



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 6 December 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

10:35am: 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 1 November 2023.

4. Chairman's announcements

[oral]

5. TPO/E/09/23

Confirmation of Tree Preservation Order E/09/23

Location: Land To Front Of 11-13 Limes Close Wilburton Ely CB6 3LX

6. 23/00305/FUL

Proposed 3 bed chalet dwelling, outbuildings, and associated works

Location: 22 Mill Street, Isleham, Ely, CB7 5RY

Applicant: Mr & Mrs A Clarke

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTO8WMGG0CT00>

7. 23/00894/FUL

Change of use from Use Class B8 to C3 residential including the removal of storage containers, erection of four detached dwellings, along with associated works including closing and relocating the existing access

Location: Land North West Of 9 Stretham Road, Wicken

Applicant: Selica Seigny

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ6KVEGGMK800>

8. Planning Performance Report – October 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-061223) (<https://www.eastcambs.gov.uk/meetings/planning-committee-061223>). 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 5th December**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:

- Objectors
- Applicant/agent or supporters
- Local 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 1 November 2023

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Kathrin Holtzmann
Cllr Bill Hunt
Cllr James Lay
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:

Maggie Camp – Director Legal Services
Jane Webb – Senior Democratic Services Officer
Simon Ellis – Planning Manager
Catherine Looper – Planning Team Leader
Cassy Paterson – Planning Officer
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

In attendance:

Rebecca Smith – Vistry House Building (Applicant, Agenda Item 5 & 6 / Minute 43 & 44)
Mike Rose (Objector, Agenda Item 7 / Minute 45)
Anne Dew – Persimmon Homes (Applicant, Agenda Item 7 / Minute 45)
Rob Hill – Drainage Consultant (Applicant, Agenda Item 7 / Minute 45)
Ben Purdy – Persimmon Homes (Applicant, Agenda Item 7 / Minute 45)
Cllr Anne Pallett – Soham Town Council (Agenda Item 7 / Minute 45)
Edward Clarke – Cheffins (Agent, Agenda Item 8 / Minute 46)
Phil Mead (Applicant, Agenda Item 9 / Minute 47)

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

39. Apologies and substitutions

No Apologies for absence were received.

40. Declarations of interest

No declarations of interest were made.

41. Minutes

The Committee received the Minutes of the meeting held on 4th October 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 4th October 2023 be confirmed as a correct record and be signed by the Chairman.

42. Chairman's announcements

The Chairman made the following announcements:

- Members were requested to note that there was an additional Planning Committee scheduled for 15th November.

43. 22/00420/RMM - Phase 1 Millstone Park Land Adjacent to Melton Farm Newmarket Road Burwell

Dan Smith, Planning Team Leader, presented a report (Y73, previously circulated) recommending granting delegated powers to the Planning Manager to approve the application, once the drainage condition on the outline permission has been discharged, subject to conditions, for an application for reserved matters for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure.

Members were updated with two minor amendments for this item and the following related item:

- The reference to the NPPF was dated 2019 and should be 2023.
- Since the reports were drafted, the Council had adopted small changes to the Local Plan which meant that this should now be referred to as the East Cambridgeshire Local Plan 2015 (as amended 2023)

Neither of these updates would have any material bearing on the recommendations.

The Planning Team Leader informed Members that the update sheet showed concern in respect of the location of the affordable homes from a resident that had been received after publication. In response to this, the Council's housing team supported the location of the homes, and the Planning Team Leader did not agree with the criticism of the location of the affordable housing. A further objection had been received since the publication of the update sheet, on behalf of the British Horse Society, which focussed on the lack of bridleway provision and connection to public rights of way within the scheme; the Planning Team Leader expressed the view that were this to be considered, it would have to be done at the outline stage.

The Planning Team Leader reminded Members that both this report and the next were drafted as update reports to those that were presented at the August Planning Committee meeting, where the application had been deferred for further work to be carried out on specific issues; the presentation therefore would focus on the changes that had been made since the August planning meeting.

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

At the August planning meeting, Members had expressed concern and deferred the application to allow the applicant the opportunity to address the following specific issues: overdevelopment, lack of sufficient 1-bed and 2-bed houses, lack of sufficient green space and visitor parking (raised as an issue during debate but was not detailed in the resolution).

The applicant had provided a revised scheme which sought to address the issues, these included:

- 5 dwellings removed from the scheme – 138 total
- Reduction in 4+ bedroom market houses (51 to 34)
- Increase in 2-bedroom market houses (2 to 15)
- Increase in size of central open space
- Increase in visitor parking spaces (26 total)

To address the overdevelopment, the applicant has used more smaller properties, this had created a more spacious layout and more space for landscaping. The applicant had also submitted an Indicative Site-Wide Masterplan, which showed how Phase 3 could be brought forward, this allayed Officers' concern regarding the balance of development. The previous market mix had been heavy towards 4+ bedroom dwellings but a good proportion of the larger dwellings had now been substituted for 2-bedroom houses resulting in percentages more in line with SHMA (Strategic Housing Market Assessment). Visitor car parking spaces had been increased by 8 and on-plot parking exceeded 2 spaces per dwelling, resulting in a total car park provision of 353 spaces for 138 homes.

The Planning Team Leader confirmed that Officers now fully supported the revised scheme as all the issues had been addressed.

On the invitation of the Chairman, Rebecca Smith, Senior Planner at Vistry Homes, addressed the committee:

“Following August Planning Committee, we obviously had to reflect on what was debated, we have worked with Officers to agree some considerable changes to our proposals and to address the concerns raised by Members of this Committee. We have significantly amended the market housing mix, in terms of the amount of 2-beds and fewer 4+beds homes. Overall, the scheme, for Phase 1, comprises 73% 1-bed to 3-bed homes along with maintaining a high level of affordable housing. We have incorporated further open space and landscaping to enhance the green infrastructure within the scheme, which compliments the wider infrastructure. Through our work, pulling together the illustrative

masterplan, hopefully we have mitigated any residual concerns on how the wider site can be brought forward under the existing planning permission. I am happy now that Officers agree we have a high-quality scheme, we at Vistry are very keen to get building on site, we have been delayed and we want to deliver these new homes for people next year. I hope Members can concur and support the officers' recommendation for approval."

Cllr Akinwale asked if the issues raised at the August Planning Committee meeting regarding wet rooms for the larger properties had been addressed. Rebecca Smith explained Vistry was led by their Registered Social Housing Provider in terms of internal specifications, which may include wet rooms in the ground floor maisonettes; there were also a couple of bungalows introduced into Phase 2 which were N43 Building Regs compliant (wheelchair adaptable with wet rooms as standard). Cllr Akinwale also asked where the play areas would be situated on Phases 1 and 2a. Rebecca Smith explained that in the bottom southeast corner was an entrance village green that already had reserved matters approval which would include a natural play area (three pieces of logs/boulders) and in the northwest, a main play area with an integrated local equipped area of play (LEAP) that would have at least five pieces of equipment; there would also be three additional open space areas for recreational and leisure purposes. Vistry had worked with their suppliers to ensure that the play equipment was accessible to children with disabilities and secured a roundabout, swing, and other equipment. Rebecca Smith confirmed that the visitor parking spaces would not be equipped with charging points, but all new homes would have charging points.

Cllr Edwards enquired if Vistry had a date to commence work if they received approval. Rebecca Smith explained that Vistry had been prepared to start work on the site for the past year, therefore, as soon as possible in the New Year, as Vistry had forecasted completions for next year.

In response to a question from Cllr Holtzmann, Rebecca Smith explained that the Section 106 Legal Agreement dictated when the play spaces should be built; and this was tied to each Phase, for Phase 1, this would be by 80% occupation.

Councillor Lay enquired as to what form of heating would be installed in the properties. Rebecca Smith explained that currently, it would be gas boilers (but with pipes large enough to accommodate the transition from gas boiler to air source heat pumps) and they would be supplemented with PV solar panels. Vistry were currently working with the registered provider for the affordable housing to see if there would be any capacity in the wider network to install air source heat pumps any earlier.

Cllr Brown thanked Rebecca Smith and Vistry Homes for the positive way in which they had engaged with the Council since the August meeting.

The Planning Team Leader responded to a question from Cllr Wilson stating that the visitor parking spaces were dotted around the development, with an over-provision of driveway parking. Cllr Trapp asked if a condition could be placed on when the play areas were constructed. The Planning Team Leader commented

that the timing for delivery of infrastructure, which included the play space, was dictated by the S106 Agreement which was based upon the number of completions.

Cllr Brown commented that the revised application was a welcome improvement on the previous application and thanked committee members for raising their concerns at the August meeting. Officers had worked well with Vistry and the reduction of 4+bed dwellings and increase in 2-bed and 3-bed dwellings was welcomed. Cllr Brown stated that Burwell Council had thanked East Cambridgeshire District Council and Vistry for their engagement and revised scheme and proposed the Officer's recommendation for approval of the application.

Cllr Wilson agreed the application was an improvement and seconded Cllr Brown's proposal.

Cllr Goodearl also agreed this was an improved application and was pleased the committee's concerns had been listened to.

Cllr Trapp stated that the reduction was not significant and was there likely to be more green space on the rest of the development. The Planning Team Leader explained that the outline permission dictated where the phases were located, and the Council was happy with this; there was a large easement on the eastern side which could not be developed and a large area of sports pitches in the southeast quadrant, with structural landscaping around the north and eastern boundaries. The proposed density was very similar to what was already found locally and what was expected for a village edge development, therefore officers were content with the application.

It was resolved (with 9 votes in favour, 0 votes against and 2 abstentions):

- i) That the planning application ref 22/00420/RMM be APPROVED subject to the drainage condition on the outline permission being discharged and conditions as detailed in Appendix 1 of the Officer's report, with authority delegated to the Planning Manager to issue the planning permission.

44. 22/00479/RMM - Phase 2A Millstone Park Land Adjacent to Melton Farm Newmarket Road Burwell

Dan Smith, Planning Team Leader, presented a report (Y74, previously circulated) recommending granting delegated powers to the Planning Manager to approve the application once the drainage condition on the outline permission has been discharged, subject to conditions for reserved matters for 133 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage, and ancillary infrastructure.

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

At the August Planning Committee Meeting, Members expressed concern and deferred the application to allow the applicant the opportunity to address specific issues: overdevelopment, a poor housing mix, poor quality layout, lack of sufficient green space/landscaping and parking provision.

The applicant had provided a revised scheme which sought to address the issues:

- 5 dwellings removed from the scheme – 133 total
- Reduction in 4+ bedroom market houses (49 to 28)
- Increase in 2-bedroom market houses (7 to 12)
- Increase in 3-bedroom market houses (27 to 40)
- Replanning of densest areas of site
- Increase in widths of verges and more tree planting
- Increase in visitor parking spaces (26 total)

The applicant had used more smaller properties to address the overdevelopment which had allowed for the replanning of denser areas. Officers were content that the Indicative Site-Wide Masterplan had addressed the balance of development on site. More street trees have been added and smaller dwellings had allowed for dwellings to be set further back from the street. The previous market mix had been heavy towards 4+ bedroom dwellings but a good proportion of the larger dwellings had now been substituted for 2-bedroom and 3-bedroom houses resulting in percentages more in line with SHMA. Visitor car parking spaces had been increased by 6 and on-plot parking now exceeded 2 spaces per dwelling, totalling a car park provision of 377 spaces for 133 homes.

The Planning Team Leader confirmed that Officers would now fully support the revised scheme as all the issues had been addressed.

On the invitation of the Chairman, Rebecca Smith, Senior Planner at Vistry Homes, addressed the committee.

“Vistry have taken on board the comments and concerns raised by the committee members in regard to Phase 2a, there are significant amendments to the market housing mix, the introduction of more green infrastructure/landscaping on site, more visitor car parking and we can agree it is a high-quality design.”

Cllr Akinwale enquired if there would be another play area in this Phase. Rebecca Smith explained the main play area would be situated in the north and already had reserved matters approval for junior and toddler play (trim trail). There would also be a woodland walk and open linear space that connected the two play areas together.

Cllr Trapp asked if the affordable housing would be mixed in with the general housing. Rebecca Smith explained that affordable housing was always clustered together; this was due to being managed by a registered provider but in terms of design, they would be indistinguishable from any of the market housing.

Cllr Holtzman asked if there was a reason the Elmsley type homes had changed internally between the two Phases. Rebecca Smith stated this had been replaced with the Asher house type (3 bed, 5-person affordable house) instead on Phase 2a.

In response to a question asked by Cllr Wilson, the Planning Team Leader explained that the play areas benefited from existing reserved matters which were already approved and permitted as part of the infrastructure of the application; these were set out early on in the process and reflected the development masterplan which had been approved at the outline stage.

Cllr Trapp asked if there would be further phases coming forward. The Planning Team Leader explained there would be no more housing, other than Phase 3, to come forward.

Cllr Ambrose-Smith asked who would control the upkeep of the play areas and would they be available to the wider community. The Planning Team Leader responded stating that it was envisaged that the play areas would be for the wider community. The S106 Agreement included a cascade approach to the ongoing maintenance of the open spaces/play spaces; this required it being offered first to the District Council, then the Parish Council and if neither wished to take the maintenance on, it would be vested in a management company. The S106 would also include a provision for contributions with regard to the future management and maintenance of the areas, if not vested within a management company.

Cllr Holtzmann asked if there was a pedestrian crossing planned for the north of the site. The Planning Team Leader commented that this was not planned but the road in question did not continue through for vehicle access and therefore the level of vehicle movements would be very limited.

Cllr Trapp commented that the widening of corners on the streets may increase the speed of vehicles. The Planning Team Leader stated that the radii of the corners had not changed, instead the houses were now set further back which enabled more landscaping. The designed speeds on the Phase were 20mph, therefore this was not a concern.

The Chair commented this was a positive application and showed what progress could be made if the applicants worked with Council Officers.

Cllr Edwards echoed the Chair's comments and proposed the Officer's recommendation for approval of the application. Cllr Akinwale seconded Cllr Edwards' proposal.

Cllr Lay agreed both sides had worked well together, and he supported the application.

Cllr Brown added there were currently three formal playgrounds in the village, one recently refurbished and easily accessible from this site and he fully supported the application.

Cllr Trapp added that the housing mix of 40% affordable housing would be beneficial to the district.

It was resolved unanimously:

- i) That the planning application ref 22/00479/RMM be APPROVED subject to the drainage condition on the outline permission being discharged and conditions detailed in Appendix 1 of the Officer's report, with authority delegated to the Planning Manager to issue the planning permission.

3:11pm to 3:20pm The meeting was adjourned for a short break.

45. 23/00146/RMM - Broad Piece Soham Cambridgeshire

The Chairman explained that Committee Members had received a late submission of evidential photographs from an Objector; these were circulated during the break.

The Chairman reiterated that, in accordance with procedure, for all future Planning Committees, any statements/pictures must be received at least 48 hours ahead of the Committee meeting otherwise they would not be accepted.

Catherine Looper, Planning Team Leader, presented a report (Y75, previously circulated) recommending approval of an application, subject to conditions seeking, residential development for 166 dwellings and identification of 9 self-build plots, open space, and associated infrastructure for previously approved proposed erection of up to 175 dwelling and associated infrastructure with access from Broad Piece.

Members were shown slides of the location, site, and proposed development plan. The Planning Team Leader explained that outline consent was granted under an appeal decision in January 2022 and the outline consent secured the detail of access.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was situated outside the defined development envelope; the principle of development was already established at appeal. The Reserved Matters application was made within the conditioned timescale and therefore the principle of development was considered acceptable.
- **Affordable Housing and Self Build** – The application proposed 30% affordable housing and 5% self-build properties which were secured by a S106 Legal Agreement on the outline planning permission. The Council's Housing Strategy and Enabling Officer confirmed they supported the application. The applicant confirmed that 5.6 hectares of open space would be provided and a locally equipped area of play with six pieces of play equipment.
- **Residential amenity** – The Outline application acknowledged that existing occupiers in the area were likely to experience an increase in

noise and disturbance from the development, including traffic movement. However, this was not considered significant such that permission should be refused. The proposed site layout provided significant separation between existing properties and proposed dwellings, with areas of open space. The proposal was not considered to create any overbearing, overlooking or overshadowing impacts to neighbouring properties. The Appeal Decision conditioned matters such as construction times and construction method statements. There were no objections from the Environmental Health or the Environmental Agency relating to odour from the Soham Water Recycling Centre; they advised that the applicant had taken into consideration the odour buffer zone and had ensured that the amenity of future residents had been considered adequately. The Applicant had also submitted a Noise Impact Assessment, which was reviewed by Environmental Health who advised that a limited number of properties to the northeast may, with open windows, intermittently experience noise levels of +3 dB over the relaxed target for living rooms and +4dB over the relaxed target for bedrooms (night) from the potato store. Given the constraints considered at outline stage and the subsequent permission granted by the Planning Inspectorate, it was considered that alternative ventilation methods for instances or marginal intermittent noise was acceptable in this instance, for a limited number of dwellings. It was considered that the amenity of future occupiers could be adequately protected through the installation of mechanical ventilation for instances where this may be preferable, and these details could be secured by condition.

- **Visual Impact** – The scheme had four main character areas with the majority of the development being two storeys in scale. Open space was landscaped with woodland elements to the site edges to soften the visibility of the built environment. The entrance was curved to soften the approach with developments set back. The design of dwellings provided variation with materials being secured by conditions and dwellings were positioned in order to naturally survey open spaces and turn corners to prevent blank elevations being present. Street scenes were not dominated by hard boundary treatments, and it was not considered to harm local visual amenity. The proposed development was therefore considered to comply with planning policy.
- **Highway Matters** – The site access and the road widening works have already been secured under the appeal decision. Within the site, dwellings generally had two car parking spaces each and some plots benefited from garages in addition to two parking spaces. Where one-bedroom properties were proposed, these had one associated parking space. Aside from plots 5 to 9 and 10 to 14, all dwellings would be provided with electric vehicle charging points. 42 visitor parking spaces were proposed, and the Local Highways Authority have raised no objections.
- **Flood risk and drainage** – As part of the appeal decision it was conditioned that schemes for foul and surface water drainage would be secured by condition. The applicant had submitted information alongside the application as well as by discharge of condition as per the appeal decision. The Lead Local Flood Authority advised that they had no objections, Anglian Water advised that the foul water from this drainage

was in the catchment of the Soham Water Recycling Centre and that it would have available capacity, they advised that the submitted layout plan was acceptable and accorded with the condition for the Soham Water Recycling Centre and that the impacts on the public foul sewage network were acceptable. The Environment Agency advised that they had no objections to the scheme, the IDB were consulted and noted that the details for the bunds and embankments to serve the attenuation ponds required further information regarding construction material and during the discussion over the details required, they confirmed the details could be secured by conditions. Based on the information provided and the lack of objection from consultees it was considered that Flood Risk and Drainage could be adequately dealt with in accordance with Policy ENV 8 of the Local Plan.

- **Ecology** – The applicant had submitted a Landscape and Ecology Management Plan which set out a number of habitat creation proposals and conservation objectives, as well as setting out a management period of 30 years. Natural England raised no objections, and the proposal had been reviewed by the Wildlife Trust who noted that the Ecological reports and biodiversity net gains assessment provided with the original application had been updated. They advised that the proposal still accorded with East Cambs and nationally adopted planning policy for biodiversity. They raised no objection to the scheme.
- **Sustainability** – The applicant had submitted a Sustainability statement which set out a range of measures from sustainable procurement and waste management to water efficiency and heating design. The report set out that the site's forecasted emission rate would netter Part L 2013 by 31% and would exceed the requirements of ENV4 of the adopted Local Plan. The report also set out that photovoltaic arrays would be used. The positioning of the arrays could be secured by condition.

In summary, the proposal was considered to be in accordance with the outline permission for the site and had been assessed against both the local and national policies and were not considered to create a significantly detrimental impact in terms of visual amenity, residential amenity, highway safety, drainage, and flood risk. The benefits of the development were considered to outweigh the limited impacts identified and the proposal was considered to comply with policies within the Local Plan and the NPPF. The application was therefore considered for approval subject to the conditions set out within the report.

On the invitation of the Chairman, an Objector, Mike Rose, addressed the committee, after circulating photos of flooded properties in Broad Piece to the committee and the applicant:

“Good afternoon, Chair, my name is Mike Rose, I am a retired scientist, I live at Broad Piece, adjacent to the site. I also represent a number of Broad Piece residents. I apologise for the late submission of the photos and thank you for admitting them to the meeting. I am here today to discuss the applicant's proposal regarding flooding of properties on Broad Piece and you have seen some photos that I have circulated. We suffered yet again from flooding a couple of weeks ago, the topography of the site is such that there is a watershed

running across its centre from northwest to southeast one metre higher than the site boundaries (where the site meets Broad Piece at the south). The southwest corner is particularly low where it backs on to Broad Piece Gardens, the soil structure of the site is topsoil with a clay substrate, meaning once waterlogged, the site is very slow to drain. The Applicant proposes to drain the north side to the north into the Cofton Drain but not to drain the south side. Throughout the planning process the Applicant has been reluctant to take any measures at all to mitigate the flooding of existing residents' properties on Broad Piece. Under pressure, it has suggested the measures that you have before you today, which is a bund and a shallow depression to retire overland flow, while these measures will indeed retire the flow, they will not solve the problem of waterlogged land and will leave residents with a stagnant smelly swamp. We have asked for pipes and drainage to be installed to take water away down to an existing culvert, this was recommended by the LLFA. A document dated 5 June 2023 contains the LLFA recommendation and the applicant's reply. The LLFA has recommended draining of the site, the applicant has refused to provide positive drainage stating there is no publicly accessible watercourse, there is a watercourse present, and we do not control the watercourse. We would suggest that the applicant could, if it wished, negotiate for access to that piece of land. The landowners have applied recently to register the piece of land, referred to as "the track", but that has not yet appeared on the Land Registry site. The applicant then contradicts the above by stating that it will direct any residual overland flow around the bunds to the existing ditch and track which does exist, in a document dated 14 June 2023. The Internal Drainage Board stated on 27 January 2020, the Board is still concerned over the flooding that occurs to the properties in Broad Piece from this land. This proposal must address this issue and intercept water captured on site, so it drains away from the affected properties. Failure to address this problem now would be a missed opportunity. The Planning Inspector stated that a suitable drainage scheme can be achieved, and the subsequent detail can be secured by planning conditions. I have not found anywhere, any calculations that refer to the current measures that we consider to be unsuitable for the shallow depression and bund. Without positive drainage, the scheme proposed does not give adequate protection to residents and we respectfully request that it is not approved. We would also ask whether a condition could be added that any drainage measures that are carried out on this site be completed before any other excavations are commenced on the site. Thank you."

Cllr Trapp asked from what location the photographs had been taken, to which Mike Rose stated they had been taken from the west side of the site.

On the invitation of the Chairman, Anne Dew from Persimmon Homes, spoke in support of the application, addressed the committee:
"The site benefits from outline consent for 175 dwellings, including 9 self-build plots and 53 affordable dwellings. The outline consent approves vehicle access from Broad Piece alongside drainage principles and this reserved matters application accords with this detail. We have been working with the case officer on this application for the last 18 months with extensive discussions taking place regarding the design code that has informed the design of this layout. The scheme provides for an extensive area of open space, which is well in excess of the standards required by the Local Plan. Substantial areas of tree planting and

soft landscaping will be provided as part of the development, and this is particularly to the southern boundary and the properties on Broad Piece. These areas, alongside generous separation distances, minimise any impact on residential amenity of residents on Broad Piece. The development will be subject to CIL, with S106 contributions primarily towards early years, primary and secondary education and Highway improvements, libraries, and Soham Common land all of which are secured under the outline planning permission. All technical consultees have confirmed, subject to conditions, their support for the application, as detailed in the report. Obviously, concern has been raised about drainage and flood risk and I'll pass to Rob Hill, the Drainage expert to talk through these matters."

Rob Hill, Director of Infrastructure and Design and Civil Engineer, responsible for the drainage scheme within the site stated, "As mentioned, there is an existing issue with flooding from the field into the properties at Broad Piece and as well as representations from locals through the planning process, this was brought up as an informative from the LLFA and the IDB. As a brief description of the works our client intends to undertake as part of the scheme, I would like to highlight the following items as measures which will help to reduce the existing flood risk to neighbouring properties. Of the field currently draining southwards, all the housing drains to the north now, so approximately 55% of the development that drains south will now be draining to the north. The only thing left is the open space and we are looking at providing a hollow to take in any surface water off the open space (not from the development, that will all drain positively) and that we will also put in a bund across the southwestern boundary to further protect the properties from any overland flow. The open space will also be planted and landscaped with trees and various grasses/meadows to off help with taking in the nutrients from the water. At the moment this is a ploughed field with little or no growth at all which will make things worse on overland flow. All of these works are within land within control of our client and therefore can be delivered without issue. In planning terms, the scheme ensures there is no increase in flood risk to adjoining properties from the development and in fact, will reduce the current risk, in purely the catchment area alone, by over 50% and introduces further measures to control the pathways of any exceedance flow passing through the area which has already been identified as a discourse."

The Chair asked if it were assumed that the bottom half of the development would drain off to the north and the risk of flooding would be reduced. Rob Hill, Drainage Consultant – Persimmon Homes, commented that apart from the site entrance, it would all positively drain to the north and was now designed to take a 100-year storm event plus 40% for climate change and a further 6% for urban creep, all in line with LLFA requirements. The only part that could not be positively drained was the open space which was north to the Broad Piece gardens, and it was here that major earthworks had taken place to attempt to stem any overland flow from the open space.

Rob Hill explained to Cllr Trapp that the open space, north of the bund, would be reprofiled to enable it to drain backwards, therefore the overland flow should not reach the bund. The flood risk was an existing flood risk from overland flow and the client was not increasing this risk, the flooding could not be stopped, just mitigated away from residents' properties. Ben Purdy, technical expert, added

that the water would be held within the development and dissipated through infiltration which should overcome the existing issues that the residents were facing.

In answer to several questions from Cllr Akinwale, Rob Hill explained that the concerns regarding the cohesiveness of the materials, from the Ely Group of Internal Drainage Boards had been addressed within the detailed design of the scheme. Anne Dew stated that there were no bungalows included within the development and all the houses had been designed to include accessibility. The play area was in an accessible location but not all of the equipment would be suitable for those with disabilities, but they would be happy to change this mix to ensure the play area was more accessible for children with disabilities.

Cllr Lay enquired if any safety features had been considered around the ponding area. Rob Hill explained that the ponding area had very shallow banks and would not be a fall hazard.

In response to questions from Cllr Holtzmann, Rob Hill explained that they had tried to stop overland flow from going north to south straight into Broad Piece, and instead, capture it, and slow it down with the depression and bund. The trees planted in the bund area would be high water demand trees to take water out of the soil to help reduce the impact of the flooding onto Broad Piece. Cllr Holtzman seconded Cllr Lay's concerns about safety around the ponding area and asked if it would be possible to provide hedging or fencing to this; to which Ben Purdy confirmed this could be included. Ben Purdy also confirmed that the majority of dwellings would be installed with air sourced heat pumps but the first few would be installed with gas heating but would include infrastructure to be able the transfer to air sourced heat when required.

The Chairman invited Anne Pallett, a representative from Soham Town Council, to address the Committee with the comments from the Soham Town Council Planning Committee:

“STC reiterates all previous comments and continues to raise concerns regarding drainage and flooding to residents' properties on Broad Piece, this has still not been rectified. Noted a bund has been placed at the Broad Piece end of the site but not all the way along the boundary. East Cambs District Council need to ensure that a responsible body takes over the maintenance & repairs of the drainage system once the development is completed otherwise it will silt up and not work efficiently, this will cause flooding to the low-lying properties on Broad Piece. Unprecedented rainfall 27 October 2023 (54mm over three days, followed by four dry days, followed by 24 hours of 46mm, at which time flooding occurred) has exacerbated the flooding issues the residents on Broad Piece have.”

The Senior Democratic Services Officer read a statement received from a Soham District Councillor, Cllr Horgan:

“Please accept my apologies for not attending today's planning meeting in person to raise the matters highlighted by the Middle Fen & Mere Internal Drainage Board (IDB). A hospital appointment for my mother requires I take her there.

I would ask the Planning Committee to pay particular attention to the matters raised by the IDB in respect of the development 23/00146/RMM - Broad Piece, Soham Cambridgeshire.

As experts in the matters of drainage they raise particular concerns as to certain aspects of Persimmon's plans, specifically the construction and continuation of the bund designed to provide a degree of flood risk protection. As the IDB are the experts in this matter I will do no more than repeat the text they have submitted when commenting on the proposals by Persimmon.

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.

Condition 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

I will leave it to our planning team to decide how best to get necessary improvements to the construction and specification for the bund from Persimmon but ask that the Planning Committee make the necessary recommendations to planning officers to do this please."

The Planning Team Leader clarified that IDB's comments related only to the use of material and confirmed that during discussions with the IDB, it had been agreed that the specification for the construction of the bunds/embankments to service the attenuation ponds were to be secured by way of condition. The IDB did not form an objection regarding the principle of drainage. Extensive consultation had been undertaken with the Lead Local Flood Authority, the IDB, Anglian Water and the Environment Agency and there had been no objections from any of the statutory consultees. Regarding the comments made by Soham Town Council and the maintenance of open spaces and drainage measures, the S106 associated with the original outline application secured a cascade method for who would be responsible for taking this on, firstly East Cambs District Council, secondly whether the applicant wished to maintain the SuDS land and

appoint a management company and thirdly to transfer the SuDS to another SuDS management company. These details would remain in perpetuity.

Cllr Goodearl reminded Members that although a lot of the discussion had focussed on flooding, the client's mitigations would reduce the flooding by 55%. Cllr Goodearl proposed the Officer's recommendation for approval of the application. Cllr Brown seconded Cllr Goodearl's proposal.

Cllr Lay commented that a higher percentage of rented units within the affordable housing allocation, as seen on this application, would be beneficial to the district.

The Chairman agreed that the flooding risk would be improved, the LLFA had no objections and added that the development benefited from a substantial amount of car parking and open space and would also comply with the extra 10% biodiversity.

Cllr Akinwale proposed an additional condition, to ensure that the play areas would be accessible to children and teenagers with disabilities and SEND needs. It was agreed that this should be delegated to Planning officers to produce an appropriately worded condition.

It was resolved with 9 votes in favour, 0 votes against and 2 abstentions:

- i) That planning application ref 23/00146/RMM be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report with authority delegated to the Planning Manager to produce conditions regarding the play area being accessible to children and teenagers with disabilities and SEND needs and safety edging/hedging around the attenuation basin.

46. 23/00819/FUL - Homefield Westley Waterless Newmarket Suffolk CB8 0RG

Cassy Paterson, Planning Officer, presented a report (Y76, previously circulated) recommending approval, subject to conditions of an application seeking change of use of land from agricultural to residential garden and installation of a summerhouse, associated works and infrastructure.

Members were shown slides of the site showing the extent of the application proposal.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH 2 states that outside the defined development envelopes, development would 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 was no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. The proposal seeks the change of use of agricultural land to garden land and the installation of a

summerhouse which was not an exception listed in Policy GROWTH 2. As it was not listed as an exception the proposal was therefore contrary to GROWTH 2. However, paragraph 47 of NPPF states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. This reflected the requirements of the Planning and Compulsory Purchase Act.

- **Visual amenity** – The application would have minimal impact upon the public realm due to its position at the rear of the host dwelling and its landlocked nature. The Summerhouse would not be out of character in terms of materials and design and would therefore have no considerable impact upon the visual amenity. The site is currently laid to lawn and there is no physical boundary between the residential curtilage and the proposal site, therefore giving a domesticated presence in its current form. The addition of the summerhouse would not significantly alter the character and appearance of the countryside and would have minimal impact upon the existing habitats within the site due to the retention of the hedging and trees. It was considered that the proposal would not result in a significant adverse impact on the character and appearance of the area, nor result in significant harm to the countryside and was therefore considered to comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015.
- **Residential amenity** – It was considered that the proposal would not result in any adverse impact to residential amenity and would retain existing habitats. The proposal was considered to comply with the policies relevant to these considerations.

Whilst the proposal did not accord with Policy GROWTH 2 as it did 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 was a key aim of Policy Growth 2. The application was therefore recommended for approval.

The Chairman invited Edward Clarke from Cheffins, to address the Committee:

“I would like to take this opportunity to thank the case officer for the useful dialogue prior to and during the application process and well-reasoned and justified committee report and express my full support of the officer’s recommendation of approval. Land subject to this application forms part of the wider site known as Homefield, which was purchased by the applicant in 2022, on the understanding that the land in question was garden land, ancillary to the host dwelling and this was reflected in the sales particulars which accompany this application. Furthermore, an assessment of historic aerial photos, available on google earth, confirm that the land has been used solely for garden land, ancillary to the host dwelling in excess of ten years without any detrimental harm to the character of the area and the landscape. As you will have seen during your site visit this morning, the land is open to and connects with the existing residential curtilage of the host dwelling and the site as a whole reads as one, with the equestrian paddocks to the north providing separation between the residential curtilage and the countryside. It should be noted that the rear boundary is aligned with the rear garden boundaries of the neighbouring

dwellings and therefore not at odds with the natural divide between residential and the countryside. The proposal does not require the removal of any trees or hedges but in fact, should planning permission be granted, the applicant will continue to maintain and plant the garden thereby continuing to increase the biodiversity of the site. This application also seeks the installation of a modern summerhouse which the case officer has confirmed, would not be considered to cause harm through overshadowing, overbearing or loss of privacy through overlooking and to conclude the application has not received any objections or comments of concern and the site's sustainability will remain unchanged. This application simply seeks to regularise the historic use and install a modest summerhouse which would typically be allowed under permitted development rights. I reiterate my full support for the officer's recommendation of approval and trust the information will assist you in your debate."

Edward Clarke confirmed that the summer house would not have any water or electricity services.

Cllr Akinwale proposed the Officer's recommendation for approval of the application. Cllr Ambrose-Smith seconded Cllr Akinwale's proposal.

Cllr Brown stated he would be abstaining from the vote as he had been unable to attend the site visit earlier in the day.

It was resolved with 9 votes in favour, 0 votes against and 2 abstentions:

- i) That planning application ref 23/00819/FUL be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report.

47. 23/00830/FUL - Pump House Factory Road Burwell Cambridge CB25 0BW

Cassy Paterson, Planning Officer, presented a report (Y77, previously circulated) recommending approval, subject to the signing of the S106 Legal Agreement and conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission, for an application seeking consent to change the use of land to garden land and the construction of a cart lodge.

Members were shown slides of the site showing the extent of the application proposal. The Planning Officer explained that the pump house and cart lodge were originally granted approval in 2021.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH 2 states that outside the defined development envelopes, development would 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 was no significant adverse impact on the character of the countryside and

that other Local Plan policies are satisfied. The proposal seeks the change of use of agricultural land to garden land and the repositioning of a cart lodge which was not an exception listed in Policy GROWTH 2. As it was not listed as an exception the proposal was therefore contrary to GROWTH 2. However, paragraph 47 of NPPF states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. This reflected the requirements of the Planning and Compulsory Purchase Act.

- **Visual amenity** – The proposed change of use and repositioning of the cart lodge would have a minimal visual impact from the public realm. Due to the vast amount of biodiversity enhancement within the site and back drop of the McGowan & Rutherford factory providing an industrial screening, it would not be considered that the relocation of the cart lodge and the minor encroachment this development had on the countryside would cause significant harm in terms of visual amenity. It was considered that the proposal would not result in a significant adverse impact on the character and appearance of the area, nor result in significant harm to the countryside and was therefore considered to comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015.
- **Residential amenity** – It was considered that the proposal would not result in any adverse impacts to the residential amenity, would provide a biodiversity net gain and was acceptable in respect of flood risk. The proposal was considered to comply with the policies relevant to the conditions. The applicant had also agreed to enter into a S106.

Whilst the proposed development did not accord with Policy GROWTH 2 as it did 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 was a key aim of Policy GROWTH 2. The proposal was 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 it results in an enhancement to biodiversity and complied with all relevant Local Plan policies regarding the considerations. It was therefore considered that no demonstrable harm would arise from the proposed development. The lack of any demonstrable harm to the character of the countryside, the lack of any other detailed harm and the minor encroachment to the countryside this proposal would be considered acceptable as a departure from the Local Plan in respect of the strict application of Policy GROWTH 2. The application was therefore recommended for approval.

The Chairman invited Phil Mead, the applicant, to address the Committee:

“The Planning Officer has done a great job, demonstrating from a policy point of view and why Members should support the application. From a personal point of view and to explain why a new application had been submitted to move it not very far. When we bought the property, we did our due diligence and found out where there was a high voltage sub-station on the site into the factory next door, so we knew where all the cables were but as it transpired, later through the project, there was an older cable that was not on the original drawings and maps

therefore where we located it in our first set of plans, if we put it there, we would have effectively had to have the floor taken up if there was ever a fault in the power cable. Also, when we originally bought the property, we had thought it was an old industrial building therefore we positioned the oak framed building in front of it, to soften the visual impact but the further work we carried out, the nicer the property looked, and we receive a lot of positive comments therefore it would be disappointing to hide it. From a personal point of view, the application was through a Class Q application so in terms of residential amenity space on the site it was very tight to the property, the cart lodge was the only place to store bikes and mowers. My wife is looking to start a flower farm and therefore somewhere to safely store mowers and equipment is important and for us to be able to thrive on the site. We have also put a lot of effort into planting a lot of mature trees, with a plan to plant about 200 on site.”

In response to a question by Cllr Trapp as to where the access to the upstairs gym would be located, Mr Mead explained this would be from the outside.

The Chair asked for clarification that the building would be linked to the main house to which the Planning Officer confirmed this would be secured by a S106 Agreement.

Cllr Brown proposed the Officer’s recommendation for approval of the application. Cllr Edwards seconded Cllr Brown’s proposal.

It was resolved unanimously:

- i) That planning application ref 23/00830/FUL be APPROVED, subject to the signing of the S106 Legal Agreement, with authority delegated to the Planning Manager and Director Legal to complete the S106 and to issue the planning permission and subject to the conditions detailed in Appendix 1 of the Officer’s report as amended by the Planning Committee update sheet.

48. Planning performance reports – September 2023

Simon Ellis, Planning Manager, presented a report (Y78), (previously circulated) summarising the performance of the Planning Department in September 2023.

The Planning Manager confirmed the following points:

- Planning had met both the corporate and government targets.
- The low level of applications reflected the reduction of activity within the economy.
- The monitoring report showed 700 homes had been built in East Cambridgeshire in the last year via application.
- There was a 2,300 backlog of homes that were undetermined by Planning Services.
- The Committee had granted permission for 438 homes combined at today’s Planning Committee which showed that the Committee’s work was contributing to the maintenance of the five-year land supply, including

achieving the extra quality (that did not show up within statistics) within the Burwell development.

The Chair asked if Planning Services was 'on track' to receive 2,000 applications this year. The Planning Manager explained that this had slowed slightly, and the Service was likely to be 'on track' for 1,500 for the year but this would give the Planning Team time to work on the outstanding, bigger Planning applications

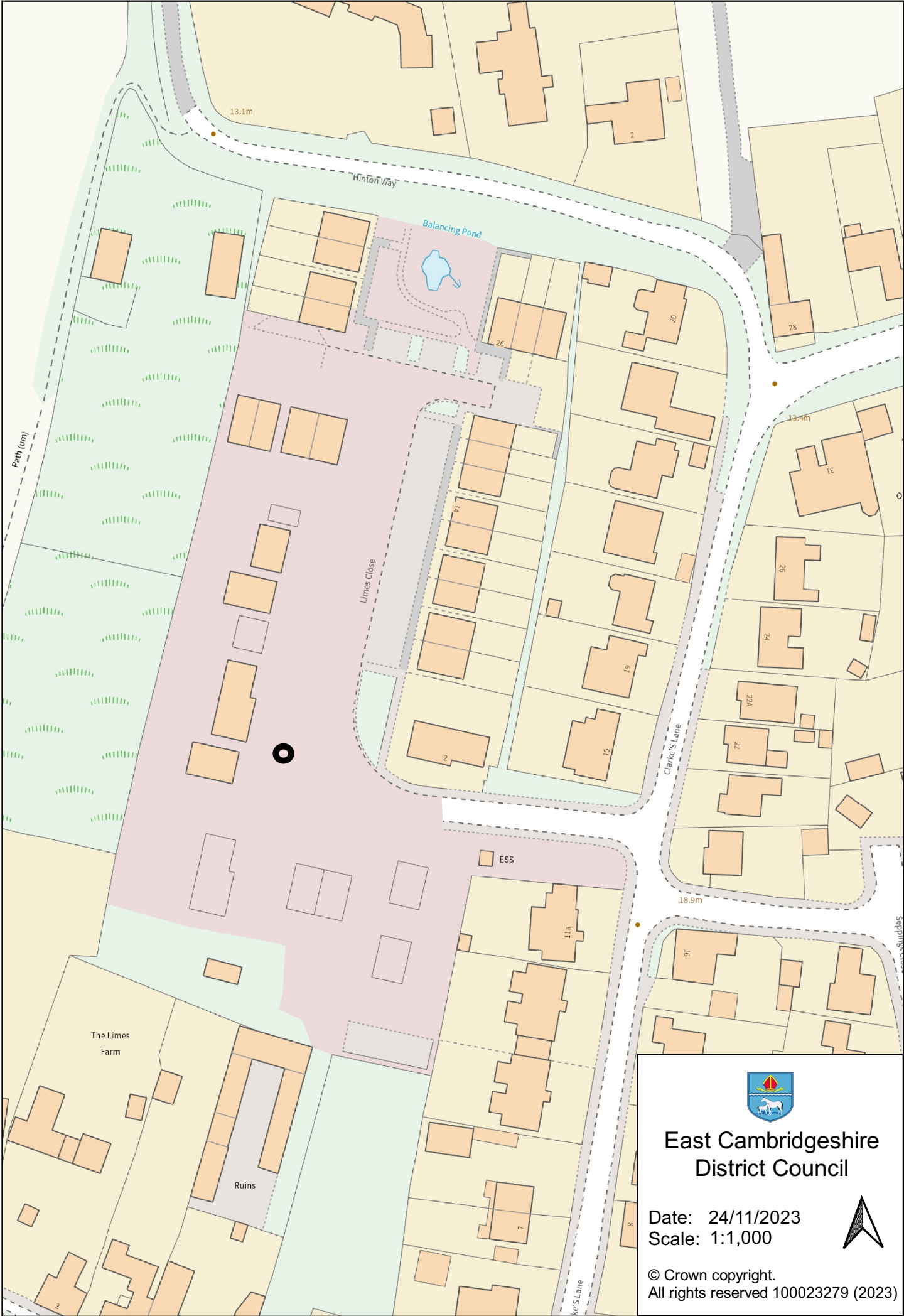
It was resolved unanimously:

That the Planning Performance Reports for September 2023 be noted.

The meeting concluded at 4:57pm.

Chairman.....

Date.....



**East Cambridgeshire
District Council**

Date: 24/11/2023
Scale: 1:1,000



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MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/09/23

Location: Land To Front Of 11-13 Limes Close Wilburton Ely
Cambridgeshire CB6 3LX

Applicant: N/A

Agent: N/A

Reference No: TPO/E/09/23

Case Officer: Kevin Drane, Trees Officer

Parish: Wilburton

Ward: Stretham
Ward Councillors: Councillor Bill Hunt
Councillor Caroline Shepherd

[REPORT NO: Y104]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for one Oak tree to the front of 11-13 Limes Close Wilburton Ely Cambridgeshire CB6 3LX. This matter is being referred to Committee due to objections received within the 28 days consultation period, which ended on 16th October 2023, and for the requirement to confirm the TPO within six months to ensure the tree is protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

The TPO is confirmed, for the following reasons: The tree is a prominent feature, visible from the public realm, in good health, it offers a significant visual contribution to the amenity of the local landscape in this part of Wilburton with the new development designed around the retention of this tree from the start.

3.0 **COSTS**

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

4.0 **BACKGROUND**

4.1 The Order was made following an email enquiring about the process for the removal of the tree by a representative of the development company and the subsequent tree officers visit to site.

4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 13th September 2022 because:

- The tree was assessed to have significant amenity value, as it makes a significant visual contribution to the local landscape in this part of Wilburton.

4.3 An objection to the serving of the TPO was received in writing from the tree owner during the statutory consultation period. The letter of objection is in Appendix 1. The details of the objection were:

- It has an excessive amount of deadwood for its age, and this significantly limit the tree's visual and aesthetic contributions to the locality.
- The ecological and environmental significance of this particular Oak tree is limited. The area already boasts extensive biodiversity, undermining the unique contribution of this tree.
- The trees squat form and low branches pose a safety risk due to children being able to climb the tree.
- The proximity of the branches to the adjacent property (within 1m) will require ongoing maintenance to prevent damage.
- The imposition of the TPO would adversely affect the development, particularly given the health and safety concerns and maintenance requirements associated with the tree.
- The proposed TPO would have a significant impact on our ongoing development project. The presence of the oak tree is limiting the layout possibilities and efficient land use, potentially leading to design compromises and increased costs.
- The preservation order would hinder the ability to optimise the residential units' layout, potentially impacting the overall quality of the development.

4.4 Support for the long-term protection of the tree was received from the Parish Council as per Appendix 2.

4.5 Given the comments received, including the objection to the serving of the TPO, it was considered appropriate for the Planning Committee Members to consider all the matter and reach a democratic decision on the future protection of the TPO Oak tree.

5.0 **CONCLUSIONS**

5.1 As part of the process for making the new TPO the tree was assessed relating to its current condition and no issues were noted relating to the foreseeable failure of the tree and there was no visible indication that the trees are in significantly poor health as per the TEMPO assessment in appendix 4.

- The amount of deadwood is likely the result of a change in soil hydrology via the draining of the site for the development and will be a short-term consequence of the tree needing to save energy while it grows new root that reach the water in the soil. Or as a result of the repeated breaching of the tree's root protection barrier and exclusion zone.
- The biodiversity of this site was removed apart from the tree to facilitate development and the biodiversity improvements to be provided by the new planting will take a number of years to come into effect. The Woodland Trust state that this native species of Oak has a rich diversity of decay and mycorrhizal fungi, and lichens on trunks and branches. Is very important for nature recovery. Over 2,300 species are associated with this species of native Oak, and 320 are entirely dependent. Can have very high insect biomass at key times, supporting masses of insect predators, such as birds. The blossom is also important for insects.
- The tree's location means it is clearly visible allowing adult supervision should children chose or be allowed to climb the tree as children have climbed trees for hundreds of years and could be prevented via the installation of a suitable fence and signage. The potential of a tree to be climbed cannot be a reason for its removal as this sort of risk management would result in the removal of thousands of trees.
- The tree's branches are in excess of 1.5m from the scaffolding on the front of the nearest property which provided a working width of 1.5m as per the photos in appendix 3 and from the site visit.
- The development was designed around the retention of this tree from the start with it being identified as a category B tree in the submitted tree report.
- With the approval of the developments layout and landscaping being confirmed the tree having a TPO on it should not affect the approved proposals or effect the developments use of the land as it was designed around the retention of the tree.
- The unit's layout has been confirmed and approved with the presence and proximity of the tree in mind.

5.2 Whilst determining if the tree was of sufficient amenity value or not is to some extent subjective, this tree is visible from the public highway. The Trees

Officer remains of the opinion that the tree make a significant visual contribution to the local landscape, the amenity and character of the area.

- 5.3 Amenity is a subjective term open to individual interpretation. The Act does not define ‘amenity’, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. A public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the trees are large and visible from the public highway as well as neighbouring gardens and they are considered to benefit the area in relation to their contribution to the landscape and therefore considered a significant public amenity.
- 5.4 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owner can then remove the tree or prune it if they wished to, without any permission required from the Council.

Appendix 1 - Letter of objection to the TPO from the tree owner.

Appendix 2 - Email of support from Wilburton Parish Council

Appendix 3 - Photograph of distance from property

Appendix 4 – Documents:

- ECDC TPO Assessment Sheet & user guide
- Copy of the TPO/E/09/23 document and plan

Background Documents

Location(s)

Contact Officer(s)

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

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

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

East Cambridgeshire District Local Plan 2015

Natural Environment – Supplementary Planning Document (SPD) Adopted 24 September 2020.

Appendix 1



Etopia Wilburton Limited

Millbank Tower
21-24 Millbank
London
SW1 4QS

FAO: Simon Ellis
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4E

Re: Objection to Proposed Tree Preservation Order (TPO/E/09/23) at Land to the front of 11-13 Limes Close, Wilburton

Dear Mr Ellis,

I am writing on behalf of Etopia Wilburton Limited, the landowner and developer of the 30 residential units situated at the location of the oak tree designated as T1 in the proposed Tree Preservation Order (TPO/E/09/23) issued on the 12th of September 2023.

We respectfully submit our objection to the proposed TPO in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, for the following compelling reasons:

1. Background:

Our Net Zero Ready Home development project is a testament to our commitment to the community's welfare and environmental responsibility. We believe that our 30 residential units will not only provide comfortable housing but also contribute to the local economy and the area's overall well-being.

2. Condition of the Tree:

The oak tree is approximately 50 years old, and regrettably is not in an ideal state. It has an excessive amount of deadwood for its age. The extensive dead branches significantly limit the

Be smart. Buy smart. Live smart.



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projectetopia.com
Reg. number: 12562413
VAT: GB279403382

Address
3rd Floor
Millbank Tower
21-24 Millbank
London
SW1P 4QP

tree's visual and aesthetic contributions to the locality. We contend that the tree's present condition does not justify the imposition of a TPO for long term public amenity.

3. Limited Ecological and Environmental Significance:

While we acknowledge the importance of preserving trees that contribute to the biodiversity and green infrastructure of an area, we assert that the ecological and environmental significance of this particular oak tree is limited. The area already boasts extensive biodiversity, undermining the unique contribution of this tree.

4. Health and Safety Concerns:

The oak tree's squat form with very low branches is a potential health hazard. Situated in the centre of a development of 30 residential units, the tree is easily accessible to children who might be tempted to climb its branches, posing significant safety risks. Moreover, the proximity of the tree branches to adjacent properties (within 1 meter) necessitates ongoing maintenance to mitigate risks to property and residents. There is a genuine concern and risk that the management company, to be owned by the residents of the development, may not want or be able to fulfil the required maintenance obligations to an adequate level.

5. Impact on Approved Development Plans:

The council granted planning permission for the development of 30 residential units at this site, an indication of the alignment of our development plans with the broader community interests and planning standards. The imposition of the TPO would adversely affect the development, particularly given the health and safety concerns and maintenance requirements associated with the tree.

The proposed TPO would have a significant impact on our ongoing development project. The presence of the oak tree is limiting the layout possibilities and efficient land use, potentially leading to design compromises and increased costs. The preservation order would hinder our ability to optimise the residential units' layout, potentially impacting the overall quality of the development.

Alternative Solutions:

We are committed to enhancing the environmental quality and biodiversity of the area. To this end, we propose the following alternative solutions:

Be smart. Buy smart. Live smart.



Etopia Wilburton Ltd
020 3781 8444
info@projectetopia.com
projectetopia.com
Reg. number: 12562413
VAT: GB279403382

Address
3rd Floor
Millbank Tower
21-24 Millbank
London
SW1P 4QP

a. **Removal and Replacement:** Safely remove the oak tree and replace it with a suitable planting of mid-level bushes and shrubs, which will themselves further enhance the local biodiversity and do not present similar health and safety risks, ensuring enhancement of both the aesthetic and ecological value of the area.

b. **Maintenance Plan:** If the TPO is to proceed, we strongly urge the establishment of a comprehensive maintenance plan to address the deadwood and proximity issues, ensuring the safety and amenity value of the tree are upheld. The financial and logistical responsibility for this maintenance should be clarified.

We request that these objections and alternative proposals be duly considered in the evaluation of the proposed TPO. We are open to collaborative discussions to reach a resolution that upholds the safety, amenity, and ecological value of the area.

Yours sincerely,

Stephen Auda

(Director)

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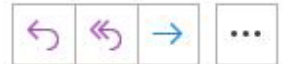
SW1P 4QP

Appendix 2

[EXTERNAL] FW: New Tree Preservation Order TPO E/09/23 Oak tree Land To Fro...



Andrew Milne <clerk2@wilburtonparishcouncil.org>
To: Kevin Drane



17/10/2023

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Andrew Milne <clerk2@wilburtonparishcouncil.org>

Hello Kevin,

Thank you for your e mail, just to advise we do not have any objections to the TPO on this tree and support the order.

Best Wishes

Andy Milne

From: [Wilburton Parish Council](#)

Sent: 17 October 2023 12:12

To: [Andy Milne](#)

Subject: Re: New Tree Preservation Order TPO E/09/23 Oak tree Land To Front Of 11-13 Limes Close Wilburton

Hi Andy. We didn't have any objections to registering the trees as protected if you would let them know that please. We are happy with the plans to put TPO on those trees Especially considering it's a development that runs on the exceptions created by being an eco friendly development.

Thanks John

John
Sent from my iPhone

Appendix 3



Appendix 4

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location		11-13 Limes Close Wilburton Ely Cambridgeshire CB6 3LX	
Date:	08/09/2023	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
T1	Pedunculate Oak low squat form, estimated age of 50yrs, normal amount of deadwood for age and species	Located to front of the new properties approx. 12-14m away

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes = 5 some deadwood present but normal for age and species

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

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

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

Score & Notes = 5 the development has provided sufficient space for the future growth potential of the tree

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes = 4 medium sized tree with clear visibility within the site and from Clarkes Lane

d) Other factors

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

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

Score & Notes = 1 a single tree relatively common for the area though the species does have a very high habitat potential

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes = 5 an email has been received indication the developer's intention to remove the tree (currently only protected by planning condition)

Part 3: Decision guide

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

Add Scores for Total:
= 20

Decision:
Serve TPO ASAP due to risk of removal.

TEMPO
Tree Evaluation Method for Preservation Orders A systematised assessment tool for TPO suitability
GUIDANCE NOTE FOR USERS

Part 1: Amenity Assessment

a) Condition

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

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

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

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

DEAD Tree with no indication of life

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

DANGEROUS irremediable structural defects, including advanced decay and insecure roothold.

For trees in good or fair condition that have poor form deduct one point.

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

b) Retention span

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005 TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

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

c) Relative public visibility

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

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

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

Sub-total 1

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

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

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

d) Other factors

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

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups.
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups.
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree

placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus, whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply.

- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principal individuals are good examples of their species.

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

Sub-total 2

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

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

Part 2: Expediency assessment

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

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

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

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

Part 3: Decision Guide

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

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

Dated: 12th September 2023

TPO/E/09/23

=====

TOWN AND COUNTRY PLANNING ACT 1990

=====

TREE

PRESERVATION

ORDER

Relating to: - Land To Front Of 11-13 Limes Close Wilburton Ely
Cambridgeshire CB6 3LX

=====

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

=====

ORDER.TPO

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

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Tree Preservation Order at Land To Front Of 11-13 Limes Close Wilburton Ely
Cambridgeshire CB6 3LX , TPO/E/09/23 2022**

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

Citation

1. This Order may be cited as the Tree Preservation Order at Land To Front Of 11-13 Limes Close Wilburton Ely Cambridgeshire CB6 3LX , TPO/E/09/23 2022

Interpretation

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

Effect

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

Application to trees to be planted pursuant to a condition

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

Dated this 12th day of September 2023

Signed on behalf of the East Cambridgeshire District Council



.....
Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by East Cambridgeshire District Council without modification
on the day of
OR

This Order was confirmed by East Cambridgeshire District Council, subject to the
modifications indicated by , on the day of

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by East Cambridgeshire District Council
on the day of

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the East Cambridgeshire District Council on the day of
under the reference number

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the East Cambridgeshire District Council on the day of
under the reference number

.....
Authorised by the Council to sign in that behalf

**SCHEDULE
SPECIFICATION OF TREES**

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Pedunculate Oak low squat form, estimated age of 50yrs, normal amount of deadwood for age and species	Located to front of the new properties approx. 12-14m away

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

Reference on map	Description	Situation
	NONE	

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

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

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



**East Cambridgeshire
District Council**

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

**TREE PRESERVATION
ORDER**

No. E/09/23

Land to the Front of
11-13 Limes Close
Wilburton
Ely
Cambridgeshire
CB6 3LX

T1 - Pedunculate Oak

PLANNING SERVICE

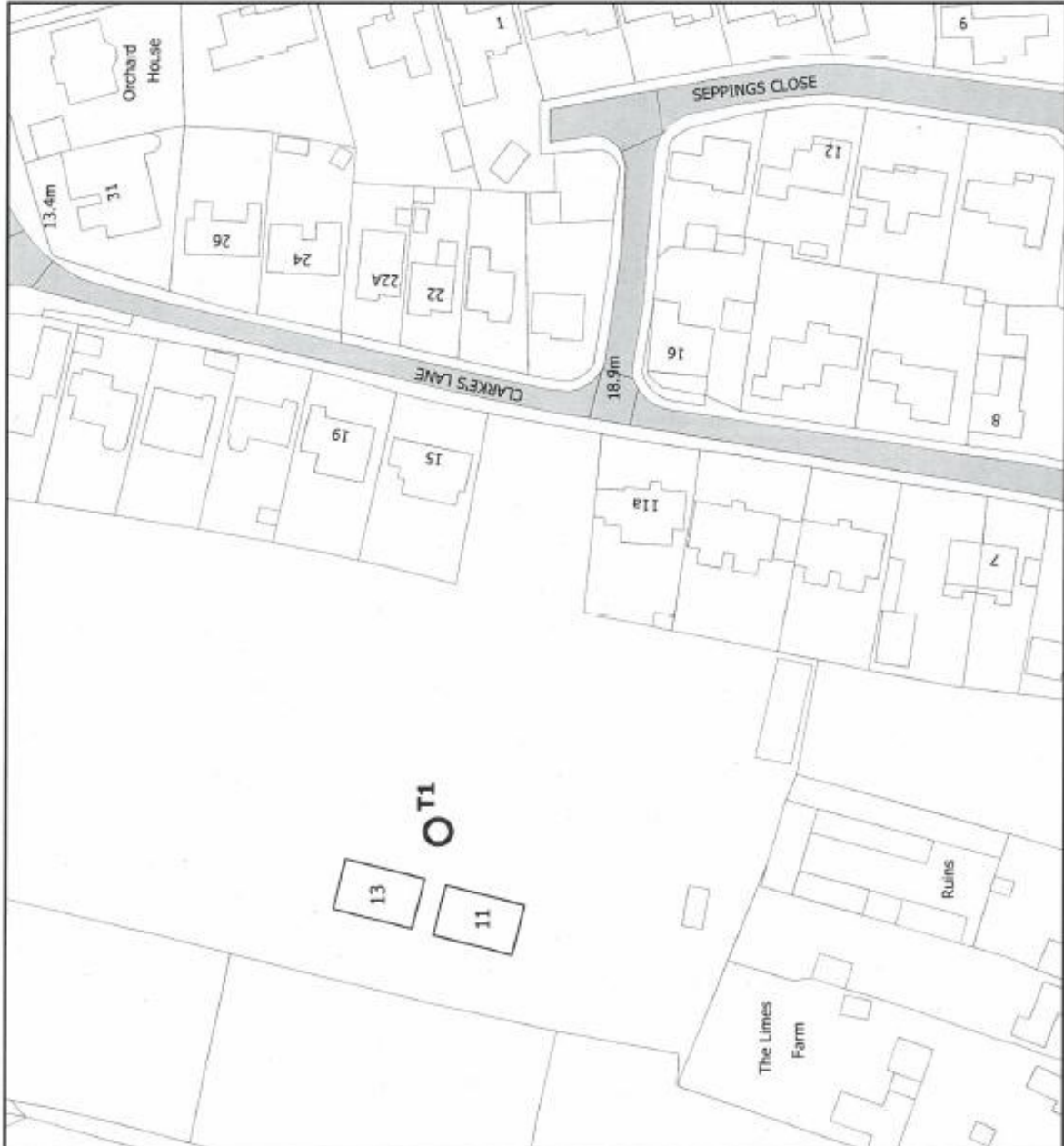
The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
S. Ellis, Planning Manager

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



Date: 11/09/2023
Scale: 1:1,000

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23/00305/FUL

22 Mill Street

Isleham

Ely

CB7 5RY

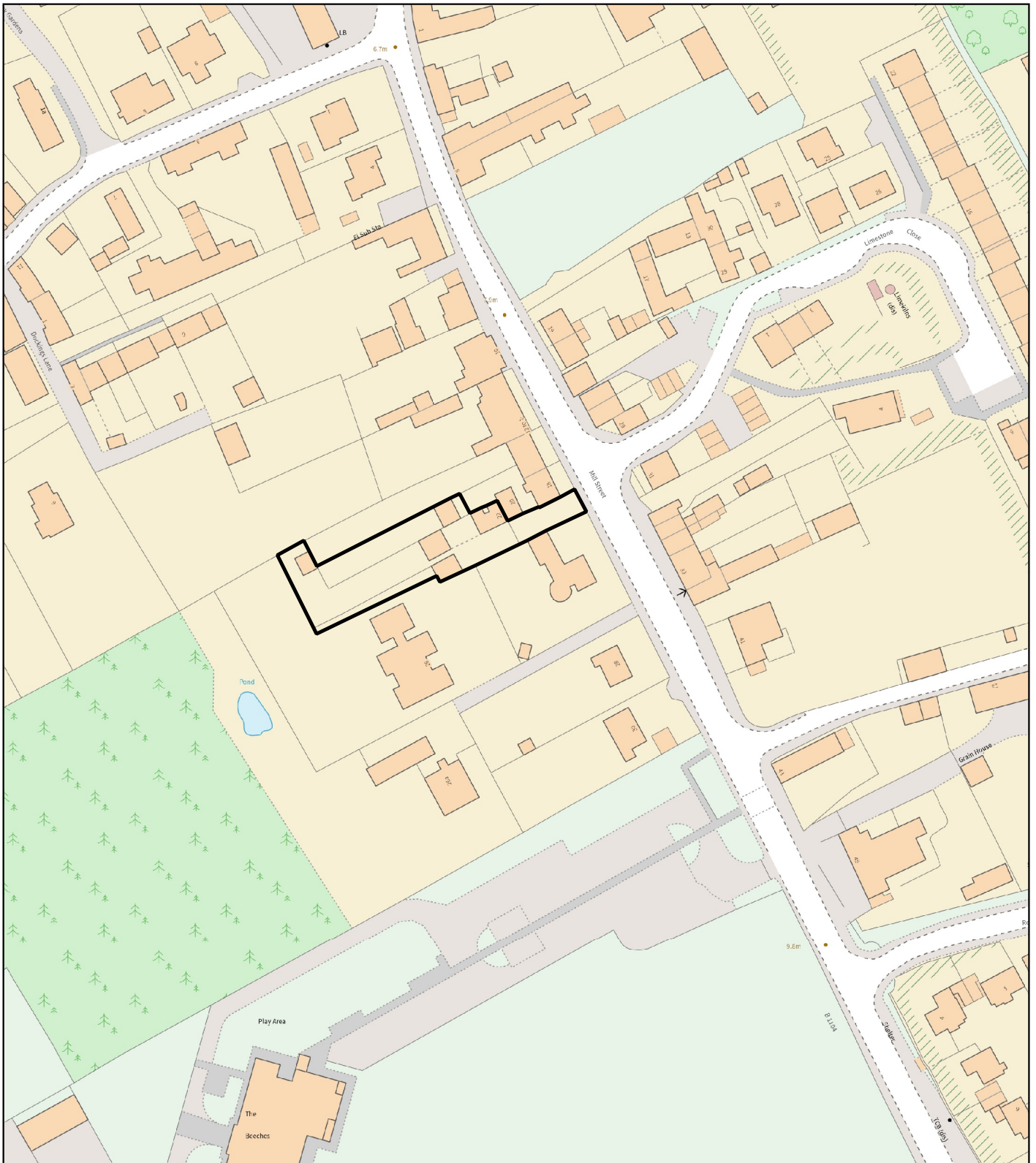
Proposed 3 bed chalet dwelling, outbuildings, and associated works

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=RTO8WMGG0CT00>



AGENDA ITEM 6



23/00305/FUL

22 Mill Street
Isleham



East Cambridgeshire
District Council

Date: 21/11/2023
Scale: 1:1,500



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TITLE: 23/00305/FUL

Committee: Planning Committee

Date: 6 December 2023

Author: Planning Officer

Report No: 105

Contact Officer: Charlotte Elston, Planning Officer
Charlotte.Elston@eastcamb.gov.uk
01353 616353
Room No 011 The Grange Ely

Site Address: 22 Mill Street Isleham Ely Cambridgeshire CB7 5RY

Proposal: Proposed 3 bed chalet dwelling, outbuildings, and associated works

Applicant: Mr & Mrs A Clarke

Parish: Isleham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Kelli Pettitt

Date Received: 25 April 2023

Expiry Date: 12 December 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 of the report.

- 1 Approved Plans
- 2 Timescales for Implementation
- 3 Materials
- 4 Removal of PD Rights – Gates and Fences
- 5 Prior to first occupation – condition for on-site parking and turning
- 6 Biodiversity
- 7 PD Obscure Glaze to bathroom window
- 8 Unexpected Contamination
- 9 Foul and Surface water drainage
- 10 Landscaping Scheme
- 11 Boundary Treatments

- 12 Construction Times – Standard
- 13 Piling Foundations
- 14 Lighting

2.0 SUMMARY OF APPLICATION

- 2.1 This application seeks consent for the erection of a 3-bedroom chalet dwelling with outbuilding, and associated works. The proposals include the demolition of an existing garage and timber shed to allow access to the rear of the site, a re-arrangement of the existing parking for No. 20 and No.22 Mill Street, and a suitable turning area for vehicles to leave the site in a forward gear.
- 2.2 The site would be accessed via the existing access from Mill Street with the removal of two existing garages.
- 2.3 The proposed dwelling is of modest and relatively traditional design, to be constructed of a rendered finish with brick plinth and roof tiles to match the surrounding dwellings. The porch to the front of the dwelling would be constructed of timber. The materials to be used in this proposal, if approved, would be appropriately conditioned.
- 2.4 The proposed dwelling would measure 12.6m wide (41.3ft), by 8.7 metres (28.5ft) in depth, 3.8m (12.4ft) to the eaves, and 7.1m (23ft) to the ridge.
- 2.5 The proposed outbuilding would measure 6.5m (21ft) in width, 5.5 (18ft) in depth, 2.5m (8ft) to the eaves, and 4m (13ft) to the ridge.
- 2.6 The proposed dwelling is set back c.53m from the highway (Mill Street), 29.5m from the rear elevation on No.22, and c.48m from the rear elevation on No.16 Mill Street.
- 2.7 Amendments have been received throughout the course of the application to remove gates proposed to rear plot, changes to the turning provision on site, and provide demonstration of delivery vehicle turning.
- 2.8 This application was called-in to Planning Committee by Cllr Huffer, due to ‘shared grave concerns about the impact of this development on neighbouring properties.’
- 2.9 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

22/00484/FUL	Proposed 3 bed chalet dwelling, garage, and associated works	Withdrawn	12 August 2022
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3.1 Adjacent Planning History

18/00276/FUL	Replacement Dwelling, Annexe, revised access, and triple carport	Approved at Committee	2 August 2018
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The area of land proposed for the new dwelling is currently residential garden land and is located within the Development Envelope for Isleham. The site is located within the Isleham Conservation area, with the nearest listed buildings to the front of the site at No.18 Mill Street.
- 4.2 The host site is the garden to No. 22 Mill Street. To the front of the site are No. 18 and 20 Mill Street, all of which are under the applicant's ownership. Both No.18 and 22 have existing rear garden space, whereas No.20 does not have a formal garden area.
- 4.3 The existing garden has a mixture of fencing to the boundary of No.26 Mill Street (the large new dwelling to the rear) and that of No.18 existing garden. There is a tall hedgerow on the southern boundary towards the rear of the site which continues around the rear of the site.
- 4.4 The site is bound by residential gardens on all boundaries with a large new dwelling located to the south. This was granted permission in 2018, for a replacement dwelling.
- 4.5 The existing gardens along the west side of Mill Street are in a South Western orientation.
- 4.6 Beyond the rear boundary, is the garden of No.26 that wraps round to line up with the dog leg area of garden that is under ownership of No.22. Further beyond the rear boundary is a large woodland area with tall mature trees.
- 4.7 Access to the site is via a wide driveway from Mill Street which leads to No.20 and No.22. which is located behind a gate. The gate will be removed as part of this planning application.
- 4.8 Parking currently is located along the driveway access from Mill Street for No. 20 and 22, with a garage to the rear of the properties, and a timber shed. No.18 currently parks on the public highway to the front of the site.

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.

Isleham Parish - 16 May 2023

Although Councillors note the amendments made to the previous application, we wish to reiterate the following objections to the development of this site.

- We do not believe this application meets the requirements set out in our recently approved Neighbourhood Plan, particularly Policy 3 Character and Design including appendix 5 as well as standard Material Considerations
- Delivering a quantum of development that is appropriate for the site, taking into account the site size and shape, making the best use of the site given its context; We would deem this to be an over development of the existing site.
- Not resulting in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties in particular the size and positioning of the various buildings would result in a significant loss of natural light to neighbouring properties.
- Number 20 Mill Street would lose all its existing garden if approved.
- Responding to important characteristics of the surrounding area including views, buildings and their materials and design features, building heights, space between buildings, heritage assets, and trees; The design would not be in keeping with either the existing or neighbouring properties.
- To maintain and enhance the village character described above, all new development should:
 - maintain and enhance valued landscapes, views throughout the village and the wide views across farmland to and from the village. This proposal would remove the natural view up this roadway and impact on the listed property (number 18 Mill Street)
 - be in keeping with the scale of surroundings and avoid overbearing impact on neighbouring properties. See above.

Infill should:

- adopt the scale, density and grain of the context area and units should not form a continuous perimeter nor block views or routes (even informal) through the village or to the countryside.
- be in proportion to its plot and location within the village.
- the scale and massing of each building should as a rule be no bigger or higher than the existing building and no higher than the surrounding buildings, to distinguish back land development from the older linear village pattern. This is not the case with this proposal.
- it should be seen as subordinate to existing dwellings on the original plot. New dwellings may have the same overall number of storeys as the existing dwelling, but occupy a smaller footprint, and should 'read' as subordinate. The proposed footprint of this new development would be approximately 60% bigger than the existing building and would dominate existing properties.

- It should also be noted that we wish this application to be called in to the planning committee should there be any suggestion that it would be approved.

Ward Councillors – Cllr Julia Huffer has requested this is presented to planning committee as she has some concerns with the proposal.

Local Highways Authority - 8 November 2023

The latest proposals as shown on drawing 04 / 2758r / 23 revision D address my previous comments and provided the access to the new dwelling remains ungated, I have no objection.

Please append the following Conditions to any permission granted:

HW8A: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending, or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on 04 / 2758r / 23 revision D.

HW16A: Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan 04 / 2758r / 23 revision D and thereafter retained for that specific use.

Local Highways Authority - 25 September 2023

I have reviewed the latest site plan and it has not addressed my previous comments (19th May 2023 and 8th August 2023) relating to vehicle turning if anything it is a step backwards.

Due to the distance of the dwellings from Mill Street, I consider it unlikely that deliveries would take place from the highway and would in many cases enter the site. As the access to the new dwelling and its associated parking and turning area is shown as gated, any deliveries or visitors to new proposed dwelling will most likely need to reverse out of the site via an access with restricted visibility. This issue can be mitigated by removing the access gates.

The proposals will therefore be detrimental to highway safety (principally towards passing pedestrians). Due to the limited scale of development, the adverse impact is modest but entirely avoidable, so I therefore recommend the applicant amend their proposals accordingly.

Please consider this email as my formal consultation response.

Local Highways Authority - 9 August 2023

My previous response dated 19th May 2023 remains applicable. While the revised site plan has amended the gate location to allow for vehicle turning, the maneuver is reliant upon using a parking space allocated to no. 20, meaning it is not necessarily usable for delivery vehicles required to service the proposed dwelling. To mitigate the risk of vehicles reversing onto Mill Street, a turning area suitable for a modest sized delivery vehicle (e.g., panel or box van) must be provided which is ungated and independent of private parking.

While I note the existing layout also lacks such turning provision, the proposed dwelling is set further away from the highway, increasing the likelihood of delivery vehicles needing to enter the site.

Local Highways Authority - 19 May 2023

On the basis of the information submitted, I have no objections in principle, however, the following points require attention to make the development acceptable in highway terms:

The existing access is sub-standard by virtue of restricted width and visibility. The applicant has proposed design changes to the access to achieve a suitable width for vehicle passing, introduce a metalled surface for an initial length and introduce a drainage channel. I consider this mitigation appropriate to offset the impact associated with the intensification of use.

An area suitable for turning of domestic vehicles and modest delivery vehicles (e.g., box vans) has been included to the front of the new dwelling. However, this area must be retained un gated so as to allow unfettered access to the turning area.

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, possibly of refusal.

Conservation Officer - 31 May 2023

Comments:

The application site is within 50m of NHLE ref 1126436 No 18 Mill Street, a Grade II listed C18 building (which forms a pair with the unlisted No 16) located within the Isleham conservation area. However, the intervening presence of Nos 20 & 22 Mill Street to the rear of No 18 limit any intervisibility, so the proposal is not considered to have any undue impact on the latter's setting.

Recommendation: no objection

Waste Strategy (ECDC) - 9 May 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.

- 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.

ECDC Trees Team - 22 May 2023

No tree related implications but soft landscaping will be a key part of integrating the proposal into the surrounding area, softening its appearance and screening.

The Ely Group of Internal Drainage Board - 7 September 2023

The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the district.

CCC Growth & Development - No Comments Received

Cambridgeshire Fire and Rescue Service - No Comments Received

- 5.2 A site notice was displayed near the site on 18 May 2023 and a press advert was published in the Cambridge Evening News on 11 May 2023.
- 5.3 Neighbours – 12no. neighbouring properties were notified, and the responses received are summarised below. A full copy of the responses are available on the Council's website. The 7no. objection letters received to the application are from No.16 Mill Street only.
- The proposed application occupies a larger floorspace than No.16-22 Mill Street and is approximately 1-1.5m higher to the ridge.
 - The proposed dwelling would overshadow the fruit and vegetable growing area that covers 'the last 36m of the garden'.
 - There is a hedge to be remove on site, yet this is not mentioned on the application form.
 - Proposals states the garden of No.20 and No.22 but does not mention the 40m of garden land recently owned by No.18 to be used for the proposals. 'Will mean that No.20 will never have any garden in the future.
 - Because of the positioning of this proposed house and outbuilding on the site, we are the only house impacted by this proposal as the applicant owns the 3 adjoining properties and a relative owns the other at no. 26. The lack of other objections should be read bearing this in mind; the proposed new build being on our southern border, impacts us – no one else.

- We appreciate that this resubmitted proposal has removed the garage that was directly in front of our greenhouse, but the scale of the proposed house – is still too large for the site and has too great an impact on us, including on the vegetable and fruit patch that covers the last 36m of the garden for No.16 Mill Street.
- The Mill Street area is within the conservation zone and such large infill buildings detract from the intended character of the area.
- My objection to the proposal is, again, based on the Village Plan. I understood that this type of infill housing should be subservient to existing properties, and the proposal appears to be too large.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1	Levels of housing, employment, and retail growth
GROWTH 2	Locational strategy
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

6.2 Isleham Neighbourhood Plan 2022

Policy 1a	Housing Growth
Policy 2	Isleham's Development Envelope
Policy 3	Character & Design
Policy 10	Car Parking
Policy 11	Cycle Parking & Storage

6.3 Supplementary Planning Documents

Design Guide
 Flood and Water
 Natural Environment SPD
 Climate Change SPD

6.4 National Planning Policy Framework 2023

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes

- 4 Decision-making
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding, and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

(including reference to relevant and specific planning policies)

The main issues to consider in the determination of this application are the principle of development; impact it may have on the residential amenity of neighbouring occupiers and the impact it may have on the visual appearance and character of the wider area.

7.1 **Principle of Development**

7.1.1 Policy GROWTH 2 of the ECDC Local Plan 2015 (as amended 2023) permits development within the policy defined development envelope – within which the application site lies – provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.

7.1.2 The proposal is therefore considered to be acceptable in principle and also in compliance with Policy 1a and Policy 2 of the Isleham Neighbourhood Plan, subject to the proposals satisfying the requirements of other relevant policies and material considerations.

7.1.3 Policy GROWTH 5 of the ECDC Local Plan 2015 (as amended 2023) also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.

7.2 **Character and Appearance**

7.2.1 In terms of visual amenity, Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials, and colour relate sympathetically to the surrounding area and each other. Policy ENV2 requires all development proposals to be designed to a high quality, enhancing, and complementing the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.

7.2.2 Policy 3 Character and Design of the Isleham Neighbourhood Plan also requires proposals to ensure the location, quantum of development, form and massing is appropriate for the site, taking into account the context of the site, and important characteristics of the surrounding areas, including materials and design features, and heritage assets. Proposals should also ensure that new development is reflective of the low (two storeys or fewer) character present in the village and include visual interest to the architectural design of the dwelling.

- 7.2.3 The proposed dwelling is a 1 and a half storey 3-bedroom chalet style dwelling approximately 7.1 metres in height (23ft). The number of proposed height is respective of the surrounding dwellings and presents a modest size home. A neighbouring application as listed in the above planning history section identifies a much larger, modern home that was approved by committee in August 2018.
- 7.2.4 The adjacent dwelling measures at the same height of 7.1 metres (23ft), with a width of 25 metres (82ft) and depth of 15.7 metres (49ft) with an overall ground floor area of 375 square metres (4036 sq. Ft). This is significantly larger than what is being proposed. The proposed dwelling has a floor area of 109 square metres (1173 sq. Ft) which is 70% smaller than the neighbouring property. The site area of the neighbouring dwelling was 2614 square metres (0.6 acres), with the proposed site area of this application 700 square metres (0.1 acre). The total build of the adjoining neighbouring and this proposal is comparable. The site area is in excess of what is required of the Design Guide SPD
- 7.2.5 On the previous application submitted for this site (withdrawn:22/00484/FUL) a garage was included in the proposals. This has been removed in these proposals in the desire to reduce any potential overlooking or overbearingness of the proposals on neighbouring dwellings. However, in removing this element also enables the site to allow for more open space and less built form within the site.
- 7.2.6 When looking the context of the proposed dwelling, it would form the third dwelling in a backland location along Mill Street, that closely sits against a substantial woodland. The proposed dwelling like the neighbouring dwelling takes access from an existing driveway from Mill Street. As seen on the neighbouring backland dwellings, they are detached in nature, with large rear gardens. This application is proposing a modest size detached dwelling that is therefore responding to its context.
- 7.2.7 The positioning of the proposed dwelling is set back from the existing dwellings on this site and is located approximately 23.5m (75 ft) west of the garden of No.16. It is not considered that this application will provide a sense of overbearing to the neighbouring dwellings, as the proposals are for a 1 and a half storey dwelling set a substantial distance from neighbouring dwellings.
- 7.2.8 Taken the existing pattern of the streetscene where there are already examples of dwellings sitting behind those on Mill Street, the site is comparable to its adjoining neighbours. On this basis the proposal is considered to maintain the character of the area.
- 7.3 **Residential Amenity**
- 7.3.1 Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) 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.
- 7.3.2 The application seeks to build an outbuilding where existing outbuildings are currently located in the dog leg area of garden. The building would be approximately 43m from the rear of No.16 Mill Street, of which the garden of No.16 abuts the boundary where

this outbuilding will be placed. Officers consider the siting of the outbuilding to be of considerable distance from neighbouring dwellings and by nature of its single storey nature (2.5m (8ft) to the eaves, and 4m (13ft) to the ridge, would, therefore not be considered to cause harm through overshadowing, overbearing or loss of privacy through overlooking. It is not considered that the size of the outbuilding would be substantially taller than those currently in situ, and therefore it is not anticipated that any harm substantial harm would come of the construction.

- 7.3.3 The proposed dwelling would have in excess of 50m² rear private amenity space, in accordance with guidance contained within the Council's Design Guide SPD. In addition, the changes proposed to the existing amenity space of No.22 would still be in accordance with the Council's Design Guide SPD. The garden to No.18 would remain the same as existing, with a shortening of the garden to No.20 to accommodate the proposed parking arrangements. The new proposed rear amenity space for No.22 is 98.9m² (324 sq. ft.).
- 7.3.4 The dormer windows to the front of the dwellings are occupied by a bedroom on the left and a family bathroom on the right (closest to the neighbour rear amenity space). As the right window closest to the neighbour is for a bathroom, which is considered not be a habitable room, any potential impact for overlooking is minimised. No overlooking will occur due to the side elevations as there are no side windows at a first floor levels, and no overlooking will occur to rear, as there is only one neighbour to the south and a woodland to the west.
- 7.3.5 The distance between the front first floor windows of the proposed dwelling and the existing first floor window of No.22 is 30m, which is significantly in excess of the requirements within the Council's Design Guide SPD.
- 7.3.6 As stated previously, the proposed dwelling is circa 43m (101ft) from the rear of dwelling fronting Mill Street, and therefore is not considered to be overbearing in nature.
- 7.3.7 The proposals are therefore considered to be acceptable in line with Policy ENV 2 of the ECDC Local Plan 2015 (as amended 2023), and Policies 1a, 2 and 3 of the 3 Isleham Neighbourhood Plan.

7.4 Visual Amenity

- 7.4.1 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.
- 7.4.2 Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing, and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials, and

colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

- 7.4.3 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.4.4 The design is considered to be in keeping with the character of the area and the context of the site in accordance with Policy ENV 2 of the ECDC Local Plan 2015 (as amended 2023) and Policy 3 of the Isleham Neighbourhood Plan. Whilst it is accepted the dwelling has not fully confirmed its materials with regard to colour, it is anticipated a condition for materials would be suitable if this application was to be approved.
- 7.4.5 Additionally, the design and proposed materials that have been outlined on the Site Plan as proposed 04/2758r/04 Rev D and Elevation Plans are sympathetic to the character of the dwellings that front Mill Street, and No. 20 and 22, within this site. It is important to note the approved replacement dwelling, annexe, and triple car port to the immediate west of the site that has particularly modern features and materials. This neighbouring dwelling was consented at committee with the materials known at the time as light grey aluminium windows, Crest – hardwood Blend brickwork with white mortar, vertical larch cladding allowed to grey over time, light grey fascia boards and inclined soffits and Spanish slate roof tiles. The consented dwelling also included a substantial quantity of glazing to the front elevation and high-pitched gable end roofs.
- 7.4.6 The dwelling proposed in this application includes smaller windows that are sympathetic to the design of and characteristics of neighbouring dwellings within the conservation area and are considered to be of beautiful design in accordance with the NPPF.
- 7.4.7 The proposed dwelling is also a 3-bedroom chalet style home in closer context to the surrounding existing dwellings, and smaller than the neighbouring No.26 consented under 18/00276/FUL which is a 5-bedroom house and link attached annexe. It is therefore considered that this proposal is in accordance with Policies ENV1, ENV2, HOU2 of the ECDC Local Plan 2015 (as amended), Policy 3 of the Isleham Neighbourhood Plan, the NPPF, and Design Guide SPD.

7.5 Historic Environment

- 7.5.1 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 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 or better reveal the significance of the heritage asset
 - Not materially harm the immediate or wider setting of the Listed Building
 - Facilitate the long-term preservation of the building

- 7.5.2 When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 7.5.3 As previously discussed in this report, the proposals will be removing a garage and timber shed from the middle of the site to provide access to a dwelling at the rear. The proposed dwelling will be circa 53m (173ft) from the highway, and therefore it is considered any visual impact on the proposed dwelling on the streetscape or the visual and physical setting of the listed building at No.18 Mill Street is neutral and therefore the public benefits of the scheme do not need to weigh against. .
- 7.5.4 Comments have been provided by the Councils Conservation Officer which can be summarised as follows: The application site is within 50m of NHLE ref 1126436 No 18 Mill Street, a Grade II listed C18 building (which forms a pair with the unlisted No 16) located within the Isleham conservation area. However, the intervening presence of Nos 20 & 22 Mill Street to the rear of No 18 limit any intervisibility, so the proposal is not considered to have any undue impact on the latter’s setting. Recommendation: No objection.
- 7.5.5 Taking into consideration the Conservation Officers comments and the lack of visual impact on the Conservation Area the proposal is considered to have a neutral impact on the heritage assets and therefore complies with policies ENV11, ENV12 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and the NPPF.

7.6 Highways

- 7.6.1 Policy COM 8 of the ECDC Local Plan 2015 (as amended 2023) seeks to ensure that proposals provide adequate levels of parking (two parking spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 (as amended 2023) require proposals to provide safe and convenient access to the highway network.
- 7.6.2 Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 7.6.3 Policy COM8 of the ECDC Local Plan 2015 (as amended 2023) requires 2 spaces for the proposed dwelling. The application proposals provide the required 2 spaces for No.20 (relocated to the middle of the site from the access drive) and 22 on site. No.18 will continue to park on the highway as has always been the case for this site.
- 7.6.4 Three parking spaces have proposed for the new dwelling, which exceeds the required level of 2 spaces per dwelling.
- 7.6.5 The Local Highways Authority has commented on this application as it has development since submission. The proposals shown on drawing 04/2758r/23

Revision D address the previous comments and concerns about the proposals, provided the access to the new dwelling remains un gated. Conditions recommended by the Local Highways Authority can be added to this application should it be approved at Committee.

7.6.6 For the above reasons, it is considered that the proposals would accord with the objectives of policies COM 7 and COM 8 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023), and Policies 10 and 11 of the Isleham Neighbourhood Plan.

7.7 Biodiversity, Trees, and Ecology

7.7.1 Policy ENV1 of the Local Plan 2015 (as amended 2023) requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECDC Local Plan 2015 (as amended 2023) seeks 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.

7.7.2 The Natural Environment SPD Policy SPD.NE6 also requires that all; new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

7.7.3 Notwithstanding, the development proposal triggers the above requirement for biodiversity net gain. It is considered the application site presents ample opportunities for securing a significant biodiversity net gain. Some information has been put forward to suggest compliance with the above policy requirements for the specific proposals put forwards. This can be found on the Site Plan as Proposed drawing number 04/2758r/23 Rev D.

7.7.4 The provisions include hibernation homes for hedgehogs and other wildlife, swift boxes under the eaves, a row of bee blocks, and a landscaping area which is to be seeded with native planting including night scented plants, that are beneficial to bats. This is considered to be acceptable in order for the proposals to comply with the above policies.

7.8 Flood Risk and Drainage

7.8.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential test and exception test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1.

7.8.2 The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. The Ely Group of Internal Drainage Board has comments that the application states that surface water will be disposed of via soakaways and provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be

re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the district.

7.8.3 Therefore, Officers consider the current proposed drainage to be in accordance with policy and ENV8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

7.9 Climate Change

7.9.1 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.'

7.9.2 The adopted Climate Change SPD and Chapter 14 of the NPPF encourages all development to include sustainability measures within their proposal. No specific measures have been put forward as part of the application other than the use of Solar Panels on the proposed outbuilding. While this does weigh against the application, it would not form a reason for refusal on its own merit due to the minor scale and nature of the proposed development.

8.0 Planning Balance

8.0.1 The proposal is considered to be acceptable in all other aspects including impacts of the proposal upon the character and appearance of neighbouring occupiers, residential amenity, and highways 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.

8.1 Costs

8.1.1 An appeal can be lodged against a refusal of planning permission, or a condition imposed upon 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 throughout the appeal process) then a costs award can be made against the Council.

8.1.2 Unreasonable behaviour can be either procedural i.e., relating to the way 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 of a condition.

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

9.0 APPENDICES

9.1 Appendix 1: Recommended Conditions

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

04 / 2758R / 23	Rev D	19th October 2023
01 / 2758R / 23		25th April 2023
02 / 2758R / 23		25th April 2023
03 / 2758R / 23		25th April 2023
05 / 2758R / 23		25th April 2023
06 / 2758R / 23		25th April 2023
07 / 2758R / 23		25th April 2023
08 / 2758R / 23		25th April 2023
Design & Access Statement		25th April 2023

1 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

2 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

3 No above ground construction shall take place on site until details of the external materials and colours to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

3 To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

4 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending, or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on 04 / 2758r / 23 revision D.

- 4 In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan 04 / 2758r / 23 revision D and thereafter retained for that specific use.
- 5 In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 6 To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 7 The first floor window on the front elevation, situated in the bathroom shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 7 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.
- 8 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.
- 9 No development shall take place until a scheme to dispose of foul water and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of the dwelling.
- 9 To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require

applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 10 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted, or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of the dwelling.
- 11 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 12 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 13 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 14 To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in

accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

Background Documents

23/00305/FUL

22/00484/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>

23/00894/FUL

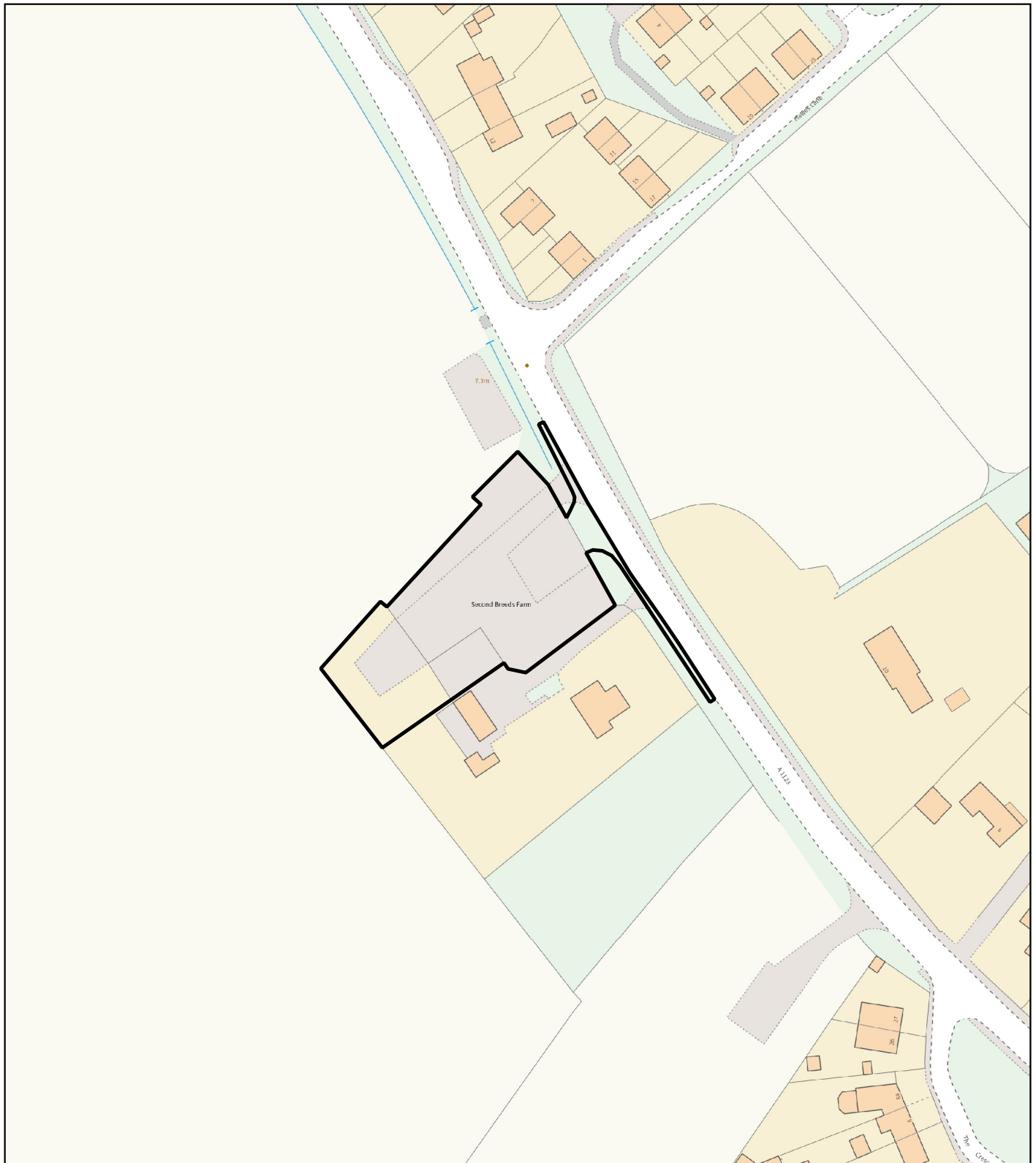
Land North West Of 9
Stretham Road
Wicken

Change of use from Use Class B8 to C3 residential including the removal of storage containers, erection of four detached dwellings, along with associated works including closing and relocating the existing access

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=RZ6KVEGGMK800>





23/00894/FUL

Land North West Of 9
Stretham Road
Wicken



East Cambridgeshire
District Council

Date: 21/11/2023
Scale: 1:1,500



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TITLE: 23/00894/FUL

Committee: Planning Committee

Date: 6 December 2023

Author: Planning contractor

Report No: Y107

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Site Address: Land North West Of 9 Stretham Road Wicken

Proposal: Change of use from Use Class B8 to C3 residential including the removal of storage containers, erection of four detached dwellings, along with associated works including closing and relocating the existing access

Applicant: Selica Sevigny

Parish: Wicken

Ward: Soham South

Ward Councillor/s: Ian Bovingdon
Lucius Vellacott

Date Received: 10 August 2023

Expiry Date: 8 December 2023

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Archaeological Investigation
- 4 Contamination investigation
- 5 Foul and surface water disposal
- 6 Arboricultural Method Statement and Tree Protection Plan
- 7 Energy and Sustainability Strategy
- 8 Construction Environmental Management Plan
- 9 Precautionary Working Method Statement
- 10 Landscape Ecological Management Plan
- 11 Boundary treatments
- 12 Hard landscaping scheme
- 13 External materials
- 14 Soft landscaping scheme

- 15 Biodiversity improvements
- 16 Detailed scheme for provision of new footway
- 17 Piling
- 18 Construction and delivery hours
- 19 Unexpected contamination
- 20 Noise levels of Air Source Heat Pumps
- 21 Removal of permitted development rights within Classes A, AA, B, E or F of Part 1 of Schedule 2 of the Order
- 22 Removal of permitted development rights within Class A of Part 2 of Schedule 2 of the Order

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

2.0 SUMMARY OF APPLICATION

2.1 Planning permission is being sought for a change of use of land from Use Class B8 (storage) to Use Class C3 (residential) and the erection of four detached dwellings, along with associated works including relocation of the existing vehicular access.

2.2 The proposal includes 2No. two-storey dwellings fronting towards Stretham Road (Plots 1 and 4) and 2No. single-storey dwellings located to the rear of the two-storey dwellings. The proposed dwellings would be externally finished with facing brickwork, grey slate roof tiles and UPVC casement windows.

2.3 The proposed dwellings would measure the following dimensions:

Plot 1 - Two-storey

Ridge height - 8.6 metres
Eaves height – 3.4 metres
Width – 12 metres
Depth 14.2 metres

Plot 2 – Single-storey

Ridge height - 6 metres
Eaves height – 2.4 metres
Width – 10.1 metres
Depth 16.5 metres

Plot 3 – Single-storey

Ridge height - 6 metres
Eaves height – 2.4 metres
Width – 10.1 metres
Depth 16.5 metres

Plot 4 - Two-storey

Ridge height - 8.6 metres
Eaves height – 3.4 metres
Width – 12 metres
Depth 14.2 metres

2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

15/00890/FUL

Change of use from meadow to garden plus 1.52m (5ft) weather defence - Retrospective

Approved

10 December 2015

13/00566/FUL

Two storey rear extension and alteration to front elevation and erection of new oak garage block (part retrospective). Change of use of agricultural land to form storage compound (retrospective).

Approved

14 October 2013

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The application site is located on the north-western edge of Wicken, outside of the established development framework. The site is 0.3 hectares in area, comprising approximately 0.19 hectares (approximately 0.47 acres) of B8 (storage) use (the front section of the site closest to Stretham Road), with the remainder of the site comprising a C3 (residential) use (the rear section of the site) and the land required for provision of the proposed footpath. The site has an existing vehicular access onto Stretham Road. The site is surfaced with large areas of tarmac hardstanding, gravel, grassland and scrub and it is surrounded by a mix of boundary treatments including metal, wire, and timber fencing. The site contains a storage building, three large storage containers and a substantial number of smaller objects, including storage tanks, gas cylinders, tyres, vehicles, metal apparatus and miscellaneous domestic items. The site is located approximately 210 metres from Wicken Fen – a Site of Special Scientific Interest, Special Area of Conservation, Area of International Importance for Wildlife (RAMSAR) and National Nature Reserve. The site is also located within Natural England's Great Crested Newts Red Risk Zone. There is a residential property located adjacent to the south-east boundary of the site and there are agricultural fields located adjacent to the north-west and south-west boundaries of the site. Stretham Road is located adjacent to the north-east boundary of the site.

5.0 RESPONSES FROM CONSULTEES

5.1

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

Wicken Parish Council - 13 September 2023

"Does the Parish Council have any concerns about the application? Yes

Can these concerns be addressed by;

- a. amendments to the scheme No
- b. conditions to be applied to any permission no
- c. outright refusal of permission Yes

The Parish Council objects to this application due to the following reasons:

- The proposal is outside the defined development envelope for Wicken contravening GROWTH2. Wicken has particularly suffered with speculative development that has yet to be assimilated into the small community so allowing more seems contrary to the fully adopted Local Plan 2015.

- The development is for large properties when Wicken's part of the Local Plan 2015 clearly states the need for smaller units.
- The proposal is deemed to have poor design and not in keeping with other nearby dwellings. It will affect the visual impact as you approach the village from the west and is much more dense than surrounding properties and so will affect the visual impact on a countryside location. Stretham Road dwellings have a linear form; tandem style of these dwellings does not appear anywhere else in the village.
- Loss of existing trees
- Paragraph 6.4 mentions condensing boilers but paragraph 6.1 states ASHPs
- No provision for street lighting
- Sustainability will see the need for residents to have cars, but no garages have been included in the design
- To the best of our knowledge there has been no attempt in recent years to use the property as a class B8 property before requesting change of use to C3 residential.”

Ward Councillors - 29 August 2023

“The proposal is outside the approved Development Envelope for Wicken and thereby contravenes Local Plan Policy GROWTH 2. This policy is clear and the situation on the ground has not changed since the policy was written, so the only material discussion is over whether there is sufficient weight to depart from this policy in this instance, considering the land and not the occupants. Whilst visual amenity and biodiversity would improve as a result of this proposal, they may be of insufficient weight to depart from this policy because the proposal would not benefit Wicken as a village. I am concerned that there are 4 large houses proposed, no 1- or 2-bedroom houses, and no affordable housing. Wicken is in need of these types of property, so I do not consider this compliant with the ideas in HOU 1 even though fewer than 10 dwellings are proposed. If these were such smaller houses on the same site, I would be more likely to welcome a change to residential use on this specific plot, even though it would still contravene the Local Plan. There is also no demand for housing for rural workers in this location. Wicken is a small village with very few local businesses and seriously limited infrastructure, which is why sticking to the development envelope is essential. It has already done its part for housing in East Cambs far above proportion to its size and infrastructure. Applications such as 22/01229/FUL were rejected on these grounds because weight is applied to GROWTH 2 unless a serious need is being addressed by departing from it. This site is not, in my view, exempt from consideration as a countryside development because this part of Wicken is very much spread out and would impact the countryside in this area. Given the previous commercial nature of the site, Policy EMP1 may be relevant in consideration. Wicken continues to cry out for affordable and small housing in order that families can stay in the same village and the unique sense of community can be maintained. It also calls out for more local businesses and better transport links. It does not require any further large housing (serving neither Soham nor Ely), particularly not on sites outside the development envelope. Whilst the existing brownfield site is not visually appealing, development on this site is not justified as a material consideration solely by Paragraph 141 of the National Planning Policy Framework because it is outweighed by the poor housing size mix in the village as a whole, the lack of infrastructure and the scale of the development in a remote location even if considered to be in the village. Wicken's development should be within the envelope, but at least incorporating more smaller/affordable housing would be acceptable; this proposal does not meet either specification, thus, regretfully, I cannot support it as it stands.”

Consultee For Other Wards in Parish - No Comments Received.

Waste Strategy (ECDC) - 22 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).

Environmental Health - 16 August 2023

Due to the proposed number of dwellings, advise that construction times and deliveries during the construction phase are restricted to the following:

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

If it is necessary to undertake ground piling, requests that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If the method of piling involves impact driving, requests 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, requests this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

The Planning Statement references air source heat pumps (ASHPs) being an aspect of this proposal. As the Environment Health department does receive noise complaints concerning ASHPs, provide guidance for the applicant to consider when choosing, siting and installing the ASHPs. Also recommends the following condition:

- "The specific rated noise level emitted from the air source heat pump 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."

Requests that environmental notes [providing guidance on statutory nuisances] are sent out [to the applicant].

ECDC Trees Team - 19 October 2023

No objection.

As stated in the submitted arboricultural report an Arboricultural Method Statement and Tree Protection Plan will be required, but this can be done via a pre commencement condition if required.

The indicative soft landscaping scheme appears acceptable and the details of this including the tree species proposed could also be provided by condition. Careful consideration must be given to the plants included in the soft landscaping scheme, that they are not only suitable for their position in relation to dwelling proximity, that they are sited so as to be suitable for long-term retention, and that they are visually suitable for the edge of settlement rural location. As such, they should be native in character if not in species.

Local Highways Authority - 5 September 2023

No objection.

The access as shown on the drawing CH22/LBA/619/FP-1-100 is acceptable for a development of this scale and nature. While no vehicle tracking has been provided to support the access design, it is of a standard layout, so does not foresee any material issues arising.

The provision of a 2m footway which connects to that being provided by the application 22/00137/FUL is welcome, noting that delivery of both prior to first occupation is necessary to provide adequate pedestrian access to the site. The development visualisations show a footway on the north-west side of the site, which is omitted from the submitted drawings, but this length of footway is not necessary to make the development acceptable.

The site layout provides adequate parking and turning provision, but it will not be considered for adoption by CCC due to the limited scale of development.

The applicant has not specified how the site will be drained but they will need to ensure that private water from the site does not discharge onto the public highway.

Conditions:

- No development shall take place until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: Surface water drainage.
- Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on CH22/LBA/619/FP-1100.

Environmental Health, Scientific Officer - 5 September 2023

Accepts the findings of the Revision B - Phase I Desk Study report. The report recommends that a Phase II investigation is carried out to assess any contamination risks on the site. It will not be possible to recommend that the site is suitable for residential use until this work and any necessary remediation work has been satisfactorily completed and verified. If remediation is required, a verification report will be required to demonstrate that the remediation objectives have been met. Recommends that standard contaminated land conditions requiring contamination investigation and remediation where necessary.

Cambridgeshire Archaeology - 21 August 2023

Records indicate that the development lies in an area of archaeological potential, to the north of the historic core of Wicken. Archaeological investigations have been undertaken c.100m to the north-east where activity dating between the Roman and post-medieval periods has been identified (Cambridgeshire Historic Environment Record reference. MCB27283). The investigations revealed a network of Roman rectilinear enclosures, representing an area of settlement which was adapted and reconfigured throughout the Roman period. The medieval period saw the area utilised for industrial purposes, with extraction and marling pits being identified. Further medieval activity in the form of ditches were identified during investigations c.150m to the north of the development area (CHER ref. MCB30954). To the south archaeological investigations have revealed evidence for the

early medieval settlement of Wicken. A number of pits and ditches were identified during investigations along Back Lane which spanned the late Saxon to late medieval periods (CHER ref. MCB26848). Medieval ditches and a hollow have also been identified during investigations at Chapel Lane (CHER ref. MCB26703).

Due to the archaeological potential of the site, a programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Recommend that this program of works also include an earthwork survey of the surviving medieval earthworks within the development area.

Usage of the following condition is recommended:

- No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) The statement of significance and research objectives;
 - b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The timetable for the field investigation as part of the development programme;
 - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

CCC Growth & Development - No Comments Received.

The Ely Group of Internal Drainage Board - No Comments Received.

Cambs Wildlife Trust - No Comments Received.

The National Trust - No Comments Received

- 5.2 A site notice was displayed near the site on 24 August 2023 and a press advert was published in the Cambridge Evening News on 24 August 2023.
- 5.3 Neighbours – 1 neighbouring property was notified and no responses have been received. A full copy of the responses are available on the Council's website.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1	Levels of housing, employment, and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
HOU 1	Housing mix
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
Flood and Water
Natural Environment SPD
Climate Change SPD

6.3 National Planning Policy Framework 2023

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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations relevant to this proposal are the principle of development and its impacts upon the character and appearance of the area, residential amenity, highway safety and parking provision, biodiversity, flood risk and drainage, trees, archaeology, contamination, and energy and water efficiency.

7.2 Principle of development

- 7.3 *Policy GROWTH 2 of the Local Plan*
- 7.4 The application site is located outside of the established development framework for Wicken.
- 7.5 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (the Local Plan) 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 and supports the principle of more limited development within the established development framework of villages such as Wicken. Policy GROWTH 2 restricts development outside of the established development frameworks of settlements to specific categories of development listed within the policy.
- 7.6 At the present time, East Cambridgeshire District Council can demonstrate an adequate 5-year housing land supply and therefore policy GROWTH 2 is considered to be up-to-date, which means that planning decisions for new housing development must be taken in accordance with policy GROWTH 2 unless material planning considerations indicate otherwise.
- 7.7 The proposed development is for open market dwellings, which are not included within the list of exception categories within policy GROWTH 2. Therefore, the proposal conflicts with policy GROWTH 2 of the Local Plan and planning permission should only be granted if there are material planning considerations that indicate a departure from policy GROWTH 2 of the Local Plan is justified.
- 7.8 Though the proposal conflicts with policy GROWTH 2 of the Local Plan, it is considered that there are material planning considerations that indicate a departure from policy GROWTH 2 of the Local Plan is justified in this case. The key material planning considerations which justify this departure from policy are discussed below.
- 7.9 Approximately 0.19 hectares of the application site comprises brownfield land with a B8 (storage) Use Class, which was approved by planning permission 13/00566/FUL. The remainder of the application site has an approved C3 (residential) Use Class which was approved by planning permission 15/00890/FUL. The residential land within the application site does not appear to be currently used for residential use, however there is evidence to demonstrate that planning permission 15/0890/FUL has been implemented as that planning permission included additional land adjacent to the application site which is in residential use.
- 7.10 The area of the application site comprising brownfield storage land is surfaced with concrete, gravel, scrub, and grassland; is surrounded by high-level fencing; and has a storage building, large storage containers and various other miscellaneous items stored on the land. The area of the application site comprising residential land is surfaced with gravel, scrub and grassland, is separated from the brownfield storage land by a metal and wire fence and gates and has low-level fencing and vegetation along the remaining boundaries. Due to its physical relationship with No.9 Stretham Road and other residential development to the south-east of No.9 Stretham Road, in addition to its existing use, character and appearance, it is considered that the application site is visually read as part of the village, rather than countryside, and has a detrimental impact on the character and appearance of the countryside. Therefore, although the site is outside of the development framework and is technically in a 'countryside location', it does not make any positive contribution to the character and appearance of the countryside and instead it detracts from it. The proposal would not be introducing residential development in an open countryside location, and it is

considered that the proposal would provide visual amenity enhancements to the site (as discussed later within this report).

- 7.11 In addition, the application site is also considered to be sustainably located close to the established development framework for Wicken and would be served by a new footway link that would connect the application site to the village. This is highlighted by its proximity within walking distance to the centre of the village and its proximity of approximately 65 metres from an allocated site for residential development (policy WIC 1 of the Local Plan). The proposal does not include the provision of any streetlighting but the provision of streetlighting is not considered necessary in order to make the proposal acceptable.
- 7.12 It is considered that the proposal, aided by its physical relationship with No.9 Stretham Road and other residential development to the south-east of No.9 Stretham Road, its physical relationship connection to the village via the proposed footway link, and its visual amenity enhancements, would provide a sustainable development. Although the proposal conflicts with policy GROWTH 2 of the Local Plan, the sustainable location of the site, the re-use of brownfield land and use of residential land, and the visual amenity enhancements to the site are all material planning considerations which indicate a departure from policy GROWTH 2 would be justified in this specific case.
- 7.13 It is also considered that as per Paragraph 79 of the National Planning Policy Framework, so as to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It is considered that whilst only a modest contribution to the vitality of the rural community of Wicken, in the overall planning balance, the contribution of the four dwellings weighs in favour of the proposed development in this location.
- 7.14 For the reasons set out above, it is considered that there are material planning considerations that indicate a departure from policy GROWTH 2 of the Local Plan is justified in this case. The principle of residential development on this site is therefore considered acceptable in this case, subject to other material planning considerations being satisfied.
- 7.15 *Policy EMP 1 of the Local Plan*
- 7.16 The proposal would result in a total loss of the existing B8 (storage) use on the site.
- 7.17 Policy EMP 1 of the Local Plan seeks to retain land or premises currently or last used for employment purposes (B1, B2 and B8 uses). However, it allows for re-development which involves a total loss of employment uses on a site where an application is accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of the scheme. Where the continued viability of a site for B1, B2 or B8 use is in question, the preamble to policy EMP 1 of the Local Plan requires that it is demonstrated that the site has been actively marketed at a realistic price for a continuous period of at least 12 months.
- 7.18 The planning application is accompanied by a Marketing Summary report which states that Carter Jonas marketed the site to the open market continuously for 12 months from July 2020, to establish the demand for a single sale with vacant possession on a freehold basis. The Marketing Summary states that the property appeared on the Carter Jonas website, EG Property Link website, Enterprise East Cambs website, Addland website, Zoopla website and Prime Location website. The Marketing Summary report provides photographic evidence of the property advertisements on each of the listed websites. In addition, the Marketing Summary report states that a 'For Sale' board was erected in July 2020 and provides photographic evidence of the board in situ within the grass verge in front of the site.

- 7.19 The Marketing Summary report also states that a double page colour brochure was created and circulated to interested enquiries, and the site details were uploaded onto Carter Jonas' commercial database system which resulted in the brochure details being sent direct to 8 contacts where the site matched with their requirements.
- 7.20 The Marketing Summary report states that comparable market evidence was reviewed and relied upon when reaching the guide price of £220,000 for the property. The Marketing Summary report states that during the marketing period there were a steady number of enquiries being made via telephone and email; and two on site viewings were carried out, however neither led to an offer. The Marketing Summary report states that, during the 12-month marketing period, offers were received from one party; firstly for £190,000 plus VAT, then £200,000 plus VAT. The Marketing Summary report states that the interested party then suggested they would pay the full asking price of £220,000 plus VAT, however this final offer was not submitted in writing, the interested party did not view the site and decided not to proceed.
- 7.21 The Marketing Summary report states that, from those who gave feedback, some were concerned over:
- No power and water supply connections on the site and fear of the cost and complications involved.
 - Concerns over the number of constraints on the existing planning consent.
 - Concerns over seeking Local Planning Authority approval.
- 7.22 Since the 12 month marketing exercise which commenced in July 2020, and following the Local Planning Authority's pre-application advice to the applicants' agent in October and November 2022 which recommended an additional marketing exercise was undertaken, the Planning Statement accompanying the application states that several agents were approached to see if further marketing, in addition to the 12 months that had already been undertaken, would be beneficial to the proposal. However, it states that the general consensus was that there would be little point continuing to market the site due to the following factors:
- “1. Site is currently zoned for Class B8 – Storage or distribution use and is surrounded by residential properties in several directions. This would affect any future business possibility of receiving permission due to the close proximity of residents. The land previously used for commercial activities was granted permission for B8 Use under ref: 13/00566/FUL on the provision that, as stated in condition 8, the land shall be limited for use by the occupiers of the residential dwelling known as 9 Stretham Road. The commercial activities at the land outlined in yellow ceased in 2016 and in the same year the dwelling at 9 Stretham Road was sold by the applicant to another party who has no connection with the B8 Use land outlined in yellow that has a B8 permission. The land with B8 Use, as outlined in yellow, was retained by the applicant when they sold the dwelling at 9 Stretham Road in 2016. 9 Stretham Road is no longer owned by the applicant, and it would be harmful to the amenity enjoyed by the current residents of 9 Stretham Road to allow another commercial use to operate from the adjacent site.
2. It is reasonable to presume any potential buyer would not want to maintain B8 use and would seek to progress with a residential change of use application, thus rendering any sale of the plot not viable without an uplift clause, which would put off any prospective buyer.”
- 7.23 It should also be noted that Condition 8 of planning permission reference: 13/00566/FUL limits the use of land with B8 (storage) Use, for the parking of vehicles and storage of equipment associated with Spartan Races Ltd, to the occupiers of No.9 Stretham Road. The commercial activities within the ceased in 2016 and the application site has not

provided employment for over six years. The applicant sold No.9 Stretham Road (the adjacent residential property) in 2016 and retained the application site. Therefore, there is no connection between the application site and No.9 Stretham Road. Due to the limits imposed by Condition 8 of planning permission reference: 13/00566/FUL, the site is extremely limited in terms of employment provision which makes the site unviable for another business to purchase it for commercial purposes at present.

7.24 It is therefore considered that the proposal accords with policy EMP 1 of the Local Plan.

7.25 Character and appearance of the area

7.26 Policy ENV 1 of the Local Plan requires that development proposals demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance the settlement edge, space between settlements, and their wider landscape setting.

7.27 Policy ENV 2 of the Local Plan requires that development proposals are designed to a high quality, enhancing, and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Furthermore, policy ENV 2 requires that development proposals make efficient use of land while respecting the character and density of the area.

7.28 Policy HOU 2 of the Local Plan requires that the development proposals are of an appropriate density, taking account of the existing character of the locality and the settlement; housing densities within the surrounding area; the need to make efficient use of land; biodiversity; heritage assets; residential amenity; and accessibility levels.

7.29 The Design Guide SPD states that, in most cases, building plots should be approximately 300 square metres (c.3229sqft), and that the footprint of any proposed development should be no more than approximately one third of the plot size. Paragraphs 126 to 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.

7.30 The site comprises a visually sensitive location due to its location on a visually prominent edge of the village. Although it is located within the countryside, the site is brownfield land is currently surfaced with large areas of tarmac hardstanding, gravel, grassland and scrub and it is surrounded by a mix of boundary treatments including metal, wire, and timber fencing. The site also contains four large storage containers and a substantial number of smaller objects, including storage tanks, gas cylinders, tyres, vehicles, metal apparatus and miscellaneous domestic items. It is considered that the existing character and appearance of the site contributes negatively to the rural character and appearance of the countryside.

7.31 The proposal includes 2No. two-storey dwellings fronting towards Stretham Road (Plots 1 and 4) and 2No. single-storey dwellings located to the rear of the two-storey dwellings. The proposed two-storey dwellings would provide frontage dwellings, which would be the most prominently visible dwellings within the site, and would be in general conformity with the character, siting, and scale of dwellings to the south-east of the site. The proposed single-storey dwellings would be of lower height and sited to the rear of the two-storey frontage dwellings, having limited impact on the street scene. Although development of more than one dwelling in depth is not characteristic of the surrounding area, the siting of the single-storey dwellings would be similar to the large 1.5 storey outbuilding located rear of No.9 Stretham Road and there are also dwellings located at The Crescent which are of a similar or greater distance to the south-west of from Stretham Road.

- 7.32 The proposal would remove the stark, high-level boundary fencing and gates, which currently dominate the appearance of the site, and would replace them with low-level post and rail fencing and soft landscaping along the boundaries of the site adjoining the public highway and open countryside. The proposal would also remove the tall, unattractive Leylandii from the frontage of the site and more attractive landscaping could be secured by a planning condition. This would provide a softer and more open frontage and boundaries to the site than that which currently exists, which would enhance the character and setting of the countryside. The proposal would also reduce the massing of hardstanding covering large areas of the site and remove the storage building, large storage containers and various other miscellaneous items from the site, and replace them with an attractively designed residential development, which would also enhance the character and setting of the countryside.
- 7.33 Due to the sensitive location of the application site, within the countryside, it is considered necessary to restrict permitted development rights for alterations to the proposed dwellings (such as additional storeys, extensions, and roof additions), outbuildings, hard surfaces, and fences gates and walls, in the interests of protecting the character and appearance of the countryside following construction of the proposed dwellings.
- 7.34 The proposed dwellings are all considered to be of a high-quality design. The proposed dwellings would be externally finished with facing brickwork, grey slate roof tiles and UPVC casement windows. It is considered that these materials are acceptable in principle and specific types could be secured by a planning condition.
- 7.35 The proposal satisfies the requirements of Policy HOU 2 and the Design Guide SPD with regard to density, plot size and coverage.
- 7.36 It is therefore considered that the proposal would enhance the visual amenity of the site and the character and appearance of the countryside, in accordance with policies ENV 1, ENV 2 and HOU 2 of the Local Plan and guidance contained within the Design Guide SPD.
- 7.37 Residential amenity**
- 7.38 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires that all new development proposals will be expected to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.39 Due to the generous separation distances between the proposed dwellings and neighbouring residential properties, it is considered the proposal would not result in any significant overlooking, overshadowing or overbearing impacts, or any other significant residential amenity impacts, to any neighbouring dwellings. In addition, the proposal demonstrates that a high standard of residential amenity could be provided for future occupiers of the proposed dwellings.
- 7.40 There is potential for noise and vibration impacts to be generated during the construction phases of the proposed development. In order to limit such impacts to acceptable levels, the Council's Environmental Health department recommends conditions to control hours of construction, hours of deliveries during the construction phase, and details of ground piling works in any event of such works being necessary. It is considered reasonable and necessary to append the conditions recommended by the Environmental Health department to any grant of planning permission, in order to ensure that the construction phase of the development does not generate levels of noise and vibration that would cause significant harm to the residential amenity of neighbouring properties.

- 7.41 The application is accompanied by an Energy and Water Consumption Assessment which specifies that the proposal includes Air Source Heat Pumps (ASHPs). The Council's Environmental Health department has stated that they receive noise complaints concerning ASHPs and therefore they have provided guidance for the applicant to consider when choosing, siting and installing the ASHPs. It is considered reasonable and necessary to append the condition recommended by the Environmental Health department, to any grant of planning permission, to restrict the noise levels emitted from the ASHPs.
- 7.43 It is therefore considered that the proposal demonstrates acceptable residential amenity impacts for existing and future occupiers, in accordance with policy ENV 2 of the Local Plan.
- 7.44 Highway safety and parking provision**
- 7.45 The proposal would close off the existing vehicular access to the site from Stretham Road, replacing it with grass verge. In addition, the proposal would remove the existing Leylandii hedge and provide a new vehicular access, constructed to Cambridgeshire County Council specification, in a more central position along the site frontage. The Local Highway Authority has stated that the proposed access is of a standard layout and is acceptable for a development of the scale and nature proposed.
- 7.46 The proposal also includes the provision of a 2-metre-wide footway, which would run from the southern side of the proposed vehicular access, across the frontage of No.9 Stretham Road, and connect to the footway approved as part of planning permission reference 22/00137/FUL. The Local Highway Authority has stated that delivery of both footways are necessary prior to first occupation in order to provide adequate pedestrian access to the site. It is considered reasonable and necessary to append a condition, to any grant of planning permission, requiring that the proposed footway is provided and connected to the footway approved by planning permission reference 22/00137/FUL prior to first occupation of the dwellings.
- 7.47 A condition could be appended to the planning permission requiring a surface water disposal scheme to be agreed with the Local Planning Authority, in order to prevent private water from the site discharging onto the public highway. In addition, the Local Highway Authority recommends a condition to remove permitted development rights for any gates, fences or walls being erected across the approved vehicular access. These conditions are considered to be reasonable and necessary in the interests of ensuring adequate highway safety is achieved.
- 7.48 The Local Highway Authority has no objection to the proposal. On the basis of the advice and recommendation received from the Local Highway Authority, it is considered that the proposal would provide a safe and convenient access and would not result in any significant harm to highway safety, in accordance with policy COM 7 of the Local Plan.
- 7.49 The proposal includes the provision of 2 car parking spaces and at least 1 cycle space per dwelling, and it also provides sufficient space within the site for visitor car parking, in broad accordance with policy COM 8 of the Local Plan. There is no planning policy requirement for garages to be provided. The Local Highway Authority has stated that the site layout provides adequate parking and turning provision, but it will not be considered for adoption due to the limited scale of development.
- 7.50 Biodiversity**
- 7.51 Policy ENV 7 of the Local Plan requires all development proposals 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.
- Provide appropriate mitigation measures, reinstatement, or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
- Maximise opportunities for creation, restoration, enhancement, and connection of natural habitats as an integral part of development proposals.

7.52 Policy SPD.NE6 of the Natural Environment SPD states that, in addition to the provisions set out in the Local Plan, all development proposals should contribute to and enhance the natural and local environment by firstly avoiding impacts where possible, where avoidance isn't possible minimising impacts on biodiversity and providing measurable net gains for biodiversity.

7.53 The application site is located approximately 210 metres from Wicken Fen Nature Reserve and is designated by Natural England as a Great Crested Newts Red Risk Zone.

7.54 The application is accompanied by an Ecological Impact Assessment demonstrates that the proposal is unlikely to cause any adverse direct or indirect effects on nearby statutory and non-statutory designated sites and is unlikely to result in a significant adverse effect as a result of increased recreational pressure on Wicken Fen Ramsar, SSSI and NNR or Fenland SAC.

7.55 The Ecological Impact Assessment states that, with the exception of a semi-mature tree which is to be retained and protected as part of the proposal, all the habitats onsite are considered to be of negligible ecological importance and therefore no specific mitigation is required in order to protect on-site habitats.

7.56 The Ecological Impact Assessment also includes a Biodiversity Net Gain assessment which demonstrates that the proposal could achieve a Biodiversity Net Gain of +25.05% for habitat units and 236.63% for hedgerow habitats, which is a significant Biodiversity Net Gain.

7.57 The Ecological Impact Assessment makes recommendations for a Construction Environmental Management Plan to protect important ecological features, a Precautionary Working Method Statement for protected/priority species, and a Landscape Ecological Management Plan to ensure new habitats are management and monitored appropriately during the operation stage to maximise their biodiversity potential. On the basis of the recommendations of the Ecological Impact Assessment, it is considered reasonable and necessary to secure these by condition, in any event of planning permission being granted, in order to ensure that the proposal would conserve and enhance biodiversity.

7.58 It is therefore considered that the proposal would conserve and enhance biodiversity, in accordance with policy ENV 7 of the Local Plan and the Council's Natural Environment SPD.

7.59 Flood Risk and drainage

7.60 Policy ENV 8 of the Local Plan states that new development should normally be located within Flood Zone 1 and should contribute to an overall flood risk reduction.

- 7.61 The site is located within Flood Zone 1, where the principle of development is acceptable in flood risk terms.
- 7.62 The application form states that surface water would be disposed of via soakaways, which is a sustainable method of drainage and accords with the surface water drainage hierarchy specified within the Cambridgeshire Flood and Water SPD.
- 7.63 The application form states that foul water would be disposed of via a package treatment plant, which is considered acceptable if it can be demonstrated that disposal into a mains sewer is not feasible.
- 7.64 It is considered reasonable and necessary to append a planning condition, requiring details of foul and surface water disposal to be agreed with the Local Planning Authority, in order to ensure that adequate foul and surface water drainage measures are achieved.
- 7.65 It is therefore considered that the proposal would have acceptable flood risk and drainage impacts, in accordance with policy ENV 8 of the Local Plan.

7.66 Trees

- 7.67 Policy ENV 7 of the Local Plan requires that all development proposals minimise harm to or loss of environmental features, such as trees.
- 7.68 The application is accompanied by a Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan (hereafter referred to as the 'Arboricultural Report'). The Arboricultural Report specifies the felling of a small section of Category C Silver Birch along the north-western boundary of the site and the felling of all of the Category C Leyland Cypress along the north-eastern (front) boundary of the site. The proposal would remove trees of poor amenity value and a high-quality landscaping scheme could be secured by a planning condition requiring a high quality of replacement tree planting. The Council's Trees Officer has no objections to the arboricultural impacts of the proposal but recommends an Arboricultural Method Statement and Tree Protection Plan is required, in accordance with the recommendations of the Arboricultural Report. It is considered reasonable and necessary to append a pre-commencement condition requiring an Arboricultural Method Statement and Tree Protection Plan, to any grant of planning permission, in the interests of providing adequate protection of trees to be retained within the site.
- 7.69 It is therefore considered that the proposal would have acceptable arboricultural impacts, in accordance with policy ENV 7 of the Local Plan.

7.70 Archaeology

- 7.71 The application site is located within an area of archaeological potential, to the north of the historic core of Wicken. Archaeological investigations have been undertaken c.100m to the north-east where activity dating between the Roman and post-medieval periods has been identified (Cambridgeshire Historic Environment Record reference. MCB27283). The investigations revealed a network of Roman rectilinear enclosures, representing an area of settlement which was adapted and reconfigured throughout the Roman period. The medieval period saw the area utilised for industrial purposes, with extraction and marling pits being identified. Further medieval activity in the form of ditches were identified during investigations c.150m to the north of the development area (CHER ref. MCB30954). To the south archaeological investigations have revealed evidence for the early medieval settlement of Wicken. A number of pits and ditches were identified during investigations along Back Lane which spanned the late Saxon to late medieval periods (CHER ref.

MCB26848). Medieval ditches and a hollow have also been identified during investigations at Chapel Lane (CHER ref. MCB26703).

7.72 Due to the archaeological potential of the site, Cambridgeshire County Council Archaeology recommend that a programme of archaeological investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. It is also recommended that this program of works also include an earthwork survey of the surviving medieval earthworks within the development area.

7.73 Cambridgeshire Council Council Archaeology has recommended that a planning condition is appended to any grant of planning permission to secure a programme of archaeological work, evaluation, and a Written Scheme of Investigation.

7.74 It is considered reasonable and necessary to append a planning condition, in any event of planning permission being granted, in the interests of safeguarding archaeological assets and ensuring the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by the proposal.

7.75 It is therefore considered that the proposal has acceptable archaeological impacts, in accordance with policy ENV 14 of the Local Plan.

7.76 Contamination

7.77 Policy ENV 9 of the Local Plan states that development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of the contamination and any possible risks; and that proposals will only be permitted where the land is, or can be made, suitable for the proposed use.

7.78 The application is accompanied by a Phase I contamination report. The Council's Scientific Officer accepts the findings of the report, which recommends that a Phase II investigation is carried out to assess any contamination risks on the site.

7.79 The Council's Scientific Officer has stated that it will not be possible to recommend that the site is suitable for residential use until this work and any necessary remediation work has been satisfactorily completed and verified. The Council's Scientific Officer therefore recommends that planning conditions are appended to any grant of planning permission requiring further contamination investigation and remediation where necessary. It is considered reasonable and necessary to append the conditions recommended by the Council's Scientific Officer, in the interests of ensuring acceptable contamination risks are achieved.

7.80 It is therefore considered that the proposal would have acceptable contamination risks, in accordance with policy ENV 9 of the Local Plan.

7.81 Energy and water efficiency

7.82 Policy ENV 4 of the Local Plan requires that 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. In addition, the Council's Climate Change SPD provides guidance relating to the implementation of policy ENV 4.

- 7.83 The application is accompanied by an Energy and Water Consumption Assessment which specifies that the proposal can achieve an on-site CO2 reduction of 85.7% beyond Building Regulations, through energy efficiency measures and the inclusion of renewable technologies. The proposed energy efficiency measures include low U-values for opaque elements and fenestration; low g-value; low air permeability; high efficiency lighting; mechanical ventilation with heat recovery; and Wastewater Heat Recovery. The proposed renewable energy sources are ASHPs and photovoltaic panels.
- 7.84 It is therefore considered the proposal follows the zero-carbon hierarchy and, subject to a planning condition being appended to any grant of planning permission requiring a detailed scheme of energy and water efficiency measures to be agreed with the Local Planning Authority, would provide a reduced carbon development, in accordance with policy ENV 4 of the Local Plan and guidance contained within the Council's Climate Change SPD.
- 7.85 Other matters**
- 7.86 Due to the proposal being for only 4No. dwelling, there is no planning policy requirement for the proposal to provide affordable housing provision or to provide a certain housing mix.
- 7.87 Planning Balance**
- 7.88 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.88 Although the proposal conflicts with policy GROWTH 2 of the Local Plan, the sustainable location of the site, the re-use of brownfield land and use of residential land, and the visual amenity enhancements to the site are all material planning considerations which indicate a departure from policy GROWTH 2 would be justified in this specific case.
- 7.89 It is also considered that the proposal would provide a modest contribution in supporting the vitality of the rural community and the proposal is considered to be acceptable in all other respects.
- 7.90 The application therefore recommended for approval.

APPENDIX 1 - 23/00894/FUL Conditions

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

Plan Reference	Version No	Date Received
CH22/LBA/619/FP-1-100		10th August 2023
CH22/LBA/619/FP-1-101 Plot 1		10th August 2023
CH22/LBA/619/FP-1-102 Plot 2		10th August 2023
CH22/LBA/619/FP-1-103 Plot 3		10th August 2023
CH22/LBA/619/FP-1-104 Plot 4		10th August 2023
CH22/LBA/619/FP-1-106 Fence		10th August 2023
Renewable Energy and Water Consumption		Issue 1 10th August 2023
Ecological Impact assessment	2	10th August 2023
Arboricultural Impact Assessment		10th August 2023
10141-D-AIA		10th 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 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

3 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-

commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of the hereby approved development.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 No development shall take place until a detailed Arboricultural Method Statement (AMS) and Tree Protection Plan has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). 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.
- 7 Prior to above ground construction, 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.
- 7 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Climate Change SPD, 2021. This condition is pre-commencement as some of the measures may be below ground level.
- 8 Prior to any work commencing on the site, a Construction Environmental Management Plan (CEMP) based on the principles outlined within the Ecological Impact Assessment, prepared by eight versa, shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall be adhered to at all times during site clearance and construction.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 9 Prior to any work commencing on the site, a Precautionary Working Method Statement (PWMS) for protected/priority species shall be submitted to, and approved in writing by, the Local Planning Authority. The PWMS shall be adhered to at all times during site clearance and construction.

- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 10 Prior to any work commencing on the site, a Landscape Ecological Management Plan (LEMP) which ensures the created ecological habitats are managed, maintained and monitored for a minimum of 30 years, shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall be adhered to in accordance with the details provided within it.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 11 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to first occupation of the hereby approved development.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 12 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include all hard surfacing materials for the shared surface driveway, parking areas and patio areas. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing with the Local Planning Authority prior to first occupation.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 13 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.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 14 Prior to first occupation of the hereby approved development, a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 14 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 15 Prior to first occupation of the hereby approved development, a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The

biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

- 15 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 16 Prior to first occupation of the hereby approved development, a detailed scheme for the new footway as shown on CH22/LBA/619/FP-1-100, shall be submitted to, and agreed in writing by, the Local Planning Authority. The footway shall be installed within the public highway, in accordance with the approved scheme, prior to first occupation of the hereby approved dwellings.
- 16 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is a Grampian condition as it involves works within the public highway.
- 17 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 18 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.
- 19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 20 The specific rated noise level emitted from the air source heat pumps 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.

- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Classes A, AA, B, E or F of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class A of Part 2 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 22 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

APPENDIX 2 – National and Local Planning Policy

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Planning Performance – October 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	145	3	23	21	18	37	43
Determined on time (%)		100% (90% within 13 weeks)	91% (80% within 8 weeks)	91% (90% within 8 weeks)	72% (90% within 8 weeks)	78% (80% within 8 weeks)	98% (100% within 8 weeks)
Approved	134	3	19	18	15	36	43
Refused	11	0	4	3	3	1	0

Validations – 94% validated within 5 working days (ECDC target is 80%)

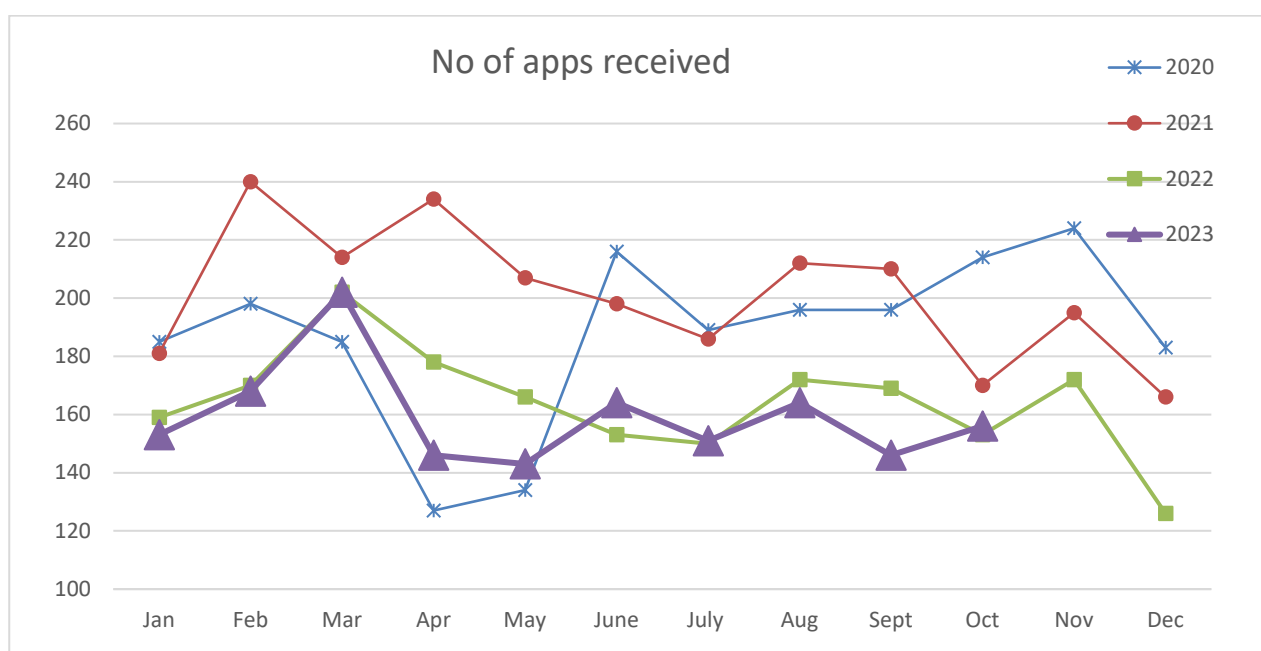
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	135	0	23	41	11	34	26

Open Cases by Team (as at 21/11/2023)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	51	3	8	11	8	21	0
Team 2 (3 FTE)	97	6	24	15	20	32	0
Team 3 (3 FTE)	101	7	26	14	14	40	0
Team 4 (2.8 FTE)	101	4	12	27	22	36	0
No Team (4.4 FTE)	113	19	28	0	13	17	36

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 156 applications during October which is 2% increase of number received during October 2022 (153) and 7% increase to the number received during September 2023 (146).



Valid Appeals received – 0

Appeals decided – 0

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 12 (2 Proactive)

Cases closed – 23 (3 Proactive)

Open cases/officer (2.6FTE) – 156 cases (15 Proactive)/2.6 = 60 per FTE

Notices served – 0

Comparison of Enforcement complaints received during October

Code	Description	2022	2023
ADVERT	Reports of unauthorised adverts	0	1
COND	Reports of breaches of planning conditions	3	1
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	1
MON	Compliance Monitoring	0	0
OP	Reports of operational development, such as building or engineering works	4	6
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	0	0
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	1	2
UNTIDY	Reports of untidy land or buildings harming the visual amenity	1	0
USE	Reports of the change of use of land or buildings	4	1
TOTAL		15	12