further discussion with Cllr Chika Akinwale, Dr Stephen Ladyman suggested that there would not be an additional cost attached to refuse collection and that this development would have met the need for retirement

market housing. Further, this proposal was not designed to be a retirement home and would support independent living for its residents.

Cllr Gareth Wilson asked were the residents no longer able to look after themselves, if they would have to move away to a care home. Dr Stephen Ladyman informed Cllr Wilson that this was not necessarily the case. That at other sites he was associated with, they had provided all manner of care provisions including end of life care. Dr Ladyman acknowledged that where it became financially unviable for the individual, they may be required to look towards alternative living arrangements.

Dr Stephen Ladyman confirmed that the developer would have bought biodiversity credits elsewhere, while also ensuring the landscaping scheme met such needs as far as possible, when queried by Cllr Alan Sharp.

On the question of affordability, Dr Stephen Ladyman informed Cllr Alan Sharp that the financial assessment had been carried out on the basis of providing services and as such, 3 affordable housing units was a viable outcome.

Cllr Alan Sharp stated that an individual may be required to pay for a nursing home themselves, without help from the state, as a financial assessment of the individual was carried out, taking into account the assets they owned. Cllr Sharp asked if this development was creating a potential time bomb as a significant asset an individual owned was this property, which they were unable to sell to anyone under the age of 60. Dr Stephen Ladyman refuted this and stated that such an assessment may not take into consideration the equity an individual had in their current home.

Cllr John Trapp asked how many developments like this Dr Stephen Ladyman was involved with. Dr Ladyman informed Members that Oak retirement had 4 developments like this one around the country, but that it would have been the first for SageHaus. Dr Ladyman further informed Members that the sizes of said developments ranged from 36 to 84 dwellings. Dr Ladyman confirmed that SageHaus was named with Passivhaus in mind, using modern building methods and that the photos were indicative of the final build.

When asked by Cllr John Trapp, Dr Stephen Ladyman informed Members that as the Management Team, they would be responsible for the entire upkeep and providing of services to the properties on the development. Dr Ladyman informed Members that the service charges were £250pcm in other developments and that the costs associated were likely to be akin to this.

Cllr Christine Ambrose Smith queried the costs involved in building a community hub. Dr Stephen Ladyman suggested the figure to be approximately 2-3 times that of each property (£700,000-£800,000)

Cllr Bill Hunt asked for clarification on what area specifically the development met market needs for. Dr Stephen Ladyman confirmed the market survey to

have been across Cambridgeshire and West-Suffolk but felt there was also a need in Fordham itself.

Cllr Bill Hunt questioned the longevity of a tenancy of an individual who moved in at 75-80 years of age and what would happen to the property, given that younger people who inherit it would not have been able to move into the property. Dr Stephen Ladyman stated that the average time spent in one of the properties at other sites was approximately 8 years and that individuals who inherit it would sell it and use the money for their own purposes.

The Chair thanked Dr Stephen Ladyman and welcomed comments from the Officers.

David Morren, Interim Planning Manager clarified that this was not an exception site; Officers had not considered it as an exception site, nor were they considering them as affordable dwellings, as they normally would for an exception site.

The Interim Planning Manager stated that Neighbourhood Plans were given weight throughout the report, Neighbourhood Plans were not able to seek less development outside of the Neighbourhood Plan nor the NPPF. Consideration of this application was being weighed against the policies set out in the Senior Planning Officer's report (HOU 6 and GROWTH2 of the Local Plan, as well as Policy 1 of the Fordham Neighbourhood Plan). The Interim Planning Manager encouraged Members to look at the needs identified in the Officer's report and weigh up the benefit of these houses, against the technical objections contained within the policies.

Holly Durrant, Senior Planning Officer, restated that this was not an exception site. The need for affordable homes within the site was dictated by policy HOU 6 of the Local Plan, which required variable percentages of affordable housing, which is why the requirement for 8 units existed. Policy HOU 3 did allow for viability to be advanced, only where it was supported by an appropriate assessment, which had been done. With regards to need: 7.14 of the Officer's report showed a table, prepared by an independent consultant on behalf of the Local Planning Authority, which provided an overall need for market, older individual housing, which this development provided. With regard to the Fordham provision, where there was a 75-bed care home; that property did not fall within the same use class as this proposal, based on the previously stated needs. The other Sanctuary sites also did not fall within the same care need classification.

The Senior Planning Officer stated that the offsite ecology provisions were based on established practice following the mitigation hierarchy set out in the National Planning Policy Framework. It was noted that while it was not a mandatory requirement for this site, such practice would have mitigated for the Biodiversity Net Gain losses.

The Senior Planning Officer confirmed that the images provided were indicative.

With regards to need and mix, the Senior Planning Officer confirmed that the development was predominantly two-and three-bed properties, which met strategic needs within the housing market, as well as allowing for the needs of live in carers, as well as any other needs.

The Chair invited questions to the Officers.

The Senior Planning Officer confirmed that report Z81, table 7.14 indicated the amount of additional housing which was required within the district for older people with and without care.

The Senior Planning Officer asserted that all units within the site were CIL (Community Infrastructure Levy) liable, which was factored into the viability of assessment of the development. The Interim Planning Manager informed Members that CIL was not a material planning consideration and was not to be used in consideration of approving or rejecting this application, as it would have been an imposed levy following approval.

Cllr Bill Hunt queried the size of the gardens on this site, to which the Senior Planning Officer stated that all of the garden sizes were compliant with the Council's regulations.

Following questions on footpaths, parking spaces and access roads, the Senior Planning Officer noted that all parking spaces on the site would have a buffer around them to allow for restricted mobility; and there was to be a footpath offsite on the highway boundary. The Interim Planning Manager drew attention to Condition 3, p125 of the report which stated that the development would not commence until the details for this matter had been agreed and a time frame had been established.

In discussion with Cllr Chika Akinwale, the Senior Planning Officer informed Members that it was not possible for the Council to condition accreditation, as it was a scheme the applicant could enter if desired; it was further noted that it was irregular for the Council to condition the internal arrangement of doors etc., but that the buildings were to be built in accordance with M42 of the Building Regulations and all units had exemplified appropriate access and space for wheelchair mobility.

Upon a query from Cllr Gareth Wilson, the Senior Planning Officer stated that the future resale value of the three affordable units would be established as part of the legal agreement and Heads of Terms but likely would have remained capped at 80% of the market value in perpetuity.

The Chair invited debate.

Cllr Christine Ambrose Smith proposed accepting the Officer's recommendation to approve.

Cllr Gareth Wilson expressed concern about the developers acting outside of the Neighbourhood Plan and development envelope, a sentiment supported by Cllr Christine Whelan. Cllr Gareth Wilson therefore made a proposal for refusal.

Cllr Alan Sharp shared Cllrs Gareth Wilson and Christine Whelan's view, further noting unease with the notion of purchasing biodiversity credits off site. Cllr Sharp did, however, acknowledge these were not material reasons for refusal.

Cllr John Trapp reminded Members the Neighbourhood Plan was not a document which existed to refuse future developments but raised concern surrounding the placement of the development and the lack of affordable housing, suggesting his view leant towards refusal.

The Interim Planning Manager clarified for Members that Policy 1 of the Fordham Neighbourhood Plan did not restrict the boundaries in absolute, and allowed for instances of accepting planning applications, when consideration had been given to the location and intended use of a development, provided it met a specific identified need.

The Chair invited Cllrs Gareth Wilson and Christine Whelan to provide material planning reasons for refusal, where it was their inclination to do so. Cllr Whelan stated the design of the units were not in keeping with the character of the surrounding area.

Upon request, the Interim Planning Manager informed Members the provision for units within this development being available only to over 65s, in perpetuity, would have been secured through the Section 106 Agreement.

Cllr Bill Hunt expressed concern with regards to the design of the developments and the perceived lack of beauty; the high service charge costs; the suggested lack of time (8 years) residents spent living in these units; the proposed minimal garden space, albeit that it met regulation standards; and the detrimental impact this development would have had on the countryside, and Fordham particularly. Cllr Hunt suggested his high likelihood to support refusal, were such a proposition to come forward.

To Chair adjourned the meeting to allow sufficient time to deliberate material planning reasons for refusal at 16:10pm.

The meeting continued at 16:21pm.

The Chair established that Cllr Christine Ambrose Smith's proposal to accept the Officer's recommendation of approval did not have a seconder and, therefore, failed.

When asked to provide it, Cllr Gareth Wilson stated the following reasons for refusal:

- The development was in contravention of Policy HOU6 of the Local Plan, as the design had an adverse impact on the character of the local area.
- Inadequate parking: the suggestion of continuous tandem parking on the street may have caused inflated levels of traffic in the area.
- Inadequate affordability: the development did not meet the standard policies for affordable housing, with 3 affordable units falling below the target of 40%.
- The application showed a limited range of services related to the housing of elderly residents. Being that the residents were likely to be too old to drive and the development was too far away from services provided within the village of Fordham.

In response, the Interim Planning Manager raised the following points:

- The phrasing of 'inadequate parking' was an issue as the level of parking in the development was policy compliant, per the Council's Local Plan
- Members ought to have considered whether there was a need for the development or not, with the understanding that independent reports were drawn up, which had previously established a need for this type of market housing.
- To the point of affordable housing, an independent viability report had concluded that the viability rationale for the number of affordable units was acceptable, with 3 being an appropriate level. The Interim Planning Manager informed members that 'discounted market rate' was a recognised medium of affordable housing.

Further discussions took place between Members and the Interim Planning Manager. It was established that deferral was not necessarily a possible outcome to pursue; and the wording of the proposal for refusal needed to be more specific, especially if Members were looking to oppose the independent viability assessment.

Following continued deliberations, Cllr Gareth Wilson, seconded by Cllr Christine Whelan proposed refusal on the grounds that the development, as proposed, was considered to cause harm to the character and settlement of Fordham and the surrounding countryside, by virtue of the overdevelopment of the site. It was also considered that the site was located in an inaccessible location, which was not considered to be located within a good proximity by foot or cycle to a range of services and facilities. It was contrary to Policy HOU 6 and GROWTH 2 of the Local Plan; as well as Policy 1 of the Fordham Neighbourhood Plan.

The chair invited Members to vote on the above proposal.

It was resolved with 7 votes in favour, 1 vote against and 1 abstention:

That planning application ref 23/01088/FUM be REFUSED, as the development was considered to cause harm to the character and setting of Fordham and the surrounding countryside by virtue of the

overdevelopment of the site. It was also considered that the site was located in an inaccessible location which was not considered to be located within good proximity by foot or cycle to a range of services and facilities; contrary to Local Plan Policies HOU6, GROWTH2; and Policy 1 of the Fordham Neighbourhood Plan.

42. 23/01403/FUM – The Old Hall, Soham Road, Stuntney, Ely

Gemma Driver, Senior Planning Officer, presented a report (Z83, previously circulated) recommending approval of an application seeking the replacement of an existing marquee with proposed extension including new ceremony room and guest bedrooms below, together with a new office building and associated works.

The Senior Planning Officer thanked The Chair for his good wishes.

Members were shown slides outlining the proposal, including site photographs and elevations.

The main considerations for the application were deemed to be:

- **Principle of development** – The site was outside of the development framework, where Policy EMP2 allowed proposals for expanding businesses in the countryside. It was suggested that the proposal did not harm the character and appearance of any existing building or locality; the proposal was in scale with the location and did not have a significant adverse impact on traffic; the extension was for the purpose of the existing business; any intensification of use did not detract from residential amenity. The proposed development was therefore considered to be acceptable in principle.
- **Design and Character** – Use of bay windows to break up the structure; glazed structure allowed views and connection to original building; office and service yard building while large, were in keeping with the original Old Hall building.
- **Heritage and Archaeology** – Separately Grade II listed building, although little traces remained; a delisting application was in process at the time. Archaeological potential for medieval and post-medieval finds meant a programme of archaeological investigation was to be secured by condition.
- **Highways and Parking** – The existing junction was suitable for the proposed development. The car park was deemed large enough to cater to the increased usage, though the proposal included provision for 3 additional parking spaces.
- **Residential amenity** – No neighbours immediately adjacent to the site. Noise management plan had been previously approved. Conditions were to be arranged regarding construction hours and piling.
- **Ecology and Trees** – Extensive landscaping plan. Proposal included provision for 15 new trees. Although concern had been raised regarding biodiversity net loss, this site was a pre-mandatory biodiversity net gain site. No habitats of any significant value, or priority habitats were identified on site.

- **Flood risk and drainage** – Site located in Flood Zone 1. The LLFA noted surface water was manageable through a system of drains discharging into an attenuation pond.
- **Other material considerations** – The proposal was required to meet the BREEAM ‘Very Good’ standard. The proposal was approved to be completed in phases, related conditions were seen in the previously circulated report. Fire & Rescue had requested a fire hydrant but this was not required as one already existed on site.

In summary, Members were recommended to approve this application on the grounds set out in the report.

In the absence of any registered speakers, the Chair invited Members to ask questions of the Officers.

In response to Cllr Chika Akinwale, the Senior Planning Officer informed Members that Electric Vehicle charging points were required on site, and the number of disabled parking spaces were not required by the Council to be increased.

Cllr John Trapp queried the appearance of the bridal preparation room and its location. The Senior Planning Officer confirmed through photographs and site plans, informing Members that its appearance was in line with the existing development.

The Chair invited debate.

Members commended applicants for the design of the proposal; the length of time owners had managed the site; the employment increases; and the landscaping plans. However, concern was raised about the number of disabled parking spaces and the Biodiversity Net Gain, while not mandatory, not being achieved voluntarily.

Cllr Christine Ambrose Smith proposed approving this application on the Officer’s recommendation. Seconded by Cllr Chika Akinwale.

The Chair invited Members to vote

It was resolved with 9 votes in favour and 1 abstention:

That planning application ref 23/01403/FUM be APPROVED, on the grounds set out in report Z83.

43. 24/00160/ESF – Site at Anchor Lane Farm, Newham Drive, Burwell

Holly Durrant, Senior Planning Officer, presented a report (Z84, previously circulated) recommending approval of an application seeking a battery storage facility and associated works.

Members were shown an outline of the proposal and slides including related site photographs and site plans. The site was adjacent to the existing EDF solar site.

The main considerations for the application were deemed to be:

- **Environmental statement** – Showed that the site would not lead to significant adverse effects on the environment, rather long-term modest to significant benefits were identified.
- **Principle of Development** – National weighting in favour of renewable energy developments. Applicant had an agreed grid connection for immediate connection. Any identified harm resulting from the development was able to be mitigated to acceptable levels. Principle of development was acceptable in accordance with the Development Plan, NPPF and National Policy Statements.
- **Visual amenity and landscape character** – No significant landscape character or visual amenity effects were identified. Some immediate moderate harm and residual low-level harm to the fen landscape and its openness at a highly localised level.
- **Agricultural land and soils** – proposed development would not have resulted in significant effects in terms of loss of BMV or soil quality. Any loss there may have been would only be temporary as the lifespan of this development was 40 years. Biodiversity Net Gain of 58.48%.
- **Residential amenity** – Application supported by a Noise Impact Assessment, which concluded no adverse impacts. Embedded mitigation in the form of 2.5m earth bund. Planning conditions to control noise of construction works, traffic management and decommissioning.
- **Fire safety, pollution and public health** – Application supported by Fire Rescue Safety Management Plan and a Fire Water Management Plan. There were no objections from statutory consultees.
- **Highways, access and movement** – Site was not proposed to be permanently manned. Some traffic impacts during construction. No objection from statutory consultees.
- **Flood risk and drainage** – proposed development was supported by a comprehensive water management scheme. No objections from statutory consultees.
- **Other material considerations** – No heritage impacts upon designated or non-designated heritage assets. No concerns with site security and anti-social behaviour with CCTV and emergency lighting to be secured by conditions. No objection from Minerals and Waste Team at the County Council.

In summary, Members were recommended to approve on the grounds set out in report Z84.

The Chair invited Mr Tim Dobson to address the Committee.

“The landlords and planning team wish to thank Holly our case officer, for your thorough analysis and subsequent report and recommendation for approval.

“We trust that the members of the committee will support your assessment of our project’s many benefits.

“Our consulting team, led by planning consultants PWA Energy Planning Ltd, brings extensive experience of Battery Energy Storage Systems (BESS) applications. PWA has successfully managed over 40, many on farms and PWA’s recent acquisition by the National Farmers Union underscores their credibility in this sector.

“Over the past four years, team members have developed this application to meet and exceed technical and planning local and national standards, especially regarding biodiversity and fire safety.

“We have fostered strong long running relationships and partnerships locally and have significant experience including building a similar 30MW BESS installation for the South Somerset Council in 2018 prior to working for Armtrac in Burwell. We built the Swaffham Prior Ground Source Heat plant building and helped Cambridge County Council to complete the North Angle farm cable route which crosses Anchor Lane farm, National Trust lands and many other landlords.

“Nationally, this application aligns with the UK’s net-zero targets by adding renewable storage capabilities to the grid, positioning East Cambridgeshire as a leader in sustainable energy infrastructure.

“The site is complementary to existing solar farms, creating synergy between renewable generation and storage for a more robust, sustainable energy system for local consumers and nationally.

“Regionally, the BESS installation enhances energy resilience by freeing up capacity for more than 76 other pending grid applications. With its proximity to the substation, the project can provide immediate support for local energy needs.

“Locally, this project offers benefits at all levels. Besides, helping to ensure sustainable energy security it also supports local employment creating opportunities for many local contractors.

“Our BNG plan with its 58% gain (far in excess of the 10% national requirement) will be able to support Burwell’s employment land that’s been set aside in the Burwell Masterplan. This employment land on Reach road is opposite the site where the original UKPN grid application and subsequent land permission granted by the LPA for a Battery in 2020. Working with the East Cambs ecology team, the application will support BNG offset locally and ensure that the BNG plan is effective, measurable and sustainable over time.

“An email from the UK Power Network (UKPN) planning team outlines progress on our connection offer to the grid and confirms that our connection is available immediately. This means we can develop the site straight away

and once complete connect this renewable storage facility to the grid, aiding instantly towards the UK's net-zero targets.

“By supporting this application, East Cambs will in effect be instrumental in unlocking the block across the whole UKPN. Having the system near a substation as opposed to miles away means that any serious security breakdown will be effectively resolved.

“Adjacent to the site is the National Trust land who have agreed to allow our cable route to go across their land using a directional drill, to minimise environmental impacts. The installation of the cable will be carried out by UKPN as the Distribution Network Operator under their statutory powers. The National Trust and Fenland Soil have agreed to support the landlord's diversification plan.

“Farming the land has always been a challenge requiring innovative farming techniques originally used by Roy Brown to get the best out of the delicate topsoil. He was well known for supporting other farmers with similar challenges to ensure the top layer is protected as well as dealing with the fight against black weed from National Trust and newly installed solar adjacent to the site.

“Across from the sites boundary to the north is the Lode and next to the factory is a supportive resident, Phil Meade. The land in front of him used to be orchards and rough fenland and being part of the civil works team, he is motivated to make sure the conditions are carried out properly, as well as potentially providing employment locally for the civil works.

“With regards to fire and security the latest generation of battery packs are incredibly safe and now have suppression systems at battery rack level as opposed to battery container level. The system can activate within 18 seconds of an issue ever happening. This is now the Fire Safety preferred system and has been industry third party accredited. There are no technical objections from any consultees.

“Our case officer has been very thorough with the fire plan for which we are grateful. In partnership with the LPA ecology team, the plan which includes the attenuation pond, could attract a colonisation of water voles and a duty to care plan has been agreed to protect them.

“There are other benefits and any questions are welcome needless to say we have covered the concerns during the consultation and have worked with the LPA to ensure the conditions proposed are realistic and achievable. Thank you for your time, and we ask that you support the officer recommendation”

The Chair invited questions to Mr Dobson

Mr Dobson informed Members that there would be facial recognition as part of the CCTV, as well as an alarm system, when asked by Cllr Chika Akinwale.

When queried by Cllr Christine Ambrose Smith, Mr Dobson suggested that noise pollution would be minimal, due to the remote location and continual assessment of the site.

Cllr Alan Sharp questioned the rise in employment, being that the site would not be permanently manned. Mr Dobson stated that employment would rise with construction of the site and with the high Biodiversity Net Gain, the site would be a designated site, enabling employment growth.

The Chair invited comments from the Officers

The Senior Planning Officer noted that the site may become a habitat bank and that the Biodiversity Net Gain was high in this application but was not something that formed part of the application.

The Chair invited debate.

Cllr Chika Akinwale proposed approval of this application, per the Officer's recommendation. Seconded by Cllr Lavinia Edwards.

The Chair invited Members to vote.

It was resolved unanimously:

That planning application ref 24/00160/ESF be APPROVED, on the grounds set out in report Z84

44. 24/00323/FUL – Land Northwest of Harlocks Farm, Soham Road, Stuntney

Gemma Driver, Senior Planning Officer, presented a report (Z85, previously circulated) recommending approval of an application seeking the change of use of an agricultural field to a dog park with fencing, double access gate and proposed footpath.

The Senior Planning Officer showed slides outlining the proposal, site photographs and site plans. The Senior Planning Officer explained that the site was bounded by an existing fence and that the proposal suggested a new fence, though the plans for the fence had not been provided at that time. the site was accessible via an existing access road off the A142.

The main considerations for the application were deemed to be:

- **Principle of development** – Application was outside of the development framework and in a rural location, where Policy GROWTH 2 restricted development. The exception to this was Policy COM 4 which related to community facilities. Policy COM 4 set out that exceptional circumstances included community facilities within the countryside, dependant on the following criteria: well-located and accessible to its catchment population; not have a significant adverse impact on traffic; not have a significant adverse impact on the

character, locality or amenity opportunities; demonstrated it would be of shared use; and be designed for future adaptation of alternative uses. This specific proposal (dog park) was necessary to be within the proposed location, whereas future adaptation would need to demonstrate appropriateness in this rural location.

- **Residential amenity** – The nearest dwelling was in excess of 380m away. Proposal did not include any provision for external lighting. No concerns regarding the impact of noise on neighbouring properties.
- **Visual amenity and landscape character** – No structures were proposed other than boundary fencing. Introduction of lighting may have resulted in urbanisation of this rural area.
- **Highways and parking** – City of Ely Council raised concerns with regards to the intensification of use of an already troubled junction. The Highways Authority confirmed they had no objections to the application.
- **Biodiversity** – This proposal was exempt from the general Biodiversity Net Gain Condition as the development was subject to the de minimus exemption. Ecological enhancements were proposed in accordance with the local requirements.
- **Flood rick and drainage** – Application was located in Flood Zone 3. The change of use was considered less vulnerable and therefore sequential tests were not required.

In summary, there was a conflict with Policy COM 4 due to the rural location requiring visitors to rely on private vehicles. However, a location removed from residential properties and with a large site area was required for this specific use. This application was considered to complement Ben's Yard, which hosted a number of 'social dog walks' on a monthly basis.

Members were recommended to approve this applications for the reasons set out in the Officer's report.

The Chair invited Mr Alastair Morbey to address the Committee.

Mr Alastair Morbey stated it was not his intent to deliver a speech and welcomed any questions the Members may have had for him.

Mr Mobey explained that this proposal was an opportunity to allow dogs to walk off the lead and build on what Ben's Yard already offered in the form of social dog walks, when queried by Cllr Christine Ambrose Smith.

Cllr Julia Huffer enquired the possibility of introducing play structures for the dogs. Mr Morbey expressed his desire to put anything in that they were able to do, so long as it was able to be subsequently taken down.

Cllr Christine Ambrose Smith asked about the number of dog waste bins on the site. Mr Morbey stated that there would be plenty of dog bins and that multiple already existed on the site.

Mr Morbey informed Members that the fence would be 8 foot high, given that 6 foot was too low, when asked by Cllr John Trapp.

The Chair invited Yvonne Mackender to address the Committee.

“Hello everybody and thank you for allowing me to come and talk.

“I am a dog trainer and behaviourist that works in the area and I also run a dog boarding kennel. I’ve come to talk in favour of this proposal.

“Since Covid, 3 in 10 people have now got a pet and 37% of dog owners are first time dog owners since Covid. So what we’re seeing as trainers and behaviourists is a lot of people, that haven’t got a lot of dog owning knowledge and I feel this accounts for the increase in dog fouling in public places; it also helps to increase the reactivity of dogs and people not having a code of etiquette when walking their dogs, which results in complaints to Local Authority Dog Wardens and to the police.

“So, for me we can’t have enough of these dog walking fields. They are such a service, not only for the dog owners that are using them, but also for the general public at large. For people that have got a dog, which might be reactive to other dogs, or to people, if they can be directed to a secure area where they can let their dog off lead, we would probably get less noise complaints because the dogs are emotionally satisfied and their needs are being met; we would get less harassment because we wouldn’t get unruly dogs running up to children’s parks and play areas.

“So, for me, with the reduction of fouling in public places, the reduction in harassment in public places, the potential to limit noise complaints: the more of these we can achieve, the better for everybody.

“It would also help with the protection of wildlife, farmland and farm animals.”

No questions were received from Members.

The Chair invited comments from the Officers.

The Senior Planning Officer clarified that it was recommended any additional structures were subject to separate application, due to restrictions through conditions.

There were no questions to the Officer from Members.

The Chair invited debate

Cllr Christine Ambrose Smith proposed to accept the Officer’s recommendation of approval. Seconded by Cllr Chika Akinwale.

The Chair invited Members to vote on the proposal to approve.

It was resolved unanimously:

That planning application ref 24/00323/FUL be APPROVED, on the grounds set out in report Z85.

45. 24/00366/FUL – 12 Swaffham Road, Burwell, CB25 0AN

Charlotte Sage, Planning Officer, presented a report (Z86, previously circulated) recommending refusal of an application seeking the demolition of a single garage and construction of two semi detached bungalows and associated works.

The Planning Officer showed Members slides including an outline of the proposal, site photographs and site plans. The application proposed demolition of the existing garage, removal of trees, a new landscaping scheme and 6 car parking spaces.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH 2 permitted development within the defined envelope, provided there were no significant adverse effects on the character and appearance of the area. The proposed development, while inside the development envelope, was considered to be back land development and harmful to the character and appearance of the area. The proposed development was therefore considered to be contradictory with Policy GROWTH 2.
- **Backland development** – Backland development was only acceptable if supported in context within the locality. There was no contextual evidence for backland development in this location. This development represented overdevelopment, contrary to: Policies ENV 1, ENV 2 and HOU 2 of the Local Plan; design guide SPD; and the NPPF.
- **Character and Appearance** – Contrary to the design (detached executive style plots) of the neighbouring properties. Proposal was visible from the highway. Proposal represented significant overdevelopment to the rear. There was no precedent within this character area for backland development.
- **Residential amenity** – Bungalows would not have been overbearing or overshadowing. The removal of some trees may have increased the amount of available light to neighbouring properties. Neighbours raised concern surrounding the increased noise from the new driveway. Although noise and disturbance may have increased, it was not of a level to warrant a reason for refusal.
- **Highways, access and movement** – No comments were received from highways. The quantity of parking proposed was in accordance with Policy COM 8 of the Local Plan. No cycle spaces were proposed but may have been secured via condition.
- **Biodiversity** – Proposals would have created a net loss of 39.2% biodiversity. It was acceptable to purchase offsite units to meet biodiversity requirements.

- **Trees** – Significant neighbour concerns raised relating to the impact of development on Leylandii Tree. Soft landscaping scheme required amendments. Condition required for root protection.
- **Other material considerations** – Within Flood Zone 1 but development was considered acceptable in terms of flood risk. The site was not in an area of archaeological potential. No specific measures were put forward relating to climate change.

In summary, the proposal would have resulted in the introduction of built form in a location which ran contrary to the prevailing linear character of this part of Burwell. The application would have created an incongruous form of development, harming the settlement pattern of the area. The proposal by virtue of siting and scale would have represented overdevelopment. For all of the above reasons, Members were recommended to refuse the application.

The Chair invited Mr Phillip Kratz to address the Committee

“This is an interesting one because as you probably know I worked for 17 years at East Cambridgeshire District Council and when I landed here in 1980, we had planning issues to do with design and the one enormous concern we had was not backland development, it was ribbon development. It was our duty to encourage backland development. This was difficult because at the time there was presumptions against tandem development: one behind the other and sharing the same driveway. The policies we founded here made their way through to the structure plan and also to national planning policy guidance, which began to encourage forms of backland development.

“The first step was to look at a satisfactory means of access. I don’t want to correct your officers but the highways authority responded on the 24th of June, approving the access and all of its details. I say this because the starting point is a means of access and, of course, this scheme has two parking spaces per unit, not in tandem form. Therefore, we meet the parking requirement.

“The proposal is for two, modest, semi-detached bungalow developments. I’ve sat in this Committee many times as people have worried about the lack of bungalow developments coming forward.

“The next thing you look at is the principle of good neighbourliness - is there overlooking, overshadowing, any other loss of privacy or overbearing presence. Well of course, its difficult to do that when you have a bungalow and its been accepted since the policies were changed in the early ‘90s to get away with alleging any of those in a bungalow form of development.

“So, we have a satisfactory form of access, no overlooking, no overshadowing, no overbearing presence and no other loss of privacy. Now I as a planning lawyer would label that harm. So you may not like the form of development, but that’s a completely subjective thing. If its policy compliant so far and you’re looking for the harm, I struggle to identify the harm with this development.

"I then move on to the benefits, and of course the form of development in this locality had been ribbon development, and notwithstanding what the officer has pointed out with regard down to no.58, which the report says is 14 dwellings away. Halfway there at no.40 is a backland development; its obvious from the ordinance survey map and it formed part of the agenda papers. So yes, much of the development is ribbon development, but you have a transition when you reach this site (no.40) because there is backland – development behind a development – in the station development. There is development out of kilter with this development because the development line is not honoured. All of a sudden, the building line goes back to be in line with the proposed two new bungalows. This will all make sense if you look at the ordinance survey map.

"The next problem is that when I spoke to the Parish Council, they thought that when they approved the amendments, they had approved the scheme, or raised no objection to the scheme. They didn't understand the subtleties where their previous objection still stood and yet they had no objections to the amendment.

"This has been called into Committee by the local Member so it can have a wider airing. I would suggest that there is no harm from this development. The small glimpse of the site through a gap which would reveal a very low ridgeline does not impact on the street scene in a way that would cause significant harm. But in the meantime you would have two more windfall dwellings that would add to your stock.

"Thank you, Mr Chairman and Members, I would be happy to take any questions"

The Chair invited Members to ask questions of Mr Kratz.

Mr Kratz informed Members that his clients would be willing to build just one detached bungalow, when asked by Cllr Chika Akinwale.

Upon query from Cllr Lavinia Edwards, Mr Kratz suggested that he was unaware of any developments in front of existing neighbouring bungalows, having reviewed the ordinance survey maps.

Following questioning from Cllr Alan Sharp regarding the tree on the left hand side towards the existing bungalow, Mr Kratz stated that it was his client's intent to remove this tree, having taken fully integrated advice on the issue.

The Chair invited comments from Officers.

The Interim Planning Manager drew attention to page 25 of the Council's current design guide, which referred to backland development. It stated that backland development was only acceptable when contextual analysis had been considered. The Interim Planning Manager informed Members that none of the points raised by Mr Kratz were considered to be of material planning consideration with regards to backland development.

The Chair invited Members to ask the Planning Officers questions.

The Planning Officer confirmed the adjacent building south west of the site was a neighbour dwelling's garage, when asked by Cllr John Trapp.

Cllr Julia Huffer queried the back filled development at no.40 and the developments in that area. The Planning Officer noted that they were potentially residential developments, outside of the pattern of development in the locality.

The Planning Officer confirmed that the two previously mentioned rejected applications for 58 Swaffham Road were also in the development envelope.

The Chair invited debate.

Cllr Gareth Wilson noted confusion as to why the development was regarded not in line with other developments to the right and, in turn, why the development ought not to be allowed.

Cllr John Trapp's view was that this represented overdevelopment; that this application may have worked better with only one bungalow development proposed. Cllr Trapp therefore proposed to refuse this application on the grounds set out in the Officer's report.

Cllr Julia Huffer seconded the motion to refuse. Cllr Huffer noted the overdevelopment and the danger of setting a precedent through approval.

Cllrs Christine Ambrose Smith, Chika Akinwale and Lavinia Edwards queried the possibility of deferral. The Interim Planning Manager informed Members deferral was not a consideration for this application.

Cllr Alan Sharp sympathised with the rationale of pushing on the building line to the right of the development but felt this represented an overdevelopment. Cllr Sharp further noted despite Highways raising no objections, the access was very narrow.

Cllr Gareth Wilson asserted the lack of necessity in deferring and stated that the better option was to refuse so that the applicants may come back with a proposal for the development of one bungalow. The sentiment was shared by Cllr John Trapp.

Cllr Christine Whelan felt the access was very narrow and were Members minded to approve, it would have opened the possibility for other backland developments in the area to be proposed, as a precedent would have been set.

The Chair invited Members to vote on the motion to refuse, per the Officer's recommendation.

It was resolved with 8 votes in favour, 2 votes against and 0 abstentions:

That planning application ref 24/00366/FUL be REFUSED, on the grounds set out in report Z86

46. Planning performance reports – August and September 2024

David Morren, Interim Planning Manager, presented two reports (Z87 and Z88, previously circulated) summarising the performance of the Planning Department in August and September 2024.

The Interim Planning Manager informed Members that ordering of reports was to be changed to reflect, in order, the most recent responses, when asked by Cllr Chika Akinwale.

When queried by Cllr Gareth Wilson, the Interim Planning Manager stated that Neighbourhood Plans existed to outline ways a potential development may be accepted and represented a way to say yes, not no, to potential developments.

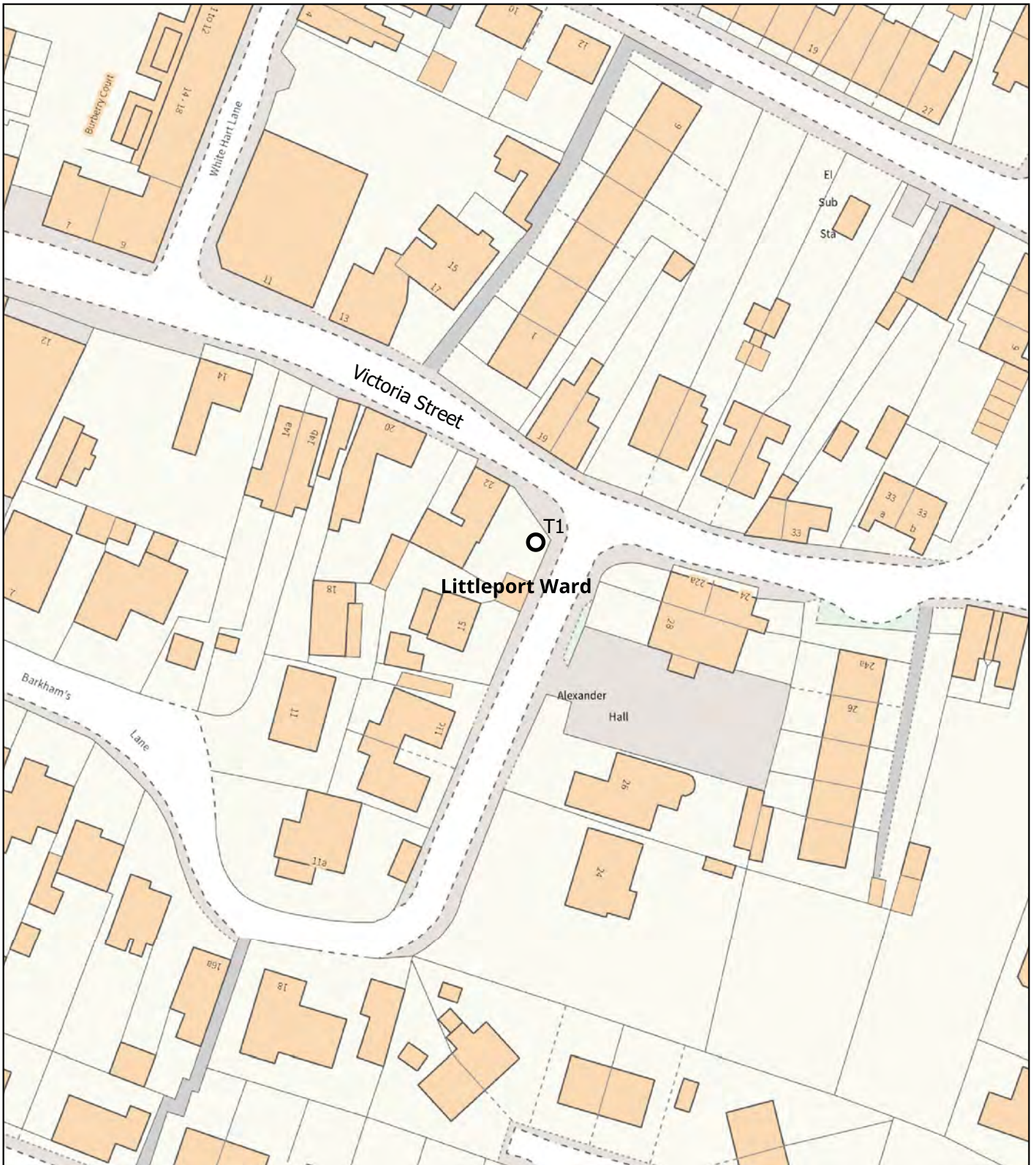
It was resolved unanimously:

That the Planning Performance Reports for August and September 2024 be noted.

The meeting concluded at 18:32pm.

Chair.....

Date.....



TPO/E/06/24

22 Victoria Street
Littleport
Ely
Cambridgeshire
CB6 1LX



East Cambridgeshire
District Council

Date: 24/08/2017
Scale: 1:900



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MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/06/24
Location: 22 Victoria Street Littleport Ely Cambridgeshire CB6 1LX
Applicant: N/A
Agent: N/A
Reference No: TPO/E/06/24
Case Officer: Kevin Drane, Trees Officer
Parish: Ely

Ward: Littleport
Ward Councillors: Councillor Christine Ambrose Smith
Councillor Martin Goodearl
Councillor David Miller

[Z113]

1.0 **THE ISSUE**

- 1.1 To confirm a Tree Preservation Order (TPO) for one Horse Chestnut tree at 22 Victoria Street Littleport Ely Cambridgeshire CB6 1LX. This matter is being referred to Committee due to objections received within the 28 days consultation period, which ended on 14 October 2024, and for the requirement to confirm the TPO within six months to ensure the tree is protected for public amenity.

2.0 **RECOMMENDATIONS**

- 2.1 It is recommended that:

The TPO is confirmed, for the following reasons: The tree is a prominent feature, visible from the public realm, in good health, it offers a significant visual contribution to the amenity of the local landscape in this part of Littleport where there are a very limited number of trees visible to those using Victoria Street or Barkhams Lane.

3.0 **COSTS**

If a TPO is made and confirmed and a subsequent application for works to the tree are refused then the tree owner would have an opportunity to claim compensation if, as a result of the Council's decision, the tree owner suffers any significant loss or damage as a result of the tree within 12 months of that decision being made costing more than £500 to repair.

4.0 **BACKGROUND**

- 4.1 The Order was made following receipt of a section 211 notification for the trees removal and the tree officers subsequent visit to site.
- 4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 16 September 2024 because:
The tree assessed was considered to be of high public amenity value in this part of Littleport, contributing to the biodiversity and green infrastructure of the local area and as such worthy of retention.
- 4.3 Two objections to the serving of the TPO were received in writing from the Town Council and one District Councillor. The statements of objection are attached in full in Appendix 1. The objections were as follows:
- The tree is making the wall unsafe.
 - The conkers and leaves make the path slippery and the road unsafe for pedestrians and road traffic, and that the Town Council would like the tree to be removed.
 - It is in a very prominent position within the curtilage of the property, and I do believe that this should be left to the property owner to decide - sad though I would be to see it felled.
 - Don't know if this is affecting the structure of the house, and possibly this is the reason for potential worry that action may be considered for removal.
 - It is certainly a feature of the street scene, but how far does one go if the tree is causing serious pedestrian/traffic or structural problems of one sort or another?
 - I suspect that it is now much too big for the position it is in, and felling MAY be the only option, unless some form of removing large branches would make a substantial difference.
 - Perhaps this is a case of having to accept that it causes a problem and needs to be dealt with.
- 4.4 The property owner stated support for the principle of protecting the tree but would like it pruned to make it safe for the occupiers, their family and the public on the road should a branch fall. They also mention the tree as damaging the adjacent boundary wall. The comments can be viewed in full in Appendix 2.
- 4.5 Given the comments received, including the objections to the serving of the TPO in relation to tree T1, it was considered appropriate for the Planning Committee Members to consider all the matters and reach a democratic decision on the future protection of the TPO Horse Chestnut tree T1.

5.0 **CONCLUSIONS**

5.1 As part of the process for making the new TPO, the tree was assessed relating to its current condition and no issues were noted relating to the foreseeable failure of the tree or its parts protected by the TPO and there was no visible indication that the tree is in poor health or condition as per the TEMPO assessment in appendix 4. Some supporting images of the tree and wall have been included as appendix 3.

- A tree's amenity value is a subjective assessment and the gov.uk website states the 'Amenity' is not defined by law, so authorities need to exercise judgement when deciding whether it is within their powers to make an Order, the trees amenity value was assessed using the TEMPO assessment method which is a recognised assessment methodology used by most planning authorities in England Tree T1 scored 20 points out of a maximum 25 points, which puts it in the definitely merits TPO category (see appendix 4).
- The tree is located adjacent to the eastern boundary wall. Public views of the tree are not limited in any significant way, the tree is of a size to make it clearly visible to neighbouring properties, passing traffic and pedestrians.
- The wall has moved out of its vertical alignment by approximately 25-30mm at the top but has been in this condition for many years, street view images indicate there has been little if any movement since 2008. Consultation with the building control department confirmed that the structure was of little concern structurally as per appendix 5. It would also be possible to replace or repair the wall in such a way that the tree would not need to be removed should it be necessary.
- Tree T1 is a naturalised species to the UK, the flowers provide a rich source of nectar and pollen for insects, particularly bees. Caterpillars of the triangle moth feed on its leaves, as does the horse chestnut leaf-miner moth whose caterpillars provide food for blue tits. It is recorded as a moderate water demanding species generally resulting in less impact on shrinkable soils. There has been no information provided by any party to indicate any structural damage to the property has occurred.
- Cambridgeshire County council highways make the following comments regarding falling leaves etc. Falling leaves are a seasonal occurrence that cannot be managed through tree pruning. Dropping berries, blossoms, seeds, etc: Trees produce seasonal bioproducts that may cause temporary inconveniences. The ECDC website states "The loss of leaves, seeds and blossom is part of a trees natural cycle." It is not regarded as a legal nuisance and cannot be effectively managed through pruning. Photos in appendix 3 illustrate that even without being cleared the issue of leaves on the road and footpath relates to a very limited period of time. A precedent cannot be set for the removal of a tree due to leaves etc. on the road.
- The protection of privately owned trees via the serving of a TPO has been established as required since 1947 before the condition of our climate was known (TPO's in ECDC date back to 1950).
- The confirmation of the TPO would not prevent reasonable pruning of the tree such as a crown reduction but it would prevent the removal of a large notable tree without suitable proof and justification the confirmation of the TPO would allow for the trees replacement to be conditioned and enforced should removal be justified in the future.

- 5.2 Whilst determining if the tree was of sufficient amenity value or not is to some extent subjective, this tree is clearly visible from the public footpath, roads and neighbouring properties. The Trees Officer remains of the opinion that tree T1 make a significant visual contribution to the local landscape, the amenity and character of the area. The nearest publicly visible trees of a similar size are in the churchyard a third of a mile away.
- 5.3 Amenity is a subjective term open to some individual interpretation. Public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the tree is mature and visible from the public footpath, road as well as neighbouring gardens and is considered to benefit the area in relation to its contribution to the street scene and locality and therefore is considered a significant public amenity.
- 5.4 If the Planning Committee decide not to confirm the TPO, the TPO will lapse, and the owner can then remove the tree without any permission required from the Council. If the committee confirm the TPO it ensures that suitable evidence is provided before a decision to remove the tree can be made and ensure suitable replacement planting is undertaken.

Appendix 1 - Statements of objection to the TPO from the Parish council and District councillor.

Appendix 2 - Email of support from the tree owner.

Appendix 3 - Photo of tree, wall footpath and road.

Appendix 4 - Documents:

- ECDC TPO Assessment Sheet & user guide
- Copy of the TPO/E/05/24 document and plan

Appendix 5 - Email from building control regarding the walls condition.

Background Documents

Location(s)

Contact Officer(s)

Town & Country Planning Act 1990
Town & Country Planning (Tree Preservation) (England) Regulations 2012
National Guidance -Tree Preservation Orders and trees in conservation areas from 6th March 2014
<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>

Kevin Drane,
Trees Officer
Room No. 008
The Grange
Ely

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

Appendix 1

Re: TPO/E/06/24 - 22 Victoria Street, Littleport



Cllr Christine Ambrose-Smith
To: Kevin Drane

Reply Reply All Forward ...

Wed 16/10/2024 07:39

Follow up. Start by 16 October 2024, Due by 16 October 2024.
You replied to this message on 24/10/2024 14:34.

Hello Kevin - on balance I think I would oppose a TPO. It is in a very prominent position within the curtilage of the property, and I do believe that this should be left to the property owner to decide - sad though I would be to see it felled. Sorry for my ambiguity in my previous response.

Thanks

Christine
Cllr Christine Ambrose Smith
Ward Councillor

From: Kevin Drane <Kevin.Drane@eastcambs.gov.uk>
Sent: 03 October 2024 08:47
To: Cllr Christine Ambrose-Smith <[REDACTED]>
Cc: David Morren <[REDACTED]>; Cllr Martin Goodearl <[REDACTED]>; Cllr David Miller <[REDACTED]>
Subject: RE: TPO/E/06/24 - 22 Victoria Street, Littleport

Dear Cllr Ambrose-Smith

Thank you for your comments but I'm not sure if you are objecting to the serving of the Tree Preservation Order (TPO) or just making personal observations, it is vital that you make your position clear as any objection to the serving of this TPO would result in it being put before the planning committee for them to make a democratic decision.

The notification made for the removal of this tree that caused the assessment of the tree's suitability for a TPO did not mention any risks posed by the tree to public of property or mention any perceived damage to property, I did of course notice the crack in the wall when I carried out my site visit but looking at images of the site back to 2008 the crack does not appear to have developed significantly. It should be noted that if the walls structural stability has been significantly compromised it could be repaired in a way that would not require the trees removal such as the use of a lintel to bridge the growth area which is a common alternative to the total removal of a tree. In order to remove a tree of this scale and high public amenity value (it scored 20 points out of a possible 25 in its amenity assessment) it is expected that some form of report would be provided to support the need for this permanent action after all it has taken this tree around 150 years to get to this scale and there a few trees of this age in Littleport.

Regards



East Cambridgeshire
District Council

Kevin Drane
Trees Officer

Planning

01353 616332 01353 665555

www.eastcambs.gov.uk

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East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE

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Please consider the environment before printing this email.

From: Cllr Christine Ambrose-Smith <[REDACTED]>
Sent: 02 October 2024 17:57
To: Kevin Drane <Kevin.Drane@eastcambs.gov.uk>
Cc: David Morren <[REDACTED]>; Cllr Martin Goodearl <[REDACTED]>; Cllr David Miller <[REDACTED]>
Subject: TPO/E/06/24 - 22 Victoria Street, Littleport

Hello Kevin

I believe this refers to is a large mature tree which has been breaking through boundary walls/fencing for as long as I can remember. I have lived on Victoria Street, not far from this since I was a child.

I don't know if this is affecting the structure of the house, and possibly this is the reason for potential worry that action may be considered for removal.

It is certainly a feature of the street scene, but how far does one go if the tree is causing serious pedestrian/traffic or structural problems of one sort or another?

I suspect that it is now much too big for the position it is in, and felling MAY be the only option, unless some form of removing large branches would make a substantial difference (but would it?).

Sorry as I would be to lose the tree, perhaps this is a case of having to accept that it causes a problem and needs to be dealt with.

I am of course aware that a TPO doesn't mean that the tree can never be felled, but just that it would require planning consent to do so.

Kind regards,
Christine

Cllr Christine Ambrose Smith
Ward Councillor

Littleport TPO/E/06/24



Diane Lane <[REDACTED]>
To: Kevin Drane
Cc: PLServices; Littleport Town Council (SMTP)

Reply Reply All Forward

Tue 15/10/2024 17:15

Follow up. Start by 16 October 2024. Due by 16 October 2024.
You replied to this message on 24/10/2024 14:32.
This message was sent with High importance.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Kevin,

TPO/E/06/24 22 Victoria Street, Littleport. Tree Preservation Order.

Please accept this email as confirmation that Littleport Town Council resolved not to support the application to place a TPO on this tree, as it is making the wall unsafe. Also the conkers and leaves make the path slippery and the road unsafe for pedestrians and road traffic, and that the council would like the tree to be removed.

Kind Regards

Diane

Diane Lane PSLCC
Town Clerk & RFO



**LITTLEPORT
TOWN COUNCIL**
SERVING THE PEOPLE OF LITTLEPORT



Littleport Town Council
The Barn, Main Street, Littleport CB6 1PH
Telephone: 01353 860449

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Appendix 2


ref: TPO/E/06/24



To: Kevin Drane



Thu 26/09/2024 10:06

 You replied to this message on 02/10/2024 11:02.
This message was sent with High importance.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning

I have received a letter stating that our horse chestnut tree has had a TPO placed on it.


Several weeks ago, I requested that a tree specialist make an application to the council to have the tree either removed or be trimmed back/pollard. I have been advised that a decision has been made about this.

My understanding is that the TPO has been placed on the tree to protect it from removal, which I understand and agree to. However, I have not received any further information as to whether the tree can be trimmed back.

My reason for the application is that it is unsafe for me and my family, the public on the road should a branch fall, and is damaging our wall.

I would appreciate some communication about this issue.

Kind Regards

Laraine Murrant


Appendix 3





Appendix 4

ECDC TPO Assessment Sheet & user guide & Copy of the TPO/E/06/24 documents

Postal Address/Location		22 Victoria Street Littleport Ely Cambridgeshire CB6 1LX	
Date:	10/09/2024	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
T1	Horse Chestnut previously pollarded at 2.5m in good health close to poor quality boundary wall	As per plan

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 5 no significant defects that would support its removal visible

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

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

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

Score & Notes 4 potentially more via a suitable re-pollarding cycle (5-10 years)

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes 5 very few other trees in area and none of this size

d) Other factors

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

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

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes 5

Part 3: Decision guide

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

Add Scores for Total:
20

Decision: Serve TPO as highly suitable

Part 1: Amenity Assessment

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so

FAIR Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse

POOR Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult

DEAD Tree with no indication of life

DYING Trees showing very little signs of life or remaining vitality, or with severe,

DANGEROUS irremediable structural defects, including advanced decay and insecure roothold. For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

b) Retention span

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection.

Sub-total 1

The prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

Any 0 equating to do not apply TPO - 1-6 equating to TPO indefensible

d) Other factors

Only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero-score disqualification (under part 3).

Sub-total 2

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- **Any 0 Do not apply TPO** Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- **1-6 TPO indefensible** This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- **7-11 Does not merit TPO** This covers trees which have qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- **12-15 Possibly merits TPO** This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- **16+ Definitely merits TPO** Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

=====

TOWN AND COUNTRY PLANNING ACT 1990

=====

TREE

PRESERVATION

ORDER

Relating to: - 22 Victoria Street Littleport Ely Cambridgeshire CB6 1LX

=====

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

=====

ORDER.TPO

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

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Tree Preservation Order at 22 Victoria Street Littleport Ely Cambridgeshire
CB6 1LX , TPO/E/06/24 2022**

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

Citation

1. This Order may be cited as the Tree Preservation Order at 22 Victoria Street Littleport Ely Cambridgeshire CB6 1LX , TPO/E/06/24 2022

Interpretation

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

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

**SCHEDULE
SPECIFICATION OF TREES**

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Horse Chestnut	As per plan

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

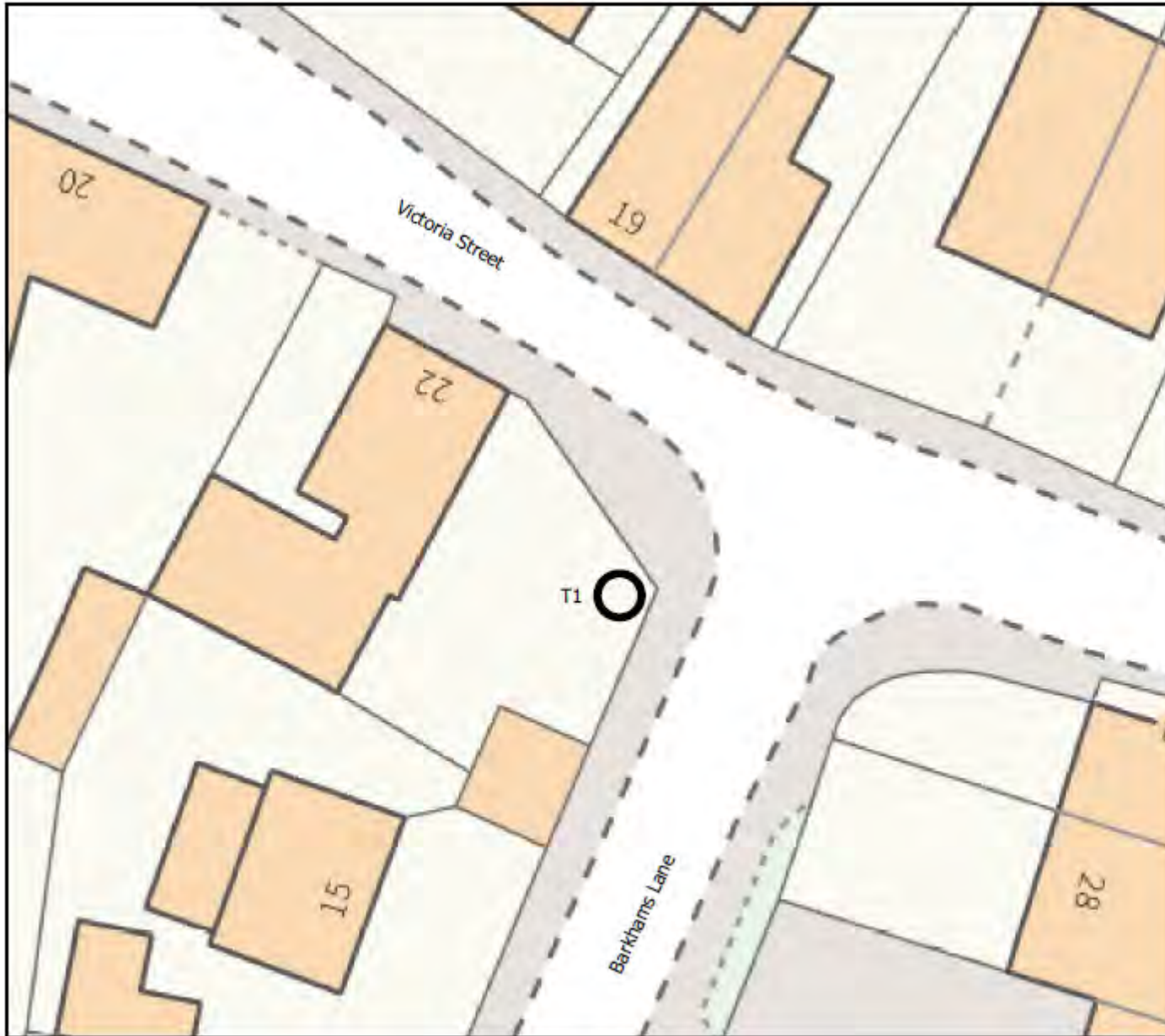
Reference on map	Description	Situation
	NONE	

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

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

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



East Cambridgeshire
District Council

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

**TREE PRESERVATION
ORDER**
No. E/06/24

22 Victoria Street
Littleport
Ely
Cambridgeshire
CB6 1LX

T1 - Horse Chestnut

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
D. Morren Planning Manager

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

Date: 16/09/2024
Scale: 1:246.565995



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Appendix 5

RE: Miss aligned wall

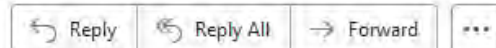


Jarred Parisi

To: Kevin Drane

Cc: Gary Wright

You replied to this message on 12/11/2024 15:44.



Tue 12/11/2024 15:27

Hi Kevin,

Me and Gary have been to inspect and the wall appears to be in a sound condition and in our opinion is in no danger of collapsing anytime soon.

I hope this helps.

Kind regards,

Jarred Parisi BSc (Hons)

Building Control Inspector

East Cambridgeshire District Council Building Control

The Grange, Nutholt Lane

Ely Cambridgeshire

CB7 4EE

Tel: 01353 616213

E-mail: jarred.parisi@eastcambs.gov.uk



New - [East Cambridgeshire LABC guide to extending your home](#)

From: Kevin Drane <Kevin.Drane@eastcambs.gov.uk>

Sent: 12 November 2024 08:29

To: Jarred Parisi <Jarred.Parisi@eastcambs.gov.uk>

Subject: RE: Miss aligned wall

Hi Jarred

Thanks, it would be great if you can look at the wall as it could affect the confirmation of a TPO on the Horse chestnut tree when it goes before the planning committee.

22/00039/RMM

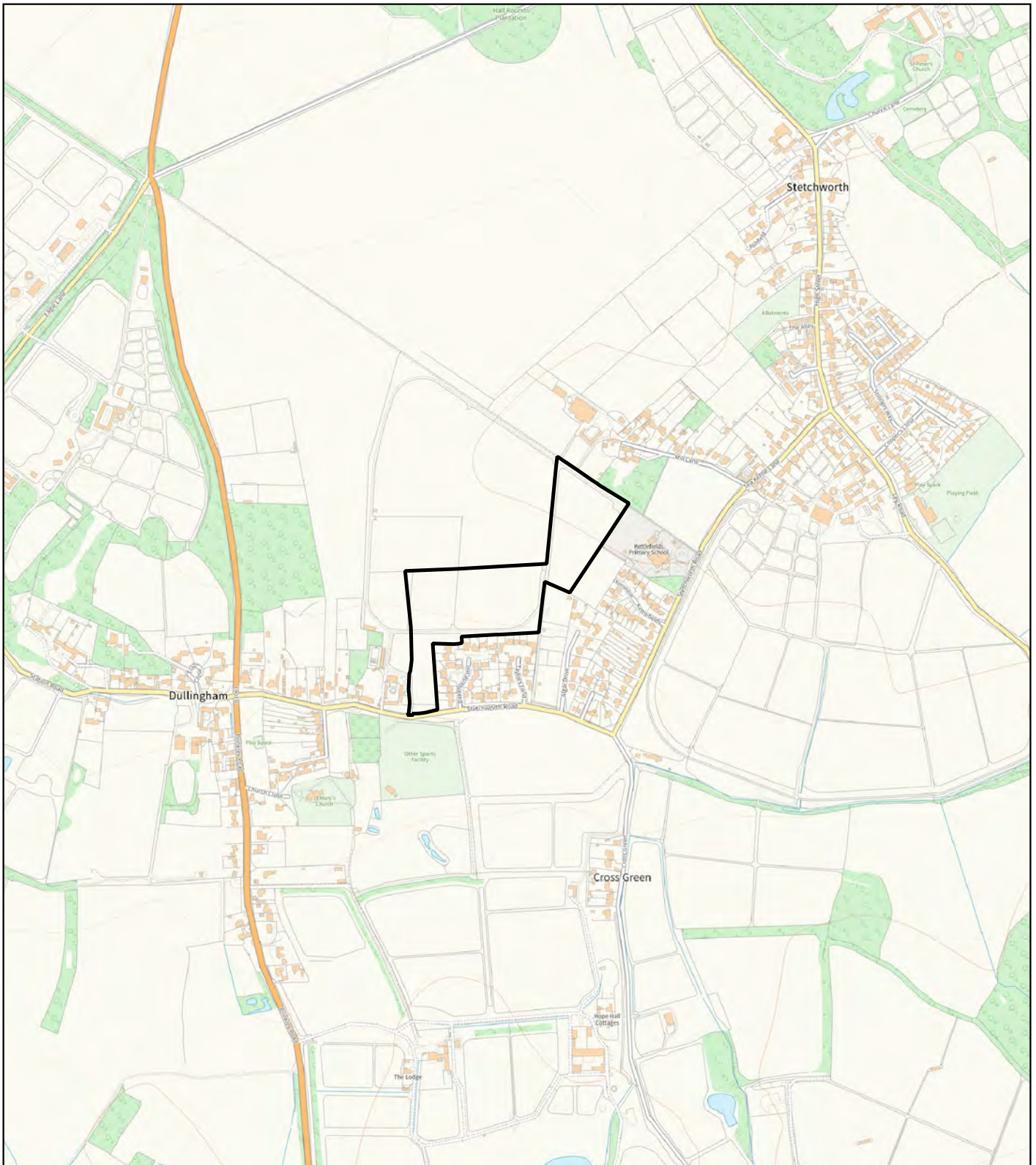
Site East Of Clare House Stables
Stetchworth Road
Dullingham
Suffolk

Approval of the details for reserved matters for Appearance, Landscaping, Layout and Scale of planning application 18/01435/OUM for up to 41 new homes to include 12 new affordable dwellings, accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R6BPD0GG0CT00>





22/00039/RMM



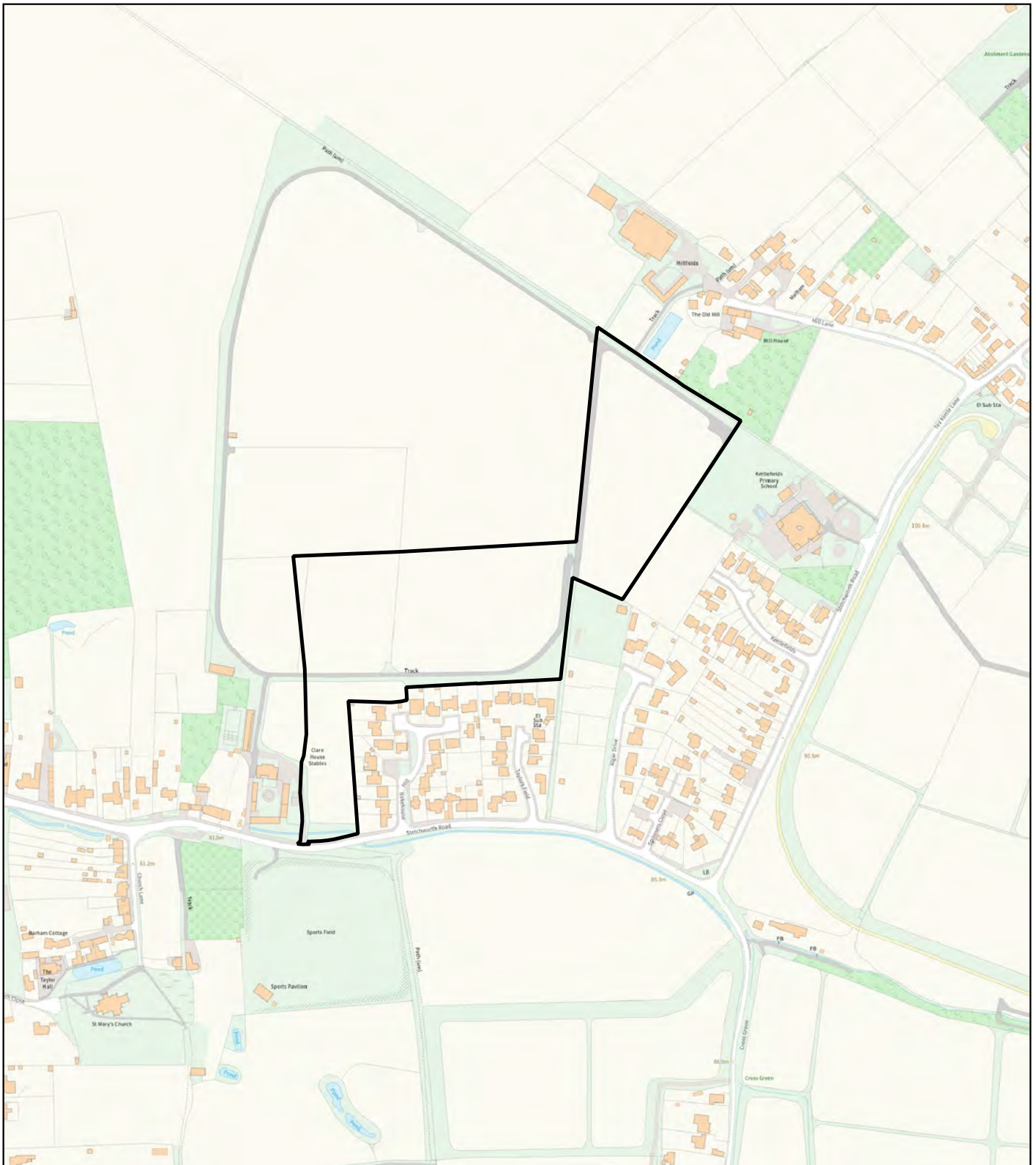
Site East Of Clare House
Stables
Stetchworth Road
Dullingham

East Cambridgeshire
District Council

Date: 21/11/2024
Scale: 1:10,000



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22/00039/RMM



Site East Of Clare House
Stables
Stetchworth Road
Dullingham

East Cambridgeshire
District Council

Date: 21/11/2024
Scale: 1:5,000



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TITLE: 22/00039/RMM

Committee: Planning Committee

Date: 04 December 2024

Author: Senior Planning Officer

Report No: Z114

Contact Officer: Holly Durrant, Senior Planning Officer
holly.durrant@eastcambs.gov.uk
01353 616360
Room No 011 The Grange Ely

**Site Address: Site East of Clare House Stables Stetchworth Road Dullingham
Suffolk**

Proposal: Approval of the details for reserved matters for Appearance, Landscaping, Layout and Scale of planning application 18/01435/OUM for up to 41 new homes to include 12 new affordable dwellings, accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways

Applicant: Mr Robert Nobbs

Parish: Dullingham

Ward: Woodditton

Ward Councillor/s: James Lay
Alan Sharp

Date Received: 26 January 2022

Expiry Date: 11 December 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 External materials
- 3 Brick, window and door details
- 4 Hard and soft landscaping (including biodiversity)
- 5 Play area details
- 6 Cycle store provision
- 7 Parking/turning provision

8 Waste management

2.0 **SUMMARY OF APPLICATION**

2.1 This application is seeking approval for the reserved matters of the appearance, landscaping, layout and scale of the 41 dwellings and the landscaping of the site, as well as public open space, SuDS and internal roads/infrastructure.

2.2 The matter of vehicular access was agreed and fixed under outline consent 18/01435/OUM, approved 5th February 2020. While shown on some plans the commercial area at the front of the site is not being applied for under this application.

2.3 Beyond submission of the above reserved matters, the outline consent also required the following matters to be addressed at first reserved matters submission (this application) via conditions:

- **Biodiversity and Landscaping:** Details of how the development was incorporating the mitigation and enhancement measures (including landscaping) as set out within the submitted Biodiversity Strategy Report.
- **Drainage:** provision of a surface water drainage scheme for the proposed development, based on sustainable drainage principles.
- **Business Floorspace:** the location of the proposed B1(a) (now use class E(g) and D1 (now use class F.1 and Class E(e) and (f)) floorspace.
- **Heritage:** provision of a heritage statement that provides a professional analysis of the proposal's impacts upon the setting of Grade I Listed St Marys Church from the PROWs within and nearby the site.
- **Sustainability:** provision of an energy and sustainability statement, including any renewable technologies.
- **Over 55's bungalows:** details of the 4-6 units to be clarified.

2.4 It should be noted that **all** the above information has been provided with this submission, and therefore the conditional requirements of the outline consent are satisfied in procedural terms. The following report sets out in greater details as to why the details are considered to be acceptable.

2.5 The S106 legal agreement underpinning the outline consent also requires the following to be delivered as part of the proposed development:

- **Affordable Housing:** 30% of the total number of dwellings (23% shared ownership and 77% affordable rented).
- **Public Open Space:** provision and maintenance.
- **Household Waste Contribution:** provision of waste receptacles for each dwelling.
- **Over 55's units:** ensuring occupation of these units is secured for over 55's only or any other qualifying person.
- **Secondary Education Contribution:** to support increased capacity at Bottisham Village College.
- **Section 278 agreement:** ensuring that a S278 agreement has been entered into with the County Council for improvement works to the PROW running through the site.

- 2.6 The above S106 requirements are legal requirements of the outline consent, and the development submitted under this reserved matters application does not conflict with nor prevent the ability to comply with these stipulations.
- 2.7 The entire 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/>.
- 2.8 This application has been brought to Planning Committee due to the requirement of the outline approval that any reserved matters to be determined by Planning Committee. Cllr Lay also requested that the application be called-in to Planning Committee on the 30th July 2024.

3.0 PLANNING HISTORY

3.1 18/01435/OUM

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

Approved

5 February 2020

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the village framework on a slope that rises to the north. The site is currently used as paddock/grazing land. To the south of the site is the public highway (Stetchworth Road) and a drainage ditch. Residential cul-de-sacs are located to the southeast (Bakehouse Hill and Taylors Field) and the existing stables are located to the west of the site. A primary school (Kettlefields) is located to the northeast and a Grade I Listed Church (St Marys) is located to the south.
- 4.2 A Public Right of Way (PRoW) is located through the middle of the site running in a north/south direction and connects to a footpath on the higher part of the slope that runs past the primary school.
- 4.3 Stetchworth Road and a small section of the site's frontage onto the highway and vehicular access lie within Flood Zone 3. The remainder of the site lies within Flood Zone 1.
- 4.4 The site measures approximately 5.6 hectares/13.8 acres in size.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees, with the full responses being available on the Council's website.

Ward Councillor (Cllr James Lay) – 30th July 2024

States: “May I call this application into Planning Committee. Thank you.”

Dullingham Parish Council – 7 March 2022

Submitted by Richard Buxton Solicitors provides a detailed letter that concludes by urging “the Council to refuse the current reserved matters application as incomplete in the essential components required in the Conditions. It follows that the deadline in Condition 2 has not been met, the outline permission lapses, and the Council should require the resubmission of the outline application if the developer wishes to continue”

13 July 2022

Richard Buxton Solicitors writing in on behalf of the Parish again raise concerns over the quality of the submission.

28 November 2022

Richard Buxton Solicitors writing in on behalf of the Parish again raise concerns over the quality of the submission.

29 March 2023

“Dullingham Parish Council have considered the amendment and respond as follows:

As you are aware the Parish Council believe that this RMM application fell well short of what was required when it was submitted and should not have been validated. This is confirmed by the continual amendments and submissions some 12 months after the outline consent expired.

We believe that the applicants have still not submitted a full application and this application should therefore be refused.”

18 September 2023

“Dullingham Parish Council request this application be refused.

Despite the outline consent being granted in February 2020 this application is still being continually amended as the applicants have still, we believe, failed to provide plans that satisfy all aspect that are required.

The application has been flawed from the start and has seen an outline consent being granted for a site that is inherently dangerous because of local topography creating known flood risks that prevent continuous safe access for emergency services.

Since this process commenced the watercourse that flows through the site has now been recognised as a chalkstream. As such it is one of only approximately 250 such ecological sites worldwide and as such this should be given further consideration to ensure that it is protected from all possible effects of this unsuitable site.

Given the time it has taken to date we feel that it is now time that this application be refused without any further delay.”

6 February 2024

Previous comments still apply.

27 March 2024

“Dullingham Parish Council request this application be refused. Despite the outline consent being granted in February 2020 this application is still being continually amended as the applicants have still, we believe, failed to provide plans that satisfy all aspect that are required. The application has been flawed from the start and has seen an outline consent being granted for a site that is inherently dangerous because of local topography creating known flood risks that prevent continuous safe access for emergency services. Since this process commenced the watercourse that flows through the site has now been recognised as a chalkstream. As such it is one of only approximately 250 such ecological sites worldwide and as such this should be given further consideration to ensure that it is protected from all possible effects of this unsuitable site. Given the time it has taken to date we feel that it is now time that this application be refused without any further delay.”

18 April 2024

“Despite the outline consent being granted in February 2020 this application is still being continually amended as the applicants have still, we believe, failed to provide plans that satisfy all aspect that are required. The application has been flawed from the start and has seen an outline consent being granted for a site that is inherently dangerous because of local topography creating known flood risks that prevent continuous safe access for emergency services. Since this process commenced the watercourse that flows through the site has now been recognised as a chalkstream. As such it is one of only approximately 250 such ecological sites worldwide and as such this should be given further consideration to ensure that it is protected from all possible effects of this unsuitable site. Given the time it has taken to date we feel that it is now time that this application be refused without any further delay.”

16 May 2024

“Dullingham Parish Council request this application be refused.

Despite the outline consent being granted in February 2020 this application is still being continually amended as the applicants have still, we believe, failed to provide plans that satisfy all aspect that are required.

The application has been flawed from the start and has seen an outline consent being granted for a site that is inherently dangerous because of local topography creating known flood risks that prevent continuous safe access for emergency services.

Since this process commenced the watercourse that flows through the site has now been recognised as a chalkstream. As such it is one of only approximately 250 such ecological sites worldwide and as such this should be given further consideration to ensure that it is protected from all possible effects of this unsuitable site.

Given the time it has taken to date we feel that it is now time that this application be refused without any further delay.”

28 June 2024

“Dullingham Parish Council request this application be refused.

Despite the outline consent being granted in February 2020 this application is still being continually amended as the applicants have still, we believe, failed to provide plans that satisfy all aspect that are required.

The application has been flawed from the start and has seen an outline consent being granted for a site that is inherently dangerous because of local topography creating known flood risks that prevent continuous safe access for emergency services. Since this process commenced the watercourse that flows through the site has now been recognised as a chalkstream. As such it is one of only approximately 250 such ecological sites worldwide and as such this should be given further consideration to ensure that it is protected from all possible effects of this unsuitable site. Given the time it has taken to date we feel that it is now time that this application be refused without any further delay.

The Parish Council would also like to note that from summary the most recent amendment is just a correction of plans and would like to enquire with the District Council how much longer they intend to allow this to continue.”

18 July 2024

“We believe that the conditions in the grant of outline consent were explicit that a complete and detailed full application needed to be submitted by 5th Feb 2022.

The conditions also required that the first reserved application should include a full drainage plan, this was only submitted in June 2024.

The current RMM has failed to meet the conditions of the original consent and we request that this application be refused due to breach of conditions.

The protracted and continual submission of amendments brings the planning process into disrepute and we cannot understand why this situation has been allowed to arise.

We would ask that you respond to our email by 15th August 2024.”

Newmarket Town Council – 24 November 2022

No Objection

11 April 2024

“The Committee supported the Dullingham PC objection and, additionally, objected to the fact that residents will be expected to use Newmarket facilities without any financial contribution towards the (acknowledged lack of) amenities, such as doctor's surgery, schools, sport and health facilities, as the development is located in East Cambs.”

Local Highways Authority - 14 February 2022

“It is unclear from the applicant's submission which internal roads they wish to offer to Cambridgeshire County Council for adoption. However, the proposals do not meet CCC's standards and would not be considered as being adoptable. Should the applicant wish to offer the roads for public adoption, they will need to re-design their site layout in accordance with CCC's General Principles for Development and Housing Estate Road Construction Specification documents, both of which are available from the link below.

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>

Layout

The following geometries should be adhered to for adoptable roads:

- o Traditional roads - 5.0m-5.5m carriageway with 2m wide footways on both sides, separated by full face kerbs
- o Shared surface roads - 6.0m carriageway with 0.5m paved maintenance strips on both sides
- o Corner radii - 6m

The width of accesses to shared private drives or private parking courts should be minimised to reduce the conflict length between pedestrians and vehicles. The accesses shown on the current submission are unnecessarily wide.

The junction west of plot 35-e should take the form of a bellmouth junction with 6m radii.

It is unclear at the junction between plots 10-d and 15-e who has priority. The layout should be revised so that this is clearer to users.

Visitor parking bays will not be considered for adoption.

Private drives and parking bays shall be perpendicular to the carriageway.

All roads (adoptable and private) must have an appropriately sized turning head within 20m of a dead-end or prior to the start of a shared surface.

Visibility

The applicant should demonstrate 2.4m x 25m inter-vehicle visibility at all internal junctions.

2m x 2m pedestrian visibility splays should be provided for all private roads and driveways which front onto the highway proposed for adoption. Such splays shall be measured to the back of footway (or carriageway edge in the case of shared surfaces) and maintained free from obstruction from a height of at least 0.6m.

Appropriate forward visibility should be demonstrated at sharp bends in the horizontal alignment of roads. This is to ensure a safe stopping sight distance can be achieved if there is an obstruction or a hazard in the carriageway. Such locations include:

- o Adjacent to Plot 7-f
- o Rear of 33-e
- o Rear of Plot 35-e

Vehicle Tracking

To ensure that the roads are safe and suitable, the applicant should provide the following vehicle tracking plans:

- o A refuse vehicle (to ECDC specification) utilising all roads proposed for adoption.
- o A fire tender throughout the entire site
- o Large cars passing (all movements) at the junction between Plots 10-d and 15-e (unless the junction design is suitably amended).

Surface Water Drainage

Adoption can only be considered where the highway drainage complies with CCC's specification. The highway drains in the south of the site appear to discharge to an attenuation basin. Such an arrangement is only acceptable to CCC if the basin is

adopted by a public body with a successor (not a private management company) or the highway drains first connect to an Anglian Water system.

Conclusion

I would like to invite the applicant to prepare a revised submission. If the applicant is unable to address these comments, please let me know so that I can provide further comments.”

17 October 2022

Continues to raise concerns and concludes:

“I would like to invite the applicant to prepare a revised submission. If the applicant is unable to address these comments, please let me know so that I can provide further comments.”

21 October 2022

“The revised submission has addressed my previous comments to the point whereby I do not object to the application. While inter-vehicle visibility splays have been omitted from the latest revision, I am still confident that they can be achieved, as can pedestrian visibility splays. However, the internal roads will not be considered for adoption”

14 March 2023

“As far as I can determine the additional information relates to drainage only and has no bearing on my previous response. In summary, I do not object, but the roads will not be considered for adoption.”

4 April 2023

“In terms of gradients and rest areas, this is acceptable.

There are however a couple comments from my November response regarding adoptability which remain outstanding, repeated below for convenience.

- o The road between Plots 25 and 29 does not have a turning head within 20m of the end, which will result in a length of reversing unacceptable to the LHA. The use of a shared private drive for turning is not accepted.
- o Visitor parking bays (which the LHA do not adopt) are not shown to drain separately to highway water, noting we do not accept permeable paving as a suitable means of drainage in isolation.

The first comment can be addressed by extending an adoptable turning head into the private drive - see below This would need to be sized for refuse vehicle turning, supported by appropriate tracking.

The latter comment could be addressed via a S38 vetting process, but I would strongly advise you give consideration to the drainage of private parking bays now.”

25 September 2023

“The latest proposals (as shown on drawing 1888/002 Rev H & 1888/003 Rev G) have addressed my previous comments and as such, I have no objection to the application.

The applicant should note that the LHA do not accept the use of permeable paving as a suitable means of drainage in isolation. Where private driveways are drained via permeable paving and they fall towards the highway proposed for adoption, a secondary means of drainage shall be needed e.g., a channel drain. This is a detail which can be remedied as part of any future S38 Agreement application.

Please append the following conditions and informative to any permission granted.”

8 February 2024

“I have reviewed the latest submission for the above application and I can confirm that I have no further comments above my response dated 25th September 2023 which remains valid.”

3 April 2024

No additional comments.

21 May 2024

“Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

The latest submitted information has addressed previous comments to an acceptable degree and I therefore have no objection to the proposed development.

In the event that the LPA is minded to grant permission, please append the following Conditions and Informatives.

Conditions

o HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.

o HW22A: 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.

Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.

o HW23A: 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).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.

o Non-standard condition: Prior to first occupation of use of the development the footway along Stetchworth Road shall be widened as shown on the drawing 1888/002 revision L.

Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.”

July 2024

“I've been reconsulted on the above application but can confirm that I have no further comments to make. The proposals remain acceptable in highway terms.”

Asset Information Definitive Map Team - 26 October 2022

“Public Footpath 3, Dullingham runs through the north east site, between the proposed development and meadowlands, orchard and land used for possible school expansion. view the location of the footpath please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

There is no recorded width for the public footpath, that abuts the development. Where there is no legally defined width for a public right of way, we are not able to advise what the width would be. As the dimensions are not known, we cannot guarantee that the applicant would not be encroaching upon the highway. The applicant therefore would proceed with any development that might affect the highway at their own risk. For maintaining what boundary is already in place, please consider the below points which are in accordance with the County Council's boundary policy which is available to view in the guidance for planners and developers document available here Public Rights of Way - Guidance for Planners and Developers v4 (cambridgeshire.gov.uk).

o No fencing shall be erected on or within 0.5m of the current or any proposed public rights of way.

Reason: In the interests of the amenity of the public.

o No planting shall be erected on or within 2m of the current or any proposed public rights of way.

Reason: In the interests of the amenity of the public.

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

27 March 2024

“Our stance on the above planning application has not changed since our last response in October 2022.”

Historic England - 4 February 2022

“Thank you for your letter of 31 January 2022 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”

16 November 2022

“On the basis of this information, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

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

Cambridgeshire Archaeology - 21 February 2022

“Our records indicate that this site is located in an area of high archaeological potential, with the proposed development area situated roughly 210m to the north east of the Grade I listed 13th century Parish Church of St Mary (National Heritage List for England reference 1318002) and to the east of Grade II listed Dullingham House and its separately statutorily designated parkland (NHLE refs 1000618, 1331792). Within the area of Dullingham House and the associated parkland are earthwork banks probably representing historic boundaries (Cambridgeshire Historic Environment Record reference 09141) as well as a series of listed structures including the Stables (1164048), boundary walling (1164047) and estate cottages (1126324). Further listed structures are located along Stetchworth Road (for example, 1126327, 1331812, 1164034) and to the south west of the application area (1126315).

The archaeological interest of this site is currently secured against the extant archaeological condition (6) attached to associated Outline planning reference 18/01435/OUM. We recommend that the extant archaeological condition be carried over to any application intended to supersede the existing permission.”

13 October 2022

“the proposed amendments do not alter the advice previously issued by this office on 21/02/2022 in relation to this development.”

18 November 2022

“We have reviewed the amended plans and the changes made do not affect the advice issued in regards to planning application 18/01435/OUM 22/10/2018 and later on this application 21/02/2022. In summary that the archaeological potential of the site is currently secured against the extant archaeological condition (6) attached to associated Outline planning reference 18/01435/OUM. We recommend that the

extant archaeological condition be carried over to any application intended to supersede the existing permission.”

Environmental Health - 31 January 2022

“I have no comments to make at this time.”

17 October 2022

“no comments to make at this time”

15 November 2022

“I have no comments to make at this time.”

NHS England - 26 October 2022

“I have looked back through our records and I think I am correct in saying that this development is for 41 dwellings. If this is the case then we will not be making any representation as we currently don't make mitigation requests for developments under 50 dwellings. The development is unlikely to impact greatly on health services in the area due to its size and therefore we will be happy for you to proceed as planned.”

Environment Agency - 7 February 2022

“We have no comments to make on the reserved matters.”

20 October 2022

“We have no further comment to make on this application”

Lead Local Flood Authority – 22 February 2022

“At present we object to the grant of planning permission for the following reasons: The submitted surface water drainage scheme, as per the Drainage Plan Sheets 1-5, has not been carried out in accordance with the principles set out within the agreed Surface Water Drainage Strategy prepared by 7 Engineering Consultancy Ltd (ref:07128 Rev 00) dated November 2018. To clarify further:

1. Removal of SuDS The previously proposed permeable paving, swales and filter drains have been removed and replaced with impermeable roads proposing to discharge via gullies. Surface water discharging from the site, which includes surface water from the highway, must be treated appropriately (in accordance with the Simple Index Approach) to ensure the risk to polluting of surrounding groundwater, watercourses, water bodies or sewer systems is minimised. A treatment train should be formed to provide a range of different phases of surface water treatment. Chapter 26 of the CIRIA SuDS Manual (C753) outlines the pollution hazard indices. Surface water should meet these indices through the use of SuDS before discharge from the site.
2. Further detail on permeable paving required It is not clear if the proposed permeable paved private driveways have been designed for complete or partial infiltration. The outline surface water drainage strategy proposed for private driveways to be designed with partial infiltration (system B), with an overflow to the piped drainage system due to the low infiltration rates recorded during the

infiltration testing. Please can the proposed method of draining the permeable paving be clarified.

3. Online attenuation basin located in 'Flood Zone 3' Where a below ground attenuation tank was previously proposed within the piped drainage system, it has now been changed for an attenuation basin which is located in the area identified as Flood Zone 3. In some circumstances the outfall may be surcharged, affecting its hydraulic capacity and impacting on the surface water network, and with the absence of supporting information to the contrary, we require the surface water calculations to assume a surcharged outfall.
4. FSR rainfall data used in hydraulic calculations FSR rainfall data has been used to produce all calculation critical storm results up to and including the 1 in 100 year + 40% CC. For storm durations less than 1 hour, Flood Studies Report (FSR) rainfall data should be used. For storm durations greater than 1 hour, Flood Estimation Handbook (FEH) rainfall data should be used.
5. No sediment forebay proposed on attenuation basin The outline drainage strategy proposed to include a sediment forebay on the main inlet of the attenuation basin, which would trap the majority of the sediment and allowing removal without disturbing the main body of the pond, however the details provided for the attenuation basin show that this has been removed from the proposals. For ease of maintenance, we would request that a sediment forebay is included within the current design and for both attenuation basins.”

3 November 2022

Having reviewed the revised documentation we can confirm that the LLFA has no further comments beyond those set down in our response of 21st February 2022 (201107240). Our position therefore remains opposed to the development.

29 November 2022

“Our position therefore remains opposed to the development.”

5 December 2022

“At present we object to the grant of planning permission for the following reasons:

1. Removal of SuDS

The previously proposed permeable paving, swales and filter drains have been removed and replaced with impermeable roads proposing to discharge via gullies. Surface water discharging from the site, which includes surface water from the highway, must be treated appropriately (in accordance with the Simple Index Approach) to ensure the risk to polluting

of surrounding groundwater, watercourses, water bodies or sewer systems is minimised. A treatment train should be formed to provide a range of different phases of surface water treatment. Chapter 26 of the CIRIA SuDS Manual (C753) outlines the pollution hazard indices. Surface water should meet these indices through the use of SuDS before discharge from the site.

2. Further detail on permeable paving required It is not clear if the proposed permeable paved private driveways have been designed for complete or partial infiltration. The outline surface water drainage strategy proposed for private driveways to be designed with partial infiltration (system B), with an overflow to the piped drainage system due to the low infiltration rates recorded during the infiltration testing. Please can the proposed method of draining the permeable paving be clarified.

3. Online attenuation basin located in 'Flood Zone 3' Where a below ground attenuation tank was previously proposed within the piped drainage system, it has now been changed for an attenuation basin which is located in the area identified as Flood Zone 3. In some circumstances the outfall may be surcharged, affecting its hydraulic capacity and impacting on the surface water network, and with the absence of supporting information to the contrary, we require the surface water calculations to assume a surcharged outfall.

4. FSR rainfall data used in hydraulic calculations FSR rainfall data has been used to produce all calculation critical storm results up to and including the 1 in 100 year + 40% CC. For storm durations less than 1 hour, Flood Studies Report (FSR) rainfall data should be used. For storm durations greater than 1 hour, Flood Estimation Handbook (FEH) rainfall data should be used.

5. No sediment forebay proposed on attenuation basin The outline drainage strategy proposed to include a sediment forebay on the main inlet of the attenuation basin, which would trap the majority of the sediment and allowing removal without disturbing the main body of the pond, however the details provided for the attenuation basin show that this has been removed from the proposals. For ease of maintenance, we would request that a sediment forebay is included within the current design and for both attenuation basins.”

20 March 2023

“At present we maintain our objection to the reserved matters applications for the following reasons:

1. Basin Details

The LLFA appreciates the updated details and response to our previous comments, including the updated calculations and sediment forebays. However, in line with condition 7 of outline permission 18/01435/OUM, details for the surface water drainage around the reserved matters application must be provided to enable the release the condition. In line with this, the LLFA requires the cross sections and details of the proposed basins, with the sediment forebays, to demonstrate that they can be accommodated and provide their purpose within the layout of the site. Until these details for the basins and proposed forebays have been provided, we are unable to support this reserved matters application.

2. Exceedance Plan

The updated modelling indicates that there will be flooding during the 100 year storm including a 40% allowance for climate change. Whilst it is accepted that this is nominal, exceedance plans must be submitted demonstrating where any flood waters will flow in times of exceedance, or system failure. It must be ensured that any property that is in the vicinity of flood exceedance routes are suitably protected, and any exceedance does not increase flood risk to adjacent land or property. It should be noted that these exceedance plans are also a requirement under condition 7.

3. Maintenance Details

A maintenance plan is required in line with condition 7 of permission 18/01435/OUM. Full details of the required maintenance for all surface water drainage infrastructure must be provided, including the maintenance activity, frequency and responsible body. Until this information has been provided, we are unable to support this application.”

26 September 2023

“We have reviewed the updated information and based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the reserved matters application.

The submitted documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving on private access and parking areas. Filter drains and attenuation basins are proposed within the scheme before discharge into the ditch on the southern boundary at a maximum rate of 6.4 l/s in all storms up to and including the 1% AEP storm including a 40% allowance for climate change.”

21 May 2024

“Having reviewed the revised documentation we can confirm that the LLFA has no further comments beyond those set down in our response of 26th September 2023 (ref 201109730). Our position therefore remains supportive of the reserved matters application.”

8 July 2024

“Having reviewed the revised documentation we can confirm that the LLFA has no further comments beyond those set down in our response of 21 May 2024 (ref: 201110702). The proposals will not have a material impact on the proposed scheme and the discharge rate is still in line with the agreed strategy, and our position therefore remains supportive of the development.”

Anglian Water Services Ltd - 1 December 2022

“Foul Water

We have reviewed the applicant's submitted foul drainage strategy, S104 Layout 2833-03 Rev A Jan 22, and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 21 of the outline planning application 18/01435/OUM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water

We have reviewed the applicant's submitted surface water drainage information, S104 Layout 2833-03 Rev A Jan 22, and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Please do not hesitate to contact the Planning & Capacity Team on the number below or via email should you have any questions related to our planning application response.”

29 May 2024
“Foul Water

We have reviewed the applicant's submitted Drainage Plan Sheet 1 to 5 and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 21 related to the foul drainage strategy of the outline planning application 18/01435/OUM, to which this Reserved Matters application relates.

Surface Water

We have reviewed the applicant's submitted Drainage Plan 1 to 5 surface water drainage information and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. Please be advised that Anglian Water has no designated surface water sewers within the area of the proposed development. It is also quoted in the SuDS Maintenance Plan Suds will be maintained by a management company who will be funded via a service charge served to property owners at the development. As such, the surface water drainage strategy is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.”

The Ely Group Of Internal Drainage Board - 31 January 2022
“Not within our jurisdiction.”

Cambridgeshire Fire and Rescue Service - 1 February 2022
“With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.”

17 November 2022
Repeats previous comments.

Housing Section - 7 February 2022
“The Strategic Housing Team supports the above application as it will deliver 30% affordable housing on site (12 dwellings) and will meet the required tenure of 77% rented and 23% Intermediate Housing in accordance with the approved s106 agreement.

This affordable housing mix proposed will meet the housing needs of those households in Dullingham as well as helping to meet the Councils overall affordable housing need for the district.”

27 October 2022

“the Strategic Housing Team continues to support this mix and this application as it continues to deliver 30% affordable housing at the required tenure split.”

29 November 2022

“the amendments do not make any changes to the affordable housing and therefore the Strategic Housing Team have no additional comments to make at this time.”

05 November 2024

	Dullingham					
	Pref		55+		LC	
1 Bed	148	67%	60	88%	7	47%
2 Bed	33	15%	5	7%	4	27%
3 Bed	26	12%	3	4%	3	20%
4 Bed	12	5%	0	0%	1	7%
5+ Bed	2	1%	0	0%	0	0%
Total	221		68		15	

“Above is the housing register data as it stands today for those registered for affordable rent. Please note that the 55+ & Local Connection (LC) are subsets of the Preference for (Pref) not in addition to, e.g. of the 148 requiring a 1 bed unit, 60 are aged 55 or older. 7 of the 148 have a local connection but are from all age ranges.

Additional analysis would be required to establish if there are additional requirements such as level access, adaptations, etc. The data would suggest that there is less need for any 4 bed units. It also suggests that there is high demand in each category for 1 bed units although this development doesn't seem to be offering any.

I note the affordable housing statement suggests 8x2B, 3x3B & 1x4B. As there are no one bed dwellings within the site, this mix is in line with the needs of the area. These are all 2 storey houses where it would have been good to have seen the inclusion of 1 or 2 of the bungalows within the affordable allocation.

The above information is in addition to the other comments from Housing Strategy.”

Design Out Crime Officers - 7 February 2022

“There is no mention of crime prevention or security in the Design and Access statement. With that mind, I have the following comments.

External Lighting - Our recommendation is that all adopted and un-adopted roads, private roads, shared drives, footpaths and parking areas, should be lit with columns to BS5489:1 2020. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens, if columns are located close to the fencing/walls it can act as a climbing aid making them vulnerable. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights. Bollards should only be used as wayfinding only and not as a main source of lighting. It would be good to see the lighting plan and calculations and lux levels when available.

Landscaping - Consideration should be given to ensuring any tree crowns are maintained to above 2m and hedging to be kept to a minimum of 1 - 1.2m in height

to allow for ongoing natural surveillance. It is also important to consider the location of trees, especially next to fencing/walls as these can also be used as a climbing aid to gain entry to rear gardens. As above.

Boundary Treatment - Some gardens appear to have 1.2m fencing to the rear of the property, our recommendation is that all rear boundary treatments are 1.8m close board fencing as a majority of burglaries occur via the rear garden - mentioned above."

21 October 2022

"Generally, I am happy with the amended plans. However, I have the following comments.

Boundary treatment - Please could you confirm what boundary treatments will be used, especially between the development and the field.

Lighting - As per my previous comments dated 7th February 2022. It would be good to see a lighting plan with calculations and lux levels when available."

- 21 November 2022

"It would be good to see a lighting plan with calculations and lux levels when available. External lighting: Our recommendation is that all un-adopted roads, private roads, shared drives, footpaths, and parking areas/courts should be lit with columns to BS5489:1 2020."

East Cambridgeshire Access Group- 9 February 2023

1) Shared surfaces for pedestrians and cars not be used as they cause problems for the visually impaired, guide dogs, those with learning difficulties, children, people in wheelchairs and pedestrians in general as there is no demarcation between road and footpath.

2) House type A the toilet door opens inwards, please make it opening outwards.

3) I agree with the designing out crime report, I can't find any mention of street lighting in this development. There needs to be an adequate level of street lighting in this development for all road users, particularly partially sighted pedestrians who would struggle to walk around this development without street lighting, especially in the shared space areas where there is no designated area for pedestrians and we have previously mentioned is inaccessible for a variety of road users for a variety of reasons.

4) Considering parts of this development have shared space, which we have already outlined is inaccessible for a variety of people, you will need clear designated refuse collection points to allow blind and partially sighted people and disabled pedestrians to be able to walk through these areas safely without walking into bins or having to walk into the path of cars. This also applies to the areas of this development that have pavement, in these areas there needs to be a designated refuse collection point that is not on the pavement for the above reasons"

Waste Strategy (ECDC) - 11 April 2022

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 I would ask the developer to sign an indemnity form for any unadopted roads in this development or build them to adopted standards.

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 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 £52 per set. We would recommend the developer made the contribution on behalf of the residents.”

4 April 2023

“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 A swept path analysis was added for vehicles routing and reversing, without details of the vehicle' dimensions. Please, notice that it is requested to be suitable to waste and recycling collection vehicle used by ECDC, whose specifications are outlined in the RECAP Waste Management and Design Guide. The reversing point for plot 25g and 24b would not be acceptable within a private drive, a suitable bin collection point should be identified for those properties. The bin collection point for plot 1 -4a (households) is unsuitable as it would mean pulling too many bins around car parking bays on collection day from our crews.”

24 September 2024

- 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).

- Some bin collection points have been located on a private drive, which the swept path analysis shows accessible from our refuse collection vehicles. The road should be built to withstand the weight of our collection vehicles for standard weekly operations. An indemnity agreement to mitigate against possible compensation claims will need to be signed with the Developer. Until this is signed, waste and recycling collections will be made from the point of where the road meets the adopted highways.

Natural England - 9 February 2022

“We note that outline permission for this development was granted prior to the introduction of Natural England’s Cambridgeshire SSSI Recreational Pressure Impact Risk Zone (IRZ), which new development in this location would now trigger. In light of this Natural England would support the inclusion of any measures within the detailed scheme, such as on-site accessible green infrastructure provision, that are likely to minimise the effects of additional recreational pressure on nearby sensitive SSSIs.”

31 October 2022

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

1 December 2022

“The advice provided in our previous response applies equally to this amendment.

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 - 18 July 2022

“Having looked through the submitted information there would appear to be a range of survey information missing.

Condition 4 requires the submission of a range of additional information as set out in the Biodiversity Report dated 8 Feb 2019, including survey information for great crested newts, bat survey to determine presence of bat roosts, reptile survey and hazel dormice survey (although as this latter species is not known from the area or this part of Cambridgeshire, it can be dispensed with). These surveys are required to inform detailed species mitigation measures and also potentially to inform applications to Natural England for development mitigation licences in respect of one or more species.

A great crested newt survey of the two ponds previously identified within 250 metres of the development site is required to inform the detailed mitigation strategy. However, if this has not been done, it is now too late to do these this year. An alternative for the applicant may be able to apply to the Natural England Great Crested Newt District Level Licencing Scheme and discharge their obligations in that way.

A survey for potential bat roosts will be required of any trees to be felled and also to inform the lighting strategy during construction and once the development is built out.

Reptile surveys would also inform the detailed approach to mitigation for these species.

As all of the above species groups are legally protected species, the application should not be determined without the relevant survey information and if necessary mitigation plans.

The landscape drawing plans show the proposed location of the various wildlife features recommended in the approved 2019 Biodiversity Report. These are acceptable. However, the submitted Landscape Strategy Rev B 2019 dates from the original application. While this sets out the principles behind management and some of the detail, it does not provide sufficiently detailed information to fully discharge condition 4.

Details of species mixes for the grassland should be provided at this stage and should be based on an analysis of the soil within the proposed open space areas. The details of the local orchard varieties to be planted should also be specified. It would also be helpful to include a detailed timetable of management operations and arrangements for monitoring of the biodiversity outcomes, including specifying who will be responsible for undertaking each management action. Further, the S106 agreement for the development requires the approach to management of the open spaces to be detailed, and this does not as yet appear to have been done.

Once all the required information has been provided in accordance with the approved planning conditions and S106 agreement, then we can comment further. In the meantime, the application should not be determined.”

21 October 2022

“The Biodiversity Mitigation and Enhancement Plan has been prepared to a high standard and if implemented will ensure that this development undertakes the necessary mitigation measures and delivers ecological enhancements that would represent a net gain in biodiversity in accordance with local and national planning policy.

The only other comment I would make relates to the plans for the implementation of the meadow and orchard open space area. I believe these may be covered by a separate planning condition, however these should also be submitted for review and should incorporate details of species mixes to be used, management during the establishment phase, ongoing management and monitoring, including provision for remedial measures if necessary, and details of how the ongoing management will be funded.”

East Cambs Ecologist - 30 January 2024

“Condition 4 can be discharged. It has been completed to an exceptional standard”

15 April 2024

“I have no concerns.”

17 May 2024

“I approve of biodiversity enhancements.”

ECDC Trees Team - 26 October 2022

“The use of *Tilia Cordata* (small leaved Lime) and *Betula pendula* (Silver Birch) where they will develop crowns that overhang or are close to parking spaces should be reconsidered as they are very well known for Aphid infestations which causes Honey Dew that is highly un-desirable in proximity to parked cars. The use of *Juglans regia* (Walnut) should also be reconsidered if their location will result in the branches

overhanging parking areas as large nuts falling on cars will be unsuitable for the trees long term retention (they develop crowns that are wider than they are tall).

The use of *Malus x floribunda*, *Prunus avium* and *Crataegus monogyna* should be reconsidered if their locations will overhang parking areas and footpaths as is unsuitable for their long-term retention. These trees produce soft fruit (Crab apples, Cherries and berries) that can pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc. The plan includes the acronym SOR LUT which is not included in the key but I would guess this to mean *Sorbus aria* *Lutescens* which is another soft fruit bearing tree with the same issue as the *Malus* previously mentioned, *PYR COM* is also indicated but not identified if this is *Pyrus communis* then careful consideration should be made as to suitable locations bearing in mind the amount of yearly fruit fall.

The use of ornamental tree species in proximity to the residential and parking areas may be more suitable than relying to heavily or native species and reduce the likelihood of future conflict between the trees and residents enabling long term tree retention and the associated benefits of this.

Soft landscaping plan 004 appears to show footpaths through the semi-improved neutral grassland that are obstructed by log piles, it is also not clear if these footpaths will be surfaced in any way or will just be closely mowed areas that will make their usage seasonal and unsuitable for people with mobility difficulties.

The native hedge and shrub mixes are good and will be suitable for the site.

The existing trees on site should have their locations and root protection areas marked on the soft landscaping plans and it is not clear if the existing trees indicated have their root protection areas marked or just an indicative crown size.”

23 December 2022

“Plots 32 – 34 have trees of significant scale planted on their southern boundary that are likely to reduce light into the gardens and cause significant shading. If the *Acer campestre* at the rear of plot 33 were omitted and the two *Carpinus betulus* 'Frans Fontaine' were reduced to One in a central area where the two planting plots are combined this would reduce the significance of the shading and provide these trees with greater soil volume to allow them more room to thrive. With this alteration there would be no further significant tree related concerns with this application.”

4 April 2023

“The amended soft landscaping scheme is acceptable please condition its compliance”

13 March 2024

“The use of *Crataegus monogyna*, *Sorbus aria* and *Prunus avium* should be reconsidered as their locations overhanging or adjacent to parking areas and footpaths is unsuitable for their long-term retention. These trees produce soft fruit (Crab apples, Cherries and berries) that can pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc.

The use of Silver Birches (*Betula pendula* or *Betula pubescens*) for planting at the front of the site should be reconsidered as they are well known for Aphid infestation which causes Honey Dew which is not desirable in proximity to parked cars.

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

17 April 2024

“While there are still a few tree species located in less than ideal situations the soft landscaping scheme is predominantly acceptable therefore please condition its compliance.”

County Highways Transport Team - No Comments Received

Conservation Officer - No Comments Received

Parks And Open Space - No Comments Received

Economic Development - No Comments Received

Ramblers Association South - No Comments Received

Cambridgeshire County Council Education - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Newmarket Horsemen's Group - No Comments Received

Ambulance Service - No Comments Received

5.2 A site notice was displayed near the site on 3 February 2022 and a press advert was published in the Cambridge Evening News on 3 February 2022.

5.3 Neighbours – 145 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses is available on the Council's website.

28 Station Road, Dullingham – Raises traffic and highway safety concerns.

57 Station Road, Dullingham – Objects on the grounds of outside development envelope, inappropriate scale for this village, contrary to sustainability ambitions flood risk and poor highway planning.

68 Station Road, Dullingham – Raises concern over the size of the development, highway impacts and infrastructure/services at capacity.

6 Church Lane, Dullingham – Objects on the size of the development, highway impacts, lack of transport options and drainage.

8 Church Lane, Dullingham – Objects to development on grounds of highway safety, lack of services in village, flooding and harm to biodiversity.

26 Church Lane, Dullingham – Raises concerns over traffic generation and highway safety.

1 Kettlefields, Dullingham – Objects to the development on the grounds the developer continues to fail to provide information and ECDC just continues request extension of times. Considers East Cambridgeshire no longer requires more housing, will have detrimental highway impact and lack of infrastructure/services in locality.

7 Kettlefields, Dullingham - Raises concerns regarding traffic/transport and flooding.

12 Kettlefields, Dullingham – Raises concerns in regard to foul water capacity, traffic generation, highway safety, construction noise and that the development is outside village framework.

3 Taylors Field, Dullingham – Raises concern over the net density of the scheme, lack of biodiversity improvements and highway safety. Also seeks to ensure landscape is maintained in perpetuity.

4 Taylors Field, Dullingham – Raises concerns regarding transport impacts, flood risk, loss of privacy and light/noise pollution from proposal.

6 Taylors Field, Dullingham – Raises concern regarding highway safety/capacity, outside development framework, impact on biodiversity, school capacity and surface/foul water drainage.

7 Taylors Field, Dullingham – Raises concerns regarding drainage/flooding (including from proposed balancing ponds/SuDS). Objects on scale of development, highway impacts, lack of school spaces, impact on biodiversity and loss of privacy/security.

10 Taylors Field, Dullingham – Questions who will maintain the biodiversity/drainage areas (as well as how biodiversity is protected) and what will the boundary treatment be. Raises concern in regard to overlooking.

11 Taylors Field, Dullingham – Is concerned they will be overlooked given the gradient of the land. Also raises concerns in regards to drainage, maintenance of proposed SuDS, outside of village framework, biodiversity, sewage capacity, noise pollution, loss of privacy and highway safety.

5 Stetchworth Road, Dullingham – Objects on the grounds of flooding, loss of paddock land, highway safety and lack of services/infrastructure.

9 Stetchworth Road, Dullingham – Raises concern in regards to surface and foul water, as well as increase in traffic and impact on village (including historical) character. Further objects to the proposal on the grounds of impact on the chalk river and noise pollution.

23 Stetchworth Road (The Rectory), Dullingham – Diocese of Ely objects on behalf of this property on the grounds of lack of amenity/services in the village, flooding issues, traffic creation, harm to biodiversity, loss of agricultural land, harm to residential amenity and increase in crime.

The Reverend who refers to previous local government experience as a highway engineer raises concerns in regards to highway safety.

35 Stetchworth Road, Dullingham – States Dullingham should have already met its quota of housing. In addition objects due to concerns in relation to drainage, foul water capacity, impact on biodiversity, scale of back land development, harm to heritage and lack of amenities.

39 Stetchworth Road, Dullingham – Raises concerns in regards to the quality of the submission and that reports are now out of date. In addition raises concern to the length of time and amount of amendments that have been allowed.

12 Tea Kettle Lane, Stetchworth – Raises concerns in regards to well-being and transport.

19 Tea Kettle Lane, Stetchworth - Raises concerns in regards to impact on horse racing industry, inappropriate size, creation of roads, traffic generation, school capacity, no additional housing needed and biodiversity.

4 Bakehouse Hill, Dullingham – States trees along northern edge of Stetchworth Road need to be preserved.

7 Bakehouse Hill, Dullingham – Occupants states that development is inappropriate in this location due to impacts to roads, highway safety and drainage. Supports the Parish Council's representation.

Is unclear on what the buildings behind pond 2 are, due to lack of detail.

12 Bakehouse Hill, Dullingham – Bought this house without knowledge of the planning history. Raises concern over the harm to village character, traffic generation, impact on local services/amenities, security, loss of view,

16 Bakehouse Hill, Dullingham – Raises questions/concerns in regards to the SuDS on site and concern there will be future development.

16 Brinkley Road, Dullingham – States that proposal is a great opportunity for first time property owner and to stay in the village and be in lovely location.

4 Elm Close, Dullingham – Objects to the proposal as it would spoil the nature of the village and concern over traffic/highway safety.

1 Cross Green, Dullingham – Objects to the proposal on the grounds of design, character of the village, lack of public space, harm to biodiversity and highway safety. Makes specific mention of the need to protect the chalk stream.

10 Cross Green, Dullingham – East Cambs should now refuse the application due to expiry of application and 5 year land supply secured. Proposal leaves potential for future development. Raises concern that drainage is ongoing problem in the village.

16 Algar Drive, Dullingham – Proposal is out of character of village and will cause detrimental highway impacts. In addition, no further housing now needed.

Also raises specific concern over impact on chalk stream.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015 (as amended 2023)*

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 *Supplementary Planning Documents*

Developer Contributions and Planning Obligations
Design Guide
Contaminated Land
Flood and Water
Natural Environment
Climate Change
RECAP Waste Management Design Guide
Hedgehog Design Guide

6.3 *National Planning Policy Framework (December 2023) (NPPF)*

2 Achieving sustainable development
4 Decision-making
5 Delivering a sufficient supply of homes
6 Building a strong, competitive economy
8 Promoting healthy and safe communities
9 Promoting sustainable transport
12 Achieving well-designed and beautiful places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

6.4 *Planning Practice Guidance (March 2014 onwards)*

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.2 The principle of development has been established in the approval of the outline consent (18/01435/OUM), as have matters of access onto Stetchworth Road. The outline consent established that the site could accommodate up to 41 dwellings without there being detrimental impacts arising from the development, for instance upon the highway network, flooding, horse racing industry or school provision. This was subject to the relevant conditions and S106 legal agreement being complied with.
- 7.3 The outline consent was determined at a point of time when the Council did not have a five-year land supply, and as such this site will now form part of the Council's supply of housing land in the coming years. The delivery of housing within the site, including open market, affordable and specialist accommodation (over 55's bungalows) brings with it a variety of social and economic benefits, not least contributing to the vitality of the rural community (Paragraph 83 of the NPPF).
- 7.4 At the outline consent stage, the matter of flooding was discussed extensively, and several conditions imposed upon the consent to address any resulting concerns. The principle of the development within an area of flooding has therefore been accepted, subject to the provision of a suitable surface water drainage strategy being provided before or with the first reserved matters submission (that being this application).
- 7.5 The indicative area of commercial floorspace has also been shown on the submitted site layout plan, as required under the outline consent. Whilst no specific details of the floorspace are under consideration under this application, the general location of the floorspace is considered appropriate when considering the stipulations of Policy COM 1 (location of retail and town centre uses) and Policy COM 4 (new community facilities), particularly that the site is well related and accessible to the village (its catchment).
- 7.6 The principle of development has already been established as acceptable under the outline consent, and the location of the proposed commercial floorspace acceptable in accordance with Policies COM 1 and COM 4 of the Local Plan and the NPPF.
- ### **7.7 Housing Mix & Affordable Housing**
- 7.8 Policy HOU 1 requires that housing developments of ten or more dwellings provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs as identified in the most recent available evidence. The latest Strategic Housing Market Assessment (SHMA) published in 2021 sets out a suggested mix of market housing in order to meet likely future housing needs in the Cambridgeshire and West Suffolk region.
- 7.9 The SHMA indicates that in respect for market homes, there will likely be a highest need for 3-bedroom dwellings (40-50%), followed by need for 2-bedroom and 4+-bedroom dwellings (both 20-30%).

7.10 The proposed mix of market housing (29no units) against the SHMA requirements is as follows:

No. of Bedrooms	Proposed Mix %	SHMA %	
1 - bedroom	Nil / 0%	0-10%	Complies
2 - bedrooms	(8no) 27.6%	20-30%	Complies
3 - bedrooms	(13no) 44.8%	40-50%	Complies
4+ - bedrooms	(8no) 27.6%	20-30%	Complies

7.11 Following revisions to the proposed house types, the proposed housing mix is now in line with the SHMA.

7.12 Regarding affordable housing, the development provides 12no dwellings (30%) as required by the S106 legal agreement, with as close to the 23% shared ownership and 77% affordable rented split as possible also as required by the legal agreement (3 shared ownership, and 9 affordable rented). In terms of bedrooms, the 12 units are split into 8no x 2-bedroom units, 3no x 3-bedroom units and 1no x 4-bed units. The Housing Officer has not raised any objections to the proposed split, and whilst noting that no one-bed units are included, concludes that it is otherwise reflective of local need.

7.13 It is also noted that a higher number of bungalows than normal is being provided on this site, including those specifically for over 55s. Whilst the inclusion of these bungalows has to a degree been dictated by the outline consent (see Paragraphs 2.3 and 2.5 of this report) and the site's heritage constraints, the large proportion of bungalows is still a benefit of the proposed development given that it can provide more appropriate housing for specialist needs, including the elderly and those with disabilities.

7.14 Whilst the lack of one-bed units does weigh slightly against the application, the provision of bungalows and restricted occupancy (over 55s) units is considered to outweigh this limited harm. The proposed development is therefore considered to be acceptable in accordance with Policies HOU 1, HOU 2 and HOU 3 of the Local Plan and the NPPF in providing an appropriate mix of housing and policy-compliant affordable housing. The proposed development is also considered to comply with the S106 requirements.

7.15 Residential Amenity

7.16 The proposed development is on rising ground away from Stetchworth Road, which means that many of the proposed dwellings will be on higher ground than those existing on Bakehouse Hill or Taylors Field adjoining the application site.

7.17 The proposed dwellings to the west of Bakehouse Hill are bungalows (Plots 1 – 4), which are located approximately 8.5m to 10m (c.28 to 33ft) away from the boundary with the dwellings on Bakehouse Hill, also predominantly bungalows. The existing and proposed dwellings will be on approximately the same gradient, and it is not considered necessary to remove permitted development rights for dormer windows or loft conversions/roof lights, from these proposed bungalows, not least as the house type itself provides limited opportunities for this. Even if dormer windows were

introduced within the roof slopes of the proposed bungalows, there would be over 20m (approx. 66ft) back-to-back distance between the dwellings. The relationship between the existing and proposed dwellings to the west of Bakehouse Hill is therefore considered to be acceptable and would not result in significantly detrimental residential amenity impacts for either existing or prospective residential occupiers.

- 7.18 The proposed two storey dwellings to the north of Bakehouse Hill and Taylors Field are located at least 25m (82 ft) away from the boundary line and at least 40m (131ft) window to window with the bungalows and two storey dwellings within these adjoining cul-de-sacs. On this basis, while there is the potential for some overlooking, it is very unlikely that it would be detrimental to existing residents. While tree planting will help improve the situation further, this is not relied upon to prevent loss of privacy as trees might be removed (e.g. disease) and the landscaping design is based upon the ideas of biodiversity and quality of public realm and not protecting amenity to existing residents. The distance between the existing and the proposed would also prevent there from being detrimental overbearing and with the development site to the north there would be at worst a minimal loss of light during the summer months. Finally, it should be noted that the loss of a view is not a material consideration and should have no weight in the determination of the application.
- 7.19 Regarding the amenity of the residents of the proposed dwellings, it is noted that the proposed dwellings all have at least minimum sized gardens (at least or exceeding 50sqm/538sqft) with many of the properties having substantially larger garden sizes and that the dwellings are sufficiently spaced to prevent from having a poor level of residential amenity. 1.3 hectares/3.3 acres of open space is provided throughout the development proposals as well as adjoining the main area of development, to the north-west of Kettlefields. This open space significantly exceeds policy requirements.
- 7.20 The proposed commercial floorspace is located in close proximity to proposed and existing dwellings. However, details of the floorspace are not for consideration under this application, and the nature of uses themselves are generally commensurate with those expected within established residential areas. On this basis, there is no concern regarding the location of the proposed commercial floorspace.
- 7.21 It should be noted that the Environmental Health Team are not raising any concerns regarding this application.
- 7.22 The proposal is considered to comply with the residential amenity elements of Policy ENV2 and GROWTH 3 of the Local Plan, and the Design Guide and Developer Contributions SPDs.
- 7.23 Visual Amenity**
- 7.24 It should be noted that the outline decision took note that this part of Dullingham is defined by cul-de-sacs (Bakehouse Hill, Taylors Field, Algar Drive and Kettlefields) that extend built form towards the development site.
- 7.25 The proposed dwellings are a mixture of single and two storey properties. It is considered that the overall design is of a contemporary nature with agricultural influences, with the use of high-quality materials such as clay pantiles, timber cladding and timber fenestration. It is also noted that there is a good variety of designs

across the scheme that have been carefully considered. In addition, where chimneys are proposed, these form real chimney stacks that positively add to the character of the design.

- 7.26 The landscape drawings have been carefully worked up following advice from the Tree Officer to help ensure it is a positive benefit to the area while being practical. The developer has taken on every opportunity to accommodate streets that are tree lined. The proposal is also providing a large area of meadow land on the eastern side of the site, which includes a new orchard (apple, pear and cherry trees).
- 7.27 Open space on the site equates to c.1.3 hectares/3.3 acres of publicly accessible open space, significantly in excess of the policy requirement of c.0.3-hectares/0.7 acres. In addition, the proposal is also including a play area as part of the publicly accessible open space.
- 7.28 A larger area of c.0.5-hectares/1.2 acres of non-accessible public open space is also provided, including planting and above-ground attenuation for surface water. This contributes overall to the public open space provision and setting of the development proposals.
- 7.29 It is considered that the proposal fully satisfies the requirements of ENV1 and ENV2 of the Local Plan, as well as Chapter 12 of the NPPF.

7.30 Historic Environment

- 7.31 Under the outline consent it was accepted that the development of the site would likely lead to harm to the setting of the Grade 1 Listed St Marys church spire, which was visible from the public right of way along the site's northern boundary. However, to avoid higher levels of harm to the setting of the church, it was concluded that any reserved matters scheme should be designed to facilitate the view of the church spire from the northernmost public right of way. A condition (no.19) was therefore imposed to that effect on the outline consent, as stated below:

19 Each reserved matters shall be supported by a Heritage Statement that provides a professional analysis of the proposal on the setting of the Grade I Listed Church (St Marys) from the Public Rights of Way that run through and to the north of the site.

19 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015.

- 7.32 The proposed development has therefore been carefully designed to protect views of the church from the public right of way by virtue of the location of the single and two storey dwellings in relation to the slope of the hill. Section views through the site show this clearly, as does the supporting heritage assessment with the application, demonstrating that views of the church spire would still be visible from the right of way. The design of the development therefore limits its harm to the Grade 1 heritage asset, when viewed from the right of way.

- 7.33 Whilst views of the church spire have therefore been retained from the right of way, based on the supporting information, it is considered that the proposed development would still lead to less than substantial harm to the setting of the church. This is because of the wholesale change in its setting when viewed from the northernmost right of way. This position was accepted at the outline stage when granting the consent.
- 7.34 However, when applying the public benefit test as set out at Paragraph 208 of the NPPF, it is considered that the public benefits of the scheme in delivering high-quality affordable, specialist and market dwellings more than sufficiently outweighs this harm.
- 7.35 Whilst adjacent to the Conservation Area, the proposed development is not considered to result in harm to its setting or significance. The development is set back from Stetchworth Road and is seen largely in the context of the existing cul-de-sacs of Bakehouse Hill and Taylors Field. Architecturally and by using high-quality materials, the proposed development is considered to result in a complementary form of development to the surrounding area.
- 7.36 Matters of archaeological heritage assets are secured under the outline consent.
- 7.37 No comments have been received from the Council's Conservation Officer.
- 7.38 It is considered that the proposal complies with the requirements of ENV 11, ENV12 and ENV 14 of the Local Plan and Chapter 16 of the NPPF.
- 7.39 Highways**
- 7.40 The access onto the public highway has been approved under the outline application, including widening of the footpath along Station Road. The maximum quantum of development that the site could likely accommodate has also been established under the outline consent.
- 7.41 Upon review of the application proposals and supporting documentation, the Local Highways Authority raise no objection to the proposals on matters of highway safety.
- 7.42 It is noted that the Local Highways Authority are requesting several conditions (relating to on-site turning and manoeuvring, access/hard surfacing drainage, footpath widening along Station Road, and road management and maintenance). However, given that the access was agreed at outline stage, except for matters relating to parking/turning, most of these conditions are not considered reasonable to add at this stage. It should also be noted that the outline already has these conditions or similar conditions already added, as well as a requirement for the preparation of a Travel Plan to encourage modal shift to more sustainable modes of transportation.
- 7.43 The proposal also provides at least 2 parking spaces per dwelling and each plot has secure cycle storage provision in accordance with the Council's adopted parking standards. 10 visitor parking spaces are provided in accordance with the standards set out within Policy COM 8 (ratio of 1 space for every four dwellings). These are generally well dispersed throughout the site.

7.44 The proposal is in accordance with policies COM7 and COM8 of the Local Plan and Chapter 9 of the NPPF.

7.45 Ecology

7.46 The application proposals are not subject to mandatory Biodiversity Net Gain as set out within The Environment Act 2021, as they are covered by the transitional arrangements. It therefore falls to local policies and guidance to assess the acceptability of the proposals.

7.47 The Application is supported by a Biodiversity Enhancement & Mitigation Plan (BEMP) and full landscaping plans (001 to 004), which are largely reflective of the details provided at outline planning stage and referenced within Condition 4 of the outline consent. The landscape strategy (Rev B) as submitted under the outline consent has also been carried over from the outline application by the Applicant.

7.48 The proposed enhancement and mitigation scheme for the site includes:

- The retention and protection of existing vegetation where feasible.
- Wildlife-friendly landscape infrastructure and planting, including creation of green corridors across and through the Site.
- Implementation of the measures set out in the Biodiversity Strategy as amended in Appendix I to the BEMP.
- The provision of bird nesting and bat roosting boxes on the site.
- The provision of enhancements for bat, birds, insects and Hedgehogs.

7.49 The land reserved for future expansion of Kettlefields Primary School forms part of the landscaping for the scheme, albeit with the understanding that the longevity of this landscaping is likely to be restricted should development for the school come forwards. On this basis, as set out in the BEMP, significant biodiversity gains for the northern field are not planned, but the existing species-poor sward will be retained, which itself has biodiversity value.

7.50 There is no objection from Natural England. It is also noted that Cambs Wildlife Trust has commented that the proposed biodiversity has been prepared to a high standard and will meet both local and national standards (for pre-Biodiversity Net Gain development). Finally, East Cambridgeshire Ecologist is in support of the proposed biodiversity measures.

7.51 The proposed development is therefore considered to fully satisfy the conditional requirement imposed by the outline consent, and comply with Policy ENV 7 of the Local Plan, Chapter 15 of the NPPF and Natural Environment SPD.

7.52 Flood Risk and Drainage

7.53 When granting outline consent, the Council accepted the principle of the proposed development partially within Flood Zone 3, although it should be noted that only the site's access is located within this zone of higher risk, with the dwellings and commercial development itself to be located in Flood Zone 1 (lowest flood risk). This matter is not therefore under consideration as part of this application. The outline consent also covered matters of emergency service access to the site in general and

in a flood event, with the provision of sprinklers and defibrillators already secured via planning conditions.

7.54 The only matter to be considered therefore as part of this application is the acceptability of the surface water drainage scheme underpinning the proposed development, details of which were to be provided with the first reserved matters submission (this application) as required by the outline consent.

7.55 It is acknowledged that flooding within the village has been reported, but it is for any proposed development to mitigate against its own impact and not to mitigate for existing drainage problems.

7.56 As clarified within the Lead Local Flood Authority's response, the application proposals "*demonstrate that surface water from the proposed development can be managed through the use of permeable paving of the private access and parking areas, with attenuation provided in two basins within the site. Water will then discharge at a maximum rate of 6.4 l/s in all storm events up to and including the 1% AEP including climate change into the ditch to the south of the site. It has also been demonstrated that the system can be maintained for the lifetime of the development.*"

7.57 The Lead Local Flood Authority have confirmed that they are content with the surface water drainage strategy received and raise no objection subject to compliance with the strategy proposed. Condition 7 of the outline consent secures compliance with and the implementation of the approved surface water drainage scheme agreed under this application. Anglian Water are also content with the application as long as they are duly consulted when the developer seeks to discharge the foul water condition on the outline consent. The Environment Agency do not wish to provide any comments.

7.58 On this basis, the proposed development is considered to be acceptable in accordance with Policies ENV 8 and ENV 9 of the Local Plan, Chapter 14 of the NPPF and the Flood and Water SPD.

7.59 Other Material Matters

7.60 *Energy, Sustainability and Climate Change* – the proposal is seeking to provide above building regulations levels of insulation including double and triple glazing, water saving measures, energy efficiency light bulbs, as well as Air Source Heat Pumps. These measures are considered to meet the requirements of Condition 23 of the outline consent and Policy ENV4 of the Local Plan, as well as Chapter 14 of the NPPF and the Climate Change SPD.

7.61 *Waste* – the Council's Waste Team notes that some bin collection points have been located on a private drive, which the swept path analysis shows accessible from our refuse collection vehicles. The team note that the road should be built to withstand the weight of the Council's collection vehicles for standard weekly operations, and that an indemnity agreement to mitigate against possible compensation claims will need to be signed with the Developer. Until this agreement is signed, waste and recycling collections will be made from the point of where the road meets the adopted highways. This position is not considered to raise any material concerns. The outline

consent also covered details of road management and maintenance, as well as the requirement for their construction to adoptable standards. A condition is also imposed upon this consent to require further details of refuse collection and evidence of indemnity. It is therefore considered that municipal waste can be managed appropriately on the site, with appropriate access secured for a waste operator.

7.62 Planning Balance

- 7.63 The principle of the proposed development has been accepted under the outline consent, as well as details of vehicular access and associated footpaths. Development contributions were also secured under the outline consent as part of the S106 legal agreement to mitigate the development's impacts as set out at Paragraph 2.4 of this report. The principle of the development is therefore already found to be acceptable in accordance with GROWTH 2 and GROWTH 3 of the Local Plan.
- 7.64 The only matters for consideration therefore relate to the appearance, layout, landscaping and scale of the development proposals, including those matters required by condition under the outline consent and any S106 stipulations (Paragraph 2.3 and 2.5 of this report).
- 7.65 The development proposals have satisfied all these conditional requirements, demonstrating that the development can adequately mitigate for its own impacts, including but not limited to matters of flooding and drainage; car parking and cycle parking; open space and play space provision; and ecological mitigation and biodiversity net gain. The development therefore satisfies Policies ENV 8 and ENV 9; Policies COM 7 and COM 8; Policies ENV 2 and GROWTH 3; and Policy ENV 7 of the Local Plan respectively, as well as the Flood and Water, Developer Contributions, Natural Environment and Hedgehog SPDs, and Chapters 8, 9, 14 and 15 of the NPPF.
- 7.66 The development secures the delivery of 41 dwellings, including 12 affordable units, and 6 over-55's bungalows. This will contribute to the district's overall market, affordable and specialist housing delivery, aligning with local needs and supporting the local economy and vitality of the rural community through their construction. The proposals therefore align with Policies HOU 1 and HOU 3 of the Local Plan and Chapter 5 of the NPPF.
- 7.67 The proposed development is of a high quality, providing a variety of house types within a landscaped setting and extensive open space. A comprehensive ecological mitigation and enhancement strategy underpins the development proposals, ensuring a net gain in biodiversity. The proposals therefore align with Policies ENV 1, ENV 2, HOU 2, GROWTH 3 and ENV 7 of the Local Plan, as well as the Design Guide, Natural Environment, Developer Contributions and Hedgehog SPDs and Chapters 5, 8, 12 and 15 of the NPPF.
- 7.68 The development has been designed to protect public rights of way running through and adjoining the site, as well as protecting views of St Marys Church spire from these rights of way. Whilst the proposed development would result in less than substantial harm to the setting and significance of the Grade 1 Listed church, this level is no greater than the level of harm anticipated when granting the outline consent. This

identified harm would also be outweighed by the many public benefits of the scheme as outlined above, satisfying the test set out within the NPPF. All of the dwellings are also designed to high levels of insulation and sustainability, exceeding building control requirements. The proposals therefore align with Policies COM 7, ENV 12 and ENV 4 of the Local Plan respectively, the Climate Change SPD, and Chapters 9, 14 and 16 of the NPPF.

7.69 It is considered therefore that the proposals accord with the Development Plan when taken as a whole, and cumulatively the benefits of the scheme weigh in favour of approval. There are no material issues that would direct that the development should be refused.

7.70 It is on this basis that Members are recommended to approve the development proposals.

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 issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

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

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

- Principle and quantum of development approved by the Council via the outline application.
- Access onto the public highway agreed at outline stage.
- Comments of statutory consultees raising no objections.

9.0 APPENDICES

9.1 Appendix 1 – Proposed conditions for this Reserved Matters approval

9.2 Appendix 2 – Outline Decision Notice

9.3 Appendix 3 – Outline Committee Minutes

Background Documents

22/00039/RMM

18/01435/OUM

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 - 22/00039/RMM Conditions

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

Plan Reference	Version No	Date Received
1888/001	Rev O	5th November 2024
1888/002	Rev N	5th November 2024
1888/003	Rev L	5th November 2024
1888/006	Rev E	5th November 2024
1888/007	Rev B	5th November 2024
1888/008	Rev D	5th November 2024
1888/025	Rev D	5th November 2024
Biodiversity Enhancement and Mitigation Plan		25th July 2024
003	I	25th July 2024
2833-07	E	25th July 2024
2833-13	C	25th July 2024
011	2	25th July 2024
010	2	25th July 2024
1888/027	C	25th July 2024
1888/028	A	25th July 2024
1888/029		25th July 2024
SWS CALC	C	24th June 2024
2833-09	E	20th June 2024
2833-02	C	20th June 2024
2833-03	E	20th June 2024
2833-08	E	20th June 2024
2833-10	C	20th June 2024
Sustainability Statement	A	30th April 2024
Affordable Housing Statement	A	30th April 2024
1888.020	C	30th April 2024
1888.021	C	30th April 2024
1888.022	C	30th April 2024
1888.023	C	30th April 2024
1888.024	C	30th April 2024
1888.026	C	30th April 2024
2833-05	D	30th April 2024
2833-06	D	30th April 2024
2833-12	A	30th April 2024
2833-99	C	30th April 2024
001	F	30th April 2024
002	G	30th April 2024
004	E	30th April 2024
SuDS Maintenance Plan		10th May 2023
1888/005	A	26th January 2022
AY/2833 Drainage Letter (05 th January 2023)		05th January 2023
AY/2833 MTC Cover Letter (20 th June 2024)		24th June 2024
Landscape Strategy	B	22nd November 2024

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

- 2 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on approved house type drawings (1888/027 Rev C, 1888/020 Rev C, 1888/021 Rev C, 1888/022 Rev C, 1888/023 Rev C, 1888/024 Rev C, 1888/026 Rev C, 1888/025 Rev D;) or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the hereby approved development.

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

- 2 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).
- 3 Notwithstanding the approved plans and the materials approved under Condition 2, no above ground construction shall take place on site until details of the external bricks, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 4 All soft and hard landscaping works (including biodiversity enhancement and mitigation measures) shall be carried out in accordance with the approved details (drawing numbers 001 Rev F, 002 Rev G, 003 Rev I and 004 Rev E), the Biodiversity Enhancement and Mitigation Plan (dated July 2024) and the Landscape Strategy Rev B. The works shall be carried out prior to the first occupation of any part of the development or in accordance with a programme to be submitted to and agreed in writing with the Local Planning Authority prior to first occupation of the hereby approved 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.
- 4 Reason: To assimilate the development into its surroundings, in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 5 Prior to first occupation of any hereby approved dwelling a scheme detailing the Play Area including timetable for completion shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details and timetable.
- 5 Reason: To ensure appropriate levels of play equipment as required by Policy GROWTH 3 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Developer Contributions SPD.

- 6 The proposed cycle stores, as indicated on the approved drawing Refs. 1888.001 Rev O and 1888.026 Rev C, shall be provided prior to the first occupation of the dwelling that it relates to.
- 6 Reason: In the interests of highway safety, in accordance with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7 Prior to the first occupation of the dwelling that it relates to, the proposed on-site parking and turning areas for that dwelling shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan Ref. 1888.001 Rev O and thereafter retained for that specific use.
- 7 Reason: In the interests of highway safety, in accordance with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 8 With the exception to demolition, no works shall proceed above slab level until a refuse collection scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
 - i) Confirmation that the main road within the site (as detailed on plan reference 1888/001 Rev O) can accommodate gross vehicles weights of up to 26 tonnes; and
 - ii) Confirmation of agreement that where refuse vehicles have to access an unadopted road for waste collection, that East Cambridgeshire District Council will bear no responsibility for any damage to that road surface.
- 8 Reason: To ensure that suitable means of waste collection is achieved, in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy 14 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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

White Crown Stables Limited
C/O Lynwood Associates Ltd
Fao: Mr D Brocklesby
Lynwood House
Murray Park
Newmarket
CB8 9BU

This matter is being dealt with by:

Andrew Phillips

Telephone: 01353 616359
E-mail: andrew.phillips@eastcambs.gov.uk
My Ref: 18/01435/OUM
Your ref

5th February 2020

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following:

Proposal: Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways
Location: Site East Of Clare House Stables Stetchworth Road Dullingham Suffolk
Applicant: White Crown Stables Limited

This consent for outline planning permission is granted in accordance with the application reference **18/01435/OUM** registered 12th October 2018.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

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

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

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

- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 The first reserved matters application shall include the mitigation and enhancement measures contained within Biodiversity Strategy Report (8 February 2019) within the layout and landscaping of the site. The developer will also need to demonstrate how the landscaping measures in drawing numbers 001 - 004 (dated February 2019) have been duly considered in the proposed layout/landscape. Development shall be carried out in accordance with the approved details.
- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for protection of biodiversity (in line with Biodiversity Strategy Report 8 February 2019) noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers to protect biodiversity and to ensure safe vehicular movements, in accordance with policies ENV1, ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 The tree protection measures as shown in appendix 5 and 6 of the Arboricultural Impact Assessment (9 October 2018) shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to or with the first reserved matters a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Surface Water Drainage Strategy prepared by 7 Engineering Consultancy Ltd (Rev 01 February 2019) dated November 2018 and shall also include:

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

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

- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 8 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 8 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 9 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 10 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 The vehicular access and footpaths (as shown on drawing number 1888/04 Rev B) shall be constructed prior to first occupation.

- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.
- 12 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015
- 13 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 13 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 14 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 14 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 15 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 15 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East

Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 17 The amount of B1(a) and/or D1 Use space shall not exceed 250 square metres. The first reserved matters application shall at least identify the land that these buildings and associated parking shall be sited upon either in a master plan or as part of the reserved matters details sought for approval.
- 17 Reason: The application has been assessed and determined on this basis; as well as to ensure the proposal complies with policies ENV2, EMP3 and COM4 of the East Cambridgeshire Local Plan 2015.
- 18 The B1(a) and D1 uses hereby permitted shall take place only between the hours of 08:00 - 23:00 Friday to Saturday and 08:00 - 22:00 on Sundays - Thursdays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Each reserved matters shall be supported by a Heritage Statement that provides a professional analysis of the proposal on the setting of the Grade I Listed Church (St Marys) from the Public Rights of Way that run through and to the north of the site.
- 19 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme of providing broadband shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be fully implemented prior to first occupation in accordance with an agreed in writing phasing programme with the Local Planning Authority.
- 20 Reason: In order to provide superfast broadband to the future occupants (including working from home) in accordance with paragraph 112 of the National Planning Policy Framework and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 21 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.

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

- 27 Reason: To ensure proper infrastructure for the site in the interests of public safety for emergency use. This is supported by paragraph 95 of the NPPF.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The calculations demonstrating the attenuation volumes required for the site have only been calculated with 20% climate change for the 1% Annual Exceedance Probability (AEP) event. This would likely mean that the 1% AEP 40% climate change event would cause exceedance of the system and therefore flooding would occur over the site during this event. Exceedance modelling for this event would be required at the detailed design stage to demonstrate that there will not be any adverse impacts from this flooding. It should also be noted that the whole systems performance should be modelled with the 40% climate change value to demonstrate how the drainage system copes with this intensity storm.

Contrary to the Surface Water Drainage Strategy, highways do not adopt permeable paving on any road surface whether it is main access or minor residential roadways. It should also be noted that if the swales are to be proposed for adoption by the highway authority the swales should only take the highway water drainage from the road and not contain any other surface water runoff from the site. If they contain any water which is not highways runoff they will not adopt the swales but may still offer adoption of the road.

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

- 2 Any reserved matters will need to be taken to Planning Committee for a decision.
- 3 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are

required to complete the CIL Additional information Requirement Form -
https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Exemptions from the Levy are available but must be applied for and agreed before development commences, otherwise the full amount will be payable.

For more information on CIL please visit our website
<http://www.eastcambs.gov.uk/planning/community-infrastructure-levy> or email
cil@eastcambs.gov.uk.

- 4 The public right of way crossing/adjoining the site shall be retained on its existing alignment and maintained free from obstruction until alternative way has been provided under the appropriate Statutory procedure.
- 5 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an offence to carry out works within the public highway without permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents and approval under the Highways Act 1980 and Street Works Act are also obtained from the County Council.
- 6 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The application has been subject to pre-application advice/extensive discussion and amendments have been made that address officer concerns in regards to visual impact, heritage, highway safety and drainage.
- 7 This decision notice should be read in conjunction with the Section 106 Obligation dated 28 January 2020 and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Rebecca Saunt

Planning Manager

Dated: 5th February 2020

Members of the Planning Committee to consider all the comments and reach a democratic decision on the future protection of the five TPO trees.

The Trees Officer said that while determining whether or not the trees were of sufficient amenity value was to some extent subjective, he remained of the opinion that they made a visual contribution to the local landscape and character of the area.

Members noted that a small error was spotted early in the consultation period. The Council's Senior Legal Assistant had confirmed that it was a minor error and could be amended on the original documents in the relevant sections with the Planning Manager's signature.

In response to a Member's question, the Trees Officer confirmed that if the Committee was minded to confirm the TPO with the modification, the Council could consider future tree work applications and approve suitable tree work specifications for the management of the TPO trees or refuse an application if the proposed tree work was not supported. If the TPO was confirmed, the five trees could not be removed without consent, and the Authority could seek replacement trees if they were to be removed.

However, if Members decided not to confirm the TPO, the Council would be unable to prevent the loss of the trees.

It was proposed by Councillor Wilson and seconded by Councillor Brown that the Officer's recommendation for confirmation of the TPO be supported, and when put to the vote,

It was resolved unanimously:

That TPO E/08/19 be confirmed with the minor amendment correcting tree T3 species name from Oak to Field Maple in the TPO schedule and on the TPO Plan for the following reason:

- The five trees are prominent specimens within the small copse, and visually contribute to the amenity of the local landscape in this part of Haddenham.

50. 18/01435/OUM – SITE EAST OF CLARE HOUSE STABLES, STETCHWORTH ROAD, DULLINGHAM

Andrew Phillips, Planning Team Leader, presented a report (reference U101, previously circulated) which provided Members with an update on application reference 18/01435/OUM which had been granted delegated approval at the Planning Committee meeting on 7th August 2019.

It was noted that since Members had made their decision, the Fire Service and Lead Local Flood Authority had submitted additional comments

following being approached by Dullingham Parish Council in relation to flood risk and emergency planning issues.

Dullingham Parish Council also did not consider the Sequential Test to have been fully covered in the previous committee report and therefore additional information in respect of this was provided in this report.

Paragraph 5.1 of the Officer's report summarised the responses received from consultees since the previous Committee meeting.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, proposed junction, an indicative Masterplan and maps relating to areas of flooding.

The main considerations in the determination of the application were:

- New consultation comments;
- Flood Risk and Drainage – Sequential/Exception Test; and
- Access in an Emergency.

With regard to the principle of development, Members noted that the Council could only demonstrate 3.7 years of housing supply. However, Dullingham had a train station and the proposal was a mixed use development in close proximity to the village. The site was considered to be in a relatively sustainable location and would provide much needed housing.

The Lead Local Flood Authority previously had no objection to the scheme, subject to a drainage condition. This still formed Condition 7 and was covered in the previous Committee decision. The proposal would still lead to a short term improvement in drainage and in the long term, lead to a neutral impact.

The Fire Service had expressed concern that it would be delayed in getting to a fire in the event of a 1:100 year flood. It had specifically expressed the need to provide each proposed dwelling with a sprinkler system to cover the potential delay and minimise the risk to life. Although such a blanket requirement would be unreasonable in the planning system, in this case there was a very specific reason as to why sprinklers were required and on this basis it was considered reasonable to add a condition to ensure their provision.

The NHS East Anglian Ambulance Service had not commented during the consultation period but had since confirmed that a flood event would delay them on the ground. They sought community defibrillators to be located on the site, and the following new condition was therefore recommended:

'Prior to first occupation a scheme to provide defibrillators for public use and details of future maintenance/management of the defibrillators shall be submitted to and agreed in writing with the Local Planning Authority. Prior to first occupation the defibrillators shall be in situ in accordance with the agreed

details and the maintenance/management details approved shall thereafter be complied with in perpetuity.

Reason: To ensure proper infrastructure for the site in the interests of public safety for emergency use. This is supported by paragraph 95 of the NPPF.'

The Environment Agency had no objections to the proposal.

Turning next to the issue of flood risk and drainage, the Planning Team Leader drew Members' attention to the various illustrations and explained that the proposal was considered to comply with Policy ENV8 and the NPPF, as the site had passed both the Sequential and Exception Test. The housing would be fully located within Flood Zone 1 and it would also not increase surface water flooding elsewhere in the long term. All residents could evacuate the site on mass if needed in an emergency during a flood, and therefore an Emergency Plan was not needed.

It was therefore considered that the public benefits of the scheme would outweigh the harm and the application was recommended for delegated approval, subject to the completion of a S106 agreement and recommended conditions.

The Planning Team Leader responded to a number of questions from Members. He said that because climate change was an unknown, there would be additional storage on the site to cover any potential change and this would reduce flood risk by up to 40% in the short term.

The point was made that people would need training in the use of defibrillators and they would require maintenance and upkeep; this was covered by the previously mentioned new condition. It was suggested that the Air Ambulance could land if needed, but the Planning Team Leader replied that it would depend on weather conditions and the state of the landing area.

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

- She was speaking on behalf of residents, and they believed the application should be refused;
- It was not consistent with local and national policy and the developer had failed to provide any supporting evidence;
- No suitable surveys had been carried out and the Wildlife Trust recommended that the application either be withdrawn until the surveys had been done, or refused as it was contrary to the NPPF;
- Natural England believed the scheme to be in direct conflict with paragraph 175 of the NPPF;
- The Wildlife Trust reiterated the need for the proposal to demonstrate a net biodiversity and ecology gain;

- The AGB Environmental Report stated that further survey effort were required. There was no evidence of this and therefore the application was not legally compliant;
- The levels of traffic had not been taken into account and did not include Station Road or the Stetchworth Road. The B1061 was a key route out of the village and was already beyond very congested;
- There were only two buses per day and trains only hourly at peak times and every two hours for the rest of the day and there was no safe cycle route to Newmarket.

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

- The application was considered at Committee in August 2019 and nothing had changed in the interim. It had come back before Members because of further comments from the Fire and Ambulance Services, the Environment Agency, County Council and the Parish Council;
- The Fire Service had raised the risk of delayed access during flooding, but had said that this could be mitigated;
- The applicant would be happy to provide sprinklers in the dwellings and the Fire Service had withdrawn its objection;
- The County Council Lead Local Flood Authority felt there were insufficient grounds to object to the scheme;
- The footpaths and pedestrian access would be located in dry areas;
- The flood maps showed the water levels to be below 300mm;
- The Sequential Test was explained in the Officer's report;
- The Environment Agency had no objections and the Parish Council's concerns regarding access by the Fire Service during a flood were not shared;
- Dullingham is a sustainable village and this would be a sustainable development adjacent to the framework;
- There were no outstanding technical objections;
- The Council could not demonstrate a 5 year supply of housing land and therefore the presumption should be in favour of sustainable development;
- The proposal would boost housing numbers in the District and would include bungalows for the over 55's.

A Member enquired about the provision of community defibrillators. Mrs Slater confirmed that the applicant would be happy to provide them and the Planning Manager assured the Committee that this matter would be addressed.

At the invitation of the Chairman, Councillor Mark Robertson, Dullingham Parish Council, addressed the Committee and made the following comments:

- The site failed the Sequential Test, as there was an alternative site on the edge of the village that was put forward as part of the Local plan process;
- It also failed paragraph 157 of the NPPF and the Exception Test as not showing the site will be safe for its lifetime;
- Access and egress should be designed to cover all eventualities;
- Existing properties were built before the legislation and also before there were emergency services;
- The Fire Service did not believe an evacuation plan to be necessary, but the maximum depth of 300mm was incorrect. Run-off had no impact on flooding;
- Using CIL money was ridiculous;
- The proposal failed Policy ENV8 and failed to follow depth guidance;
- There would be no vehicular access for ambulance crews in the event of flooding, access by foot would be impractical and the Air Ambulance could not be used;
- The proposal would raise the risk of death and injury, and this was being done in the full knowledge that it failed local and national policy. The Authority was asking to gamble on people's lives and it made a mockery of the planning process;
- How could Members consider the application when so many matters were outstanding?
- Why was the authority backing the application when it failed the tests? The only option was to refuse the application.

A Member challenged Councillor Robertson's assertion that having housing on the land would present a greater risk than using it for equine activities. He thought that equine use could result in quite serious injuries, more so than that of housing. Councillor Robertson disagreed, saying that he believed the risk for 41 properties to be greater and the Air Ambulance was not always available to attend incidents.

In response to a question from another Member regarding the alternative site, Councillor Robertson said that it had been put forward during the Council's 'Call for Land' during the last Local Plan process and they were in discussions with the Parish Council. The site was an equivalent size to this application site, there was no risk of flooding and the land was available, subject to planning.

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

- The application seemed to have been pushed through quickly. Comments were still coming in and they should be available to the public;
- There were many inconsistencies. The report stated that the Ambulance Service had not provided comments, but the Case Officer has now advised that comments were received after the report was written. Ambulance Service vehicles had the wading depth of a car tyre. The nearest response team was at Melbourne and the Air Ambulance was not equipped for dark or bad weather;
- Paragraph 7.6 – emergency vehicles would have to go up and down a steep hill;
- Paragraph 7.10 stated that there was a lack of available housing sites but one, which was far more suitable, had been put forward in the 'Call for Sites';
- A lot of money would be needed for vital infrastructure, the CIL money would not cover the amount needed;
- No species-specific surveys had been done and there was no mention of the stud land. If it threatens the horse racing industry then it should be refused;
- The site had not been marketed for ten years and traffic was still a big issue;
- There were lots of potential conditions that could be included in a more detailed application;
- The application should be refused on the grounds of ecology, flooding, public safety and traffic and the loss of stud land.

The Planning Team Leader reminded Members that the loss of paddock land had been considered when the last application was assessed at Committee. The Planning Manager added that the current status of the application following August's Committee that it was a live application and no decision had been issued. She cautioned that if Members were now to refuse

permission for reasons that they had previously been happy with, it could leave the Authority open to challenge.

A Member raised the issue of ecology, saying that some of the comments had not been available last time. The Planning Team Leader advised that it could be dealt with in one of two ways: either carry out detailed surveys early on and mitigate, or use the 'gold standard' and treat the site as if every species was present; the latter would result in a much larger improvement.

Another Member wished to know how many points on the road would be liable to flooding and was advised that it was the whole stretch. However, the Lead Local Flood Authority had said that the road would drain more equally and the Fire Service had raised the matter because it was something they had to check.

It was proposed by Councillor Schumann that the Officer's recommendation for delegated approval be supported. Having reviewed the minutes from the meeting in August, he was still not comfortable but felt that there were not significant enough reasons to tip the balance in favour of refusal. He hoped that the condition relating to the defibrillator would not be made too onerous, as defibrillators are fool proof to use.

The motion was seconded by Councillor Stubbs.

A Member remarked that there had been some comments made questioning the competency of Officers and it should be remembered that Members were not the experts; they relied on Officers for their training and expertise.

Another Member, having listened to the views of the Parish Council, questioned why this site should be accepted when there was one more suitable with no problems and why that site was not coming forward for development.

The Committee returned to the motion for approval and when put to the vote, it was declared carried with 10 votes for and 1 vote against.

It was resolved:

That planning application reference 18/01435/OUM be APPROVED subject to the signing of the S106 Agreement and the recommended conditions as set out in the Officer's report and in the Committee update, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

24/00340/RMM

Land Adjacent 43

Mepal Road

Sutton

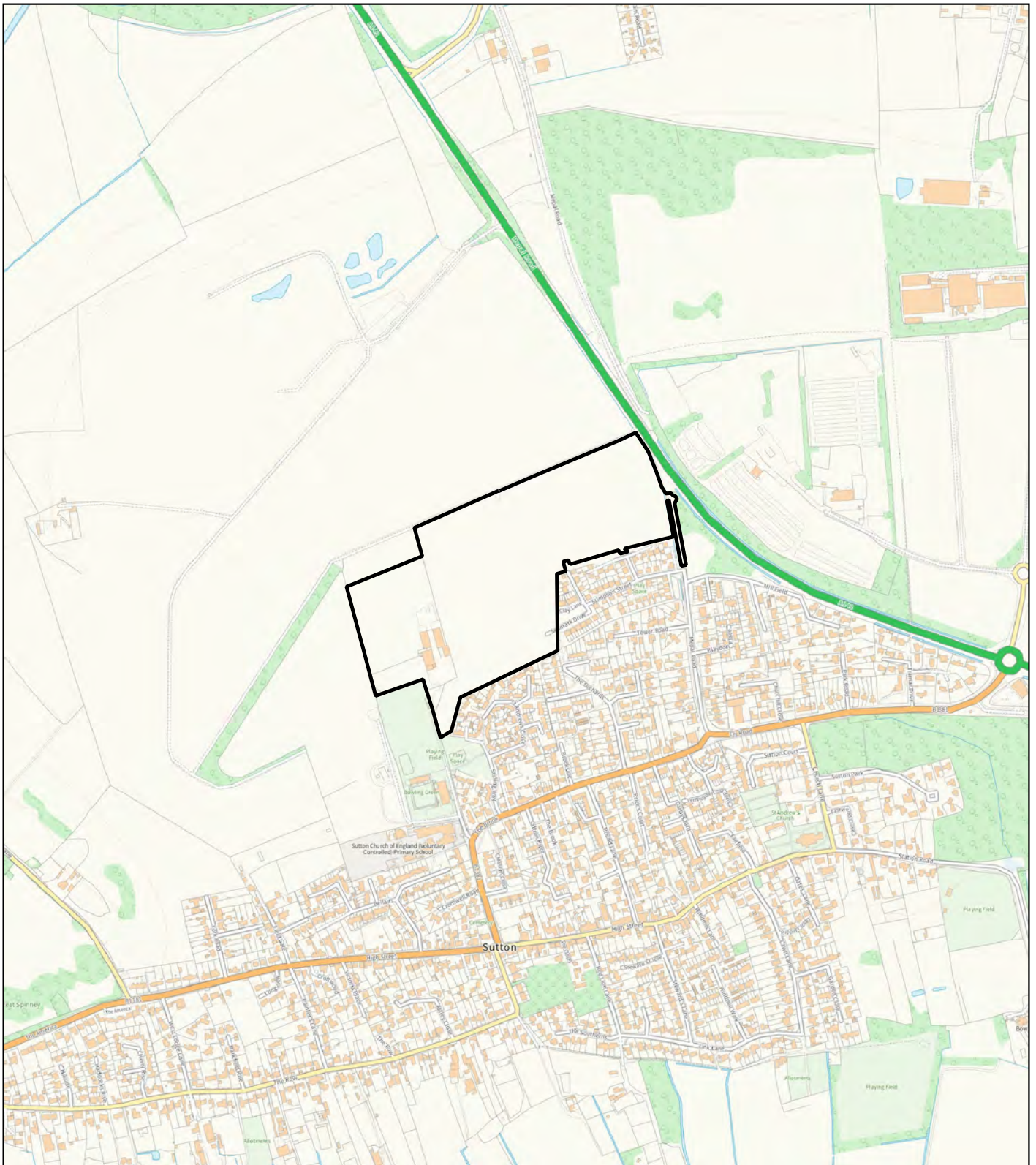
Cambridgeshire

Reserved matters for layout, scale, appearance and landscaping of 164 dwellings (excludes self-build plots), internal roads, parking, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 19/01707/OUM

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcamb.s.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAYOZVGGKRC00>





24/00340/RMM

Land Adjacent 43
Mepal Road
Sutton

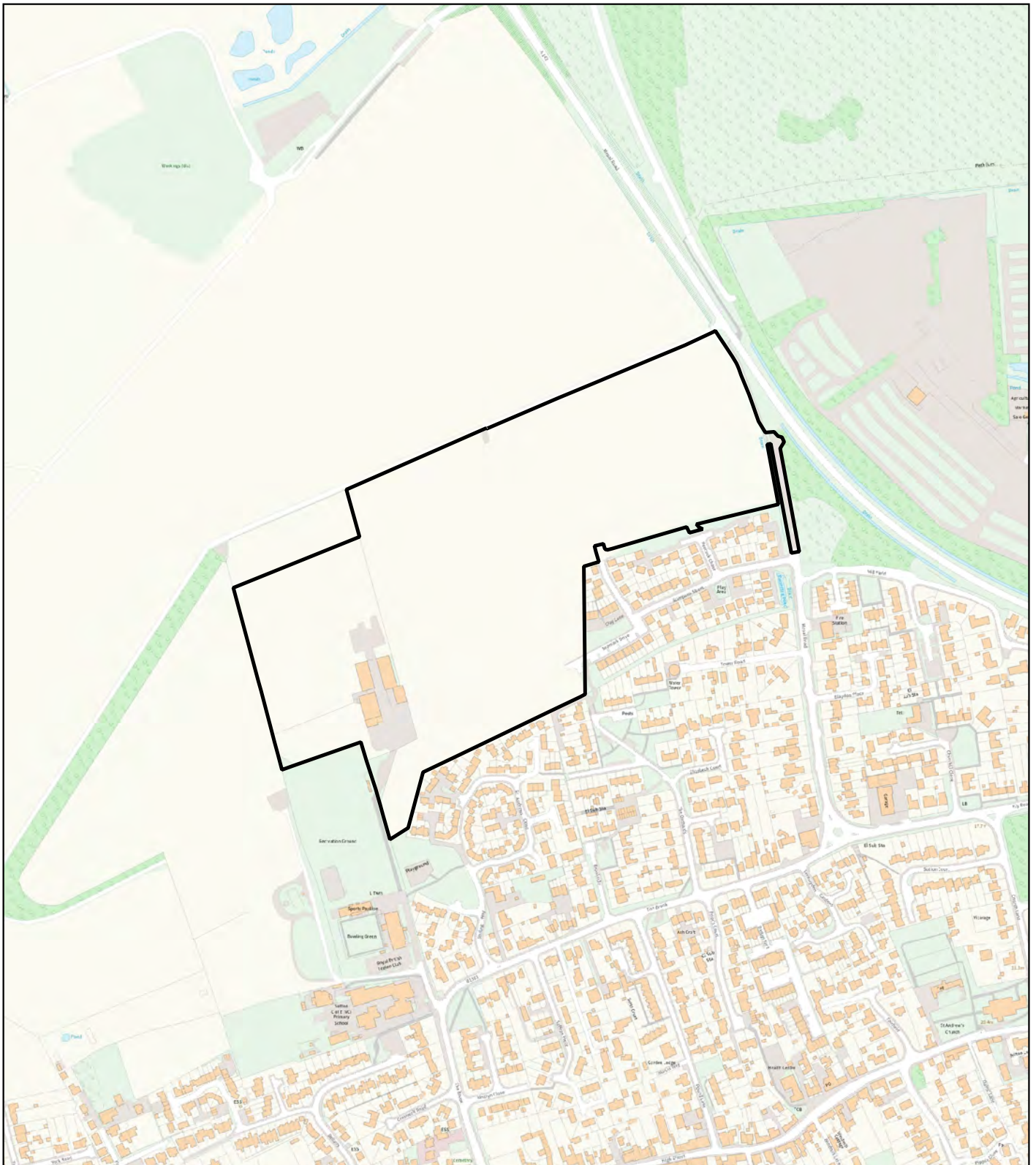


East Cambridgeshire
District Council

Date: 21/11/2024
Scale: 1:10,000



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24/00340/RMM

Land Adjacent 43
Mepal Road
Sutton

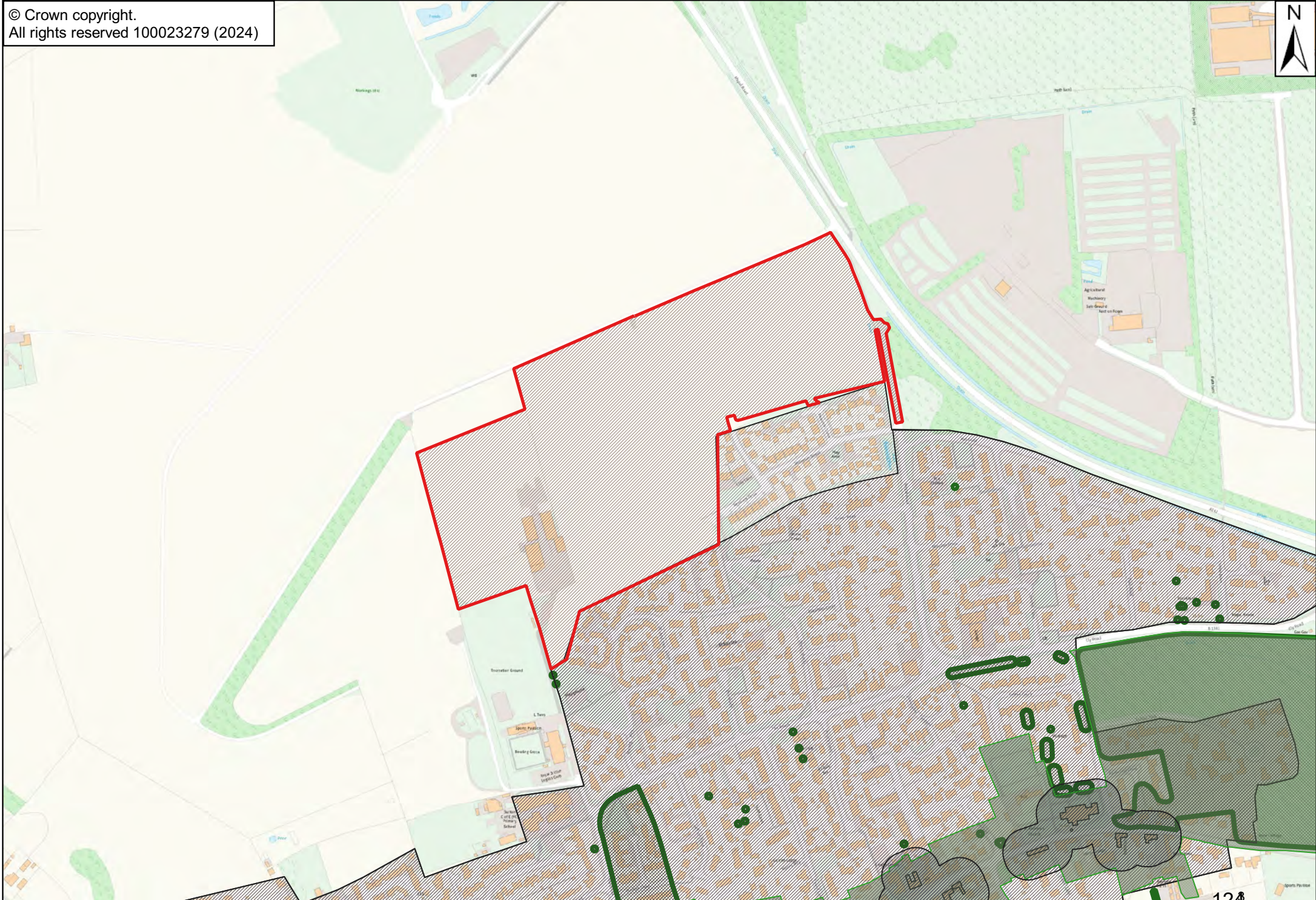


East Cambridgeshire
District Council

Date: 21/11/2024
Scale: 1:6,000



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TITLE: 24/00340/RMM

Committee: Planning Committee

Date: 4 December 2024

Author: Senior Planning Officer

Report No: Z115

Contact Officer: Holly Durrant, Senior Planning Officer
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01353 616360
Room No 011 The Grange Ely

Site Address: Land Adjacent 43 Mepal Road Sutton Cambridgeshire

Proposal: Reserved matters for layout, scale, appearance and landscaping of 164 dwellings (excludes self-build plots), internal roads, parking, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 19/01707/OUM

Applicant: Vistry Homes East Anglia And Ms E Newbury, Mr P Marshall

Parish: Sutton

Ward: Sutton

Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: 8 April 2024

Expiry Date: 11 December 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 Surface water during construction
- 3 Noise mitigation
- 4 Lighting
- 5 Footpath
- 6 Hedgerow and Woodland Management
- 7 Road surfacing
- 8 Street management

- 9 Biodiversity enhancements
- 10 Soft landscaping - 5 years
- 11 Binder course
- 12 Surfacing of private drives
- 13 Emergency access link
- 14 Gate security details
- 15 External materials

2.0 SUMMARY OF APPLICATION

- 2.1 This application seeks approval of reserved matters in respect of layout, scale, appearance and landscaping for 164 dwellings and associated infrastructure. It follows the grant of outline planning permission with access committed under 19/01707/OUM. The outline permission also requires that details in respect of site-wide biodiversity, noise assessment and mitigation and an energy and sustainability strategy is also agreed either prior to or within the reserved matters submission. The applicant is therefore seeking to agree these matters within this submission as set out below.
- 2.2 Member's attention is drawn to the fact that the application site already has extant reserved matters consent for all of the above details under 22/00507/RMM, granted in December 2022.
- 2.3 The submission of this application therefore effectively acts as a variation to the extant reserved matters consent, making adjustments to house types and minor adjustments to housing mix and layout. Otherwise, the details submitted are largely identical to those already approved by the Council under 22/00507/RMM.
- 2.4 The extant reserved matters consent is therefore an important planning consideration when assessing this application submission, and much of this report repeats conclusions made within the Committee Report to 22/00507/RMM.
- 2.5 The proposed development is arranged around a central spine road which runs east to west through the site. Secondary roads serve frontage development, which lead onto tertiary roads serving smaller clusters of housing and private drives on the site's rural fringes, where they face onto open space.
- 2.6 An area is allocated to the west of the site for a further 9no. self-build / custom-build housing as required under the outline permission and S106 legal agreement. Details of these particular properties are reserved for future submission and are not therefore covered within this application.
- 2.7 The main areas of informal open space are located along the northern and south-western edge of the development and incorporates footpaths connecting to the wider settlement to the south and to the sports pitches to the west (to be delivered as part of the package of measures secured under the S106 underpinning the outline). A Local Equipped Area of Play (LEAP) is proposed within the western side of the development and Local Area of Play (LAP) is proposed along the north-eastern edge of the development.

- 2.8 A variety of SuDS features are proposed along the perimeters of the development area and within the development itself, including permeable paving driveways and swales which lead into an above-ground attenuation basin. A foul pumping station is proposed at the eastern edge of the site at the access. Opposite this structure, a temporary sales parking area is proposed, with the temporary sales building occupying the double garage at Plot 78.
- 2.9 As part of the landscaping scheme a 2.5m high noise bund is proposed at the north eastern corner of the site which follows recommendations of the noise assessments undertaken. This is to mitigate against noise from vehicular traffic along the A142. This bund is proposed to be planted out to assimilate into the wider landscaping of the scheme.
- 2.10 An area to the far north west is allocated for a burial ground, and an area immediately south of this is reserved for sports pitches, with details required to be agreed separately under conditions and S106 agreement tied to the outline permission.
- 2.11 The proposal has undergone only limited revision as part of this application to address matters in relation to design, location of affordable housing and housing mix.
- 2.12 Whilst the previous reserved matters consent was supported by guidance from Urban Designers at Place Services, given the very limited changes between the approved and now proposed scheme, it was considered assessment could be appropriately made without external input.
- 2.13 The application is brought to Planning Committee as it was requested by Members upon resolution to grant permission for the Outline application, that future reserved matters applications should also be considered by the Planning Committee.
- 2.14 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1 19/01707/OUM

Outline planning application for the demolition of existing buildings and erection of up to 173 dwellings and provision of land for community facilities (sports pitches and burial ground), including access (not internal roads), open space, sustainable urban drainage systems and associated landscaping. All matters reserved apart from access.

Approved

12 April 2022

22/00507/RMM

Reserved matters for layout, scale, appearance and landscaping of 164 dwellings (excludes self-build plots), internal roads, parking, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 19/01707/OUM

Approved

7 December 2022

19/01707/DISC

To discharge Condition 13 (contamination) 16 (foul water scheme) 17 (surface water drainage scheme) 19 (construction environmental management plan - CEMP) 24 (site waste management plan) 26 (Tree Protection Plans) 27 (broadband strategy) 28 (archaeology) of decision dated 12 April 2022 for 19/01707/OUM Outline planning application for the demolition of existing buildings and erection of up to 173 dwellings and provision of land for community facilities (sports pitches and burial ground), including access (not internal roads), open space, sustainable urban drainage systems and associated landscaping. All matters reserved apart from access

Pending Consideration

19/01707/NMAA

Non material amendment to previously approved 19/01707/OUM for Outline planning application for the demolition of existing buildings and erection of up to 173 dwellings and provision of land for community facilities (sports pitches and burial ground), including access (not internal roads), open space, sustainable urban drainage systems and associated landscaping. All matters reserved apart from access

Pending Consideration

24/00747/VARM

To Vary Condition 4 (Assessment of Ground Conditions) of previously approved 19/01707/OUM, dated 12 April 2022 for outline planning application for the demolition of existing buildings and erection of up to 173 dwellings and provision of land for community facilities (sports pitches and burial ground), including access (not internal roads), open space, sustainable urban drainage systems and associated landscaping. All matters reserved apart from access

Pending Consideration

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises circa 15.39 ha/30.02 acres of agricultural land and associated buildings located to the north of the village of Sutton. The site comprises a large eastern arable field and a smaller western grassland/pasture field with several agricultural barns.
- 4.2 Mature trees and hedgerows are scattered along its boundaries, however there is generally very little in the way of vegetation.
- 4.3 The site is relatively flat, with an almost imperceptible rise from approximately 22m/75 ft AOD (Above Ordnance Data) at the eastern corner to 25m/82ft AOD in the western part of the site.
- 4.4 To the south-east of the site lies Phase 1 which has been recently constructed by Vistry for 77 dwellings (Ref: 16/01772/FUM). The remainder of the southern boundary is defined by rear garden boundaries of properties on St Andrew's Close and The Orchards, with further residential properties beyond.
- 4.5 To the north, lies a farm track with further agricultural land beyond. To the west, lies agricultural fields and to the east lies Mepal Road and the A142 carriageway.

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 - 24 April 2024

The PC met on the 23/4/24 and discussed the application and were concerned that the drainage system may not be able to handle the additional flow from the estate, especially after the recent flooding episodes in 2023.

The PC are concerned after the severe flooding at the top of Mepal Road in 2023 with water coming off the part of the estate already built that the existing drainage system already in place is sufficient and suitable to handle the increased flows once the rest of the estate is completed. Can the Developers and the Planning Dept confirm that this has been investigated and assure the PC that the drainage system is adequate for the increased flow. Have the Flood and Water team at CCC been consulted and are they happy with the drainage system going forward?

Cllr Lorna Dupre and Cllr Mark Inskip (Ward Councillors, Sutton) – 20 November 2024

“Well-founded concerns about drainage from this development were expressed by residents during the consultation process for Phase 1. The consequences of that phase for properties in adjacent streets were predictable, and indeed predicted. One property in St Andrew's Close has been internally flooded twice, and a property in Tower Road has experienced repeated external flooding to the front and rear. In the second case, it took considerable community effort to prevent internal flooding via the front of the property, and the flooding to the rear would have overwhelmed the interior of the property without intervention from the homeowner. Investigations into the causes of the flooding to the rear of the property since the completion of Phase 1 have still not concluded.

The applicant proposes to rely on this same drainage system to manage water flows from Phase 2 of the development. The Middle Level Commissioners have noted that they have a capacity issue in the downstream Catchwater drain to the east of Sutton, which eventually takes the runoff from the highway system in Mepal Road, and have commented on the potential impact of these proposals much more widely through the village.

We would want to see a conclusion of the investigations into the flooding caused by Phase 1 of the development before drainage arrangements for Phase 2 are signed off; and robust measures in place to alleviate further flood risk from this development. We would also request a condition on the developer that they carry out a detailed condition survey of the full length of the drain along Mepal Road and be held responsible for repairs to bring it up to standard should issues be identified, given the additional flow of water which would be introduced by the new drainage scheme in this phase of the development. Furthermore, we would want the Local Planning Authority to impose covenants on the properties in Phase 2 to prevent hard-paving or astroturfing of gardens which exacerbate high levels of surface water run-off.”

Environmental Health - 13 November 2024

I have no additional comments to make at this time

East Cambs Ecologist - 16 April 2024

I have no major ecological concerns this application from a planning perspective it appears to reflect the Biodiversity Strategy that was pre-approved. I cannot find the details of the hedgehog highways (gaps in the fences) on any of the supplied maps, which may just be a minor administration oversight, that's easily rectified.

And a polite a reminder if any protected species are now onsite, that currently wildlife protection legislations still be required no matter if there is planning permission or not, any harm or disturbance would be a criminal activity. I recommend they ensure the wooded areas are checked for badger activity 30 days prior to commencement to avoid any issues when looking to develop the football pitches area.

East Cambs Ecologist - 7 October 2024

From the information provided the Senior Ecologist has reviewed this application and supports/objects to this application on the principle of ...

There are multiple versions named the same with differing information. One example: Submission JBA 21_307-03 landscape G are missing the B1 house sparrow terraces locations that are in the key shows other boxes. Which are in different locations to submission JBA 21_307-01 landscape plan G of the same date.

Please recheck plans for consistency and submit the final version.

They all say refer to the Plant schedule for more information please can you provide this.

Sparrow boxes in key not in the plans.
Hibernacula in some lands keys but not mapped.
Features mapped in on map but excluded in other maps showing same parts of land,
Hedgehog highways still not marked.

East Cambs Ecologist – 20 November 2024

“They are now missing sparrow boxes (B1) is missing on every single landscaping plan, they are in the key but not on the actual plan.”

Housing Section - 5 November 2024

My only comment is to welcome the additional provision of affordable units and that the distribution across the site is now more balanced.

ECDC Trees Team - 30 July 2024

The submitted soft landscaping scheme appears to be acceptable my only concern is that some of the tree locations look likely to conflict with sites where street lighting may be installed but it is not possible to assess this as the locations of street lighting has not been provided. One of the most common reasons for pruning or removal of trees in proximity to the public realm is that they obstruct lighting columns making residents feel at risk in the associated dark spots. Please can an over lay of street lighting in relation to the tree planting be provided to ensure there is no conflict. The

provided tree pit design includes the use of a subterranean root barrier it would be advisable to consider using a root deflector in the pits that are in proximity to hard standing areas to direct root growth below a level where it may result in distortion of the surfacing.

Waste Strategy (ECDC) - 17 June 2024

- 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 constrained layout, at the car parking bays of no 129 -131 would make it difficult for our waste and recycling collection vehicles to safely access and reverse into the area. The applicant should seek a more accessible layout and identify suitable bin collection points, with dropped kerbside. Refuse tracking should be based on our standard collection vehicles, whose dimensions are specified in the Recap Waste Management and Design Guide.
- o We would recommend bin collection points for plot 78 -81, 248 - 250 directly on the primary spine road, as our collection vehicles will be unable to access the private drives.
- o A clear identification of bin collection points would be required as the layout heavily rely on shared private drives. Poor identification of bin collection points could result in missed collections and disputes among neighbours, as well as poor street scene appearance.
- 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 £60.50 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.

Waste Strategy (ECDC) - 6 November 2024

The new collection points are ok, it's not clear if these will be off the footpath though. It needs to be made clear to owners (perhaps through some sort of covenant / planning condition?) that bins are not to be presented so as to block footpaths and roads, and bins are not to be stored there outside of collection times and must be returned to their own properties. This is to avoid street scene problems and access issues for pedestrians.

I also want to point out that since this application was received, the Council has opted to move to a wheeled bin for refuse, replacing sacks, and also introduce a weekly collection of food waste. It will mean that on collections days, there will be 2 wheeled bins and a small kerbside caddy presented by each house.

Local Highways Authority - 30 April 2024

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I have no objection in principle to the proposals. However, the below comments require attention to make the development acceptable in highway terms.

Comments

The shared private drive which serves to access plots 78-81 joins the primary spine road directly adjacent to a ramped raised table. For ease of use, I recommend that the ramp is moved circa 1m to the east to provide some separation between the access and the ramp.

Parking for plots 129 and 131 needs to be amended so that it aligns with the carriageway channel line and not the back of maintenance strip. Furthermore, given the constrained layout, it is unclear how a car can manoeuvre into and out of the parking spaces for plots 129 and 131 which are closest to the frontage.

In principle, the LHA will consider adoption of the four visitor parking bays adjacent to the public open space / LEAP as they serve a wider public utility. All other visitor parking bays will need to be privately maintained.

The drainage strategy includes some private drives drained by permeable paving. The LHA do not accept permeable surfacing as an acceptable means of surface water drainage in isolation. Where such driveways fall towards the roads proposed for adoption, a secondary means of surface water drainage is required at the boundary e.g., a channel drain.

Where a private swale is discharging to an adopted surface water sewer, the private connection must be outside of the highway proposed for adoption i.e., the first inspection chamber must be prior to the highway. CCC do not typically license such private connections in the highway.

Local Highways Authority - 21 October 2024

On the basis of the revised information submitted, I have no objection to this application.

Comments

The proposed layout is acceptable in highway safety terms. While the layout is suitable for adoption in principle (bar the shared private drives), this will be subject to separate legal agreements with the Local Highway Authority and construction of the site in accordance with CCC's Housing Estate Road Construction Specification.

Conditions

oHW2A: 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 482-SK-02 Revision E in writing by the Local Planning Authority.

oHW23A: 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).

Local Highways Authority - 6 November 2024

Recommendation

On the basis of the updated information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable in principle.

Comments

I note that the updated layout reference: 482-SK-02 does not appear to substantially differ from a highways perspective from the previously provided layout. However, please note my comments below.

The visitor parking bays that are illustrated on the layout referenced above will not be adopted as part of the Section 38 process, should part of this development be offered for adoption as public highway.

It is worth noting that any highway infrastructure, that is intended to be put forward for adoption as public highway, should be at least 5m away from any proposed drainage feature or watercourse, if the primary function of said drainage feature is infiltration. This is however something that can be addressed through the Section 38 process.

Cambridgeshire Fire And Rescue Service - 9 April 2024

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager
Community Fire Safety Group
Hinchingsbrooke Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.

Cambridgeshire Fire And Rescue Service - 13 November 2024

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer. The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

Cambridgeshire Archaeology - 10 October 2024

Thank you for your consultation in regards to the above referenced planning application.

Archaeological fieldwork has been completed and post-excavation works are progressing under the condition applied to (19/01707/OUM). As such we have reviewed the documentation and can confirm that we have no comment or objection for the application, as the remaining archaeological work is secured by the condition applied to the outline application.

Cambridgeshire Archaeology - 6 November 2024

We have reviewed the amended documentation and can confirm they do not alter the advice given by this office previously, namely that we have no comment or objection for the application.

Archaeological fieldwork has been completed and post-excavation works are progressing under the condition applied to (19/01707/OUM). We are in receipt of an approved Post-Excavation Assessment Report (PXA) and further post-excavation works are in progress.

Anglian Water Services Ltd - 29 April 2024

Please see below our response for the Reserved Matters application- Land Adjacent 43 Mepal Road Sutton Cambridgeshire - 24/00340/RMM

Foul Water

We have reviewed the applicant's submitted Condition Report for condition 16 and 17 MARCH 2024 REF 985-00-001 Rev D and Drainage Strategy 985-00-23-C submitted with reserved matters application and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. Therefore, condition 16 can be discharged as per our previous response reference PLN-0147050

Surface Water

We have reviewed the Condition Report for condition 16 and 17 MARCH 2024 REF 985-00-001 Rev D and Drainage Strategy 985-00-23-C submitted with Reserved Matters application. The surface water discharge outfall is to a ditch. It is quoted that the onsite sewers are to be adopted by Anglian Water. These sewers are not formally yet adopted by Anglian Water and are still private therefore we are unable to make comments on condition 17 -surface water strategy.

Anglian Water Services Ltd - 16 October 2024

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and

accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Witcham Water Recycling Centre that will have available capacity for these flows

When assessing the receiving water recycling centre's(WRC) dry weather flow(DWF) headroom we take an average flow over the past 5 years to take account of changing weather patterns. Where the average exceeds the WRC's permitted allowance we also take account of the following Environment Agency enforcement trigger - "has the DWF permit been exceeded in 3 of the last 5 years" - this must include non-compliance from the last annual data return. Based on the above assessment, Witcham WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

Section 3 - Used Water Network

We have reviewed the applicant's submitted Drainage Strategy 985-00-23-E submitted with reserved matters application and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. Therefore we can recommend that condition 16 can be discharged.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the Drainage Strategy 985-00-23-E submitted with Reserved Matters application. The surface water discharge outfall is to a ditch. It is quoted that the onsite sewers are to be adopted by Anglian Water. These sewers are not formally yet adopted by Anglian Water and are still private therefore we are unable to make comments on condition 17 - surface water strategy.

Anglian Water Services Ltd - 4 November 2024

These application amendments are not relevant to Anglian Water - we have no further comments to make since our last response (PLN-0216574).

Lead Local Flood Authority - 29 April 2024

At present we object to the grant of planning permission for the following reasons:

1. More Information Required

The applicant has provided a drainage layout plan, which indicates the use of permeable paving, swales and an attenuation basin to manage runoff from the site. However, further information is required to demonstrate the proposed layout and drainage infrastructure is appropriate for the lifetime of the development. In line with the Cambridgeshire Surface Water Planning Guidance document, the LLFA requires:

- a) Detailed drainage layout plan (confirming layout, scale, size and appearance)
- b) Proposed impermeable areas
- c) Proposed method of surface water disposal
- d) Hydraulic calculations to show the performance of the system during all storm events up to and including the 1% AEP storm including allowance for climate change

Until all the above has been provided, we are unable to suitably review this application.

2. Existing Flood Risk Issues

It is noted that there are existing flood risk issues in the vicinity of the site. A swale was proposed along the southern part of the development to capture and mitigate flows which may be generated across the site. It must be clearly demonstrated that the proposals will not increase the flood risk to surrounding land and property and if features are proposed to this extent, they are suitably sized and manage water in a way that protects the adjacent properties.

Informatives

Ordinary Watercourse Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

Lead Local Flood Authority - 5 November 2024

We have reviewed the following documents:

Planning Conditions Support Conditions 16 and 17, Infrastructure Design Limited, Ref: 985-00-001 Rev E, Dated August 2024

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the reserved matters application. The above document demonstrates that surface water can be managed on site through the use of permeable paving of driveways and swales to carry water through the site. Surface water will be attenuated within the proposed basin before discharge into the drain to the east at a rate of 18.3 l/s. This rate is the greenfield rate for the catchment that naturally drains to the watercourse, with the additional catchment being attenuated within the site.

We request the following condition is imposed:

Condition

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Informatives

OW Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act

1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/asset-library/Cambridgeshires-Culvert-Policy.pdf>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

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The Ely Group Of Internal Drainage Board - 23 April 2024

Should be Middle Level Commissioners.

The Ely Group Of Internal Drainage Board - 4 November 2024

This is Middle Level Commissioners - Sutton and Mepal IDB

Littleport and Downham Internal Drainage Board - 10 October 2024

This application for development is outside of the Littleport and Downham Internal Drainage District.

You will need to consult within Haddenham Internal Drainage Board.

Environment Agency - 30 April 2024

Thank you for consulting us on the above referenced reserved matters application. We have reviewed the documents as submitted and have no objection to this proposal.

We have no specific comments on the details of the proposed design and layout at this stage but would ask to be consulted on the details submitted for approval to your Authority to discharge any outstanding conditions relating to controlled waters on the outline planning permission.

We have previously recommended discharge of condition 13 (contamination) and condition 17 (surface water drainage) as they relate to controlled waters; please refer to our letter referenced AC/2022/131287/01-L01, dated 22 September 2022.

Environment Agency - 23 October 2024

We have reviewed the documents as submitted and have no objection to this proposal. Further information on our position can be found below.

Surface Water Drainage

Documents Reviewed We have reviewed the following reports for this consultation:
O Phase 2 Drainage Conditions Report - 1621841
O Drainage Strategy Separate Drawing – 1621844

Position

We previously recommended under the discharge of conditions application relating to surface water drainage under our letter referenced AC/2022/131287/01-L01 dated 22 September 2022.

As per our previous comments, we understand that the use of infiltration SuDS is not considered suitable for the site and have therefore not been included in the drainage strategy. The submitted drainage proposals are considered acceptable.

Environment Agency – 20 November 2024

Thank you for the consultation dated 04 November 2024. Our position remains as per our previous letter AC/2024/132091/02 dated 22 October 2024. We have no further comments.

Natural England - 18 April 2024

NO OBJECTION

Natural England - 17 October 2024

Natural England has no comments to make on this reserved matters application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Natural England - 7 November 2024

Natural England has no comments to make on this reserved matters application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Sport England - 4 October 2024

Thank you for consulting Sport England on the above application. I can confirm the additional information has been received and Sport England will aim to respond in 21 days.

As a public body, Sport England is subject to the terms of the Freedom of Information Act 2000, which gives members of the public the right to access the information we hold. In the event of a request being received, we will be obliged to release information relating to the application and our response unless an exemption in the Act applies. You should therefore inform us if you believe any elements of your submission to be confidential or commercially sensitive so that we can take your concerns into account.

Sport England - 7 October 2024

Sport England - Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/openspace-sports-and-recreation-facilities-public-rights-of-way-and-local-greenspace>.

The proposal is for a reserved matters application, which involves the delivery of new playing field, so falls within the scope of the above guidance. Sport England, as a non-statutory consultee have therefore assessed this application in line with its planning objectives and with the National Planning Policy Framework (NPPF).

Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance>.

Assessment against Sport England's Objectives and the NPPF

Sport England has no further comments regarding the additional information, as it does not impact the proposed playing pitches. Consequently, Sport England requests that the Local Planning Authority refer to our prior consultation response dated 9th April 2024 (see Appendix 1). If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

Sport England - 5 November 2024

Sport England - Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>. The proposal is for a reserved matters application, which involves the delivery of new playing field, so falls within the scope of the above guidance. Sport England, as a

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Assessment against Sport England's Objectives and the NPPF

Sport England has no further comments regarding the additional information, as it does not impact the proposed playing pitches. Consequently, Sport England requests that the Local Planning Authority refer to our prior consultation response dated 9th April 2024.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

Asset Information Definitive Map Team - 8 November 2024

Public Footpath No. 22, Sutton runs to the north of the access road to the site. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the Public 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 No. 22, Sutton 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 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.
- o It is the responsibility of the Applicant to ensure that any works which may result in a material loss of established vegetation and/or damage to existing ecosystems (including potentially both habitats and protected species) within the existing public right of way or adjoining land, comply with relevant legislation and that any supplementary permits or permissions are secured prior to undertaking their public rights of way works.
- o If temporary closures are required during construction work, this requires a Temporary Traffic Regulation Order (TTRO). Please apply to the Street Works Team, 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/>.

Technical Officer Access - 10 May 2024

All walkways should be firm, level and slip proof.

There would appear to be only one entrance and exit to another entrance/exit for emergency services?

Any areas where children play and water should be appropriately marked or cordoned off for safety in view of the number of cars on the estate.

Design Out Crime Officers - 13 May 2024

This generally appears to be an acceptable layout in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbour's properties with many of the homes facing each other and overlooking open space. Pedestrian and vehicle routes are aligned together and overlooked suggesting that pedestrian safety has been considered, which should encourage some level of territoriality amongst residents within small blocks. Vehicle parking is in-curtilage between and to the sides of properties or in garages. Most of the homes have back-to-back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with the potential for some defensible space to their front.

Whilst it appears that some security and crime prevention measures have been considered as mentioned above. It is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents and visitors.

Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Crime prevention should be considered as an integral part of any initial design for a proposed development. It should incorporate the principles of 'Secured by Design'. In particular to demonstrate how their development proposal has addressed the following issues, in order to design out crime to reduce the opportunities for crime:

I do have the following comments:

The DAS mentions on street lighting in laybys with emphasis on visitor parking and play areas. Please see comments below regarding lighting.

- External lighting - It would be good to see a full External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and unadopted roads, any private driveways, shared drives, and parking areas should all be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for most dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn LED lights. (There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution!). A qualified lighting engineer will be able to produce a lighting plan appropriate for the safety and security of residents and their property as well as ecology and wildlife.
- Cycle Sheds - I note that a cycle shed is being provided, having viewed the design. The issues we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor and should be within view of active windows (although there is now a Sheffield stand that has been SBD accredited).
- Door hinges should be coach-bolted through the shed structure or secured with security/non-return screws.
- Two hasp and staples that meet 'Sold Secure' Silver should be used. One positioned 200mm - 300mm down from the top of the door, and one positioned 200mm - 300mm up from the bottom of the door. Additionally, hasp and staples should be coach bolted through the shed structure or secured with either security or non-return screws.
- Both padlocks should meet 'Sold Secure' Gold or LPS 1654 Issue 1.1:2014 Security Rating 1.
- Shall be securely fixed to a suitable substrate foundation. See "Secured by Design" (SBD) website link below:

- Within secure garden sheds care must be taken to ensure that this will be robust and secure enough to protect what is being stored in it, particularly cycles or similar e.g. (gardening equipment).

- No Windows

Open space and footpaths –

- Public Footpaths/Open Space/ Landscaping (whole development) including - pedestrian links on this proposed development, footpaths should be straight with clear visibility and a minimum 2m wide, the landscaping along these paths should be maintained:

I note there is a cycle path link between this development and another.

- Trees - the crowns should be raised to 2m. Hedging and planting should be kept down to 1m - 1.2m. There must be a good maintenance plan in place.

NB The footpath - should be lit by columns to BS5489 -1:2020 and care should be taken not to place columns within 5m of trees to reduce conflict and damage and not within 1m of private residential fences (the majority of dwelling burglaries are committed via rear gardens), these should encourage residents to use the green space this should further improve surveillance which is always a proven deterrent to crime and anti-social behaviour as well as being a positive to health and wellbeing and a safe route. While making comments to address the vulnerability to crime, reduce the fear and incidence of crime and community safety, we understand that there are competing issues. The health and well-being agenda, connectivity between developments, safer routes to schools and local amenities including bus stops and the move to achieve more sustainable transport methods, non-car modes, walking and cycling.

Page 42 of the DAS mentions - Corner houses - should have dual aspect frontages, having viewed the plan there appears to be a number of properties positioned on a corner or at an angle of the development, It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces - this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and potential anti-social behaviour. The provision of at least one window above ground floor level, where possible, will offer additional surveillance over the public area.

- Rear access footpaths - the boundary treatment plan show gates to the rear access footpaths for the terraced properties. Our recommendation would be to install shared gates fitted as close to the building line as possible these should be fitted with self-closers, private gates should be fitted with self-closers and lockable from both sides. Whilst these gates to the front will not be lockable, they are more likely to deter un-authorized persons using these gates and footpaths, this allows for residents to challenge any persons seen within these areas and will help to reduce the vulnerability to the rear gardens, it is recognised that most burglaries occur via the rear garden.

I am supportive of the overall design and layout but clarification on the above comments would be appreciated. This has the potential to be a development where there is a strong commitment to community safety and reducing vulnerability to crime,

I would encourage the applicant considers submitting a "Secured by Design" (SBD) 2024 Homes application - this office would be pleased to work with them to attain this award and believe that this could be achieved with consultation.

Design Out Crime Officers - 9 October 2024

Thank you for the opportunity to comment on these reserved matters planning application having viewed the documents I am supportive of the changes that have been made and implemented following my previous comments 13th May 24.

I would still like to see a full lighting plan including lux levels and calculations for the whole development as per the below.

o External lighting - For the safety of people and their property our recommendation is that all adopted and unadopted roads, any private driveways, shared drives, and parking areas should all be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for most dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn LED lights. (There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution!). A qualified lighting engineer will be able to produce a lighting plan appropriate for the safety and security of residents and their property as well as ecology and wildlife.

o Secured by Design encourages, wherever possible, the use of the most environmentally friendly light sources. However, if this requirement conflicts with local conditions such as in a conservation area or where there is a dark sky policy, the implications should be discussed with the DOCO and the local lighting authority. Moreover, the institute of lighting professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of solar powered lights due to the potential issues around winter charging capabilities and not lasting overnight, fluorescent lighting is environmentally unsustainable for a variety of reasons. Further information is available <https://www.securedbydesign.com/initiatives/safer-streets>

There should be LED dusk to dawn wall mounted lights above each entrance and around the building line.

As mentioned above, bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. I would like to see the lighting plan when available including lux levels and calculations.

Due to this being situated within a residential area our recommendation would be LED column lights 5m hinged using a variable lighting system, which increases and decreases lighting levels upon motion in accordance with local circumstances. The Institution of Lighting Professionals does not encourage switch off unless a full risk

assessment has been carried out and, in any case, it should never be implemented purely on the grounds of cost savings.

There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution!). Consideration could be given to utilising a PIR system which operates when motion is detected and incorporates a slow rise in the lighting level, minimising glare, and light pollution.

Secured by Design encourages, wherever possible, the use of the most environmentally friendly light sources. Moreover, the institute of lighting professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of solar powered lights due to the potential issues around winter charging capabilities and not lasting overnight, also fluorescent lighting is no longer recommended as it is environmentally unsustainable for a variety of reasons. Further information is available <https://www.securedbydesign.com/initiatives/safer-streets>

I have no additional comments.

Design Out Crime Officers - 12 November 2024

I am supportive of the changes.
I currently have no further comments.

Emma Grima, Director (Commercial) - No Comments Received

County Highways Transport Team - No Comments Received

CCC Growth & Development - No Comments Received

Cambridgeshire County Council Education - No Comments Received

NHS - Cambs And Peterborough Integrated Care Board (ICB) - No Comments Received

Economic Development - No Comments Received

Ambulance Service - No Comments Received

NHS England - No Comments Received

Cambs Wildlife Trust - No Comments Received

5.2 A site notice was displayed near the site on 26 June 2024 and a press advert was published in the Cambridge Evening News on 18 April 2024.

5.3 Neighbours – Fifty seven neighbouring properties were notified, with four responses received. A summary of the concern raised is provided below. A full copy of the responses are available on the Council's website.

- Concerns of the proposed surface water drainage scheme, and capacity issues of the Mepal Road culvert and wider drainage system.
- Concerns of the proposal overdeveloping the area, overburdening existing community facilities.

6.0 THE PLANNING POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015) (as amended 2023), The Sutton Neighbourhood Plan (2024) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2 East Cambridgeshire Local Plan 2015 (as amended 2023)
- GROWTH 1: Levels of housing, employment and retail growth
 - GROWTH 2: Locational strategy
 - GROWTH 3: Infrastructure requirements
 - GROWTH 4: Delivery of growth
 - GROWTH 5: Presumption in favour of sustainable development
 - HOU 1: Housing mix
 - HOU 2: Housing density
 - HOU 3: Affordable housing provision
 - ENV 1: Landscape and settlement character
 - ENV 2: Design
 - ENV 4: Energy and water efficiency and renewable energy in construction
 - ENV 5: Carbon offsetting
 - ENV 7: Biodiversity and geology
 - ENV 8: Flood risk
 - ENV 9: Pollution
 - ENV 14: Sites of archaeological interest
 - COM 4: New community facilities
 - COM 7: Transport impact
 - COM 8: Parking provision
- 6.3 Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')
- Policy 14: Waste management needs arising from residential and commercial development
- 6.4 Sutton Neighbourhood Plan 2024
- SUT 1 Spatial Strategy
 - SUT 2 Housing
 - SUT 5 Housing Mix
 - SUT 8 Biodiversity Net Gain
 - SUT 15 Public Rights of Way
 - SUT 18 Sports and Recreation Facilities
 - SUT 19 Design Considerations
 - SUT 20 Dark Skies
 - SUT 21 Flooding and Sustainable Drainage
 - SUT 22 Sustainable Building Practices
 - SUT 23 Renewable Energy

- 6.5 Supplementary Planning Documents ('SPD')
 - East Cambridgeshire Design Guide
 - Developer Contributions and Planning Obligations
 - Flood and Water
 - Contaminated Land
 - Natural Environment
 - Climate Change
 - RECAP Waste Management Design Guide
 - Hedgehogs SPD

- 6.6 National Planning Policy Framework (December 2023) ('NPPF')
 - 2 Achieving sustainable development
 - 4 Decision-making
 - 5 Delivering a sufficient supply of homes
 - 8 Promoting healthy and safe communities
 - 9 Promoting sustainable transport
 - 12 Achieving well-designed and beautiful places
 - 14 Meeting the challenge of climate change, flooding and coastal change
 - 15 Conserving and enhancing the natural environment

- 6.7 Planning Practice Guidance ('PPG')
 - Noise

- 6.8 Other Material Documents
 - ProPG: Planning and Noise for New Residential Development, May 2017 (ProPG)
 - Cambridgeshire Highways Development Management General Principles for Development (January 2023)

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

- 7.2 The site is subject to extant outline planning permission under 19/01707/OUM as set out in the history section above, which accepted the principle of up-to 173 dwellings within the site and means of vehicular access to the site. The outline application is also underpinned by a S106 legal agreement, which secures:
- Affordable Housing provision (30% of dwellings)
 - Self-build dwellings
 - Public Open Space provision and management (inc. play area specification)
 - Sustainable Drainage Systems (SuDS) provision and management
 - Community Facility (playing pitch and village green) provision and management
 - Burial ground provision and management
 - Wheeled bin contribution
 - Outdoor sports contribution (upgrade to Brooklands Multi-Use Games Area)
 - Primary (Sutton Primary) and secondary (Witchford Village college) school contributions
 - Library/lifelong learning contribution

- Transport contribution (mitigation works to BP and Lancaster Way roundabouts on the A142 south of Ely, and Real Time Passenger Information terminal/unit to be provided on the eastbound bus stop on 'The Brook')

7.3 The site also benefits from extant reserved matters consent under LPA Ref. 22/00507/RMM pursuant to the above outline consent, which secured details of appearance, landscaping, layout and scale.

7.4 In essence, this application before the LPA and Members represents a variation to the approved reserved matters consent under 22/00507/RMM, concerning largely adjustments to the proposed house types within the site.

7.5 Given the extant outline consent, it is considered that the overriding principle of the proposed development is acceptable.

Neighbourhood Plan

7.6 Members are advised that the original outline and reserved matters consents were determined on the basis that the application site was covered by a housing allocation within the Sutton Neighbourhood Plan (2019) under Policy NP4, which allocated the site for development as follows;

- i) *Approximately 250 homes, providing a mix of house types and sizes from starter homes to family homes and retirement homes to meet the requirements of the village;*
- ii) *integrated and expanded community facilities including:*
 - a) *a new village green, all weather pitch and sports pitches located adjacent to the existing facilities at the primary school and Brooklands Centre;*
 - b) *areas of play for infants, juniors and youths at appropriate locations throughout the development in accordance with adopted guidelines;*
 - c) *the provision of land for a burial ground on-site, or the facilitation of provision at a suitable location elsewhere in the village;*
- iii) *the retention of existing landscape features and provision of new extensive landscape and wildlife areas and landscape screening from the A142;*
- iv) *safe routes for pedestrians and cyclists from the site to the village centre (through The Orchards), primary school and recreation facilities (through Stirling Way); and*
- v) *vehicular access from Mepal Road.*

7.7 The Sutton Neighbourhood Plan has since been revised (July 2024), which removed Policy NP4 and its stipulations. Paragraph 6.7 of the revised Neighbourhood Plan clarifies that it was no longer considered necessary to allocate the application site for development in the Neighbourhood Plan, given its planning status (outline and reserved matters consents granted).

7.8 The application site nevertheless falls within the development envelope boundaries for Sutton as defined by the Neighbourhood Plan, where the principle of residential development remains acceptable in accordance with Policy SUT 1 (spatial strategy).

7.9 Housing mix & affordable provision

7.10 This application proposes the following housing mix (including affordable), which is shown against the extant reserved matters consent housing mix (percentages rounded to the nearest whole number):

	Approved 22/00507/RMM		Proposed 24/00340/RMM <i>(this application)</i>	
	Quantity	Percentage	Quantity	Percentage
1-bed	8	5%	8	5%
2-bed	37	23%	37	23%
3-bed	63	38%	57	35%
4+ bed	56	34%	62	38%
Total	164		164	

7.11 The difference in housing mix is therefore very minor between the extant and proposed schemes, representing an uplift of only 6no. four-bed units (just over 3% of the scheme), and a proportionate reduction in 3-bed units.

7.12 However, as the most recently adopted document within the Development Plan at the time of assessing this application, it is important to consider whether the updated Sutton Neighbourhood Plan (2024) places any additional requirements upon housing mix.

7.13 Policy SUT 5 of the updated Neighbourhood Plan sets out a more prescriptive housing mix for new development within the Neighbourhood Plan Area as follows:

- 1 bedroom dwellings approximately 25%
- 2 bedroom dwellings approximately 45%
- 4 bedroom dwellings approximately 20%
- 4 bedroom dwellings 0 (nil)
- 5 bedroom dwellings approximately 10%

7.14 Whilst the proposed housing mix is at odds with this first element of the policy, Policy SUT 5 allows for some variance of these percentages, stating:

“Development proposals which would incorporate four-bedroom homes and a revised split between house sizes as shown in this policy will be supported where it can be demonstrated that the overall package would deliver development plan policies and otherwise be consistent with the findings of the Sutton Housing Needs Assessment 2021.

New dwellings should be designed to be adaptable in order to meet the needs of an increasingly aging population and those with access requirements, as well as enabling home working. The provision of bungalows will also be supported where the proposal would not have a detrimental impact on the character of the area in the vicinity of the site.”

7.15 The Sutton Housing Needs Assessment (HNA) (2021) also notes, with regard to the Policy SUT 5 split, that:

“It is important to caveat this finding by stating that the suggested size mix is the product of a modelling exercise that relies on existing data, assumptions, and existing patterns or ‘trends’. It should be used with a degree of caution, and it should be combined with more qualitative evidence regarding local residents' needs and the community's larger goals.”

7.16 Looking at more qualitative evidence and justification for an alternative housing mix, the Applicant has submitted a Housing Mix Statement. This statement draws attention to the following:

- Vistry have moved to a partnership-led model, working with government bodies, local authorities and Registered Providers to help address housing needs across a variety of tenures. The minor adjustment in housing mix between the extant and proposed reserved matters consent is to support the delivery of this model.
- 63% of the homes proposed will be 2-bed and 3-bed dwellings to provide for smaller dwellings within Sutton, as identified within the Neighbourhood Plan and Sutton SHMA 2021.
- 37no. 2-bed dwellings are being provided as part of the scheme, of which 28 will be affordable, addressing the need for smaller and affordable dwellings to provide entry-level and cheaper options suited to younger residents (*as recognised at 6.11 of the Neighbourhood Plan*).
- The four-bedroom properties are adaptable to suit a wider range of needs, including conversion of ground floor and garage spaces to fifth bedrooms, or use of one of the bedrooms as a home office to support remote working (*as required by Policy SUT 5*).
- Four bungalows and four maisonettes are also included within the scheme.

7.17 The Council’s Housing Officer has not raised any concerns over housing mix.

7.18 The Parish Council has not raised any concerns regarding housing mix.

7.19 In summary, the proposed overall package of the development is considered to align with the objectives of the Sutton Neighbourhood Plan in providing a significant number of smaller dwellings to support local market and affordable housing needs, as well as a suitable mix of dwellings to support specialist needs and home-working. The proposed development therefore satisfies the objectives of Policy SUT 5 and the HNA 2021 regarding housing mix.

7.20 *Affordable Housing*

7.21 The application proposals deliver the 30% (52 dwellings) affordable housing mix as required by the S106 in a 77%/23% split in favour of affordable rented. The mix is as previously approved under 22/00507/RMM, and proposes a high proportion of 2 and 3 bed properties.

	Proposed Affordable Rent	Proposed Shared Ownership
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	Quantity	Percentage	Quantity	Percentage
1-bed	8	23%	0	Nil
2-bed	21	60%	7	41%
3-bed	9	11%	5	59%
4+ bed	2	6%	0	Nil
Total	40		12	

7.22 The application proposals also seek to deliver an additional 35 units of 2-bed and 3-bed affordable housing under grant funding (tenure to be agreed), resulting in a c.50% provision of affordable units across the site in line with Vistry's partnership-led model. This is therefore likely to be a significant benefit of the development proposals, albeit that this additional affordable provision cannot be made a requirement of this approval.

7.23 The Council's Housing Officer has commented welcoming the provision of additional affordable units and their dispersal across the site.

7.24 The proposed development therefore satisfies Policy HOU 3 of the Local Plan and will likely deliver affordable housing across the site significantly in exceedance of policy compliant levels, as well as satisfying the requirements of the S106. The proposals also seek to deliver a high number of affordable smaller properties to accommodate entry-level home ownership, identified as a key finding of the Sutton Neighbourhood Plan (2024) and its supporting Housing Needs Assessment (2021).

7.25 Layout

7.26 The application proposals retain a very similar layout to that agreed under 22/00507/RMM. There are only minor differences between the extant and proposed schemes, largely as a result of changes to house types now proposed and how this results plot arrangements such as parking provision. The proposed nine self-build units have also now been provided within one cluster, instead of across two. Notwithstanding, general comments on the acceptability of the proposed layout are as follows.

7.27 The layout illustrates small clusters of dwellings ranging from 9 to 17 units arranged around a main spine road, with secondary and tertiary roads providing good connectivity and movement through the site towards its rural fringes.

7.28 The site has been designed to comply with RECAP guidance with bin collection points provided where they adjoin the proposed adopted highway edge, including at the edge of turning heads where these are to meet the proposed adopted highways.

7.29 With the exception of the four maisonettes, each dwelling has space to park two cars and contains secure cycle storage in the form of a garden shed. Two of the 1-bed maisonette units have three parking spaces between them. As Policy COM 8 does not set minimum parking standards, the provision of only one parking space for two of the 1-bed maisonettes is considered to be acceptable.

7.30 Policy SUT 19 of the Neighbourhood Plan seeks to avoid tandem parking where possible, and to avoid dominance of parking in the street-scene. The rural fringes of

the proposed development, being looser in overall development pattern, introduce side-by-side parking spaces with a lower reliance on tandem as there is more space between dwellings to do so. However, tandem parking is provided in the tighter-knit core of the development where density is higher. It is considered that this is an appropriate design response to ensure the centre of the development is not dominated by parking, allows for landscaping and follows an appropriate density of development. On this basis, tandem parking is considered to comply with the objectives of Policy SUT 19, and indeed was found to be acceptable under the extant reserved matters consent which forms a material consideration in the assessment of this application

- 7.31 Visitor parking is also provided across the site at a ratio of 1 space per every seven dwellings. Whilst Policy COM 8 suggests a ratio of 1:4, this is not a minimum requirement. The visitor spaces are well dispersed across the site and are considered to meet the needs of the development itself.
- 7.32 Excluding the c.3.8Ha site reserved for community facilities (sports pitches and village green), the burial ground and the non-developable areas of the site (i.e. swales) the average density of dwellings is c.16dph - with a tighter concentration of dwellings toward the core of the development area and a looser, less regimented arrangement of dwellings along the fringes of the site, adjacent to the areas of open space.
- 7.33 A network of paths provide access to the wider areas of informal open space and the Local Area of Play at the north-east, as well as the formal sports pitches to the west. Future access to the proposed burial ground has also been safeguarded by the provision of a road and footpath within the north-west of the site. Connections leading south into the Phase 1 scheme, Stimpson Street, Orchard Way and The Brook ensure good permeability into the established built settlement and would encourage sustainable modes of travel to local services and facilities. As agreed under 22/00507/RMM, it is recommended to secure further details in respect of the widths and surfacing for the footway links within the open space, to ensure they cater for multi-modes of travel and mobility.
- 7.34 The site is also connected to the wider development to the south by an emergency access road. This road would be available for pedestrians and cyclists but restricted to emergency vehicle access only ensuring that access would still be available in emergencies, should the main vehicular access be cut off for any reason. This is in line with the County Council's current Highways design guide (2023).
- 7.35 Whilst the Access Group have raised concerns regarding the number of emergency accesses, this is in accordance with County Council highway guidance (at the time of determination). The Access Group have also raised concerns regarding demarcation of SuDS and play areas. The above ground SuDS and swales are to be guarded by knee-rails (as shown on the landscaping plans), and the details of the play areas are to be provided as part of S106 requirements. It is therefore considered these matters have been addressed.
- 7.36 In conclusion, the proposed layout, provision of formal and informal open space and connectivity to the wider settlement are considered to be satisfactory and would accord with the aims of Policy SUT 19 of the Sutton Neighbourhood Plan (2024) and Policies COM 4, COM 7 and COM8 of the Local Plan.

7.37 Scale, Appearance and Landscaping

- 7.38 The development relies on 22 house types and a mixture of buff blend, and red-blend facing brick, render finish and grey and red roof tiles (the same palette of materials as agreed under 22/00507/RMM). Eight of these house-types have already been approved under the extant reserved matters and can also be found in the Linden site immediately to the south.
- 7.39 Most properties incorporate canopies or porch roofs. Several properties also incorporate chimneys and these are mainly located at the north east end of the site and will therefore be most visible from the approaching A142 Mepal Road and when entering the site. As agreed under the extant reserved matters consent, the applicant has introduced 'blind' or 'tax' windows to certain elevations, where facets would otherwise be a mass of continuous brickwork. This is considered to be an effective way to add interest to these elevations when viewed from the public realm.
- 7.40 The dwellings are primarily 2-storey, with the exception of a grouping of 3 no. bungalows to the south, mid-section of the site and a singular bungalow within the western portion of the site. The range of dwelling types provides varying ridge which adds interest to the roofscape of the development. Corner-turning units are located at junctions to ensure a coherent flow of built-form throughout the scheme and rendered properties are also positioned at key junctions, acting as way marker buildings to improve legibility throughout the site. Dwellings face onto public open spaces and onto the main spine, secondary and tertiary roads to ensure active frontages and natural surveillance.
- 7.41 The proposed dwellings are provided sufficient space to prevent them from appearing cramped, and the positioning of the dwellings creates openness within the site with garden areas and driveways breaking up the built form.
- 7.42 The spine road is proposed to be lined with trees along the back-edges of the footpath and further tree planting is proposed around the SuDS features and throughout the areas of open space to provide shade and visual amenity. The site would also benefit from hedgerows and shrub planting and wildflower planting which, with the trees and green space would enhance the overall area and assimilate the site into the wider countryside, with its continuance secured through a condition for a long-term Hedgerow and Woodland Management and Creation Scheme as imposed upon the extant reserved matters consent.
- 7.43 The Council's Trees Officer has not raised any objections to the proposed application but has requested that further details of lighting be provided to ensure no conflict with the proposed landscaping scheme. These details are to be secured by way of a planning condition, as agreed under the extant consent.
- 7.44 A 2.5m high bund with planting is proposed at the northeast corner of the site, primarily to act a noise defence but will also partially screen the site and soften its visual impact when approaching from the north-east.
- 7.45 It is considered that the general design of the development would complement and enhance the adjacent developments to the south and through established soft

landscaping, would assimilate successfully into this fringe site where is transitions from urban to rural countryside. It is therefore considered that the development would accord with the aims of Policy ENV 2 of the Local Plan 2015, SUT 19 and SUT 20 of the Sutton Neighbourhood Plan (2024) and paragraphs 127 and 130 of the NPPF.

7.46 Residential Amenity

- 7.47 The developed area of the site is separated from existing properties by areas of open space and SuDS features, with the closest dwelling to an existing curtilage of c.18m. Given the embedded landscaped buffers within the development proposals, it is considered highly unlikely that existing residents would experience any severe overlooking, overshadowing, loss of light, loss of privacy or overbearing from the development.
- 7.48 With regard to prospective occupiers, having regard to the design, orientation and separation of the proposed dwellings, the residential amenity of future occupiers would also be safeguarded.
- 7.49 It is not considered necessary to restrict permitted development rights via conditions for any dwellings with the exception of Plot 133, which would be necessary to preclude the installation of an additional rear facing window at first floor, beyond the en-suite window already shown. This is given the c.17m separation distance between Plot 133 and 132 (a bungalow), which falls below the Design Guide advice of 20m back-to-back. It is considered a habitable window within this rear elevation could give rise to unacceptable overlooking given the relationship between the two properties, and therefore the restriction of permitted development rights is necessary in this instance.
- 7.50 The development would provide sufficient room for wheeled bin storage for each property and adequate access on site to enable future occupiers to present their bins for weekly collection in accordance with current RECAP waste management guidance. The comments of the Waste Team are noted with regard to the stowing of bins outside of collection times. A condition restricting the times of bin presentation is not considered to satisfy the six condition tests and will not therefore be imposed. As the internal roads and paths are to be adopted by the Local Highways Authority, it will be the responsibility of the LHA to enforce against any obstructions of the roads or paths. Obstructions on private drives will be the responsibility of their owners. It is also to be noted that every dwelling has a secure bin storage point within their rear gardens, to dissuade against leaving them to the front of properties.

Site Security

- 7.51 Cambridgeshire Police's designing out crime team has reviewed the proposals and following amendments to the scheme is supportive of the development proposals. A lighting scheme and requirements for all garden gates to contain locks are to be secured by condition (as required under the extant reserved matters consent.) The requirements for these details arose following the designing out crime team's comments, and it is considered they are still applicable to this application as details have not been provided.

7.52 It is considered that, subject to the above, the development would incorporate measures to create safe environments addressing crime prevention and community safety in accordance with Local Plan policy ENV 2 and NPPF Chapter 12.

Noise

7.53 One of the most notable constraints of the site is the A142 Mepal Road which generates traffic noise levels which requires mitigating, in order to achieve acceptable living environments. The most affected area is that closest to the access and 18 dwellings in total are affected.

7.54 Under the extant reserved matters consent, the applicant undertook extensive modelling of the site to fully understand the constraints and opportunities associated with noise mitigation, in accordance with the requirements of condition 23 of the Outline permission. The Applicant has re-submitted these investigations as part of this application.

7.55 In terms of mitigation, it was accepted under the extant reserved matters consent that the following package of details was acceptable:

- 2.5-metre / c.8.2-foot earth bund in the north-western corner of the site, which would protect all affected ground floor windows/rooms within the eastern portion of the site from unacceptable noise levels;
- Orientation of dwellings so that rear gardens are largely shielded by the dwellings themselves;
- Introduction of secondary windows at first floor in selected dwellings (for example Plot 78 and 248) to allow for natural ventilation and cooling of first floor rooms without exposing the rooms to unacceptable noise levels.
- Upgrades to first floor glazing on selected plots to reduce noise further;
- Mechanical ventilation for a selected number (three) plots where noise levels were still deemed unacceptable against ProPG and NPPF guidance when considering all of the above mitigation.

7.56 It was also accepted under the extant reserved matters consent that the presence of development within the site's eastern-most section also acted as a further buffer against noise for the wider site. Without this development, some 30% of the site would likely be affected by unacceptable noise levels, thereby requiring further mitigation within the site. It was therefore recognised that in order to achieve acceptable amenity conditions throughout the site, some level of compromise was required with a selected number of properties.

7.57 This application proposes the same suite of mitigation measures as above. Barring one plot (237) all dwellings within the eastern portion of the site have remained the same, using the same house types, orientation and layout. It is therefore considered that the conclusions drawn under 22/00507/RMM remain valid with regard to noise.

7.58 Whilst mechanical ventilation is considered to be a last-resort in reaching acceptable residential amenity conditions, given its very limited use within the site, it was previously considered to be acceptable when weighed against the wider benefits of the scheme. It is considered this equally applies to the current proposals.

- 7.59 To secure these mitigation details, as imposed upon the extant reserved matters consent, a condition requiring a detailed scheme for noise mitigation for each specific dwelling affected by external facade noise levels exceeding 50dB (as set out in the Noise Impact Assessment and Noise Memo dated 4th November 2022) will be imposed.
- 7.60 On balance, given that the reliance on less than ideal means of mechanical ventilation is not significant against the delivery of 164 dwellings, it is considered that in this instance it is acceptable and in general, a high-quality living environment would be achieved for this development in accordance with Policy ENV2 of the Local and Chapter 12 (particularly paragraph 130) of the NPPF. This is subject to compliance with the scheme of mitigation as above (Paragraph 7.55), which will be secured via appropriate conditions.
- 7.61 Biodiversity and Ecology**
- 7.62 This application is not the subject of mandatory biodiversity net gain, as the application is pursuant to an outline consent that was granted prior to the enforcement of this legislation. This application is therefore covered by transitional provisions.
- 7.63 Condition 18 of the outline permission requires agreement of a site-wide Biodiversity Strategy through the reserved matters process. The submitted strategy, supported by a biodiversity metric and as detailed within the landscaping plans and boundary treatment plans includes retention of and planting of new trees, hedgerows and wildflower grassland, the inclusion of bird and bat boxes throughout the development, the provision of hedgehog gaps in fences to ensure small mammal movement is maintained throughout the site and hibernacula/ refuges to benefit reptiles, amphibians etc.
- 7.64 The site will also deliver wet ponds as part of the SuDS scheme. With a permanent water level, these are also considered to be supportive of biodiversity gains within the site through the introduction of blue infrastructure.
- 7.65 The Council's Senior Ecologist has reviewed the proposal and has concluded that they are content with the strategy, which is comparable to that approved under the extant consent. The development proposals are therefore considered to achieve a measurable net gain in biodiversity in accordance with Local Plan policy ENV 7, NP2 of the Neighbourhood Plan and the ambitions of the SPD.
- 7.66 Flood Risk and drainage
- 7.67 The application site is generally agreed to be in an area at low risk of fluvial flooding, falling entirely within Flood Zone 1, with very limited areas of low risk of surface water flooding. There are however concerns raised locally, and by the Ward Councillors.
- 7.68 Members are advised that the matter of foul and surface water drainage are covered by the outline consent, Conditions 16 and 17. The acceptability of the final technical details of these drainage schemes is not therefore under consideration as part of this application, but under the pending discharge of condition application 19/01707/DISC.

- 7.69 It is nevertheless important to assess whether this application makes appropriate provision for an acceptable drainage strategy within its overall layout.
- 7.70 The application is supported by a drainage strategy, which shows that surface water across the site will be drained via permeable paving drives and public/private swales, which will capture overland flows and direct water to a large above-ground attenuation basin.
- 7.71 The Lead Local Flood Authority has reviewed the drainage documentation submitted with the application, and concludes that:
- “The above document demonstrates that surface water can be managed on site through the use of permeable paving of driveways and swales to carry water through the site. Surface water will be attenuated within the proposed basin before discharge into the drain to the east at a rate of 18.3 l/s. This rate is the greenfield rate for the catchment that naturally drains to the watercourse, with the additional catchment being attenuated within the site.”*
- 7.72 The Lead Local Flood Authority therefore raises no objection to the proposed development but does request imposition of a condition to manage surface water flooding during construction. This condition was not imposed upon the outline consent nor upon the extant reserved matters consent under 22/00507/RMM. However, given local concerns regarding flooding, the Applicant is happy to provide further clarification regarding their proposed management of surface water during construction of the proposed development. The imposition of a condition to manage construction surface water impacts is also considered necessary in line with updated LLFA guidance..
- 7.73 It is also important to note that the Lead Local Flood Authority has recommended discharge of Conditions 16 and 17 under the outline consent under LPA Ref. 19/01707/DISC under consideration.
- 7.74 Anglian Water has also raised no concerns and note that the local network has capacity to accommodate foul water from the proposed development.
- 7.75 On this basis, it is considered that the proposal complies with the aims of Local Plan policy ENV 8, and Policy SUT 21 of the Neighbourhood Plan (2024). Whilst it is not for this application to conclude as to the technical acceptability of the surface water and foul water drainage schemes, the details submitted with the application have provided confidence that the development’s layout, including the SuDS features and foul drainage infrastructure, would adequately manage drainage the site without causing flooding elsewhere. The site’s proposed drainage scheme also accords with key tenets of the Neighbourhood Plan’s Design Code, including permeable paving, and storage and slow release of water.
- 7.76 Energy & Sustainability
- 7.77 Condition 25 of the Outline permission requires an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures.

- 7.78 The application is supported by an energy and sustainability strategy ('ESS'). It is proposed that the development is designed to incorporate guidance contained within Policies CC1 and ENV4 relating to renewable energy provision and the construction of highly efficient buildings which seek to minimise energy demand and CO2 emissions. The dwellings will be installed with energy-efficient boilers, waste-water heat recovery systems and solar PV panels.
- 7.79 The calculations demonstrate that the development as a whole will deliver a c. 31% reduction in carbon reduction against 2013 Building Regulation standards. During the build out of the site, a number of dwellings will also be constructed in accordance with Future Homes Standard (expected to come into force 2025/26, which would target a 75-80% carbon reduction compared with current regulatory standards).
- 7.80 Furthermore, water efficiency measures including the use of efficient dual flush WCs, low flow showers and taps and appropriately sized baths will be encouraged with the aim to limit the use of water during the operation of the development to limit water use. In this regard, the ESS anticipates a total water consumption of no more than 110 Litres/Person/Day required by Policy CC1.
- 7.81 In summary, the measures as set out in the submitted ESS would accord with the aims of Local Plan Policy ENV 4 and Policy SUT 22 and SUT 23 of the Neighbourhood Plan in respect of sustainable development.
- 7.82 Other Material Matters
- Archaeology*
- 7.83 Cambridgeshire Archaeology has confirmed that appropriate archaeological work and investigations have been secured under the outline consent (19/01707/OUM), with details progressing under a separate discharge of condition application. This includes fieldwork details. No further information is therefore required to be secured under this application.
- Sports England*
- 7.84 Sport England has not raised any objection to this application, as it does not affect or concern the delivery of the football pitches secured under the outline application.
- 7.85 **Planning Balance and Conclusion**
- 7.86 The proposed development represents in effect a variation to the existing extant consent on the application site under 22/00507/RMM, making adjustments to the house types proposed, and minor variations to the overall housing mix and layout. The scheme is otherwise generally as previously approved, and the principle of the site's development acceptable.
- 7.87 The proposed development provides a high-quality development scheme, which would secure a good level of formal and informal open space, with sustainable links to promote healthier lifestyles and access to key services and facilities within the settlement. The visual impact of the development would be softened through a robust soft landscaping design and the design and layout of the development would enable a satisfactory assimilation into the wider settlement.

- 7.88 The site delivers market dwellings of an appropriate mix to meet local needs, and as a minimum 30% affordable housing as required by Policy HOU 3 and the S106 legal agreement. The site is however likely to deliver a higher amount of affordable housing, approximately 50% of the total development, subject to grant funding. If the higher level of affordable housing is delivered, this is likely to be a significant benefit of the scheme, but this higher delivery has not been attributed weight in the overall planning balance as the higher level cannot be secured under this application. The size of dwellings to be provided across the site is also predominantly smaller units of two and three-bedrooms, thereby providing a significant amount of smaller properties to meet local need as identified within the Neighbourhood Plan and Housing Needs Assessment.
- 7.89 The scheme does include a number of dwellings which would need to rely on mechanical means of ventilation in order to achieve acceptable internal noise levels to some first-floor bedrooms. Whilst this weighs negatively against the scheme, it is acknowledged that alternative designs and mitigation has been explored and that only a small number of dwellings are reliant on this design. It is considered that on-balance, in this instance, this is acceptable having regard to the wider development and the generally high-quality environment that it would provide.
- 7.90 It is considered therefore that the proposal accords with the Development Plan when taken as a whole, would constitute a sustainable form of development and can therefore be supported. There are no material issues that would direct that the 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 ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following point(s):
- The extant reserved matters consent under LPA Ref. 22/00507/RMM;
 - The comments of statutory consultees.

9.0 **APPENDICES**

- 9.1 Appendix 1 – Suggested Conditions for 24/00340/RMM (this application)
- 9.2 Appendix 2 – Outline Planning Consent 19/01707/OUM

Background Documents

24/00340/RMM

19/01707/OUM

22/00507/RMM

19/01707/DISC

19/01707/NMAA

24/00747/VARM

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 - 24/00340/RMM Conditions

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

Plan Reference	Version No	Date Received
482-SK-01	F	1st November 2024
482-SK-02	F	1st November 2024
482-SK-03	F	1st November 2024
482-SK-05	G	1st November 2024
482-SK-07	G	1st November 2024
482-SK-08	G	1st November 2024
482-SK-09	F	1st November 2024
JBA 21-307-01	H	1st November 2024
JBA 21-307-02	I	1st November 2024
JBA 21-307-03	H	1st November 2024
JBA 21-307-04	I	1st November 2024
JBA 21-307-05	I	1st November 2024
JBA 21-307-06	H	1st November 2024
JBA 21-307-07	H	1st November 2024
JBA 21-307-08	H	1st November 2024
JBA 21-307-09	H	1st November 2024
JBA 21-307-10	I	1st November 2024
234 V1 SUTTON-VIS-T234B0-XX-D2-A-0801-V1	A	22nd November 2024
112 V1 SUTTON-VIS-M122B0-XX-D2-A-0801-V1		30th September 2024
112 V2 SUTTON-VIS-M122B0-XX-D2-A-0801-V2		30th September 2024
351 V1 SUTTON-VIS-M351B1-XX-D2-A-0801-V1		30th September 2024
351 V2 SUTTON-VIS-M351B1-XX-D2-A-0801-V2		30th September 2024
354 V1 SUTTON-VIS-M354B0-XX-D2-A-0801-V1		30th September 2024
354 V2 SUTTON-VIS-M354B0-XX-D2-A-0801-V2		30th September 2024
362 V1 SUTTON-VIS-M362B1-XX-D2-A-0801-V1		30th September 2024
451 V2 SUTTON-VIS-M451B6-XX-D2-A-0801-V2		30th September 2024
452 V1 SUTTON-VIS-M452B6-XX-D2-A-0801-V1		30th September 2024
468 V1 SUTTON-VIS-M468B0-XX-D2-A-0801-V1		30th September 2024
236 V1 SUTTON-VIS-T236B1-XX-D2-A-0801-V1		30th September 2024
242 V1 SUTTON-VIS-T242B1-XX-D2-A-0801-V1		30th September 2024
341 V1 SUTTON-VIS-T341B1-XX-D2-A-0801-V1		30th September 2024
467 V1 SUTTON-VIS-T467B1-XX-D2-A-0801-V1		30th September 2024
467 V2 SUTTON-VIS-T467B1-XX-D2-A-0801-V2		30th September 2024
473 V1 SUTTON-VIS-T473B0-XX-D2-A-0801-V1		30th September 2024
481 V1 SUTTON-VIS-T481B0-XX-D2-A-0801-V1		30th September 2024
985-00-25 RM	E	30th September 2024
Energy and Sustainability Strategy	A	30th September 2024
KNI.PE1	REV A	8th April 2024
KNI.PE2	REV A	8th April 2024
KNI.PE3	REV A	8th April 2024
KNI.PE4	REV A	8th April 2024
KNI.PE5	REV A	8th April 2024
KNI.PE6	REV A	8th April 2024
KNI.PE7	REV A	8th April 2024
SUTTON-PAR-BASR01-XX-D2-A-AS-B801	REV D	8th April 2024

SUTTON-PAR-BASR01-XX-D2-A-AS-B801	REV C	8th April 2024
482-LP-01	REV B	26th March 2024
985-00-20	REV C	26th March 2024
985-00-21	REV C	26th March 2024
985-00-22	REV C	26th March 2024
EDMS-200	REV A	26th March 2024
ELYLY EDMS-600	REV A	26th March 2024
ELYLY EDMS-601		26th March 2024
GROUP-VIS-S-EX-D2-A-FC-0210	REV 00	26th March 2024
GROUP-VIS-S-EX-D2-A-FC-0213	REV 00	26th March 2024
GROUP-VIS-S-EX-D2-A-FC-0261	REV 00	26th March 2024
GROUP-VIS_CGAR05-XX-D2-A-AS-0801	REV 00	26th March 2024
GROUP-VIS_S-EX-D2-A-FC-207	REV 00	26th March 2024
GTC-E-SS-0012_R2-1_1 OF 1		26th March 2024
JBA 21/307-11	REF C	26th March 2024
JBA 21/307-12	REF C	26th March 2024
JBA 21/307-13	REF C	26th March 2024
JBA 21/307-DT01		26th March 2024
JBA 21/307-SK01		26th March 2024
Additional Noise Memo		26th March 2024
Biodiversity Net Gain Calculation		26th March 2024
Noise Risk Assessment & Acoustic Design Statement		26th March 2024
EVE.PE1	REV A	26th March 2024
EVE.PE2		26th March 2024
EVE.PE3		26th March 2024
LIND160521-SW GRA.PE1	REV C	26th March 2024
LIND160521-SW HWK.PE1		26th March 2024
LIND160521-SW MOU.PE1	REV A	26th March 2024
LIND160521-SW MOU.PE2	REV A	26th March 2024
LIND160521-SW MYL.PE1	REV C	26th March 2024
LIND160521-SW MYL.PE2	REV A	26th March 2024
LIND160521-SW PEM.PE1	REV D	26th March 2024
LIND160521-SW PEM.PE2		26th March 2024
LIND160521-SW PEM.PE3		26th March 2024
LIND160521-SW PEM.PE4	REV B	26th March 2024
RAMSE-VIS-CGAR01-XX-D2-A-AS-0401	REV 01	26th March 2024
SUTTON-LIN-BLEV001A-XX-D2-A-AS-B801		26th March 2024

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

- 2 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself, in accordance with Policy ENV 8 and

ENV 9 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and Policy SUT 21 of the Sutton Neighbourhood Plan (2024).

- 3 Prior to works proceeding above ground level, a scheme for noise mitigation for each specific dwelling affected by external facade noise levels exceeding 50dB as set out in the Noise Impact Assessment and Noise Memo dated 4th November 2022, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include manufacturers specification for mechanical ventilation, acoustic ventilation/ trickle vents, and upgraded glazing specification where so required.

The development shall be carried out in accordance with the approved details and thereafter retained in perpetuity.

Reason: To safeguard the residential amenity of occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), and Policy SUT 19 of the Sutton Neighbourhood Plan (2024).

- 4 Prior to works proceeding above ground level, a lighting scheme for all streets shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be accompanied by a technical report prepared by a qualified competent person setting out;
- i) the specification of lights,
 - ii) locations and heights of lighting columns,
 - iii) the light levels to be achieved over the intended area and at the development site boundaries and the surrounding area.

The approved scheme shall be implemented on site prior to first occupation of the development or in agreed phases, and retained as such thereafter.

Reason: To safeguard the residential amenity of occupiers, the visual impact of the development and protection of nocturnal biodiversity in accordance with policy ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) Policy SUT 19, SUT 20 and SUT 8 of the Sutton Neighbourhood Plan (2024).

- 5 Prior to works proceeding above ground level, a scheme detailing the precise design of the footpaths proposed within the areas of open space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following;
- i) the precise route,
 - ii) widths,
 - iii) surface and drainage treatment,
 - iv) connectivity to adjacent land, and
 - v) a timeframe for implementation

The footpaths shall be carried out in accordance with the approved details.

Reason: To ensure provision of effective, accessible and sustainable links into the established built settlement and to encourage sustainable modes of travel in accordance

with policy ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy SUT 19 of the Sutton Neighbourhood Plan (2024).

- 6 Prior to works proceeding above ground level, a Hedgerow and Woodland Management and Creation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details of the following:
- 1) The areas of woodland and hedgerows to be retained and/or enhanced;
 - 2) Areas where new woodland and hedgerows will be established;
 - 3) The methodology for the establishment of new areas of native woodland and hedgerows; (timings and details for plot thinning and coppicing operations and removal of protective fencing/guards)
 - 4) Management of existing woodland and hedgerows to enhance its amenity and ecological value; (timings and details for plot thinning and coppicing operations)
 - 5) Details of responsibility for the future management of the HWMCS.
 - 6) Details to cover a period of no less than 20 years or until decommission of the development

The development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the landscape value of the site in accordance with policies ENV 1, ENV 2 and ENV7 of the East Cambridgeshire Local Plan, 2015 (as amended 2023) and Policy SUT 19 of the Sutton Neighbourhood Plan (2024).

- 7 Prior to works proceeding above slab level, details of the surfacing finish of all roads serving the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety, visual and residential amenity in accordance with policies COM 7 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

- 8 Prior to works proceeding above ground level, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.

Reason: In the interests of residential amenity and highway safety in accordance with policies ENV 2, COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015 (as amended 2023).

- 9 The bird and bat boxes and hibernacula as detailed on all plans referenced:
- JBA 21-307-01 Rev H
 - JBA 21-307-02 Rev I
 - JBA 21-307-03 Rev H
 - JBA 21-307-04 Rev I
 - JBA 21-307-05 Rev I

JBA 21-307-06 Rev H
JBA 21-307-07 Rev H
JBA 21-307-08 Rev H
JBA 21-307-09 Rev H
JBA 21-307-10 Rev I
JBA 21-307-11 Rev C
JBA 21-307-12 Rev C
JBA 21-307-13 Rev C

and shall be installed prior to the first occupation of the development or in agreed phases and thereafter retained in perpetuity.

Reason: To ensure the protection and enhancement of wildlife and the habitat which supports it in accordance with policies ENV7 of the East Cambridgeshire Local Plan, 2015 (as amended 2023).

- 10 All soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details as set out on the following plans:

JBA 21-307-01 Rev H
JBA 21-307-02 Rev I
JBA 21-307-03 Rev H
JBA 21-307-04 Rev I
JBA 21-307-05 Rev I
JBA 21-307-06 Rev H
JBA 21-307-07 Rev H
JBA 21-307-08 Rev H
JBA 21-307-09 Rev H
JBA 21-307-10 Rev I
JBA 21-307-11 Rev C
JBA 21-307-12 Rev C
JBA 21-307-13 Rev C

All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity and biodiversity value of the development in accordance with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 (as amended 2023) and Policy SUT 19 of the Sutton Neighbourhood Plan (2024).

- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on drawing 482-SK-01 Revision F in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy COM 7 of the East Cambridgeshire Local Plan, 2015 (as amended 2023).

- 12 Prior to first occupation of the development, the private driveways serving each dwelling shall be levelled, surfaced in a bound material and drained and thereafter retained for that specific use.

Reason: In the interests of residential amenity and highway safety in accordance with policies ENV 2, COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015(as amended 2023) and Policy SUT 19 of the Sutton Neighbourhood Plan (2024).

- 13 The emergency vehicle link, as detailed on plan reference: 482-SK-01 Revision F shall be provided prior to the occupation of the 100th dwelling and thereafter maintained in perpetuity.

Reason: In the interests of highway safety in accordance with policy COM 7 of the East Cambridgeshire Local Plan, 2015 (as amended 2023).

- 14 The gates serving properties as denoted on the 482-SK-07 Rev G Boundary and Bin Plan shall be fitted with self-closing mechanisms where they serve shared entry with 2 or more properties, and with locks on both sides of each gate where they serve individual properties.

Reason: In the interests of creating safe environments addressing crime prevention and community safety in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and NPPF Chapter 12.

- 15 The materials to be used in the construction of the external surfaces of the development shall be either:
- a. As detailed on drawing number 482-SK-08 REV G; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

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) and Policy SUT 19 of the Sutton Neighbourhood Plan (2024).



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
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Linden Limited
C/O Bidwells
FAO Rebecca Smith
Bidwell House
Trumpington Road
Cambridge
CB2 2LD

This matter is being dealt with by:

Angela Briggs

Telephone: 01353 616307
E-mail: angela.briggs@eastcambs.gov.uk
My Ref: 19/01707/OUM
Your ref

12th April 2022

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following:

Proposal: Outline planning application for the demolition of existing buildings and erection of up to 173 dwellings and provision of land for community facilities (sports pitches and burial ground), including access (not internal roads), open space, sustainable urban drainage systems and associated landscaping. All matters reserved apart from access.

Location: Land Adjacent 43 Mepal Road Sutton Cambridgeshire

Applicant: Linden Limited

This consent for outline planning permission is granted in accordance with the application reference **19/01707/OUM** registered 7th January 2020.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

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

Plan Reference	Version No	Date Received
C5081-M-005-1	1	22nd April 2021
C5081-M-0020	3	22nd April 2021
C5081-M- 012 -001	A	12th May 2021
CSA/4405/105	G	9th December 2019
CSA/4405/107	B	9th December 2019

Archaeological Evaluation Report	9th December 2019
Noise Impact Assessment	9th December 2019
Sustainability Statement	9th December 2019
Flood Risk Assessment	9th December 2019
Phase 1 Geo-Environmental	9th December 2019
Landscape Impact Assessment	9th December 2019
Ecological Assessment	9th December 2019
Arboricultural Implications Assessment	9th December 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 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 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 4 Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy Growth 3 and COM4 of the East Cambridgeshire Local Plan, 2015. This condition is pre-commencement in order to ensure that the sports pitches comply with the site allocation requirements of Policies NP4 and NP12 of the Sutton Neighbourhood Plan.
- 5 Prior to the first occupation of any dwelling, the applicant shall be responsible for the provision and implementation of a Residential Travel Plan to be submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of cycle discount vouchers and/or bus taster tickets. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 6 Prior to first occupation of any dwelling, the applicant shall deliver the off-site pedestrian improvement works comprising:
1. Provision of a 2.5m wide footway along the northern section of Mepal Road on the western side of the carriageway from the development site access off Mepal Road to the site access junction of the adjacent development site (ref: 16/01772/FUM);
 2. 2m wide pedestrian access into the site from The Orchards, via the adjacent consented scheme (subject to land ownership confirmation);
 3. Enhancement of the uncontrolled pedestrian crossing points along the eastern footway on The Orchards in the form of tactile paving;
 4. Installation of tactile paving at the uncontrolled pedestrian crossing at The Brook/Brookside junction, on the Brookside arm; and
 5. Installation of an uncontrolled pedestrian crossing on The Brook, to the east of its junction with Pound Lane, to include dropped kerbs and tactile paving.
- Details shall be submitted to and agreed in writing with the Local Planning Authority, prior to the occupation of any dwelling, hereby approved, and the works shall be completed in accordance with the approved details.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015, and Policy NP4 of the Sutton Neighbourhood Plan, 2019
- 7 Prior to the first occupation of any dwelling, the existing B1381 Ely Road/A142/Elean Business Park roundabout shall be upgraded to include a two lane approach on the western arm for a length of 50m. Details shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be completed only in accordance with the approved details.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to first occupation of any dwelling, the existing A142/Haddenham Road (Witcham Toll) priority junction shall be upgraded, as shown in principle on drawing no. 005-1 Issue 1. Details shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be completed only in accordance with the approved details.
- 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 the occupation of the first dwelling, the access, hereby approved, shall be constructed in accordance with drawing no. C5081-M-012 001 rev A. The works shall be completed only in accordance with approved details.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015, and Policy NP4 of the Sutton Neighbourhood Plan, 2019.
- 10 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.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 11 All burials on the site shall be:

1. Outside a source protection zone 1 (SPZ1).
 2. At least 250 metres from any well, borehole or spring supplying water for human consumption or used in food production.
 3. At least 30 metres from any spring or watercourse not used for human consumption or not used in food production.
 4. At least 10 metres from any field drain, including dry ditches.
 5. No burials shall take place in standing water and the base of the grave must be a minimum of 1 metre above the local water table.
- 11 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Policy ENV9 of the East Cambridgeshire Local Plan, 2015, Policy NP4 of the Sutton Neighbourhood Plan, 2019, National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.
- 12 Prior to the commencement of any burial ground development, a remediation strategy and risk management plan detailing any measures and ongoing groundwater monitoring that may be required in the interests of groundwater protection shall be submitted to and approved by the Local Planning Authority. The measures and monitoring specified in this plan shall be implemented as agreed.
- 12 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Policy ENV9 of the East Cambridgeshire Local Plan, 2015, Policy NP4 of the Sutton Neighbourhood Plan, 2019, National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.
- 13 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 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. 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.
- 13 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.
- 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.
- 15 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.
- 15 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.
- 16 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. No dwelling shall be occupied until the works have been carried out to serve that dwelling.
- 16 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.
- 17 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy prepared by Amazi Consulting Ltd (ref: AMA759 Rev C) dated 01 November 2019 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;

- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Full details of the maintenance/adoption of the surface water drainage system;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

- 17 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.
- 18 Prior to or as part of the first Reserved Matters application, a site-wide Biodiversity Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be based upon the Preliminary Ecological Appraisal prepared by ADAS dated 25th June 2019 and shall set out how the development will improve the biodiversity of the site and protect existing wildlife. All development shall be carried out in accordance with the approved strategy.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015, Policy NP2 of the Sutton Neighbourhood Plan, 2019, and the Natural Environment SPD, 2020.
- 19 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 19 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.
- 20 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.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 As part of a reserved matters application, details of the noise attenuation bund along the north-eastern boundary of the site, as illustrated on the development framework plan, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be completed only in accordance with the approved details, prior to the occupation of any dwelling.
- 21 Reason: To safeguard the residential amenity of future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 22 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.
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 23 As part of a reserved matters application, a full noise impact assessment shall be submitted to and approved in writing by the local planning authority. The noise impact assessment shall be based upon the Acoustics report by Hoare-Lea dated 6th November 2019 and shall set out how the development will mitigate against noise pollution from future occupiers. All development shall be carried out in accordance with the approved strategy.
- 23 Reason: To safeguard the residential amenity of future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 24 Prior to the commencement of development a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
 - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
 - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
 - d) any other steps to ensure the minimisation of waste during construction
 - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
 - f) proposed monitoring and timing of submission of monitoring reports.
 - g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
 - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
 - i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles

The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

- 24 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 25 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 25 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and Policy CC1 of the Climate Change SPD, 2020
- 26 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.
- 26 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.
- 27 Prior to the commencement of development, a strategy for the facilitation of latest technology broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, open access ducting to industry standards to facilitate the provision of a broadband service to that dwelling, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.
- 27 Reason: To ensure that the needs of future residents to connect to the internet do not necessarily entail engineering works to an otherwise finished and high quality environment, and to assist community integration, economic vibrancy and home working, in accordance with Policies ENV2 and COM6 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 to ensure that the opportunity to provide any necessary enabling works is not missed.

- 28 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.
- 28 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.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to complete the CIL Additional information Requirement Form - https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

Exemptions from the Levy are available but must be applied for and agreed before development commences, otherwise the full amount will be payable.

For more information on CIL please visit our website <http://www.eastcambs.gov.uk/planning/community-infrastructure-levy> or email cil@eastcambs.gov.uk.

- 2 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an offence to carry out works within the public highway without permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents and approval under the Highways Act 1980 and Street Works Act are also obtained from the County Council.
- 3 Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance: <https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/> www.cambridgeshire.gov.uk Chief Executive Gillian Beasley
- 4 Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.
- 5 Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction

phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

- 6 East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take 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 loose gravel/shingle driveways.

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

Each new property requires two bins; as of 1st April 2021 this contribution is set at £52 per property.

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.

7 Nesting Birds

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to August inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out and documented. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check and document the process. Only if there are no active nests present should work be allowed to commence.

- 8 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The application has been subject to pre-application advice/extensive discussion and amendments have been made that address officer concerns in regards to Highway safety and biodiversity
- 9 The Applicant should be aware that this decision is for outline only and fixes the matters of means of access . Any subsequent Reserved Matters applications must comply with the matters agreed under this permission.
- 10 This decision notice should be read in conjunction with the Section 106 Obligation dated 12 April 2022 and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Rebecca Saunt

Planning Manager

Dated: 12th April 2022

24/00892/FUL

Clovelly
116 Ashley Road
Newmarket
Suffolk
CB8 8DB

Demolition of 2 bed dwelling and replace with 3 bed dwelling

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SIO7ZCGGJ9000>





24/00892/FUL

Clovelly
116 Ashley Road
Newmarket

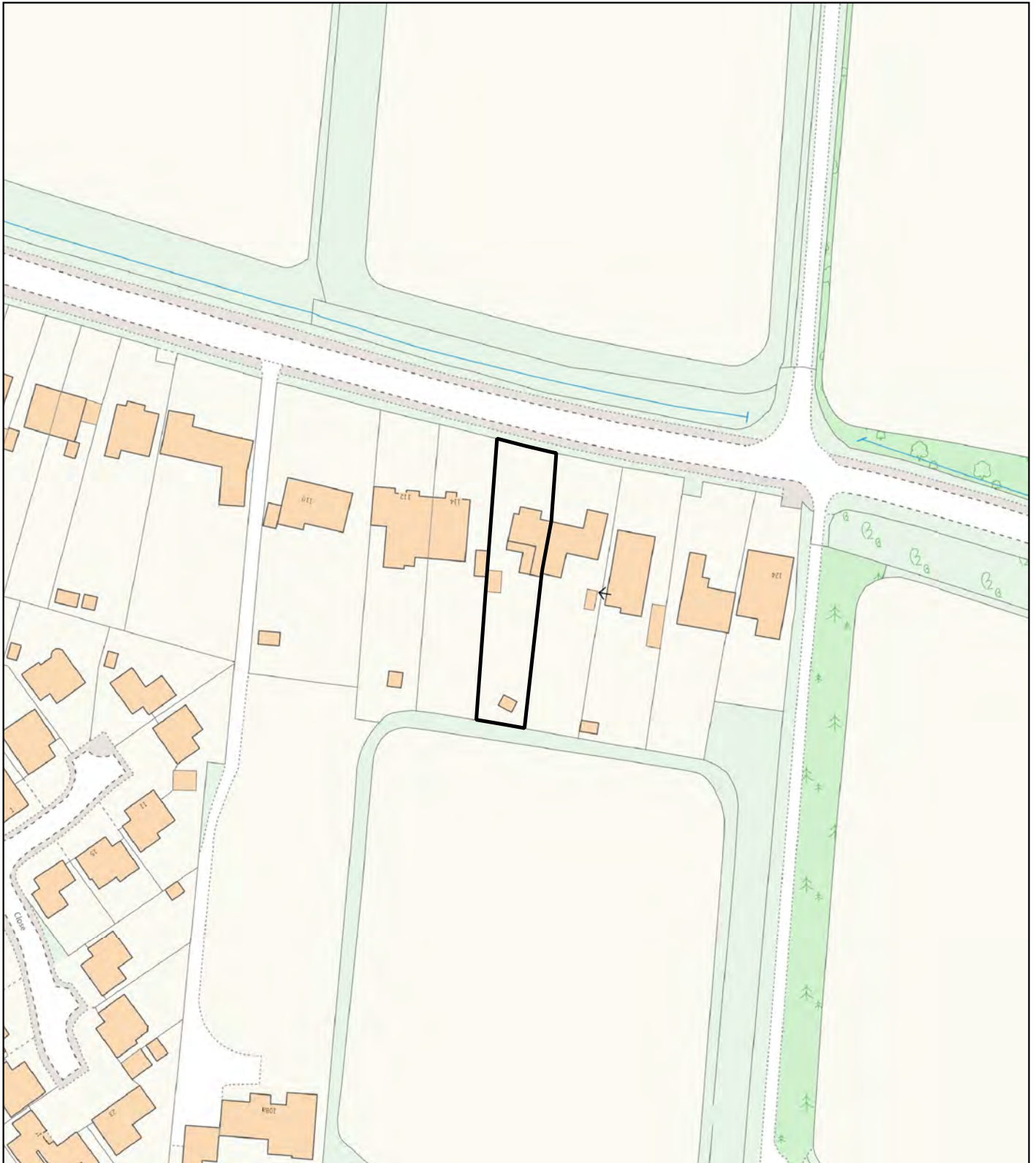


East Cambridgeshire
District Council

Date: 21/11/2024
Scale: 1:3,000



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24/00892/FUL

Clovelly
116 Ashley Road
Newmarket

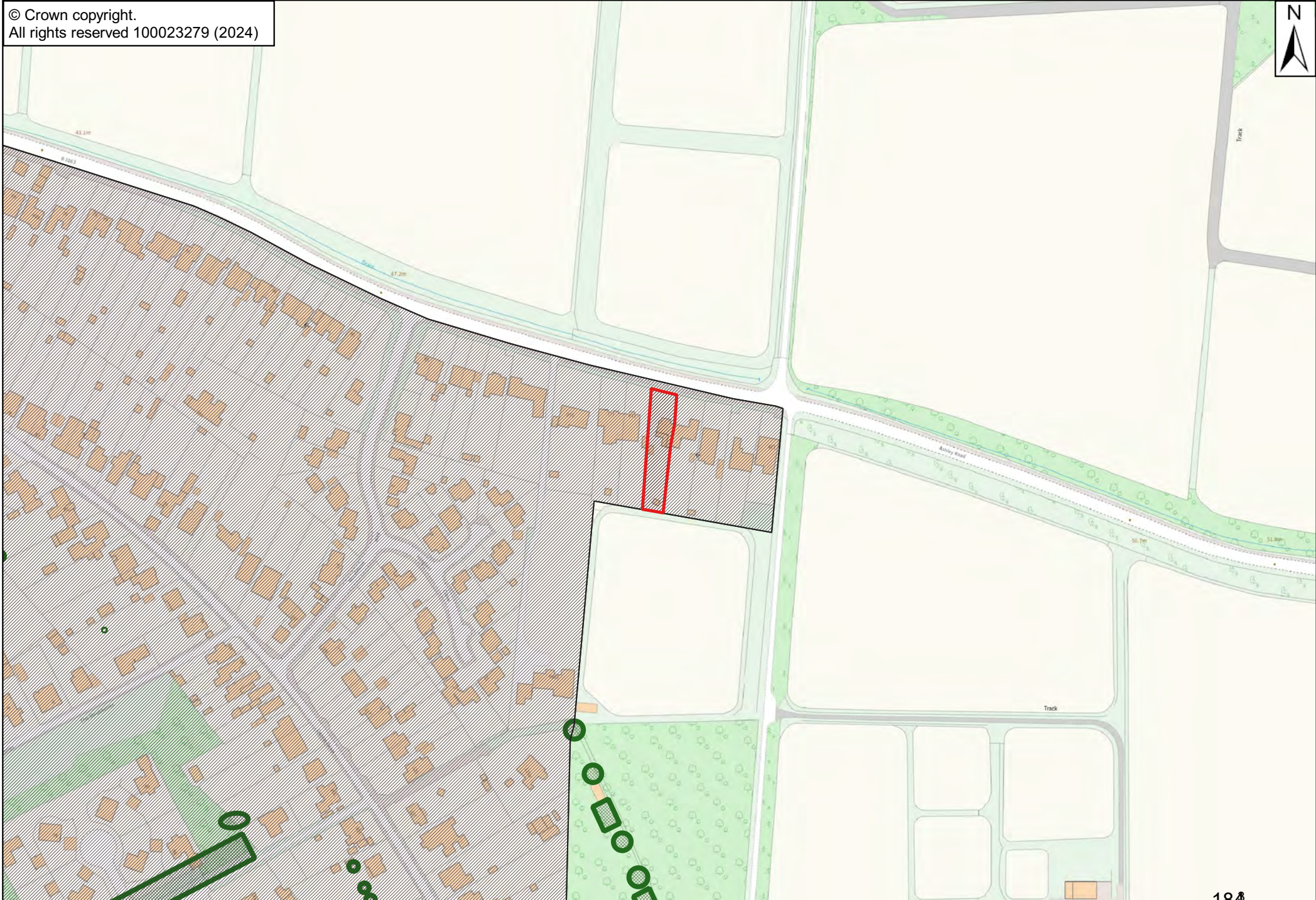


East Cambridgeshire
District Council

Date: 21/11/2024
Scale: 1:1,250



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TITLE: 24/00892/FUL

Committee: Planning Committee

Date: 4 December 2024

Author: Olivia Roberts, Planning Officer

Report No: Z116

Contact Officer: Olivia Roberts, Planning Officer
Olivia.Roberts@eastcambs.gov.uk
01353 616240
Room No 011 The Grange Ely

Site Address: Clovelly 116 Ashley Road Newmarket Suffolk CB8 8DB

Proposal: Demolition of 2 bed dwelling and replace with 3 bed dwelling

Applicant: Holly Roeder

Parish: Cheveley

Ward: Woodditton

Ward Councillor/s: James Lay
Alan Sharp

Date Received: 3 September 2024

Expiry Date: 9 December 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 Time Limit
- 3 Materials
- 4 Boundary Treatment
- 5 Demolition and Construction Hours
- 6 Ground Piling
- 7 Unexpected Contamination
- 8 Soft Landscaping
- 9 Scheme of Biodiversity Improvements
- 10 Delivery of Parking and Turning Area
- 11 Removal of Permitted Development Rights

2.0 SUMMARY OF APPLICATION

- 2.1 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/>.
- 2.2 The application seeks permission for the demolition of an existing semi-detached bungalow and the erection of a replacement semi-detached bungalow with a room in the roof space. The form of the dwelling would extend from that of the adjoining property, 118 Ashley Road, with an eaves and ridge height to match existing. The design of the dwelling includes two hipped roof projections to the front elevation and a large protection with a double gable roof form to the rear.
- 2.3 An application for a replacement dwelling at the site has previously been considered under application reference 23/00877/FUL and was presented at Planning Committee on 3 April 2024. The application was recommended for refusal by Officers due to concerns regarding the impact of the proposal on the character and appearance of the semi-detached pair and wider street scene as a result of the dwellings height, roof alignment and overall design. Members agreed with the Officers' recommendation and the application was refused.
- 2.4 In line with the Council's Constitution, the case officer has approached the Chairman and Vice-Chair to establish if the application shall be brought to Planning Committee for determination. The Chairman has requested that the application is brought to Committee to allow members to consider the impacts of the proposal on the character and appearance of the street scene.

3.0 PLANNING HISTORY

- 3.1 **23/00877/FUL**
Demolition of 1no. semi-detached bungalow and erection of replacement 1 1/2 storey dwelling
- Refused**
4 April 2024

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises an existing single storey, semi-detached dwelling at 116 Ashley Road. The site is located within the Newmarket Fringe development envelope within an existing residential area. Vehicular access is taken to the front of the site where there is also a lawned garden area. The dwelling benefits from a larger garden area and detached outbuilding to the rear.

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 website.

Parish - No Comments Received.

Ward Councillors - No Comments Received.

Local Highways Authority - 12 September 2024

Recommendation

On behalf of the Local Highway Authority, I raise no objection to the proposals.

Comments

None of the proposals included as part of this application look to materially impact the public highway.

Waste Strategy (ECDC) - 24 September 2024

- 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).
- 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.
- Each new property requires a set of receptacles; the contribution is currently £60.50 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.
- 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.

The Ely Group of Internal Drainage Board - 10 September 2024

Not within our jurisdiction.

ECDC Trees Team – 22 November 2024

No tree related objections to this application but the provision of a soft landscaping scheme should be provided by condition to aid the integration of the new development into the surrounding area.

- 5.2 A site notice was displayed near the site on 19 September 2024.
- 5.3 Neighbours – 7 neighbouring properties were notified by letter. No responses have been received.

6.0 THE PLANNING POLICY CONTEXT

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan 2015 (as amended 2023) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

6.2 East Cambridgeshire Local Plan 2015 (as amended 2023)

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 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
COM 7	Transport impact
COM 8	Parking provision

6.3 Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')

6.4 Supplementary Planning Documents

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

6.5 National Planning Policy Framework (December 2023)

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

6.6 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations which are considered to be relevant to the proposal are the principle of development, the impact on visual amenity, residential amenity, highway safety, trees, biodiversity and ecology, flood risk and drainage, contaminated land and climate change.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) (the Local Plan) provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. The hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It however allows for more limited development within villages within a defined development envelope. It continues that within the defined development envelopes, housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.

7.4 Policy GROWTH 5 of the Local Plan also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 The application site is located within the development envelope for the Newmarket Fringe. The principle of development may therefore be acceptable subject to all other material planning considerations being satisfied.

7.6 Visual Amenity

7.7 Policy ENV 1 of the Local Plan states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.

7.8 Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials, and colour of buildings relate sympathetically to the surrounding area.

7.9 Paragraphs 135 and 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

7.10 The application seeks permission for a replacement dwelling. The form and height of the proposal has been amended since the refusal of the scheme under application reference 23/00877/FUL so that the dwelling extends from the form and roof line of

the adjoining property with an eaves and ridge height to match existing. Whilst the dwelling would be of a large footprint, it is noted that the existing dwelling is of a modest scale when compared to neighbouring semi-detached dwellings, and it is not considered that the scale of the dwelling would be out of keeping with the scale of development within the street scene. The dwelling would be set in from the western boundary, maintaining access down its side elevation to the rear garden, and would provide a large driveway to the front and garden area to the rear. For these reasons, the scale of the proposal is acceptable and it is not considered that the proposal would amount to an overdevelopment of the site.

- 7.11 The dwelling would be designed including two hipped projections to the front elevation and a large double gabled projection to the rear. It is noted that this stretch of Ashley Road comprises a number of semi-detached properties, with many benefiting from projections to the front and rear of varying scales and designs. The projections to the front elevation are of a modest scale and are not considered to be out of keeping with the design of the properties within the street scene. Whilst the rear projection would be of a substantial footprint, its design and roof forms are considered to reduce the overall bulk and massing. It is not considered that this element of the proposal would appear overly dominant on the dwelling or detract from its overall design.
- 7.12 The submitted plans demonstrate that the dwelling would be constructed from facing brick and render with a tiled roof. The proposed materials are considered to be acceptable and would be in keeping with the palette of materials within the street scene. Notwithstanding, it is considered necessary for full details of the proposed materials to be secured by condition to ensure that the proposal would have an acceptable impact on the character and appearance of the area. The submitted plans also suggest that revised boundary treatments are proposed, including along the boundary to the front of the site adjacent to the highway. Details of the proposed boundary treatments are considered necessary in the interest of visual amenity and can be secured by condition.
- 7.13 Subject to the above conditions, it is considered that the proposal would have an acceptable impact on the character and appearance of the street scene and wider area in accordance with policy ENV 2 of the Local Plan.

7.14 **Residential Amenity**

- 7.15 Policy ENV 2 of the East Cambridgeshire Local Plan requires that all new development proposals will be expected to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

Neighbouring Properties

- 7.16 The dwelling would adjoin to 118 Ashley Road, with the majority of the bulk and massing running immediately alongside the built form of the existing property. Projections are proposed to the front of the dwelling. The closest extension to the shared boundary would be of a limited projection, and its set-in position is considered sufficient to prevent any harmful overbearing or overshadowing impact. No openings are proposed to the side of the projection which would prevent overlooking towards the property.

7.17 A large projection is proposed to the rear of the dwelling which would project approximately 2.6m (8.5ft) beyond the extension to the rear of the adjoining property. It is not considered that this additional projection would result in harmful overbearing or overshadowing to the property and the rear opening which is within close proximity of the boundary. Notwithstanding, it is considered that further projections to the rear of the dwelling have the potential to cause overbearing and overshadowing towards the adjoining property, and it is therefore considered reasonable to remove Permitted Development Rights for extensions. As extensions to the side of the dwelling would be restricted by the close proximity of the dwelling to the boundary, a blanket removal of Permitted Development Rights for extensions under Class A is considered reasonable in this case.

7.18 The dwelling would be located to the side of 114 Ashley Road, set in from the boundary shared with the property. Whilst the property benefits from openings to the side elevation, it is considered that sufficient distance would be retained to prevent the proposal from resulting in harm to the amenity of the occupiers by way of overbearing and overshadowing. Openings are proposed to the side elevation of the dwelling serving a bathroom, ensuite and bedroom. The nature of the bathroom and ensuite openings, together with the distance retained, is considered sufficient to prevent harmful overlooking between the two properties. The two secondary windows serving bedroom 1 would face onto the side wall of the garage to the rear of the property and are therefore not considered to allow for harmful overlooking towards the property and its private rear amenity space.

Future Occupiers

7.19 The proposal is considered to provide a high level of amenity for future occupiers in terms of the level of indoor and outdoor amenity space. It is also considered that each of the habitable rooms would benefit from a sufficient level of natural light.

Demolition and Construction

7.20 There is the potential for noise and vibration to be generated during the demolition and construction phases of the development. In order to limit such impacts to an acceptable level, conditions will be attached to the decision notice in relation to construction hours will be secured by condition.

7.21 Subject to the inclusion of the above conditions, the proposal would have an acceptable impact on the residential amenity of the existing and future occupiers, in accordance with policy ENV 2 of the Local Plan.

7.22 Highway Safety and Parking Provision

7.23 Policy COM 7 of the Local Plan states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 requires that development proposals shall provide sufficient parking to serve the development.

7.24 The proposed dwelling would utilise the existing vehicular access into the site. The Local Highway Authority have been consulted as part of the application and have

raised no objections to the proposal on the basis that the development would not adversely impact on the highway.

- 7.25 The existing driveway which runs down the side of the dwelling would be lost as part of the proposals and the block plan and proposed parking plan demonstrate that a driveway would be created to the front of the dwelling. The driveway would be of a sufficient size to accommodate at least two parking spaces with space retained for on-site turning. It is considered that there would also be sufficient space for cycle and bin storage on site. To ensure that sufficient space remains available for the parking and turning of vehicles within the site, it is considered reasonable to secure the proposed details by condition.
- 7.26 The submitted plans demonstrate that the boundary wall to the front of the site would be replaced with fencing/railings, however no further information has been provided. It is considered necessary for details of this boundary treatment to be secured by condition to ensure that adequate visibility would be retained for vehicles exiting the site onto the highway.
- 7.27 Subject to the inclusion of the above conditions, the proposal is considered acceptable from a highway safety perspective and would provide adequate parking provision in accordance with policies COM 7 and COM 8 of the Local Plan.
- 7.28 **Trees, Biodiversity and Ecology**
- 7.29 Policy ENV 7 of the Local Plan states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds. Policy ENV 1 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area.
- 7.30 Natural Environment SPD stating that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.31 The Trees Officer has been consulted on the application and has raised no concerns to the proposal. A condition requiring the submission of a soft landscaping scheme has been recommended to assimilate the dwelling into the surroundings. Whilst the application is for a replacement dwelling and a large area of the rear garden is shown to be retained, it is unclear from the submitted plans whether any changes are proposed to the existing landscaping. It is therefore considered reasonable for this to be secured by condition, particularly as there is a requirement for the application to provide a net gain in biodiversity, as discussed below.
- 7.32 The application seeks permission for a replacement dwelling and the proposal is not considered to result in a significant impact on ecology in the area.
- 7.33 The application has been accepted as being exempt from Mandatory Biodiversity Net Gain (BNG) as the proposal is for the construction of a self-build dwelling. However, national and local policies require that all development bring about ecological enhancements. It is considered that a scheme of biodiversity improvements, for example through the provision of bird nest and bat roosting boxes, together with

confirmation of soft landscaping, would be sufficient to secure an ecological enhancement given the small scale of the proposal and this will be secured by condition.

7.34 Subject to the inclusion of the above conditions, the proposal is considered to accord with policies ENV 1, ENV 2 and ENV 7 of the Local Plan and Policy SPD.NE6 of the Natural Environment SPD.

7.35 Flood Risk and Drainage

7.36 Policy ENV 8 of the Local Plan states that new development should normally be located within Flood Zone 1 and should contribute to an overall flood risk reduction.

7.37 The site is located within Flood Zone 1, where the principle of development is acceptable in flood risk terms.

7.38 The application form states that surface water would be disposed of through sustainable drainage systems and foul water via the main sewer. The means of drainage proposed are considered acceptable, and when considering the scale of the proposal which is for a single dwelling, it is considered that further details could be adequately secured through building regulations.

7.39 It is considered that an acceptable drainage scheme could be achieved at the site in accordance with policy ENV 8 of the Local Plan.

7.40 Contamination

7.41 All applications for residential development are considered to be particularly sensitive to the presence of contamination. Notwithstanding, the application seeks permission to replace an existing dwelling within the residential curtilage. The application site is therefore considered to pose a low risk of contamination. However, as a safeguarding measure, a condition regarding the reporting of unexpected contamination will be attached to the decision notice.

7.42 With the inclusion of the above condition, the proposal is considered to comply with policy ENV 9 of the Local Plan as well as the aims of the NPPF.

7.43 Planning Balance

7.44 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.45 The proposal seeks planning permission for the demolition of an existing dwelling and the erection of a replacement dwelling. The proposal is considered to have an acceptable impact on the character and appearance of the semi-detached pair, as well as the wider street scene. The proposal would not cause harm to residential amenity or highway safety and is considered to comply with all other material planning considerations.

7.46 Therefore, for the reasons outlined above, the application is recommended for approval, subject to the conditions listed below.

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 issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

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

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

Background Documents

24/00892/FUL

23/00877/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.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
AHP 116ARN 02		23rd August 2024
AHP 116ARN 04		23rd August 2024
AHP 116ARN 05		23rd August 2024
AHP 116ARN 08		23rd August 2024

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the 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.
- 3 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).
- 4 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwelling.
- 4 Reason: To safeguard the character and appearance of the area and in the interest of highway safety, in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 5 Demolition and 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.
- 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 In the event of the foundations from the proposed development requiring piling, prior to the commencement of any piling 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 (as amended 2023).
- 7 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.
- 7 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).
- 8 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (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.
- 8 Reason: To assimilate the development into its surroundings and 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.
- 9 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 10 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan AHP 116ARN 08 and thereafter retained for that specific use.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

- 11 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 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.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Planning Performance – October 2024

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.

Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Determinations	166	2	12	43	15	44	50	19
Determined on time (%)		100% (90% within 13 weeks)	58% (80% within 8 weeks)	93% (90% within 8 weeks)	100% (90% within 8 weeks)	59% (80% within 8 weeks)	100% (100% within 8 weeks)	n/a
Approved	153	2	9	39	11	44	48	n/a
Refused	13	0	3	4	4	0	2	n/a

Validations – 85% validated within 5 working days (ECDC target is 85%)

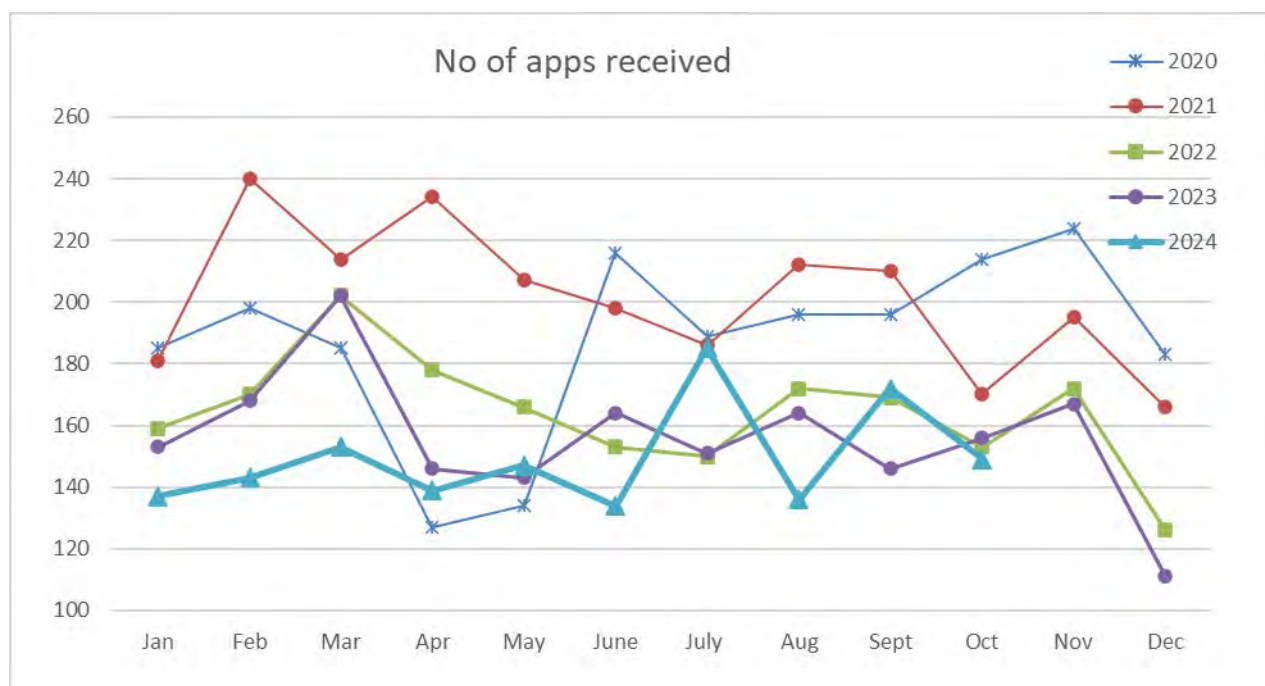
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Validations	137	2	27	25	9	24	35	15

Open Cases by Team (as at 21/11/2024)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Team North (6 FTE)	143	8	36	26	14	41	0	18
Team South (6 FTE)	217	19	38	25	24	93	0	18
No Team (3 FTE)	44	0	0	1	1	4	35	0

(No Team includes – Trees Officer, Conservation Officer and Service Development and Technical Support Team Leader)

The Planning department received a total of 149 applications during October which is 4% decrease of number received during October 2023 (156) and 13% decrease to the number received during September 2024 (172).



Valid Appeals received – 3

Planning reference	Site Address	Decision Level
24/00738/FUL	Land North East Of 1 Seventh Drove Little Downham	Delegated
ENFORCEMENT	Breach Farm Ness Road Burwell	NA
ENFORCEMENT	Old Tiger Stables House 22A Northfield Road Soham	NA

Appeals decided – 0

Upcoming Hearing dates – 2

Planning reference	Site Address	Date of Hearing
24/00300/VAR	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025
ENFORCEMENT	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025

Enforcement

New Complaints registered – 20 (0 Proactive)

Cases closed – 16 (0 Proactive)

Open cases/officer (2.6FTE) – 184 cases (18 Proactive)/2.6 = 71 per FTE

Notices served – 0

Comparison of Enforcement complaints received during October

Code	Description	2023	2024
ADVERT	Reports of unauthorised adverts	1	0
COND	Reports of breaches of planning conditions	1	3
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LEGOB	Reports of breaches of Legal Obligation (NEW CODE)	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	3
MON	Compliance Monitoring	0	0
OP	Reports of operational development, such as building or engineering works	6	9
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	1
PLAN	Reports that a development is not being built in accordance with approved plans	0	0
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	2	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	1	2
TOTAL		11	18