



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 1 November 2023

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

Enquiries regarding this agenda: Jane Webb

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Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr David Brown (Vice-Chairman)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Bill Hunt (Chairman)
Cllr James Lay

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Alan Sharp

Liberal Democrat members

Cllr Chika Akinwale
Cllr Kathrin Holtzmann
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: Simon Ellis, Planning Manager

10:10am: 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

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 4 October 2023.

4. Chairman's announcements

[oral]

5. 22/00420/RMM

Reserved matters comprising layout, scale, appearance, and landscaping for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Location: Phase 1 Millstone Park Land Adjacent to Melton Farm Newmarket Road Burwell

Applicant: Vistry East Midlands

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9VF62GGN3O00>

6. 22/00479/RMM

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 133 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Location: Phase 2A Millstone Park - Land Adjacent to Melton Farm Newmarket Road Burwell

Applicant: Vistry Homes Ltd

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAN6UWGGFUW00>

7. 23/00146/RMM

Residential development for 166 dwellings and identification of 9 self build plots, open space and associated infrastructure for previously approved 19/00717/OUM for proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

Location: Broad Piece Soham Cambridgeshire

Applicant: Persimmon Homes East Midlands

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RPO27HGGIIW00>

8. 23/00819/FUL

Change of use of land from agricultural to residential garden and installation of a summerhouse, associated works and infrastructure

Location: Homefield Westley Waterless Newmarket Suffolk CB8 0RG

Applicant: Mr K La Roche

Agent: Cheffins

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYANWFGGM5100>

9. 23/00830/FUL

Change of use of land to garden land and construction of cart lodge

Location: Pump House Factory Road Burwell Cambridge CB25 0BW

Applicant: Mr & Mrs Mead

Agent: AJS Architecture Ltd

Public access link: <http://pa.eastcambbs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RICY18GGM6Z00>

10. Planning performance report – September 2023

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-041023) (<https://www.eastcambs.gov.uk/meetings/planning-committee-041023>). 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 Democratic Services democratic.services@eastcambs.gov.uk, to **register by 10am on Tuesday 31st October**. 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 Parish/Town Council
 - 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 4 October 2023

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Martin Goodearl
Cllr Kathrin Holtzmann
Cllr Julia Huffer (substitute for Cllr Lavinia Edwards)
Cllr Bill Hunt
Cllr John Trapp
Cllr Gareth Wilson
Cllr Alan Sharp (substitute for Cllr James Lay)

Officers:

Holly Chapman – Senior Planning Officer
Simon Ellis – Planning Manager
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant
Jane Webb – Senior Democratic Services Officer
Hannah Walker – Trainee Democratic Services Officer

In attendance:

Sam Robinson, (Agent, Agenda Item 6 / Minute 35)
Fiona Talbot, (Agent, Agenda Item 6 / Minute 35)
Fraser Hall (Agent, Agenda Item 7 / Minute 36)
Parish Cllr Ian Boylett (Witchford Parish Council Representative Agenda Item 7 / Minute 36)

Lucy Flintham – Development Services Office Team Leader
Melanie Wright – Communications Officer

31. Apologies and substitutions

Apologies for absence were received from Cllrs Lavinia Edwards, James Lay and Christine Whelan.

Cllrs Julia Huffer and Alan Sharp attended as substitutes.

32. Declarations of interest

No declarations of interest were made.

33. Minutes

The Committee received the Minutes of the meeting held on 6 September 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 6 September 2023 be confirmed as a correct record and be signed by the Chairman.

34. Chairman's announcements

The Chairman made the following announcements:

- Jane Webb was welcomed to the Council as a new Senior Democratic Services Officer.
- Charlotte Elston was welcomed to the Council as a new Planning Officer.
- An email was received from Tor and Co in support of Agenda Item 5 (22/00128/FUM) only 30 minutes prior to the commencement of the planning committee; this was distributed to Members. The Chairman reminded agents, applicants, and members of the public that the deadline of 48 hours prior to committee existed to ensure that any communications received by Members would be fully considered by the Committee.

35. 22/00128/FUM – David S Smith Corrugated Limited, Fordham Road, Newmarket, CB8 7TX

Dan Smith, Planning Team Leader, presented a report (Y59, previously circulated) recommending approval of a development, subject to conditions, for an application seeking alterations and extensions to an existing packaging facility to accommodate additional corrugator, boilers, starch plant, effluent plant, reel store, pallet store, transformers, parking, landscaping, and infrastructure works.

Members were shown slides of the location, site and of the proposed development plan.

The main considerations for the application were deemed to be:

- **Principle of development** – the application site lies within the countryside where GROWTH 2 restricted development, subject to exceptions within the policy. One such exception was for the

expansion of existing businesses that accorded with Policy EMP2 and another was where sites in the countryside were specifically allocated within the Local Plan as part of allocation policy FRD8, which allowed up to 14.5 hectares of additional industrial use. The proposed development was therefore considered to comply with policies for expansion and therefore accepted in principle.

- **Visual amenity and landscape character** – the site formed part of a cluster of commercial and industrial sites which provided immediate character which was already developed and had been allocated for further development. The extensions proposed were 19,000m sq and these followed the pattern, scale, and form of the existing buildings. The separation of Fordham from neighbouring villages would not be reduced and there would be negligible effect on the wider landscape which would be improved by the proposed landscaping. The application was considered to comply with Local Plan policies ENV1 and ENV2 and Neighbourhood Plan Policies 2 and 4.
- **Residential amenity** – there was no impact on light or outlook as the proposed extensions were considered far enough from any dwellings. There was the potential to intensify noise and light impacts on the neighbours; the Environmental Health Officer had agreed that conditions for insulated cladding and a Noise Management Plan would result in an acceptable impact regarding industrial processes and associated vehicle movements. The proposal complied with Local Plan policies ENV2 and ENV9 and the Neighbourhood Plan Policy 2.
- **Historic environment** – the site was not near any designated heritage assets; with Grade II buildings sufficiently distanced that there would be no impact on their settings. The proposal complied with Local Plan Policies ENV11, ENV12 and ENV 14.
- **Highway safety**– the proposed extensions were large and would result in a modest increase of employees. The main site access would remain, but a temporary access was proposed for construction traffic. A condition would be required to widen the footway/cycle path between the site access and roundabout to achieve a cycle network connection. The proposal complied with Local Plan Policies COM 7 and COM 8 and Neighbourhood Plan Policy 11.
- **Parking provision** – current provision provided 202 car spaces with fifteen additional spaces proposed to address the projected increase in employees. Current provision provided 55 HGV bays with seventeen additional bays proposed; these would be managed via the use of loading bays and fleet operation. Six additional cycle parking spaces were also proposed; an updated Travel Plan would be secured via a condition. The proposal complied with Local Plan Policies COM 7 and COM 8 and Neighbourhood Plan Policy 11.
- **Ecology and biodiversity** – the application was supported by an Ecological Impact Assessment; the impact on designated ecological sites had been considered and accepted with no significant impact on protected species; any impact during construction would be mitigated via a Construction Environmental Management Plan CEMP. The extensions would result in the loss of one hundred trees, but a significant and enhanced scheme would secure the planting of native

plants and meadows, this included a 30-year management plan to ensure the landscaped areas remained healthy and a biodiversity scheme realised. The proposal complied with Local Plan policy ENV 7.

- **Flood risk and drainage** – the site was located within Flood Zone 1 with a very small section in Flood Zone 3, development would not extend into Flood Zone 3 and Flood Risk Assessment had demonstrated an acceptable impact in respect of flood risk. Significant negotiation had taken place with LLFA regarding drainage design, the LLFA were now content with the drainage impact, subject to condition of construction and operational phase drainage designs. Anglian Water had confirmed capacity was within the wastewater treatment facility but had requested conditions relating to the foul water drainage design; trade effluent had been dealt with under licence agreement with Anglian Water. The proposal complied with Local Plan Policy ENV 8.
- **Energy and sustainability** – the application was supported by a Renewable and Low Carbon Statement which detailed sustainability measures to be implemented: passive design (thermal performance of building materials, natural lighting, reduction of heat loss and solar gain), a roof-mounted photovoltaic array, six electric car charging points, energy efficient lighting, low-carbon energy generation employed (waste heat exchange, ASHP), intelligent building management system, rainwater harvesting and low water use fittings. The Scheme would exceed VREEAM 'very good' classification. The proposal complied with requirements of ENV 4 and Climate Change SPD.

Cllr Trapp, asked for clarification regarding the additional six electrical charge points and if any provision had been made regarding energy provision for cooling the building. The Planning Team Leader explained there would be six additional electrical charging points installed and as part of the renewable strategy, an intelligent building management system would be installed to deal with temperature control. There would also be a large photovoltaic array on the roof and the energy harvested from these would be used onsite to manage the heating and cooling systems, therefore the extent for provision for renewable energy on site was considered very good.

Cllr Wilson asked if the replacement trees would be small saplings or larger sized trees. The Planning Team Leader explained that the Tree Officer had considered a detailed planting specification which included tree pit details and the preparation measures necessary to attempt to ensure the trees took and grow as well as possible. There was a limit on how large a replacement tree could be, but the Tree Officer was content with the specifications of the proposed replacement trees; inevitably these would not be of the scale of the trees that would be lost, which were planted around 1995, therefore it would take time before the landscaping was established, but the proposed trees were of an appropriate scale. The quantum of additional planting would increase the woodland from approximately 0.2 hectare to over 1 hectare; this

was considered a substantial gain, with additional biodiversity improvements for the site.

Cllr Sharp commented that the report stated the roundabout already operated at capacity and the roundabout on the A142/Newmarket Road already operated over capacity, he asked if this was this the same roundabout referred to in the report. The Planning Team Leader stated this had been taken from the CCC transport assessment and he believed it referred to the roundabout south of the A142, but he could clarify this point if necessary. Cllr Huffer believed it was the roundabout on the A142/Newmarket Road, into Newmarket; and informed Members there would be a traffic light scheme installed to mitigate the traffic at the Hatchfield Farm development. The Planning Team Leader stated that whilst he was not currently certain as to which roundabout was referred to, it was important to note that the impact was negligible, with no objections received. Cllr Hunt reiterated that it was important to have regard to Highways statement that there would only be a negligible effect.

Cllr Sharp asked if the conditions would include the provision of proper signage regarding the new temporary access, from a road safety point of view. The Planning Team Leader stated there would be conditions put in place regarding access and the applicant would also have to enter into an agreement with the CCC Highways, which would provide the details around signage etc.

The Chairman then opened the debate. Cllr Brown welcomed the confidence the applicant had in the local area, and he was totally supportive of the plans to extend the factory. He proposed the Officer's recommendation for approval should be accepted. Cllr Akinwale seconded the proposal and commended the scheme, especially with the introduction of electric car charging points and employment opportunities.

Cllr Ambrose Smith also stated the application was commendable, well thought out and an attractive location. Cllr Huffer agreed and highlighted the further job opportunities and improved cycleways between the site and Fordham, therefore she fully supported the application. Cllr Trapp supported the application and stated the replanting scheme would be far more pleasant than the loss of copse, although there was a missed opportunity to not use the railway/branch line to transport some of the packaging rather than the use of HGVs. Cllr Sharp fully supported the application.

Cllr Hunt stated that in the past applications from DS Smith had exceeded any obligations and were therefore very worthy on employment and other grounds and he therefore fully supported the application.

The Planning Team Leader reminded Members of the written update circulated to Members prior to the meeting, of minor amendments to conditions in respect of ecological mitigation for the construction phase and post construction phase to clarify timings.

It was resolved unanimously:

- That planning application ref 22/00128/FUM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report as amended by the Planning Committee update sheet.

36. **23/00737/FUL – 30-36 Market Street, Ely, Cambridgeshire CB7 4LS**

Holly Chapman, Senior Planning Officer, presented a report (Y60, previously circulated) recommending demolition of outbuildings, approval of an application seeking the demolition of outbuildings, change of use of cold store to form one flat, erection of two dwellings, and associated works.

Members were shown slides of the location of the application site, site photographs and the proposed development.

The main considerations for the application were deemed to be:

- **Principle of development** – the application site was within the development envelope for Ely, with the principle of back-land development considered acceptable, based on a contextual analysis. There was no conflict to Policy COM 2 regarding loss of retail floor space as this was protected and retained as part of the proposal. The proposal would remain liable with contributions in line with Policy GROWTH 3.
- **Residential amenity** – the Market Street properties lie to the south of the development with a good level of amenities retained for the prospective occupiers of the proposed flats and existing dwellings and for the prospective occupiers of the Market Street properties. The proposal complied with Policy ENV 2 and the NPPF. The proposed dwellings would not benefit from their own amenity space but from a shared courtyard; but given the city centre location, this was considered acceptable, as well as the accessibility to other forms of open spaces.
- **Residential amenity - Woolpack Yard Development** – the previous scheme had been refused at the December planning committee based on the impact upon the residential amenity of the Woolpack Yard development, in terms of the scale of the development and the proximity to the occupiers. The impacts had now been addressed under the revised scheme, which provided a much lower scale development, set further away and was now on a more domestic scale. The existing outbuildings within the site were also removed and overall development was considered to comply with Policy ENV 2 and NPPF.
- **Character, appearance, and heritage** – the site was an amalgamation of different uses and outbuildings, having been a product of history and time. The proposal would result in a formalisation of the site and a net enhancement to the conservation area; this had been echoed by the Council's Conservation Officer.

There had been no objections regarding archaeological heritage, subject to the provision of an appropriate Written Scheme of Investigation (WSI). The proposal was compliant with Policies ENV 1, ENV2, ENV 11, ENV 14 and HOU 2, Design Guide, Ely Conservation Area Appraisal and the NPPF.

- **Highways parking and access** – the residential scheme was proposed to be a car-free development; this was allowed for within policies of the Local Plan, particularly where this would benefit the character and flexibility of the area, such as conservation areas. This was also considered acceptable due to the properties only having one bedroom and their proximity to the city centre. The four car spaces on site were retained for existing commercial use. There had been no objections received from the highways authority and there would be no significant increase in vehicle movement regarding waste collection and deliveries. There were several existing dwellings and flats around the location, and it was considered the existing arrangements would be recreated for the proposed development.
- **Other material matters** – the proposed development was acceptable regarding biodiversity, ecology and tree impacts, flood risk and drainage impacts, contamination, and pollution impacts. Climate change impacts, were acceptable, subject to the imposition of appropriately worded conditions, as set out in the report.

On the invitation of the Chairman, the Agent, Sam Robinson, addressed the committee, stating he was in support of the proposal and made the following comments. The site was to the rear of 30—36 Market Street, with several outbuildings, gravel, and concrete hardstanding and with four car parking spaces. The applicant had submitted a previous application in 2021 for four new dwellings, which had consisted of a two-storey block to the west boundary and partial demolition and extension of the rear of the existing building; this had been refused at committee (following Officer's recommendation) based on an overbearing form of development. The current submitted application had brought forward a scheme significantly reduced in scale, which comprised of a single storey block, providing two 1-bedroom dwellings to the west boundary, and was sufficiently separated from the existing development to the north. There were no proposed windows facing directly towards the existing residential developments. A further studio flat was created at the rear of the existing building with a small extension. The proposals would also result in an improved landscaped and shared amenity space, secure purpose-built bin/cycle stores, and four new parking spaces which would replace the existing spaces, to include adequate space for turning. The current application had an officer recommendation of approval, as all previous planning issues had been removed. The existing gates at the site entrance would be replaced by new sliding gates, these would be set slightly back into the site, therefore the turning space adjacent to the existing parking would remain the same. Concerns had been raised relating to any impact the construction would have on the neighbours. However, a condition would be applied which required the applicant to prepare a Construction Management Plan; this Plan would allow the local authority to agree details of the construction to minimise the impact on

neighbours. There were two alternative vehicle rights of way into the site, one from the North and the other to the east from Market Street. Details of the Management Plan would need to be agreed with the principal contractor when appointed. Concerns also had been expressed relating to potential noise from the heat pump units and the sliding gates, but there was a 1.8 metre timber fence to the north boundary which would be extended following the removal of the brick outbuilding that would help reduce/mitigate any potential noise. The applicants were happy for a condition regarding the details of the heat pumps to be agreed if necessary, however, most modern heat pump units and sliding gate mechanisms were known to operate quietly. Sam Robinson concluded that the proposed scheme provided three new dwellings for rent, on a brown field sustainable site, with new plants and landscape, which would result in a vastly improved site. The scheme had been designed to avoid any impact on neighbours and had the Case Officer's recommendation for approval.

Fiona Talbot, the Applicant, added that her company had been renting locally for 25 years and she had never known of such a rental shortage and therefore she looked forward to having space she could rent to local people. There had been some anti-social behaviour occurring in the car park which the development would hopefully prevent, there had also been a homeless man sleeping in the car park, which had been reported and resolved by the Council, and there had been problems with people dealing drugs which also was being addressed. The development would secure and improve the car park for the local people. There was also an outside toilet servicing both commercial and shops, this would be moved inside under the new development.

Cllr Akinwale asked for clarification on how the archaeological scheme would be addressed. Sam Robinson, the Agent, explained the archaeological scheme would be dealt with as part of the conditions; there would be a need for the County Council to provide a brief for the works and then an archaeology consultant would be engaged to prepare the WSI as part of the discharge of the conditions.

Cllr Trapp asked if one of the two accesses to the site would be blocked off after completion of the development. Sam Robinson explained it was proposed to block the east access to the site, with the north entrance remaining once the construction had been completed.

Cllr Holtzmann asked if the intended cycle storage for the flats would be suitable for parking mobility scooters. Sam Robinson explained that this could be applied for under a condition as the use for mobility scooters was a possibility. Fiona Talbot stated she would be willing to provide parking/shelter for mobility scooters. Cllr Ambrose Smith added that an electric charging point may also be necessary.

Cllr Hunt asked for clarification around the provided parking spaces. Sam Robinson explained there were currently four existing parking spaces, these would be removed as the outbuildings were stripped out but would be

replaced with four new parking spaces, although these would be for the existing commercial units, not for the residential units. Cllr Hunt confirmed that for the two bungalows and one flat, there would be no parking facilities.

The Senior Planning Officer added there was a condition within Appendix 1, which secured a bin and cycle store; but as there were no details yet, there would be the potential to include the provision of a mobility scooter store. It was not a specific condition or requirement. Cllr Trapp asked if the Committee would be able to add a condition for the provision of parking for mobility scooters. The Senior Planning Officer confirmed the committee could add this as a condition, if agreed.

Cllr Huffer commented the current application was an improvement upon the previous application. The scheme would be an improvement to the outlook of the area, whilst also providing three needed single residencies. Cllr Huffer proposed the Officer's recommendation for approval of the application.

Cllr Ambrose Smith agreed that the scheme was an improvement and seconded Cllr Huffer's proposal.

Cllr Holtzmann agreed this was a better proposal, great use of ground floor space in the city centre and an improvement to the site. Cllr Holtzman proposed an additional condition, to secure one parking space for a mobility scooter. Cllr Trapp seconded Cllr Holtzman's proposal. The applicant was willing to accept this condition being added to the application.

It was resolved unanimously:

- That planning application ref 23/00737/FUL be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report together with an additional condition to secure one parking space for a mobility scooter.

37. 23/00775/FUL – Ridgeway Farm, Common Road, Witchford, CB6 2HZ

Holly Chapman, Senior Planning Officer, presented a report (Y61, previously circulated) recommending approval subject to conditions of an application seeking the erection of a dwelling and associated change of use of agricultural land to amenity land.

Members were shown a location plan and aerial views of the site, the Senior Planning Officer explained to Members that the application already had extant Class Q permission to convert the barn into a residential dwelling granted by the Planning Department in 2022. Site photos and illustrations of the proposed development were shown to Members.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was situated outside of the development envelope, and had a realistic fall-back position

established under extant Class Q consent for barn conversion into dwelling and would not result in an additional dwelling. The re-use of the rural building was generally in accordance with Policy EMP 4. The material considerations were of significant weight to warrant the departure of the Development Plan, considering Class Q consent. In addition, the curtilage would be enlarged as the building would function as a dwelling.

- **Character, Appearance and Heritage** – the site was a complementary form of development that would protect and enhance the character and appearance of the immediate and wider countryside. The stable block would be retained for use as an incidental outbuilding, and permitted development rights would be removed.
- **Residential amenity** – the application would provide a good level of residential amenity for prospective occupiers of the proposed dwelling and the dwelling to the east.
- **Highways, Parking and Access** – the site would benefit from an existing access, there was no objection from the local Highways Authority, and there was sufficient parking on site.

In summary, the Senior Planning Officer recommended the application for approval, subject to the imposition of appropriately worded conditions. She recognised that the application was a departure from the Development Plan, but the Class Q consent established under permitted development rights were a material consideration of significant weight to warrant this departure.

The Chairman invited Fraser Hall, the Applicant's Agent, to address the Committee. Mr Hall welcomed the Officer's recommendation for approval and stated he was happy to answer questions from Members.

In response to a question from Cllr Huffer, it was reported that the Class Q prior approval was applied for and granted in 2022. Cllr Holtzmann queried the use of energy efficiency in the application. Mr Hall explained that the development was a change to residential use, which would improve the landscaping and character of the site. He highlighted that there had been some Building Regulation changes, however, the application submitted included standard construction requirements.

The Chairman invited Ian Boylett from Witchford Parish Council to address the Committee. Mr Boylett emphasised that he was concerned that the Class Q had been incorrectly approved, that the application was not compliant with the Witchford Neighbourhood Plan and was outside of the development envelope. He queried whether the Class Q applied to a change of use to a dwelling, rather than to convert to a dwelling. Mr Boylett asked Members to uphold the Witchford Neighbourhood Plan and refuse the application.

In response to a question from Cllr Trapp, it was confirmed that Witchford Parish Council agreed unanimously that the application did not comply with the Witchford Neighbourhood Plan.

The Chairman invited further comments from the Case Officer, followed by questions from the Committee Members. She informed Members that the application was a full application. It was not bound by the same requirements of the Class Q permitted development right that was set at the national level, and which included capability of conversion as a key test. The Class Q consent established the principle of a residential development within the application site, but otherwise stood alone.

Policy WNP SS1 and Growth 2 apply to the consideration of the application, but the Class Q consent is a material consideration which is considered to warrant a departure from these policies. Class Q was validated in June 2022 and approved in September 2022; therefore, the applicants would have 3 years to deliver a replacement dwelling.

Cllr Wilson queried the stable block on the site and whether it would be incorporated into the garden or whether it would have any restrictions. The Senior Planning Officer confirmed that the stable building would be considered as an incidental outbuilding to the main dwelling, and a restriction upon the creation of any additional outbuildings was included in the conditions.

Cllr Trapp queried the Planning Statement in paragraph 5.1 of the Officer's report which advised that the agricultural building would be demolished, and an adjacent agricultural building would be relocated as part of the proposal. The Senior Planning Officer advised that the barn in question was just outside of the red line and was not included within the application. Any changes to the barn would either need to be made as part of the Applicant's available permitted development rights or another planning application.

In response to a question from Cllr Sharp, it was explained that the Class Q permitted development right allowed for a conversion of a barn but not extensions. The proposed dwelling would lead to a slightly bigger footprint than the barn it was replacing but would be narrower than the actual barn.

In response to a query from Cllr Huffer, it was confirmed that the criteria for Class Q had been in place from 2013.

The Chairman then opened the debate. Cllr Ambrose Smith proposed the Officer's recommendation, seconded by Cllr Akinwale. Cllr Ambrose Smith commended the Senior Planning Officer's detailed report.

Cllrs Holtzman, Huffer, Sharp and Trapp expressed their concerns regarding the Class Q approval on the development. They acknowledged the concerns raised by Witchford Parish Council, and how the barn had not been used but had Class Q approval to convert into a residential dwelling.

The Chairman reminded Committee Members if they wished to refuse the application then they must decide on the planning reasons. In response to a question raised by Cllr Holtzmann, the Planning Manager advised Members

that for a legitimate reason to refuse, they must consider all material considerations, the development was for a replacement of an existing building and the Policy WNP SS1 of the Witchford Neighbourhood Plan did not include details for existing buildings. In addition, the Local Plan EMP 4 would allow for a replacement building in the countryside.

In response to a query raised by Cllr Goodearl, the Planning Manager emphasised that even though the site was situated outside of the development envelope, this would not be considered a new dwelling, but a replacement to an existing dwelling.

Cllr Wilson acknowledged that the applicant could implement their Class Q consent, and then apply for replacement dwelling in the future. He expressed that the replacement dwelling would be a significant improvement upon the existing building, and an improvement to the countryside, and that the proposals would provide an improvement to the garden to the front of the dwelling. He accepted the Officer’s recommendation for approval and seconded the proposal to accept the Officer’s recommendation.

It was resolved with 5 votes in favour, 3 votes against and 2 abstentions:

That planning application ref 22/00775/FUL be APPROVED subject to the conditions detailed in Appendix 1 of the Officer’s report.

38. Planning performance reports – August 2023

Simon Ellis, Planning Manager, presented a report (Y62, previously circulated) summarising the performance of the Planning Department in August 2023.

Cllr Trapp queried the wording ‘quashed’ used within the report. The Planning Manager explained this would mean the case was totally dismissed and did now not exist.

It was resolved unanimously:

That the Planning Performance Reports for August 2023 be noted.

The meeting concluded at 4pm

Chairman.....

Date.....

22/00420/RMM

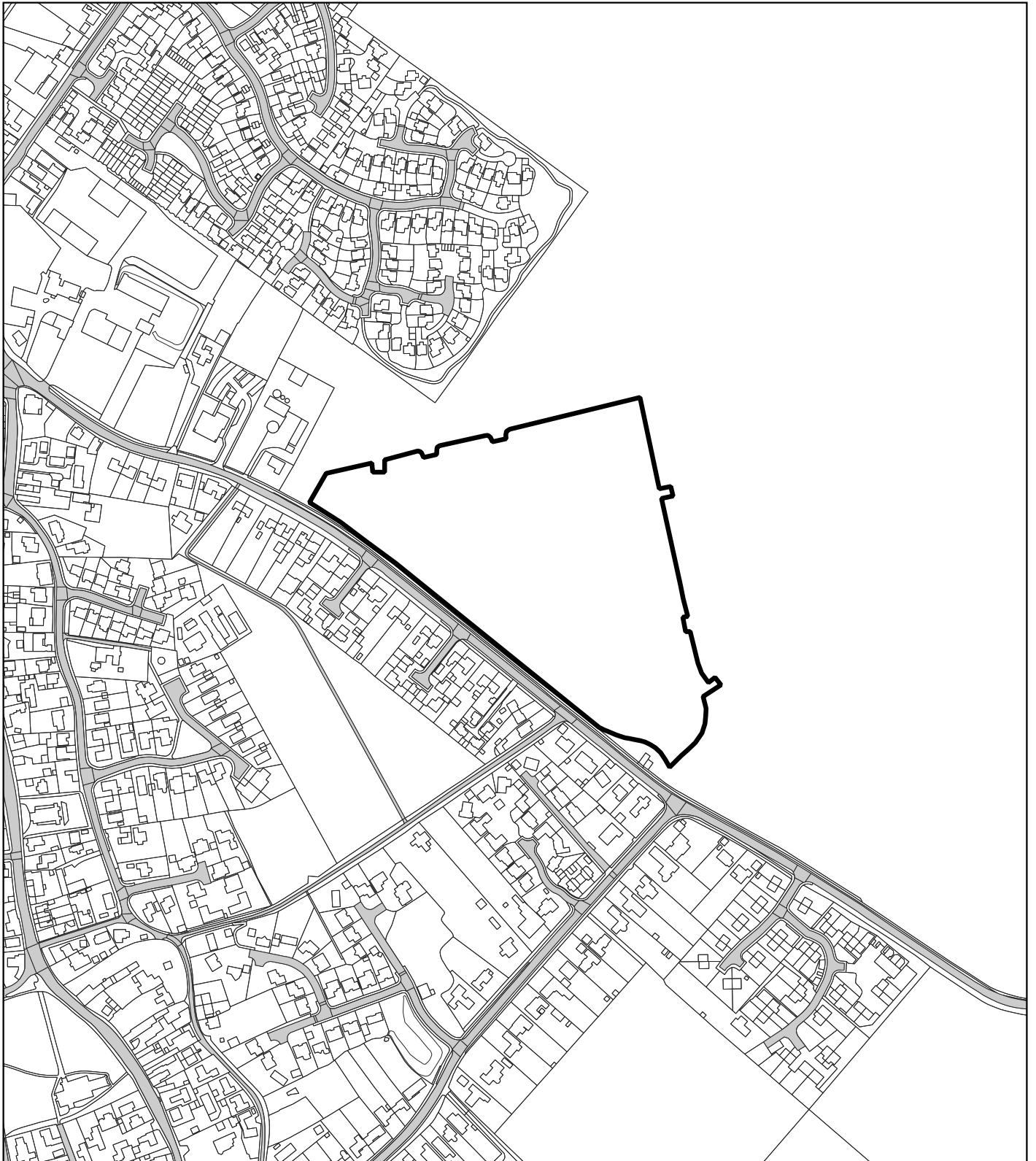
Phase 1 Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell

Reserved matters comprising layout, scale, appearance and landscaping for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9VF62GGN3O00>





22/00420/RMM

Phase 1 Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell



East Cambridgeshire
District Council

Date: 13/10/2023
Scale: 1:4,500



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TITLE: 22/00420/RMM

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Team Leader

Report No: Y73

Contact Officer: Dan Smith, Planning Team Leader
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Site Address: Phase 1 Millstone Park Land Adjacent To Melton Farm Newmarket Road Burwell

Proposal: Reserved matters comprising layout, scale, appearance and landscaping for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Applicant: Vistry East Midlands

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 5 April 2022

Expiry Date: 10 November 2023

1.0 RECOMMENDATION

1.1 Members are recommended to GRANT DELEGATED POWERS TO THE PLANNING MANAGER TO APPROVE the application once the drainage condition (condition 16) on the outline permission has been discharged and subject to the recommended conditions summarised below (with any minor changes delegated to the Planning Manager). The conditions can be read in full on the attached Appendix 1 of this report.

- 1 Approved Plans
- 2 Materials

- 3 Hard surfacing
- 4 Landscaping Implementation, Management and Timescales
- 5 Lighting
- 6 Solar Panels
- 7 Boundary Treatments
- 8 Cycle Storage
- 9 Biodiversity
- 10 Archaeological Interpretation
- 11 Access, Parking and Turning
- 12 Pedestrian Visibility Splays
- 13 Restriction on Gates
- 14 Remove Permitted Development Rights for Carport Conversion
- 15 Scheme and timescale for reinstatement of sales unit to garage

2.0 BACKGROUND

- 2.1 This application was previously referred to Planning Committee on 2 August 2023. The previous version of the scheme was recommended for approval by officers. At that August meeting Planning Committee resolved unanimously that the application be deferred to allow the applicant to work with Officers to make amendments to the scheme to address the issues that Committee had identified. The stated issues were overdevelopment, lack of sufficient 1-bed and 2-bed houses and lack of sufficient green space within the proposed development. Visitor parking had also been raised as an issue within the debate portion of the consideration of the item, although it was not stated as a concern in the resolution on which committee voted.
- 2.2 Since that meeting, the applicants have made revisions to the scheme to address the concerns of members of the Planning Committee and consultations have been undertaken with relevant consultees where the changes might have affected their previous comments. Further minor changes have since been made to address the LHAs comments on the revised layout.
- 2.3 This report is intended to update members on the amendments made since the August Committee, the subsequent consultation responses and sets out the officer recommendations in respect of the revised scheme. It should be read in conjunction with the August Committee report [‘the previous report’] which can be found at Appendix 2. The Decision Notice for the original outline application to which this reserved matters application relates can be found at Appendix 3.

3.0 SUMMARY OF AMENDMENTS TO THE APPLICATION

- 3.1 Since the scheme was considered by committee in August, the application has been amended to remove five dwellings, meaning the scheme now proposes 138 dwellings. Of those 138 dwellings, 40 are affordable homes and 98 are market.
- 3.2 The mix of market dwellings has also been significantly revised to provide more 2 bedroom dwellings and fewer larger 4+ bedroom dwellings as follows:

Bedrooms	Previous Scheme nos.	Previous %	Current Scheme nos.	Current %
1	0	0	0	0
2	2	2	15	15
3	48	48	49	50
4+	51	51	34	35

- 3.3 Parts of the layout of the scheme have changed to accommodate the above revisions as well as to provide a further eight visitor parking spaces (26 total) and additional open space and landscaping. In particular, the central open space area has been approximately doubled in size and other street frontages have been widened to accommodate additional verge and street tree planting. Drainage details have also been updated to reflect the revisions.
- 3.4 While the Phase 3A land is not within the applicants' control, the applicants have provided an indicative layout for that phase to illustrate how the balance of dwellings from the outline approval could be provided following approval of the current Phase 1 application and the Phase 2A application which is also under consideration.
- 3.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>.

4.0 RESPONSES FROM CONSULTEES ON THE AMENDED SCHEME

- 4.1 Responses were received from the following consultees in respect of the most recent amendments as summarised below. The full responses are available on the Council's web site.

Burwell Parish Council – 12 October 2023

The PC states it is pleased that ECDC and the developers are working together to achieve the best outcome. The Council has no objections to the revised plans and hope that work can start on the site as soon as possible.

Local Highways Authority – 6 October 2023

Noted that the car parking for revised Plot 86 clashed with the pedestrian transition on/off the shared surface street and needed to be redesigned. Also stated that the site plan implies zebra style crossings between Plot 119 and the POS and between Plots 92 and 138. While confirming that the crossing locations were acceptable the LHA noted that they would need to be unmarked uncontrolled crossings. Noted that there was some discrepancy between the tree planting locations shown on site and landscaping plans.

Local Highways Authority – 12 October 2023

Confirmed that the further revisions to address its comments regarding Plot 86 were acceptable.

Lead Local Flood Authority – 19 October 2023

Confirms that the revised layout would have a negligible effect on surface water drainage and it does not need to make further comments on the Reserved Matters application.

Housing Section – 11 October 2023

States it supports the above application as it will deliver the required amount of affordable housing on site and will meet the required tenure of 70% rented and 30% Intermediate Housing in accordance with the approved s106 agreement. Noted that the 3-bedroom Elmslie house type, while complying with the bedroom sizes necessary to delivery the required occupancy level of 5 persons, does not comply with the minimum overall floor area set out in the Nationally Described Space Standards. However, noted that the floorspace was approximately 93% of the NDSS which exceeds the Homes England requirement meaning it would be unlikely to be problematic for a registered provider to take on.

ECDC Trees Team – 9 October 2023

Stated that the soft landscaping scheme remains acceptable.

5.0 THE PLANNING POLICY CONTEXT

5.1 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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

5.2 *East Cambridgeshire Local Plan 2015 (LP)*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing Mix
HOU 2	Housing density
HOU 3	Affordable Housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings

ENV 14	Sites of archaeological interest
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision
BUR 1	Housing allocation, land off Newmarket Road

5.3 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*
Policy 14 Waste management needs arising from residential and commercial development

5.4 Supplementary Planning Documents (SPD)
Design Guide – Adopted March 2012
Flood and Water – Adopted November 2016
Contaminated Land - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013
Natural Environment SPD – Adopted September 2020
Climate Change – February 2021

5.5 *National Planning Policy Framework 2019 (NPPF)*
Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

5.6 Planning Practice Guidance (PPG) and National Design Guide (NDG)

6.0 PLANNING COMMENTS

6.1 As per the previous report, the main planning considerations in this case are the principle of the development, housing mix, layout, scale and appearance, landscaping, residential amenity, historic environment, energy and sustainability, biodiversity and ecology, and flood risk and drainage.

6.2 Principle of Development

6.3 The previous report confirmed that the wider site is allocated for residential development and benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. The revisions to the scheme have no impact on the acceptability of the principle of development subject to the detail of the scheme according with the outline permission and other development plan policies as assessed below.

- 6.4 On that basis, the principle of development is acceptable in accordance with LP policies GROWTH 2 and BUR 1.
- 6.5 Housing Numbers and Mix
- 6.6 *Housing Numbers*
- 6.7 As detailed in the report for the previous scheme, the outline application approved up to 350 dwellings across the wider site in three parcels broadly equal in area. The current reserved matters application initially sought 150 of those dwellings in phase 1. After officers raised concerns in respect of the balance of the housing delivery across the wider site and the potential issues with the holistic character of the wider development, seven dwellings were removed from the scheme. In recommending approval of the previous scheme, officers expressed concern regarding the balance of housing across the wider site and the challenges the proposed numbers had introduced in terms of achieving a high-quality layout and design for the parcel. In considering the previous scheme, members suggested that the scheme was an overdevelopment of the parcel and expressed concern regarding the remaining parcel and holistic development of the site.
- 6.8 The revised scheme has removed a further five dwellings from the scheme (and a further five have been removed from the Phase 2A scheme). In respect of the design on the Phase 1 parcel, this has allowed significant benefits to be achieved in respect of the layout including more street landscaping a substantially increased central open space and additional visitor parking provision.
- 6.9 In respect of the wider site, the revisions to the numbers proposed for both Phase 1 and Phase 2A would leave a balance of 79 dwellings to be provided on Phase 3 under the outline permission. No information has been provided by the master developer for the site (This Land) regarding how the remainder of the housing might be delivered on Phase 3. As part of the revisions for the current application, the applicant has provided a layout plan for Phase 3 showing one way in which the phase could be delivered. It is considered that the plan demonstrates, in principle, that the lowering of the densities on Phases 1 and 2A and the raising of the density of Phase 3, would allow the remaining 79 dwellings to be provided in a way that could achieve a cohesive scheme across the wider site. As suggested in the previous report, Phase 3 of the development is likely to benefit from being at a slightly lower in density with a looser layout as it is the phase which will border most closely the open countryside. Phase 3 also contains the self-build plots for the wider site which generally benefit from larger plots Additional public open spaces and structural landscaping could also be provided on Phase 3 which would enhance the countryside edge of the site while still allowing space for a less dense development to come forward.
- 6.10 The reduction in numbers and the additional work undertaken by the applicant in respect of a potential option for the delivery of Phase 3 have given officers increased confidence that that entire outline permission could be delivered holistically. Officers therefore recommend that the issue of the imbalance of numbers across the wider site has been addressed. Further consideration of the additional benefits of the reduction in numbers on Phase 1 is provided in the Design section below.

6.11 *Market and affordable housing split*

6.12 Of the 138 dwellings proposed, 40 are provided as affordable units which broadly accords with the s106 requirement on the outline permission to provide affordable dwellings at a rate of 25% for the first 100 dwellings on Phase 1 and 40% on the remainder on the phase. Strictly the provision is slightly below the requirement based on rounding protocol as 40 dwellings results in a 25% provision of the first 100 dwellings and a 39.5% provision against the remainder of the phase. However, the provision of 40 dwellings is the nearest whole unit to achieving the required provision and the very slight under-provision is not considered to cause any material harm. The s106 allows for very minor adjustments in the required provision to be agreed in writing which would be done should committee resolve to grant powers to approve the application. On that basis, the application is considered to provide an acceptable level of affordable housing.

6.13 *Market Housing Mix*

6.14 LP policy HOU 1 requires that housing developments 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. The outline permission was subject to a condition which requires reserved matters applications to provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission.

6.15 As detailed above, in direct response to members' concerns regarding the mix of market housing in the scheme, the applicant has significantly increased the numbers of 2-bedroom dwellings, from two dwellings to 15 dwellings and has significantly reduced the number of larger 4+ bedroom dwellings, from 51 dwellings to 35 dwellings. The market mix indicated by the SHMA and as now proposed in the scheme is as follows:

Bedrooms	SHMA Min %	SHMA Max %	Current Nos.	Current %
1	0	10	0	0
2	20	30	15	15
3	40	50	49	50
4+	20	30	34	35

6.16 The market mix as proposed now much better reflects the SHMA when compared to the previous scheme. The percentage of 3-bedroom dwellings is in line with the upper end of the SHMA range. The percentage of 2-bedroom dwellings is now 5% under the lower end of the SHMA range and the percentage of 4+ bedroom dwellings is 5% over the upper end of the SHMA range. Given the flexibility within the SHMA, as well as the justifications previously provided by the applicant in respect of the desire for additional rooms to allow home-working and multi-

generational living it is considered that the proposed market housing mix is justified and acceptable under policy HOU 1 in this instance.

6.17 *Affordable tenure and mix*

6.18 The application proposes 40 affordable dwellings, 28 of which would be affordable rent and 12 of which would be shared ownership. This is a 70:30 split and reflects the desired 70:30 tenure split as required by the s106 agreement on the outline permission. The Council's Housing Strategy Team has confirmed it is happy with the proposed tenure of the scheme.

6.19 The mix requirement for affordable housing indicated in the SHMA and as proposed in the current scheme is as follows:

Bedrooms	SHMA Min %	SHMA Max %	Current Nos.	Current %
1	15	25	6	15
2	35	45	19	47.5
3	25	35	12	30
4+	5	15	3	7.5

6.20 This mix is considered to be acceptable, only diverging from the SHMA in respect of a slightly higher provision of 2-bedroom dwellings and the Council's Housing Strategy Team has confirmed it is content with the mix.

6.21 As part of consultation responses on the previous scheme, the Housing Strategy Team requested that the Elmslie house type be revised to allow for a maximum occupancy of 5 people as opposed to the maximum occupancy of 4 people that the previous design allowed. Previously the applicant declined to make those amendments. The revised scheme has been amended to provide adequate bedroom sizes to meet the requirements of a 3-bedroom 5-person unit. While the floor space is below the NDSS for that size of house, the Housing Strategy Team is content that the scheme now achieves the desired occupation levels in respect of the affordable housing provided.

6.22 The timescales for the provision of affordable housing and the securing of that provision in the long-term are secured by the s106 obligation pursuant to the outline permission.

6.23 On the basis of the above, the proposed affordable housing is considered to be acceptable in respect of its quantum, tenure and mix in accordance with the requirements of LP policy HOU 3.

6.24 Design

6.25 The application seeks the approval of the reserved matters of layout, scale, appearance and landscaping. The outline permission requires via condition 4 that the development be carried out in accordance with the development framework drawing approved at that stage.

- 6.26 LP policy ENV 1 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 6.27 LP policy COM 7 requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Policy COM 8 requires development proposals to provide adequate levels of car and cycle parking and that the provision be made broadly in accordance with the Council's adopted standards.
- 6.28 *Layout and Landscaping*
- 6.29 The previous layout of the scheme had been through several iterations since it was initially submitted in response to feedback from the case officer, urban designers and the Local Highways Authority. At August committee, members expressed further concerns regarding an over-development of the site, lack of landscaping and open space and the level of visitor parking provided by the layout.
- 6.30 The number of dwellings has been reduced by five and there has also been a move to use more smaller dwellings as detailed above. This has led to a reduction in density within the scheme, with the net density on the parcel now ~32 dwellings per hectare (~13 dwellings per acre). This density is considered to be acceptable both in terms of the character created within the parcel and also in respect of its relationship to existing residential streets and neighbourhoods adjoining the wider site.
- 6.31 In reducing the number of dwellings proposed and moving towards more smaller dwellings, additional space has been created within the parcel which has allowed the creation of a larger central open space area and the setting back of dwellings from some frontages to allow additional street tree planting.
- 6.32 The central open space has more than doubled in size from 425m² to 900m². This allows for a higher quality open space area with additional landscaping and a more useable space for residents of the homes on the parcel. The street landscaping has also been improved – additional space for frontage tree planting along the secondary spine road on the north of the parcel has been achieved and landscaping on the north-south concentric streets has also been given more space and improved. Most markedly, the main street off the primary spine road has been provided with additional space for landscaping which has allowed street trees to be provided on verges along both sides of the entrance and for wider wedge shaped verges to be provided in front of plots 114 to 117 which will create a stronger landscaped character within the street. These improvements to the landscaping of the main street will help visually connect the central open space area with the open

sports pitches to the east helping to bring a green character into the centre of the parcel.

- 6.33 The LHA has confirmed that the road layout is acceptable in respect of highway safety and adequate access is provided for waste collection vehicles to access the site and turn within it providing acceptable arrangements for waste collection. The applicant has addressed the LHAs minor concern regarding the road and parking layout in respect of plot 86 and has clarified plans by removing any confusion regarding the type of crossing to be provided on internal roads.
- 6.34 In order to address members previous concerns regarding the extent of visitor parking, the unallocated visitor spaces on the phase have been increased in from 18 to 26 spaces. This is an increase in ratio from approximately 1 space per 8 dwellings in the previous scheme to approximately 1 space per 5 dwellings in the revised scheme. This visitor parking provision complies with the requirements of policy COM 8 which sets an 'up to' level of provision of 'up to 1 space per 4 dwellings and significantly increases the parking provision against what was originally considered. Furthermore, there is also an over-provision of allocated parking spaces in the scheme with some dwellings having three or four spaces allocated. This leads to an over-provision of allocated parking spaces on the parcel of 51. Taken together it is considered that the extent of parking now proposed for the parcel is adequate to accommodate the day-to-day needs of residents and their visitors.
- 6.35 The provision of car and cycle parking would be secured by condition. The proposed development is therefore considered to be acceptable in respect of its impact on highway safety and parking provision in accordance with LP policies COM 7 and COM 8.
- 6.36 *Scale and Appearance*
- 6.37 The scale of dwellings in the previous scheme was considered acceptable with the two and a half storey dwellings used on the outward facing edges of the parcel to provide an increased presence onto open space and on corner plots on the Newmarket Road frontage to improve the legibility of the streets and assist in wayfinding. The majority of dwellings on the internal roads within the scheme are two storeys in height. Notwithstanding the move towards a larger number of 2 and 3 bedroom properties, the heights of the dwellings has not significantly changed in the revised scheme, save for the introduction of two additional market bungalows are proposed on plots 44 and 46 in addition to the two affordable dwellings previously proposed. The scale of the dwellings remains acceptable and the introduction of the limited additional bungalows is not considered to significantly alter the character of the central part of the parcel and will provide additional variety of housing provision.
- 6.38 The appearance of the house types previously proposed was the product of negotiation and amendment where significant changes had been made to the appearance of the dwellings over the course of the application to ensure the development reflects the context of Burwell and that the dwellings are of a good design quality generally. The housetypes proposed in the revised submission are largely the same and where new housetypes have been introduced they are considered to be of a similar character. The appearance of the development is

therefore considered acceptable in respect of the need to build dwellings of high quality which reflect and reference the character of Burwell.

- 6.39 The materials proposed to be used also reflect the character of Burwell. Render has been incorporated on key dwellings and the primary bricks used would be gault or yellow. As recommended in respect of the previous scheme, the detail of materials and the use of solar panels would be secured via condition.
- 6.40 The revisions to the layout enabled by the reduction in the number of dwellings and the move to smaller house types has undoubtedly further improved the quality of the scheme since its original consideration by committee, particularly in respect of the density of development, the quantum and quality of landscaping and the extent of parking provision. The development is therefore now considered to be of a high quality of design and accords with LP policy HOU 2 in respect of the housing density and LP policies ENV 1 and ENV 2 and the design guide SPD in respect of its layout, landscaping scale and appearance.
- 6.41 Residential Amenity
- 6.42 None of the revisions to the scheme are considered to have any significant impact on the amenity of the existing residents of Burwell which was considered acceptable in the consideration of the previous scheme.
- 6.43 The revised layout and design of the dwellings continues to afford occupants an acceptable level of amenity and privacy. Back-to-back distances of 20 metres between dwellings have been achieved across the scheme and acceptable window to blank wall distances are also achieved.
- 6.44 Garden on all plots except the maisonettes exceed the standard set within the Council's Design Guide SPD of 50m². While the smaller sized gardens for the maisonettes is regrettable, there is a significant level of provision of public open space within the approved wider site and the expanded area of open space in the centre of the parcel is within easy reach of each of the maisonettes. The Design Guide states that the garden size requirement applies 'in most cases' and it is considered that the scheme complies with this requirement.
- 6.45 The allocated parking provision for dwellings is generally adequate across the scheme with each of the dwellings other than the maisonettes being provided at least two spaces. The maisonettes on site are only provided with one space, however as these are smaller units of which there are only a few, that provision is unlikely to be significantly detrimental to the amenity of the occupants of those dwellings.
- 6.46 The total number of allocated parking spaces on the scheme is 327, which gives an average provision of ~2.4 spaces per dwelling and an over-provision of allocated parking of 51 spaces. This is considered sufficient to serve the needs of future occupants of the scheme and provide an acceptable level of amenity.
- 6.47 The LHA requests that the provision of access, turning and parking spaces and the ongoing provision of visibility splays be secured. These will both be secured by condition and the former will be sufficient to ensure that parking spaces on site be

provided and retained in perpetuity. The gating of accesses and parking spaces would also be restricted by condition. Where parking is provided in car ports, as on some of the dwellings fronting the eastern spine road, permitted development rights for the conversion or alteration of those car ports would be removed to ensure ongoing adequate provision.

6.48 On the basis of the above, it is considered the development would not cause any significant harm to the amenity of current Burwell residents and that it would provide a good level of residential amenity to future occupiers of the scheme, in accordance with policy ENV 2 and the Design Guide SPD.

6.49 Historic Environment

6.50 The previous scheme was considered to be acceptable in respect of its impact on the historic environment subject to a condition securing the provision of an archaeological interpretation board would assist in the historic understanding of the site an enhance the archaeology interests of the site. The revised scheme would not significantly alter the impacts of the scheme on the historic environment. On that basis and subject to the same condition, the proposed development is considered acceptable in respect of its impact on the historic environment in accordance with LP policies ENV 12 and ENV 14.

6.51 Ecology and biodiversity

6.52 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated. The previous scheme was considered to be acceptable in respect of its impact on the ecology and biodiversity subject to a condition securing the provision of a detailed ecological enhancement scheme for the phase. The revised scheme would not impact on the potential delivery of such a scheme and on the basis that the same condition is applied, the proposed development would secure an acceptable biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.

6.53 Flood Risk and Drainage

6.54 The outline application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase. The detailed surface water scheme submitted in respect of the previous scheme which was considered satisfactory by the Lead Local Flood Authority (LLFA), has been updated as part of the revisions and the LLFA has confirmed that it remains acceptable.

6.55 As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application. As the condition on the outline application states that the condition must be discharged prior to the approval of the reserved matters application, and as that condition has not yet been formally discharged as the LLFA is considering the detailed revised scheme in respect of that condition, delegated powers are being sought to approve the application once the outline condition has been discharged.

- 6.56 The revisions to the scheme are not considered to impact on foul water drainage and the presence of a condition on the outline permission for the submission of a detailed foul water drainage scheme gives sufficient assurance that development of the site will not take place unless an acceptable foul drainage scheme is in place.
- 6.57 On the basis of the above, the development is considered to comply with the requirements to provide adequate drainage in accordance with LP policy ENV 8.
- 6.58 Energy and Sustainability
- 6.59 The previous scheme was considered to be acceptable in respect of its energy and sustainability credentials and the amendments to the scheme do not alter that conclusion. On that basis, the proposed development is considered to comply with the requirements of condition 14 of the outline permission, LP policy ENV 4 and the Climate Change SPD.
- 6.60 Other Material Matters
- 6.61 The amendments to the scheme do not have any additional impact in respect of the other material matters considered in the previous report (healthcare contributions, firefighting, footpath connection points) and the scheme remains acceptable in respect of those issues.
- 6.62 Planning Balance
- 6.63 The revised scheme is considered to accord with the outline planning permission and the development framework drawing approved at that stage and is therefore acceptable in principle.
- 6.64 Given the enhancement of on-parcel open space, which would supplement the significant areas of already approved off-site open space, it is considered that the scheme provides a high level of amenity for future residents. The impact of the scheme on the residential amenity of existing neighbours, the historic environment, biodiversity and ecology, and flood risk and drainage are also considered to be acceptable. It would also comply with the requirements of the Council's planning policies relating to energy and sustainability.
- 6.65 The revisions to the scheme, including the removal of five dwellings, the increase in open space and the addition of wider verges and increased tree planting mean the design of the scheme in respect of the detailed matters of layout, landscaping, scale and appearance, is now considered of high quality. The provision of additional unallocated parking spaces increases the provision to a level more in line with the maximum level suggested by policy and, together with an over-provision of allocated parking, would ensure that parking provision on the site is acceptable.
- 6.66 The removal of the additional five dwellings (particularly when taken together with the amendments to the Phase 2A scheme) has also mitigated previous officer concerns in respect of the balance of development across the wider site. Members also expressed concern regarding that impact on the later phase, however, on the basis of the revisions, the advice of officers is that the current schemes will now

provide a context for later phases where achieving a cohesive character across the wider site will be significantly more straightforward.

- 6.67 The mix of sizes of the market housing has been significantly revised to address members' concerns regarding the large numbers of large dwellings being proposed and the extent to which that reflected local need. The mix now proposed much more closely reflects the SHMA and officers' advice to members is that this mix is acceptable.
- 6.68 The scheme provides a good level of good quality affordable housing as required by the outline permission with a mix and tenure which reflects and will address local need.
- 6.69 The previous scheme was recommended by officers for approval on balance. The revised scheme is considered to be a substantial improvement on the previous scheme where identified weaknesses have been addressed. It is the opinion of officers that the revised scheme now proposed achieves a high standard of design quality and complies with the Local Plan as a whole. On that basis, the application is recommended for approval.

7.0 COSTS

- 7.1 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 costs award can be made against the Council.
- 7.2 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.
- 7.3 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.

8.0 APPENDICES

- 8.1 Appendix 1 – Schedule of proposed conditions
- 8.2 Appendix 2 – August 2023 Committee Report for current application
- 8.3 Appendix 3 – Outline Decision Notice (15/01175/OUM)

Background Documents

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.eastcambbs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

The planning records for the following applications:

15/01175/OUM, 15/01175/NMAA, 15/01175/NMAB, 20/01755/RMM, 22/00420/RMM

Agenda Item 5

APPENDIX 1 – Recommended Conditions

Approved Plans

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

<u>Plan reference</u>	<u>Ver</u>	<u>Date received</u>
500-LP-PH1-01	A	31st March 2022
500-SK-PH1-01	E	13th October 2023
500-SK-PH1-02	E	13th October 2023
500-SK-PH1-03	E	13th October 2023
500-SK-PH1-08	E	13th October 2023
500-SK-PH1-07	G	13th October 2023
500-SK-PH1-05	E	13th October 2023
500-SK-PH1-09	E	13th October 2023
HWK.pe1	A	13th July 2023
EVE.pe1	B	13th July 2023
MOU.pe1	C	13th July 2023
MOU.pe2	C	13th July 2023
MOU.pe3	A	13th July 2023
MYL.pe1	C	13th July 2023
PEM.pe1	B	13th July 2023
PEM.pe2	B	13th July 2023
ASL.pe1	B	13th July 2023
ASL.pe2	A	13th July 2023
FLE.pe1	C	13th July 2023
FLE.pe2	B	13th July 2023
COL.pe1	B	13th July 2023
KNI.pe1	C	13th July 2023
KNI.pe3	C	13th July 2023
KNI.pe4		13th July 2023
NAS.pe1	A	13th July 2023
BWAY011A-XX-D2-A-AS-B801 - THE WYATT V1		3rd October 2023
BGLA011-XX-D1-A-AS-B801 - THE GLASTON V1		3rd October 2023
BRIP011A-XX-D2-A-AS-B801 - THE RIPLEY V1		3rd October 2023
ASHER V1 GROUP-PAR-CAS01-XX-D2-A-AS-0801	A	13th July 2023
ASHER V2 GROUP-PAR-CAS01-XX-D2-A-AS-0801	A	13th July 2023
COOPER V1 GROUP-PAR-CC001-XX-D2-A-AS-0801	B	13th July 2023
GROUP-PAR-BFLA00-XX-D2-A-AS-B801	A	13th July 2023
GROUP-PAR-CSP01-XX-D2-A-AS-0801	B	13th July 2023
GROUP-PAR-BWOR00-XX-D2-A-AS-B801		31st March 2022
ELMSLIE V1 GROUP-LIN-BELM01-XX-D2-A-AS-B801	A	3rd October 2023
ELMSLIE V1 GROUP-LIN-BELM01-XX-D2-A-AS-B801	A	3rd October 2023
GROUP-VIS-CGAR01-XX-D2-A-AS-0401		3rd October 2023
GROUP-VIS-CGAR05-XX-D2-A-AS-0801		3rd October 2023
GROUP-VIS-CGAR06-XX-D2-A-AS-0801		3rd October 2023
EDMS-200	A	13th July 2023
EDMS-600	A	13th July 2023
EDMS-601	A	13th July 2023
GL1688 01	G	13th October 2023

Agenda Item 5

GL1688 02	G	13th October 2023
GL1688 03	G	13th October 2023
GL1688 04	G	13th October 2023
GL1688 05	G	13th October 2023
GL1688 06	G	13th October 2023
GL1688	A	10th October 2022
GROUP-VIS-S-EX-D2-A-FC-207		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0210		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0213		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0215		31st March 2022
GROUP-VIS-S-EX-D2-A-FC-0261		31st March 2022
ST-3163-800	E	13th October 2023
ST-3163-801	E	13th October 2023
ST-3163-802	E	13th October 2023
ST-3163-600A	H	13th October 2023
ST-3163-601A	H	13th October 2023

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

Materials

2. No above ground construction shall take place on site until details of the external materials, windows doors and roof windows to be used on the development have been submitted to and approved in writing by the Local Planning Authority. A sample panel measuring no less than 1 metre square shall be constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection by the Local Planning Authority. The panel shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. 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 policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Hard surfacing

3. No above ground construction shall take place on site until details of the surfacing finish of all roads, turning areas, driveways, paths, parking spaces and other hardstandings (excluding those surfaces which are proposed for adoption by the Local Highways Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
3. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Landscaping Implementation, Management and Timescales

4. No above ground development shall take place on site until a timescale for the implementation of the approved soft landscaping scheme on site and a Landscape Management and Maintenance Plan for the on-site soft landscaping covering a minimum period of 20 years from the completion of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved soft landscaping scheme shall be fully implemented in accordance with the approved timescale and the soft landscaping managed and maintained in accordance with the approved Plan, unless otherwise agreed in writing by the Local Planning Authority. 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.
4. 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.

Lighting

5. No above ground construction shall take place on site until a lighting scheme for all streets which are not to be adopted by the Local Highways Authority shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specification of lights, the locations and heights of lighting columns and the light levels to be achieved over the intended area and the surrounding area. The approved scheme shall thereafter be implemented on site prior to first occupation of any dwelling served by an unadopted street and retained as such thereafter.
5. Reason: To safeguard the residential amenity of occupiers and the visual impact of the development in accordance with policies ENV 1 and ENV 2 9 of the East Cambridgeshire Local Plan 2015.

Solar Panels

6. No construction above eaves level on any dwelling shall take place until details of the solar panels to be fitted to that dwelling have been submitted to and approved in writing by the Local Planning Authority.
6. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Agenda Item 5

Boundary Treatments

7. No boundary treatments shall be constructed on site unless details of those boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be carried out in accordance with the approved details.
7. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Cycle Storage

8. Prior to the first occupation of any dwelling not served by a garage, that dwelling shall be provided with a cycle shed in accordance with approved drawings 500-SK-PH1-01 Rev E and GROUP-VIS-S-EX-D2-A-FC-207.
8. Reason: In order to provide for and encourage sustainable modes of travel in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

Biodiversity

9. Prior to the first occupation of the site, a scheme of site-wide biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
9. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

Archaeological Interpretation

10. Prior to the first occupation of the site, the design, content, materials and location of an archaeological interpretation board shall be submitted to and approved in writing by the Local Planning Authority. The approved interpretation board shall be installed on site prior to the first occupation of the development and thereafter retained.
10. Reason: To provide an appropriate level of archaeological understanding and interpretation in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015.

Access, Parking and Turning

11. Prior to the first occupation of any dwelling on site, the approved access(es), parking and turning area(s) serving that dwelling shall be levelled, surfaced, drained and made available to enable vehicles to enter, turn and leave the site in forward gear and to park

Agenda Item 5

clear of the public highway. Thereafter the approved access(es), parking and turning area(s) shall be retained for that specific use.

11. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Pedestrian Visibility Splays

12. Prior to the first occupation of any dwelling on site, the pedestrian visibility splays pertaining to its access, as shown by blue dashed lines on approved drawing 500-SK-PH1-01 Rev E, shall be provided and thereafter kept free from any obstruction from a height of at least 600mm above footway or carriageway surface level.
12. Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.

Restriction on Gates

13. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access(es), parking and turning area(s) access, as shown on approved drawing 500-SK-PH1-01 Rev E, unless expressly authorised by planning permission granted by the Local Planning Authority.
13. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Remove PD for carport conversion

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), the carports hereby approved on plots 101-107 and 126-128, as shown on approved plan 500-SK-PH1-01 Rev E shall not be gated, enclosed, adapted or used for any purpose other than the storage of private motor vehicles, unless expressly authorised by planning permission granted by the Local Planning Authority.
14. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Timescale for reinstatement of sales unit to garage

15. Prior to the first occupation of any dwelling on site, a scheme for the alteration and conversion of the temporary marketing suite on Plot 1 of approved drawing 500-SK-

Agenda Item 5

PH1-01 Rev E to its permanent use as a residential garage which shall include elevations, a floorplan and a timescale for the implementation of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the approved timescale.

15. Reason: To ensure the provision of a garage for the dwelling on Plot 1 and in the interests of the visual amenity of the area in accordance with policies ENV 2 and COM8 of the East Cambridgeshire Local Plan 2015.

22/00420/RMM

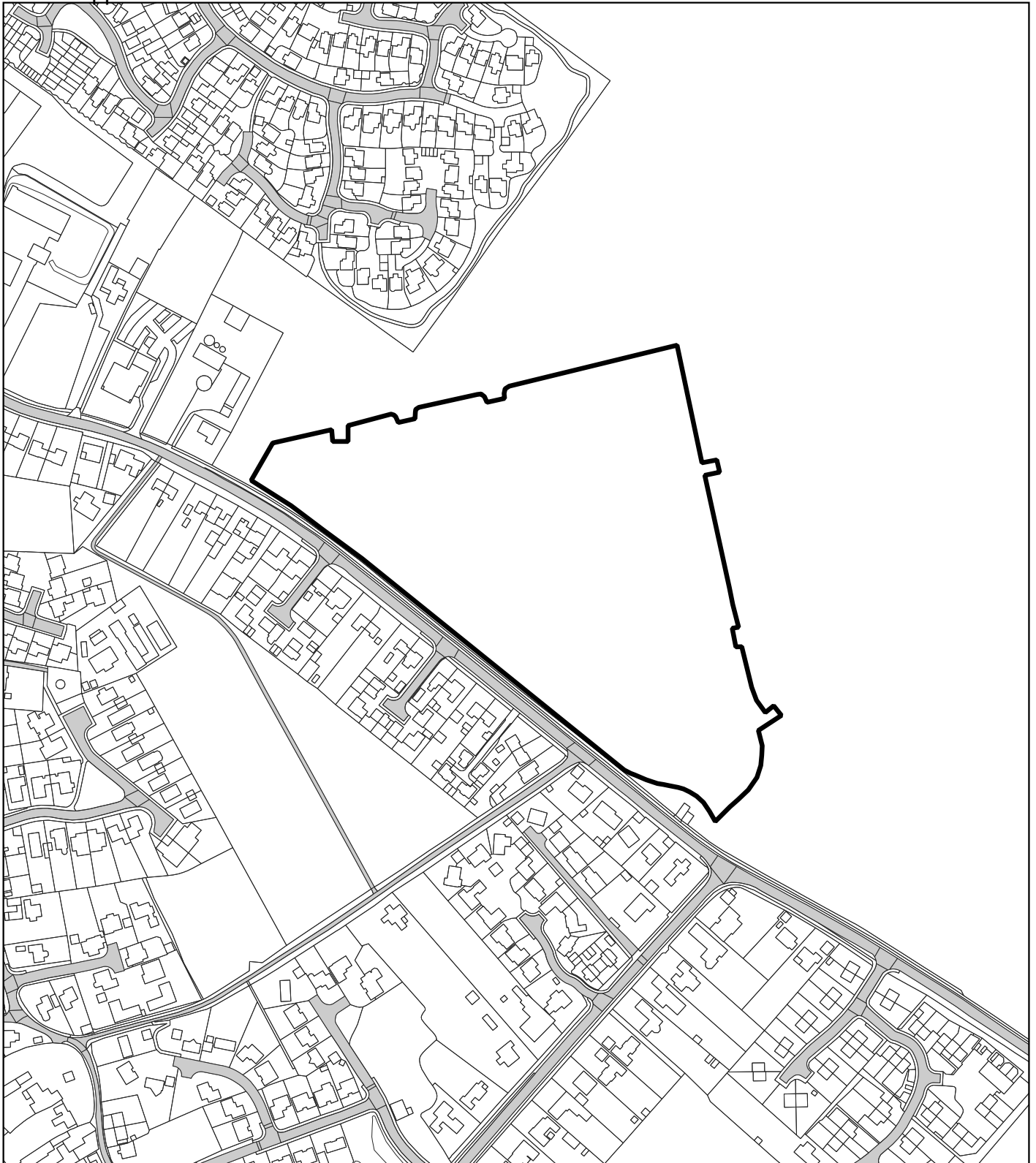
Phase 1 Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell

Reserved matters comprising layout, scale, appearance and landscaping for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9VF62GGN3O00>





22/00420/RMM

Phase 1 Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell



East Cambridgeshire
District Council

Date: 13/07/2023
Scale: 1:3,500



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TITLE: 22/00420/RMM

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Team Leader

Report No: Y26

Contact Officer: Dan Smith, Planning Team Leader
dan.smith@eastcambs.gov.uk
01353 616306
Room No 011 The Grange Ely

Site Address: Phase 1 Millstone Park Land Adjacent To Melton Farm Newmarket Road Burwell

Proposal: Reserved matters comprising layout, scale, appearance and landscaping for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Applicant: Vistry East Midlands

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 5 April 2022

Expiry Date: 11 August 2023

1.0 RECOMMENDATION

1.1 Members are recommended to GRANT DELEGATED POWERS TO THE PLANNING MANAGER TO APPROVE the application once the drainage condition (condition 16) on the outline permission has been discharged and subject to the recommended conditions summarised below (with any minor changes delegated to the Planning Manager). The conditions can be read in full on the attached Appendix 2 of this report.

- 1 Approved Plans
- 2 Materials
- 3 Hard surfacing
- 4 Landscaping Implementation, Management and Timescales

- 5 Lighting
- 6 Solar Panels
- 7 Boundary Treatments
- 8 Cycle Storage
- 9 Biodiversity
- 10 Archaeological Interpretation
- 11 Access, Parking and Turning
- 12 Pedestrian Visibility Splays
- 13 Restriction on Gates
- 14 Remove Permitted Development Rights for Carport Conversion

2.0 SUMMARY OF APPLICATION

- 2.1 This current reserved matters application relates to outline application 15/01175/OUM which granted outline planning permission for the redevelopment of land to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure. That application also approved the detailed matter of the access point on to Newmarket Road. The detailed matters of the layout, scale, appearance and landscaping of the development were reserved for future consideration. The permission was split into three main housing phases as part of that outline permission.
- 2.2 The current application seeks approval of those reserved matters of layout, scale, appearance and landscaping in respect of Phase 1 of the wider site for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure.
- 2.3 The submitted scheme has been amended on three occasions over the course of the consideration of the application, in order to attempt to address Officer concerns regarding the design of the scheme as well as the concerns of statutory consultees.
- 2.4 The scheme comprises the provision of 143 dwellings, including 42 affordable dwellings, as well the internal access roads, areas of open space, parking and garaging, landscaping and drainage features. The scheme has been the subject of significant negotiation between planning officers and the applicant has gone through several revisions over the course of the application. This has addressed matters of density, layout, design, landscaping and has also addressed highways and drainage considerations. As part of those changes, the number of dwellings has been reduced from 150 initially proposed to the current figure of 143.
- 2.5 The application has been referred to Planning Committee as when the Committee resolved to grant outline permission, it further resolved that reserved matters applications be brought back to the Committee for consideration in a public arena.
- 2.6 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. The relevant planning history for the includes the outline permission to which the current application relates. That outline application followed an EIA Screening Opinion requests. Subsequently, the outline permission has twice been the subject of non-material amendments to make minor amendments to the wording of its conditions. A full application has also been approved in respect of the footpath/cyclepath link required by the outline permission.

14/00149/SCREEN

Screening Opinion for Residential Development

Environmental Statement Not Required

26 February 2014

15/01175/OUM

Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure.

Approved

31 October 2019

15/01175/NMAA

Non-material amendment to wording of Condition 14 (Energy and Sustainability Strategy) of 15/01175/OUM.

Accepted

8 December 2020

15/01175/NMAB

Non-material amendment to vary wording of conditions 2, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 28, 36 and 37.

Accepted

29 October 2021

21/01771/FUL

Provision of a shared cycleway/footway west onto Ness Road, landscape, drainage, and associated infrastructure.

Approve

2 November 2022

- 3.2. The following Reserved Matters applications have previously been made in respect of the outline permission:

19/01578/RMM

Reserved matters for appearance, landscaping, layout and scale of planning application 15/01175/OUM (Phase 1)

Withdrawn

7 April 2020

20/01755/RMM

Reserved matters for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related infrastructure

Approved

13 July 2021

21/01508/RMM

Reserved matters infrastructure application (Phase 2) for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related

Approved

13 May 2022

- 3.3. A reserved matters application for housing on Phase 2A of the site was submitted at the same time as the current application. That application will also be referred to and considered by the August Planning Committee:

22/00479/RMM

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 138 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM

Pending Consideration

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The wider application site for which outline permission was granted comprises 27.3 hectares (67.5 acres) of greenfield agricultural land and adjoins the existing built form of Burwell to the west and south. Open countryside adjoins the site to the east and the north, with Newmarket Road defining the south west boundary of the site. To the west the wider site bounds Melton Farm, the Felsham Chase housing estate and other
- 4.2 The wider site is allocated for residential development for approximately 350 dwellings, in the East Cambridgeshire Local Plan 2015, under Policy BUR1 – Housing allocation, land off Newmarket Road, and was granted outline permission in 2019 as detailed above.
- 4.3 The current application site is roughly triangular part of the site with an approximate area of 4.8 hectares (11.9 acres). One side of the site runs alongside the Newmarket Road boundary. The other boundaries would be enclosed by the internal access roads and western public open space area which were permitted under permission reference 20/01755/RMM.
- 4.4 The site was previously arable agricultural land. It has since been topsoil stripped and some elements of the previous reserved matters approvals for infrastructure, such as the primary spine road, have been implemented on site. The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding from fluvial flooding, and is at a very low risk of flooding from surface water.

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 - 27 April 2022

Burwell Parish Council considers that the properties within this development should be powered by renewable green energy.

Parish - 9 November 2022

The Parish Council note other consultee comments and ask that these are taken into account when the application is determined.

Parish - 26 April 2023

Burwell Parish Council has noted neighbour comments for the above two applications, but has no objections to the proposals. It is pleased to see that 40% affordable homes are being provided in Phase One. It requests confirmation regarding the timescales like to know at what point during construction the play equipment will be delivered and who will be responsible for the play area in the long term.

Local Highways Authority - 28 April 2022

Pre-application meetings between the LPA, LHA and the developer took place in early December 2021. I note with thanks that the layout has been amended to take on board the early advice. My response below identifies some residual matters which still need to be addressed, in many cases to safeguard against any future adoption process.

Access

The access to the development parcel will be via the previously approved Spine Road. Bellmouth junctions were incorporated within the original design for this purpose and no changes to these junctions are proposed. However, four new shared private accesses are proposed which will front onto the Spine Road. Each access is suitably wide and can achieve the necessary visibility (see further comment below) so I do not object to this. But separate to the planning application, the LHA is progressing a Section 38 Agreement for adoption of these roads. This s38 will need to be amended (at the developer's expense) to incorporate the changes associated with the additional accesses.

Layout

The proposed road geometry (widths and radii) is appropriate for the residential development. The bin collection points shown on the refuse tracking plan are omitted from the site layout. These should be included on all drawings for consistency. While the turning heads to the south of the scheme are sufficient to accommodate the necessary vehicle tracking, I would like inform the applicant that the 'bulges' in the southern edge are not necessary and would be more difficult to construct than a straight equivalent. This comment is advisory only.

Visibility

The inter-vehicular visibility to the left for the junction opposite Plot 131 passes across the front of private driveways (Plots 136 & 137). If the applicant wishes for

the road to be adopted, the entirety of the splay needs to be included in the adoptable area. 2.4m x 25m inter-vehicular visibility splays are needed for all shared private drives which front onto the primary and secondary Spine Road. Where the splays cross the verge, they will need to form part of the adoptable area. This needs to be regularised with the in-progress Section 38 Agreement but does not form the basis for an objection to this planning application. Otherwise, the visibility is acceptable and sufficient to maintain highway safety. Please note that the LHA will not adopt pedestrian visibility splays, but they should be maintained free from obstruction from at least a height of 0.6m by the relevant landowners. This requirement should be conveyed to any future plot owner.

Vehicle Tracking

Refuse and fire tender tracking are acceptable. The delivery vehicle tracking shown is acceptable, but the plan has omitted tracking of the parking courts which serve Plots 101-104 and 126-130. Please can the applicant track these areas.

Surface Water Drainage

Due to the chalk ground conditions in the area, no highway can be adopted if infiltration devices are laid within 10m of the highway. The infiltration basin in the north-east of the development would therefore compromise the LHA's ability to adopt the development Spine Road and by extension any of the development roads. For infiltration basin 2 in the north-east of the site, I measure a distance of approximately 4m from the top of basin to the carriageway edge at the narrowest point and 9m from the bottom of basin to carriageway. For basin 3, I also measure approximately 4m to the top of bank and 9m to the bottom. The 10m offset should be from the top water level. I have not provided comment on Basin 1 as it is outside of the application redline, but the same criteria apply. Permeable paving is proposed on private drives through the development. The LHA do not accept permeable paving as a means of surface water drainage due to its short design life, onerous maintenance requirements and tendency to fail. Therefore, if positive drainage is not achievable, surface water interception must be included prior to the highway proposed for adoption. This can be demonstrated at detailed design post-planning.

Miscellaneous

The LHA do not adopt visitor parking bays so those adjacent to shared space streets should be designed to fall away from the carriageway so that they can be drained separately.

Similarly, the visitor parking bays to the rear of Plots 94 and 95 will not be adopted. They should be separated from the carriageway by a bull-nosed kerb with 25mm upstand. As these bays will fall towards the carriageway, they should include separate drainage e.g., additional gully or channel drain. The specifics can be reviewed at detailed design post-planning.

Where a tree is to be laid within 5m of highway proposed for adoption, a root protection barrier to a depth of 1.2m is required to protect the highway integrity. Fruit trees shall not be used at these locations to avoid slip hazards when the fruit falls.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points, but I note that most of my comments are advisory or relate to any future adoption process. Specific to the planning process, at a minimum the comments relating to bin stores and delivery vehicle tracking should be addressed.

Local Highways Authority - 31 October 2022

Access

Access to the development parcel via the previously approved Spine Road is acceptable. However, there are minor changes from the previous outline consent (inclusion of a shared private access) and the applicant will need to regularise these changes with the LHA as they have submitted a Section 38 Agreement application (ref: G59/2633 & G59/2654) for the adoption of these roads. This however has no bearing on this planning application.

Layout

The transition to shared space at Plots 92 / 131 is not acceptable. The transition is such that it is ambiguous for pedestrians whether they should be in the carriageway or on the footway (with minimal kerb separation) at the junction. The shared space transition needs to be of the standard form, as used elsewhere in the site, and located on the east side of the junction between Plots 89 and 100. This will require the relocation of the driveways for Plots 88, 89 and 90. As it stands, there is too little pedestrian certainty and protection, at a location where it is needed most.

Upon further consideration the parking bays located between Plots 50 and 70 need additional detailing. There are no splays shown on the site plan so it is unclear how a vehicle can enter or exit the space without overrunning the footway or verge.

The contrasting block paving used along the frontage of Plots 127 and 128 is unnecessary from a highway perspective. While I do not object to its use, should the applicant choose to retain it, they must be aware of the following points which will be pertinent to any future adoption agreements.

- No kerbing (flush or otherwise) shall be used across the carriageway to imply pedestrian crossing priority as this is misleading.
- The footway and parking on either side of the carriageway must remain private and will not be adopted by the LHA. As such, it will also need to be drained separate from the highway.

As per my previous comments, paved areas for bin collection points, which sit outside the highway, have been omitted. These should be provided at shared private drives where there may otherwise be a concentration of bins placed at turning heads or accesses which could obstruct road users.

Visibility

Inter-vehicle visibility splays have been omitted from this latest submission. The applicant should re-submit the site plan with the splays included. That being said, I do not foresee any material issue.

Vehicle Tracking

The submitted vehicle tracking is acceptable.

Surface Water Drainage

The surface water drainage strategy is acceptable (from a highways perspective). However, engineering detail (gully locations, spacing, drain sizing, manhole locations etc.) will be reviewed as for roads proposed for adoption as part of any subsequent S38 Agreement.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points prior to making any final recommendations.

Local Highways Authority - 21 April 2023

Based on the revised submission which addresses my previous comments, I do not object to this application.

The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made within this response are done so on a without prejudice basis to any such agreement taking place. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

Please append the following Conditions to any permission granted:

- 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 500-SK-PH1-01 Revision B in writing by the Local Planning Authority.

- 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.

- 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).

- Prior to the occupation of a dwelling, the pedestrian visibility splays pertaining to its access, as shown of the drawing 500-SK-PH1-01 Revision B, shall be kept free from obstruction from a height of at least 600mm above footway or carriageway surface level.

Lead Local Flood Authority - 6 May 2022

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

Drainage Layout Plans

Drainage Strategy - Phase 1, Sheets 1 and 2 have been submitted within this reserved matters application. However it appears that an area of the development to the north of Sheet 2 is not shown within a drainage layout. The LLFA therefore requires that suitable drawings are submitted that show the entire red line boundary of the development, in order for the LLFA to support this application.

Hydraulic Calculations

Hydraulic calculations should demonstrate the performance of the drainage system with regards to discharge rates, attenuation volumes, and peak discharge volumes for rainfall events up to and including the 1% Annual Exceedance Probability (AEP) event +40% climate change. The calculations submitted within this application show the following:

- Network 1 - Flooding in 1% AEP rainfall event,
- Network 2 - Surcharging in the 100% AEP event, and flooding in 1% AEP event,
- Network 3 - Surcharging in the 100% AEP event

There should be no surcharging in the 100% AEP storm and no water outside the system within the 3.3% AEP storm event. If there is any exceedance within the 1% AEP storm + 40% allowance for climate change, this must be managed within the red line boundary without increasing the risk of flooding to any surrounding land or property. Until it is demonstrated that the above requirements have been met for this drainage system, the LLFA is unable to support this application.

The calculations currently show that the half drain time for Network 2 cannot be calculated as the system is too full. The half drain time for the system should be less than 24hours in order to ensure that the system has the capacity to accommodate rainfall events occurring in quick succession. Until the half drain time for the system is demonstrated as less than 24 hours, the LLFA is unable to support this application.

The submitted calculations are using FSR rainfall data. However, FSR rainfall data is now outdated and there are more accurate data sets in FEH 1999 and 2013 models. This is due to recording of rainfall over a longer period of time, as well as updated calculations behind the model. Therefore, FEH rainfall data is now required on all applications to ensure the hydraulic modelling is an accurate representation of the proposed network.

Pumped Manhole

It is currently proposed that a pumped manhole will be present within Network 3 of the development. Pumping of surface water is an unsustainable drainage method. Pumps present a significant residual risk if they are not maintained or fail during a storm event. Our preference is for gravity discharge to the surface water drainage system, mimicking the natural drainage of the site and reducing energy consumption as stated in paragraph 6.3.5 and 6.3.28 of the Flood and Water Supplementary Planning Document (SPD).

We require that the applicant attempts to discharge as much surface water runoff via gravity as possible. This can be achieved through the use of larger areas of shallow attenuation or alternative SuDS approaches.

If it can be demonstrated that a partial or completely pumped drainage system is the only viable option we would require that the residual risk of flooding due to the failure of the pumps be investigated. We would require that the flood level be determined under the following conditions:

- The pumps were to fail; and
- The attenuation storage was 50% full; and
- A design storm occurred

The floor levels of the affected properties must be raised above this level and all flooding must be safely stored onsite.

Lead Local Flood Authority - 19 July 2022

We have reviewed the following documents:

- Additional Drainage Information, Stomor Civil Engineering Consultants, Ref: ST3163/220617-LLFA1, Dated: 17 June 2022

Based on these, as Lead Local Flood Authority (LLFA) we are able to remove our objection to this reserved matters application.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving, and infiltration basins, discharging directly into the ground.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The use of infiltration basins is also supported, as the basins can provide surface water treatment, in addition to biodiversity and amenity value.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

Lead Local Flood Authority - 15 November 2022

Thank you for your re-consultation which we received on 25th October 2022.

At present we maintain our objection to this reserved matters application for the following reasons:

Required Clarity

Within the updated drainage layout, it appears that the total area of permeable paving throughout the development has been reduced. The LLFA would require clarity as to how these changes will impact the overall drainage strategy, for example, demonstration that all surface water discharging from the site by any means will receive appropriate levels of surface water treatment in line with the Simple Index Approach, CIRIA SuDS Manual C753. In addition hydraulic calculations should be submitted that demonstrate that the new drainage strategy will have sufficient capacity to accommodate all rainfall events up to and including the 1% Annual Exceedance Probability (AEP) rainfall event +40% climate change allowance. Until the above is demonstrated, the LLFA is unable to support this application.

Lead Local Flood Authority - 17 April 2023

At present we maintain our objection to this reserved matters application for the following reasons:

Hydraulic Calculations

Hydraulic calculations should demonstrate the performance of the drainage system with regards to discharge rates, attenuation volumes, and peak discharge volumes for rainfall events up to and including the 1% Annual Exceedance Probability (AEP) event +40% climate change. The calculations submitted within this application show the following:

- Network 1 - Surcharging in the 100% AEP rainfall event.

There should be no surcharging in the 100% AEP storm and no water outside the system within the 3.3% AEP storm event. Until it is demonstrated that the above requirements have been met for this drainage system, the LLFA is unable to support this application.

The calculations currently show that the half drain time for Network 1 cannot be calculated as the system is too full. The half drain time for the system should be less than 24 hours in order to ensure that the system has the capacity to accommodate rainfall events occurring in quick succession. Until the half drain time for the system is demonstrated as less than 24 hours, the LLFA is unable to support this application.

Lead Local Flood Authority - 6 June 2023

Confirmed it had reviewed the updated documents and based on these it removed its objection to this reserved matters application. It has been demonstrated that the proposed drainage strategy can manage surface water appropriately through the use of infiltration basins, and that surface water quality has been suitably addressed within the development.

Environment Agency - 18 May 2022

States it has inspected the amended documents as submitted and has no additional comments to add to its previous response at the outline stage.

Environment Agency - 11 April 2023

States it has inspected the amended documents as submitted and has no additional comments to add to its previous response at the outline stage.

Anglian Water Services Ltd – 6 November 2022

We have reviewed the applicant's submitted foul drainage strategy in submitted drawings Phase 1 Drainage Strategy ST-3163 500-E/501-E 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 any condition(s) of the outline planning application 15/01175/OUM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

We have reviewed the applicant's submitted surface water drainage information, Phase 1 Drainage Strategy ST-3163 500-E/501-E, 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. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

The Ely Group Of Internal Drainage Board - No Comments Received

Environmental Health - 22 April 2022

Requests that if there is the opportunity to add a condition at this stage that a Piling Method Statement be required by condition in the event that piling is necessary. This should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving it should include a commitment to the following restricted hours specifically for piling: 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then this should be confirmed in writing.

Environmental Health - 31 October 2022

We have reviewed the amendments and have no further comment to make on this application.

Environmental Health - 5 April 2023

We have nothing to add to the previous comments at this time

ECDC Trees Team - 6 June 2022

The northern most attenuation pond is surrounded by a single species of tree the West Himalayan Birch (*Betula utilis* var. *jacquemontii*) - ten of them this appears to be an excessive reliance on one species it would be better if this area included

some other tree to provide variation and diversity future proofing the area. The additional trees could be native species trees or ornamental's but should ideally be long lived large scale trees where possible. The design only uses 8 species of tree for larger sized planting opportunities 39% of which are *Betula utilis* var. *jacquemontii*.

The use of *Amelanchier arborea* "Robin Hill" should be reconsidered as some their locations overhanging or are adjacent to parking areas and footpaths this is unsuitable for their long-term retention. These trees produce soft fruit (berries) that can pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc.

Generally the planting layout is acceptable but the species of some of the trees chosen require re-evaluation. Due to the issue above the landscaping scheme is not acceptable at this time.

ECDC Trees Team - 21 November 2022

The revised soft landscaping is acceptable though it does appear that there are trees located within the proposed easements in the drainage scheme so there may be a requirement to relocate these trees outside the easements to avoid future conflict between the trees and necessary access.

ECDC Trees Team - 21 April 2023

The revised soft landscaping scheme is acceptable

Housing Section - 25 April 2022

The Strategic Housing Team would like to put in a holding response as we require further information from the developer. I note that the shared ownership dwellings proposed are significantly below the National Described Space Standards and the proposed for the affordable rented dwellings offered.

Our pre-app discussions advised that these properties would need to be 2 bed (4 person) and 3 bed (5 person) in order to ensure we meet an identified need. Could you please ask the developer to change the shared ownership dwelling to a Cooper house type and Asher house type, so they meet the recommended sizes requested

Housing Section - 2 November 2022

We note that our previous comments regarding space standards have been taken on board for all affordable units except for the Elmslie 3bed shared ownership units. As highlighted before we would like to see this delivered as a 3bed (5person) unit however the current size of the unit only allows for a maximum occupancy of 4 people.

We would like to see these 3 bed units changed to the Asher design to meet recommended sizes where possible.

Housing Section - 30 March 2023

Thank you for advising us of the above - we have no additional comments to make on the amendments submitted.

Waste Strategy (ECDC) – 11 May 2022

In relation to the private drives indicated on the design and access statement, East Cambs District Council will not enter private property (including the private driveway 'roads') to collect waste or recycling without a signed indemnity agreement, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. This 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). In addition to this, there is no swept path analysis for these properties (e.g. 1-7) if an indemnity agreement was provided.

In addition to the above, the boundary of the development with the public highway will need sufficient space for the bins and bags for all new properties to be presented without causing an obstruction.

With reference to document '500-SK-PH1-07 BOUNDARIES AND BINS' and those properties identified with the green line as needing to present their bins away from their properties, East Cambs District Council require waste and recycling to be ready for collection by 7:00am on collection day and not before 6:00pm on the evening before. Residents will also be required to return their containers to their boundaries as soon as possible following collection. It is noted that some properties are missing from this map and they will need to present with the properties identified with the green drag distance to a collection point.

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

Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

Cambridgeshire Archaeology - 19 April 2022

We do not object to the layout proposed by this application but recommend that an archaeological condition is attached to any planning consent to provide archaeological interpretation boards to be erected at one of the public open spaces within Phase 1. This follows a successful pre-commencement excavation conducted under planning consent granted for 15/01175/OUM, which predominantly occupied the Phase 1 area. Here a major Late Bronze Age to early Iron Age settlement (c. 9th-7th centuries BC) of around 30 post-built round houses, rectangular buildings and structures, wells and a large number of storage pits cut deeply into the chalk bedrock was excavated. Ditched fields that are commonly found around settlements of this period were notable by their absence, suggesting that livestock was probably corralled and managed elsewhere and that cereal cultivation may have been important to the prehistoric community. The settlement evidence survived surprisingly well despite the thin plough soils covering the chalk.

Place shaping is an important aspect of new settlements and at Millstone Park the landscaping proposals around the SuDS and entrance to the new residential area will provide new spaces that will be used by local residents. Providing some indication of the ancient settlement that once occupied the space will be important in terms of public benefit and the social value of the development. An imaginative proposal to combine public art and archaeology in a cultural heritage-led strategy to distinguish the development expansion area within the village is recommended.

The following condition is advised:

No development shall commence until the applicant has submitted the proposed design and content of an archaeological interpretation board to the Local Planning Authority for approval. The illustrated interpretation board is to be placed in a suitable location within the public open space and must be erected prior to the first occupancy of the development. Content for the board should be prepared by the archaeological organisation who undertook the excavation.

Cambridgeshire Archaeology - 30 March 2023

Repeated its earlier advice.

NHS England - 25 October 2022

The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application Burwell Surgery. This practice supports a patient list size of 8,947 and this development of 150 dwellings would see an increase patient pressure of 375 new residents which would require additional GP/Nurse / (Admin support) workforce to support potential increase in appointments : GP = 0.19 / Nurse = 0.13 and Admin = 0.36 with a resulting increase on estate demand of 25.71 sqm net internal area.

A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £93,908.57 CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission.

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

Cambridgeshire Fire And Rescue Service - 21 April 2022

Requests that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations. 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.

Sport England - 5 April 2023

Sport England has no comments to make on this additional information consultation. Therefore, please refer to Sport England's previous responses for our current position on this application which for the benefit of doubt have not been superseded and remain extant.

Design Out Crime Officers - 3 May 2022

States it considers this to be an area of low vulnerability to crime at present.

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents.

Please see following comments for your consideration.

Rear access footpaths - The footpaths to the rear of plots 12, 28, 37, 109, 130 & 137 are planned to be gated which is good to see in the boundary treatment plan. Unfortunately, by allowing access to the rear of those properties will only increase the vulnerability for burglary as most occur via the rear garden. Please ensure that any shared gates are fitted with self-closers, and private gates are fitted with self-closers and lockable from both sides.

External lighting - Our recommendation for external lighting 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, especially where there is little surveillance from neighbouring properties as they can be used as a climbing aid if positioned too close to the fence/wall. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights. I would like to see the lighting plan, including lux levels and calculations when available please. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting.

Cycle storage - The Design and Access Statement (DACS - Page 16) made reference to cycle storage will be provided within a garage or secure cycle sheds within accessible locations within the rear gardens. Consideration should be given to providing a ground anchor within the shed to allow the resident to secure their bike/s, and a solid secure, gold rated hasp and lock for the door.

Parking - There are many parking bays that have good natural surveillance from active windows. However, there are plots that do not allow the residents to see their own vehicles, such as; 18, 25, 31, 35, 44, 52, 93, 94, 95, 96, 135 & 138. Where possible, I would recommend for these properties the fence is lowered to 1.5m with 300mm of trellis to improve the natural surveillance.

Landscaping - Consideration should be given to the planting of trees too close to fencing as they can also act as a climbing aid to gain entry to rear gardens. It is also important to ensure that there is a management plan in place to maintain and ensure tree crowns are raised above 2m in height and ground planting and hedging is kept to a minimum of 1-1.2m in height, this will allow for ongoing natural surveillance across the development, open spaces and footpaths and to reduce possible conflict with lighting.

Design Out Crime Officers - 1 November 2022

This new design would appear to have removed the rear parking issues mentioned by my colleague.

There are still footpaths to the rear of terraced blocks of homes - shared gates should be as close to the front building line as possible, fitted with self-closers. Private gates should be fitted with self-closers and be lockable from both sides.

The rest of the previous comments relating to lighting, cycle storage and landscaping still apply.

Design Out Crime Officers - 5 April 2023

Reiterates previous comments in respect of external lighting, gates, cycle storage, parking and landscaping. Comments that boundary treatment separating the development parcels and the countryside are important to reduce the fear of crime for residents as most burglaries occur with entry gained through rear gardens

Technical Officer Access - No Comments Received

Cambridgeshire County Council Education - No Comments Received

West Suffolk District Council - No Comments Received

Conservation Officer - No Comments Received

CCC Growth & Development - No Comments Received

Cadent Gas Ltd - No Comments Received

Community & Leisure Services - No Comments Received

Ward Councillors - No Comments Received

5.2 A site notice was displayed near the site on 21 April 2022 and a press advert was published in the Cambridge Evening News on the same date.

5.3 Neighbours – 433 neighbouring properties were notified by letter and responses were received from residents of 12 properties. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- 5.4 Concern expressed regarding:
- Affects public views;
 - Affects a Right of Access;
 - Affects a Right of Way
 - Affects street scene;
 - Balance of development across wider site;
 - Biodiversity;
 - Contrary to Policy;
 - Density of development;
 - Detailed internal layouts of some house types;
 - Energy efficiency and sustainability;
 - Form and character;
 - Highway safety;
 - Housing numbers;
 - Impact on trees;
 - Increase in footfall through neighbouring streets;
 - Lack of bungalows;
 - Lack of key worker accommodation;
 - Landscape impact;
 - Loss of privacy;
 - Loss of public amenity;
 - Loss of view;
 - Location of affordable housing;
 - Noise sensitive;
 - Overbearing;
 - Overlooking;
 - Parking and Turning;
 - Pollution issues;
 - Residential amenity;
 - Visual amenity.

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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

6.2 *East Cambridgeshire Local Plan 2015 (LP)*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing Mix

HOU 2	Housing density
HOU 3	Affordable Housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision
BUR 1	Housing allocation, land off Newmarket Road

6.3 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*
Policy 14 Waste management needs arising from residential and commercial development

6.4 Supplementary Planning Documents (SPD)
Design Guide – Adopted March 2012
Flood and Water – Adopted November 2016
Contaminated Land - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013
Natural Environment SPD – Adopted September 2020
Climate Change – February 2021

6.5 *National Planning Policy Framework 2019 (NPPF)*
Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

6.6 Planning Practice Guidance (PPG) and National Design Guide (NDG)

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of the development, housing mix, layout, scale and appearance, landscaping, residential amenity, historic environment, energy and sustainability, biodiversity and ecology, and flood risk and drainage.

7.2 Principle of Development

7.3 The site is part of a wider site which benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. That outline permission was granted on the basis that the site is allocated for residential development in the Local Plan. On that basis, the overriding principle of residential development on the site is acceptable.

7.4 The outline permission reserved consideration of the detailed matters of layout, scale, appearance and landscaping, requiring the submission of details of those matters at a later stage. This current application is made in that regard.

7.5 On that basis, the principle of development is acceptable in accordance with LP policies GROWTH 2 and BUR 1. The detailed consideration of this current application below, assesses whether the detailed matters pursuant to the Outline planning permission accord with the development plan when taken as a whole.

7.6 Housing Numbers and Mix

7.7 *Housing Numbers*

7.8 The outline application approved up to 350 dwellings across the wider site. The development framework plan approved under the outline application and the subsequently approved phasing plan show three housing phases of broadly equal area. The current reserved matters application initially sought 150 of those dwellings in phase 1. The phase 2A application submitted at approximately the same time initially showed 150 dwellings on that phase. This would have resulted in 300 of the 350 dwellings being proposed across two thirds of the housing land, leaving the final phase with only 50 dwellings.

7.9 Officers raised concerns in respect of the balance of the housing delivery across the wider site and the potential issues with the holistic character of the wider site and suggested that a significant number of dwellings (20–25) should be removed from each scheme to even the balance of housing development across the housing parcels.

7.10 In response to concerns regarding the layout of the current reserved matters application seven dwellings were removed from the scheme. This does not entirely address the officers' concerns regarding holistic development of the wider site. It is acknowledged that the density of the proposed scheme broadly accords with that shown on the development framework plan approved at outline stage, however officers remain concerned regarding the balance of delivery of housing across the site. It is considered that the provision of higher numbers of dwellings on the current phase has introduced unnecessary challenges in providing a high-quality scheme for the parcel and has impacted on the overall quality of the scheme.

7.11 Despite requests from officers, no information has been provided by the master developer for the site (This Land) regarding how the remainder of the housing might be delivered on Phase 3. Consideration has been given in the abstract to whether the remaining housing on Phase 3 could be provided in an acceptable way which would provide a cohesive scheme across the wider site. Phase 3 of the

development is likely to benefit from being at a slightly lower in density with a looser layout as it is the phase which will border most closely the open countryside. Phase 3 also contains the self-build plots for the wider site which generally benefit from larger plots. These factors speak in favour of a lower density approach to Phase 3. Additional public open spaces and structural landscaping could also be provided on phase 3 which would enhance the countryside edge while still allowing space for a less dense development to come forward.

- 7.12 On balance and in the absence of any proposals for Phase 3, officers are of the view that it would be possible to deliver an acceptable scheme across the wider site notwithstanding the imbalanced approach to housing numbers on the phases. It is therefore considered that the scheme for the current phase should be considered on its merits. That further consideration is provided below.
- 7.13 *Market and affordable housing split*
- 7.14 Of the 143 dwellings proposed, 42 are provided as affordable units which accords with the s106 requirement to provide affordable dwellings at a rate of 25% for the first 100 dwellings on Phase 1 and 40% on the remainder on the phase.
- 7.15 *Market Housing Mix*
- 7.16 LP policy HOU 1 requires that housing developments provide an appropriate mix of dwellings 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. The outline permission was subject to a condition which requires reserved matters applications to provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission.
- 7.17 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%).
- 7.18 The current scheme does not accord with the suggested SHMA mix for market dwellings, being significantly skewed towards larger dwellings. The application proposes that 51% of dwellings are 4+-bedrooms which is well above the 30% maximum suggested by the SHMA. It proposes 48% 3-bedroom dwellings which is in line with the SHMA and 2% 2-bedroom dwellings –which is well below the minimums suggested by the SHMA.
- 7.19 The SHMA does allow some divergence from the suggested mix in respect of specific schemes, stating that in applying the mix to individual development sites the policies should be flexible enough to have regard to the nature of the site and character of the area.
- 7.20 The applicant has provided Housing Mix Statement as required by the outline permission. It provides arguments as to why the proposed mix of dwellings is justified in this case. The statement accepts that the scheme provides a lower

percentage of 2-bedroom homes and a higher percentage of 4 and 5-bedroom homes. It suggests that the justification for this is threefold:

- i) That the local characteristics of Burwell warrant this approach, being a highly sought-after for families living in close proximity to Cambridge and the edge of village site is more appropriate for larger family housing;
- ii) That the market demand, based on the company's up-to-date sales and marketing intelligence in respect of the local market indicates that there is demand from its customers for larger properties with additional living space required for working from home or for inter-generational living;
- iii) That the proposed housing mix is a response to the urban design principles for the site to reflect the design, character and density needs of the parcel.

7.21 It is agreed that proposed housing mix has come about partly as a result of the urban design considerations of the scheme which have been negotiated as part of this application. The preferred character for certain areas of the scheme benefits from the use of larger dwellings, particularly in areas fronting open space, spine roads and the Newmarket Road frontage. As the affordable dwellings are generally smaller as required by the SHMA, the increased proportion of larger market dwellings allows for the different character areas of the site to be more easily designed. The weight given to the design argument is moderate.

7.22 The applicants argue that their evidence is that there is demand for larger properties which allow more space for home working and inter-generational living. It is accepted that the demand for such arrangements is likely greater now than in the past, possibly even since the 2021 SHMA. That argument is therefore given moderate weight in the consideration of the mix, albeit that it is anecdotal rather than well-evidenced.

7.23 It is not disputed that Burwell is a sought-after village for families. However, it is also likely that smaller families and couples would also wish to reside in Burwell. In the absence of any market evidence, the weight given to that argument is very limited.

7.24 The proposed mix is at a considerable variance from the mix suggested in the SHMA. The SHMA does allow for variances in the mix dependent on the character of the area and nature of the site and those matters are given some weight in this consideration. While the arguments used to justify the mix are relatively general and evidence is not provided to support some of the contentions, on balance, it is considered that the scheme is likely to provide a mix which contributes to current housing needs. Compliance with the requirements of condition 7 of the outline planning permission is therefore achieved through this submission.

7.25 *Affordable tenure and mix*

7.26 The application proposes 42 affordable dwellings, 29 of which would be affordable rent and 13 of which would be shared ownership. This is a 69:31 split and as close as possible to the desired 70:30 tenure split. The Council's Housing Strategy Team has confirmed it is happy with the proposed tenure of the scheme.

7.27 The SHMA indicates that for affordable housing, there is a mix requirement for a higher percentage of 2-bedroom dwellings (35-45%), followed by 3-bedroom (25%-

35%), then 1 bedroom (15-25%) and finally 4+ bedroom (5-15%). The application proposes 50% 2 bedroom dwellings, 29% 3 bedroom dwellings, 14% 1 bedroom dwellings and 7% 4 bedroom dwellings. This mix is considered to be acceptable and the Council's Housing Team has confirmed it is content with the mix.

7.28 The Housing Strategy Team did request that the Elmslie house type be changed as that 3-bed house type only allows for a maximum occupancy of 4 persons whereas it seeks 5 persons to be accommodate. The applicant has declined to revisit that issue, however they say they are in detailed negotiations with Registered Providers of affordable housing who have not raised this as a concern. The applicant has confirmed that all of the affordable housing meets the Nationally Described Space Standards.

7.29 The timescales for the provision of affordable housing and the securing of that provision in the long-term are secured by the s106 obligation pursuant to the outline permission.

7.30 On the basis of the above, the proposed affordable housing is considered to be acceptable in respect of its provision of affordable housing and the tenure and mix of that housing in accordance with the requirements of LP policy HOU 3.

7.31 Design

7.32 The application seeks the approval of the reserved matters of layout, scale, appearance and landscaping. The outline permission requires via condition 4 that the development be carried out in accordance with the development framework drawing approved at that stage.

7.33 LP policy ENV 1 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

7.34 LP policy COM 7 requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Policy COM 8 requires development proposals to provide adequate levels of car and cycle parking and that the provision be made broadly in accordance with the Council's adopted standards.

7.35 *Layout and Landscaping*

7.36 The layout of the scheme has been through several iterations since it was initially submitted in response to feedback from the case officer, urban designers and the Local Highways Authority. The initially submission for 150 dwellings and was not considered to be of an acceptable quality, with particular issues relating to a

reliance on cul-de-sacs and 'backland housing' around parking courts as well as inconsistent building lines leading to a poorly defined block structure.

- 7.37 The street layout as well a lack of variety in density across the parcel and a relatively uniform approach to the positioning of dwellings on their plots was considered to lead to a poor resolution of the various suggested character areas.
- 7.38 The scheme also took additional access points from the main spine road which was considered to negatively impact on the character of that street (established as part of the previous infrastructure reserved matters application) by cutting through the landscaped verges. Car parking in certain areas was not well resolved leading to poorly surveilled parking courts and parking spaces distant from the properties they serve, a reliance on frontage parking and excessive widths of parking between dwellings. The layout was also considered to have a poor level of pedestrian and cycle permeability on the eastern side of the parcel.
- 7.39 The layout was also considered to lack incidental open space within the central area (as shown on the outline development framework drawing) with the northern open space was poorly enclosed by the adjacent housing, partly due to the location of the visitor parking spaces. It was also considered that there was clear lack of tree planting across the initial scheme which led to streets overly dominated by hardstanding and built form.
- 7.40 Planning Officers suggested to the applicant that significant changes would be required to the layout and landscaping of the scheme and that a high-quality scheme was only likely to be achieved if a significant number of dwellings were removed from the scheme.
- 7.41 Various changes have been made to layout and landscaping over the course of the application and are reflected in the current scheme now referred to the committee. A total of seven dwellings have been removed from the scheme which is below the level suggested by planning officers, but the changes enabled by that reduction in numbers have provided improvements to the layout and landscaping proposed.
- 7.42 The parcel now has only two access points of the primary spine road with the properties fronting that road now served by accesses taken from within the parcel and provided along private drives. This allows the landscaped avenue character of the spine road to remain. The cul-de-sac on the eastern side of the parcel has been removed as have the parking courts which improves the character of the eastern part of the site, strengthens the block structure as well as enhancing the permeability of the parcel by foot and cycle.
- 7.43 The changes to the layout have also allowed a clearer resolution of the character areas across the parcel. The varying densities across the scheme, with lower densities on the Newmarket Road frontage with densities increasing along the spine roads, further increasing around the central open space and with the highest densities in the central core of the parcel. In combination with the building types used and the landscaping, it is considered that the scheme provides reasonably well-defined character areas which create interest in the scheme and an adequate sense of place.

- 7.44 The LHA has confirmed that the road layout is acceptable in respect of highway safety and adequate access is provided for waste collection vehicles to access the site and turn within it providing acceptable arrangements for waste collection.
- 7.45 Parking provision has been improved across the parcel. Spaces associated with dwellings are now provided on plot or very close to the plots and are generally well overlooked. The removal of parking courtyards has improved surveillance of parking spaces. Large widths of parking spaces in front of buildings have largely been removed and now only feature to the south of the terrace of three properties on plots 112-114 and between the detached dwellings on plots 15 and 16, 18 and 19, 65 and 66 and 69 and 70. In respect of the terrace, the spaces are set perpendicular to the main street and are landscaped which limits their prominence. While the width of parking between the detached dwellings does break up the frontage and the rhythm of the built form, the parking is only one space deep with garaging behind and on balance, in these limited situations, is not considered to harm the character of the development.
- 7.46 All of the dwellings within the scheme are provided with at least two dedicated parking spaces, except in the case of the affordable maisonettes which are provided with one each. Several of the larger dwellings are provided with three and in some cases four parking spaces. The scheme therefore meets the requirement of LP policy COM 8 to provide two car parking spaces per dwelling on average across the development. Garages are also proposed for many of the dwellings which would potentially provide additional off-street parking, however given the acceptable level of driveway parking for the dwellings, it is not considered necessary to require that the garages are retained for the purposes of parking.
- 7.47 The scheme also provides 18 visitor car parking spaces. This equates to one space per 8 dwellings. This is roughly half the recommended provision contained within policy COM 8 which recommends up to 1 space per 4 dwellings. The applicant suggests that the provision complies with the requirement of the policy as the policy requires 'up to' 1 space per four dwellings. While the 1 per 4 dwellings requirement is set as a maximum within the parking standards, it is considered debatable whether the provision of 18 spaces is likely to be adequate for the scheme of 143 houses. This may result in additional on street parking within the scheme, however it is likely that such parking would take place on streets within the parcel rather than spilling out onto the primary spine roads or Newmarket Road.
- 7.48 The site will be well-served by cycle routes as the outline permission requires a new cycle path from north western corner of the site to Ness Road with cyclepaths to be provided along Newmarket Road to connect Burwell to Exning to the east. Policy COM 8 requires that cycle parking be provided at a level of 1 cycle space per dwelling. Such provision could be made in the garden sheds which are shown indicatively on the layout plans and adequate provision would be secured by condition.
- 7.49 The scheme now provides a third area of open space on the parcel. In addition to the open space at the northern and western corners of the site an additional wedge-shaped area of open space has been provided in the centre of the parcel. This brings the scheme more into line with the development framework drawing approved at outline stage and provides a focal landscaped space in the centre of

the parcel. Additional tree planting is also now proposed within most streets, including along the southern side of the secondary spine road and the streets leading from the spine roads to the central open space.

7.50 While the landscaping of the parcel does not appear to have been at the core of the design approach, it has been improved during the application process and while a strategic approach could have delivered more clarity of character through landscaping, and a less dense scheme would have allowed more space for a cohesive approach, the open space and planting now proposed is, on balance, considered to be acceptable. The adoption and maintenance of areas of open space within the wider site are the subject of provisions within the s106 agreement on the outline permission. The agreement requires the developer to offer the management of areas of public open space in a cascade approach – first to the Council, then to the Parish Council. Should neither body wish to take on the maintenance they would then be placed in a management company.

7.51 Scale and Appearance

7.52 The house types used are primarily detached and semi-detached with three terraced blocks of three in the denser core areas. The scale of dwellings in the proposed scheme is a mixture of two storey dwellings and two and a half storey dwellings with a single pair of bungalows within the central core of the site. The two storey dwellings are between approximately 8 metres (~26ft) and 8.5 metres (~28ft) in height while the two and a half storey dwellings which have two storey elevations and rooms in the roof are approximately 9 metres (~29.5 ft) in height.

7.53 The two and a half storey dwellings have been used on the outward facing edges of the parcel to provide an increased presence where dwellings face onto open space and onto Newmarket Road and occasionally on internal streets, sometimes opposite approaching roads which provides an end point to views along those streets. The use of two and a half storey dwellings on corner plots on the Newmarket Road frontage provides improves the legibility of the streets and will assist in wayfinding. The majority of dwellings on the internal roads within the scheme are two storeys in height.

7.54 The appearance of the dwellings proposed initially was not considered to be of an acceptable quality nor to adequately reflect the character of Burwell. Significant changes have been made to the appearance of the dwellings over the course of the application to try to ensure the proposed development reflects the context of Burwell and that the dwellings are of a good design quality generally. In particular, the dwellings along the Newmarket Road frontage incorporate features that are found within the historic areas of Burwell including mock sash windows, brick corbel eaves detailing, portico style canopies and chimneys. Elsewhere on the site fenestration patterns have been improved and, notably significant improvements have been made to corner-turning buildings providing more active frontages on return elevations and increased roof pitches to enhance the corner plots and increase legibility.

7.55 The materials proposed to be used have also been reconsidered to reflect the character of Burwell. Render has been incorporated on key dwellings and the primary bricks used would be gault or yellow. While some details of materials have been provided, it is considered that the provision of further details including on site

sample panels for main and detailing bricks is required in order to ensure an acceptable final appearance. That provision would be secured via condition.

- 7.56 The design quality of the scheme has undoubtedly improved significantly from initial submission to the final layout now under consideration, both in respect of its layout, the inclusion of additional open space and the design aesthetic. While concerns remain regarding the number of dwellings on the parcel and the balance of development across the wider site, it is considered that this issue can likely be addressed during the later development of Phase 3, which could provide fewer dwellings at a lower density, perhaps with increased areas of open space. The development is therefore, on balance considered to accord with policy HOU 2 in respect of the housing density. The design of the scheme on this parcel is now considered to be of an acceptable level sufficient that it complies with the requirements of Local Plan policies ENV 1 and ENV 2 and the design guide SPD.
- 7.57 Residential Amenity
- 7.58 Policy ENV 2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.
- 7.59 The Phase 1 parcel is located well away from neighbouring properties to the west such that the built form of the development would cause no significant harm to the amenity of residents of those properties. The Newmarket Road frontage of the scheme would face towards existing dwellings on the opposite side of Newmarket Road, however again, given the separation distances involved (between 25 and 30 metres to front garden boundaries), it is not considered that any harm from the built form or overlooking would result.
- 7.60 The construction phase of any large residential development poses potential amenity issues in respect of noise, dust and light pollution. The outline permission was granted subject to Condition 19 which requires that no development commence until a Construction Environmental Management Plan for that phase has been submitted and approved. That condition satisfactorily secures the mitigation of the impact of development phase on neighbours.
- 7.61 The Council's Environmental Health Officer has requested a condition securing a Piling Method Statement in the event that piling is required as part of the development. Condition 25 of the outline permission already secures such a measure and the impact of piling on the amenity of neighbours during the construction phase has therefore already been addressed.
- 7.62 The layout and design of the dwellings would afford occupants an acceptable level of amenity and privacy. Back to back distances of 20 metres between dwellings have been achieved across the scheme and acceptable window to blank wall distances are also achieved.
- 7.63 Garden on all plots except the maisonettes exceed the standard set within the Council's Design Guide SPD of 50m². While the smaller sized gardens for the

maisonettes is regrettable, there is a significant level of provision of public open space within the approved wider site and the Design Guide does state that the garden size requirement applies 'in most cases' and it is considered that the scheme complies with this requirement.

- 7.64 As detailed above, parking provision is generally adequate for dwellings across the scheme being on average at least two spaces per dwelling. The maisonettes on site are only provided with one space, however as these are smaller units of which there are only a few, that provision is unlikely to be significantly detrimental to the amenity of the occupants of those dwellings.
- 7.65 In order to ensure that an acceptable level of access and maintenance of streets is secured, the LHA has requested that conditions be applied to the scheme relating to the construction of access roads, paths and cycleways and the management and maintenance of streets. These conditions were applied to the outline permission and do not need to be repeated for the reserved matters. The LHA also requests that the provision of access, turning and parking spaces and the ongoing provision of visibility splays be secured. These will both be secured by condition and the former will be sufficient to ensure that parking spaces on site be provided and retained in perpetuity. The gating of accesses and parking spaces would also be restricted by condition. Where parking is provided in car ports, as on some of the dwellings fronting the eastern spine road, permitted development rights for the conversion or alteration of those car ports would be removed to ensure ongoing provision.
- 7.66 It is therefore considered that the proposed development would not cause any significant harm to the amenity of current Burwell residents and that it would provide an acceptable level of residential amenity to future occupiers of the scheme, in accordance with policy ENV 2 and the Design Guide SPD.
- 7.67 Historic Environment
- 7.68 LP policy ENV 12 states that proposals that affect the setting of a Listed Building will only be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset; not materially harm the immediate or wider setting of the Listed Building; and facilitate the long-term preservation of the building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.
- 7.69 The outline application considered the impact of the development on the setting of listed buildings, the nearest of which is the Grade II listed Mill to the north of Melton's farmhouse. The development of the wider site retains an area of open space in the area nearest to that building and the outline application found that the proposed development would have a limited impact on that building. The current proposal, in fact, locates development further from that boundary than was shown in the outline application and the development, given the limited height of the proposed dwellings, is considered to have a neutral impact on that building.

- 7.70 On that basis, the proposed development is considered acceptable in terms of its impact on listed buildings in accordance with the requirements of LP policy ENV 12.
- 7.71 LP policy ENV 14 requires that development affecting all sites of known or potential archaeological interest have regard to their impact on those assets and protect enhance and conserve archaeological remains.
- 7.72 The archaeological interests of the current site and wider site are significant and archaeological condition was applied to the outline permission requiring that no development occur in a particular phase until a programme of archaeological work had been carried out.
- 7.73 A pre-commencement archaeological excavation conducted under that condition, which predominantly occupied the Phase 1 area has uncovered a major Late Bronze Age to early Iron Age settlement (c. 9th-7th centuries BC) of around 30 post-built round houses, rectangular buildings and structures, wells and a large number of storage pits cut deeply into the chalk bedrock. Further investigative archaeological work is not required as part of the current scheme.
- 7.74 The CCC Archaeology Team suggests that as place-shaping is an important aspect of new settlements, interpretation of the historic landscape ought to be included in the design proposals for the development. It has suggested that an interpretation board in one of the public spaces in the scheme be required by condition. It is considered that the area to the western tip of the site where pedestrian access is provided onto Newmarket Road would be a suitable location for such interpretation. Secured by condition, the provision of an interpretation board would assist in the historic understanding of the site and enhance the archaeology interests of the site.
- 7.75 On that basis, the proposed development is considered acceptable in respect of its impact on the archaeology in accordance with LP policy ENV 14.
- 7.76 Ecology and biodiversity
- 7.77 LP policy ENV 7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network. The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed.
- 7.78 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated and included a condition requiring the carrying out of the development in accordance with the key recommendations and precautionary methods contained within the ecological surveys submitted at the time of that application.
- 7.79 Those enhancement recommendations included the installation of bat tubes; bird boxes suitable for house martins, house sparrow, dunnock and starling; native and wildlife attracting planting; hedgerow boundary planting or along access roads; and reptile hibernacula such as log and rock piles. Such measures are considered to

remain appropriate. The documents considered as part of the outline application were necessarily general in scope as the layout of phases was unknown and it is therefore considered necessary to require the submission of a detailed ecological enhancement scheme for this phase. On the basis that such a scheme is secured by condition, the proposed development would secure an acceptable biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.

7.80 Flood Risk and Drainage

7.81 LP policy ENV 8 states that all developments should contribute to an overall flood risk reduction, demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems will be required for new developments.

7.82 The site is at low risk of flooding and the outline application demonstrated that surface water could be deal with on the wider site as it had been established that infiltration drainage was feasible. That application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase.

7.83 A detailed surface water drainage scheme has been submitted in respect of Phase 1 under reference 15/01175/DISI and the Lead Local Flood Authority has confirmed that it is acceptable and sufficient to satisfy the requirements of the condition. On that basis, it is considered that the scheme has demonstrated that it can adequately provide surface water drainage and is acceptable in that regard. As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application. As the condition on the outline application states that the condition must be discharged prior to the approval of the reserved matters application, and as that condition has not yet been formally discharged, delegated powers are being sought to approve the application once the outline condition has been formally discharged.

7.84 The principle of the site to provide adequate foul drainage for 350 dwellings was considered at outline stage. Anglian Water advised that there was the capacity at Burwell Water Recycling Centre to accommodate the flows from the development, however it and the Environment Agency required that improvements to the existing sewerage system would be required. The outline permission was therefore granted subject to a condition requiring that no development commence until a foul water strategy, including a scheme for the improvement and/or extension of the existing sewerage system, has been submitted and approved. The applicant has submitted such a scheme in respect of Phase 1 under reference 15/01175/DISI. That scheme is still being considered by statutory consultees, however the presence of the condition on the outline permission gives sufficient assurance that development of the site will not take place unless an acceptable foul drainage scheme is in place.

7.85 On the basis of the above, the development is considered to comply with the requirements to provide adequate drainage in accordance with LP policy ENV 8.

7.86 Energy and Sustainability

- 7.87 The adopted Climate Change SPD predominantly focusses on providing additional guidance to the implementation of LP policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It goes on to state that applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction, as set out in the Code for Sustainable Homes (or its successor), demonstrating that developments of 5 or more dwellings would achieve energy efficiency improvements 20% above Building Regulations (as at Jan 2021), as set out in CC1 of the SPD.
- 7.88 The outline permission considered the sustainability of the scheme and required the submission of an Energy and Sustainability Strategy alongside any reserved matters application for buildings, via condition 14 of that permission. Such a strategy has been submitted alongside this application. The measures identified within that strategy as feasible in this case are a fabric first approach to the construction of buildings which seek to reduce energy demands by building energy efficient buildings and the use of a mix of solar panels and air source heat pumps.
- 7.89 However, the Council's Building Control team has previously advised that any dwellings not commenced on site by 14 June 2023 would need to comply with the latest Part L Building Regulations, which would exceed the carbon reduction that ENV 4 and CC1 seek to achieve. In this regard therefore, the development would automatically meet and exceed the aims of CC1 and ENV 4. In essence, the requirements of the SPD and, as a result, the condition attached to the outline permission, have been superseded by latest Building Regulations - Part L.
- 7.90 Concern has been expressed locally regard the level of detail provided in the strategy and the extent of its ambition and specifically regarding the location of solar panels and the provision of vehicle charging points. While these concerns are understood, as stated above, the requirements for energy efficient and sustainable development required by policy will be met and exceeded via the 2021 update of Part L Building Regulations. It is therefore unreasonable to require the strategy to go further than it currently does in respect of the provision of renewable energy or energy efficiency.
- 7.91 On that basis, the proposed development is considered to comply with the requirements of condition 14 of the outline permission, LP policy ENV 4 and the Climate Change SPD.
- 7.92 Other Material Matters
- 7.93 *Healthcare contributions*
- 7.94 NHS England has requested that the impacts of the development on healthcare provision be fully assessed and mitigated by way of a developer contribution. It is noted that the NHS did not comment at Outline stage at which point the impact of

the development in principle, including in respect of the burden of additional residents on local infrastructure, was considered. It was decided at that stage that healthcare contributions were listed on the Council's 123 list and therefore a contribution under the outline permission would have been double-counting. This current application seeks approval of the reserved matters of appearance, scale, layout and landscaping and such issues in-principle issues of the residential development cannot be reconsidered at this stage. NHS England's comments regarding securing contributions toward healthcare are noted and will be passed to the CIL team – however, it would not be possible under this application to secure contributions and matters of CIL funding fall outside of the regulatory framework of the planning system.

7.95 *Firefighting*

7.96 A request for fire hydrant details has been made by Cambridgeshire Fire and Rescue. Condition 13 of the outline permission already satisfactorily secures this detail to be agreed prior to commencement of development of each phase.

7.97 The submitted Fire Tender swept path analysis demonstrates that a fire tender can adequately access the site for the purposes of firefighting.

7.98 *Footpath connection points*

7.99 Consultation responses received in respect of the current application raised concerns in respect of footpath connections through to the neighbouring Felsham Chase neighbourhood and potential impacts of increased footfall. However, the Phase 1 site has no direct boundary with Felsham Chase or its neighbouring streets and it is therefore not considered that the layout of Phase 1 has any significant impact in that regard.

7.100 Planning Balance

7.101 The proposed reserved matters scheme for the Phase 1 parcel is considered to accord with the outline planning permission and the development framework drawing approved at that stage and is therefore acceptable in principle.

7.102 It is acceptable in respect of the level of amenity it would provide to future residents and its impact on the residential amenity of existing neighbours, the historic environment, biodiversity and ecology, and flood risk and drainage. It would also comply with the requirements of the Council's planning policies relating to energy and sustainability.

7.103 The design of the scheme in respect of the detailed matters of layout, landscaping, scale and appearance, is now considered of an acceptable quality. Lengthy negotiations on and revisions to the scheme have been undertaken since the submission of the application and these have significantly improved the design quality. While the design quality achievable on the scheme has undoubtedly been constrained by the housing numbers proposed for this phase of the wider development, officers are of the view that the current scheme achieves an acceptable design quality.

- 7.104 The scheme is not without its weaknesses – as detailed above, the number of dwellings proposed on the parcel is a higher proportion of the overall number approved on the wider site than is ideal and will lead to challenges in delivering a scheme with a cohesive character across that wider site, particularly in respect of Phase 3. However, these challenges are not considered to be insurmountable. The scheme also skews its market housing mix towards larger dwellings and while some justification has been provided to support the acceptability of that approach, that matter is finely balanced. Ultimately, officers are of the view that the mix can be considered to contribute to local housing needs and is, on balance, acceptable.
- 7.105 The scheme does provide a policy compliant level of good quality affordable housing as required by the outline permission and the mix and tenure of the housing is acceptable in respect of the local need.
- 7.106 Having weighed the strengths and weaknesses of the scheme, it is the opinion of officers that the scheme proposed in the reserved matters application is of an acceptable standard of design and that it broadly complies with the Local Plan as a whole. The adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal. On that basis, the application is recommended for approval.

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 costs 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.

9.0 APPENDICES

- 9.1 Appendix 1 – Outline Decision Notice (15/01175/OUM)
9.2 Appendix 2 – Schedule of proposed conditions

Background Documents

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>

The planning records for the following applications:

15/01175/OUM, 15/01175/NMAA, 15/01175/NMAB, 20/01755/RMM, 22/00420/RMM

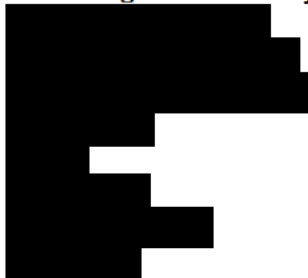


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This matter is being dealt with by:

Rebecca Saunt

Telephone: 01353 616357
E-mail: rebecca.saunt@eastcambs.gov.uk
My Ref: 15/01175/OUM
Your ref

31st October 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following:

Proposal: Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure
Location: Land At Newmarket Road Burwell
Applicant: Cambridgeshire County Council

This consent for outline planning permission is granted in accordance with the application reference **15/01175/OUM** registered 2nd October 2015.

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
CAM.0985_26		2nd October 2015
CAM.0985_03-8	B Indicative	15th March 2017
PHASE 1 CONTAMINATED LAND RSA RESPONSE		2nd October 2015 11th May 2017
PHASE 1 HABITAT SURVEY		2nd October 2015
TRANSPORT ASSESSMENT		2nd October 2015

FLOOD RISK ASSESSMENT	2nd October 2015
LANDSCAPE AND VISUAL STRATEGY	2nd October 2015
REPTILE SURVEY	2nd October 2015
BREEDING BIRD SURVEY	2nd October 2015
TRAVEL PLAN	2nd October 2015
ARCHAEOLOGICAL DESK BASED ASS	2nd October 2015
ARCHAEOLOGICAL EVALUATION REPORT	2nd October 2015
SERVICES APPRAISAL	2nd October 2015
PRE PLANNING ASSESSMENT REPORT	2nd October 2015
INFILTRATION RESULTS	2nd October 2015
HIGHWAYS POSITION STATEMENT	15th March 2017
J281/SK06	15th March 2017
DRAINAGE	13th November 2015
J281/SK/01	15th March 2017

- 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 for phase 1 shall be made within 2 years and subsequent applications for the approval of the reserved matters within 5 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 Unless otherwise required by other Planning Conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B.
- 4 Reason: To ensure the development is carried out in accordance with the approved Development Framework Plan and accords with policy ENV2 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 5 As part of or prior to the determination of the first Reserved Matters application, a Site-wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site-wide Phasing Plan shall provide the following information and state when each of the requirements will be delivered:
- Broad details of the intended sequence of development across the entire area;
 - The extent and location of the likely development phases and parcels and broad details of the type of development envisaged in each phase (which may include infrastructure only phases);
 - Location of vehicular access off Newmarket Road, roads, footpaths and cycleways associated with each phase;
 - The location of self-build dwellings;
 - The location of dwellings that are to be built to be suitable or easily adaptable for occupation of the elderly or people with disabilities (Lifetime Homes standard or equivalent)
 - Structural landscaping and advanced structural landscaping associated with each phase;
 - The sports hub; and
 - Informal open spaces and recreational areas.

No development other than Enabling Works shall commence until such a time as a Site-wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Site-wide Phasing Plan, or any subsequent amended plan pursuant to this condition.

- 5 Reason: To ensure the development is delivered in a structured way in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B, in accordance with policies HOU1, ENV2, COM7 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 6 Within any reserved matters application for landscaping details pursuant to this approval, the details required by condition 2 shall include detailed landscape designs, specifications and timescales for implementation for the associated reserved matters site. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- a) The location and specification of structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- b) Details of all hard surfacing materials (size, type and colour)

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

- 6 Reason: To ensure, as the development is built out in phases, it satisfactorily assimilates into the area and enhances the development in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) using the unique rural setting to provide a special place and provide multi functional green infrastructure as an integral part of the design and layout.
- 7 The dwelling mix for any phase of the development containing dwellings shall provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission of the Reserved Matters application for each phase. The Reserved Matters applications shall be accompanied by a statement explaining the approach taken to housing needs and demand. The dwellings shall be provided in accordance with the approved details.
- 7 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.

- 8 Any reserved matters application for residential development which includes 'self-build' plots shall include a plan showing the distribution of the 'self-build' plots. There will be 17 'self-build' plots in total across the whole of the site and they shall be provided in accordance with the approved details.
- 8 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.
- 9 Any reserved matters application for residential development shall include a plan showing the distribution of market and affordable housing and a schedule of dwelling size (by number of bedrooms). All affordable housing shall, in accordance with best practice, be designed to be tenure blind. The affordable houses shall be provided in accordance with the approved details.
- 9 Reason: To ensure the delivery of a balanced community, in accordance with policy HOU3 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence in a particular phase 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. This written scheme will include the following components, completion of which will trigger the phased discharging of the condition:
- i) Approval of a Written Scheme of Investigation to include the excavation and recording of archaeological remains and an appropriate outreach element;
 - ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - iii) Completion of a Post-Excavation Assessment Report (PXA) and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
 - iv) Completion of the programme of analysis and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - v) Production of an archive report and the preparation of site archive for deposition at the Cambridgeshire Archive facility, or another appropriate store approved by the Planning Authority;
 - vi) Preparation of suitable materials for secure local display in an appropriate public space.
- Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.
- 10 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.
- 11 Development in a particular phase shall not commence 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.

- 11 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.
- 12 If, during the development of a phase, 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.
- 12 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.
- 13 No above ground construction shall take place in a particular phase until a scheme for the provision and location of fire hydrants to serve that phase 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 for that phase shall be installed and completed in accordance with the approved details prior to the occupation of any part of that phase.
- 13 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies GROWTH3 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to or as part of the first reserved matters application for each phase, 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.
- 14 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in Policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 15 To the extent that the reserved matters applications include external public spaces or roads which are not intended to be adopted by the highways authority (e.g. private roads, playgrounds and sports pitches), such applications will be accompanied by a Light Management Plan (LMP) for the relevant areas, for approval by the Local Planning Authority. The LMP shall set out details of proposed permanent external lighting including luminosity and hours of operation. It shall also set

out timescales for implementation. The relevant external lighting shall only be provided and operated in accordance with the approved LMP.

- 15 Reason: To protect reasonable residential amenity of future occupiers of the site and those adjacent, to accord with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 16 Before any reserved matters application for development involving buildings, roads or other impermeable surfaces is approved, a detailed surface water drainage scheme for that reserved matters scheme, based on the agreed surface water drainage documents (CCE/J281FRA-02 dated July 2015) 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 the development is completed.

No development shall take place until details of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 16 Reason: To prevent the increased risk of flooding, 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.
- 17 No development shall commence until a foul water strategy, which includes a scheme for the improvement and/or extension of the existing sewerage system, has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved details of the foul water strategy.
- 17 Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is prior to commencement as these details need to be agreed before construction begins.
- 18 Prior to the commencement of development in a particular phase, 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.

- 18 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.
- 19 Prior to the commencement of development in a particular phase, a Construction Environmental Management Plan (CEMP), shall be submitted to an approved in writing by the local planning authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy. The CEMP shall include the consideration of the following aspects of construction:
- a) Site wide construction and phasing programme
 - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
 - c) Construction hours
 - d) Delivery times for construction purposes
 - e) Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883 (2009) and / or its subsequent amendments
 - f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - g) Maximum noise mitigation levels for construction equipment, plant and vehicles
 - h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - i) Setting maximum vibration levels at sensitive receptors
 - j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
 - k) Site lighting
 - l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - m) Screening and hoarding details
 - n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
 - p) External safety and information signing and notices
 - q) Liaison, consultation and publicity arrangements including dedicated points of contact
 - r) Consideration of sensitive receptors
 - s) Prior notice and agreement procedures for works outside agreed limits
 - t) Complaints procedures, including complaints response procedures Membership of the Considerate Contractors Scheme
 - u) Location of Contractors compound and method of moving materials, plant and equipment around the site
 - v) An Emergency Incident Plan for dealing with potential spillages and / or pollution incidents.

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

- 19 Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with polices ENV2 and ENV9 of the East Cambridgeshire Local Plan; 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.
- 20 No development shall take place on the phase for the sports hub as detailed on the Development Framework Plan Drawing No. CAM.0985_03-8B until the following information has been submitted to and agreed in writing with the local planning authority:
- a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The works shall be carried out in accordance with the approved scheme within a timescale to be approved in writing by the Local Planning Authority.
- 20 Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 21 The playing fields shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 21 Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the bringing into use of the new playing fields and sports hub a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields.
- 22 Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport in accordance with National Planning Policy Framework (NPPF) paragraph 74 and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 23 The specific rated noise level emitted from plant or machinery (associated with the sports hub) located on the site shall not exceed the existing background noise level or 35dB, whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of the nearest noise

sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142:2014.

23 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

24 Construction times and deliveries during the construction and demolition phases shall be limited to within the following hours:

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

07:30-13:00 Saturdays

None on Sundays, Bank Holidays or Public Holidays

For the avoidance of doubt this means during the construction phase no machinery or plant shall be operated outside of the above times.

24 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

25 If piling activities are required within 40metres of the boundary of the application site, the method of piling shall be agreed in writing with the local planning authority prior to commencing the activity and the method agreed shall be adhered to.

25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

26 During construction any site based mobile plant (excluding HGV's) shall have broadband reversing alarms.

26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

27 The development shall be completed in accordance with the key recommendations and precautionary methods and additional recommendations of the Phase 1 Habitat Survey carried out by James Blake Associates, dated June 2015, the recommendations and enhancement recommendations of the Reptile Survey carried out by James Blake Associates, dated June 2015 and the recommendations of the Breeding Bird Survey carried out by James Blake Associates, dated June 2015.

27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

28 The access(s), cycleway (s) and footway (s) are to be in accordance with the Designers Response (March 2017) and as per drawing number J281/SK/01 Rev F.

28 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.

29 Prior to the occupation of the first dwelling the provision of a 3 metre wide shared footway/cycle from the site access, continuing west to Burwell Surgery shall be constructed and brought into use as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.

- 29 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 30 Prior to the occupation of the first dwelling the site access off Newmarket Road shall be provided with a right turn lane as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 30 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 31 A 4 metre wide shared footway/cycleway shall be constructed and brought into use from the site, continuing west onto Ness Road, as shown in principle on drawing J281/SK/06 dated 28/04/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the second phase of development. As part of the submission, details of the timescale for delivery shall be submitted to and agreed in writing with the Local Planning Authority.
- 31 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 32 Prior to the occupation of the first dwelling a new bus stop shall be provided on the northern side of Newmarket Road, the stop shall include but not be limited to raised kerbs, flag, time table and painted bus cage, as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 32 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 33 Prior to occupation of the first dwelling the two bus stops on the southern side of Newmarket Road directly opposite the site shall be upgraded, the upgrades shall include but not be limited to raised kerbs, flag, time table and painted bus cage, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 33 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 34 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator to give advice.
- 34 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 35 Prior to occupation of the first dwelling, the Developer shall be responsible for the provision and implementation of welcome packs for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The packs shall be provided to the first occupiers of each new residential unit on the development site.
- 35 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 36 Prior to first occupation of any dwelling the road(s), footways(s) and cycleway(s), within a phase of development, shall be constructed to at least binder course surfacing level from the dwelling to the

adjoining County road in accordance with the details approved in writing by the Local Planning Authority.

- 36 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 37 No development shall commence, with the exception of below ground works, 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).
- 37 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.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 A Road Safety Audit 2 will be required and the design must include all of the details agreed within the designs response (March 2017) RSA 1.
- 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 any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- 3 No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.
- 4 Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- 5 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.

- 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; this contribution is currently set at £43 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 This development should be carried out in strict accordance with the provisions of the Environment Agency letter, which attaches to this consent.
- 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 policies in themselves have been sufficiently explicit to guide the submitted application and acceptable plans and information has been submitted, therefore no amendments/improvements have been sought from the applicant.
- 9 This decision notice should be read in conjunction with the Section 106 Obligation dated 30th October 2019 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: 31st October 2019

22/00479/RMM

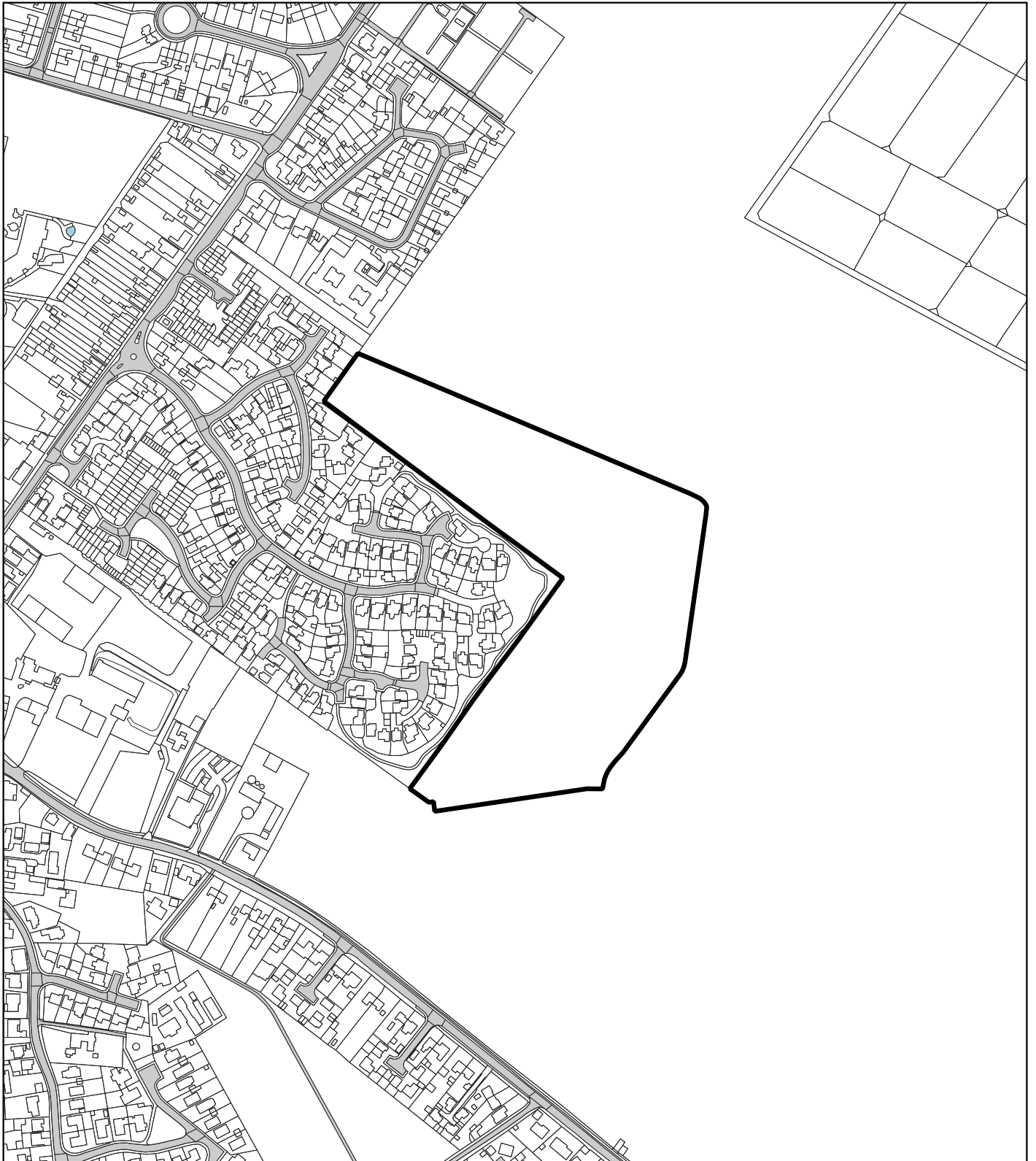
Phase 2A Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 133 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAN6UWGGFUW00>





22/00479/RMM

Phase 2A Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell



East Cambridgeshire
District Council

Date: 13/10/2023
Scale: 1:4,500



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TITLE: 22/00479/RMM

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Team Leader

Report No: Y74

Contact Officer: Dan Smith, Planning Team Leader
dan.smith@eastcambs.gov.uk
01353 616306
Room No 011 The Grange Ely

Site Address: Phase 2A Millstone Park Land Adjacent To Melton Farm Newmarket Road Burwell

Proposal: Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 133 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Applicant: Vistry Homes Ltd

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 20 April 2022

Expiry Date: 10 November 2023

1.0 RECOMMENDATION

1.1 Members are recommended to GRANT DELEGATED POWERS TO THE PLANNING MANAGER TO APPROVE the application once the drainage condition (condition 16) on the outline permission has been discharged and subject to the recommended conditions summarised below (with any minor changes delegated to the Planning Manager). The conditions can be read in full on the attached Appendix 1 of this report.

- 1 Approved Plans
- 2 Materials
- 3 Hard surfacing

- 4 Details of pathways
- 5 Landscaping Implementation, Management and Timescales
- 6 Lighting
- 7 Solar Panels
- 8 Boundary Treatments
- 9 Cycle Storage
- 10 Biodiversity
- 11 Access, Parking and Turning
- 12 Pedestrian Visibility Splays
- 13 Restriction on Gates

2.0 BACKGROUND

- 2.1 This application was previously referred to Planning Committee on 2 August 2023. The previous version of the scheme was recommended for approval by officers. At that August meeting Planning Committee resolved unanimously that the application be deferred to allow the applicant to work with Officers to make amendments to the scheme to address the issues that Committee had identified. The stated issues were overdevelopment, poor housing mix, parking, poor quality layout and lack of sufficient green space within the proposed development.
- 2.2 Since that meeting, the applicants have made revisions to the scheme to address the concerns of members of the Planning Committee and consultations have been undertaken with relevant consultees where the changes might have affected their previous comments. Further minor changes have since been made to address the LHAs comments on the revised layout.
- 2.3 This report is intended to update members on the amendments made since the August Committee, the subsequent consultation responses and sets out the officer recommendations in respect of the revised scheme. It should be read in conjunction with the August Committee report [‘the previous report’] which can be found at Appendix 2. The Decision Notice for the original outline application to which this reserved matters application relates can be found at Appendix 3.

3.0 SUMMARY OF AMENDMENTS TO THE APPLICATION

- 3.1 Since the scheme was considered by committee in August, the application has been amended to remove five dwellings, meaning the scheme now proposes 133 dwellings. Of those 133 dwellings, 53 are affordable homes and 80 are market.
- 3.2 The mix of market dwellings has also been significantly revised to provide more 2 bedroom dwellings and fewer larger 4+ bedroom dwellings as follows:

Bedrooms	Previous Scheme nos.	Previous %	Current Scheme nos.	Current %
1	0	0	0	0
2	7	8	12	15
3	27	32	40	50
4+	49	59	28	35

3.3 Parts of the layout of the scheme have changed to accommodate the above revisions as well as to provide a further six visitor parking spaces (26 total) and to remove the dense mews courts previously proposed. Those two areas close to the spine road have been replanned to alter the street arrangement and remove dwellings including the flats over garages and this has also allowed greater soft landscaping close to the spine road. Elsewhere verges, particularly at the corners of streets have been increase in width and more tree planting has been incorporate. Drainage details have also been updated to reflect the revisions.

3.4 While the Phase 3A land is not within the applicants' control, the applicants have provided an indicative layout for that phase to illustrate how the balance of dwellings from the outline approval could be provided following approval of the current Phase 2A application and the Phase 1 application which is also under consideration.

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/>.

4.0 RESPONSES FROM CONSULTEES ON THE AMENDED SCHEME

4.1 Responses were received from the following consultees in respect of the most recent amendments as summarised below. The full responses are available on the Council's web site.

Burwell Parish Council – 12 October 2023

The PC states it is pleased that ECDC and the developers are working together to achieve the best outcome. The Council has no objections to the revised plans and hope that work can start on the site as soon as possible.

Local Highways Authority – 6 October 2023

States that the side roads between Plots 213 and 229 and between Plots 227 and 238 appear to have flush rumble strips (or similar) on entry and that such features in the carriageway should be removed. Noted that there was some discrepancy between the tree planting locations shown on site and landscaping plans.

Lead Local Flood Authority – 19 October 2023

Confirms that the revised layout would have a negligible effect on surface water drainage and it does not need to make further comments on the Reserved Matters application.

Housing Section – 11 October 2023

States it supports the above application as it will deliver the required amount of affordable housing on site and will meet the required tenure of 70% rented and 30% Intermediate Housing in accordance with the approved s106 agreement. Noted that the 3-bedroom Elmslie house type, while complying with the bedroom sizes

necessary to delivery the required occupancy level of 5 persons, does not comply with the minimum overall floor area set out in the Nationally Described Space Standards. However, noted that the floorspace was approximately 93% of the NDSS which exceeds the Homes England requirement meaning it would be unlikely to be problematic for a registered provider to take on.

ECDC Trees Team – 9 October 2023

Stated that the soft landscaping scheme remains acceptable.

5.0 THE PLANNING POLICY CONTEXT

- 5.1 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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 5.2 *East Cambridgeshire Local Plan 2015 (LP)*
- | | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 4 | Delivery of growth |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 1 | Housing Mix |
| HOU 2 | Housing density |
| HOU 3 | Affordable Housing provision |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| ENV 12 | Listed Buildings |
| ENV 14 | Sites of archaeological interest |
| COM 4 | New community facilities |
| COM 7 | Transport impact |
| COM 8 | Parking provision |
| BUR 1 | Housing allocation, land off Newmarket Road |
- 5.3 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*
- | | |
|-----------|--|
| Policy 14 | Waste management needs arising from residential and commercial development |
|-----------|--|
- 5.4 Supplementary Planning Documents (SPD)
- Design Guide – Adopted March 2012*
 - Flood and Water – Adopted November 2016*
 - Contaminated Land - Adopted May 2010*
 - Developer Contributions and Planning Obligations – Adopted May 2013*
 - Natural Environment SPD – Adopted September 2020*

- 5.5 *National Planning Policy Framework 2019 (NPPF)*
Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment
- 5.6 Planning Practice Guidance (PPG) and National Design Guide (NDG)

6.0 PLANNING COMMENTS

- 6.1 As per the previous report, the main planning considerations in this case are the principle of the development, housing mix, layout, scale and appearance, landscaping, residential amenity, historic environment, energy and sustainability, biodiversity and ecology, and flood risk and drainage.
- 6.2 Principle of Development
- 6.3 The previous report confirmed that the wider site is allocated for residential development and benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. The revisions to the scheme have no impact on the acceptability of the principle of development subject to the detail of the scheme according with the outline permission and other development plan policies as assessed below.
- 6.4 On that basis, the principle of development is acceptable in accordance with LP policies GROWTH 2 and BUR 1.
- 6.5 Housing Numbers and Mix
- 6.6 *Housing Numbers*
- 6.7 As detailed in the report for the previous scheme, the outline application approved up to 350 dwellings across the wider site in three parcels broadly equal in area. The current reserved matters application initially sought 150 of those dwellings in phase 2A. After officers raised concerns in respect of the balance of the housing delivery across the wider site and the potential issues with the holistic character of the wider development, 12 dwellings were removed from the scheme. In recommending approval of the previous scheme, officers expressed concern regarding the balance of housing across the wider site and the challenges the proposed numbers had introduced in terms of achieving a high-quality layout and design for the parcel. In

considering the previous scheme, members suggested that the scheme was an overdevelopment of the parcel and expressed concern regarding the remaining parcel and holistic development of the site.

- 6.8 The revised scheme has removed a further five dwellings from the scheme (and a further five have been removed from the Phase 1 scheme). In respect of the design on the Phase 2A parcel, this has allowed significant benefits to be achieved in respect of the layout including more spacious areas alongside the spine road where previously there were denser mews areas, more street landscaping including additional tree planting and wider verges and entrances to streets and additional visitor parking provision.
- 6.9 In respect of the wider site, the revisions to the numbers proposed for both Phase 1 and Phase 2A would leave a balance of 79 dwellings to be provided on Phase 3 under the outline permission. No information has been provided by the master developer for the site (This Land) regarding how the remainder of the housing might be delivered on Phase 3. As part of the revisions for the current application, the applicant has provided a layout plan for Phase 3 showing one way in which the phase could be delivered. It is considered that the plan demonstrates, in principle, that the lowering of the densities on Phases 1 and 2A and the raising of the density of Phase 3, would allow the remaining 79 dwellings to be provided in a way that could achieve a cohesive scheme across the wider site. As suggested in the previous report, Phase 3 of the development is likely to benefit from being at a slightly lower in density with a looser layout as it is the phase which will border most closely the open countryside. Phase 3 also contains the self-build plots for the wider site which generally benefit from larger plots. Additional public open spaces and structural landscaping could also be provided on Phase 3 which would enhance the countryside edge of the site while still allowing space for a less dense development to come forward.
- 6.10 The reduction in numbers and the additional work undertaken by the applicant in respect of a potential option for the delivery of Phase 3 have given officers increased confidence that that entire outline permission could be delivered holistically. Officers therefore recommend that the issue of the imbalance of numbers across the wider site has been addressed. Further consideration of the additional benefits of the reduction in numbers on Phase 2A is provided in the Design section below.
- 6.11 *Market and affordable housing split*
- 6.12 Of the 133 dwellings proposed, 53 are provided as affordable units which broadly accords with the s106 requirement on the outline permission to provide 40% affordable dwellings. Strictly the provision is slightly below the requirement (39.8%) but this rounds to 40% and the provision of 53 dwellings is the nearest whole unit to achieving the required provision. The s106 allows for very minor adjustments in the required provision to be agreed in writing which would be done should committee resolve to grant powers to approve the application. On that basis, the application is considered to provide an acceptable level of affordable housing.

6.13 *Market Housing Mix*

6.14 LP policy HOU 1 requires that housing developments 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. The outline permission was subject to a condition which requires reserved matters applications to provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission.

6.15 As detailed above, in direct response to members' concerns regarding the mix of market housing in the scheme, the applicant has increased the numbers of 2-bedroom dwellings, from seven dwellings to 12 dwellings, has increased the number of 3-bedroom dwellings from 27 dwellings to 40 dwellings and has very significantly reduced the number of larger 4+ bedroom dwellings, from 49 dwellings to 28 dwellings. The market mix indicated by the SHMA and as now proposed in the scheme is as follows:

Bedrooms	SHMA Min %	SHMA Max %	Current Nos.	Current %
1	0	10	0	0
2	20	30	12	15
3	40	50	40	50
4+	20	30	28	35

6.16 The market mix as proposed now much better reflects the SHMA when compared to the previous scheme. The percentage of 3-bedroom dwellings is in line with the upper end of the SHMA range. The percentage of 2-bedroom dwellings is now 5 % under the lower end of the SHMA range and the percentage of 4+ bedroom dwellings is 5% over the upper end of the SHMA range. Given the flexibility within the SHMA, as well as the justifications previously provided by the applicant in respect of the desire for additional rooms to allow home-working and multi-generational living it is considered that the proposed market housing mix is justified and acceptable under policy HOU 1 in this instance.

6.17 *Affordable tenure and mix*

6.18 The application proposes 53 affordable dwellings, 37 of which would be affordable rent and 16 of which would be shared ownership. This is a 70:30 split and reflects the desired 70:30 tenure split as required by the s106 agreement on the outline permission. The Council's Housing Strategy Team has confirmed it is happy with the proposed tenure of the scheme.

6.19 The mix requirement for affordable housing indicated in the SHMA and as proposed in the current scheme is as follows:

Bedrooms	SHMA Min %	SHMA Max %	Current Nos.	Current %
1	15	25	10	19
2	35	45	23	43
3	25	35	13	25
4+	5	15	7	13

- 6.20 This mix is considered to be acceptable in respect of the SHMA ranges and the Council's Housing Strategy Team has confirmed it is content with the mix.
- 6.21 As part of consultation responses on the previous scheme, the Housing Strategy Team requested that the Elmslie house type be revised to allow for a maximum occupancy of 5 people as opposed to the maximum occupancy of 4 people that the previous design allowed. Previously the applicant declined to make those amendments. The revised scheme has been amended to provide adequate bedroom sizes to meet the requirements of a 3-bedroom 5-person unit. While the floor space is below the NDSS for that size of house, the Housing Strategy Team is content that the scheme now achieves the desired occupation levels in respect of the affordable housing provided.
- 6.22 The timescales for the provision of affordable housing and the securing of that provision in the long-term are secured by the s106 obligation pursuant to the outline permission.
- 6.23 On the basis of the above, the proposed affordable housing is considered to be acceptable in respect of its quantum, tenure and mix in accordance with the requirements of LP policy HOU 3.
- 6.24 Design
- 6.25 The application seeks the approval of the reserved matters of layout, scale, appearance and landscaping. The outline permission requires via condition 4 that the development be carried out in accordance with the development framework drawing approved at that stage.
- 6.26 LP policy ENV 1 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 6.27 LP policy COM 7 requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Policy COM 8 requires

development proposals to provide adequate levels of car and cycle parking and that the provision be made broadly in accordance with the Council's adopted standards.

6.28 *Layout and Landscaping*

6.29 The previous layout of the scheme had been through several iterations since it was initially submitted in response to feedback from the case officer, urban designers and the Local Highways Authority. At August committee, members expressed further concerns regarding an over-development of the site, poor quality layout, lack of sufficient green space and the level of visitor parking.

6.30 The number of dwellings has been reduced by five and there has also been a move to use more smaller dwellings as detailed above. This has led to a reduction in density within the scheme, with the net density on the parcel now ~31 dwellings per hectare (~12.5 dwellings per acre). This density is considered to be acceptable both in terms of the character created within the parcel and also in respect of its relationship to existing residential streets and neighbourhoods adjoining the wider site.

6.31 Reducing the number of dwellings proposed and the use of more smaller dwellings has allowed the densest areas of the site – the two mews court areas proposed in the previous scheme – to be replanned. Dwellings have been removed from these areas meaning the density has reduced and a more spacious, softer character has been achieved. The northern area (south of plots 212 and 216) is now accessed internally rather than from the spine road. As well as a reduction in density in that area, fewer allocated parking spaces have been required which has allowed both an additional visitor space to be provided and increased soft landscaping, particularly alongside the spine road where dwellings not have deeper front gardens and the pedestrian path has wide verges on either side. This is considered to be a significant improvement in the layout of the scheme and the character created on that part of the site.

6.32 The southern area (between plots 195 and 200) is now accessed via the spine road with dwellings set back behind a shared surface street. This has allowed both additional tree planting in front of those dwellings and a widening of the north-south internal street to the west with deeper front gardens and wider verges at either end of the street. This replanning is considered to provide further benefits in respect of a lowering of the density of this part of the site and additional soft landscaping to enhance the character of the development.

6.33 Elsewhere on the parcel, the use of smaller dwellings and the reduction in numbers has allowed verges on the corners of most of the streets to be widened, creating a more spacious greener layout. In addition, the setting back of dwellings on the southern part of the site from the secondary spine road has allowed a row of trees to be provided alongside the street. These improvements are considered to provide an enhanced character compared to the previous submission and will provide more pleasant, greener routes for residents between the areas of green space on the site and the large areas of open space on the wider site.

6.34 The LHA has confirmed that the road layout is acceptable in respect of highway safety and adequate access is provided for waste collection vehicles to access the

site and turn within it providing acceptable arrangements for waste collection. The applicant has addressed the LHAs comments regarding proposed rumble strips by removing these from the plans.

- 6.35 In order to address members previous concerns regarding the extent of visitor parking, the unallocated visitor spaces on the phase have been increased in from 20 to 26 spaces. This is an increase in ratio from approximately 1 space per 7 dwellings in the previous scheme to approximately 1 space per 5 dwellings in the revised scheme. This visitor parking provision complies with the requirements of policy COM 8 which sets an 'up to' level of provision of 'up to 1 space per 4 dwellings and significantly increases the parking provision against what was originally considered. Furthermore, there is also an over-provision of allocated parking spaces in the scheme with some dwellings having three or four spaces allocated. This leads to an over-provision of allocated parking spaces on the parcel of 85. Taken together it is considered that the extent of parking now proposed for the parcel is adequate to accommodate the day-to-day needs of residents and their visitors.
- 6.36 The provision of car and cycle parking would be secured by condition. The proposed development is therefore considered to be acceptable in respect of its impact on highway safety and parking provision in accordance with LP policies COM 7 and COM 8.
- 6.37 *Scale and Appearance*
- 6.38 The scale of dwellings in the previous scheme was considered acceptable with the two and a half storey dwellings used central open space to provide more formality to that area. The majority of the remainder of the dwellings on the internal roads within the scheme are two storeys in height. Four bungalows have been used at the north-western tip of the site to ensure an acceptable impact on the amenity of neighbouring existing properties. Notwithstanding the move towards a larger number of 2 and 3 bedroom properties, the heights of the dwellings has not significantly changed in the revised scheme. The scale of the dwellings remains acceptable.
- 6.39 The appearance of the house types previously proposed was the product of negotiation and amendment where significant changes had been made to the appearance of the dwellings over the course of the application to ensure the development reflects the context of Burwell and that the dwellings are of a good design quality generally. The housetypes proposed in the revised submission are largely the same and where new housetypes have been introduced they are considered to be of a similar character. The appearance of the development is therefore considered acceptable in respect of the need to build dwellings of high quality which reflect and reference the character of Burwell.
- 6.40 The materials proposed to be used also reflect the character of Burwell. Render has been incorporated on key dwellings and the primary bricks used would be gault or yellow. As recommended in respect of the previous scheme, the detail of materials and the use of solar panels would be secured via condition.

- 6.41 The revisions to the layout enabled by the reduction in the number of dwellings and the move to smaller house types has undoubtedly further improved the quality of the scheme since its original consideration by committee, particularly in respect of the density of development, the replanning of the densest areas, the provision of wider verges and more soft landscaping and the increases to unallocated parking provision. The development is therefore now considered to be of a high quality of design and accords with LP policy HOU 2 in respect of the housing density and LP policies ENV 1 and ENV 2 and the design guide SPD in respect of its layout, landscaping scale and appearance.
- 6.42 Residential Amenity
- 6.43 None of the revisions to the scheme are considered to have any significant impact on the amenity of the existing residents of Burwell which was considered acceptable in the consideration of the previous scheme.
- 6.44 The revised layout and design of the dwellings continues to afford occupants an acceptable level of amenity and privacy. Back-to-back distances of 20 metres between dwellings have been achieved across the scheme and acceptable window to blank wall distances are also achieved.
- 6.45 Garden on all plots except the maisonettes exceed the standard set within the Council's Design Guide SPD of 50m². While the smaller sized gardens for the maisonettes is regrettable, there is a significant level of provision of public open space within the approved wider site and the expanded area of open space in the centre of the parcel is within easy reach of each of the maisonettes. The Design Guide states that the garden size requirement applies 'in most cases' and it is considered that the scheme complies with this requirement.
- 6.46 The allocated parking provision for dwellings is generally adequate across the scheme with each of the dwellings other than the maisonettes being provided at least two spaces. The maisonettes on site are only provided with one space, however as these are smaller units of which there are only a few, that provision is unlikely to be significantly detrimental to the amenity of the occupants of those dwellings.
- 6.47 The total number of allocated parking spaces on the scheme is 351, which gives an average provision of ~2.6 spaces per dwelling and an over-provision of allocated parking of 85 spaces. This is considered sufficient to serve the needs of future occupants of the scheme and provide an acceptable level of amenity.
- 6.48 The LHA requests that the provision of access, turning and parking spaces and the ongoing provision of visibility splays be secured. These will both be secured by condition and the former will be sufficient to ensure that parking spaces on site be provided and retained in perpetuity. The gating of accesses and parking spaces would also be restricted by condition.
- 6.49 On the basis of the above, it is considered the development would not cause any significant harm to the amenity of current Burwell residents and that it would provide a good level of residential amenity to future occupiers of the scheme, in accordance with policy ENV 2 and the Design Guide SPD.

6.50 Historic Environment

6.51 The previous scheme was considered to be acceptable in respect of its impact on the historic. The revised scheme would not significantly alter the impacts of the scheme on the historic environment. On that basis, the proposed development is considered acceptable in respect of its impact on the historic environment in accordance with LP policies ENV 12 and ENV 14.

6.52 Ecology and biodiversity

6.53 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated. The previous scheme was considered to be acceptable in respect of its impact on the ecology and biodiversity subject to a condition securing the provision of a detailed ecological enhancement scheme for the phase. The revised scheme would not impact on the potential delivery of such a scheme and on the basis that the same condition is applied, the proposed development would secure an acceptable biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.

6.54 Flood Risk and Drainage

6.55 The outline application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase. The detailed surface water scheme submitted in respect of the previous scheme which was considered satisfactory by the Lead Local Flood Authority (LLFA), has been updated as part of the revisions and the LLFA has confirmed that it remains acceptable.

6.56 As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application. As the condition on the outline application states that the condition must be discharged prior to the approval of the reserved matters application, and as that condition has not yet been formally discharged as the LLFA is considering the detailed revised scheme in respect of that condition, delegated powers are being sought to approve the application once the outline condition has been discharged.

6.57 The revisions to the scheme are not considered to impact on foul water drainage and the presence of a condition on the outline permission for the submission of a detailed foul water drainage scheme gives sufficient assurance that development of the site will not take place unless an acceptable foul drainage scheme is in place.

6.58 On the basis of the above, the development is considered to comply with the requirements to provide adequate drainage in accordance with LP policy ENV 8.

6.59 Energy and Sustainability

6.60 The previous scheme was considered to be acceptable in respect of its energy and sustainability credentials and the amendments to the scheme do not alter that conclusion. On that basis, the proposed development is considered to comply with

the requirements of condition 14 of the outline permission, LP policy ENV 4 and the Climate Change SPD.

6.61 Other Material Matters

6.62 The amendments to the scheme do not have any additional impact in respect of the other material matters considered in the previous report (healthcare contributions, firefighting, footpath connection points, delivery of play equipment) and the scheme remains acceptable in respect of those issues.

6.63 Planning Balance

6.64 The revised scheme is considered to accord with the outline planning permission and the development framework drawing approved at that stage and is therefore acceptable in principle.

6.65 Given the replanning of the denser areas of the parcel, the increase in soft landscaping through wider verges, softer corners and more tree planting, which would provide greener routes between the onsite green spaces and the significant areas of already approved off-site open space, it is considered that the scheme provides a high level of amenity for future residents. The impact of the scheme on the residential amenity of existing neighbours, the historic environment, biodiversity and ecology, and flood risk and drainage are also considered to be acceptable. It would also comply with the requirements of the Council's planning policies relating to energy and sustainability.

6.66 The revisions to the scheme, including the removal of five dwellings, the provision of wider verges and increased tree planting mean the design of the scheme in respect of the detailed matters of layout, landscaping, scale and appearance, is now considered of high quality. The provision of additional unallocated parking spaces increases the provision to a level more in line with the maximum level suggested by policy and, together with an over-provision of allocated parking, would ensure that parking provision on the site is acceptable.

6.67 The removal of the additional five dwellings (particularly when taken together with the amendments to the Phase 1 scheme) has also mitigated previous officer concerns in respect of the balance of development across the wider site. Members also expressed concern regarding that impact on the later phase, however, on the basis of the revisions, the advice of officers is that the current schemes will now provide a context for later phases where achieving a cohesive character across the wider site will be significantly more straightforward.

6.68 The mix of sizes of the market housing has been significantly revised to address members' concerns regarding the large numbers of large dwellings being proposed and the extent to which that reflected local need. The mix now proposed much more closely reflects the SHMA and officers' advice to members is that this mix is acceptable.

6.69 The scheme provides a good level of good quality affordable housing as required by the outline permission with a mix and tenure which reflects and will address local need.

6.70 The previous scheme was recommended by officers for approval on balance. The revised scheme is considered to be a substantial improvement on the previous scheme where identified weaknesses have been addressed. It is the opinion of officers that the revised scheme now proposed achieves a high standard of design quality and complies with the Local Plan as a whole. On that basis, the application is recommended for approval.

7.0 COSTS

7.1 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 appellants through the appeal process) then a costs award can be made against the Council.

7.2 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.

7.3 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.

8.0 APPENDICES

8.1 Appendix 1 – Schedule of proposed conditions

8.2 Appendix 2 – August 2023 Committee Report for current application

8.3 Appendix 3 – Outline Decision Notice (15/01175/OUM)

Background Documents

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>

The planning records for the following applications:

15/01175/OUM, 15/01175/NMAA, 15/01175/NMAB, 20/01755/RMM, 22/00479/RMM

APPENDIX 1 – Recommended Conditions

Approved Plans

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

<u>Plan reference</u>	<u>Ver</u>	<u>Date received</u>
500-LP-PH2-01	B	14th July 2023
500-MP-PH2-01	F	12th October 2023
500-MP-PH2-02	F	12th October 2023
500-MP-PH2-03	F	12th October 2023
500-SK-PH2-01	G	12th October 2023
500-SK-PH2-02	G	12th October 2023
500-SK-PH2-03	G	12th October 2023
500-SK-PH2-04	G	12th October 2023
500-SK-PH2-05	G	12th October 2023
500-SK-PH2-06	G	12th October 2023
500-SK-PH2-07	G	12th October 2023
500-SK-PH2-08	G	12th October 2023
500-SK-PH2-09	G	12th October 2023
N20301-XX-D2-A-AS-0801 PLANNING DRAWING-Hawthorn v1		14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v1	A	14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v2		14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v3	B	3rd October 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v6	A	14th July 2023
N30700-XX-D2-A-AS-0801 PLANNING DRAWING-Spruce v7	A	3rd October 2023
N30800-XX-D2-A-AS-0801 PLANNING DRAWING-Cypress v1	A	3rd October 2023
N30800-XX-D2-A-AS-0801 PLANNING DRAWING-Cypress v2	A	3rd October 2023
N32701-XX-D2-A-AS-0801 PLANNING DRAWING-Magnolia v1	C	3rd October 2023
N41200-XX-D2-A-AS-0801 PLANNING DRAWING-Juniper v1		14th July 2023
N41700-XX-D2-A-AS-0801 PLANNING DRAWING-Briar v1	C	3rd October 2023
N41700-XX-D2-A-AS-0801 PLANNING DRAWING-Briar v2	C	3rd October 2023
N41800-XX-D2-A-AS-0801 PLANNING DRAWING-Mulberry v1	D	3rd October 2023
N41800-XX-D2-A-AS-0801 PLANNING DRAWING-Mulberry v2	D	3rd October 2023
N51800-XX-D2-A-AS-0801 PLANNING DRAWING-Birch v1		14th July 2023
N51800-XX-D2-A-AS-0801 PLANNING DRAWING-Birch v2	C	3rd October 2023
N52000-XX-D2-A-AS-0801 PLANNING DRAWING-Lime v1	A	3rd October 2023
BFLA00-XX-D2-A-AS-B801 PLANNING DRAWING-Flanders v1	B	14th July 2023
BWOR00-XX-D2-A-AS-B801 PLANNING DRAWING-Worsley v1	B	3rd October 2023
CAS01-XX-D2-A-AS-0801 PLANNING DRAWING-Asher v1	C	14th July 2023
CCO01-XX-D2-A-AS-0801 PLANNING DRAWING-Cooper v1	C	14th July 2023
CCO01-XX-D2-A-AS-0801 PLANNING DRAWING-Cooper v2	C	14th July 2023
CSP01-XX-D2-A-AS-0801 PLANNING DRAWING-Speirs v1	B	3rd October 2023
B0MP00-XX-D2-A-0801A PLANNING DRAWING-Maple v1	B	3rd October 2023
F51900-XX-D2-A-AS-0801A PLANNING DRAWING-Yew v1	B	3rd October 2023
CGAR01-XX-D2-A-AS-0401	A	3rd October 2023
CGAR05-XX-D2-A-AS-0801	A	3rd October 2023
CGAR06-XX-D2-A-AS-0801	A	3rd October 2023
GL1689 01	H	3rd October 2023
GL1689 02	H	3rd October 2023

GL1689 03	H	3rd October 2023
GL1689 04	G	3rd October 2023
GL1689 05	G	3rd October 2023
GL1689 06	G	3rd October 2023
GROUP-VIS-S-EX-D2-A-FC-207		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-213		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-215		14th July 2023
GROUP-VIS-S-EX-D2-A-FC-261		14th July 2023
ST-3163-810	E	3rd October 2023
ST-3163-811	E	3rd October 2023
ST-3163-812	E	3rd October 2023
ST-3163-813	E	3rd October 2023
ST-3163-814	E	3rd October 2023
ST-3163-815	E	3rd October 2023
ST-3163-602	G	19th October 2023
ST-3163-603	G	19th October 2023

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

Materials

2. No above ground construction shall take place on site until details of the external materials, windows doors and roof windows to be used on the development have been submitted to and approved in writing by the Local Planning Authority. A sample panel measuring no less than 1 metre square shall be constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection by the Local Planning Authority. The panel shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. 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 policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Hard surfacing

3. No above ground construction shall take place on site until details of the surfacing finish of all roads, turning areas, driveways, paths, parking spaces and other hardstandings (excluding those surfaces which are proposed for adoption by the Local Highways Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
3. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Details of pathways

4. Notwithstanding the plans hereby approved, no above ground development shall take place on site until revised details of the pathways through the public open spaces shown on the approved drawings, including their construction and surfacing materials, have been submitted to and approved in writing by the Local Planning Authority.
4. Reason: To ensure an acceptable surface for the proposed pathways to ensure the paths are usable and enable access throughout the scheme in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Landscaping Implementation, Management and Timescales

5. No above ground development shall take place on site until a timescale for the implementation of the approved soft landscaping scheme on site and a Landscape Management and Maintenance Plan for the on-site soft landscaping covering a minimum period of 20 years from the completion of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved soft landscaping scheme shall be fully implemented in accordance with the approved timescale and the soft landscaping managed and maintained in accordance with the approved Plan, unless otherwise agreed in writing by the Local Planning Authority. 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.
5. 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.

Lighting

6. No above ground construction shall take place on site until a lighting scheme for all streets which are not to be adopted by the Local Highways Authority shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specification of lights, the locations and heights of lighting columns and the light levels to be achieved over the intended area and the surrounding area. The approved scheme shall thereafter be implemented on site prior to first occupation of any dwelling served by an unadopted street and retained as such thereafter.
6. Reason: To safeguard the residential amenity of occupiers and the visual impact of the development in accordance with policies ENV 1 and ENV 2 9 of the East Cambridgeshire Local Plan 2015.

Solar Panels

7. No construction above eaves level on any dwelling shall take place until details of the solar panels to be fitted to that dwelling have been submitted to and approved in writing by the Local Planning Authority.
7. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Boundary Treatments

8. No boundary treatments shall be constructed on site unless details of those boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be carried out in accordance with the approved details.
8. Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Cycle Storage

9. Prior to the first occupation of any dwelling not served by a garage, that dwelling shall be provided with a cycle shed in accordance with approved drawings 500-SK-PH2-01 Rev G and GROUP-VIS-S-EX-D2-A-FC-207.
9. Reason: In order to provide for and encourage sustainable modes of travel in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

Biodiversity

10. Prior to the first occupation of the site, a scheme of site-wide 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.
10. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

Access, Parking and Turning

11. Prior to the first occupation of any dwelling on site, the approved access(es), parking and turning area(s) serving that dwelling shall be levelled, surfaced, drained and made available to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. Thereafter the approved access(es), parking and turning area(s) shall be retained for that specific use.

11. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Pedestrian Visibility Splays

12. Prior to the first occupation of any dwelling on site, the pedestrian visibility splays pertaining to its access, as shown by blue dashed lines on approved drawing 500-SK-PH2-01 Rev G shall be provided and thereafter kept free from any obstruction from a height of at least 600mm above footway or carriageway surface level.
12. Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.

Restriction on Gates

13. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access(es), parking and turning area(s) access, as shown on approved drawing 500-SK-PH2-01 Rev G, unless expressly authorised by planning permission granted by the Local Planning Authority.
13. Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

22/00479/RMM

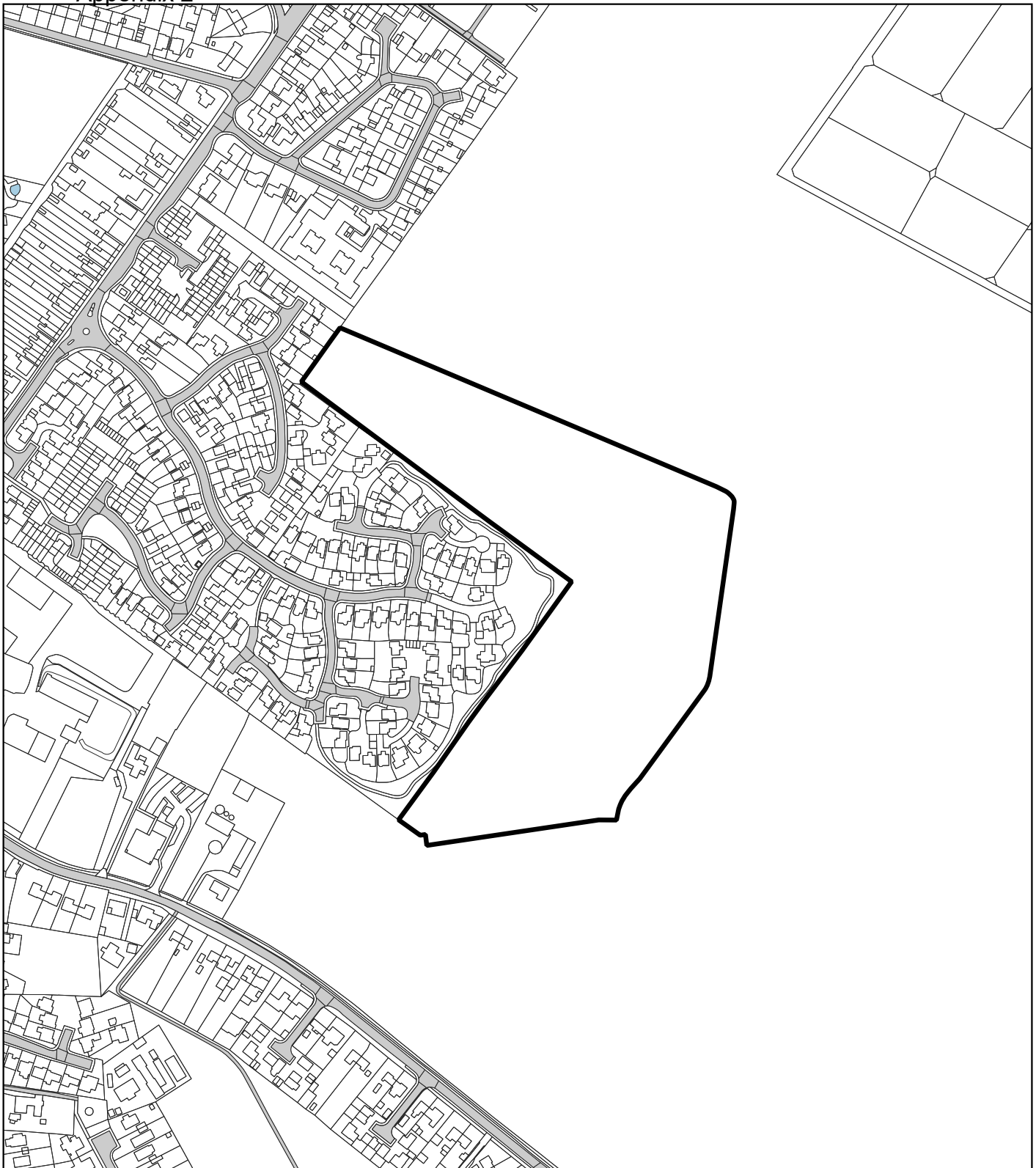
Phase 2A Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 138 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAN6UWGGFUW00>





22/00479/RMM

Phase 2A Millstone Park
Land Adjacent To Melton Farm
Newmarket Road
Burwell



East Cambridgeshire
District Council

Date: 13/07/2023
Scale: 1:4,000



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TITLE: 22/00479/RMM

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Team Leader

Report No: Y27

Contact Officer: Dan Smith, Planning Team Leader
dan.smith@eastcambs.gov.uk
01353 616306
Room No 011 The Grange Ely

Site Address: Phase 2A Millstone Park Land Adjacent To Melton Farm Newmarket Road Burwell

Proposal: Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 138 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Applicant: Vistry Homes Ltd

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 20 April 2022

Expiry Date: 11 August 2023

1.0 RECOMMENDATION

1.1 Members are recommended to GRANT DELEGATED POWERS TO THE PLANNING MANAGER TO APPROVE the application once the drainage condition (condition 16) on the outline permission has been discharged and subject to the recommended conditions summarised below (with any minor changes delegated to the Planning Manager). The conditions can be read in full on the attached Appendix 2 of this report.

- 1 Approved Plans
- 2 Materials
- 3 Hard surfacing
- 4 Details of pathways

- 5 Landscaping Implementation, Management and Timescales
- 6 Lighting
- 7 Solar Panels
- 8 Boundary Treatments
- 9 Cycle Storage
- 10 Biodiversity
- 11 Access, Parking and Turning
- 12 Pedestrian Visibility Splays
- 13 Restriction on Gates

2.0 SUMMARY OF APPLICATION

- 2.1 This current reserved matters application relates to outline application 15/01175/OUM which granted outline planning permission for the redevelopment of land to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure. That application also approved the detailed matter of the access point on to Newmarket Road. The detailed matters of the layout, scale, appearance and landscaping of the development were reserved for future consideration. The permission was split into three main housing phases as part of that outline permission.
- 2.2 The current application seeks approval of those reserved matters of layout, scale, appearance and landscaping in respect of Phase 2a of the wider site, for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure.
- 2.3 The submitted scheme has been amended on three occasions over the course of the consideration of the application, in order to attempt to address Officer concerns regarding the design of the scheme as well as the concerns of statutory consultees.
- 2.4 The scheme comprises the provision of 138 dwellings, including 55 affordable dwellings, as well the internal access roads, areas of open space, parking and garaging, landscaping and drainage features. The scheme has been the subject of significant negotiation between planning officers and the applicant has gone through several revisions over the course of the application. This has addressed matters of density, layout, design, landscaping and has also addressed highways and drainage considerations. As part of those changes, the number of dwellings has been reduced from 150 initially proposed to the current figure of 138.
- 2.5 The application has been referred to Planning Committee as when the Committee resolved to grant outline permission, it further resolved that reserved matters applications be brought back to the Committee for consideration in a public arena.
- 2.6 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 The relevant planning history for the includes the outline permission to which the current application relates. That outline application followed an EIA Screening Opinion requests. Subsequently, the outline permission has twice been the subject of non-material amendments to make minor amendments to the wording of its conditions. A full application has also been approved in respect of the footpath/cyclepath link required by the outline permission.

14/00149/SCREEN

Screening Opinion for Residential Development

Environmental Statement Not Required

26 February 2014

15/01175/OUM

Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure.

Approved

31 October 2019

15/01175/NMAA

Non-material amendment to wording of Condition 14 (Energy and Sustainability Strategy) of 15/01175/OUM.

Accepted

8 December 2020

15/01175/NMAB

Non-material amendment to vary wording of conditions 2, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 28, 36 and 37.

Accepted

29 October 2021

21/01771/FUL

Provision of a shared cycleway/footway west onto Ness Road, landscape, drainage, and associated infrastructure.

Approve

2 November 2022

- 3.2 The following Reserved Matters applications have previously been made in respect of the outline permission:

19/01578/RMM

Reserved matters for appearance, landscaping, layout and scale of planning application 15/01175/OUM (Phase 1)

Withdrawn

7 April 2020

20/01755/RMM

Reserved matters for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related infrastructure

Approved

13 July 2021

21/01508/RMM

Reserved matters infrastructure application (Phase 2) for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related

Approved

13 May 2022

- 3.3 A reserved matters application for housing on Phase 1 of the site was submitted at the same time as the current application. That application will also be referred to and considered by the August Planning Committee:

22/00420/RMM

Reserved matters comprising layout, scale, appearance and landscaping for 143 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM

Pending Consideration

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The wider application site for which outline permission was granted comprises 27.3 hectares (67.5 acres) of greenfield agricultural land and adjoins the existing built form of Burwell to the west and south. Open countryside adjoins the site to the east and the north, with Newmarket Road defining the south west boundary of the site. To the west the wider site bounds Melton Farm, the Felsham Chase housing estate and other
- 4.2 The wider site is allocated for residential development for approximately 350 dwellings, in the East Cambridgeshire Local Plan 2015, under Policy BUR1 – Housing allocation, land off Newmarket Road, and was granted outline permission in 2019 as detailed above.
- 4.3 The current application site is roughly V-shaped part of the wider site with an approximate area of 5.25 hectares (13 acres). The northern and eastern sides of the site are bounded by the internal spine road permitted under permission reference 21/01508/RMM. To the north the development will face out over structural open space in accordance with the outline permission. To the east it will face the future third housing phase. The southern side of the site runs alongside the secondary internal spine road which separates it from the Phase 1 site. The western boundaries of the site back onto the Felsham Chase neighbourhood. The future footpath and cyclepath connection to Ness Road is taken immediately adjacent to the north west corner of the site.
- 4.4 The site was previously arable agricultural land. It has since been topsoil stripped and some elements of the previous reserved matters approvals for infrastructure,

such as the spine road and bellmouths, have been implemented on site. The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding from fluvial flooding, and is at a very low risk of flooding from surface water.

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 - 11 May 2022

Burwell Parish Council objects noting that Highways has made comments regarding the spine roads and agrees that these should be addressed. Residents and members of the Parish Council still ask for a roundabout at the junction of Newmarket Road. All houses to be built to the latest Climate Change standards and should not use fossil fuel for energy.

Parish - 13 December 2022

Burwell Parish Council comments that as long as the issues raised by Highways are resolved, Burwell Parish Council has no objection to the proposal.

Parish - 26 April 2023

Burwell Parish Council has noted neighbour comments for the above two applications, but have no objections to the proposals. It is pleased to see that 40% affordable homes are being provided. It requests confirmation regarding the timescales like to know at what point during construction the play equipment will be delivered and who will be responsible for the play area in the long term.

Local Highways Authority - 6 May 2022

Pre-application meetings between the LPA, LHA and the developer took place in early December 2021. I note with thanks that the layout has been amended to take on board the early advice. My response below identifies some residual matters which still need to be addressed, in many cases to safeguard against any future adoption process.

Access

Access to the development phase will be via the site Spine Road. The majority of the Spine Road which runs along the parcel frontage is yet to receive planning permission (pending application 21/01508/RMM). There are two shared accesses and two driveways which are included in this application but omitted from 21/01508/RMM, the access serving Plots 186-190 and that serving Plots 231-238. While I don't object to this principle, the arrangement should be regularised across both applications. It should be noted that the visibility splay will need to be maintained free from obstruction, which could impact upon the landscaping proposals for the Spine Road.

Similarly, there are multiple new accesses (crossovers) onto the Secondary Spine Road which were not included on the original application. I have no objection to these accesses in planning terms, but the applicant should be mindful of a live Section 38 application which includes an infiltration trench on the northern boundary of the road. The applicant will need to take care to ensure private water does not

enter this trench and to ensure the crossovers do not compromise the drainage solution.

As such this scheme would not comply with Part H3 of the Building Regulations 2010 which states that no infiltration devices (i.e., the infiltration trench) should be placed within 5m of a building. Plots 151, 152, 164, 165, 166 and 171 should therefore be moved further back from the trench.

Layout

The private roads serving Plots 172-175 and Plots 186-190 need to be 5m wide for an initial length of at least 8m. I measure them to be approximately 4.5m. Otherwise, the proposed road geometry (widths and radii) is appropriate for the residential development.

Parking for Plot 158 needs to be re-located. To access the parking as proposed, vehicles would longitudinally drive across the footway, which is a risk to pedestrians.

Parking for Plots 245 and 300 need to be re-located so that they do not clash with the pedestrian transition to the shared surface (i.e., the end of footway).

The footway should be to the rear of the visitor parking, which is parallel to the turning head, near Plot 245.

The 0.5m maintenance strip needs to pass between the visitor parking bay and the carriageway adjacent to Plot 292.

It appears that blockwork surfacing is proposed to mark the pedestrian crossing between Plots 253 and 263. This change in surfacing is not necessary and should be removed.

There appears to be a change in surface material to flush blockwork around Plot 213. This is a cosmetic feature which would have limited, if any, impact on vehicle speeds. The changes in surface material should therefore be omitted as it would represent an unnecessary maintenance burden for the Highway Authority, if the roads were to be adopted.

Visibility

A 2.4m x 25m inter-vehicular visibility splay is needed for the access to Plots 151-156. The provision of the splay may impact upon landscape proposals as the splay will need to be maintained free from obstruction from a height of at least 0.6m above carriageway level.

Visibility splays of the same dimensions is needed for the following internal junctions where it is unclear if the splay can be achieved within the confines of the highway:

- Junction adjacent to Plot 168
- Junction adjacent to Plot 222

Otherwise, the visibility is acceptable and sufficient to maintain highway safety. Please note that the LHA will not adopt pedestrian visibility splays, but they should

be maintained free from obstruction from at least a height of 0.6m by the relevant landowners. This requirement should be conveyed to any future plot owner.

Vehicle Tracking

Refuse and fire tender tracking are acceptable.

The delivery vehicle tracking shown is acceptable, but the plan has omitted tracking of the private roads which serve Plots 151-156 and 172-175. Please can the applicant track these areas.

Surface Water Drainage

Due to the chalk ground conditions in the area, no highway can be adopted if infiltration devices are laid within 10m of the highway. The swale on the west of the site would therefore compromise the LHA's ability to adopt the shared surface street outside Plot 183. The applicant may also wish to ensure that the water level in infiltration basin 4, is at least 10m from the carriageway edge of the Spine Road.

Permeable paving is proposed on private drives through the development. The LHA do not accept permeable paving as a means of surface water drainage due to its short design life, onerous maintenance requirements and tendency to fail. Therefore, if positive drainage isn't achievable, surface water interception must be included prior to the highway proposed for adoption. This can be demonstrated at detailed design post-planning.

Miscellaneous

The LHA do not adopt visitor parking bays so those adjacent to shared space streets should be designed to fall away from the carriageway so that they can be drained separately.

Similarly, the visitor parking bays near Plot 245 will not be adopted. They should be separated from the carriageway by a bull-nosed kerb with 25mm upstand. As these bays will fall towards the carriageway, they should include separate drainage e.g., additional gully or channel drain. The specifics can be reviewed at detailed design post-planning.

Where a tree is to be laid within 5m of highway proposed for adoption, a root protection barrier to a depth of 1.2m is required to protect the highway integrity. Fruit trees shall not be used at these locations to avoid slip hazards when the fruit falls.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points, but I note that most of my comments are advisory or relate to any future adoption process. Specific to the planning process, at a minimum the comments relating to visibility and delivery vehicle tracking should be addressed.

Local Highways Authority - 6 December 2022

Access

The development Phase 2A is fronted on the east and north side by a Spine Road approved under the application 21/01508/RMM and on the south side by that approved under 20/01755/RMM. As per my previous response, I do not have an

issue with the access proposals from the Spine Road, but the submission documents are in direct contradiction to the aforementioned approvals. For clarity, the differences are:

- Bellmouth priority junctions at inconsistent locations and of inconsistent form (on raised tables or not)
- Shared private drives and vehicular crossovers omitted

I therefore recommend that the applications 20/01755/RMM and 21/01508/RMM be amended to match.

Layout

Ramped transitions to adoptable shared space streets must comply with the layout shown in CCC's Housing Estate Road Construction Specification Appendix 6, which includes a 1.8m footway extension beyond the ramped transition. The purpose of this footway transition is to provide opportunity for pedestrians to access the shared spaces street safely (the ramp at a 1 in 12 gradient is not accessible for all users). Parking for Plot 164 and possible 163 needs to be re-located. To access the parking as proposed, vehicles would need to manoeuvre over the ramped transition to the shared space at the same locations as pedestrians joining the road.

Parking for Plots 191, 226 and 286 need to be re-located so that they do not clash with the pedestrian transition to the shared surface (i.e., the end of footway).

While two adjacent parking spaces are provided for Plot 219, the western most space is inaccessible.

As previously stated, the footway should be to the rear of the visitor parking, which is parallel to the turning head between Plots 226 and 250.

The 0.5m maintenance strip needs to pass between the visitor parking bay and the carriageway adjacent to Plot 271. Where a ramp has been provided between Plots 231 and 246, the footway surfacing material should be kept consistent throughout i.e., asphalt rather than block paved. However, the ramp in the carriage will need to be block paved.

There appears to be a change in surface material to flush blockwork around Plot 213 and 257. This is a cosmetic feature which would have limited, if any, impact on vehicles speeds. The changes in surface material should therefore be omitted as it would represent an unnecessary maintenance burden for the Highway Authority if the roads were to be adopted.

Unless the above comments are addressed, the internal roads will not be considered for adoption and will therefore need to remain private with potential knock-on implications for refuse collection strategies.

Visibility

New accesses onto the Spine Road not included in prior consents must include visibility splays of 2.4m x 25m. This applies to:

- The shared private drive serving Plots 151-155

- The bellmouth south of Plot 201
- The bellmouth north of Plot 221
- The shared private drive serving Plots 269 and 270

As previously stated, inter-vehicular visibility splays of the same dimension are needed on internal priority junctions.

Surface Water Drainage

I note that while the broad location is the same, infiltration basin no. 4 and 5 on the drainage strategy does not completely align with that on other drawings.

That being said the drainage strategy is acceptable in principle, subject to consideration of detailed highway drainage as part of the s38 application. Comments in this response are made without prejudice to such an application.

Conclusion

I would like to invite the applicant the opportunity to respond to the above points. If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations.

Local Highways Authority - 21 April 2023

Based on the revised submission, I do not object to this application.

My previous comments regarding inconsistencies between this application and the spine road approvals (20/01755/RMM and 21/01508/RMM) remain valid but I will defer this to the LPA for their consideration.

I previously requested that the applicant demonstrate appropriate inter-vehicular visibility for new accesses onto the spine road. Such information has not been provided. I am confident that such visibility is achievable, but it may result in the loss or relocation of some trees. I am content to address this detail as part of any forthcoming S38 Agreement, should the LPA agree.

There appears to be a change in surface material to flush blockwork between Plot 233 and 244. This is a cosmetic feature which would have limited, if any, impact on vehicles speeds. The changes in surface material should therefore be omitted as it would represent an unnecessary maintenance burden for the Highway Authority if the roads were to be adopted. However, I am again content to address this as part of a future S38 Agreement.

The LHA is the process of entering into a S38 agreement for site's spine road. This agreement includes highway drainage by means of three linked soakaways situated within the public open space. Due to the chalk ground conditions, the soakaways must be placed 10m from the carriageway edge, but this is inconsistent with the location shown on the planning submission drawings. Should the soakaways be constructed in the location shown on this submission (5m from carriageway), it will compromise the LHA's ability to adopt the spine road and by extension, the wider site.

However, this does not constitute an objection to the reserved matters application.

The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made within this response are done so on a without prejudice basis to any such agreement taking place. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

Please append the following Conditions to any permission granted:

- 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 500-SK-PH2-01 Revision B in writing by the Local Planning Authority.
- 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.
- 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).
- Prior to the occupation of a dwelling, the pedestrian visibility splays pertaining to its access, as shown of the drawing 500-SK-PH2-01 Revision B, shall be kept free from obstruction from a height of at least 600mm above footway or carriageway surface level.

Lead Local Flood Authority - 19 May 2022

At present we object to the reserved matters application for the following reasons:

Surface Water Drainage Details

The applicant has provided a drainage layout plan for Phase 2 of the proposed scheme. More details are required for the LLFA to suitable review the information, set out below:

- i. Proposed impermeable area / developable area (including an allowance for urban creep)
- ii. Proposed method of surface water disposal
- iii. Required volume of attenuation (m3 per m2 of impermeable area)
- iv. Hydraulic Calculations for the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm events, including an allowance for climate change
- v. Exceedance flow for any system exceedance
- vi. Preliminary SuDS proposals
- vii. Details of any proposed phasing

Until the above information has been provided, we are unable to suitably review or support this application.

Drainage Layout Plan

The drainage layout plan shows the main sewer locations and permeable paving surfaces. More detail should be provided on these plans showing how the surface water networks connect, such as connections between permeable paving subbase and the main sewer runs.

It would be useful to clearly depict the different networks within the drainage layout drawings, associated with any hydraulic calculations. This would assist in the LLFAs review of the drainage information.

Drainage Details

The proposals include small attenuation basins and swales within the phase 2 area. Details must be provided, including cross sections showing depths, gradients and expected water levels for the proposed features. Until more details are provided regarding the infiltration features, we are unable to suitably review the application or recommend the discharge of condition 16.

Wider Network and Impermeable Areas

It is understood that the wider network is proposed to discharge into strategic infiltration basins across the site. It must be clearly demonstrated that the impermeable areas of these plots are aligned with the areas on the drawings provided under the discharge of conditions application on the access and infrastructure application (15/01175/DISE) for phase 2. Until it is clear that the basin will have suitable attenuation capacity for all water draining into it, we are unable to recommend the discharge of condition 16.

Lead Local Flood Authority - 21 December 2022

At present we maintain our objection to the grant of planning permission for the following reasons:

Drainage Details

The proposals include small attenuation basins and swales within the phase 2 area. Details must be provided, including cross sections showing depths, gradients and expected water levels for the proposed features. Until more details are provided regarding the infiltration features, we are unable to suitably review the application or recommend the discharge of condition 16.

Wider Network and Impermeable Areas

It is understood that the wider network is proposed to discharge into strategic infiltration basins across the site. It must be clearly demonstrated that the impermeable areas of these plots are aligned with the areas on the drawings provided under the discharge of conditions application on the access and infrastructure application (15/01175/DISE) for phase 2. Until it is clear that the basin will have suitable attenuation capacity for all water draining into it, we are unable to recommend the discharge of condition 16.

Hydraulic Calculations

The submitted calculations are using FSR rainfall data. However, FSR rainfall data is now outdated and there are more accurate data sets in FEH 1999 and 2013 models. This is due to recording of rainfall over a longer period of time, as well as updated calculations behind the model. The approved outline permission utilised FEH rainfall data for the drainage calculations and therefore, the applicant should provide calculations using FSR for the 15 and 30 minute storm and FEH rainfall data for all storms of 60 minutes and above, to ensure the hydraulic modelling is an accurate representation of the proposed network.

Lead Local Flood Authority - 12 April 2023

Thank you for your re-consultation we received on 28 March 2023.

We have reviewed the submitted documents and at present we maintain our objection to the reserved matters application for the following reasons:

Permeable Paving Extent

It has come to the LLFA's attention that the extent of permeable paving across the scheme has reduced drastically. The proposals were for permeable paving over all private shared access and parking areas. However, this appears to only be in nominal areas under the recent drainage layout drawings submitted for the scheme. This reduction reduces the extent of interception source control and treatment stages across the site. It must be clearly set out the proposed extent of permeable paving across the scheme, and if this has reduced, justification for the reduction in the permeable paving area must be provided.

Environment Agency - 18 May 2022

States it has inspected the amended documents as submitted and has no additional comments to add to its previous response at the outline stage.

Environment Agency - 9 December 2022

States it has reviewed the amendments and have no further comment to make on this application.

Anglian Water Services Ltd - 5 December 2022

We have reviewed the applicant's submitted surface water drainage information (Drainage Strategy) 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. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the

applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

The Ely Group Of Internal Drainage Board - No Comments Received

Environmental Health - 5 May 2022

No comments to make at this time.

Environmental Health - 30 November 2022

No comments to make at this time.

Environmental Health - 5 April 2023

Notes the neighbour response which raises concerns about the potential for noise if ASHPs are to be installed. It is not clear if this is the intention but if so the following condition is recommended -

"The specific rated noise level emitted from the ASHPs shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.

ECDC Trees Team - 16 June 2022

Although the soft landscaping scheme is broadly acceptable I would prefer it if some of the *Betula utilis* 'jacquemontii' could be replaced with an alternative ornamental species as in most of the open spaces they are the only tree species proposed which doesn't offer much protection against species specific disease or changes to the climate that may affect the suitability of this species in the long term. Something with a darker bark for a bit of contrast perhaps such as *Gleditsia triacanthos* possibly 'Draves Street Keeper', *Liquidambar styraciflua*, *Tilia henryana* or *Tilia tomentosa*.

ECDC Trees Team - 3 March 2023

The submitted soft landscaping scheme is acceptable.

ECDC Trees Team - 20 April 2023

The submitted soft landscaping scheme remains acceptable.

Housing Section - 22 December 2022

Thank you for informing the Strategic Housing Team of amendments to the above application. We continue to support the application in principle as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 40% affordable housing on site. The reduction of number of units to 135 will secure 54 affordable dwellings. The affordable housing mix proposed will provide a range of house sizes and will be delivered across various tenures (78% affordable rent and 22% shared ownership).

It is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards unless there are exceptional design reasons why this is not possible. This is because the affordable dwellings are occupied to maximum occupation and this will help ensure we working towards meeting the households overall health and wellbeing. From current plans it looks as though the 2 bed Flanders, 3 bed Asher and 4 bed Speirs properties fall slightly below this standard for maximum occupancy.

Should consent be granted, I would request the s106 Agreement contains the following Affordable Housing provisions:

1. The Affordable Housing is secure with the tenure requirement of 77% rented and 23% intermediate housing.
2. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
3. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
4. That the tenure of each dwelling will be Affordable Rent, Social Rent or Shared Ownership, and no subsequent alteration will be permitted without the Council's prior approval.
5. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
6. That the Affordable Dwellings are constructed to DCLG, National Described Space Standards or as a minimum all new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.
7. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
8. That occupation will be in accordance with a nomination agreement.
9. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

Housing Section - 30 March 2023

Thank you for advising us of the amendments to the above application. We continue to support the application in principle as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 40% affordable housing on site - the change of units to 138 will deliver 55 affordable dwellings.

We also note and approve the changes to the distribution of plots and amendments to house sizes to meet National Describes Space Standards. We do however note that the 4bed Speirs properties do not meet size requirements for maximum occupancy and currently designed for a max occupancy of 6.

Waste Strategy (E CDC) - 11 January 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).

I echo the comments of the Highways Authority, and if roads remain unadopted, any containers/bags for waste and recycling would need to be brought to the boundary of the unadopted road and the public highway (bearing in mind the previous point regarding distances). Consequently, thought needs to be given to the access at these points, and the streetscene near to collection day, especially where collection points are in view of properties.

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 £53 per set. We would recommend the developer made the contribution on behalf of the residents.

Waste Strategy (ECDDC) - 7 June 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).

As previously highlighted, the roads (including shared surface roads and secondary streets) will need to be built to adoptable standards to ensure access to designated bin collection points, and comply with the specifications of the RECAP Waste Management and Design Guide for our vehicles' access and reversing. A swept path analysis has been submitted with vehicle's width dimension slightly smaller than the ones recommended by the RECAP Guide.

Where bin collection points have been identified on shared surface drives or private drives, we would recommend to group them in designated well designed bin presentation points and avoid direct proximity to households as far as possible (e.g. plot 275 to 277, and 267,266, plot 157 to 159 and 171,172). Suitable bin collection points should be identified where car parking bays are located, to facilitate operations (e.g. plot 215 to 221). Although drag distances have been provided, we would recommend to minimise them with better allocation of bin collection points (shared), particularly on private drives (e.g. plot 169 - 171).

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 £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

Cambridgeshire Archaeology - 30 May 2022

We do not object on archaeological grounds and have no recommendations for this application. The fieldwork for the archaeology programme secured for the scheme under planning consent granted to 15/01175/OUM has been completed for the Phase 2 area. The post-excavation programme is currently underway.

Cambridgeshire Archaeology - 2 December 2022

We have reviewed the changes and we do not object on archaeological grounds and have no recommendations for this application. The fieldwork for the archaeology programme secured for the scheme under planning consent granted to 15/01175/OUM has been completed for the Phase 2 area. The post-excavation programme is currently underway..

NHS England - 19 May 2022

Background

The proposal comprises a development of up to 150 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

Review of Planning application

There is 1 x GP practice within a 2km radius of the proposed development. This Practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Healthcare Needs Arising From the Proposed Development

Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Cambridgeshire and Peterborough is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Cambridgeshire and Peterborough Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes. Therefore, CIL

funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

The primary healthcare services directly impacted by the proposed development and the current capacity position is shown in Table 1.

Table 1: Summary of capacity position for healthcare services closest to the proposed development.

Premises	Weighted List Size	NIA (m ²)	Capacity	Spare Capacity (NIA m ²)
Burwell Surgery	7,909	493.6	7,198	Zero

This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Priors Field Surgery servicing the residents of this development, would be sought from the CIL contributions collected by the District Council.

Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to extend the above mentioned surgery. Should the level of growth in this area prove this to be unviable, the relocation of services would be considered and funds would contribute towards the cost of new premises, thereby increasing the capacity and service provisions for the local community.

Developer Contribution required to meet the Cost of Additional Capital Funding for Health Service Provision Arising

In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy

Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution is sought.

Assuming the above is considered in conjunction with the current application process, Cambridgeshire and Peterborough would not wish to raise an objection to the proposed development.

Cambridgeshire and Peterborough look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

NHS England - 6 December 2022

Reiterated its previous response.

Sport England - 29 March 2023

Sport England has no comments to make on this additional information consultation. Therefore, please refer to Sport England's previous responses for our current position on this application which for the benefit of doubt have not been superseded and remain extant.

Design Out Crime Officers - 12 May 2022

States it considers this to be an area of low vulnerability to crime at present.

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents.

Please see following comments for your consideration.

Rear access footpaths - The footpaths to the side/rear of plots 196, 197, 198, 232 & 233 do not appear to be gated. Unfortunately, by allowing access to the rear of those properties will only increase the vulnerability for burglary as most occur via the rear garden. Please ensure that any shared gates are fitted with self-closers (as close to the front building line as possible), and private gates are fitted with self-closers and lockable from both sides.

External lighting - Our recommendation for external lighting 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, especially where there is little surveillance from neighbouring properties as they can be used as a climbing aid if positioned too close to the fence/wall. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights. I would like to see the lighting plan, including lux levels and calculations when available please. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting

Cycle storage - The Design and Access Statement (DACS - Page 16) made reference to cycle storage will be provided within a garage or secure cycle sheds within accessible locations within the rear gardens. Consideration should be given to providing a ground anchor within the shed to allow the resident to secure their bike/s, and a solid secure, gold rated hasp and lock for the door.

Parking - There are many parking bays that have good natural surveillance from active windows. However, there are plots that do not allow the residents to see their own vehicles, such as; 171, 191, 192, 231, 232 & 233 Where possible, I would recommend for these properties the fence is lowered to 1.5m with 300mm of trellis to improve the natural surveillance.

Landscaping - Consideration should be given to the planting of trees too close to fencing as they can also act as a climbing aid to gain entry to rear gardens. It is also important to ensure that there is a management plan in place to maintain and ensure tree crowns are raised above 2m in height and ground planting and hedging is kept to a minimum of 1 - 1.2m in height, this will allow for ongoing natural surveillance across the development, open spaces and footpaths and to reduce possible conflict with lighting.

Design Out Crime Officers - 5 December 2022

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents. I also note that some of my previous concerns have been addressed, such as the removal of rear access footpaths, this will reduce the vulnerability to the risk of crime.

Reiterated previous comments in respect of external lighting, cycle storage, parking surveillance and landscaping and commented that there should be a shared gate positioned as close to the front building line as possible for plots 251/252 & 264/263. Shared gates should have a self-closer and private should have a self-closer and be lockable from both sides.

Design Out Crime Officers - 4 April 2023

Provided slightly amended recommendations based on the revisions in respect of the previously identified issues of external lighting, shared gates cycle storage, parking surveillance and landscaping.

Comments that boundary treatment separating the development parcels and the countryside are important to reduce the fear of crime for residents as most burglaries occur with entry gained through rear gardens

Technical Officer Access - 6 May 2022

Commented on the potential problems associated with shared surfaces and spaces for pedestrians and cars, location of bin stores, need for tactile paving and markers.

Cambridgeshire County Council Education - No Comments Received

West Suffolk District Council - No Comments Received

Conservation Officer - No Comments Received

CCC Growth & Development - No Comments Received

Cadent Gas Ltd - No Comments Received

Community & Leisure Services - No Comments Received

Ward Councillors - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

HSE (Planning Advice Team) - No Comments Received

- 5.2 A site notice was displayed near the site on 10 May 2022 and a press advert was published in the Cambridge Evening News on 5 May 2022.
- 5.3 Neighbours – 420 neighbouring properties were notified and responses were received from residents of 12 properties. The responses received are summarised below. A full copy of the responses are available on the Council's website.
- 5.4 Concern expressed regarding:
- Affects public views;
 - Affects a Right of Access;
 - Affects a Right of Way
 - Affects street scene;
 - Balance of development across wider site;
 - Biodiversity;
 - Contrary to Policy;
 - Density of development;
 - Energy efficiency and sustainability;
 - Form and character;
 - Highway safety;
 - Housing numbers;
 - Impact on trees;
 - Increase in footfall through neighbouring streets;
 - Lack of key worker accommodation;
 - Landscape impact;
 - Loss of privacy;
 - Loss of public amenity;
 - Location of affordable housing;
 - Noise sensitive;
 - Overbearing;
 - Overlooking;
 - Parking and Turning;
 - Pollution issues;
 - Residential amenity;
 - Visual amenity.

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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2 *East Cambridgeshire Local Plan 2015 (LP)*
- | | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 4 | Delivery of growth |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 1 | Housing Mix |
| HOU 2 | Housing density |
| HOU 3 | Affordable Housing provision |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| ENV 12 | Listed Buildings |
| ENV 14 | Sites of archaeological interest |
| COM 4 | New community facilities |
| COM 7 | Transport impact |
| COM 8 | Parking provision |
| BUR 1 | Housing allocation, land off Newmarket Road |
- 6.3 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*
- | | |
|-----------|--|
| Policy 14 | Waste management needs arising from residential and commercial development |
|-----------|--|
- 6.4 Supplementary Planning Documents (SPD)
- Design Guide – Adopted March 2012*
 - Flood and Water – Adopted November 2016*
 - Contaminated Land - Adopted May 2010*
 - Developer Contributions and Planning Obligations – Adopted May 2013*
 - Natural Environment SPD – Adopted September 2020*
 - Climate Change – February 2021*
- 6.5 *National Planning Policy Framework 2019 (NPPF)*
- | | |
|------------|---|
| Section 2 | Achieving sustainable development |
| Section 4 | Decision-making |
| Section 5 | Delivering a sufficient supply of homes |
| Section 6 | Building a strong, competitive economy |
| Section 8 | Promoting healthy and safe communities |
| Section 9 | Promoting sustainable transport |
| Section 11 | Making effective use of land |
| Section 12 | Achieving well-designed places |

Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

6.6 Planning Practice Guidance (PPG) and National Design Guide (NDG)

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of the development, housing mix, layout, scale and appearance, landscaping, residential amenity, historic environment, energy and sustainability, biodiversity and ecology, and flood risk and drainage.

7.2 Principle of Development

7.3 The site is part of a wider site which benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. That outline permission was granted on the basis that the site is allocated for residential development in the Local Plan. On that basis, the overriding principle of residential development on the site is acceptable.

7.4 The outline permission reserved consideration of the detailed matters of layout, scale, appearance and landscaping, requiring the submission of details of those matters at a later stage. This current application is made in that regard.

7.5 On that basis, the principle of development is acceptable in accordance with LP policies GROWTH 2 and BUR 1. The detailed consideration of this current application below, assesses whether the detailed matters pursuant to the Outline planning permission accord with the development plan when taken as a whole.

7.6 Housing Numbers and Mix

7.7 *Housing Numbers*

7.8 The outline application approved up to 350 dwellings across the wider site. The development framework plan approved under the outline application and the subsequently approved phasing plan show three housing phases of broadly equal area. The current reserved matters application initially sought 150 of those dwellings in phase 2A. The phase 1 application submitted at approximately the same time initially showed 150 dwellings on that phase. This would have resulted in 300 of the 350 dwellings being proposed across two thirds of the housing land, leaving the final phase with only 50 dwellings.

7.9 Officers raised concerns in respect of the balance of the housing delivery across the wider site and the potential issues with the holistic character of the wider site and suggested that a significant number of dwellings (20–25) should be removed from each scheme to even the balance of housing development across the housing parcels.

7.10 In response to concerns regarding the layout of the current reserved matters application 12 dwellings were removed from the scheme. This does not entirely

address the officers' concerns regarding holistic development of the wider site. It is acknowledged that the density of the proposed scheme broadly accords with that shown on the development framework plan approved at outline stage, however officers remain concerned regarding the balance of delivery of housing across the site. It is considered that the provision of higher numbers of dwellings on the current phase has introduced unnecessary challenges in providing a high-quality scheme for the parcel and has impacted on the overall quality of the scheme.

- 7.11 Despite requests from officers, no information has been provided by the master developer for the site (This Land) regarding how the remainder of the housing might be delivered on Phase 3. Consideration has been given in the abstract to whether the remaining housing on Phase 3 could be provided in an acceptable way which would provide a cohesive scheme across the wider site. Phase 3 of the development is likely to benefit from being at a slightly lower in density with a looser layout as it is the phase which will border most closely the open countryside. Phase 3 also contains the self-build plots for the wider site which generally benefit from larger plots. These factors speak in favour of a lower density approach to Phase 3. Additional public open spaces and structural landscaping could also be provided on phase 3 which would enhance the countryside edge while still allowing space for a less dense development to come forward.
- 7.12 On balance and in the absence of any proposals for phase 3, officers are of the view that it would be possible to deliver an acceptable scheme across the wider site notwithstanding the imbalanced approach to housing numbers on the phases. It is therefore considered that the scheme for the current phase should be considered on its merits. That further consideration is provided below.
- 7.13 *Market and affordable housing split*
- 7.14 Of the 138 dwellings proposed, 55 are provided as affordable units which accords with the s106 requirement to provide affordable dwellings at a rate of 40%.
- 7.15 *Market Housing Mix*
- 7.16 LP policy HOU 1 requires that housing developments provide an appropriate mix of dwellings 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. The outline permission was subject to a condition which requires reserved matters applications to provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission.
- 7.17 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%).
- 7.18 The current scheme does not accord with the suggested SHMA mix for market dwellings, being significantly skewed towards larger dwellings. The application proposes that 59% of dwellings are 4+-bedrooms – well above the 30% maximum

suggested by the SHMA. It proposes 32% 3-bedroom dwellings and 8% 2-bedroom dwellings – both well below the minimums suggested by the SHMA.

- 7.19 The SHMA does allow some divergence from the suggested mix in respect of specific schemes, stating that in applying the mix to individual development sites the policies should be flexible enough to have regard to the nature of the site and character of the area.
- 7.20 The applicant has provided Housing Mix Statement as required by the outline permission. It provides arguments as to why the proposed mix of dwellings is justified in this case. The statement accepts that the scheme provides a lower percentage of 2-bedroom homes and a higher percentage of 4 and 5-bedroom homes. It suggests that the justification for this is threefold:
- i) That the local characteristics of Burwell warrant this approach, being a highly sought-after for families living in close proximity to Cambridge and the edge of village site is more appropriate for larger family housing;
 - ii) That the market demand, based on the company's up-to-date sales and marketing intelligence in respect of the local market indicates that there is demand from its customers for larger properties with additional living space required for working from home or for inter-generational living;
 - iii) That the proposed housing mix is a response to the urban design principles for the site to reflect the design, character and density needs of the parcel.
- 7.21 It is agreed that proposed housing mix has come about partly as a result of the urban design considerations of the scheme which have been negotiated as part of this application. The preferred character for certain areas of the scheme benefits from the use of larger dwellings, particularly in areas fronting open space. As the affordable dwellings are generally smaller as required by the SHMA, the increased proportion of larger market dwellings allows for the different character areas of the site to be more easily designed. The weight given to the design argument is moderate.
- 7.22 The applicants argue that their evidence is that there is demand for larger properties which allow more space for home working and inter-generational living. It is accepted that the demand for such arrangements is likely greater now than in the past, possibly even since the 2021 SHMA. That argument is therefore given moderate weight in the consideration of the mix, albeit that it is anecdotal rather than well-evidenced.
- 7.23 It is not disputed that Burwell is a sought-after village for families. However, it is also likely that smaller families and couples would also wish to reside in Burwell. In the absence of any market evidence, the weight given to that argument is very limited.
- 7.24 The proposed mix is at a considerable variance from the mix suggested in the SHMA. The SHMA does allow for variances in the mix dependent on the character of the area and nature of the site and those matters are given some weight in this consideration. While the arguments used to justify the mix are relatively general and evidence is not provided to support some of the contentions, on balance, it is considered that the scheme is likely to provide a mix which contributes to current

housing needs. Compliance with the requirements of condition 7 of the outline planning permission is therefore achieved with this submission.

7.25 *Affordable tenure and mix*

7.26 The application proposes 55 affordable dwellings, 39 of which would be affordable rent and 16 of which would be shared ownership. This is a 71:29 split and as close as possible to the desired 70:30 tenure split. The Council's Housing Strategy Team has confirmed it is happy with the proposed tenure of the scheme.

7.27 The SHMA indicates that for affordable housing, there is a mix requirement for a higher percentage of 2-bedroom dwellings (35-45%), followed by 3-bedroom (25%-35%), then 1 bedroom (15-25%) and finally 4+ bedroom (5-15%). The application proposes 45% 2 bedroom dwellings, 24% 3 bedroom dwellings, 18% 1 bedroom dwellings and 13% 4 bedroom dwellings. This mix is in accordance with that indicated by the SHMA as being the local need and is considered to be acceptable. The Council's Housing Team has confirmed it is content with the mix.

7.28 The Housing Strategy Team did note that the 4 bedroom Speirs house type does not meet size requirements for maximum occupancy and are currently designed for a max occupancy of 6. The applicant has declined to revisit that issue, however they say they are in detailed negotiations with Registered Providers of affordable housing who have not raised this as a concern.

7.29 The timescales for the provision of affordable housing and the securing of that provision in the long-term are secured by the s106 obligation pursuant to the outline permission.

7.30 On the basis of the above, the proposed affordable housing is considered to be acceptable in respect of its provision of affordable housing and the tenure and mix of that housing in accordance with the requirements of LP policy HOU 3.

7.31 Layout

7.32 The application seeks the approval of the reserved matters of layout, scale, appearance and landscaping. The outline permission requires via condition 4 that the development be carried out in accordance with the development framework drawing approved at that stage.

7.33 LP policy ENV 1 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

7.34 LP policy COM 7 requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable

forms of transport appropriate to its particular location. Policy COM 8 requires development proposals to provide adequate levels of car and cycle parking and that the provision be made broadly in accordance with the Council's adopted standards.

7.35 *Layout and Landscaping*

7.36 The layout of the scheme has been through several iterations since it was initially submitted in response to feedback from the case officer, urban designers and the Local Highways Authority. The initially submission for 150 dwellings and was not considered to be of an acceptable quality, with particular issues relating to the use of convoluted parking court leading to a poorly defined block structure in the central part of the scheme.

7.37 There was also concern regarding the multiple additional driveways and courts taken off the spine road which was considered to negatively impact on the character of that street (established as part of the previous infrastructure reserved matters application) by cutting through the landscaped verges. The pattern of dwellings alongside the spine road, particularly in the northern section, was considered to provide a weak frontage to that road.

7.38 Car parking in the north eastern parking court certain areas was poorly surveilled and parking spaces were overly prominent on frontages and in several cases the provision of garages on frontages led to excessive widths of between dwellings and a poor level of enclosure of the streets with built form.

7.39 Concern was also expressed regarding the reduction in the central open space area for the wider site, which is located at the south eastern corner of the parcel, albeit that additional public open space has been provided on Melton Fields at the western edge of the wider site than was envisaged at outline stage.

7.40 While landscaped areas were proposed alongside the western edge of the parcel and bisecting the northern and southern parts of the scheme, it was considered that the western landscaped edges fell short of the woodland walk envisaged by the outline application. It was also considered that there was a general lack of tree planting within the streets themselves which would have provided a more landscaped character to the streets and framed views of the wider public open space to the north on approach.

7.41 Planning Officers suggested to the applicant that significant changes would be required to the layout and landscaping of the scheme and that a high-quality scheme was only likely to be achieved if a significant number of dwellings were removed from the scheme.

7.42 Various changes have been made to layout and landscaping over the course of the application and are reflected in the current scheme now referred to the committee. A total of 12 dwellings have been removed from the scheme which is below the level suggested by planning officers, but the changes enabled by that reduction in numbers have provided improvements to the layout and landscaping proposed.

7.43 The parcel now has only two additional vehicles access points taken off the primary spine road over and above those approved in the infrastructure permission, a

reduction of two. This allows a more continuous built frontage along the eastern boundary of the site with the spine road which improves the scheme both in respect of the continuous landscaped verge and the enclosure of the street with additional buildings fronting it.

- 7.44 The number of dwellings fronting the northern open space have also increased which has addressed the heavily gapped frontage on the northern side which was a significant weakness of the initial scheme.
- 7.45 Mews courts have been provided in two locations on the eastern side of the parcel with flats over garages used to increase the density in those areas and provide additional surveillance of parking. While the courts are somewhat vehicle dominant, their design has been improved from the initial submission and they feature street tree planting. They also now provide pedestrian permeability through the site which is considered a significant improvement from the initial scheme. The changes to the layout have also allowed improvements to the block structure of the layout.
- 7.46 The revised schemes have addressed the concerns of the LHA which has confirmed that the latest road layout is acceptable in respect of highway safety and adequate access is provided for waste collection vehicles to access the site and turn within it providing acceptable arrangements for waste collection. The LHA does note that visibility splays are not provided for new accesses onto the spine road, however adequate visibility for the 20mph design speed can be provided for those accesses.
- 7.47 Parking provision has been improved across the parcel. Spaces associated with dwellings are now provided on plot or very close to the plots and are generally well overlooked. The improvements to the mews courts has improved surveillance of parking spaces. The large widths of parking spaces between dwellings fronting the public open space which has improved the enclosure and level of formality around that space. Some parking in front of dwellings remains as does some triple width parking in between dwellings but these are largely single depth spaces. While this is a weakness in the layout, on balance, given its use in less prominent locations and not on main frontages to the spine road or open space, it is not considered to be a significant design concern.
- 7.48 All of the dwellings within the scheme are provided with at least two dedicated parking spaces, except in the case of the affordable maisonettes which are provided with one each. Several of the larger dwellings are provided with four parking spaces. The scheme therefore meets the requirement of LP policy COM 8 to provide two car parking spaces per dwelling on average across the development. Garages are also proposed for many of the dwellings which would potentially provide additional off-street parking, however given the acceptable level of driveway parking for the dwellings, it is not considered necessary to require that the garages are retained for the purposes of parking.
- 7.49 The scheme also provides 19 visitor car parking spaces. This equates to one space per 7 dwellings. This is just over half the recommended provision contained within policy COM 8 which recommends up to 1 space per 4 dwellings. The applicant suggests that the provision complies with the requirement of the policy as the policy requires 'up to' 1 space per four dwellings. While the 1 per 4 dwellings requirement

is set as a maximum within the parking standards, it is considered debatable whether the provision of 19 spaces is likely to be adequate for the scheme of 138 houses. This may result in additional on street parking within the scheme, however it is likely that such parking would take place on streets within the parcel rather than spilling out onto the primary spine roads or Newmarket Road.

- 7.50 The site will be well-served by cycle routes as the outline permission will deliver a new cycle path from north western corner of the site to Ness Road and cyclepaths to be provided along Newmarket Road to connect Burwell to Exning to the east. Policy COM 8 requires that cycle parking be provided at a level of 1 cycle space per dwelling. Such provision could be made in the garden sheds which are shown indicatively on the layout plans and adequate provision would be secured by condition.
- 7.51 The revised scheme has taken the opportunity to provide additional tree planting within mews courts and along street frontages particularly to the north of the parcel. The woodland areas remain relatively limited in terms of the planting proposed however they do provide a green edge to the scheme, pedestrian connectivity along that boundary and into the site via the east-west green space. The provision of the paths via mown grass is not considered to provide sufficiently good accessibility particularly in the wet and more formal paths are therefore recommended to be required by condition.
- 7.52 While more could have been achieved had a more strategic approach to landscaping been taken from the outset and/or fewer houses been proposed on the parcel the landscaping has been improved during the application. The adoption and maintenance of areas of open space within the wider site are the subject of provisions within the s106 agreement on the outline permission. The agreement requires the developer to offer the management of areas of public open space in a cascade approach – first to the Council, then to the Parish Council. Should neither body wish to take on the maintenance they would then be placed in a management company.
- 7.53 Scale and Appearance
- 7.54 The house types used are primarily detached and semi-detached with three terraced blocks of three dwellings alongside the eastern spine road, one in the form of a regular two storey terrace and two in the form of a pair of two storey dwellings with an attached flat over garage dwelling. There is also a standalone flat over garage in the northern mews courtyard. The scale of dwellings in the proposed scheme is primarily two storey with four two and a half storey dwellings around the central public open space. There are also four bungalows at the north western edge of the parcel. The two storey dwellings are between approximately 8 metres (~26ft) and 8.5 metres (~28ft) in height while the two and a half storey dwellings which have two storey elevations and rooms in the roof are approximately 9 metres (~29.5 ft) in height. The bungalows are approximately 5.6 metres (~18 ft) high.
- 7.55 The two and a half storey dwellings have been used on some of the plots facing the central open space, to provide more formality to that area. This is largely successful albeit the approach has not been taken consistently on all the plots facing the public open space. The bungalows have been used to ensure an acceptable impact on the

amenity of neighbouring existing properties as described in more detail in the residential amenity section of this report below.

- 7.56 The appearance of the dwellings proposed initially was not considered to be of an acceptable quality nor to adequately reflect the character of Burwell. Significant changes have been made to the appearance of the dwellings over the course of the application to try to ensure the proposed development reflects the context of Burwell and that the dwellings are of a good design quality generally. Fenestration patterns have been improved and, notably significant improvements have been made to corner-turning buildings providing more active frontages on return elevations and increased roof pitches to enhance the corner plots and increase legibility.
- 7.57 The materials proposed to be used have also been reconsidered to reflect the character of Burwell. Render has been incorporated on some of the key dwellings and the primary bricks used would be gault or yellow. No specific details of materials have been provided and it is therefore considered necessary to require the provision of full details including on site sample panels for main and detailing bricks in order to ensure an acceptable final appearance. That provision would be secured via condition.
- 7.58 The design quality of the scheme has undoubtedly improved significantly from initial submission to the final layout now under consideration, both in respect of its layout, the inclusion of additional open space and the design aesthetic. While concerns remain regarding the number of dwellings on the parcel and the balance of development across the wider site, it is considered that this issue can likely be addressed during the later development of Phase 3, which could provide fewer dwellings at a lower density, perhaps with increased areas of open space. The development is therefore, on balance considered to accord with policy HOU 2 in respect of the housing density. The design of the scheme on this parcel is now considered to be of an acceptable level sufficient that it complies with the requirements of Local Plan policies ENV 1 and ENV 2 and the design guide SPD.
- 7.59 Residential Amenity
- 7.60 Policy ENV 2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.
- 7.61 The Phase 2A parcel backs onto neighbouring dwellings at its north western end and backs onto the woodland behind Felsham Chase along its western boundary. The broad principle of dwellings in this location has been established by the outline permission. It is not considered that any harm from the built form or overlooking would result. Where the parcel borders the woodland on the Felsham Chase neighbourhood, the scheme includes landscaped areas along those boundaries meaning dwellings are situated a sufficient distance from neighbours that there would not be any significant impact on the amenity of existing neighbours. In respect of the north western edge of the site, the plots would back directly onto the gardens of neighbouring dwellings on Holkham Mead and Melford Close and one plot is adjacent to the side boundary of a dwelling on Melford Close. In this location,

bungalows have been proposed for those plots which minimises the impact of the dwellings in respect of outlook from the neighbours, overshadowing and overlooking and the impact on those neighbours is considered to be acceptable.

- 7.62 Consultation responses received in respect of the current application raised concerns in respect of footpath connections through to the neighbouring Felsham Chase neighbourhood and potential impacts of increased footfall. The outline permission was granted subject to a plan which showed connection points with the wooded footpaths immediately to the west, however no links are currently proposed and a fence separates the parcel from that wooded area. The submitted plans are annotated to show 'possible footpath links' however these are not proposed at this current stage. Providing links would require the cooperation of landowners and could only be viable through future negotiation. On that basis, it is not considered that the proposed layout results in any impact on neighbouring amenity as a result of access through the Felsham Chase neighbourhood and no officers have not taken any view on the impact of any such access at this stage.
- 7.63 The construction phase of any large residential development poses potential amenity issues in respect of noise, dust and light pollution. The outline permission was granted subject to Condition 19 which requires that no development commence until a Construction Environmental Management Plan for that phase has been submitted and approved. Condition 25 of the outline permission secures the provision of a piling method statement in the event that piling is required. On this basis, the impact of the construction phase on the amenity of neighbours has already been adequately addressed.
- 7.64 The layout and design of the dwellings would afford occupants an acceptable level of amenity and privacy. Back to back distances of 20 metres between dwellings have been achieved across the scheme and acceptable window to blank wall distances are also achieved.
- 7.65 Garden on all plots except the maisonettes and flats over garages exceed the standard set within the Council's Design Guide SPD of 50m². In the case of maisonettes smaller gardens are provided and no gardens are provided for the flats over garages. While the under-provision of garden space is regrettable, there is a significant level of provision of public open space within the approved wider site and the Design Guide does state that the garden size requirement applies 'in most cases' and it is considered that the scheme complies with this requirement.
- 7.66 As detailed above, parking provision is generally adequate for dwellings across the scheme being on average at least two spaces per dwelling. The maisonettes on site are only provided with one space, however as these are smaller units of which there are only a few, that provision is unlikely to be significantly detrimental to the amenity of the occupants of those dwellings.
- 7.67 In order to ensure that an acceptable level of access and maintenance of streets is secured, the LHA has requested that conditions be applied to the scheme relating to the construction of access roads, paths and cycleways and the management and maintenance of streets. These conditions were applied to the outline permission and do not need to be repeated for the reserved matters. The LHA also requests that the provision of access, turning and parking spaces and the ongoing provision

of visibility splays be secured. These will both be secured by condition and the former will be sufficient to ensure that parking spaces on site be provided and retained in perpetuity. The gating of accesses and parking spaces would also be restricted by condition. Where parking is provided in car ports, as on some of the dwellings fronting the eastern spine road, permitted development rights for the conversion or alteration of those car ports would be removed to ensure ongoing provision.

7.68 It is therefore considered that the proposed development would not cause any significant harm to the amenity of current Burwell residents and that it would provide an acceptable level of residential amenity to future occupiers of the scheme, in accordance with policy ENV 2 and the Design Guide SPD.

7.69 Historic Environment

7.70 LP policy ENV 12 states that proposals that affect the setting of a Listed Building will only be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset; not materially harm the immediate or wider setting of the Listed Building; and facilitate the long-term preservation of the building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7.71 The outline application considered the impact of the development on the setting of listed buildings, the nearest of which is the Grade II listed Mill to the north of Melton's farmhouse. The development of the wider site retains an area of open space in the area nearest to that building and the outline application found that the proposed development would have a limited impact on that building. The current proposal for Phase 2A is relatively distant from that building and would largely be screened by intervening development and existing planting. It is not considered that the proposed development has any detrimental impact on the setting of the mill and is considered to have a neutral impact on that building.

7.72 On that basis, the proposed development is considered acceptable in terms of its impact on listed buildings in accordance with the requirements of LP policy ENV 12.

7.73 LP policy ENV 14 requires that development affecting all sites of known or potential archaeological interest have regard to their impact on those assets and protect enhance and conserve archaeological remains.

7.74 The archaeological interests of the current site and wider site are significant and archaeological condition was applied to the outline permission requiring that no development occur in a particular phase until a programme of archaeological work had been carried out.

7.75 The County Archaeology Team has confirmed that the fieldwork for the archaeological programme secured by condition on the outline permission has been completed for the Phase 2 area and that the post-excavation programme is currently underway. No further measures are required in respect of this current Reserved Matters application

- 7.76 On that basis, the proposed development is considered acceptable in respect of its impact on the archaeology in accordance with LP policy ENV 14.
- 7.77 Ecology and biodiversity
- 7.78 LP policy ENV 7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network. The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed.
- 7.79 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated and included a condition requiring the carrying out of the development in accordance with the key recommendations and precautionary methods contained within the ecological surveys submitted at the time of that application.
- 7.80 Those enhancement recommendations included the installation of bat tubes; bird boxes suitable for house martins, house sparrow, dunnock and starling; native and wildlife attracting planting; hedgerow boundary planting or along access roads; and reptile hibernacula such as log and rock piles. Such measures are considered to remain appropriate. The documents considered as part of the outline application were necessarily general in scope as the layout of phases was unknown and it is therefore considered necessary to require the submission of a detailed ecological enhancement scheme for this phase. On the basis that such a scheme is secured by condition, the proposed development would secure an acceptable biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.
- 7.81 Flood Risk and Drainage
- 7.82 LP policy ENV 8 states that all developments should contribute to an overall flood risk reduction, demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems will be required for new developments.
- 7.83 The site is at low risk of flooding and the outline application demonstrated that surface water could be deal with on the wider site as it had been established that infiltration drainage was feasible. That application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase.
- 7.84 A detailed surface water drainage scheme has been submitted in respect of Phase 2A under reference 15/01175/DISJ in an attempt to satisfy the requirements of the condition on the outline permission and demonstrate adequate surface water and the Lead Local Flood Authority. Various amendments have been made to the scheme to reflect changes to the housing proposals and to try to address the LLFA's concerns about the detail of the scheme. The latest amendment has been

received at the time of writing. The LLFA has informally indicated that the scheme appears to have addressed its outstanding concerns in respect of the extent of permeable paved areas. However, the LLFA has not formally confirmed that and at present therefore, the issue of surface water drainage remains outstanding. It is, however, considered highly likely that the drainage scheme will be confirmed as acceptable. As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application. As the formal confirmation of the LLFA is outstanding and as the drainage condition on the outline application states that the condition must be discharged prior to the approval of the reserved matters application, delegated powers are being sought to approve the application once the outline condition has been formally discharged.

7.85 The principle of the site to provide adequate foul drainage for 350 dwellings was considered at outline stage. Anglian Water advised that there was the capacity at Burwell Water Recycling Centre to accommodate the flows from the development, however it and the Environment Agency required that improvements to the existing sewerage system would be required. The outline permission was therefore granted subject to a condition requiring that no development commence until a foul water strategy, including a scheme for the improvement and/or extension of the existing sewerage system, has been submitted and approved. The applicant has submitted such a scheme in respect of Phase 1 under reference 15/01175/DISJ. That scheme is still being considered by statutory consultees, however the presence of the condition on the outline permission gives sufficient assurance that development of the site will not take place unless an acceptable foul drainage scheme is in place.

7.86 Energy and Sustainability

7.87 The adopted Climate Change SPD predominantly focusses on providing additional guidance to the implementation of LP policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It goes on to state that applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction, as set out in the Code for Sustainable Homes (or its successor), demonstrating that developments of 5 or more dwellings would achieve energy efficiency improvements 20% above Building Regulations (as at Jan 2021), as set out in CC1 of the SPD.

7.88 The outline permission considered the sustainability of the scheme and required the submission of an Energy and Sustainability Strategy alongside any reserved matters application for buildings, via condition 14 of that permission. Such a strategy has been submitted alongside this application. The measures identified within that strategy as feasible in this case are a fabric first approach to the construction of buildings which seek to reduce energy demands by building energy efficient buildings and the use of a mix of solar panels and air source heat pumps.

7.89 However, the Council's Building Control team has previously advised that any dwellings not commenced on site by 14 June 2023 would need to comply with the latest Part L Building Regulations, which would exceed the carbon reduction that

ENV 4 and CC1 seek to achieve. In this regard therefore, the development would automatically meet and exceed the aims of CC1 and ENV 4. In essence, the requirements of the SPD and, as a result, the condition attached to the outline permission, have been superseded by latest Building Regulations - Part L.

- 7.90 Concern has been expressed locally regard the level of detail provided in the strategy and the extent of its ambition and specifically regarding the location of solar panels and the provision of vehicle charging points. While these concerns are understood, as stated above, the requirements for energy efficient and sustainable development required by policy will be met and exceeded via the 2021 update of Part L Building Regulations. It is therefore unreasonable to require the strategy to go further than it currently does in respect of the provision of renewable energy or energy efficiency.
- 7.91 On that basis, the proposed development is considered to comply with the requirements of condition 14 of the outline permission, LP policy ENV 4 and the Climate Change SPD.
- 7.92 Other Material Matters
- 7.93 *Healthcare contributions*
- 7.94 NHS England has requested that the impacts of the development on healthcare provision be fully assessed and mitigated by way of a developer contribution. It is noted that the NHS did not comment at Outline stage at which point the impact of the development in principle, including in respect of the burden of additional residents on local infrastructure, was considered. It was decided at that stage that healthcare contributions were listed on the Council's 123 list and therefore a contribution under the outline permission would have been double-counting. This current application seeks approval of the reserved matters of appearance, scale, layout and landscaping and such issues in-principle issues of the residential development cannot be reconsidered at this stage. NHS England's comments regarding securing contributions toward healthcare are noted and will be passed to the CIL team – however, it would not be possible under this application to secure contributions and matters of CIL funding fall outside of the regulatory framework of the planning system.
- 7.95 *Firefighting*
- 7.96 Condition 13 of the outline permission already satisfactorily secures that the details of the provision of fire hydrants be agreed prior to commencement of development of each phase.
- 7.97 The submitted Fire Tender swept path analysis demonstrates that a fire tender can adequately access the site for the purposes of firefighting.
- 7.98 *Delivery of play equipment*
- 7.99 Local consultation responses requested details of when play equipment would be provided, however the play equipment referred to relates to the open space which is not a part of this reserved matters application site.

7.100 Planning Balance

7.101 The proposed reserved matters scheme for the Phase 2A parcel is considered to accord with the outline planning permission and the development framework drawing approved at that stage and is therefore acceptable in principle.

7.102 It is acceptable in respect of the level of amenity it would provide to future residents and its impact on the residential amenity of existing neighbours, the historic environment, biodiversity and ecology, and flood risk and drainage. It would also comply with the requirements of the Council's planning policies relating to energy and sustainability.

7.103 The design of the scheme in respect of the detailed matters of layout, landscaping, scale and appearance, is now considered of an acceptable quality. Lengthy negotiations on and revisions to the scheme have been undertaken since the submission of the application and these have significantly improved the design quality. While the design quality achievable on the scheme has undoubtedly been constrained by the housing numbers proposed for this phase of the wider development, officers are of the view that the current scheme achieves an acceptable design quality.

7.104 The scheme is not without its weaknesses – as detailed above, the number of dwellings proposed on the parcel is a higher proportion of the overall number approved on the wider site than is ideal and will lead to challenges in delivering a scheme with a cohesive character across that wider site, particularly in respect of Phase 3. However, these challenges are not considered to be insurmountable. The scheme also skews its market housing mix towards larger dwellings and while some justification has been provided to support the acceptability of that approach, that matter is finely balanced. Ultimately, officers are of the view that the mix can be considered to contribute to local housing needs and is, on balance, acceptable.

7.105 The scheme does provide a policy compliant level of good quality affordable housing as required by the outline permission and the mix and tenure of the housing is acceptable in respect of the local need.

7.106 Having weighed the strengths and weaknesses of the scheme, it is the opinion of officers that the scheme proposed in the reserved matters application is of an acceptable standard of design and that it broadly complies with the Local Plan as a whole. The adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal. On that basis, the application is recommended for approval.

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 appellants through the appeal process) then a costs 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.

9.0 APPENDICES

- 9.1 Appendix 1 – Outline Decision Notice (15/01175/OUM)
9.2 Appendix 2 – Schedule of proposed conditions

Background Documents

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.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>

The planning records for the following applications:

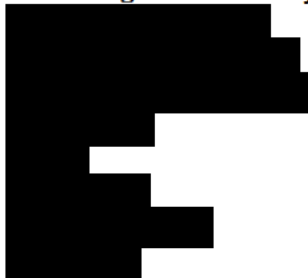
15/01175/OUM, 15/01175/NMAA, 15/01175/NMAB, 20/01755/RMM, 22/00479/RMM



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This matter is being dealt with by:

Rebecca Saunt

Telephone: 01353 616357
E-mail: rebecca.saunt@eastcambs.gov.uk
My Ref: 15/01175/OUM
Your ref

31st October 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following:

Proposal: Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure
Location: Land At Newmarket Road Burwell
Applicant: Cambridgeshire County Council

This consent for outline planning permission is granted in accordance with the application reference **15/01175/OUM** registered 2nd October 2015.

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
CAM.0985_26		2nd October 2015
CAM.0985_03-8	B Indicative	15th March 2017
PHASE 1 CONTAMINATED LAND RSA RESPONSE		2nd October 2015 11th May 2017
PHASE 1 HABITAT SURVEY		2nd October 2015
TRANSPORT ASSESSMENT		2nd October 2015

FLOOD RISK ASSESSMENT	2nd October 2015
LANDSCAPE AND VISUAL STRATEGY	2nd October 2015
REPTILE SURVEY	2nd October 2015
BREEDING BIRD SURVEY	2nd October 2015
TRAVEL PLAN	2nd October 2015
ARCHAEOLOGICAL DESK BASED ASS	2nd October 2015
ARCHAEOLOGICAL EVALUATION REPORT	2nd October 2015
SERVICES APPRAISAL	2nd October 2015
PRE PLANNING ASSESSMENT REPORT	2nd October 2015
INFILTRATION RESULTS	2nd October 2015
HIGHWAYS POSITION STATEMENT	15th March 2017
J281/SK06	15th March 2017
DRAINAGE	13th November 2015
J281/SK/01	15th March 2017

F

- 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 for phase 1 shall be made within 2 years and subsequent applications for the approval of the reserved matters within 5 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 Unless otherwise required by other Planning Conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B.
- 4 Reason: To ensure the development is carried out in accordance with the approved Development Framework Plan and accords with policy ENV2 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 5 As part of or prior to the determination of the first Reserved Matters application, a Site-wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site-wide Phasing Plan shall provide the following information and state when each of the requirements will be delivered:
 - a) Broad details of the intended sequence of development across the entire area;
 - b) The extent and location of the likely development phases and parcels and broad details of the type of development envisaged in each phase (which may include infrastructure only phases);
 - c) Location of vehicular access off Newmarket Road, roads, footpaths and cycleways associated with each phase;
 - d) The location of self-build dwellings;
 - e) The location of dwellings that are to be built to be suitable or easily adaptable for occupation of the elderly or people with disabilities (Lifetime Homes standard or equivalent)
 - f) Structural landscaping and advanced structural landscaping associated with each phase;
 - g) The sports hub; and
 - h) Informal open spaces and recreational areas.

No development other than Enabling Works shall commence until such a time as a Site-wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Site-wide Phasing Plan, or any subsequent amended plan pursuant to this condition.

- 5 Reason: To ensure the development is delivered in a structured way in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B, in accordance with policies HOU1, ENV2, COM7 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 6 Within any reserved matters application for landscaping details pursuant to this approval, the details required by condition 2 shall include detailed landscape designs, specifications and timescales for implementation for the associated reserved matters site. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- a) The location and specification of structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- b) Details of all hard surfacing materials (size, type and colour)

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

- 6 Reason: To ensure, as the development is built out in phases, it satisfactorily assimilates into the area and enhances the development in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) using the unique rural setting to provide a special place and provide multi functional green infrastructure as an integral part of the design and layout.
- 7 The dwelling mix for any phase of the development containing dwellings shall provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission of the Reserved Matters application for each phase. The Reserved Matters applications shall be accompanied by a statement explaining the approach taken to housing needs and demand. The dwellings shall be provided in accordance with the approved details.
- 7 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.

- 8 Any reserved matters application for residential development which includes 'self-build' plots shall include a plan showing the distribution of the 'self-build' plots. There will be 17 'self-build' plots in total across the whole of the site and they shall be provided in accordance with the approved details.
- 8 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.
- 9 Any reserved matters application for residential development shall include a plan showing the distribution of market and affordable housing and a schedule of dwelling size (by number of bedrooms). All affordable housing shall, in accordance with best practice, be designed to be tenure blind. The affordable houses shall be provided in accordance with the approved details.
- 9 Reason: To ensure the delivery of a balanced community, in accordance with policy HOU3 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence in a particular phase 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. This written scheme will include the following components, completion of which will trigger the phased discharging of the condition:
- i) Approval of a Written Scheme of Investigation to include the excavation and recording of archaeological remains and an appropriate outreach element;
 - ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - iii) Completion of a Post-Excavation Assessment Report (PXA) and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
 - iv) Completion of the programme of analysis and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - v) Production of an archive report and the preparation of site archive for deposition at the Cambridgeshire Archive facility, or another appropriate store approved by the Planning Authority;
 - vi) Preparation of suitable materials for secure local display in an appropriate public space.
- Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.
- 10 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.
- 11 Development in a particular phase shall not commence 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.

- 11 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.
- 12 If, during the development of a phase, 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.
- 12 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.
- 13 No above ground construction shall take place in a particular phase until a scheme for the provision and location of fire hydrants to serve that phase 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 for that phase shall be installed and completed in accordance with the approved details prior to the occupation of any part of that phase.
- 13 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies GROWTH3 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to or as part of the first reserved matters application for each phase, 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.
- 14 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in Policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 15 To the extent that the reserved matters applications include external public spaces or roads which are not intended to be adopted by the highways authority (e.g. private roads, playgrounds and sports pitches), such applications will be accompanied by a Light Management Plan (LMP) for the relevant areas, for approval by the Local Planning Authority. The LMP shall set out details of proposed permanent external lighting including luminosity and hours of operation. It shall also set

out timescales for implementation. The relevant external lighting shall only be provided and operated in accordance with the approved LMP.

- 15 Reason: To protect reasonable residential amenity of future occupiers of the site and those adjacent, to accord with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 16 Before any reserved matters application for development involving buildings, roads or other impermeable surfaces is approved, a detailed surface water drainage scheme for that reserved matters scheme, based on the agreed surface water drainage documents (CCE/J281FRA-02 dated July 2015) 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 the development is completed.

No development shall take place until details of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 16 Reason: To prevent the increased risk of flooding, 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.
- 17 No development shall commence until a foul water strategy, which includes a scheme for the improvement and/or extension of the existing sewerage system, has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved details of the foul water strategy.
- 17 Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is prior to commencement as these details need to be agreed before construction begins.
- 18 Prior to the commencement of development in a particular phase, 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.

- 18 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.
- 19 Prior to the commencement of development in a particular phase, a Construction Environmental Management Plan (CEMP), shall be submitted to an approved in writing by the local planning authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy. The CEMP shall include the consideration of the following aspects of construction:
- a) Site wide construction and phasing programme
 - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
 - c) Construction hours
 - d) Delivery times for construction purposes
 - e) Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883 (2009) and / or its subsequent amendments
 - f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - g) Maximum noise mitigation levels for construction equipment, plant and vehicles
 - h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - i) Setting maximum vibration levels at sensitive receptors
 - j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
 - k) Site lighting
 - l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - m) Screening and hoarding details
 - n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
 - p) External safety and information signing and notices
 - q) Liaison, consultation and publicity arrangements including dedicated points of contact
 - r) Consideration of sensitive receptors
 - s) Prior notice and agreement procedures for works outside agreed limits
 - t) Complaints procedures, including complaints response procedures Membership of the Considerate Contractors Scheme
 - u) Location of Contractors compound and method of moving materials, plant and equipment around the site
 - v) An Emergency Incident Plan for dealing with potential spillages and / or pollution incidents.

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

- 19 Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with polices ENV2 and ENV9 of the East Cambridgeshire Local Plan; 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.
- 20 No development shall take place on the phase for the sports hub as detailed on the Development Framework Plan Drawing No. CAM.0985_03-8B until the following information has been submitted to and agreed in writing with the local planning authority:
- a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The works shall be carried out in accordance with the approved scheme within a timescale to be approved in writing by the Local Planning Authority.
- 20 Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 21 The playing fields shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 21 Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the bringing into use of the new playing fields and sports hub a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields.
- 22 Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport in accordance with National Planning Policy Framework (NPPF) paragraph 74 and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 23 The specific rated noise level emitted from plant or machinery (associated with the sports hub) located on the site shall not exceed the existing background noise level or 35dB, whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of the nearest noise

sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142:2014.

23 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

24 Construction times and deliveries during the construction and demolition phases shall be limited to within the following hours:

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

07:30-13:00 Saturdays

None on Sundays, Bank Holidays or Public Holidays

For the avoidance of doubt this means during the construction phase no machinery or plant shall be operated outside of the above times.

24 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

25 If piling activities are required within 40metres of the boundary of the application site, the method of piling shall be agreed in writing with the local planning authority prior to commencing the activity and the method agreed shall be adhered to.

25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

26 During construction any site based mobile plant (excluding HGV's) shall have broadband reversing alarms.

26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

27 The development shall be completed in accordance with the key recommendations and precautionary methods and additional recommendations of the Phase 1 Habitat Survey carried out by James Blake Associates, dated June 2015, the recommendations and enhancement recommendations of the Reptile Survey carried out by James Blake Associates, dated June 2015 and the recommendations of the Breeding Bird Survey carried out by James Blake Associates, dated June 2015.

27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

28 The access(s), cycleway (s) and footway (s) are to be in accordance with the Designers Response (March 2017) and as per drawing number J281/SK/01 Rev F.

28 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.

29 Prior to the occupation of the first dwelling the provision of a 3 metre wide shared footway/cycle from the site access, continuing west to Burwell Surgery shall be constructed and brought into use as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.

- 29 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 30 Prior to the occupation of the first dwelling the site access off Newmarket Road shall be provided with a right turn lane as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 30 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 31 A 4 metre wide shared footway/cycleway shall be constructed and brought into use from the site, continuing west onto Ness Road, as shown in principle on drawing J281/SK/06 dated 28/04/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the second phase of development. As part of the submission, details of the timescale for delivery shall be submitted to and agreed in writing with the Local Planning Authority.
- 31 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 32 Prior to the occupation of the first dwelling a new bus stop shall be provided on the northern side of Newmarket Road, the stop shall include but not be limited to raised kerbs, flag, time table and painted bus cage, as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 32 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 33 Prior to occupation of the first dwelling the two bus stops on the southern side of Newmarket Road directly opposite the site shall be upgraded, the upgrades shall include but not be limited to raised kerbs, flag, time table and painted bus cage, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 33 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 34 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator to give advice.
- 34 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 35 Prior to occupation of the first dwelling, the Developer shall be responsible for the provision and implementation of welcome packs for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The packs shall be provided to the first occupiers of each new residential unit on the development site.
- 35 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 36 Prior to first occupation of any dwelling the road(s), footways(s) and cycleway(s), within a phase of development, shall be constructed to at least binder course surfacing level from the dwelling to the

adjoining County road in accordance with the details approved in writing by the Local Planning Authority.

- 36 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 37 No development shall commence, with the exception of below ground works, 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).
- 37 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.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 A Road Safety Audit 2 will be required and the design must include all of the details agreed within the designs response (March 2017) RSA 1.
- 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 any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- 3 No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.
- 4 Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- 5 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.

- 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.

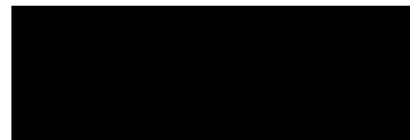
Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, 2003, as well as the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

Each new property requires two bins; this contribution is currently set at £43 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 This development should be carried out in strict accordance with the provisions of the Environment Agency letter, which attaches to this consent.
- 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 policies in themselves have been sufficiently explicit to guide the submitted application and acceptable plans and information has been submitted, therefore no amendments/improvements have been sought from the applicant.
- 9 This decision notice should be read in conjunction with the Section 106 Obligation dated 30th October 2019 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: 31st October 2019

23/00146/RMM

Broad Piece

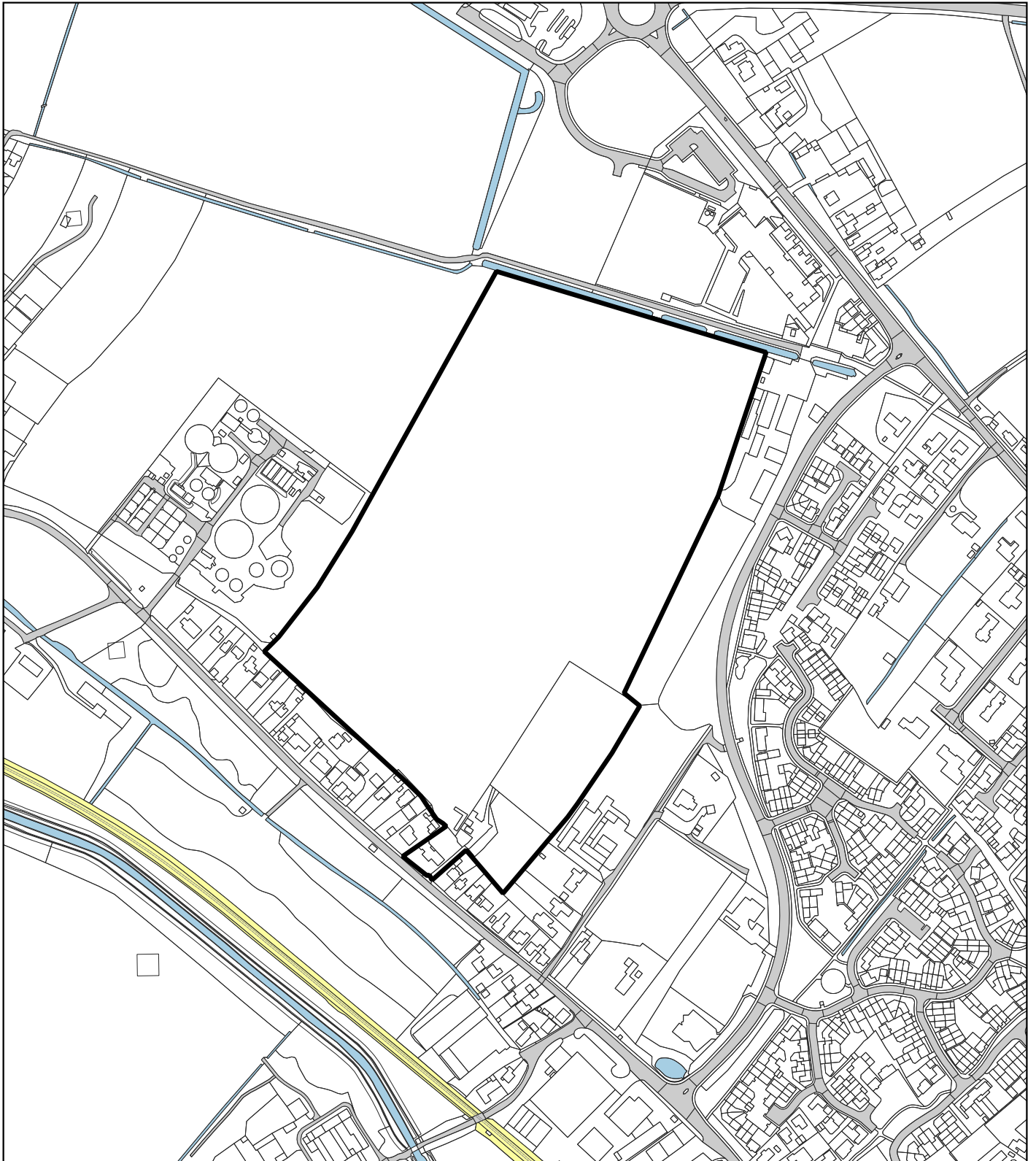
Soham

Residential development for 166 dwellings and identification of 9 self build plots, open space and associated infrastructure for previously approved 19/00717/OUM for proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RPO27HGGIHW00>





23/00146/RMM

Broad Piece
Soham



East Cambridgeshire
District Council

Date: 13/10/2023
Scale: 1:4,500



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TITLE: 23/00146/RMM

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Team Leader

Report No: Y75

Contact Officer: Catherine Looper, Planning Team Leader
catherine.looper@eastcamb.gov.uk
01353 616205
Room No 011 The Grange Ely

Site Address: Broad Piece, Soham Cambridgeshire

Proposal: Residential development for 166 dwellings and identification of 9 self-build plots, open space, and associated infrastructure for previously approved 19/00717/OUM for proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

Applicant: Persimmon Homes East Midlands

Parish: Soham

Ward: Soham North

Ward Councillor/s: Mark Goldsack
Keith Horgan

Date Received: 21 February 2023

Expiry Date: 10 November 2023

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 Solar Panels
- 5 Soft Landscaping Maintenance
- 6 Soft Landscaping Implementation
- 7 Boundary Treatments
- 8 Ecology

- 9 Tree Protection
- 10 Tree Protection Monitoring
- 11 Hedgerow and Woodland Management and Creation Scheme
- 12 Arboricultural Impact Assessment & Method Statement
- 13 Mechanical Ventilation
- 14 Elevation and Material Details for Substation
- 15 Highways – Binder Course
- 16 Highways – Parking and Turning
- 17 Highways- Visibility Splays
- 18 Specification for Bunds/Embankments

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks approval of the reserved matters for 166 dwellings and identification of 9 self-build plots, (total 175 dwellings), open space and associated infrastructure. Outline consent was granted at this site under appeal decision APP/V0510/W/21/3282449 (ECDC reference: 19/00717/OUM). The outline consent secured the detail of access.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1 19/00717/OUM

Proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

Refused

4 March 2021

Appeal Allowed - APP/V0510/W/21/3282449

11 February 2022

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the northern end of Soham, close to and adjoining the settlement boundary but within the countryside as identified within the Local Plan. The site also lies within the water treatment works safeguarding zone as the facility lies immediately to the west of the site. To the south and east is residential development, and to the north-east a farm potato storage business. A drain and Public Footpath 17 run along the northern boundary of the site leading further afield to Footpath 205/16 and 205/18. The site itself is largely agricultural land.

5.0 RESPONSES FROM CONSULTEES

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

Parish - 2 August 2023

Yes, the Parish Council has concerns.

NOTED there is still nothing to answer Soham Town Council's previous concerns regarding drainage & surface water. Until there is a full and final design then STC are unable to comment and will continue to raise concerns on these issues.

The Ely Group of Internal Drainage Board - 17 October 2023

Following the previous comments made in our letter dated 9th October to the LPA, the drawings attached to the email received from the LPA of 10th October have had material type 2B or 7A of Table 6/1 of the Department of Transport Specification for Highway Works added to the note relating to the construction of the bund. The note also continues to state that fill shall have between 20% and 30% clay content. The Board previously commenting that fill with this clay does not meet the requirement that the material should be predominantly cohesive.

Therefore, it remains that the note, specification, is considered unacceptable.

1. The use of material with a 20% to 30% clay content is not predominantly cohesive.
2. Type 2B and 7A material only has a requirement for 15-100% by mass to pass the 63 micron sieve. It has no requirement for material to pass the 2 micron sieve. Clay has a particle size of less than 2 micron.

Therefore, it follows from the above the material should have a requirement that is predominantly passes the 2 micron sieve.

As a result of the above it is suggested the specification as contained within the note contradicts itself and remains unacceptable in any event.

Anglian Water Services Ltd – 18 September 2023

ASSETS

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 Soham Water Recycling Centre that will have available capacity for these flows. The applicant has been in consultation with us regarding of the cordon sanitaire for the Soham sewage treatment works and the submitted layout plan is acceptable and accords with these discussions. The applicant has taken into consideration the odour buffer zone and has ensured that the amenity of future residents has been considered adequately.

Section 3 - Used Water Network We have reviewed the applicant's submitted Drainage Layout Reserved Matters 971-00-03 REV D 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(s) of the outline planning application 19/00717/OUM to which this Reserved Matters application relates.

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. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

Environment Agency – 4 October 2023

We have no objection to this proposal, please see our response to the Outline application for our comments on the Water Recycling Capacity AC/2019/128492/01 dated 19 June 2019.

Lead Local Flood Authority - 2 October 2023

We have reviewed the following documents: • Drainage Layout Reserved Matters, IDLtd, Ref: 971-00-03, Rev: E, Dated: Nov 2022 • Drainage Statement, IDLtd, Dated, 15th August 2023 Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The

applicant has stated that the swale adjacent to the southern access road will be adopted by the site NAV and not the HWA. As discussed, the small road area to the south will discharge into an adopted highway gulley. There have been no changes to the surface water drainage system. Surface water from site will be drained via an attenuation basin with sediment forebays discharging from site via a flow control at 3.3l/s. As agreed, exceedance flows will be captured by the cutoff depressed area and bunds. The small area of flooding at manhole S30 will be contained within the curb-line. Additional depressed areas will take exceedance flows and then discharge back into the system once a storm subsides.

Informatives

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.

Cambridgeshire Archaeology - 27 February 2023

The proposed development is an area of high archaeological potential due to its position within the fen landscape, and association to close by archaeological interventions that yielded information about the field systems in the area.

We were previously consulted in relation to planning application 19/00717/OUM and our advice remains that Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Local Highways Authority – 10 October 2023

The latest information submitted by the applicant is an accurate reflection of our correspondence and the answers they have provided are acceptable. I therefore have no objection to the proposed development.

Please append the following Conditions and Informatives to any permission granted:

Conditions

HW2A: 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 SSS/PPL/100 Rev AD in writing by the Local Planning Authority.

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.

HW20A (amended): Prior to the occupation of a dwelling, the pedestrian visibility splay associated with its driveway as shown on SSS/PPL/100 Rev AD shall be provided and thereafter be maintained free from obstruction exceeding 0.6m above the level of the adjoining footway or shared surface street.

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).

Environmental Health – 11 October 2023

The NIA initially advises that it is just assessing “noise levels across the site due to the primary noise sources, being the local roads, to the north, east and south, and the rail line to the south.” But later in 4.0 states that “the measurement positions selected for the noise survey detailed in Section 3.0 above relate to the potato store, rail and public highways, which were specifically highlighted by the LPA and are shown in Figure 6 below.” So it’s a little confused but it would appear as though the potato store has also been considered (although with the incorrect methodology as discussed with Karen this should be in accordance with BS4142:2014 (A:2019)).

With regard to which plots will be affected the report advises that they will be -

“Plots positioned closest to the potato store at the north east”

“Most dwellings will fall into the green category with only those close to the potato store at the north east of the site being expected to exceed a negligible risk, and only intermittently”

I’ve re-read it a couple of times but I can’t find anywhere where it lists the plots. I would assume it would be the ones highlighted below (135-149 and potentially 150-152 if there is a line of sight to the potato store) –

I would expect these properties to effectively shield the dwellings behind them.

I can also reconfirm the exceedances below (with an open window) -

For medium risk dwellings (**Amber**), the impact of temporarily opening windows to provide ventilative cooling is dependent on the following:

- Noise levels inside the space when windows are open. For the worst case affected dwelling, these values are as follows:

- Living Room / Bedroom (daytime): **43 dB L_{Aeq}**
- Bedroom (night-time): **39 dB L_{Aeq}**
- Bedroom (night-time): **58 dB L_{AFMax,3min}**

- How often windows need to be opened to provide relief from overheating:

A more detailed CIBSE TM59 assessment for overheating should therefore be undertaken to determine the duration which partially open windows are required to provide ventilative cooling throughout the year, particularly to bedrooms during the night-time period.

The worst case predicted levels indicate –

+3dB over the relaxed target for living rooms

+4dB over the relaxed target for bedrooms (night)

We always have our statutory nuisance powers if we do receive future complaints.

Cambs Wildlife Trust – 22 August 2023

I've now checked the bat survey report and no ecological issues have been identified. The submitted Biodiversity Impact Assessment report produced by FPCR in May 2023 is acceptable. There are therefore no outstanding ecological issues with this application.

Natural England - 8 March 2023

Natural England has no comments to make on these 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>.

ECDC Trees Team – 10 October 2023

The revisions made are acceptable as such so is the proposed development from a tree perspective subject to the need for the conditions requested in the 22nd August consultation response.

Waste Strategy (ECDC) – 18 September 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).
- 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.
- Please refer to previous comments. We also advise to present a detailed plan/drawing of bin collection points. • Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.
- 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.

Housing Section - 14 March 2023

The Strategic Housing Team supports the above application as it will deliver 30% affordable housing on site (53 dwellings) and will meet the required tenure

of 77% rented (41 dwellings) and 23% Intermediate Housing (12 shared ownership dwellings) in accordance with the approved s106 agreement.

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

Technical Officer Access - 16 March 2023

- 1) There are 175 units being constructed and I could not find one "Accessible Bungalow"
- 2) There appears to be shared surfaces. Shared surfaces for pedestrians and cars should 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.
- 3) Please provide locations for wheelie bins to be collected as they block the footpath for wheelchair users, pushchair users and children.
- 4) Please provide ramps and dropped kerbs. Is there sufficient space to some front doors from the public footpath to achieve a suitable incline for a wheelchair.
- 5) When considering play equipment, please take account of children with disabilities.
- 6) Consider safety measures for children in terms of the balancing pond.
- 7) Caster unit: - For people with minor disabilities it would be more sensible to have 5 flats as opposed to the existing "one up one downs", (4 number) and one flat.
- 8) "Barnwood Village", plot 16 and 61. "Charnwood Village", plot 131 have inward opening doors on their downstairs toilets. Need a redesign?
- 9) If a visitor in a wheelchair manages to get into the toilets in the Barnwood and Charnwood, with no confidence should they then try various other properties where they would have to navigate through the kitchen and dining area before encompassing overlapping door swings on the way to the toilet!
- 10) I am concerned by the level of pollution from car exhausts for those with asthma and other lung infections, because of the very high density of this estate. It seems to be split in two. One half green belt and the other half with very little green, just hard surfaces and crowding.

Design Out Crime Officers - 6 March 2023

Thank you for the opportunity to comment on these reserved matters application including amended plans and revised layout from previously approved outline application I have viewed the documents in relation to

community safety crime disorder and the fear of crime and completed a search of the Constabulary crime and incident systems for this location covering the last 2 years This is at present a location with a low vulnerability to the risk of crime I refer to previous comments 3rd June 2019 these responses still stand

Crimes of note

All Crime

Burglary Residential	1
Burglary Business	2
Criminal Damage Residential	1
Theft from Motor Vehicle	2
Theft Of Motor Vehicle	1
Other Theft	1
Theft Of Cycle	3
Public Order 22 Including Race and Religiously Fear	3 6

There is no specific section in the Design and Access or Planning statements relating to security or crime prevention measures NPPF Para 130f which states Planning policies and decisions should ensure that developments create places that are safe inclusive and accessible and which promote health and wellbeing 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

The layout and general appearance look to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbours properties with the majority of homes facing each other many homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and some have been provided with defensible space to their front Vehicle parking in curtilage between and to the sides of properties The play area and open spaces with the use of footpaths should encourage natural surveillance on this development
Having looked at the documentation please see my comments below.

External lighting I have viewed the lighting plan within the documents 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 BS 5489 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 the majority of 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 bulkhead LED lights
NB There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution.
Parking courts for flats should be lit by columns to BS 5489 1 2020 for the safety of residents and visitors.

Cycle Sheds I would like to see a design for the sheds once available. 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 or non-return screws.

Floor and roof constructed from 11mm boards minimum
11x125mm min Tongue and Grooved board walls and door

No windows to be present

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 11 2014
Security Rating 1

As a minimum Sold Secure gold ground anchors cemented into the floor.
Shall be securely fixed to a suitable substrate foundation. See Secured by Design SBD website link

Boundary treatments Landscaping must be a good maintenance plan in place hedging and planting should be kept down to 1m and tree crowns raised to 2m to ensure clear views and surveillance across each site The DAS shows palisade fencing is to be installed around the site security fencing around the service yards, should be at least 2m high with matching gates tested to LPS1175 SR1 reducing the ability to cut and climb but allowing good surveillance through it

Shared footpaths to rear gardens the following plots have a shared footpath to rear gardens 49 50 53 54 91 92 95 96 136 137 and 147 148 where possible these should be gated, and gates positioned as near to the building line as possible and fitted with self-closures so that they can't be left open by residents the rear access gate should be lockable and fitted with a self-closer.

Vehicle parking the flowing properties have limited or no surveillance over the private parking which is situated to the rear of these premises please could fences for the following properties be dropped from 1.8m to 1.5m and fitted with 300mm trellis to improve visibility and natural surveillance Plots 29 87 102 104 108 129 131 135 150 159 and 166

Internal Cycle Bin Store flats enclosed cycle store doors should be enhanced security door sets LPS 1175 SR2 fitted with self-closers and a thumb turn for egress to ensure that people cannot be locked in There should be no visibility inside the stores to prevent criminals viewing the cycles Stands should be secured cemented 300mm into the ground not bolted down as per Secured by Design guidelines Minimum requirements for such equipment are
Galvanised steel bar construction Sheffield stands
Minimum foundation depth of 300mm with welded anchor bar
The cycle stands must facilitate the locking of both wheels and the crossbar
Clarification required what construction will these doors be not hit and miss.

Footpath Open Space Landscaping whole development including if there are public rights of way 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.

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.

N B 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 natural surveillance which is always a proven deterrent to crime and antisocial 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 wellbeing 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

Taking the above into consideration I am happy for the above to be conditioned and I have no further comments at this time.

I would encourage the applicant considers submitting a Secured by Design SBD residential 2023 application as I believe this development could attain accreditation with consultation.

County Highways Transport Team -

No Comments Received

Natural England -

No Comments Received

Cambridge Ramblers Association -

No Comments Received

CCC Growth & Development -

No Comments Received

Ward Councillors -

No Comments Received

- 5.2 A site notice was displayed near the site on 2 March 2023 and a press advert was published in the Cambridge Evening News on 9 March 2023.
- 5.3 Neighbours – 99 neighbouring properties were notified, and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- A number of properties will lose land at the front of their properties, resulting in unsafe parking for those residence
- Negative impact on property value
- Due to the change in levels of the land, the new dwellings would have direct views into existing properties
- little to no consultation with regards to the proposed access to this site
- Broad Piece suffers from constant speeding traffic
- Access should only have been allowed from the North end of the proposed site using the Shade roundabout.
- Concerned access is on broad piece, which will lead to traffic using King Fisher drive which is busy with lorries and traffic going to Mereside.
- Why was consideration not given to having the access off the roundabout at the Shades end of Soham
- The access should be further down King Fisher Drive where it is wider or have a roundabout.
- Increase in traffic may cause a serious accident as children play in this area
- Access to site has been poorly planned
- Increase in road noise for existing residence
- The use of King Fisher Road is dangerous due to the amount of parked cars
- The drainage pipe that runs under Broad Piece has not been cleaned for a very long time and may not cope with the addition of the houses.
- The ditch that runs across broad piece is blocked and has not been cleaned for many years
- Existing evidence of flooding along broad piece is a serious risk and no effort of mitigation has been provided.
- The surface water drainage has not been satisfactorily addressed
- Attenuation ponds in practice can become a boggy marsh - Similar areas within King Fisher Drive
- In the winter the balancing ponds may overflow
- Flooding to existing gardens were caused by the King Fisher drive development and do not wish for additional flooding as a result of this development.
- Drainage suds will be places next to No 24 Broad Piece which will attract insects and bad smells in the summer
- Concern to potential additional draining issues around the school.
- Concerns over permissions surface water drainage failing on the King Fisher estate and that this could be the same on the new development
- Negative impact on property value
- Existing trees within the site should be reduced in height to avoid loss of light to neighbouring dwellings
- Development is outside the development envelope and is not reserved under SOH1 to SOH 8.
- Some documents are missing from the planning portal under 19/00717/DISB in terms of neighbour comments and the flood authority comments are not appearing online

- Comments for a separate application are appearing for this application due to there being two sites with the same officer.
- The internal drainage board has put the incorrect application number on their comments and are appearing under the wrong application.
- Rights of access will be blocked by bollards. How will residence use this access?
- Vibrations of vehicles using the emergency access has broken the rear windows of a house, consideration should be shown to existing dwellings

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation areas
ENV12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New Community Facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2023

- 2 Achieving sustainable development
- 9 Promoting sustainable transport
- 5 Delivering a sufficient supply of homes
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding, and coastal change
- 15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

Cambridgeshire and Peterborough Minerals and Waste Local Plan

7.0 PLANNING COMMENTS

7.1 The application is assessed in accordance with the development plan which comprises the East Cambridgeshire Local Plan 2015. Also relevant are the associated Supplementary Planning Documents, the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

7.2 The main considerations of this application are the principle of development, visual amenity, residential amenity, traffic and transportation, parking provision, biodiversity and ecology and water management.

7.3 Principle of Development

7.4 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.5 While the application site is situated outside of the defined development envelope, the principle of development has been established through the planning permission 19/00717/OUM, which was allowed at appeal (APP/V0510/W/21/3282449) 11th February 2022. The appeal decision conditioned that the application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of the permission. The reserved matters application has been made within this timescale and therefore the principle of development is considered to be acceptable.

7.6 Affordable Housing, Self-Build & Housing Mix

7.7 The outline application 19/00717/OUM secured 30% affordable housing through the S106 Legal Agreement. 5% Self Build and Custom Plots were also secured in this manner.

7.8 The applicant proposes 41 affordable rented units and 12 shared ownership units of which the housing mix would be as follows:

Number of Bedrooms	Number of Units
41 Rented Units	

1 Bedroom Flats	10 Units
2 Bedroom	17 Units
3 Bedroom	10 Units
4 Bedroom	3 Units
5 Bedroom	1 Units
12 Shared Ownership Units	
2 Bedroom	6 Units
3 Bedroom	5 Units
4 Bedroom	1 Unit

7.9 The applicant sets out that the housing mix across the whole site would be as follows:

Number of Bedrooms	Number of Units	Percentage
1 Bedroom	10	6%
2 Bedrooms	32	19.5%
3 Bedrooms	73	44%
4 Bedrooms	47	28%
5 Bedrooms	4	2.5%

7.10 The applicant also sets out that 20% of the dwelling provided would be lifetime homes in accordance with Condition 26 of the outline permission.

7.11 The Council's Housing Strategy and Enabling Officer has reviewed the proposals and confirms that they support the application as it will deliver 30% affordable housing on site (53 dwellings) and will meet the required tenure of 77% rented (41 dwellings) and 23% Intermediate Housing (12 shared ownership dwellings) in accordance with the approved s106 agreement. They advise that the affordable housing mix proposed will meet the housing needs of those households in Soham as well as helping to meet the Councils overall affordable housing need for the district.

7.12 The Design & Access Statement sets out that the average density of the site would be 33 dwellings per hectare (dph).

7.13 The proposal is considered to be compliant with policies HOU1, HOU2, HOU3 of the East Cambridgeshire Local Plan 2015 and the provisions of the NPPF.

7.14 **Open Space**

7.15 The applicant has confirmed that 5.6ha of open space is provided as part of the scheme. The site area is 10.83ha meaning that roughly half of the site is provided as open space. The proposal also includes a Locally Equipped Area of Play (LEAP) with six pieces of play equipment.

7.16 Residential Amenity

- 7.17 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users.
- 7.18 The outline application acknowledged that existing occupiers in the area are likely to experience an increase in noise and disturbance from the development, including traffic movements, however it was considered that this was not considered to be significant such that permission should be refused on this basis. The proposed site layout has been laid out to provide significant separation between existing and proposed dwellings, with areas of open space located to the rear of the properties fronting Broad Piece. The proposal is therefore not considered to create overbearing, overlooking or overshadowing impacts to surrounding properties.
- 7.19 The appeal decision on the outline application conditioned matters such as construction times and construction method statements in the interests of residential amenity.
- 7.20 The application is supported by an Odour Assessment which has been reviewed by Environmental Health. They advise that the proposed layout does not encroach into the cordon sanitaire for the Soham Water Recycling Centre. Anglian Water have been consulted and advise that the applicant has been in consultation with them regarding the cordon sanitaire for the Soham sewage treatment works and the submitted layout plan is acceptable and accords with these discussions. They advise that the applicant has taken into consideration the odour buffer zone and has ensured that the amenity of future residents has been considered adequately. The Environment Agency have confirmed that they raise no objections to the proposal.
- 7.21 The applicant has also submitted a noise impact assessment. This has been reviewed by Environmental Health who advise that a limited number of properties to the north-east may, with open windows, intermittently experience noise levels +3dB over the relaxed target for living rooms and +4dB over the relaxed target for bedrooms (night) from the potato store. Given the site constraints considered at outline stage and the subsequent permission granted by the Planning Inspectorate following the appeal (APP/V0510/W/21/3282449), it is considered that alternative ventilation methods for instances of marginal intermittent noise may be acceptable in this instance for a limited number of dwellings. It is considered that the amenity of future occupiers can be adequately protected through the installation of mechanical ventilation for instances where this may be preferable to future occupiers.
- 7.22 Overall, it is considered that the proposal would have an acceptable impact on both existing and future residential amenities in accordance with policy ENV2 of the Local Plan, and the NPPF. The proposal would provide an acceptable living environment and while the relationship between existing dwellings and the development site would be changed, this is not considered to be significantly

detrimental to the amenity of these occupiers and remains within the parameters of the Design Guide SPD and both local and national planning policy.

7.23 Visual Amenity

- 7.24 Paragraphs 130 and 134 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.25 Policy ENV 1 requires applications to ensure that they provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. The policy sets out that development proposals should respect the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal. The policy requires proposals to take account of settlement edges, the space between settlements, and the wider landscape setting, as well as the visually sensitive natural skylines of the area. The policy also requires proposals to take account of the unspoilt nature and tranquillity of the area and the nocturnal character.
- 7.26 Policy ENV 2 requires applications to ensure that their location, layout, form, scale, massing and materials are sympathetic to the surrounding area by making efficient use of land and respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. This policy seeks to retain existing important landscaping and natural and historic features and expects proposals to include landscape enhancement schemes.
- 7.27 In paragraph 29 of the appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) the Inspector states that “A Landscape and Visual Impact Assessment considers the likely landscape and visual effects of the scheme and concludes that no significant harm would result. Although there would be an inherent loss of agricultural land and countryside, the site is very well contained by existing built form, and I concur that the effects on the character and appearance of the area would be very small indeed.”
- 7.28 As part of the appeal decision, the submission of a design code was conditioned. This has been submitted and agreed under 19/00717/DISA.
- 7.29 The scheme features four main character areas, these being the Broad Piece Interface which links the site to Broad Piece, the Central Corridor, featuring green space, the North Cores which feature higher density development, and the Settlement Edge, transitioning into open space. The majority of development is two storeys in scale, with some 2.5 storey dwellings spaced out within the site. Development has been focussed toward the built form of Soham, with open space transitioning to the countryside beyond. Open spaces are landscaped formally and informally, with woodland elements to the site edges to soften the visibility of built

form. The entrance to the site is curved and landscaped to soften the approach and visibility from Broad Piece, with development set back from the entrance.

7.30 The design of dwellings provides variation and while there are repeating house types, these are mixed within the site to provide interest to street scenes. Some materials have been indicated; however, the full detail of materials can be secured by condition to ensure that these are appropriate. Dwellings have been positioned in order to naturally survey open spaces, and have been designed to turn corners, preventing blank elevations from being present within street scenes. Boundary treatments and plot layouts have been considered to ensure that street scenes are not dominated by hard boundary treatments.

7.31 On balance, the proposal is not considered to harm local visual amenity and the development complies with the Design Guide, 2015 Local Plan Policies HOU2, ENV1, ENV2 and ENV12, as well as the NPPF.

7.32 Highways

7.33 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians, and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way. Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Paragraph 110 b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 104c of the NPPF sets out that “opportunities to promote walking, cycling and public transport use are identified and pursued” and that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”

7.34 The site access and road widening works on Broad Piece have already been agreed under the outline application 19/00717/OUM.

7.35 Within the site, dwellings generally have two car parking spaces each. Some plots benefit from garages in addition to two external car parking spaces. Where one-bedroom properties are proposed, these have one associated parking space. Aside from plots 5-9 and 10-14, all dwellings are to be provided with electric vehicle charging points (EVCP). The parking layouts across the site are a mixture of side-by-side spaces and tandem spaces to reduce vehicle dominated frontages. 42 visitor spaces are proposed in line with the requirements of policy COM8.

7.36 The Local Highways Authority has reviewed the application and raises no objections to the proposals. They have requested conditions are appended to any grant of permission. It is noted that they have requested a condition relating to the management and maintenance of street, however this condition was secured on the outline application permission and does not need to be appended to the current

application. It is considered that the proposal complies with policies COM7 and COM8 of the Local Plan 2015.

7.37 Ecology

7.38 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

7.39 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:

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

7.40 Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure. Proposals should also incorporate within the landscape scheme, features that will support the establishment of biodiversity, such as wetland areas, 'insect hotels' and log piles.

7.41 The appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) conditioned that as part of the first reserved matters application, a Landscape and Ecology Management Plan (LEMP) should be submitted setting out the details of mitigation, habitat creation and long-term management.

7.42 The applicant has submitted a LEMP prepared by FPCR Environment and Design Ltd alongside the application. The report sets out a number of habitat creation proposals and conservation objections, as well as setting out management for a period of 30 years.

- 7.43 Natural England have raised no objections to the scheme. The proposal has also been reviewed by the Wildlife Trust who note that the ecological reports and biodiversity net gain assessment provided for the original application have been updated. They advise that the proposals still accord with East Cambs and nationally adopted planning policy for biodiversity. They raise no objection to the scheme.
- 7.44 The scheme can be secured by way of planning condition. With the appropriate condition appended it is considered that the proposal complies with Policy ENV7 of the East Cambridgeshire Local Plan 2015, Policy NE6 of the Natural Environment SPD and the NPPF.
- 7.45 Flood Risk and Drainage**
- 7.46 Policy ENV 8 of the Local Plan 2015 sets out that a site-specific Flood Risk Assessment, endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change, will be required for major and non-minor development proposals in Flood Zones 2 and 3 and 'Modelled Zone 3'; and major and non-minor development proposals in Flood Zone 1, on sites of 1 hectare or greater, or where there is evidence of historic flooding set out in the SFRA and/or a Surface Water Management Plan. All applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems will be required for new developments in accordance with the Cambridgeshire SuDS Design and Adoption Handbook (or successor document) unless, following an assessment of character and context, soil conditions and/or engineering feasibility dictate otherwise. SuDS may be incorporated within the Flood Risk Assessment.
- 7.47 As part of the appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) it was conditioned that schemes for foul and surface water drainage would be secured by condition. The applicant has submitted information alongside the application as well as by way of discharge of condition, as per the appeal decision. The Lead Local Flood Authority have advised that they have no objection to the proposal in principle. They note that surface water from site will be drained via an attenuation basin with sediment forebays discharging from the site via a flow control at 3.3l/s. They advise that the exceedance flows will be captured by the cutoff depressed area and bunds and that the small area of flooding at manhole S30 will be contained within the curb-line. Additional depressed areas will take exceedance flows and then discharge back into the system once a storm subsides.
- 7.48 Anglian Water have advised that the foul drainage from this development is in the catchment of Soham Water Recycling Centre and that this will have available capacity for these flows. They advise that the submitted layout plan is acceptable and accords with the cordon sanitaire for the Soham Water Recycling Centre. They advise that the applicant has taken into consideration the odour buffer zone and has ensured that the amenity of future residents has been considered adequately. They advise that they have reviewed the applicant's submitted Drainage Layout Reserved Matters and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

7.49 The Environment Agency have advised that they have no objections to the scheme.

7.50 The IDB have been consulted and have noted that the details for the bunds/embankments to serve the attenuation ponds require further information. During discussion over the details required, they have requested that the specification for the construction of the bunds/embankments to serve the attenuation ponds are secured by way of planning condition. There shall be submitted to, and approved in writing by, the Local Planning Authority.

7.51 Based on the information provided it is considered that flood risk and drainage can be adequately dealt with in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF.

7.52 Other Material Matters

7.53 As part of the appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) it was conditioned that as part of the first reserved matters application, an energy and sustainability strategy should be submitted. The applicant has submitted a Sustainability Statement which sets out a range of measures from sustainable procurement and waste management to water efficiency and heating design. The report sets out that the site's forecasted emission rate will better Part L 2013 by 31% and will exceed the requirements of ENV4 of the adopted Local Plan. The report also sets out that photovoltaic arrays will be used. The positioning of the arrays can be secured by way of condition.

7.54 It is noted that the Historic Environment Team have requested that the condition relating to archaeological investigation is appended to any grant of permission, however, this was secured on the outline application and therefore does not need to be secured under the reserved matters application.

7.55 Planning Balance

7.56 On balance, the proposal is considered to be in accordance with the outline permission for the site and has been assessed against both local and national planning policy. The proposal is not considered to create significantly detrimental impacts in terms of visual amenity, residential amenity, highway safety, drainage and flood risk. The benefits of the development are considered to outweigh the limited impacts identified. The proposal is considered to comply with the policies within the Local Plan 2015, and the NPPF. The application is therefore recommended for approval subject to the conditions set out 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 ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) – see Appendix 2.

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

9.2 Appendix 2 – Appeal Decision 19/00717/OUM (APP/V0510/W/21/3282449)

Background Documents

23/00146/RMM

19/00717/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.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
Charter Plan SSS/PPL/100	C	30th August 2023
Principles Plan SSS/PPL/100	C	30th August 2023
Materials Plan SSS/PPL/100	C	30th August 2023
971-00-05	B	30th August 2023
971-00-03	F	10th October 2023
Car Tracking Plans SSS/CT/100	E	30th August 2023
Refuse Vehicle Tracking SSS/RVT/100	E	30th August 2023
Proposed Planning Layout SSS/PPL/100	AD	30th August 2023
Soham Phasing Plan SSS/PP/100	F	30th August 2023
SSS/VT/100	E	30th August 2023
Bin Collection Point Plan 1/3		18th September 2023
971-04-06	C	10th October 2023
Landscape & Ecological Management Plan	B	12th October 2023
971-00-07	A	14th June 2023
AI_MA_END_R21-410 Plot 20		14th June 2023
AI_MA_END_R21 - 901		14th June 2023
AI_MA_END_R21 - 904		14th June 2023
BT_DET_R21-410 Plot 84		14th June 2023
BT_MA_DET_R21G - 901		14th June 2023
BT_MA_DET_R21G - 907		14th June 2023
BW_DET_R21-410 Plot 16		14th June 2023

BW_MA_DT_DET_R21 - 901 Plot 61	B	14th June 2023
BW_MA_DT_DET_R21-904 Plot 61	A	14th June 2023
BW_MA_DT_DET_R21 - 904	B	14th June 2023
CASTERF/WD/01	A	14th June 2023
CASTERF/WD/02	A	14th June 2023
CH_DET_R21-410 Plots 10- 14		14th June 2023
CH_MA_DET_ R21-410 Plot 131		14th June 2023
CH_MA_DET_R21 - 901 Plots 126, 129, 130, 131	B	14th June 2023
CH_MA_DET_R21 - 904 Plots 126, 129, 130, 131	A	14th June 2023
DA_MA_END_ R21-410 Plot 67		14th June 2023
DA_MA_END_ R21-410 Plot 29		14th June 2023
DG_MA_END_ R21-410 Plot 50		14th June 2023
DP_MA_END_R21 - 901 Plots 22, 66, 115		14th June 2023
DP_MA_END_R21 - 904 Plots 22, 66, 115	A	14th June 2023
DA_MA_END_ R21-410 Plot 30		14th June 2023
DP_MA_END_ R21-410 Plot 22		14th June 2023
GA_MA_DT_DET_ R21-410 Plot 160		14th June 2023
GA_MA_DT_R21 - 901	B	14th June 2023
GA_MA_DT_R21 - 904	B	14th June 2023
GW_MA_DET_ R21-410 Plot 68		14th June 2023

GW_MA_DET_R21 - 901 Plot 155	A	14th June 2023
GW_MA_DET_R21 - 904 Plot 155		14th June 2023
GW_MA_DET_R21 901 Plots 25, 26, 68, 99	A	14th June 2023
GW_MA_DET_R21-410 Plot 155		14th June 2023
GW_MA_DET_R21-904 Plots 25, 26, 68, 99		14th June 2023
GZ_MA_END_ R21-410 Plot 96		14th June 2023
GZ_MA_END__R21 - 901 Plots 90, 91, 96, 97	A	14th June 2023
GZ_MA_END__R21 - 904 Plots 90, 91, 96, 97	A	14th June 2023
HED_MA_DET_ R21-410 Plot 36		14th June 2023
HED_MA_DET_R21 - 911		14th June 2023
KGS_MA_DET_ R21-410 Plots 2, 17		14th June 2023
KGS_MA_DET_R21 - 901 Plot 17		14th June 2023
KGS_MA_DET_R21-410 Plot 17		14th June 2023
LAN_MA_DET_ R21-410 Plot 85		14th June 2023
LAN_MA_DET_R21 - 901 Plots 30, 80, 85		14th June 2023
LAN_MA_DET_R21 - 904 Plots 38, 80, 85		14th June 2023
PEREM19658-03D		14th June 2023
PEREM19658-04D		14th June 2023
RI_MA_DET_R21 - 901 Plots 53, 54	A	14th June 2023

RI_MA_DET_R21 - 904 Plots 53, 54		14th June 2023
SA_MA_CTP_END_R21G- 901 Plots 62-65, 69-72, 118, 119, 122, 123, 133, 134, 157	B	14th June 2023
SA_MA_END_R21-410 Plot 64		14th June 2023
SEA_MA_DET_ R21-410 Plot 56		14th June 2023
SEA_MA_DET_R21 - 901 Plot 56		14th June 2023
SEA_MA_DET_R21 - 904 Plot 56		14th June 2023
SH_MA_DET_ R21-410 Plots 153, 154		14th June 2023
SH_MA_DET_R21 - 901 Plots 153, 154	A	14th June 2023
SH_MA_DET_R21-410 Plot 105		14th June 2023
SH_MA_DET_R21-901 Plots 34, 35, 40, 73, 100, 103, 105, 117	A	14th June 2023
SH_MA_DET_R21-904 Plots 34, 35, 40, 73, 100, 103, 105, 117	A	14th June 2023
1035194-CDL-ZZ-XX-RP- AS-45200	P03	14th June 2023
Arboricultural/Tree Impact Assesment	B	14th June 2023
Biodiversity/Ecological Assessment	B	14th June 2023
WA_MA_END_R21 - 901 Plots 45, 46, 88, 89, 109- 112, 124, 125, 135-138, 146- 149, 151, 152		14th June 2023
WA_MA_END_R21 - 904 Plots 45, 46, 88, 89, 109- 112, 124, 125, 135-138, 146- 149, 151, 152		14th June 2023

WY_MA_DET_R21 - 901 Plot 132		14th June 2023
WY_MA_DET_R21 - 904 Plot 132	A	14th June 2023
FPCR,BNG Calculation Spreadsheet		14th June 2023
RI_MA_DET_R21-410	Plot 53	21st February 2023
WA_MA_END_R21-410	Plot 152	21st February 2023
WY_MA_DET_R21-410	Plot 132	21st February 2023
Bat Report		6th February 2023
Ecological Appraisal		6th February 2023
Odour Addendum	A	6th February 2023
Odour Assessment	D	6th February 2023
Odour Modelling Assessment		6th February 2023
A 6274-05 Pumping Station		6th February 2023
Q8409_A MIRACEL PLAY AREA		6th February 2023
Q8409_A MIRACEL SITE AREA PLAY		6th February 2023
BT_MA_DET_R21-901	Plot 4	21st February 2023
BT_MA_DET_R21-904	Plot 4	21st February 2023
Fire Appliance Tracking SSS/FAT/100	E	30th August 2023
Bin Collection Point Plan 2/3		18th September 2023
Bin Collection Point Plan 3/3		18th September 2023
SSS/LP/001		21st February 2023
BT_DET_R21-410 PLOT 4		21st February 2023
AL_MA_MID_R21 - 901 Plot 140		14th June 2023
AL_MA_MID_R21 - 904 Plot 140		14th June 2023

W_MA_DET_R21 -901 PLOTS 15, 16, 43,44	B	21st February 2023
HED_MA_DET_R21 - 901 Plots 36, 37, 55, 58, 59, 60, 76, 77, 78		14th June 2023
SA_MA_CTP_END_R21G- 905 Plots 62-65, 69-72, 118, 119, 122, 123, 133, 134, 157	B	14th June 2023
SH_MA_DET_R21-904 Plots 153, 154	A	14th June 2023
BW_DET_R21-410 PLOT 74		14th June 2023
BT_DET_R21-410 Plot 104		14th June 2023
BT_DET_R21-410 Plot 1		14th June 2023
SH_MA_DET_ R21-410 Plots 108, 166		14th June 2023
CH_DET_R21-410 Plots 5-9		14th June 2023
BT_DET_R21-410 Plots 5-9, 10-14		14th June 2023
BW_MA_DET_R21 - 901 Plots 79, 150, 162	B	14th June 2023
BW_MA_DET_R21 - 904 Plots 79, 150, 162	A	14th June 2023
BT_VILL_DET_R21 - 410 Plots 1, 33, 39, 104, 107, 159		14th June 2023
BT_VILL_DET_R21 - 410 Plots 1, 33, 39, 104, 107, 159		14th June 2023
CSTERF/WD/01 REV A Plots 5-9		14th June 2023
CSTERF/WD/02 REV A Plots 5-9		14th June 2023
DA_MA_END_R21 - 901 Plot 30		14th June 2023
DA_MA_END_R21 - 904 Plot 30	A	14th June 2023
DP_MA_END_R21 - 901		14th June 2023

Plot 29

DP_MA_END_R21 - 904 Plot 29	A	14th June 2023
SH_MA_DET_R21 - 901 Plots 108, 166	A	14th June 2023
SH_MA_DET_R21 - 904 Plots 108, 166	A	14th June 2023
BW_MA_DT_DET_R21 - 901 Plots 57, 74	B	14th June 2023
BW_MA_DT_DET_R21 - 904 Plots 57, 74	A	14th June 2023
SA_MA_END_R21-410 Plot 128		14th June 2023
SH_MA_DET_R21 - 901 Plot 142	A	14th June 2023
DP_MA_END_R21-410 Plot 87		14th June 2023
DA_MA_END_R21-410 Plot 86		14th June 2023
GW_MA_DET_R21-410 Plot 18		14th June 2023
LAN_MA_DET_R21 - 901 Plot 52		14th June 2023
AI_MA_END_R21-410 Plot 23		14th June 2023
KGS_MA_DET_ R21-410 Plots 2, 17		14th June 2023
KGS_MA_DET_ R21-410 Plot 17		14th June 2023
DA_MA_END_R21-901 Plots 86, 101, 113		14th June 2023
DA_MA_END_R21-904 Plots 86, 101, 113	A	14th June 2023
DA_MA_END_R21-901 Plots 87, 102, 114		14th June 2023
DP_MA_END_R21-904 Plots 87, 102, 114	A	14th June 2023

GW_MA_DET_R21-901 Plots 18, 98, 120, 121, 158	A	21st February 2023
GW_MA_DET_R21-904 PLOTS 18, 98, 120, 121, 158		21st February 2023
SH_MA_DET_R21 - 901 Plot 142	A	14th June 2023
AL_MA_END_R21 -901 Plots 23, 24		14th June 2023
AI_AM_END_R21-904 PLOTS 23, 24		21st February 2023
KGS_MA_DET_R21-901 PLOTS 2, 3		21st February 2023
KGS_MA_DET_R21-904 PLOTS 2, 3		21st February 2023
LAN_MA_DET_R21-901 PLOT 52		21st February 2023
LAN_MA_DET_R21-904 PLOT 52		21st February 2023
GA2.2 103		6th February 2023
GA2.2 102		6th February 2023
GA1.1 105		6th February 2023
GA1.1 102		6th February 2023
BT_DET_R21-410 Plots 5-9, 10-14		14th June 2023
Sa_MA_CtP_END_R21G- 905 Plots 127, 128	B	14th June 2023
Sa_MA_CtP_END_R21G- 901 Plots 127, 128	B	14th June 2023
Bw_Det_R21-410 Plot 150		14th June 2023
06489-FPCR-XX-XX-DR-L- 0001	P06	30th August 2023
06489-FPCR-XX-XX-DR-L- 0002	P06	30th August 2023
06489-FPCR-XX-XX-DR-L- 0003	P06	30th August 2023

06489-FPCR-XX-XX-DR-L-0004	P06	30th August 2023
06489-FPCR-XX-XX-DR-L-0005	P06	30th August 2023
06489-FPCR-XX-XX-DR-L-0006	P06	30th August 2023
06489-FPCR-XX-XX-DR-L-0007	P08	30th August 2023
06489-FPCR-XX-XX-DR-L-0008	P08	30th August 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 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.
- 4 No above ground construction shall take place until the details of the type and position of solar panels to be installed at the site are submitted to and agreed in writing by the Local Planning Authority.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping for a minimum period of 5 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime
 - ii) detailed schedule
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 6 All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted, or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on SSS/PPL/100 REV C. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling to which they relate. All works shall be carried out in accordance with the approved details and retained thereafter.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The development hereby permitted shall be carried out in accordance with the submitted or Landscape and Ecological Management Plan Rev B prepared by FPCR Environment and Design Ltd, dated October 2023, to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development. The Plan shall be implemented in full with periodic updates every 5 years to ensure it remains appropriate and current.

Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Landscape and Ecological Management Plan Rev B, demonstrating how the net gain in biodiversity is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

- 8 Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD 2020 and paragraphs 174 and 180 of the National Planning Policy Framework 2023.
- 9 Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority, in line with British Standards BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations. The development thereafter shall be implemented in strict accordance with the approved details.
- 9 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.

- 10 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 9 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.
- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to commencement, a Hedgerow and Woodland (bulk planting areas) Management and Creation Scheme should be produced and submitted to the LPA for approval. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on 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 woodland areas and hedgerows.
 - 6) Details to cover a period of no less than 20 years or until maturity.
- Informative:
The following British Standards should be referred to as appropriate:
- a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work - Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design, and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- 11 Reason: Provision of details relating to the ongoing management of new hedgerows and woodland/bulk planting areas ensures that the initial vision is deliverable, possible and managed with a continuity of purpose, to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 All works shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement. If, during construction, it becomes apparent that further works or

changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. For any works not agreed in the approved document(s), a written schedule shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with these approved details.

- 12 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.
- 13 Prior to above ground construction, the details of the mechanical ventilation to be installed in the properties identified to exceed the relaxed target noise levels within the Environmental Noise Assessment dated May 2023, prepared by Cundall, shall be submitted to, and agreed in writing by the Local Planning Authority. The details shall confirm that the mechanical ventilation proposed brings the noise levels to within the relaxed targets. The mechanical ventilation shall be installed prior to first occupation of any affected dwelling and retained in perpetuity.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to above ground construction, the elevation and material details of the electrical substation shall be submitted to and agreed in writing by the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to 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 SSS/PPL/100 Rev AD in writing by the Local Planning Authority.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 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.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to the occupation of a dwelling, the pedestrian visibility splay associated with its driveway as shown on SSS/PPL/100 Rev AD shall be provided and thereafter be maintained free from obstruction exceeding 0.6m above the level of the adjoining footway or shared surface street.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 18 Prior to commencement, the specification for the construction of the bunds/embankments to serve the attenuation ponds shall be submitted to, and approved in writing by, the Local Planning Authority. The bunds/embankments shall be carried out in strict accordance with the approved specification, prior to occupation of any dwelling.
- 18 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

Appeal Decision

Inquiry held on 11-14 January 2022

Site visit made on 14 January 2022

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/V0510/W/21/3282449

Land to the North East of Broad Piece, Soham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Persimmon Homes East Midlands against the decision of East Cambridgeshire District Council.
 - The application Ref 19/00717/OUM, dated 16 May 2019, was refused by notice dated 8 March 2021.
 - The development proposed is up to 175 dwellings and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 175 dwellings and associated infrastructure at Land to the North East of Broad Piece, Soham in accordance with the terms of the application, Ref 19/00717/OUM, dated 16 May 2019, subject to the conditions contained in the attached Schedule.

Applications for costs

2. At the Inquiry applications for costs were made by East Cambridgeshire District Council against Persimmon Homes East Midlands and by Persimmon Homes East Midlands against East Cambridgeshire District Council. These applications are the subject of separate Decisions.

Preliminary Matters

3. The application is submitted in outline with all matters reserved for subsequent consideration except for the access into the site. This is the basis upon which I have considered the appeal.
4. Before the exchange of evidence, the Council confirmed that it no longer had concerns about transport and highways; flooding and drainage; or the effect on the character and appearance of the area. As such, it did not provide evidence on these topics and opted not to defend its second, third and fourth reasons for refusal.
5. At the case management conference preceding the Inquiry, the main issue in this case was identified. However, in addition to addressing this matter, the appellant provided written evidence dealing with affordable housing; custom/self-build; design; drainage; and transport. Witnesses were made available at the Inquiry by the appellant but none of this evidence was challenged by the Council and it did not seek to cross examine on these topics,

nor did any interested parties opt to ask questions. As such, it was not necessary to call these witnesses for oral evidence and the unchallenged written evidence has been taken into account.

6. The Government published its 2021 Housing Delivery Test (HDT) results on 14 January 2022, to be applied from the following day. As these results had not been known before the Inquiry closed, the parties were given the opportunity to comment in writing and their responses have been taken into account.
7. A signed and executed version of the S106 agreement securing planning obligations was received after the Inquiry, in accordance with an agreed timetable. I deal with this later in my decision.

Main Issue

8. The main issue is whether the site is a suitable location for the proposed residential development, having regard to planning policy.

Reasons

9. The development plan, so far as it is relevant to the appeal proposal, comprises the East Cambridgeshire Local Plan (April 2015) (ECLP) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) (M&WLP). Policy GROWTH 1 of the ECLP expects the delivery of some 11,500 dwellings in East Cambridgeshire during the plan period, with the balance of the need (some 1,500) being met by neighbouring authorities under the duty to cooperate.
10. ECLP Policy GROWTH 2 provides the locational strategy for delivering the expected growth in the district. The majority of development is to be focused on the market towns of Ely, Soham and Littleport. Development is supported within defined development envelopes and strictly controlled outside of these envelopes, having regard to the need to protect the countryside and setting of towns and villages.
11. Policy GROWTH 4 of the ECLP explains that sites will be allocated for the delivery of approximately 6,500 dwellings on the edge of towns and villages and includes a list of allocations for Soham. The supporting text refers to broad locations on the edge of key settlements as potential sources of housing supply. These are identified in a key diagram and there is no disagreement between the parties that the appeal site falls within one such area.
12. Although broad locations are said to be indicative, supply is anticipated from these areas in the later part of the plan period. Indeed, some 1,800 dwellings contributing to the supply identified in the ECLP is expected at the broad locations. Therefore, the supporting text is an important consideration in this case that assists with interpretation of the policy. It is intended that the specific site boundaries will be identified through the next Local Plan review but this is yet to occur and the Council abandoned its last attempt to prepare a new Local Plan during the latter part of the examination process.
13. It is agreed between the parties that policy GROWTH 1 is out of date since the plan is now more than five years old and the identified housing requirement can no longer be relied upon. The Council is now pursuing a Single Issue

Review of the ECLP but this is at a relatively early stage of preparation and the Council accepts that it should attract very little weight at this time.

14. There was much debate during the Inquiry as to whether policies GROWTH 2 and GROWTH 4 should also be considered out of date for the purposes of this appeal. Based on the evidence put to me there is little doubt in my mind that they should. Policy GROWTH 2 is a locational strategy predicated on delivering the housing requirement contained in out-of-date policy GROWTH 1. This requirement cannot be relied upon and the amount of housing now needed in the district within this plan period to 2031 is uncertain, as is the question of whether the need can be accommodated within existing settlement envelopes and/or whether sufficient housing allocations exist. The Council's planning witness accepted during cross examination that it would be wrong to assume what the locational strategy should be without knowing the new housing requirement and I agree.
15. What is known, is that the balance of the need identified at the plan making stage will no longer be accommodated by adjoining authorities. In addition to that balance of 1,500 homes that the plan does not seek to deliver, there has been a significant shortfall against the ECLP housing requirement to date, meaning that the plan cannot be said to have been effective in delivering the anticipated housing need to date.
16. Whilst there is no dispute that for the purposes of calculating housing land supply, the standard method should now be used and that this seeks to address past shortfalls, that does not make the hefty shortfalls against the ECLP requirement immaterial. It is, in my view, an important indication that the ECLP has not been effective in meeting housing needs since the beginning of the plan period and casts further doubt as to whether the Council's locational strategy can be relied upon to significantly boost housing delivery in line with the National Planning Policy Framework (the Framework). The latest HDT results, whilst showing an improved position in the district, still indicate that sufficient housing has not been delivered over the past three years, as has been the case in this district against previous HDT results published by the Government.
17. Continued strict application of policy GROWTH 2 would be likely to worsen this situation. Whilst the general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework, the policy can no longer be considered up to date because it can no longer be said that sufficient housing can and will be accommodated within the defined settlement envelopes. This is particularly so when the plan itself anticipated that development outside of the envelopes would at some point be needed within the plan period, at the broad locations identified. This must reduce the amount of weight that is placed on conflict with the policy.
18. Similarly, policy GROWTH 4 only makes allocations with the objective of delivering against the out-of-date housing requirement. The past shortfalls in delivery against the plan requirement are indicative that the allocations are not meeting housing needs and may be insufficient. Even if the Council can currently demonstrate a deliverable housing land supply in the region it suggests against its Local Housing Need, that does not make the long-term strategy of the ECLP any more reliable when it comes to housing delivery.

19. The parties agree that there are a large number of policies relevant to this appeal but there is great disparity about which policies are most important for determining the application, or the appeal in this case. There is, in my view, an important distinction between a policy being relevant and a policy being 'most important' in the context of the Framework.
20. In this case, there are a number of general policies in the development plan that are applicable to proposals involving housing and that should be taken into account. However, the real question in this case is whether the proposed housing development is acceptable in principle. That is a question that can only be answered by reference to the policies discussed above, albeit within the context of considering the development plan as a whole, with its many other relevant policies. For this particular proposal, policies GROWTH 1, GROWTH 2 and GROWTH 4 are the most important for determining the case in that they together set out the amount and locational strategy for the delivery of housing, including restricting development outside settlement envelopes. They are all out of date for the reasons I have set out and so the Framework's presumption in favour of sustainable development applies.
21. I recognise that previous Inspectors have concluded differently, finding that policies GROWTH 2 and GROWTH 4 are not out of date. I have no doubt that this was the case at the time they considered them and in the context of the cases they were dealing with, which were not at a market town. However, the decisions highlighted by the parties were now some time ago and I must consider circumstances as I find them now¹. I do not know what evidence was presented to the Inspectors in those cases but it can be expected that the pertinent issues were tested to a greater degree through this Inquiry than would have been the case as part of the hearings procedure followed there. In this case, I have been presented with evidence from the appellant seeking to persuade me to take a different view, including detail of the very small number of houses granted planning permission as exceptions to Policy GROWTH 2 in recent years. Based on the evidence that I have seen and having considered this appeal proposal on its own merits, a different conclusion is now warranted.
22. The only policy with which the Council suggests a conflict is GROWTH 2 and the appellant accepts that to be the case. There can be no other conclusion, given that the appeal site is located outside of the development envelope and the proposed housing scheme does not fall within the defined list of exceptions. I will come on to consider this policy conflict in the round, later in this decision.

Other Matters

Housing land supply

23. Much time was taken up at the Inquiry discussing the potential contribution of individual sites to the Council's housing land supply but given the small deficit identified by the appellant against the requisite five-year requirement it is not necessary for me to consider more than a couple of matters in my decision.
24. I do not accept the appellants argument that a windfall allowance should only be made at years four and five of the Council's supply. The evidence available to the Inquiry clearly demonstrates a healthy past provision of windfall sites in the district, far exceeding the 50dpa that the Council seeks to include at years

¹ APP/V0510/W/20/3245551, APP/V0510/W/18/3213834 and APP/V0510/W/19/3227487

three, four and five². No provision is made for years one and two so as to avoid double counting, given that any schemes likely to deliver in those years would likely already have planning permission and be included in the supply on that basis. The evidence suggests that further sites could well be identified and begin to deliver by year 3 and does not indicate any likelihood of the number of windfall sites diminishing. As such, it seems to me that the windfall allowance suggested by the Council is a realistic, reasonable and robust one.

25. One of the sites in dispute between the parties is at Stanford Park, Burwell (Ref. 50028) and involves a scheme for up to 91 mobile homes. The Council expects that 64 of these will be delivered in the five-year period. The development has detailed planning permission and so, in accordance with the Framework, should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. In this case, there has been clear progress on site in implementing the planning permission with works to construct an internal road. There is also up to date evidence from the developer which the Council has had regard to in concluding on the likely supply from this site. Although the developer has identified some supply issues resulting from the pandemic and acknowledges that mobile homes are generally slower to sell than traditional housing, this is allowed for in the Council's modest trajectory. Having commenced development, there is more than a realistic prospect that 64 units can be delivered in the five-year period and there is no clear evidence before me to indicate otherwise.
26. My conclusion in relation to these two matters means that 114 units should be added to the supply suggested by the appellant. Consequently, the Council can demonstrate a deliverable five-year housing land supply, whichever of the calculations put to me are applied, noting that there was some disagreement on the correct inputs. For the purposes of this appeal, it is not necessary for me to determine the exact housing land supply figure beyond the requisite five years.

Other considerations

27. Many local people raised concerns about the potential impact of the development on local highways. This is a topic addressed extensively in written evidence, including in a comprehensive Transport Assessment. It has been demonstrated that the scheme can be accommodated without material harm to highway safety or capacity, with a range of highway improvements and mitigation proposed as part of the development. As part of the works, a section of Broad Piece would be widened within the highway boundary. This would result in the loss of a small strip of land currently used by some residents for parking but would not materially impact on highway safety. Residents would continue to have sufficient space to pull clear of the carriageway and greater opportunities for on-street parking are also likely to be available after road widening. No conflict with policies COM 7 or COM 8 of the ECLP would result in so far as they seek to avoid highway safety and capacity issues.
28. I have had careful regard to concerns about flooding and drainage. The submitted Flood Risk Assessment demonstrates that the scheme can be accommodated without increasing flood risk to surrounding properties. I acknowledge the reservations of some interested parties and the past issues

² Five Year Land Supply Report

that have been experienced, but that does not mean that a suitable scheme cannot be achieved. Indeed, appropriate drainage provision that controls surface water run-off may assist in improving the current situation. The scheme is currently in outline with much of the detail yet to be designed. What is clear, having regard to the evidence submitted and the comments from the Lead Local Flood Authority, is that a suitable drainage scheme can be achieved and the subsequent detail can be secured by planning condition. The scheme would accord with policy ENV 8 of the ECLP.

29. A Landscape and Visual Impact Assessment considers the likely landscape and visual effects of the scheme and concludes that no significant harm would result. Although there would be an inherent loss of agricultural land and countryside, the site is very well contained by existing built form and I concur that the effects on the character and appearance of the area would be very small indeed. There would be no conflict with ECLP policy ENV 1.
30. The site would be close to a sewage treatment works, though the indicative masterplan indicates that houses could be sited away from this area, with intervening open space. An Odour Assessment determines that suitable living conditions would be achieved for future residents. There would be no conflict with Policy 16 of the M&WLP or ENV 9 of the ECLP.
31. Generally, as a ploughed field, there would be limited impact on biodiversity resulting from the scheme and it has been demonstrated that an overall biodiversity net gain would result from the measures to be incorporated into the scheme. The submitted wildlife surveys identify the presence of a bat in the garage building to be demolished for access to the site but improvements to hedgerows and new greens spaces would be likely to provide some mitigation for this loss of habitat. A protected species licence will need to be obtained from Natural England before any disturbance takes place.
32. Some noise and disturbance would be likely to result from the development, affecting neighbouring occupants. However, this would be a relatively short-term impact during construction. Once complete, the residential development would be compatible with the surrounding, predominantly residential land uses. Given the outline nature of the scheme the ultimate layout of the proposed houses is not yet known but it is clear from the indicative details provided that a suitable scheme could be achieved that would not unacceptably impact on neighbours living conditions.
33. Concerns that local facilities and infrastructure cannot accommodate the future residents of the proposed scheme are noted but I am mindful of the detailed evidence provided by the Council and other service providers in this regard. Subject to appropriate developer contributions, there is no evidence before me that any services or facilities would exceed their capacity. On the other hand, the additional population of the development would be likely to support local businesses and facilities through increased expenditure.
34. As set out above, the appellant submitted evidence on a range of topics and demonstrated that the proposal would contribute towards the local need for affordable housing and custom/self-build housing. It was also clear that the scheme was capable of delivering a high-quality design that would contribute positively to the character and appearance of the area. Other benefits were identified, including economic benefits during construction. Together, these matters weigh significantly in favour of the proposal, as does the delivery of

additional market housing in the context of the Framework’s objective to significantly boost supply. The scheme, subject to reserved matters approval, could provide a suitable housing mix and density, as well as delivering affordable housing in accordance with policies HOU 1, HOU 2, HOU 3.

Conditions

35. The parties agreed a list of conditions considered necessary in the event that planning permission is granted. These have been attached without significant alteration but have been amended to improve their precision and otherwise ensure compliance with the appropriate tests. The conditions and the reason for imposing them are contained in the attached Schedule.
36. Condition 27 requires that works the subject of another planning permission are completed prior to any dwelling approved as part of the appeal scheme being occupied. The scheme involves the surfacing of a short section of footpath to the north of the site. Having discussed the suitability of such a condition during the condition’s session, it was clarified that the works are to be carried out by the appellant and are deliverable in line with the trigger incorporated into the condition. Therefore, I am satisfied that the condition is reasonable and would ensure that suitable pedestrian access is provided to the north of the site, where a school is currently located.

Planning Obligations

37. A S106 agreement would secure a range of planning obligations to make the development acceptable in planning terms and mitigate the impact of the development on local infrastructure. The obligations include financial contributions towards local education provision, libraries, wheeled bins, necessary highway improvements and a contribution towards mitigating the impacts of the development on Soham Common. It would also secure a policy compliant provision of self and custom build housing, and the provision of a sustainable urban drainage system with future maintenance arrangements.
38. The Council provided a CIL Compliance Statement demonstrating how these obligations meet the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The appellant accepts that these obligations are necessary and otherwise in accordance with the tests. I agree with this conclusion and have taken the obligations into account.
39. I also agree that 30% affordable housing is a necessary and CIL compliant obligation having regard to ECLP policy HOU 3 and have taken this into account. The appellant refers to an enhanced affordable housing offer equating to 36% provision. Whilst additional provision is undoubtedly a good thing, particularly given the need in the district, the additional provision is not necessary to make the development acceptable in planning terms and cannot constitute a reason for granting planning permission. As such, I have not attached additional weight in favour of the proposal for provision beyond the policy requirement.

Planning Balance and Conclusion

40. I have found a conflict with a single policy of the development plan, in that the appeal site falls outside of the development envelope for Soham defined by policy GROWTH 2. That is a policy which I have determined to be out of date and for the reasons set out, reduces the weight that I attach to the conflict.

41. It is very apparent that the scheme otherwise accords with the development plan. GROWTH 2 seeks to direct housing development to Soham, one of three market towns that are a focus for development. Furthermore, the appeal site falls within a broad location specifically identified and expected to deliver a significant quantum of development during the later part of the plan period. The Council does not dispute that Soham is a sustainable location for development and made no argument that the development would cause unacceptable harm to the setting of the town, a stated purpose of policy GROWTH 2.
42. Even if the Council can currently demonstrate a housing land supply in the region it suggests (more than 6.5 years), there has been significant under delivery against the development plan requirement to date and there can be no certainty that the strategy contained in the ECLP will deliver sufficient housing in the long-term of the plan period. In fact, the evidence before me suggests that it will not. There has been a persistent failure to meet housing requirements in the area based upon published HDT results and it seems likely that the strict application of out-of-date policies is a relevant factor.
43. Despite a conflict with one important but out of date policy, I have found overwhelming compliance with other relevant policies of the development plan. Overall, I find that the appeal proposal would be in accordance with the development plan taken as a whole and material considerations indicate firmly in favour of the proposal. There would be very few adverse impacts arising from the development but so far as harm would result, for example from the loss of agricultural land or changes to the character of this previously undeveloped countryside, it is far outweighed by the significant benefits of the scheme.
44. The Council itself accepts that planning permission should be granted if the tilted balance applies, as I have determined to be the case.
45. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel

He called:

Richard Kay BA (Hons) Strategic Planning Manager
DipTP MA

Barbara Greengrass BSc Planning Team Leader
(Hons) MSc MRTPI

FOR THE APPELLANT:

Charlie Banner QC

He called:

Cameron Austin-Fell Planning Director, RPS Consulting Services Ltd
BA (Hons) MSC MRTPI

Paul Hill BA (Hons) Senior Director, RPS Planning and Development
MRTPI

James Stacey BA (Hons) Senior Director, Tetlow King Planning
DipTP MRTPI

Andy Moger BA (Hons) Tetlow King Planning
MA MRTPI

Jonathan Reynolds BA Technical Director, SLR Consulting Ltd
(Hons) DipTP MA MRTPI

Simon Parfitt MSc BA Director, David Tucker Associates
MCILT

Rob Hill BSc MCIHT Director, Infrastructure Design Ltd
GMICE

INTERESTED PERSONS:

Councillor Warner
Mike Rose
Judith Carballo

Soham Town Council
Local resident
Cambridgeshire County Council

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Appellant’s opening submissions
- 2 Council’s opening submissions
- 3 Speaking notes of Cllr Warner and Mr Rose, with attachments
- 4 Transport response to Mr Rose from the appellant
- 5 Drainage response to interested parties from the appellant
- 6 Draft conditions
- 7 CIL Compliance Statement
- 8 Court judgement – Dignity Funerals v Breckland District Council...
- 9 Updated 5YHLS Position Statement
- 10 Written costs application from Council
- 11 Revised affordable housing figures from appellant
- 12 Updated CIL Compliance Statement
- 13 Final draft of S106 agreement
- 14 Revised conditions, clean version and tracked changes version
- 15 Note on condition 26 from the appellant
- 16 Appellant’s costs response and application against the Council
- 17 Site visit meeting place
- 18 Closing submission of the Council
- 19 Closing submissions of the appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 1 Council’s submission on 2021 HDT results
- 2 Appellant’s submission on 2021 HDT results
- 3 Completed S106 agreement

SCHEDULE OF CONDITIONS

- 1) Save for the details of vehicular access into the site from Broad Piece, details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

Reason: In accordance with the timescale agreed between the parties to ensure prompt delivery, and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: SSS/LP/001 Rev B, 18409-02 Rev E, 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2 Rev B.

Reason: In the interests of certainty and to define the terms of the permission.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for but not be limited to:

- (i) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials and site facilities;
- (iv) A dust management plan;
- (v) Measures to control the emission of noise;
- (vi) Wheel washing facilities;
- (vii) Surface, storm and waste water management and disposal including any pollution to surface and ground water bodies; and
- (viii) Lighting during construction phase.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To safeguard the living conditions of neighbouring occupiers in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 6) No above ground construction shall take place until a Foul Water Strategy 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, in accordance with the Foul Water Strategy so approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent flooding in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 7) No above ground works shall commence until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the submitted Flood Risk Assessment prepared by Amazi Consulting Ltd (ref: AMA743 Rev A) dated 23 April 2019 and the Drainage Feasibility Layout prepared by Infrastructure Design Limited (ref: 971-00-01 Rev B) dated December 2019 and shall include:

- (i) 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;
- (ii) 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;
- (iii) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- (iv) Full details of the proposed attenuation and flow control measures;
- (v) 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;
- (vi) Full details of the maintenance/adoption of the surface water drainage system;
- (vii) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- (viii) Full details of measures taken to reduce the existing surface water flood risk to adjacent areas from the site.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework and Planning Practice Guidance.

Reason: To prevent the risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with the policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 8) Details of long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first

occupation of any of the dwellings hereby approved. The submitted details should identify run-off sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. Thereafter, maintenance shall be undertaken in accordance with the approved maintenance plan.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted and to prevent the increased risk of flooding, protect water quality and improve habitat in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 9) 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.

Reason: To ensure a sustainable development in accordance with policy ENV 4 of the East Cambridgeshire Local Plan.

- 10) No development shall take place until a Phase 2 Intrusive Site 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.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, 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 ENV 9 of the East Cambridgeshire Local Plan.

- 11) 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 within the area concerned 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.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, 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 ENV 9 of the East Cambridgeshire Local Plan.

- 12) 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 to and approved in writing by the Local Planning Authority. No development shall take place on land within the WSI area other than in accordance with the approved WSI which shall include:
- (i) The statement of significance and research objectives;
 - (ii) The programme and methodology of site investigation and recording;
 - (iii) The nomination of a competent person(s) or organisation to undertake the agreed works.
 - (iv) The programme for post-excavation assessment and subsequent analysis, reporting, publication and dissemination, and deposition of the resulting archive.

Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV 14 of the East Cambridgeshire Local Plan.

- 13) 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 on Saturdays; and none on Sundays, Public Holidays or Bank Holidays.

Reason: To protect neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 14) As part of the first reserved matters application, a Landscape and Ecology Management Plan, setting out details of mitigation, habitat creation and long term management to achieve the target conditions for created habitats, in line with the Biodiversity Impact Assessment calculator (as set out in Appendix 2 to the Natural Environment Statement Rev B – Jan 2021), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed Management Plan and maintained in perpetuity thereafter.

Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.

- 15) The recommendations made within Section 5 of the Ecological Impact Assessment (May 2019), shall be adhered to at all times throughout the construction and operational phase of the development.
- Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.
- 16) Prior to occupation of the first dwelling, the provision and implementation of a Travel Plan shall be agreed in writing with the Local Planning Authority. The Plan shall include the provision of cycle discount vouchers and/or bus taster tickets and shall be provided to new occupiers of the development. The Plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- Reason: To encourage sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.
- 17) Prior to the 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 details which shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 18) Prior to occupation of the first dwelling, the new access junction shall have been constructed in accordance with approved plan 18409-02-Rev E. The junction shall thereafter be retained in that form.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 19) Prior to occupation of the first dwelling, the visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 18409-02- Rev E. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 20) Prior to occupation of the first dwelling, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall 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.
- Reason: To ensure that estate roads are managed and maintained to a suitable and safe standard in accordance with policy COM 7 of the East Cambridgeshire Local Plan.
- 21) In the event that any piling is required, a report/method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration shall have first been submitted to and approved in writing by the Local Planning Authority. Noise and

vibration control on the development shall be carried out in accordance with the approved details.

Reason: To safeguard neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 22) As part of any reserved matters application, details of the number, type and location of electric vehicle charging points (EVCP) to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The EVCP shall be installed as approved prior to occupation of the dwelling to which it relates and retained thereafter.

Reason: To encourage and facilitate sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 23) No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 'Trees in relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission are required, as is the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

Reason: To ensure that the trees on site are adequately protected so as to maintain the character and appearance of the area in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan.

- 24) As part of the first reserved matters application, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- (i) Identify noise levels from adjoining features such as the adjoining potato store, rail and public highways;
 - (ii) Demonstrate how the proposed layout and dwellings have been designed so as to ensure that non-noise sensitive frontages or rooms face noise creating areas or sources so as to achieve acceptable internal noise levels with windows open;
 - (iii) Demonstrate that private amenity space meets acceptable noise levels.

The Noise Mitigation Scheme shall be implemented as approved.

Reason: To ensure acceptable living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 25) Prior to the approval of reserved matters, details of a Design Code shall have been submitted to and approved in writing by the Local Planning Authority. The Design Code shall demonstrate how the objectives of the Design and Access Statement and illustrative masterplan will be met. Any

reserved matters application shall demonstrate compliance with the approved Design Code. The Design Code shall include the following:

- (i) principles for built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plots and vistas;
- (ii) a strategy for a hierarchy of streets and spaces;
- (iii) design principles for the public realm, areas of public open space including planted areas, and area for play, including principles for biodiversity enhancements and conservation of flora and fauna interests;
- (iv) design principles for hard and soft landscaping including the inclusion of trees and hedgerows;
- (v) design principles for sustainable drainage systems (SuDS);
- (vi) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including sustainable design and construction of the buildings;
- (vii) principles for accessibility to buildings and public spaces for those with impaired mobility;
- (viii) design principles for structures including street lighting, boundary treatments including walling, street furniture, signage, public art, and play equipment;
- (ix) principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, highways and other vehicular accesses within the site and including site access proposals;
- (x) principles for on-street and off-street residential vehicular parking, including principles to discourage casual parking and to encourage parking in designated spaces;
- (xi) principles for cycle parking and storage; and
- (xii) the principles for integrating strategic utility requirements, landscaping and highway design.

Reason: To ensure high quality design in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan and the Design Guide SPD.

- 26) The development hereby approved shall include 20% of the dwellings built to Lifetime Homes standard (or equivalent).

Reason: To ensure dwellings are suitable or easily adaptable for occupation by the elderly or people with disabilities in accordance with Policy HOU 1 of the East Cambridgeshire Local Plan.

- 27) Prior to the first occupation of any dwelling in the development hereby approved, the footway improvement works as detailed in planning permission reference 19/01729/FUL (or any equivalent subsequent planning permission for the same works) shall have been completed in accordance with the approved details.

Reason: To ensure safe and convenient pedestrian access to nearby facilities in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 28) Prior to the first occupation of any dwelling hereby approved, the offsite highway works to be carried out within the public highway and as detailed in drawing nos. 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2B shall have been completed in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

23/00819/FUL

Homefield

Westley Waterless

Newmarket

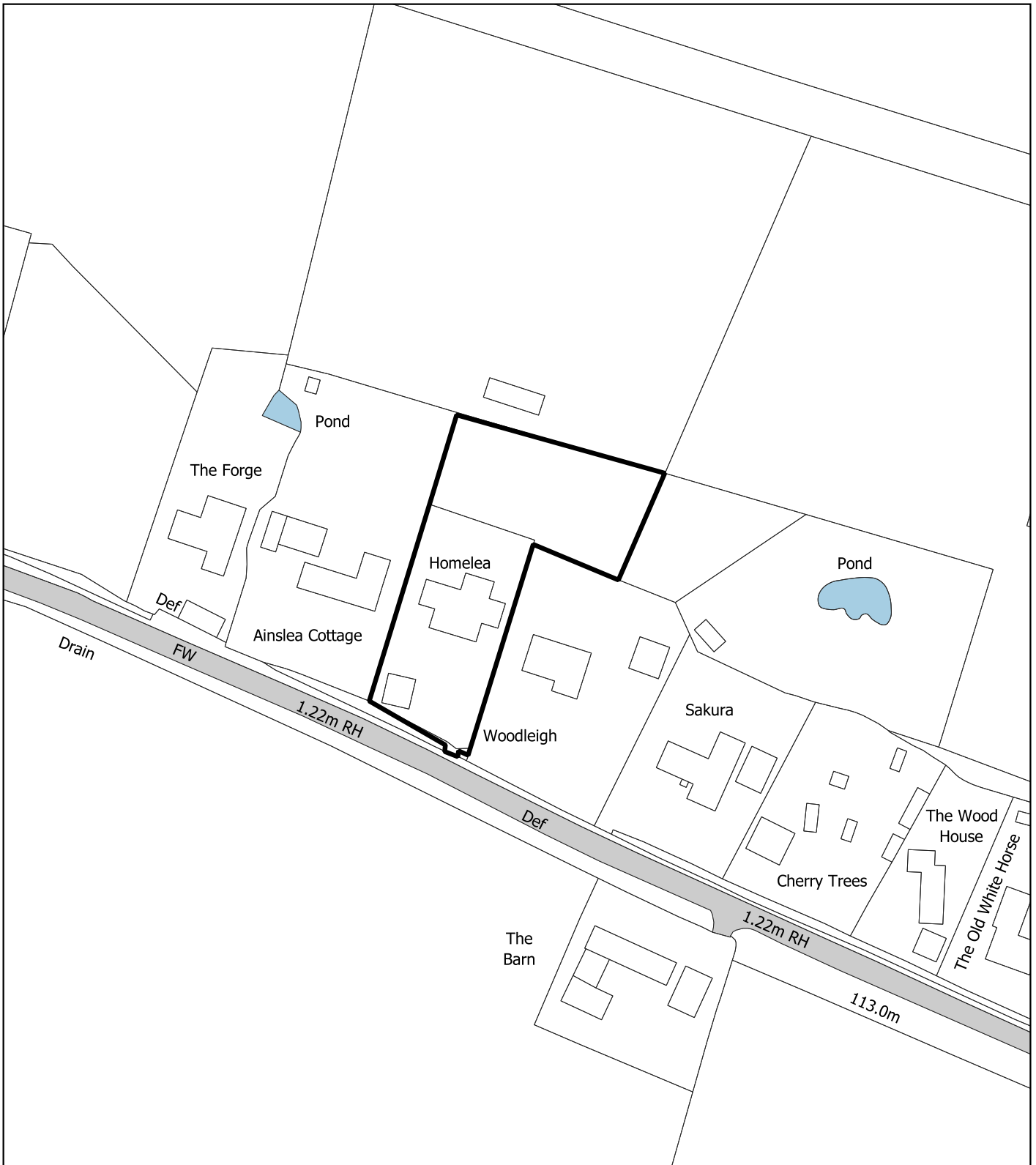
CB8 0RG

Change of use of land from agricultural to residential garden and installation of a summerhouse, associated works and infrastructure

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYANWFGGM5100>





23/00819/FUL

Homefield
Westley Waterless



East Cambridgeshire
District Council

Date: 13/10/2023
Scale: 1:1,250



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TITLE: 23/00819/FUL

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Officer

Report No: Y76

Contact Officer: Cassy Paterson, Planning Officer
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Site Address: Homefield Westley Waterless Newmarket Suffolk CB8 0RG

Proposal: Change of use of land from agricultural to residential garden and installation of a summerhouse, associated works and infrastructure

Applicant: Mr K La Roche

Parish: Westley Waterless

Ward: Woodditton

Ward Councillor/s: James Lay
Alan Sharp

Date Received: 24 July 2023

Expiry Date: 18 September 2023

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 -FUL/FUM/LBC
- 3 Specified Materials
- 4 Annexes

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/>.

3.0 PLANNING HISTORY

3.1

14/00701/FUL

Construction of a two-storey detached house and garage (Demolition of existing house)

Approved

17 February 2015

14/00701/DISA

To discharge conditions 3 (Materials), 6 (Landscape) and 8 (Garage foundation) on decision dated 18.2.15 for construction of a two-storey detached house and garage (Demolition of existing house)

28 October 2015

16/00449/FUL

Erection of single-storey stable block consisting of two stables, storage area and tack room for private recreational use.

Approved

29 June 2016

16/00552/VAR

To vary Condition 1 Development shall be carried out in accordance with drawings and documents 14/00701/FUL for

Construction of two storey detached house and garage (demolition of existing house)

Approved

8 June 2016

16/00449/DISA

To discharge condition number 4 (Details & Siting of stable Waste) of Decision dated 29.6.16 for Erection of single-storey stable block consisting of two stables, storage area and tack room for private recreational use.

6 October 2017

22/00221/FUL

Construction of single storey rear extension

Approved

25 April 2022

23/00125/FUL

Replacement outbuilding, single storey rear extensions with flue and alterations to existing porch with associated works and infrastructure

Approved
22 March 2023

23/00126/FUL

Relocation of existing stable block, installation of new concrete base with associated works and infrastructure

Approved
1 June 2023

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a parcel of land to the rear of Homefield, Westley Waterless. No previous history confirms the current use of this land and, therefore, it is considered to be agricultural land. However, it is noted this parcel of land is currently laid to grass with a hedge to the boundary and not used in an agricultural way. The area of land considered within the change of use is 1152m² (0.1152 Hectare).

4.2 The site itself consists of a detached two-storey dwelling that is set back within the site with a garage and parking to the front. There is a parcel of land to the rear that has an equestrian use with stables and a muck heap. The application site is not located within a Conservation Area or in close proximity to a Listed Building or Monument.

4.3 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

ECDC Trees Team – 10 October 2023

No tree related objections to this application as there are no trees in the vicinity of the new structure and it appears to be sufficiently separated from the hedge to minimise any potential but please add the following informative to any decision notice should the application be approved:

To ensure that the trees on site are not compromised the guidance in British Standard BS 5837:2012 Trees in relation to design, demolition, and construction - Recommendations should be followed to ensure trees and hedges on site are not compromised.

5.2 A site notice was displayed near the site on 16 August 2023 and a press advert was published in the Cambridge Evening News on 17 August 2023.

5.3 Neighbours – two, neighbouring properties were notified. No responses were received.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology

6.2 Supplementary Planning Documents

Design Guide
Climate Change SPD

6.3 National Planning Policy Framework 2023

- 2 Achieving sustainable development
- 4 Decision-making
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

The dwelling known as Homefield, Westley Waterless, Newmarket, CB8 0RG was approved under the application 14/00701/FUL with a residential garden that extends to an existing hedge boundary. Under application 16/00449/FUL the adjacent field was approved for equine use with stables. Whilst the proposal site has been included in the blue line for both of these applications, the proposed parcel of land has no planning history to confirm its use and would, therefore, be considered agricultural land. However, it is noted that the site is currently laid to grass with a hedge boundary and is not in use for agriculture. As set out within the applicant's Design and Access Statement, the land was sold with the dwelling as residential use however, they have since put in this application to regularise the use.

- 7.4 There has recently been a similar application in Wentworth approved at Planning Committee (6th September 2023) under application 23/00656/FUL, for a retrospective change of use of paddock land to residential garden. The approved application was for a larger area of land which had been respectfully domesticated by the applicant and was considered not to cause harm to the countryside due to its naturally unbounded connection to the host dwelling.
- 7.5 The current application is considered to be similar to 23/00656/FUL in that the proposed area of land which would change use is adjacent to the dwellings rear residential curtilage. There is no physical barrier between the application site and the residential curtilage, and the area of land which would be incorporated into the residential curtilage is small.
- 7.6 Residential Amenity**
- 7.7 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.8 The application site is located to the rear of Homefields, Westley Waterless, CB9 0RG, situated between residential and equestrian land. There are neighbouring dwellings located to the east and west of the site.
- 7.9 The application seeks to erect a summerhouse on the southern boundary of the proposed area of land. This would be to the rear of the host dwelling and would not be visible from the public realm. The summer house would have an opening which would be located on the northern elevation that would have an outlook over the land and the boundary hedge. If the hedge was to be removed, the outlook would be over the equestrian land. As there are no neighbouring dwellings located to the north of this site, the proposed summerhouse would not be considered to cause harm to residential amenity through overlooking.
- 7.10 The siting of the summerhouse would be located to the rear of the host dwelling and is a considerable distance from neighbouring dwellings and would, therefore, not be considered to cause harm through overshadowing, overbearing or loss of privacy through overlooking.
- 7.11 The applicant also seeks the change of use of this parcel of land from agricultural to residential land. There is no physical boundary between these pieces of land, and this area of land is set back within the site. It would not be considered that the change of use would cause any harm to the neighbouring dwellings.
- 7.12 Whilst this addition to the residential garden would increase the overall residential garden to the dwelling, the use of the site by a single residential property is not considered to result in any significant impacts to residential amenity. The proposal is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.13 Visual Amenity

- 7.14 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.
- 7.15 Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials, and colour of buildings relate sympathetically to the surrounding area.
- 7.16 The proposal seeks the change of use of agricultural land to garden land and the erection of a summerhouse. The area to change use to residential would measure approximately 1126m², which would be accessible from the existing residential curtilage of the host dwelling as there is no boundary that divides this land.
- 7.17 The applicant seeks to change the use of an area of land to be suitable for the construction of a summerhouse and the additional land for garden use. The materials of the summerhouse would be timber 'log' cladding painted in light grey, with a felt roof and timber white painted doors. The proposed materials would be considered characteristic of a summerhouse and would be sympathetic in terms of materials to the character and appearance of the wider setting. It would not be considered that this proposal would cause harm to the visual amenity of the countryside as it would have limited visibility within the streetscene.
- 7.18 Due to the location of the proposal being sited behind the dwelling, there would be limited views of this proposal site from the public realm. The boundary for the development envelope terminates at the end of the existing residential curtilage. Whilst the proposal does extend into the open countryside, it remains set back from the public highway by a significant distance and would be screened by the host dwelling and significant boundary treatments in place. There is a footpath that runs to the east and north however, this site is screened by mature hedging.
- 7.19 It is considered that the proposal would not result in a significant adverse impact to the character and appearance of the area nor result in significant harm to the countryside and is therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and the NPPF.

7.20 Ecology

- 7.21 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field

patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.

7.22 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.

7.23 The applicant proposes to erect a summerhouse within an area of land currently for the purpose of agriculture. However, it is currently laid to grass. The applicant seeks to retain the hedging and the grass. The Trees Officer has been consulted on this application and has concluded there are no tree-related objections, and the summer house is a sufficient distance away from the hedge to minimise any potential damage.

7.24 The proposal is considered not to result in any significant adverse impacts and is therefore considered to comply with Policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

7.25 Climate Change

7.26 Local Plan Policy ENV4 states: '*All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measures within their proposal. No measures have been put forward as part of the application, however, due to the nature of the development proposed, it is considered that the inclusion of sustainability measures reasonably related to the development would be difficult and in this instance is it considered acceptable not to provide any such measures.

7.27 Planning Balance

7.28 Whilst the proposed development does not accord with policy GROWTH 2 as it does not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside which is a key aim of policy GROWTH 2.

7.29 The proposal is considered to be acceptable in all other aspects, including impacts of the proposal upon the character and appearance of the surrounding area and impacts on the amenity of neighbouring occupiers. The proposal complies with all other relevant Local Plan policies. It is therefore considered that no demonstrable harm would arise from the proposed development. The application is therefore recommended for approval.

7.30 COSTS

7.31 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 costs award can be made against the Council.

- 7.32 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.
- 7.33 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.

8.0 APPENDICES

8.1 Appendix 1: Recommended Conditions

Background Documents

23/00819/FUL
14/00701/FUL
14/00701/DISA
16/00449/FUL
16/00552/VAR
16/00449/DISA
22/00221/FUL
23/00125/FUL
23/00126/FUL
23/00656/FUL

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 23/00819/FUL Conditions

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

Plan Reference	Version No	Date Received
329_101		24th July 2023
329_206		24th July 2023
329_230		24th July 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a) As detailed on the application form and approved documents; or,
 - b) Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

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

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 The Summerhouse; hereby permitted shall be used for purposes ancillary to the residential use of the main dwelling known as Homefield, Westley Waterless, Newmarket, CB8 0RG; and shall not be occupied as an independent unit of accommodation at any time.
- 4 Reason: The application has been assessed as acceptable and complying with policy ENV 2 on this basis.

23/00830/FUL

Pump House

Factory Road

Burwell

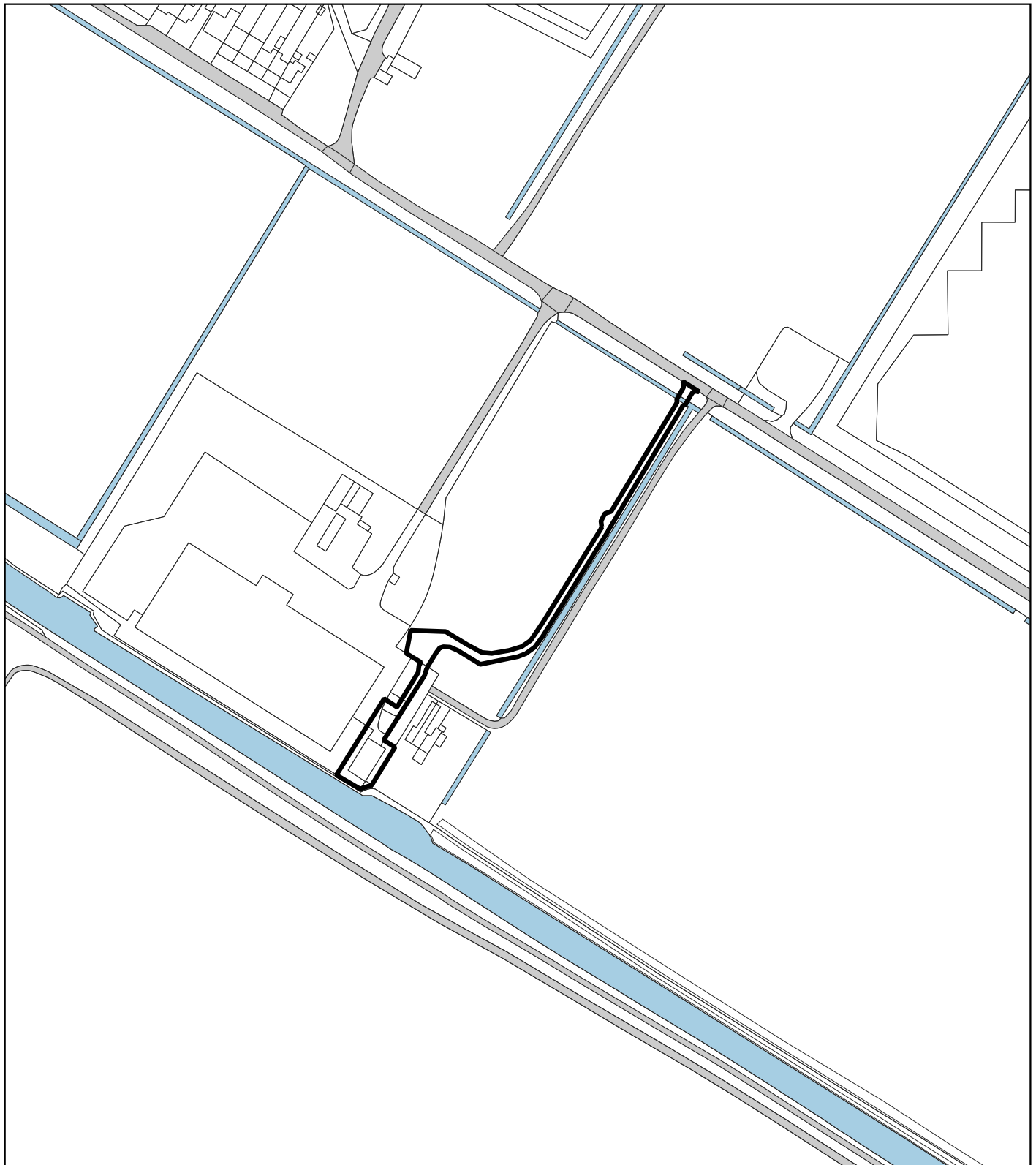
CB25 0BW

Change of use of land to garden land and construction of cart lodge

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RICY18GGM6Z00>





23/00830/FUL

Pump House
Factory Road
Burwell



East Cambridgeshire
District Council

Date: 13/10/2023
Scale: 1:2,500



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TITLE: 23/00830/FUL

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Officer

Report No: Y77

Contact Officer: Cassy Paterson, Planning Officer
Cassy.Paterson@eastcamb.gov.uk
01353 616250
Room No 011 The Grange Ely

Site Address: Pump House Factory Road Burwell Cambridge CB25 0BW

Proposal: Change of use of land to garden land and construction of cart lodge

Applicant: Mr & Mrs Mead

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 31 July 2023

Expiry Date: 25 September 2023

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 Flood Risk Assessment

2.0 SUMMARY OF APPLICATION

2.1 The application seeks consent to change the use of land to garden land and the construction of a cart lodge. The cart lodge was previously approved under

application 20/01491/FUL and measures a maximum length of 10.7m (35.1ft) by 6.2m (20.3ft) width with an eaves height of 2.2m (7.2ft) and a ridge height of 6.3m (20.6ft). The area of land proposed as a change of use to garden land is approximately 142m² (0.0142 Hectare).

- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1 20/00693/LRN

Conversion of existing pump house into residential dwelling to include garden, driveway and amenity space and new access roadway and associated works.

Approved

25 September 2020

20/01491/FUL

Proposed Change of Use /internal and external works to existing pump house, new cart lodge and new access road following recent planning application 20/00693/LRN

Approved

28 January 2021

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site consists of a two-storey detached dwelling. The site is situated outside the defined development envelope for Burwell and is located on the edge of the site for McGowan Rutherford. Adjacent to the east boundary are three residential terraced properties. The site is located within Flood zones 2 and 3.

5.0 RESPONSES FROM CONSULTEES

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

Parish - 30 August 2023

Burwell Parish Council has no objections to this application. Parish Council noted that the public footpath must be kept open at all times.

Ward Councillors

No Comments Received

ECDC Trees Team - 24 August 2023

Due to the extent of new tree planting on this site and the poor condition of the trees to be removed there are no tree related objections to this application.

Asset Information Definitive Map Team - 17 August 2023

Public Footpath 6, Burwell runs along the southern boundary of 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 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 6, Burwell must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- o The Public footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a public footpath without lawful authority)
- o No alteration to the footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- o Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges, and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- o The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- o The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

Waste Strategy (ECDC)

No Comments Received

Local Highways Authority - 20 September 2023

Following a conversation with the applicant this morning, they were able to clarify that there is not a new access being proposed and the existing access and private

road will be used. Just to reiterate, I have no objection to the application, but it may be worth getting the plans and map tool updated to reflect this information.

Local Highways Authority - 19 September 2023

Based on the new information, I still do not object to the application in principle, however, the plans submitted as part of this application appear to display differing information when compared with google maps and the map tool on the planning portal. The drawing submitted as part of this application reference P-6400-01 indicated a proposed access onto little fen drove, with the closet existing access being approximately 3m to the east (see screenshot below).

In contrast to this, the map tool on the planning portal shows two existing accesses with a third access proposed as part of this application, see below, which seems to differ again from the email you attached from Anthony Smith. P-6400-01: Map tool: If a new access is proposed as above, it looks to be almost unfeasible to construct, due to the local constraints such as the drain and existing private road adjacent. If a more detailed review of the proposed access is required, I will need more detailed drawings including information regarding proposed surfacing, dimensions, and clarification on the above queries. Please do let me know if I have misunderstood anything.

Local Highways Authority - 18 August 2023

Upon review of the information submitted, I have no objection to the proposed replacement dwelling and its access.

I note the proposed application includes changes to an existing access. There is currently an existing access very close to the proposed access. Please provide additional clarification as to whether a new access is being proposed, in very close proximity to the existing, or if the existing access is being replaced with the that shown on the location plan.

CCC Growth & Development

No Comments Received

Cambridge Ramblers Association

No Comments Received

Environment Agency - 5 October 2023

Thank you for your consultation dated 19 September 2023. We have reviewed the documents as submitted and have no objection to this proposal as long as you have considered the Flood Risk obligations which are your responsibility. Further Flood Risk information can be found in the relevant section below.

Flood Risk

Flood Risk Activity Permit (FRAP)

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

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt, and only higher risk activities will require a permit. Your proposed works may fall under one or more of the below:

- Exclusion
- Exemption
- Standard Rules Permit
- Bespoke permit.

Information on how to apply for a permit and application forms can be found on our website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Any application for a permit should be submitted to the following email address: PSO.EastAnglia@environment-agency.gov.uk

Anyone carrying out a flood risk activity without a permit where one is required, is breaking the law. We trust you find this information useful.

The Ely Group of Internal Drainage Board - 4 September 2023

The Board has no comment from a drainage point of view on this application.

- 5.2 A site notice was displayed near the site on 14 August 2023 and a press advert was published in the Cambridge Evening News on 17 August 2023.
- 5.3 Neighbours – Six, neighbouring properties were notified; One response was received in support of the application.

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).
- 6.2 East Cambridgeshire Local Plan 2015
- | | |
|----------|--|
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy and water efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| COM 8 | Parking provision |
| COM 7 | Transport impact |
| ENV 8 | Flood risk |
| GROWTH 2 | Locational strategy |
| GROWTH 5 | Presumption in favour of sustainable development |
- 6.3 Supplementary Planning Documents
Design Guide
Climate Change SPD

*Flood and Water
Natural Environment SPD*

- 6.4 National Planning Policy Framework 2021
 - 2 Achieving sustainable development
 - 4 Decision-making
 - 12 Achieving well-designed places
 - 14 Meeting the challenge of climate change, flooding, and coastal change
 - 15 Conserving and enhancing the natural environment
- 6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.4 The proposal site is located outside of the development envelope of Burwell by 1096m. The proposal seeks the change of use of agricultural land to garden land and the siting of a domestic structure, which is not an exception listed in Policy GROWTH 2. As it is not listed as an exception, the proposal is therefore contrary to GROWTH 2.

7.5 The dwelling and cart lodge were previously approved under application 20/01491/FUL in January 2021. Since starting works to the site, it was discovered that in the approved siting of the cart lodge, there are high voltage cables that run from the substation that is sited in front of the host dwelling to the McGowan Rutherford factory. The best solution, as set out within the planning statement, was to relocate the cart lodge further down the site to avoid disturbing the high voltage cables. As the design of the cart lodge has previously been approved, this application focuses on the change of use of the land to residential.

7.6 Whilst the proposed application represents a small encroachment into the countryside, there is no physical boundary between the residential curtilage and the area proposed to change use under this application. The planning statement and personal statement from the applicant indicated that until 2021, the site was previously used by the adjacent business, McGowan Rutherford, to store pallets and other machinery. Since 2021, the site has been cleared and works for the conversion to a residential dwelling has commenced at the Pump House.

- 7.7 There has recently been a similar application in Wentworth approved at Planning Committee (6th September 2023) under application 23/00656/FUL, for a retrospective change of use of paddock land to residential garden. The approved application was for a larger area of land, and which had been respectfully domesticated by the applicant and was considered not to cause harm to the countryside due to its naturally unbounded connection to the host dwelling.
- 7.8 The current application is considered to be similar to 23/00656/FUL in that the proposed area of land which would change use is adjacent to the dwelling's driveway and residential curtilage. There is no physical barrier between the application site and the residential curtilage, and the area of land which would be incorporated into the residential curtilage is small.
- 7.9 The applicant has formally agreed to enter an S106 agreement to ensure that the cart lodge would remain ancillary to the host dwelling at all times and could not be used as independent residential accommodation. The applicant also accepts that the cart lodge approved under application 20/01491/FUL would be revoked once the signing of the S106 is complete. The S106 would be concluded prior to issuing the decision notice for this application.
- 7.10 Visual Amenity**
- 7.11 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.
- 7.12 Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials, and colour of buildings relate sympathetically to the surrounding area.
- 7.13 The proposal seeks the change of use of agricultural land to garden land and the repositioning of a previously approved cart lodge. The area to change use to residential would measure approximately 142m², which would be accessible by the previously approved access to the site as there is no boundary that divides this land. The applicant has advised that this area of land, under previous ownership, was used for pallet storage. This can be seen within aerial images in 2007 and 2010.
- 7.14 The applicant seeks to change the use of a small area of land to be suitable for the construction of the cart lodge. The design of the cart lodge was previously approved under a separate application 20/01491/FUL, and its design has therefore already been considered acceptable. Although the relocation of the cart lodge would be further away from the host dwelling than its currently approved position, it would not be considered that its relocation would cause harm to the visual amenity of the countryside as it would have limited visibility within the streetscene. The backdrop of the proposed siting of the cart lodge is the McGrowan Rutherford factory which has an industrial appearance within the wider setting. It would be considered that the repositioning of the cart lodge would not cause any harm to the character and appearance of the wider countryside.

7.15 Whilst the proposal does extend into the open countryside, it remains set back from the public highway by a significant distance and would be partly screened within the site by a planted tree area.

7.16 It is considered that the proposal would not result in a significant adverse impact to the character and appearance of the area nor result in significant harm to the countryside and is therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and the NPPF.

7.17 Residential Amenity

7.18 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.19 The application site is located in between the McGrowan Rutherford Factory on the west and dwellings located to the east.

7.20 The application seeks to relocate a previously approved cart lodge further away from the host dwelling to the northwest of the site. The proposed site is located further away from the neighbouring dwellings and was supported by comments made by the neighbouring property. They stated that they support the relocation of the cart lodge as it would reduce the level of overlooking from the first-floor dormer windows. To the rear of the cart lodge would be the factory. Whilst there are openings on the front and rear elevation, these openings would not be considered to cause harm to residential amenity through overlooking or overbearing due to the rural and industrial location, and the separation distances between the site and the nearest neighbouring dwellings.

7.21 Whilst this addition to the residential garden would increase the overall residential curtilage to the dwelling, the use of the site by a single residential property is not considered to result in any significant impacts to residential amenity. The proposal is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.22 Highways

7.23 Policy COM 7 states that development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks. Development proposals shall:

- a) Provide safe and convenient access to the highway network.
- b) Provide a comprehensive network of routes giving priority for walking and cycling.
- c) Protect existing rights of way or allow for agreed diversions in exceptional circumstances.
- d) Consider the travel and transport needs of people with disabilities.
- e) Accommodate the efficient delivery of goods, supplies and services.

- 7.24 Policy COM 8 states development proposals should provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Council's parking standards (including parking for people with impaired mobility).
- 7.25 The proposed extension to the red line of the dwelling for the change of use, to a small area of land to residential use would not be considered to alter the previously approved access to the site and would extend off the northwest corner of the existing driveway. The Local Highways Officer was consulted on this application and has concluded that there would be no material changes that would cause harm to the public highway. Therefore, the application would not be considered to cause harm to highway safety and would comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 7.26 Ecology**
- 7.27 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape, and biodiversity of the surrounding area.
- 7.28 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.
- 7.29 To allow for the change of use to garden land and for the siting of the proposed cart lodge, the applicant would need to remove several trees from the site, however, these trees are damaged and in poor condition and would need to be removed even if this application was not present.
- 7.30 The Trees Officer was consulted as part of this application following the submission of an Arboricultural Impact Assessment report. The Trees Officer concludes that due to the extent of new tree planting on this site and the poor condition of the trees to be removed, it would be considered that their removal would not be to the detriment of the environment and that the applicant has provided sufficient mitigation measures for the lost trees.
- 7.31 The proposal is considered not to result in any significant adverse impacts and is therefore considered to comply with Policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

7.32 Flood Risk and Drainage

7.33 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. A site-specific Flood Risk Assessment, endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change, is required for major and non-minor development proposals in Flood Zones 2 and 3 and 'Modelled Zone 3.

7.34 The application site is located within flood zone 2 and 3. The applicant has provided a Flood Risk Assessment (FRA), which has been assessed by the Environment Agency. They have concluded that this proposal would not be considered to cause harm in terms of increasing flood risk. The mitigation measures set out within the conclusion of the submitted FRA would be conditioned to ensure that the risk of flooding is reduced. This part of the proposal would, therefore, be considered to comply with ENV 8 of the East Cambridgeshire Local Plan 2015.

7.35 Climate Change

7.36 Local Plan Policy ENV4 states: '*All proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measures within their proposal. No measures have been put forward as part of the application, however, due to the nature of the development proposed, it is considered that the inclusion of sustainability measures reasonably related to the development would be difficult and in this instance it is considered acceptable not to provide any such measures.

7.37 Planning Balance

7.38 Whilst the proposed development does not accord with policy GROWTH 2 as it does not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside which is a key aim of policy GROWTH 2.

7.39 The proposal is considered to be acceptable in all other aspects including impacts of the proposal upon the character and appearance of the surrounding area, impacts to the amenity of neighbouring occupiers and highway safety. The proposal complies with all other relevant Local Plan policies. It is therefore considered that no demonstrable harm would arise from the proposed development. The application is therefore recommended for approval.

7.40 COSTS

7.41 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 costs award can be made against the Council.

- 7.42 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.
- 7.43 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.

8.0 APPENDICES

8.1 Appendix 1: Recommended Conditions

Background Documents

23/00830/FUL
20/00693/LRN
20/01491/FUL
23/00656/FUL

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Appendix 1 – Recommended Conditions

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

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
P-6400-02		25 July 2023
P-6400-01		27 July 2023
CARTLODGE MASSING		25 July 2023
Flood risk assessment		19 September 2023
AIA report		23 August 2023

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

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

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

3 The materials to be used in the construction of the external surfaces of the development shall be either:

- a) As detailed on the application form and approved documents; or,
- b) Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

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

3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted 19th September 2023; and the following mitigation measure detailed within the FRA:
- Floor levels shall be set no lower than existing levels of the host dwelling.

4 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015

Planning Performance – September 2023

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
Determinations	120	2	22	23	12	23	38
Determined on time (%)		100% (90% within 13 weeks)	96% (80% within 8 weeks)	96% (90% within 8 weeks)	92% (90% within 8 weeks)	96% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	110	2	16	21	11	22	38
Refused	10	0	6	2	1	1	0

Validations – 94% validated within 5 working days (ECDC target is 80%)

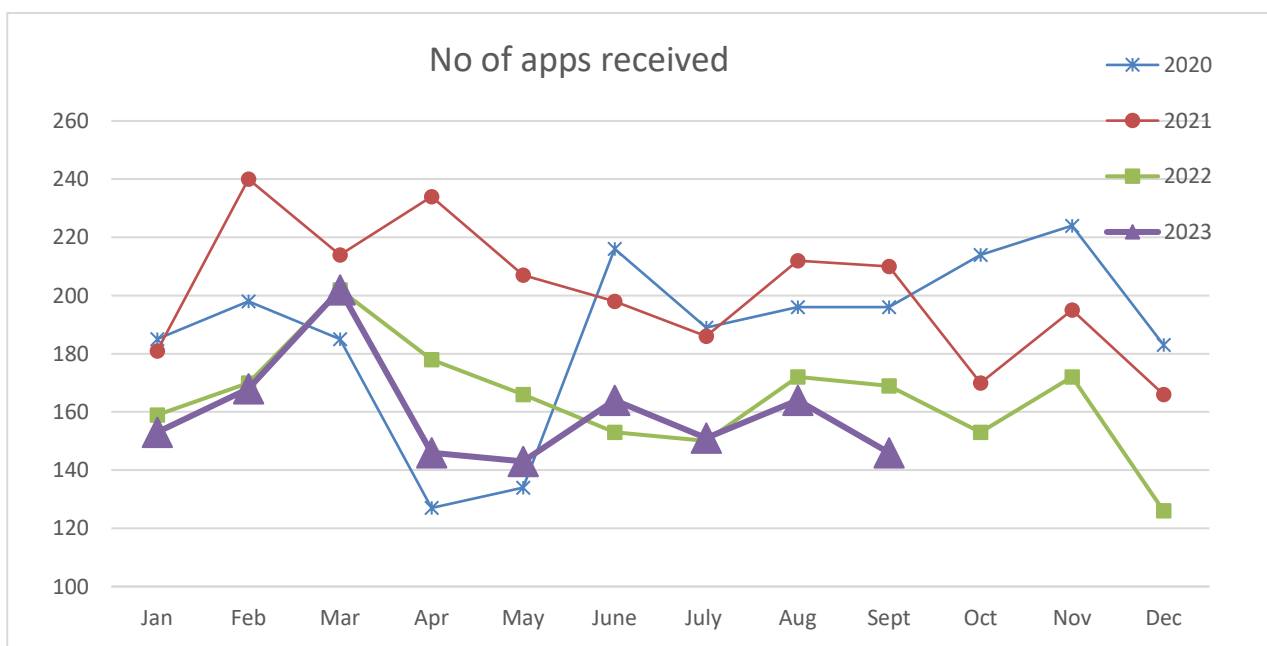
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	134	3	14	26	13	25	53

Open Cases by Team (as at 18/10/2023)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	54	5	8	10	12	19	0
Team 2 (3 FTE)	120	8	33	19	26	34	0
Team 3 (3 FTE)	90	9	18	11	15	37	0
Team 4 (2.8 FTE)	99	4	10	29	20	36	0
No Team (4.4 FTE)	145	19	30	1	19	24	52

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 146 applications during September which is 14% decrease of number received during September 2022 (169) and 11% decrease to the number received during August 2023 (164).



Valid Appeals received – 0

Appeals decided – 5

Planning reference	Site address	Decision Level	Appeal Outcome
22/00341/FUM	Land At E550177 N277983 Pools Road Wilburton Cambridgeshire	Delegated	Dismissed
22/00736/FUL	Riverside Park 21 New River Bank Littleport	Delegated	Allowed
ENFORCEMENT	Garages 3-5 Perch Chase Soham		Dismissed
ENFORCEMENT	Lazy Otter Cambridge Road Stretham		Dismissed
ENFORCEMENT	Unit 7 17 Oak Lane Littleport		Allowed
ENFORCEMENT	Unit 12 17 Oak Lane Littleport		Allowed

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 12 (0 Proactive)

Cases closed – 28 (6 Proactive)

Open cases/officer (2.6FTE) – 156 cases (13 Proactive)/2.6 = 60 per FTE

Notices served – 0

Comparison of Enforcement complaints received during September

Code	Description	2022	2023
ADVERT	Reports of unauthorised adverts	0	0
COND	Reports of breaches of planning conditions	3	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
LEGOR	Reports of breaches of Legal Obligation (NEW CODE)	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	0
MON	Compliance Monitoring	1	1
OP	Reports of operational development, such as building or engineering works	6	4
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	2	0
PLAN	Reports that a development is not being built in accordance with approved plans	2	1
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	3	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	9	3
TOTAL		26	12