



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 12<sup>th</sup> June 2019

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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### **Membership:**

#### **Conservative Members**

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

#### **Liberal Democrat Members**

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

#### **Substitutes:**

Lis Every  
Julia Huffer  
Dan Schumann

#### **Substitutes:**

Christine Whelan  
Charlotte Cane  
Simon Harries

#### **Lead Officer:**

Rebecca Saunt, Planning Manager

**Quorum:** 5 Members

**PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9:00am**  
(Please note site visit timings are approximate)

## **A G E N D A**

1. Apologies and Substitutions

[oral]

2. **Declarations of Interest**  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**
  
3. **Minutes**  
To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on (a) 24th April and (b) 30<sup>th</sup> May 2019
  
4. **Chairman's Announcements** **[oral]**
  
5. **18/00059/FUM**  
Erection of 78 residential dwellings together with associated new public open space.  
  
Land Rear of 55 to 69 Fordham Road, Soham  
Applicant: Hopkins Homes Limited  
  
Site Visit: 11:25am
  
6. **19/00272/FUM**  
Duplicate application to 18/00059/FUM currently under consideration for the erection of 78 residential dwellings together with associated new public open space.  
  
Land Rear of 55 to 69 Fordham Road, Soham  
Applicant: Hopkins Homes Limited  
  
Site Visit: 11:25am
  
7. **18/01375/FUL**  
Proposed erection of six dwellings following the demolition of store building and outbuildings.  
  
Pattersons Stores, 11 Mill Street, Isleham  
Applicant: Mr Sleightholme  
  
Site Visit: 10:20am

8. **18/01607/OUT**

Erection of up to two dwellings and associated development.

Land West of 51 Hillrow, Haddenham

Applicant: Mr & Mrs Goodge

Site Visit: 9:30am

9. **19/00036/FUL**

Demolition of existing bungalow and creation of 7 properties made up of 4no. 3 bed townhouses, 2no. 3 bed flats and garage conversion to form 1no. 3 bed dormer bungalow.

5A White Hart Lane, Soham, CB7 5JQ

Applicant: Churchgate (Elite) Developments Ltd

Site Visit: 11:50am

10. **19/00042/FUL**

Proposed conversion of a storage building to a dwelling.

14A the Cotes, Soham, CB7 5EP

Applicant: Mr Edwards

Site Visit: 12:10pm

11. **19/00299/MPO**

Application for the modification or discharge of a planning obligation (Ref 13/00785/ESO).

Land North of Cam Drive, Ely

Applicant: Cheffins

Site Visit: NO SITE VISIT

12. **19/00329/OUT**

Erection of two new self-build plots and associated works.

3 Main Street, Wentworth, CB6 3QG

Applicant: Mr David Lee

Site Visit: 9.10am

13. **19/00371/FUL**

Side two storey extension and rear single storey extension.

16 Duck Lane, Haddenham, CB6 3UE

Applicant: Mr Ben Page

Site Visit: 9:45am

14. **Planning Performance Report – March 2019**

15. **Planning Performance Report – April 2019**

## NOTES:

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

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

2. Fire instructions for meetings:

- If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
- The fire assembly point is in the front staff car park by the exit barrier.
- This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
- The Committee Officer will sweep the area to ensure that everyone is out of this area.

3. Reports are attached for each agenda item unless marked "oral".

4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)

5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Etheldreda Room, Ely Cathedral Conference Centre, Palace Green, Ely on Wednesday, 24<sup>th</sup> April 2019 at 2.00pm.

### **P R E S E N T**

Councillor Joshua Schumann (Chairman)  
Councillor Sue Austen  
Councillor Derrick Beckett  
Councillor Christine Ambrose Smith  
Councillor David Chaplin  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Mark Goldsack  
Councillor Bill Hunt  
Councillor Mike Rouse  
Councillor Stuart Smith

### **OFFICERS**

Emma Barral – Planning Officer  
Maggie Camp – Legal Services Manager  
Rachael Forbes – Planning Officer  
Richard Fitzjohn – Senior Planning Officer  
Emma Grima – Director, Commercial  
Anne James – Planning Consultant  
Catherine Looper – Planning Officer  
Janis Murfet – Democratic Services Officer  
Rebecca Saunt – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Julia Huffer (Agenda Item No. 5)  
Approximately 45 members of the public

#### **149. APOLOGIES AND SUBSTITUTIONS**

There were no apologies given or substitutions made.

#### **150. DECLARATIONS OF INTEREST**

The Committee was reminded that the Legal Services Manager had circulated guidance to all Members regarding the issues she thought they would have before them with regard to Agenda Item No. 5 (18/00752/ESO – Land Southwest of 98 to 138 Station Road, Kennett). This covered predisposition, predetermination, bias, the Council as Local Planning Authority and as Developer, and Interests.

Councillor Schumann declared an interest in Agenda Item No. 5, saying that he had spoken in favour of the allocation in the Local Plan. He

believed public perception would be that he had predetermined the application and was therefore not unbiased. In the light of this, he would vacate the Chair, exercise his right to address the Committee and then leave the room while Members determined the application.

Councillor David Chaplin declared an interest in Agenda Item No. 5, in his capacity as Vice Chairman of the Shareholder Committee. He said that there was no conflict as the Shareholder Committee had not given any consideration to the application.

## **151. MINUTES**

It was resolved:

That the Minutes of the meeting held on 3<sup>rd</sup> April 2019 be confirmed as a correct record and signed by the Chairman.

## **152. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- He welcomed Rachael Forbes, Planning Officer, to her first meeting of the Planning Committee;
- The next meeting of the Planning Committee would take place on Wednesday, 12<sup>th</sup> June. Following the forthcoming elections, any new Members had to undergo training before they could serve on the Committee;
- This was the last meeting of the Administration and he wished to place on record his thanks to a number of people:
  - The Committee Members for their constant professionalism and contribution to what he considered to be one of the most difficult, challenging roles within the Council;
  - The Planning Officers and support staff, including the Conservation and Trees Officers. East Cambridgeshire was regarded as one of the best Local Planning Authorities and this was because of its hard working Officers;
  - Maggie Camp, Legal Services Manager. She ably assisted at Committee meetings and also at the pre-planning stage;
  - Janis Murfet, Democratic Services Officer, for her invaluable help as clerk to the Planning Committee; and
  - Rebecca Saunt, Planning Manager for transforming the Planning department. He considered her to be both a colleague and friend.

*At this point Councillor Schumann vacated the Chair and went to sit in the public gallery.*

*Councillor Rouse assumed the Chair for the consideration and determination of Agenda Item No. 5.*

**153. 18/00752/ESO – LAND SOUTHWEST OF 98 TO 138 STATION ROAD, KENNETT**

Councillor Rouse introduced himself as Vice Chairman of the Planning Committee and said that he wished to thank Councillor Schumann for his firm leadership; he considered him to be an exemplary Chairman.

He then went on to say that in view of the media interest in this application, he wished to reiterate a number of points regarding material considerations. Ownership of the land, the applicant, and beneficiaries of the scheme were not material considerations. He felt it important to make these points because Members would look only at the planning issues.

Anne James, Planning Consultant, presented a report (reference T249, previously circulated) for an outline application with all matters reserved except for access with appearance, scale, layout and landscaping to be considered at the reserved matters stage. Planning permission was sought for a residential development (up to 500 units), a perimeter road, a local centre, an enterprise park, school, public open space and allotments on land to the south west of 98 – 138 Station Road, Kennett, a 40 hectare site comprising Grade 2 and 3A agricultural land.

The application site abutted Dane Hill Road to the north with Station Road abutting its eastern boundary. To the south of the site was an industrial estate and beyond this was Kennett Railway Station. The A14 ran in parallel with the railway line also to the south. Open farmland abutted its western edge. Kennett Village comprised sporadic groups of housing along the Station Road boundary.

The Howe Hill Tumulus Ancient Scheduled Monument (SAM) was located to the north of the site and this mound was screened by trees which were growing on and around the SAM.

It was noted that the site lay within Flood Zone 1.

The application site had not been allocated within the adopted Local Plan, and as such, had been advertised as a departure from the development plan. However, at the heart of the National Planning Policy Framework (NPPF) was a presumption in favour of sustainable development and as the Council did not currently have a five year supply of land for housing, this was a material planning consideration which carried significant weight.

As the application was for over 50 dwellings, it had been referred to the Planning Committee in accordance with the Council's Constitution.

A number of illustrations were displayed at the meeting, including a map, an aerial image of the location and photographs of its surroundings, an illustrative masterplan and a plan showing the four phases of the proposed scheme.



Under the terms of the Town & Country Planning (Environmental Impact Assessments) Regulations 2017, a Scoping Opinion was issued in 2018 and it was requested that the Environmental Statement include a full examination of the likely cumulative effect of the proposal on all principal topic areas; Members' attention was drawn to the Powerpoint slide which listed those topic areas.

The Environmental Statement considered the baseline position and the impacts of the proposal on the category areas and the mitigation measures were assessed as well as the facts and judgements on which the conclusions were based. The Council was satisfied with the contents of the Environmental Statement and it was recommended that the mitigation measures proposed could be secured by either a S106 Agreement or a recommended planning condition.

Speaking of the principle of development, the Planning Consultant said the proposal had been considered on its own merits weighing the economic, social and environmental benefits of the scheme against National and Local Planning Policy. The proposal had been comprehensively assessed with consideration given to the five year land supply, advice from technical consultees, letters of representation and material planning considerations.

Turning next to the phasing of the scheme, the Planning Consultant showed a series of slides which illustrated the indicative arrangements for the delivery of homes and supporting infrastructure. In terms of land use, the proposal would lead to the permanent loss of BMV agricultural land. However, in view of the abundance of BMV land within the District then this loss attracted only limited weight. Paragraph 4.9 of her report also set out the details for each phase.

In connection with transport, it was noted that the B1085 received a high volume of HGV movements. Highways England had not objected in view of the sustainable transport measures proposed. A further slide set out the existing conditions and the mitigation proposed. It was noted that among the measures proposed, the perimeter road would act as a bypass, there would be improvements to the junction at The Bell Inn to improve manoeuvrability, and a new car park and new drop off/pick up point at the station.

With regard to residential amenity, the Committee noted that both during construction and the operational phases of development there would be an impact on the existing occupiers. However, it was considered that the mitigation proposed would keep the degree of harm to an acceptable amount. Members were reminded that loss of a view would not constitute a material planning consideration.

Future residential amenity would be considered at the reserved matters stage.

With regard to visual amenity, the Planning Consultant said the proposal would alter the visual amenities from one of open farmland to that of urban development. Given the degree of physical containment provided by the existing development surrounding the site it was considered that the proposal would not appear as a significant obtrusion into the open

countryside. This factor was afforded moderate negative weight in the planning balance.

In terms of ecology and green infrastructure, the existing use of the site as agricultural farm land provided an opportunity to create a habitat rich in biodiversity. Natural England had raised no objection to the proposal subject to appropriate mitigation, through the implementation and long term management of a Green Infrastructure strategy for the site, being secured through planning conditions. The Wildlife Trust welcomed the integration of green infrastructure and the aspirations to support wildlife habitats.

The application site was located in an area of high archaeological potential and contained the Howe Hill Barrow Scheduled Ancient Monument (SAM). Further undesignated barrow monuments were recorded in the vicinity. There were a number of listed buildings/structures outside the site. Discussions with Historic England had resulted in the creation of an appropriate buffer for the Howe Hill Barrow which when weighed against the public benefits of the scheme, there would be less than substantial harm.

Members noted that a number of infrastructure contributions had been requested by consultees which were proposed to be funded by Community Infrastructure Levy (CIL) receipts generated by the development. Paragraphs 11.324 – 11.329 of the Officer's report set out the infrastructure that would need to be added to the Council's CIL Regulation 123 List and the table in paragraph 11.330 gave details of the estimated CIL receipts arising from the scheme.

It was proposed that the CIL receipts would be specifically allocated to fund the infrastructure necessary to mitigate the impact of the development, and as such it was proposed that there would be a 'separate' Regulation 123 list to provide for this infrastructure.

Speaking of the planning balance, the Planning Consultant said that the application had been considered in the light of the Development Plan and the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

The social, economic and environmental benefits were afforded significant positive weight. Transport and highways would have a significant detrimental impact on Kennett and the surrounding highway network, but this should be tempered to moderate, in view of the mitigation proposed. The impact on visual amenities and landscape character were afforded moderate negative weight and archaeology and cultural heritage were afforded limited negative weight. Other matters were afforded neutral weight.

Having weighed all the factors into the overall planning balance and having regard to the presumption in favour of sustainable development as set out in the NPPF, along with all relevant policies of the Development Plan, it was considered that planning permission should be granted, as any adverse impacts were significantly and demonstrably outweighed by the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole. The application was therefore recommended for approval.

At this point the Chairman reiterated that in the interests of fairness, each category of speaker would be permitted a maximum of 15 minutes in which to address the Committee.

At the invitation of the Chairman, Ms Nicky Parsons, Newmarket Horsemen's Group, addressed the Committee and made the following points:

- Development could take place without compromising the horse industry but the application had not addressed issues which would give rise to a significant impact on traffic;
- The limited scope to travel there had not been taken into account. You did not need to be a highways engineer to realise that this would add to the existing traffic problems;
- Suffolk County Council Highways had underestimated the impact of the proposal. Provision for cyclists and pedestrian was poor;
- The letter from Suffolk County Council had not addressed the importance of the horse industry. There were very real inadequacies because it suggested there would be no severe impact;
- The Newmarket Horsemen's Group believed there would be an impact on the safety and movement of all who lived, worked and visited Newmarket.
- ECDC's policy was to protect the horseracing industry and how it operated; and that policy was relevant;
- The report acknowledged the adverse impact on the horse crossings and stated a figure will be given to the horse racing industry, but no figure was specified or what this would contribute to. The Jockey Club had looked at the issue and concluded that conditions would be exacerbated;
- Horse crossings were only one aspect and thought should also be given to the visitors to Newmarket;
- The Committee should consider the impacts, which would outweigh the benefits of the development. Under the tilted balance, the application should be refused.

Ms Parsons then responded to comments and questions from Members of the Committee.

Councillor Cox asked which of the horse crossings would be seriously affected and Ms Parsons replied that there would be several on the way into Newmarket. Councillor Cox also advised that Suffolk County Council in their letter of 9<sup>th</sup> April stated no reasons to refuse the application and Ms Parsons advised this was incorrect, but the letter contradicts itself.

In connection with this, Councillor Chaplin wished to know whether she was suggesting traffic would be going to Newmarket or through the development. Ms Parsons replied that it would be both but Councillor Chaplin disagreed saying that there would be a balance because some people from

the development would not be going through Newmarket; they might only travel through Newmarket if they worked there. He then asked Ms Parsons to clarify her remark about the impact of the development. She responded, saying that the level of traffic would grow; there was already an existing problem, so when the vehicles from the new development were added, it would increase.

The Chairman asked Ms Parsons if the Newmarket Horsemen's Group opposed all development, and she replied that it did not, but just wished to ensure that it did not impact on the horseracing industry.

At the invitation of the Chairman, Ms Roberta Bennett, Newmarket Town Council, addressed the Committee and made the following points:

- With reference to the withdrawn Local Plan, the Inspector had said that Kennett 3 and 4 should be deleted. Not enough work had been done on the impact;
- She could not find the letter from Highways England dated 28<sup>th</sup> February 2019 and this should be made publicly available;
- It was unlikely that Newmarket would benefit from the development's assets and infrastructure;
- The application site had not been approved by the Local Plan process and therefore Newmarket Town Council objects to the development.

Councillor Hunt observed that some involved in the horseracing industry were very wealthy whereas others were not. He asked Ms Bennett if there was sufficient housing in Newmarket for those in the industry who were lower paid and she replied that Newmarket Town Council was looking at this. She could not give a definitive answer, but West Suffolk Council could provide an answer.

Councillor Ambrose Smith thought that although the Local Plan had been withdrawn, there was an argument for new developments with infrastructure rather than expanding existing settlements with piecemeal development and she felt that other communities should benefit from this proposal. Ms Bennett responded by reiterating that the site had not been included in the allocation.

At the invitation of the Chairman, Mr Terry Frost, Kennett Action Group, addressed the Committee and read out the following prepared statement:

*'I'm here to speak on behalf of Kennett Action group. We oppose this application, and we argue that planning permission should be refused. It fails to meet several of the Council's criteria for new developments and conflicts with development plan policy in a number of ways, but my time is limited so I will focus on just three:*

- *The new development lacks any general community support required by the Local Plan for such development, and has indeed attracted strong opposition from the vast majority of villagers along with our Parish Council and a number of neighbouring parish Councils and other local stakeholders.*

- *The little community support the Council can demonstrate is the result of a single vote held by the small and self-selecting Kennett Community Land Trust in 2017. Even this apparent support was based upon fears arising from a Local Plan which has since been withdrawn. It represents out-of-date fearmongering, and should not be considered meaningful support.*
- *Finally, we want to argue that the villagers reject the development with good reason. It is an extraordinary and exceptional departure from the norm and from other proposed developments, representing a 330% increase in housing, and nearly a 430% increase in population, in a village that according to your Local Plan is small and unsuitable for such disproportionate development.*

*As your report states in section 11.3 on page 40, the development plan against which the application is to be considered is the East Cambridgeshire Local Plan 2015. This plan classifies Kennett as a small village with a development envelope restricted to the built-up part of the village where infill development may be permitted, in order to protect countryside. The Plan goes on to say that 'outside of the development envelope housing will not normally be permitted unless there are exceptional circumstances' and that 'housing schemes outside of the development envelope will be assessed against Policy GROWTH 2 and other Local Plan policies as appropriate'.*

*Policy GROWTH 2 states that 'outside defined development envelopes, development will be strictly controlled'. As stated in the report you have in front of you on page 41, point 11.7 'worthy of note and of relevance to this application are a number of exception criteria, notably community based development'.*

*The claim that this is a community-based development is crucial. That claim alone is what allows the Council to disregard the fact that this huge development is to be built outside the development envelope, and will hugely affect the countryside setting and character of our village.*

*East Cambridgeshire District Council has consistently maintained that the application has community support, and we have made repeated attempts to extract from them the necessary evidence to support this. Within the report you have in front of you today they repeat this assertion, and it is clear that the only community support they can evidence is the November 2017 vote of the Kennett Community Land Trust, or CLT. However, there are a number of problems with this. Crucially, the support afforded to this development by the Kennett CLT should not be confused with it having the support of the Kennett community, or of most Kennett residents. It simply does not.*

*The Kennett CLT is not a representative organisation democratically elected by Kennett residents, it is self-selecting and they have even refused membership to applicants who openly disagree with the CLT position on this development. Even with this self-selecting position, the vote of November 2017 was in no way unanimous, with 75 members in favour of the development and 33 against.*

*Beyond the CLT the lack of community support is clear – in 2019 139 letters were presented to East Cambs District Council opposing this application. Despite the claims of the CLT we are happy to be scrutinised on how these*

letters were collected, and are satisfied that our results are reliable given the proven replicability of the collection. The Council's own IDOX system shows 172 public comments on the application – 161 in opposition to the development and just 10 in support. The numbers clearly do not add up to the conclusion that there is community support for this development.

Importantly, there is an additional problem with relying on the 2017 Kennett CLT to vote to support the designation of this application as 'community led'. Several times in your report, for example on page 93, point 13.2, and page 1, point 1.2, you will see stated that 'the application site has not been allocated within the adopted Local Plan and as such has been advertised as a departure from the development plan'. This is not the case. It was consistently advertised by its promoters as in line with the emerging Local Plan 2017, which classified Kennett as a medium sized village suitable for a development of 500 homes. When the Kennett CLT met in November 2017 to vote on their position on the application, it is against the backdrop of the emerging Local Plan that they were instructed to base their opinions.

Ahead of a Kennett CLT Special General Meeting in November 2017 the Chairman (Robin Swanson) sent an email to Members stating 'For those in doubt, the pending resolution is asking Members to allow the Kennett CLT to have some influence on the development in terms of housing density, road infrastructure/traffic calming, new amenities and affordable housing stock. Voting 'No' will simply mean we do not get that influence; it does not mean that the development will be taken out of the Local Plan'.

Councillors, this development has been taken out of the Local Plan because on 21<sup>st</sup> February of this year you voted to withdraw it and with that, this development was reduced to zero also.

Kennett CLT made it clear to Members and residents that it was in their interests to support this development rather than let it fall into the hands of a private developer who would end up building far more than 500 houses. Take, for example, this extract from the minutes of the CLT Special General Meeting at which the members were asked to vote on the development: 'ECDC want to build and they will build anyway, if we vote down the CLT resolution it will be no to 500 houses and yes to 1200 houses'.

Councillors, the claim that the CLT supports this development is hugely flawed, because their vote was undertaken against the backdrop of a different Local Plan which allowed for such development in Kennet, not to mention that the vote was secured through a process of fearmongering, misinformation and intimidation. The vote was won on the basis that it was part of the Local Plan and the development was going to happen regardless. This is no longer true, because that Plan was withdrawn and the 2015 Plan against which the Planning Committee must assess applications makes no allowance for developments of this scale. Our parish Council in fact asked if the CLT Board had consulted their Members following the withdrawal of the Plan since this clearly undermines the original vote, and was informed that the Board did not find any further consultation necessary.

Policy GROWTH 6 of the 2015 Local Plan which specifically addresses community-led developments, states that 'affordable -housing elements may be permitted outside of development envelopes as an exception where the scale of the scheme is appropriate to the location' and where 'the District

*Council is satisfied 1) the scheme was initialled by and led by a local community group such as a parish council or a CLT, and 2) the scheme has general community support'. We would like to draw attention to the wording of this clause – it is not the case that under your planning guidelines the support of the CLT is sufficient to permit this sort of development, rather it is part of the necessary conditions along with 'general community support'. Clearly these conditions have not been met in the case of the Kennett Garden Village.*

*It is worth also turning to the first clause, albeit briefly. The claim of the Planning Officer's report, on page 93, point 13.5, that 'the scale of the development would not be out of character with the surrounding development' is quite staggering. This development would represent a 330% increase in housing in Kennett, and your Environmental Survey estimates that our population would increase by 1,150 as a result of the development (see page 45, point 11.28). This will represent some 430% increase in population. By anyone's terms the scale of this development is neither appropriate nor proportionate to the location and therefore fails to comply with Policy GROWTH 6. We can perhaps look to some of Palace Green Homes' other developments to see quite what a departure from the norm such an increase would be. Their King's row development in Ely was just 11 units in a town with a population almost 50 times that of Kennett. In Soham, at The Shade, 13 units comprising a 0.31% increase to the number of housing units in the town.*

*It is in the public domain that this development is financially crucial to both East Cambs Trading Company and to East Cambs District Council. East Cambs Trading Company's business plan states that their repayment schedule is 'significantly dependent on the £2m receipt from the Kennett development' – something that was restated by its CEO, saying that 'The Kennett site would be crucial for repaying the loan'.*

*Government guidelines for determining a planning application state that 'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body,, and we ask that Members of the Planning Committee be mindful of this when considering the wealth of evidence we have provided showing that this development is not appropriate or proportionate and lacks the 'general community support' that your planning policy states necessary for the approval of this planning application.*

*This report would have the Members of the Planning Committee believe that the failure of the Council to deliver housing across the District and the resulting presumption in favour of development means that permission should be granted by this Committee. But the Committee can still weigh the balance to be given in terms of the impact on a small village that is being asked to bear the brunt of this failure, and can reject the application as failing to comply with Policies GROWTH 2 and 6 due to limited community support and the overwhelming nature of the development for our small village'.*

Mr Frost then responded to comments and questions from the Committee.

Picking up on Mr Frost's point that support for the development was not community led, Councillor Goldsack noted that 108 votes had been cast

and over a third of the village were members of the CLT. Mr Frost replied that Kennett had a population of 315, so this equated to approximately 20% voting in support.

Councillor Cox asked Mr Frost about his comment that 500 houses would be built, followed by another 500. Mr Frost said that this had been stated by a member at the Kennett CLT meeting, his words being that ECDC would 'build anyway'; it was in the CLT minutes of that meeting that there would be 1200 dwellings.

Councillor Beckett wished to know how many members there were in the Kennett Action Group. Mr Frost explained that it was not a formal group, but had a small nucleus of supporters. They had managed to secure 139 votes against the proposed development, mainly by going round and knocking on doors. However, what was more important was the number of Kennett residents who were against the development.

Councillor Hunt asked if the figure of 139 referred to people or letters and Mr Frost said that 139 letters had been submitted; some were individually written and others were produced using a template. Councillor Hunt then reminded Mr Frost that financial matters could not be taken into consideration and Mr Frost replied that it was ECDC reaffirming how important this was, not him.

At the invitation of the Chairman, Mrs Joanna Reeks addressed the Committee in support of the application and made the following comments:

- Her family owned Dane Hill Farm and had lived and farmed in the area for over 80 years. She and her siblings operated the farm shop and café and their families live near the site;
- This was a unique location with superb connectivity;
- In recent years there had been numerous approaches from developers but it had been a deliberate decision to go with Palace Green Homes, one of the reasons being that the family liked their ethos;
- They had been actively involved in the scheme from Day 1;
- The development had been designed with a distinct character and she was excited at the range of facilities to be provided. It would not be just another housing estate;
- It would be important to create a scheme that would benefit the community in the long term and it had been based on ideas drawn from the community;
- The intention was to create an exemplary development with a new heart for the village and where people wanted to live. There would be a relief road, landscaping and open space with a significant increase in biodiversity, a low density of development and a large number of affordable homes. She hoped that the family's contribution would help alleviate the housing crisis;



- If approved, the scheme would provide huge benefits. It would enable the frequency of rail services to be improved, create jobs and enhance the environment.

In response to a question from Councillor Chaplin regarding the frequency of the rail service, Phil Rose, Head of Property & Development, Palace Green Homes, said it would be upgraded to hourly from December 2019.

At the invitation of the Chairman, Ms Lynne McCallum addressed the Committee and made the following comments:

- She was speaking on behalf of the Kennett Community Land Trust (CLT). The CLT had 145 members. Social housing was in desperate need and local people could not access local housing. The CLT wished to stop the fragmentation of the village and family life and would always help those in need. The proposed development would help local people so that they could stay in the village and live near family members. It could keep local people local;
- The CLT would have a direct monitoring role and 60 homes would be owned by the CLT, which would be rented or shared ownership;
- Kennett was a ribbon village at present and this would provide a heart. The development would bring fantastic benefits to the wider community: affordable low energy homes for rental or shared ownership, 400 new jobs during construction and operation, a modern school facility, a nursing home in the heart of the development, and additional parking at the station. It would be a garden village and the infrastructure would be in place before the dwellings. Also care would be taken regarding an increase in ecology and biodiversity and bridle and public footpaths improved as well as traffic calming and perimeter road being built;
- There was a very vocal minority who were against the development. However, Kennett CLT was speaking for the 'reasonable man' and she was proud to support it.

Councillor Hunt complimented Ms McCallum on her presentation and asked about her connection to Kennett. She stated she was a former resident of the village, she rented a property in Kennett but her landlord sold the property so she no longer lived there but having kept an interest in what was going on, the CLT Committee had allowed her to come and speak today. Councillor Hunt next asked her about the problems with housing and she replied that it was based on anecdotal evidence.

Councillor Beckett enquired whether there were any Kennett Action Group Members on the Parish Council, but Ms McCallum replied that she did not know.

At the invitation of the Chairman, Parish Councillor Anthony French, Vice Chairman of Kennett Parish Council, addressed the Committee and read from the following prepared statement:

*'Kennett Parish Council would like to thank the Committee for the opportunity to speak, on behalf of the council we feel it important to convey the wider community view and in particular represent the views from all the residents of the village, whether or not they are members of the CLT. We would like to make the following points, many of which are in close consultation with the Local Plan 2015 and for which we consider to be material concerns in relation to the proposal. Many of these were made by formal objection but were not captured within the officer report so it is important we have this time.*

*The Parish Council wish to place an overriding summary objection to the above application for the following reasons:*

*This site is very large for the current village, which has 152 houses, to absorb (a 330% increase). ECDC outlined in the local plan of 2015 that they want to spread the development across the district on a prorata basis but this definitely exceeds normal development proportions by some margin. There is considerable strength of opinion in the village that this growth is disproportionate and unreasonable. If the development were to go ahead the current village would possibly become little more than a suburb of the new Garden Village and its identity would be lost.*

*The B1085 already carries excessive traffic because there is no east/north or north/east A11/A14 interchange link road. Increasing development in Kentford, as a primary development Village in FHDC, is already exacerbating this usage and a further 500 residences will bring another 2000 movements/day. In respect of material planning considerations within policies of the Local Plan 2015, the Parish Council comment as follows: Impact on residential amenity of local residents such as loss of light or privacy, overlooking, noise and disturbance:*

*Noise and disturbance - There is a very clear impact by significant increases in traffic in areas immediately outside the development for which there is no mitigation on volume, only flow. Volume is the impact and volume of traffic creates sustained noise to local residents 24/7. Further disturbance is added by construction traffic over a 9 year period.*

*Kennett is a small rural village surrounded by open countryside. The villagers enjoy the open views and rural amenity that this brings. A development of this size will have a significant effect on this amenity. In particular almost the entire rural aspect to the west of the village will be lost.*

*Impact on nature conservation and trees:*

*Loss of natural countryside – the development even with its proposed pockets of green space does not compensate permanent loss of open countryside containing fields and hedgerows abundant with biodiversity.*

*Impact on character of the area and whether the use is appropriate:*

*Size of proposal – A small village (as described in 8.18 of the Local Plan 2015) of just under 160 houses should not be expected to be increased by over 300%, this is simply not in context with the other East Cambs districts and unprecedented, disproportionate and unreasonable.*

*The character of the village is to a large extent governed by its size and associated infrastructure and facilities. Addition of such a large development to the village will significantly alter the character of the village and will significantly overstretch its facilities.*

*Impact of highways safety and parking:*

*Highways Infrastructure –The proposed development makes a limited attempt at improving the situation but this is simply not a resolution and will not reduce but increase the traffic still further.*

*Efforts are concentrated in the immediate vicinity of the development and does not consider the bottle neck created for traffic moving between the road over rail bridge to the Kennett Bell Public House junction. The roundabout at the Bell pub proposed deals only with flow of traffic not volume which will be significantly increased to residents living on this stretch, increasing noise and pollution and over degradation of health as a result.*

*Does the development conform to the policies in the Local Plan?*

*Policy growth 2 locational strategy*

*“Development will be restricted to the main categories listed below, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied”*

*This development does have a significant impact*

*Policy 4: Delivery of Growth (Part 1 Spatial Strategy and Policies)*

*“The sites identified below are allocated for development over the plan period”*

*Kennett is not defined as one of the sites*

*Policy Com 5: Strategic Green Infrastructure*

*Support is given to proposals which:*

*“Would not (by itself or cumulatively) have significant adverse impact in terms of the amount or nature of traffic”*

*This Development will have a significant impact on this*

*Community Led Development*

*The application is by collaboration with Kennett CLT. The Parish Council has concerns that the CLT is not representative of the village residents and the wider community view as demonstrated by a petition presented at a Parish meeting containing 156 signatures of objection, over double the figure of endorsements from CLT members.*

*The Parish Council in March 2019 wrote to the CLT board to request that they reconsider their position and ask their membership whether, in light of the decision to revoke the preparatory local plan 2018 and by reversion to the Local plan 2015, members still wished to support/proceed with the*

*application. The CLT board of trustees did not consider this to be an option and we record our disappointment in this respect. Whilst the CLT representing a closed membership may show support the Parish Council representing the wider open community does not.*

*In terms of material considerations The Parish Council draws attention to CLT reference points in the 2015 local plan as follows:*

*Policy Growth 5, reference point 3.7.1 states “Small-scale community-led schemes which meet a need identified by a local community will be encouraged”*

*A 330% increase in village size cannot be deemed as small scale development and with the broader community concerns mentioned above, the true “Community -led” support as per policy Policy Growth 5 of the 2015 plan is therefore questionable.*

*Policy Growth 6, point 7 “The scheme accords with all other policies of the Local Plan”*

*The Parish Council have referred to where the scheme doesn’t accord to other policy points of the Local Plan.*

*Finally, in a national context and from the Gov.uk website – Section 70 of the Town and County Planning Act 1990 Determining a planning application, sub section When should a ‘local finance consideration’ be taken into account in a material planning consideration?*

*Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.*

*The leader of ECDC has made it publically clear through the process that there is considerable financial gain to the authority through this development by using its own trading company. This admission and clear drive in direction greatly conflicts with this national government guidance.*

*Thank you for your time and the Parish Council asks that its points are duly considered.’*

Parish Councillor French concluded by saying that traffic was an issue and policy was questionable; he questioned whether 500 homes was the thin end of the wedge. He then responded to comments and questions from the Committee.

The Chairman asked about existing facilities in Kennett and Councillor French informed him that there was a pub, small school and a shop. The school was under capacity at about 90 pupils with a capacity for 110 pupils and located on a busy road. However, good use was made of the site. If a new school was built, it would be for the new development. He advised that the road was what was stretched and would bottle neck at the railway crossing.

Councillor Goldsack wished to know the number of members on the Parish Council and Councillor French said there were 5 or 6 co-opted and a number of vacancies. Councillor Goldsack having made the point that the co-optees were unelected, Councillor French replied that the Parish Council represented the whole community. Councillor Goldsack commented that the CLT had significantly more members at 108. Councillor French agreed but the Parish Council represented the whole of the village and was not a closed membership.

In response to Councillor Hunt's questions about village facilities, Councillor French stated that the pub was actually half in Kennett and half in Kentford and the shop was not in Kennett. The Parish Council meetings were held in the Kennett Sports Pavilion and prior to this they were held in the school.

When asked by Councillor Chaplin how facilities were financed, Councillor French said the sports pitch was owned by the Association and the pavilion had been financed by the sale of Kentford village hall. Councillor Chaplin then referred to Mrs Reeks' point about the community having been consulted and issues being addressed. Councillor French said there had been many comments about people not wanting development. They realised that this was not realistic, but should be of a smaller scale. Councillor Chaplin remarked that he saw a scheme that would deliver facilities and Councillor French responded, saying that people living between The Bell Inn and the railway line would be significantly impacted.

Councillor Beckett said that members of the CLT could stand for election and be democratically elected, so there was space for them on the Parish Council. Councillor French replied that the community view was that the CLT represented a closed membership, but the Parish Council represented the wider community. Two members of the CLT were on the Parish Council. However, members of the CLT left the Parish Council meeting when the CLT was discussed.

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

*'I believe it is the job of a Ward Member to come to the defence of any of my constituents and help them as best I can. I am proud of the fact that over the last 4 years I have sat before you and argued passionately in defence of not only my own village of Fordham but also Chippenham and Kennett. I feel it is my duty to speak for those who, for whatever reason, cannot or are unwilling to come forward today.*

*My grandmother had an expression 'the baby that cries the loudest gets the most milk' and I think that is the case here. The Kennett Action Group are a small but very vocal group who have the support of some but by no means all of the residents and who have been able to gain the support of the local press. There is, in Kennett, an almost silent group of people who are unable and reluctant to speak out. I am not afraid to speak on their behalf.*

*Kennett is a lovely linear village. However, if you are unable to drive or you can't afford to run a car you are dependent on public transport for even the most basic needs. Last October I was helping at a litterpick in Kennett and I*

*asked a gentleman of senior age how he felt about the 500 homes and he smiled and said 'I'm 72, I have lived in this village all my life and in the next five years I will no longer be able to drive and I will have to move. I can't even get a newspaper or a pint of milk without having to drive so I would welcome the houses and all the benefits that they will bring.' He is not alone in his opinion.*

*As a resident of Fordham whose current expected housing growth is in excess of 600 homes asked the Vice Chair of the Parish Council what he would rather have – our current allocation of houses, many of whom are in unsuitable locations with no infrastructure benefits whatsoever, or 500 homes to one side of the village with a new school, shops, medical centre, a roundabout to ease a traffic blackspot and a relief road to take most of the traffic away from the centre of the village. Without hesitation he said the latter.*

*This is such a unique development in that it offers so much to the community with 60 houses that will be owned by the CLT and therefore the community in perpetuity with a range of housing allowing the young and old to remain in a place that they love.*

*Much has been made about how much community support there is for this development, and I can tell the Committee I was one of the volunteers who delivered invitations to every household in Kennett inviting them to the initial meeting. It was very well attended and nearly all of those who attended signed up to join on the spot, any others joined later, so to say that there is no community support is unfair. Not all of the residents wanted to join the CLT, not because they didn't want the development but because they didn't want to get involved. We must look at the democratic decision made by those people who wanted to be involved, after all decisions are made by those who show up.*

*I do understand the fear and anger felt by some residents and I empathise with the Parish Council who feel they are acting on behalf of their residents and I hate to be at odds with people I admire greatly for their tireless work in the village with the welfare of their residents always at the forefront of their mind, but I really do feel that this development led by the Community Land Trust will deliver quality housing for local people for generations to come.'*

At the invitation of the Chairman, Councillor Joshua Schuman, a Ward Member for Fordham Villages, addressed the Committee and made the following points:

- He was a Director of the Staploe Educational Trust;
- Much had already been said, but the Planning Committee had the integrity to make fair decisions;
- He had seen unprecedented development in his Ward, but none could offer the infrastructure that this development could, and this was a material consideration;
- It would be sustainable in its truest form, providing a school, shops and provision for the elderly. It would offer low density housing and was unlike many other developments which he had seen;

- The Wildlife Trust welcomed the proposal as an improvement;
- This new development should not divide the community. Much had been made about the site not having been allocated, but it should be assessed in accordance with policy and the NPPF;
- Planning was never black and white. The countryside should be considered, but so also should be the presumption in favour of sustainable development.

Having exercised his right to address the Committee, Councillor Schumann then left the room.

Councillor Goldsack said he had listened to many reasons being put forward for refusal of the application, especially with regard to transport. He asked the Planning Consultant about the consultations that had taken place and she referred him to page 21 of her report which set out comments received from Highways England. She added that the development would not bring the roads up to capacity and it was therefore left to the transport Assessment to address traffic issues and conditions, S106 and mitigation measures would outweigh the adverse impacts. Councillor Goldsack then asked if Highways England was responsible for the A14; the Planning Consultant replied it was, but capacity issues had been reviewed and comprehensively assessed. Cambridgeshire County Council and Suffolk County Council had also not objected to the proposal in relation to capacity and the road network.

Councillor Beckett enquired about the housing needs for Kennett, and in particular affordable housing. The Planning Consultant explained that the Housing Officer would have had direct input to the process and numbers would have been based on the Housing Needs Assessment. She was unable to provide specific numbers, as they were contained in another document, but she would have had to take advice from the Housing Officer.

*The Chairman announced a brief adjournment at 3.53pm; the meeting resumed at 3.58pm.*

Councillor Beckett asked if there was a planned use for the area next to the existing industrial estate. The Planning Consultant said it would be Use B2 or B8, and the Planning Manager directed Members' attention to paragraph 4.7 of the report, which set out the land use and floor areas.

Addressing Members, the Chairman said that they had all heard the concerns about the effect on the horseracing community and the benefits and harm of the scheme. This was one of the largest applications to come before the Committee and they would be looking at the planning issues only. He asked that during debate, Members please try to confine their remarks to once only and he said that there would be a recorded vote on the application.

Councillor Goldsack said he had served on the Planning Committee for 2 years, and he thought today's presentations were some of the best he had ever seen. Red Lodge had doubled in size and had a new school, and the retail outlet was thriving. He did not want a missed opportunity because Kennett sat in a corner of the A14/A11 and what was missing was the link. He had some reservations about what was being done to the road and

concerns regarding the roundabout. However, overall the transport links were good and this development was infrastructure led which would create and enhance the community. He took on board the comments made, but all developments created traffic. He invited the Kennett CLT to try and engage with the Parish Council and the community, and said he would support approval of the application.

Councillor Hunt thought Councillor Schumann had put forward a balanced argument. He himself had spent 16 years as a Councillor, during which time he had always been told of the need for more houses and keeping families together. Housing was needed but infrastructure had to come first. This development would have a low density, 30% affordable housing with 150 affordable homes and 60 of them going to the CLT. There would be a village centre, a primary and pre-school, a shop and the station car park would be extended as well as new jobs. By the end of next year the A14 would be a motorway with 5 lanes each way, so why would motorists want to come through Kennett; he did not believe they would. He believed this application was something special. He had come to it with an open minded view and would vote in favour of approval.

Councillor Ambrose Smith commented that she had not visited Kennett in a long time and she had been struck by the proposal's similarity to old 'model villages' which provided everything needed for daily life. However, she thought the new development would be exemplary and would be a lovely place to live.

Councillor Edwards agreed, saying it would be marvellous for Kennett and the development would be phased in over 9 years. Burwell had taken a huge development, but unlike this scheme, it did not have any infrastructure.

Councillor Chaplin said he had weighed each argument, some being very positive and strong, and some not so. Everyone knew that traffic came off the A14 at Kennett. On balance he thought that Kennett Garden Village would be a sustainable enduring development and it was the right thing to do. In time it would be a magnificent settlement and he supported approval of the application. He too commended the quality of the presentations, declaring them to be 'absolutely first class'.

Councillor Cox said he had known the Station Road area for 25 years and the existing school was in a most unsatisfactory location. He thought the new school would be tremendous.

Councillor Beckett did not believe a motorway round Cambridge would make much difference to Kennett. He likened the proposal to that of a small boy in a toy shop being told that he could have whatever he wanted. The CLT may have asked what people wanted, but they had to take note of what was said. Kennett village, as it was today, would disappear; it currently had 160 houses, and his village of Isleham struggled to keep one shop alive with a larger population than what was being proposed here. He questioned how the proposed facilities would keep going.

The scheme looked good but it was aspirational and the link road would only benefit the 20 houses near the school. The three roundabouts on the link road would be subject to pollution from HGV's when they were slowing down and he struggled with this having community support. This



would be a new village and he was not convinced that the majority of the village was supportive of it. All the letters of protest had come from Kennett or the neighbouring villages. The density was very desirable but could give rise to applications to build in the back gardens. He believed that CLT's were good in the right place, but he did not feel that this was the right place. As such he could not support the application.

Councillor Austen agreed with the comments put forward by Councillor Beckett, adding that she was bothered that perhaps a lot of the residents did not want the development.

Councillor Smith was in favour of the scheme, saying that early infrastructure was a good idea and he believed the proposal was community led.

The Chairman said that this would be a massive change for Kennett, but the houses were needed. It would be easier to build near infrastructure and the development should not be regarded as 500 house having been 'tacked on'. This was infrastructure led with road and rail access; he believed it would create a more sustainable development and he would support the Officer's recommendation.

It was proposed by Councillor Cox and seconded by Councillor Hunt that the Officer's recommendation for approval be supported.

The result of the recorded vote was as follows:

For (8): Councillors Ambrose Smith, Chaplin, Cox, Edwards, Goldsack, Hunt, Rouse and Smith;

Against (1): Councillor Beckett;

Abstention (1): Councillor Austen.

Whereupon,

It was resolved:

- 1) That the requirements of Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 are satisfied by reason of the Environmental Statement;
- 2) That it be recorded that, in making the decision on the application, the Committee has taken into account the environmental information comprising the Environmental Statement that this information meets the requirements of Regulation 18 of the Town and Country Planning (Environmental Impact assessment) (England and Wales) Regulations 2017;
  - b) That planning permission be granted subject to:
    - (i) The satisfactory completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to contain the following:
      - 1) Phasing plans
      - 2) Affordable housing

- 3) Education (Primary School)
  - 4) POS/Green Infrastructure/maintenance contribution
  - 5) Delivery and management/or transfer of SUDS
  - 6) Provision of community facilities
  - 7) Travel Plan Co-ordinator
  - 8) Fully services self-build plots
  - 9) Enhancements to PROWs
  - 10) Enhancements towards SANG
  - 11) Delivery of Perimeter Road
- (ii) That planning application reference 18/00752/ESO application be APPROVED subject to the signing of the S106 Agreement and the recommended draft conditions, attached at Appendix 1 to the report, and delegate to the Planning Manager and Legal Services Manager authority to make minor amendments to the planning conditions (where appropriate) and complete the S106.
- c) **To recommend to Full Council** that the CIL regulation 123 List is amended to reflect the proposed allocations as set out in paragraph number 11.323-11.330 of this report.
- d) That the grant of planning permission for the development be referred to the Secretary of State, as required by The Town and Country (Consultation) (England) Direction 2009.

*The Committee adjourned at 4.25pm and Councillor Rouse vacated the Chair.*

*The meeting resumed at 4.35pm, at which time Councillor Schumann reassumed the Chair for the remainder of the meeting.*

**154. 19/00155/FUL – SITE SOUTH EAST OF BURWELL MAIN SUB-STATION, WEIRS DROVE, BURWELL**

Richard Fitzjohn, Senior Planning Officer, presented a report (reference T250) which sought full planning permission for a 49.9MW battery storage facility, fencing, landscaping, planting and site access on land adjacent to Burwell 400kV Substation at Weirs Drove, Burwell. The facility would be connected to the existing transmission grid substation, which is owned and operated by the National Grid.

Tabled at the meeting was the following proposed amendment to the wording of condition 20:

*“20. After 25 years, the development including all associated containers and infrastructure shall be removed from the site in their entirety and the land shall be restored to its former condition in accordance with a scheme of work (to include how the batteries will be disposed of) submitted to and approved in writing by the Local Planning Authority.*

*20. Reason: to safeguard the character and appearance of the area and to reinstate the land to its original appearance, and to ensure suitable recycling of the batteries, following the expiration of the temporary consent applied for on the site, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015”.*

The application site was located along Weirs Drove, to the west of the main settlement of Burwell and outside of the established development framework. It comprised paddock/grazing land to the south of the Burwell 400kV transmission grid substation. The site and surrounding area was predominantly rural in nature, with agricultural fields to the south and west. However, there were two large electricity substations located within close proximity to the site and large electricity pylons to the west.

It was noted that the application had been called in to Planning Committee by Councillor David Brown. He considered that the Committee needed to consider the effects of this application on the local area, landscape, environment and the amenity of residents, bearing in mind recently approved applications.

A number of illustrations were displayed at the meeting. They included a locational map, an aerial image, a site plan, and elevations.

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Noise impacts and environmental pollution;
- Traffic and transportation; and
- Flood risk and drainage.

Speaking of the principle of development, the Senior Planning Officer said that Policies ENV6 and LP24 supported proposals for the growth of the renewable energy and the low energy sector. The proposal would allow electricity to be stored in batteries and exported to the Grid at times of high demand and it would assist in balancing grid frequency at times of stress.

The proposed development would support the increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at times of high energy demand, contributing to ensuring a reliable energy supply across the Grid. It would also help to facilitate electric vehicle charging infrastructure in the future.

Members noted a series of photo montage views of the location, which showed that the existing electricity substations and battery storage facility were in close proximity to the site. The proposed development would erode the rural character of the site and result in some harm to the character and appearance of the area. The battery storage equipment itself would be viewed against the background of an existing large scale electricity substation. The visual harm was considered to be caused largely by the erection of the 3 metre high acoustic fence which would appear as a stark urbanising and alien intrusion into this rural setting. However, weight should be given to the fact that a similar structure had already been approved on

land directly opposite the site and that a substantial landscaped buffer was proposed around the perimeter of the fence in order to assimilate this more readily into the landscape.

In terms of residential amenity, the application site was distanced more than 250 metres from the closest neighbouring properties and at such a distance the only potential residential amenity impacts related to noise. The noise impacts to occupiers of nearby residential properties were considered to be acceptable, subject to conditions set out within the Officer's report.

Members noted that a noise assessment had been carried out which took into consideration the cumulative noise impacts if operational with the adjacent battery storage development approved by planning application 17/02205/FUL. The assessment had been reviewed by the Council's Environmental Health department and they were satisfied that the noise impacts were acceptable subject to their recommended conditions. The Senior Planning Officer stated that predicted noise levels might change over time as the equipment aged, however noise impacts could be dealt with by conditions. It was also noted that with regard to environmental pollution, there would be secondary containment to prevent pollution from the batteries.

The Senior Planning Officer stated that alterations would be made to widen the existing access with Weirs Drove. The battery storage would generate very little traffic during its operation and there would be adequate space within the site for the parking of vehicles. The Local Highway Authority did not consider that the application had any implications that would affect the highway network and therefore had no objection in principle.

The application site was located in Flood Zones 2 and 3, but due to the specific locational requirements of the proposal it was considered that the development was acceptable and had passed the Sequential and Exception tests. The Environment Agency had no objections, subject to conditions. It was noted that a detailed surface water drainage scheme could be secured by condition.

The Senior Planning Officer said that while harm to the character and appearance of the area weighed against the application, on balance this would be outweighed by the sustainable energy benefits by supporting reliance on renewable energy forms and the benefits to the local and wider population of a more reliable energy supply. The noise and residential amenity impacts of the development could be made acceptable through planning conditions. There would be no significant traffic and transportation, flood risk and drainage, ecology and archaeology impacts. The application was therefore recommended for approval.

At the invitation of the Chairman, Mr Adrian French, Director of Planning at WYG, addressed the Committee and made the following remarks:

- This facility would deliver 2 gW of storage around the county and help to control grid frequency at times of stress;

- In November 2018, Claire Perry, Minister for Business, Energy & Industrial Strategy, had unveiled four projects worth funding of £100 million;
- At present the National Grid was using intermittent power supplies and what with new homes and businesses, the demand for power would increase with time;
- Burwell was one of 45 sites considered suitable for the location of the facility;
- A public exhibition had been held;
- There were design constraints but mitigation was proposed. The design would make use of the existing boundary vegetation and drainage concerns would be addressed, as well as additional planting proposed to assimilate the proposal;
- The proposal would sit in the shadow of existing infrastructure as well as providing key infrastructure.

The Chairman asked if there were aspirations to use anything other than lithium iron batteries, keeping in mind the environmental impacts of the scheme. Mr French replied that flow batteries were in use at Cowley and technology was ever changing.

Councillor Edwards had concerns regarding the scale of noise that would be audible and wished to know when the substation would come into operation. She also asked about the money that would come to the community in Burwell. Mr French said the substation would be connected in 2021. With regard to the financial aspect, he was happy to have discussions with local representatives; money had been provided towards education in other local areas. In terms of noise impact, the facility would have fast frequency reserve batteries, and fans at ground level within the acoustic fence. The noise assessment submitted was the worst case scenario.

Councillor Goldsack was interested in the charging for electric vehicles and asked if charging points would be set up or vehicles would have to come to Burwell to use them. Mr French assured him that it would not be the latter. Power would be cabled out to energy hubs, service stations of the future, as well as ports, and park & rides.

Councillor Chaplin wished to know for how long the batteries were capable of running, and Mr French replied that it was for up to one hour.

Councillor Beckett enquired whether any facilities were up and running and noted that there was a 3mW facility at the Arsenal Football Club. He then asked Mr French how the cumulative effect of the low humming noise was assessed. Mr French said that the consultants had taken background noise into consideration and information from the Aura application. It was considered that noise impacts would be acceptable, subject to mitigation.

Councillor Beckett continued, saying that we had now moved into the age of sustainable energy and this facility was the way forward. He was

content to endorse the application, subject to containment of any potential contaminated water on the site.

Councillor Edwards commented that she was still concerned with the noise level and industrial activities and the harm it was causing to this part of Burwell.

It was duly proposed by Councillor Goldsack and seconded by Councillor Beckett that the Officer's recommendation for approval be supported. When put to the vote the motion was declared carried, there being 10 votes for and 1 abstention.

It was resolved:

That planning application reference 19/00155/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report, with the amendment to condition 20 as tabled at the meeting.

**155. 19/00213/OUT – MILL HILL, LITTLE DOWNHAM, CB6 2DU**

Emma Barral, Planning Officer presented a report (reference T251, previously circulated) which sought outline planning consent for the removal of the existing structures on site and the erection of a single dwelling house and associated garage. All matters were reserved, except for scale.

Members were asked to note that the following comments had been received from Councillor Anna Bailey:

*'My understanding is that, whilst the amount of available land on site for business/employment use would change if the application was given permission, the actual real world amount of use would not, as the amount of land available for that use is much greater than is actually in use or required and can and will be accommodated elsewhere on the site. Given that the actual use for business/employment will not reduce in reality, I think it would be helpful for the Planning Committee to consider this, as it may be able to take a pragmatic approach based on the actual use of the site in reality.*

*Second, the judgement about sustainability is one that has been examined a lot in the Downham Villages Ward by the Planning Committee in the past. This is an infill site, between two other dwellings, similar to those that have been considered by Planning Committee before, and I would therefore like them to consider this application also, again, noting that there have been no objections from consultees, residents or the Parish Council.'*

The site was located to the west of the settlement of Little Downham, outside of the development envelope. It was half a kilometre from the main village to the east and occupied by modern storage sheds and temporary buildings. There was a separate access to the dwelling known as The Bungalow and to the north to serve the dwelling known as Hill Crest. Both dwellings were single storey on spacious plots and the site was surrounded by an open rural landscape and agricultural fields.

It was noted that the application had been called in to Planning Committee by Councillor Anna Bailey.

A number of illustrations were displayed at the meeting. They included a location plan, an aerial image, a plan of the proposal showing the boundary, the planning history with a layout indicating the Upper and Lower Yards, and photographs of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Loss of Business Use;
- Residential Amenity;
- Visual Amenity;
- Highway Safety;
- Flood Risk;
- Drainage; and
- Biodiversity.

The Planning Officer reminded Members that as the Council was currently unable to demonstrate an adequate five year housing supply applications were being assessed on the basis of presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

Public transport links to the site were poor and there was no footpath, meaning that future occupiers would rely on the use of a car to access basic services. The public highway between the site and Little Downham did not benefit from pedestrian footpaths or street lighting, therefore any person choosing to walk between the site and the nearby village would have little choice but to walk on the public highway.

*(Councillor Rouse left the meeting at 5.10pm).*

The Planning Officer said the site was considered to be unsustainable as there were a number of sites locally within Little Downham as well as other nearby settlements within the District that were considered to be much more sustainable in terms of their suitability for residential development. In this respect the proposal failed to comply with Policy GROWTH 5 of the 2015 East Cambridgeshire Local Plan.

Turning next to the loss of business use, the Planning Officer reminded Members that the site was granted a Certificate of Lawfulness under application reference 18/01507/CLE on the 1st February 2019 to establish the site's use as a builder's yard (B8 Use Class). While the lower yard to the north of Hill Crest would remain, no evidence had been provided regarding the lack of viability as an employment site as part of the application, nor had any significant environmental or community benefits been evidenced which would outweigh the loss of the business use. The proposal was therefore contrary to policy EMP1 of the Local Plan 2015.

It was noted that there appeared to be more than sufficient distance to prevent significantly harmful impacts on residential amenity. The full impact

of the proposed dwelling would be assessed at the reserved matters stage once all of the details had been submitted.

The applicant had included scale as one of the matters to be determined and this was considered to be appropriate in relation to the impact on neighbour amenity.

The full details of the visual appearance had not been included within the application and would need to be assessed at the reserved matters stage. However, there were other residential dwellings directly to the north and south of the application plot with the existing (remaining) builder's yard (lower yard) to the north of the dwelling known as Hill Crest. Therefore the introduction of one dwelling would not be significantly harmful to the rural character and appearance of the area.

The Local Highways Authority had raised no objection, and while the layout of the development was reserved for future consideration, the indicative layout demonstrated that adequate parking and turning could be provided on site to serve the proposed dwelling. The agent had confirmed that access could be achieved from the existing access off Mill Hill, which had served the site for many years.

With regard to other matters, the site was largely given over to commercial timber storage and the buildings on site to be demolished were not considered suitable for the roosting of bats. It was therefore considered that the proposed redevelopment would not harm ecological interests on the site or in the wider area.

The site was located in Flood Zone 1 where the principle of development was considered acceptable. A scheme for the disposal of foul and surface water could be secured by condition.

The Planning Officer concluded her presentation by saying that although the proposal would provide an additional dwelling to the District's housing stock, this would be outweighed by the siting of the dwelling in an unsustainable location and an increased reliance on a motor vehicle to gain access to local services and facilities. Also the proposed development had failed to justify the loss of an existing business use on the site, and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Ben Pridgeon, agent, addressed the Committee and made the following comments:

- The site was between two existing dwellings and the NPPF supported the effective use of suitable land, in this case, a small dwelling in the gap;
- There would be reliance on the car but there were a range of facilities and services in nearby Little Downham, therefore the site was sustainable;
- With regard to the loss of employment, he wished to clarify that the applicant was consolidating his business. There would be no loss as it was moving to the other site, in fact the business use could intensify in the future;



- No employment generated from the site as no one was employed and the loss of such a small area of land would not have an impact on employment sites and the focus should be on providing houses;
- A residential use of the site would be far more appropriate, as it was purely B8 use;
- The site was infill and it had no market for employment use;
- The proposal would have little impact on the character and appearance of the area;
- Employment opportunities might increase;
- Given the size of the site, residential use would be far more desirable.

At the request of the Chairman the Planning Officer again read out the comments made by the Ward Member, Councillor Anna Bailey.

Councillor Goldsack said that site visits were valuable and having visited the location he could not agree with the reasons for refusal. The site was only half a kilometre from Little Downham, and there was sporadic housing, so it was not unsustainable. It was not the case that there would be a loss of business because this would be at the north end of the plot. In view of this, he was minded to go against the Officer's recommendation for refusal.

Councillor Hunt thought the proposal was infilling as it was between two bungalows. There were houses along the road to Pymoor and Coveney. The Officer had made the correct decision but the plot was only a quarter of a mile from Little Downham and he did not believe there would be any loss of employment as there was nothing gainful going there. He too considered the location to be sustainable and would go against the Officer's recommendation.

The Chairman asked that Members be very specific about employment when looking at the Local Plan, as the District did not want to lose any employment. He concurred with the comments having been made, but nonetheless, it was frustrating for Officers as they have to consider any application in accordance with our approved policies which evidently do not accord with the views of Members. Councillor Hunt responded by saying that the Planning Committee could look at Officer recommendations and take a different view. Councillor Beckett added that in defence of Officers, the site was given over to commercial timber storage, as referred to in the report.

It was proposed by Councillor Goldsack and seconded by Councillor Hunt that the Officer's recommendation for refusal be rejected. When put to the vote,

It was resolved unanimously:

That planning application reference 18/01397/OUT be APPROVED for the following reasons:

- The proposal is not unsustainable. It is close to current built form and is only a ¼ mile away from the thriving village of Little Downham;

- The employment allocation is recognised but the loss of the allocated employment site is not significant due to the proximity of the alternative existing site where the use can be compounded.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions.

**156. 19/00237/FUL – 3 NUNNS WAY, SUTTON, CB6 2PH**

The Chairman advised Members of a change to their list of registered speakers; he would permit Mrs Lynne Nunn to address the Committee.

Catherine Looper, Planning Officer presented a report (reference T252, previously circulated) which sought retrospective consent for the conversion of an outbuilding to a dwelling at the front of 3 Nunns Way. The outbuilding extended 11 metres in depth and was 6 metres wide across the frontage. It had been fenced off into its own plot within the curtilage of 3 Nunns Way.

The application site was located within the development framework of Sutton, out of the street scene away from the main highway behind the dwellings which fronted Pound Lane and The Brook.

The Committee noted that the application had been called in to Planning Committee at the request of Councillor Lorna Dupré, for the reasons as detailed in paragraph 2.3 of the Officer's report.

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

The main considerations in the determination of the application were:

- Residential Amenity; and
- Visual Amenity.

In terms of residential amenity, it was considered that the residential use of the building was inappropriate in such close proximity to No. 3. The relationship was cramped and contrived and represented overly dense residential development on a plot which did not lend itself to residential development. The proposed dwelling failed to meet the requirements of the SPD Design Guide in respect of plot sizes and as such, future occupiers would be likely to experience a loss of amenity.

The overly dense form of residential development proposed by the scheme disrupted the pattern of dwellings and the spaces between them and was contrary to Policy ENV 2 of the Local Plan 2015. The previous use as an ancillary building to the residential dwelling was considered acceptable as there was an existing outbuilding in this location and it would be used as ancillary space to the main dwelling. The resulting harm from the conversion

of this building to a dwelling in this location would be significant in terms of its cramped appearance in relation to the rest of the street scene of Nunns Way and was considered unacceptable.

The parking arrangements for the proposed dwelling were located on a shared driveway, with inadequate space to manoeuvre and exit the site in forward gear. Vehicles would have to perform multiple manoeuvres in order to exit the site in forward gear and this would include having to reverse across the bend in the access road. It was considered that this would not be safe for all users of the private road or convenient for future occupiers of the proposed dwelling.

The Planning Officer concluded her presentation by saying that the scheme would cause significant harm to the character of the street scene and the visual appearance of the area by introducing a cramped and contrived form of development that was out of keeping with the character of the area. It did not comply with Policy ENV 2 of the Local Plan 2015, or the Design Guide and was therefore recommended for refusal.

At the invitation of the Chairman, Mrs Lynne Nunn, wife of the applicant, addressed the Committee and made the following points:

- They had gained approval to replace the garage with a gym/store;
- Mr Nunn was primary carer for his mother;
- Once completed, the building was the size of a one bedroom building;
- They had let a young couple move in and naively thought they could rent the property, but they were reported;
- None of the neighbours had any issues;
- Planning Enforcement advised them to either apply for permission or revert the use of the property back;
- There was ample space for 2 properties, the garden space complied with the Design Guide and a precedent had already been set at Darby's Yard for small plots;
- They would not sell off the property as it was part of the family estate, and all of the family had lived in the bungalow over the years. At times there were 5 cars parked in the drive, so she did not see where the proposal would cause problems. There would be no need for people to reverse out;
- The Local Highways Authority did not have any issues regarding turning or parking;
- The Council did not have a 5 year land supply, so this dwelling would help;
- The dwelling would be within the development envelope;
- She had spoken to Cadent about the gas main. They has said it was 60 metres away and not an issue;

- The Parish Council had raised no objections and Councillor Dupré supported the application.

Councillor Ambrose Smith thought the house looked very tidy and pleasant, but agreed that the applicant had been naïve not to seek advice and she asked if anyone had suggested that they should do so. Mrs Nunn replied that nobody had at that time.

Councillor Goldsack had a query about the right of way from No. 3 Nunns Way, and the Chairman advised him that the red line for the application had to cover the access.

Councillor Ambrose Smith asked if it would be possible to attach a condition tying the proposal to the main dwelling. The Planning Manager advised that this was not possible because the main dwelling was not within the red line; it was purely around the site that Members had visited earlier in the day.

Councillor Beckett commented that as an ancillary building it was okay, but as a standalone dwelling it was not acceptable.

Councillor Hunt said he could see no reason to go against the Officer's recommendation, as there were two valid reasons for refusal. The plot size was less than 300 square metres and the garden space was less than 50 square metres; the plot was of an inadequate size. He duly proposed that the application be refused and that his comments regarding the inadequate size of the plot be included in the reasons for refusal.

The motion was seconded by Councillor Beckett and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00237/FUL be REFUSED for the reasons given in the Officer's report and an additional reason for refusal relating to the inadequate plot size.

The meeting closed at 5.40pm.





EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Thursday, 30<sup>th</sup> May 2019 at 8.08pm.

**PRESENT**

Cllr Christine Ambrose-Smith  
Cllr Sue Austen  
Cllr David Brown  
Cllr Charlotte Cane (Substitute Member)  
Cllr Matt Downey  
Cllr Lavinia Edwards  
Cllr Bill Hunt  
Cllr Alec Jones  
Cllr Josh Schumann  
Cllr Lisa Stubbs  
Cllr Gareth Wilson

**APOLOGIES**

Cllr John Trapp

**OFFICERS**

John Hill – Chief Executive  
Maggie Camp – Legal Services Manager and Monitoring Officer  
Jo Brooks – Director Operations  
Emma Grima – Director Commercial  
Ian Smith - Finance Manager  
Tracy Couper – Democratic Services Manager

1. **ELECTION OF CHAIRMAN**

Councillor Bill Hunt was nominated and duly seconded.

It was resolved:

That Councillor Bill Hunt be elected as Chairman of the Planning Committee for the ensuing municipal year.

2. **APPOINTMENT OF VICE-CHAIRMAN**

Councillor Lisa Stubbs was nominated and duly seconded.

It was resolved:

That Councillor Lisa Stubbs be appointed as Vice-Chairman of the Planning Committee for the ensuing municipal year.

The meeting concluded at 8.10pm.

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**MAIN CASE**

**Reference No:** 18/00059/FUM

**Proposal:** Erection of 78 residential dwellings together with associated new public open space

**Site Address:** Land Rear Of 55 To 69 Fordham Road Soham  
Cambridgeshire

**Applicant:** Hopkins Homes Limited

**Case Officer:** Barbara Greengrass, Planning Team Leader

**Parish:** Soham

**Ward:** Soham South  
Ward Councillor/s: Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 24 January 2018      **Expiry Date:** 14 June 2019

[U8]

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
- 1.2 The S106 agreement will secure the following;
- 30% affordable housing.
  - Financial contribution of £74,160 towards the mitigation required at the A142/Fordham Rd/A1123 roundabout.
  - Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these areas.
  - Education and libraries contribution of £769,837.
  - Financial contribution of £8,000 towards the upkeep of the Commons.
  - Contribution for wheelie bins.

Conditions;



- 1 Approved plans
- 2 Time Limit -FULL
- 3 Contamination
- 4 Reporting of unexpected contamination
- 5 Construction Environmental Management Plan
- 6 Waste Management plan
- 7 Construction times
- 8 Materials
- 9 Surface water drainage
- 10 Foul water drainage
- 11 Standard estate road construction
- 12 Adoptable standards
- 13 Visibility splays
- 14 Run –off restriction
- 15 Bollards
- 16 Charging plug- ins
- 17 Soft landscaping
- 18 Hard landscape works
- 19 Boundary treatments
- 20 Arboricultural Method Statement
- 21 Obscured glazing
- 22 Tree protection
- 23 Landscape maintenance
- 24 PROW scheme
- 25 PROW defined
- 26 Fire hydrants
- 27 Ecology mitigation
- 28 Biodiversity enhancements
- 29 Sustainability
- 30 Travel plan
- 31 Acoustic treatment.
- 32 Drainage implementation.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks permission on a site of 3.85 hectares (9.51 acres), for the erection of 78 dwellings of which 23 (29%) will be affordable housing. The application is a full application with main access onto Fordham Road together with four additional access points to serve small groups of dwellings. The retention and enhancement of the existing Public Right of Way of Clipsall Lane through the site and provision of two new areas of public open space within the development totalling approximately 6000 square metres.
- 2.2 This application was presented to Planning Committee on 5 December 2018 and deferred to allow the applicant to work with Council Officers to address the points made by the Planning Committee in relation to making provision for less tandem parking and drainage.

2.3 Following the deferral the applicant has submitted an updated Groundwater Level Investigation Report Feb 2019, amended layout plans and elevations, acoustic report, Flood Risk Assessment and drainage strategy.

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.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

### **3.0 PLANNING HISTORY**

3.1

00/00338/OUT	Outline application - erection of one dwelling house, garage and associated works	Refused	06.07.2000
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### **4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The site lies approximately 1 km south-east of the town centre, north-east of the Fordham Road, opposite existing residential development and between frontage development along Fordham Road. The site forms three adjoining irregular-shaped parcels of vacant agricultural land totalling approximately 3.85 Hectares (9.51 acres) in area, located within the settlement boundary of Soham and comprises most of the land allocated within the housing allocation SOH4.

4.2 To the north and east, the overall site borders further parcels of undeveloped, agricultural land, with the land to the north strongly enclosed by a mature deciduous woodland belt. On the north-western, Fordham Road frontage, immediately to the north of the site boundary, a pair of two-storey semi-detached dwellings, numbers 51-53, together with their respective residential curtilages, abut the existing public right of way of Clipsall Lane, which runs broadly eastwards from site frontage, diagonally across the site. This Lane continues eastwards beyond the site, crossing the A142 bypass and on into open countryside

### **5.0 RESPONSES FROM CONSULTEES**

5.1 Responses were received from the following consultees since the last application was presented to Planning Committee and are summarised below. All other consultee responses are contained within the previous Planning Committee report attached at Appendix 2. The full responses are available on the Council's web site.

**Anglian Water Services Ltd**

7 December 2018

Position Statement

Introduction

This Position Statement has been prepared by Anglian Water Services and Hopkins Homes to provide the Case Officer and Elected Members assurance that both parties are working collaboratively to ensure a suitable foul drainage strategy will be delivered for this site.

The Position Statement sets out the current situation in relation to the foul water network in Fordham Road Soham and outlines the opportunity to include the start of a strategic foul water scheme on the site.

### Key Issues

The foul water network currently running along Fordham Road in Soham is known to be at capacity in storm conditions. Any new flows entering the system without mitigation could therefore cause flooding and pollution.

Under Zonal Charging Hopkins Homes has the right to connect at the nearest sewer of the same size or greater to serve their site. Anglian Water has the responsibility to fund and ensure mitigation is in place to serve the development. If connection is made at their zonal charge point, without mitigation, flooding or pollution is likely to occur.

Both parties are aware of the number of allocations proposed in the East Cambridgeshire Submission Local Plan for Fordham and Soham. It is therefore acknowledged that a strategic foul network solution will be required to deal with all the growth over the plan period. Anglian Water recognise the opportunity to promote a strategy to serve this site which could facilitate that future growth and, in the long term, bypass the existing strained network along Fordham Road.

Anglian Water and Hopkins Homes started discussions regarding the design and delivery of such mitigation in November 2017.

### Communication Time Line

29 November 2018 - Anglian Water and Hopkins Homes meet to discuss process for strategy delivery and adoption criteria

19 November 2018 - Anglian water and Hopkins Homes meeting to discuss detail options and strategy

5 November 2018 - Anglian Water and Hopkins Homes meet to discuss high level strategy and approach

12 October 2018 Anglian Water re-issue planning application response to 18/00059/FUM – capacity concerns identified and on-site drainage strategy condition requested. This condition will ensure that a suitable strategy is delivered.

11 October 2018 - meeting between Anglian Water and East Cambridgeshire District Council Case Officer

February 2018 - Anglian Water responds to planning application 18/00059/FUM – no capacity concerns identified.

November 2017 - Hopkins Homes submitted Pre Application request with Anglian Water

### Options

Anglian Water and Hopkins Homes have identified the following options for the site:

#### Option 1:

Hopkins Homes to connect at their Zonal Charge connection point along Fordham Road and Anglian Water will manage the risk, potentially using an active control mechanism to balance the development discharge against network capacity.

Anglian Water will adopt the on-site drainage and future maintenance will be their responsibly.

#### Option 2:

The second, and preferred option, is to upsize the proposed on-site foul water drainage and lay additional sewer pipes which can later be utilised as part of a joint Fordham and Soham strategic sewerage investment strategy. Anglian Water will adopt all the on-site drainage which allows Anglian Water control over how and when other sites will feed into the new network. On-going maintenance will be the responsibility of Anglian Water.

This approach still allows for an interim mitigation strategy, by which new development flows can be balanced against downstream network capacity using active control techniques. This ensures that the impact of the new development can be mitigated in lieu of the broader Fordham-Soham strategy, involving more substantial off-site network reinforcement.

The indicative design for option 2 has been drawn up by Hopkins Homes, in consultation with Anglian Water Senior Engineers. Both parties are having on-going discussions regarding delivery mechanisms.

#### Next Steps

- Anglian Water and Hopkins Homes to finalise on-site strategy and delivery timeline.
- Anglian water to continue working with East Cambridgeshire District Council to understand delivery timescales of future planned growth and finalise a strategic foul network strategy.

### **Cambridgeshire Archaeology**

I am writing to advise that the proposed amendments to the scheme do not alter the advice previously issued by this department, namely that we have no objections or requirements for this development.

The site has been subject to an archaeology evaluation (Cambridgeshire Historic Environment Record reference ECB5216). Sparse archaeological features were identified within the site and included a dump of pottery of Roman date. This is most likely of secondary deposition of domestic waste within field boundaries and indicates the presence of contemporary settlement in the vicinity, possible the settlement known from excavations in advance of the Celadine View development to the north west. It is however unlikely that further investigation would add significantly to our understanding of this landscape and we do not consider further archaeological work to be necessary in relation to this application.

## **Environment Agency**

26 February 2019

We have reviewed the amended details and do not have any comments to add to those made in our previous letter AC/2018/126734/02 dated 22 November 2018.

## **Environmental Health**

4 February 2019

I have compared the new layout to the previous and note that sites 79, 77, 76 and 75 have new orientations/layouts. I have highlighted these properties as they were indicated as requiring enhanced glazing and ventilators in Figure 3 of the Noise Impact Assessment dated 21 November 2017.

I am struggling to interpret the revised floor plans but in any case, the noise report stated that –

*“As the site layout and building designs have not been finalised, I have used indicative room and glazing sizes to predict the likely sound insulation performance required to achieve the required criteria. Once these details have been finalised, the assessment may need to be updated.”*

I would not expect these latest amendments to significantly alter the previous report but as mentioned above, when the layout and designs have been finalised it would be good practice for the NIA to be updated.

13 February 2019

I have compared this new noise report to its last iteration and it would appear that the only difference is an updated site plan layout. As the new layout does not appear to have changed the findings of the original noise report I have no concerns to raise at this time.

## **Housing Section**

26 February 2019

I have reviewed the proposed resubmission and note the amended planning layout, house types and car parking compliance statements. These amendments however do not affect the provision of affordable housing on site as no changes have been made and therefore I have no further comments as the Strategic Housing Team consultation response dated the 14 May 2018 remains valid.

## **Local Highways Authority**

5 March 2019

No further objections. Recommend conditions.

## **Lead Local Flood Authority**

21 February 2019

Having reviewed the revised documentation we can confirm that the LLFA has no further comments beyond those set down in our response of 14th November 2018. Our position therefore remains supportive of the development.

14 March 2019

Concerned as the Flood Risk Assessment submitted with the application states that groundwater was found at 1.5 m below ground level (paragraph 6.3). This was supported by the Site Investigation (paragraph 4.3.2). For this reason, shallow infiltration to a depth

of 0.4 m was proposed in the north of the site to achieve the minimum 1.0 m clearance between the base of the soakaway and the groundwater level.

If the groundwater is actually only 1 m below ground level in the north of the site, then it will be impossible to achieve the 1.0 m clearance without ground raising of at least 0.5 m.

Based on this latest information, the current proposed drainage strategy is unacceptable for the northern part of the site as it may lead to an increased risk of flooding.

#### 21 May 2019

We have reviewed the following documents:

- Infiltration Basin Sections prepared by Ingent Consulting Engineers (ref: 1705-005-036) dated April 2019
- Preliminary Drainage Strategy prepared by Ingent Consulting Engineers (ref: 1705-005-001) dated June 2017, Rev G
- Drainage Strategy Infiltration Pond and Filter Drains prepared by Ingent Consulting Engineers (ref: 1705-005-ST001) dated January 2019, Rev C

Based on the above we are able to **remove our objection**, subject to conditions. In order to address the issue of high groundwater levels across the site, the applicant proposes to utilise shallow infiltration techniques to ensure there is a minimum of 1.0 m clearance between the base of the infiltration feature and the peak recorded groundwater level. This requires the use of a combination of shallow crated soakaways in the rear gardens of most properties. Where it isn't possible to achieve the clearance in rear gardens, a shallow infiltration basin is proposed (in an area of the site where the clearance can be achieved) to take water from several properties via a filter drain within rear gardens.

#### **Soham Town Council**

3 December 2018

Increasing and growing concerns regarding the management of traffic within the town.

#### 1 March 2019

Soham Town Council NOTED there is no longer tandem parking but the developer has not addressed our previous concerns which were:

- Soham town Council commented that they hoped the developer will maintain the level of affordable house.
- They noted their concerns regarding the open space, who would be responsible for maintaining.
- They noted that more information is required regarding drainage and sewage as information from Anglian Water is objecting to development (as in their document dated 08/10/2018).
- This plan may be relevant at present but if the drainage has be to be changed then plan will require a complete rework.

#### 24 May 2019

Commented that they hoped the level of affordable housing will be maintained. Noted their concerns regarding the open space, who would be responsible for maintaining. Noted that more information is required regarding drainage, a sewage and surface water on site. If the drainage needs to be changed then the plan will require a re-design. Noted concerns regarding impact on SSSI field.

**The Ely Group Of Internal Drainage Board**

21 February 2019

The Board has no comment on these amendments from a drainage point of view. Our original comments remain the same.

**Natural England**

6 February 2019

Natural England has previously commented on this proposal and made comments to the authority in May 2018.

The advice provided in our previous response applied equally to this **amendment** although we made no objection to the original proposal.

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

**ECDC Trees Team**

15 February 2019

I have no objections to the proposed plan.

But would like to reiterate that there must be tree protection on site in line with the recommendations made in Arboricultural /Tree Impact Assessment/Plan dated 28/07/2017.

**Ward Councillors**

Ian Bovingdon – 7 February 2019

I am pleased to see that the developer has taken into consideration the comments of the planning committee with regards the parking arrangements and delivering a good mix of housing and open space. This is a site that has been allocated for 80 dwellings and it would be good to see it finally approved and come forward for much needed housing and still provides 30% affordable homes.

Neighbours – 41 neighbouring properties were re-consulted on the amendments to the layout and no responses were received. Comments received prior to the previous Planning Committee can be found in the Committee report attached at Appendix 2. A full copy of the responses are available on the Council’s website.

**6.0 The Planning Policy Context**

East Cambridgeshire Local Plan 2015

- GROWTH 2      Locational strategy
- GROWTH 3      Infrastructure requirements
- GROWTH 5      Presumption in favour of sustainable development

HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
SOH 4	Housing allocation, land off Fordham Road

## Supplementary Planning Documents

### Design Guide

### Developer Contributions and Planning Obligations

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

### Flood and Water

## National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 11 Making effective use of land
- 12 Achieving well designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

## Planning Practice Guidance

## **7.0 PLANNING COMMENTS**

- 7.1 The application seeks permission on a site of 3.85 hectares (9.51 acres), for the erection of 78 dwellings of which 23 (29%) will be affordable housing. The application is a full application with main access onto Fordham Road together with four additional access points to serve small groups of dwellings. The retention and enhancement of the existing Public Right of Way of Clipsall Lane through the site and provision of two new areas of public open space within the development totalling approximately 6000 square metres.
- 7.2 The report which was presented to Planning Committee on 5 December 2018 is attached at Appendix 2 of this report and covers the main considerations of the application in relation to the principle of development, visual impact, noise and residential amenity, housing mix and layout, public open space, highway safety and



transport impact, flood risk and drainage, trees, ecology and biodiversity and needs to be read in conjunction with this report.

- 7.3 This report covers the amendments which have been made to the scheme, following the deferral at Planning Committee. This was in order to allow the applicant to amend the scheme to make provision for less tandem parking on each plot, together with additional drainage investigations. Amendments have been submitted together with amendments to some house designs, in part to accommodate this, but also to improve designs, together with, updated Noise Report, and Flood Risk Assessment and drainage layout to correspond with the updated layout. An Arboricultural Impact assessment has also been submitted. This report includes the subsequent comments received as part of the consultation process.
- 7.4 Amendments to the layout to accommodate an amended drainage strategy have necessitated the removal of two dwellings and provision of an infiltration basin in the north east corner of the site. One of these dwellings is an affordable unit taking the total provision to 23. This means that the affordable housing provision has reduced to 29% instead of 30% on the previous layout. The requirements of the adopted Local Plan is 30%. However, the Council's own Viability Assessment Report, April 2019, accepts that for Soham a requirement of 20% affordable dwellings is acceptable. On this basis the reduction in affordable housing to 29% is considered acceptable.
- 7.5 Acknowledging Members concerns expressed regarding the robustness of the infiltration testing, to support the proposed surface water drainage strategy, further ground water monitoring has also taken place, which has led to the provision of the infiltration basin.
- 7.6 The revised plans now propose 78 dwellings with a total of 185 car parking spaces, including visitors spaces. The total car parking provision therefore exceeds the average car parking standards for the development by 29 car spaces (allowing for 2 spaces per dwelling), as set out in policy COM8 of the Local Plan.
- The proposal includes a total of 28 unallocated visitors spaces when Local Plan policy only requires 20.
  - The total number of 4 bed dwellings has been reduced from 10 to 3, thus reducing the number of dwellings which might be expected to have 3 or more cars.
  - All garages are planned to a size which will accommodate a car and cycle storage having internal dimensions of 6m X 3m.
  - A total of 31 dwellings now have parking spaces which are not tandem, compared with the previous layout which had 21 such dwellings.
- 7.7 The developer has submitted a car parking compliance statement which states,

“Policy SOH4 of the adopted 2015 Local Plan allocates the site for “**up to 90 dwellings**” subject to the satisfaction of various criteria. Policy COM 8 of the Local Plan also sets out that “**development proposals should provide adequate levels of car and cycle parking, and make provision for parking**”

**broadly in accordance with the Council’s parking standards”**. Table 7.1 of the Local Plan states that for residential development there should be an average 2 car spaces per dwelling (per development). According to the policy, **“parking standards may be relaxed in order to reflect accessibility of/ by non-car modes”**.

The application site is directly adjacent to the bus stops at Centre Road where the No12 service provides a regular hourly service to the centre of Soham and to Ely or Cambridge further afield. The site is therefore well served by public transport. Furthermore, the site is neither located in an area of parking stress (where there is excess on street parking or parking regulation via parking enforcement/ yellow lining) nor is it in an area of above-average car ownership.

The proposal is within an area, accessible by public transport, where car parking standards may be relaxed. Notwithstanding the fact that car parking could be reduced here, the applicant has amended the planned parking so that it exceeds the car parking standards, exceeds visitor space requirements, and removes tandem parking”.

- 7.8 The mix of market homes with the reduction of the number of 4 bed dwellings means that the mix comprises one less 2 bed dwelling and eight more 3 bed dwellings.
- 7.9 These amendments mean that the new layout provides for 40% of the dwellings with tandem parking, compared to 73% on the last layout. This is an improvement which together with the reduction of the number of 4 bed houses, to three and the over provision of visitor’s spaces is considered acceptable in giving a mix of parking arrangements.
- 7.10 It is considered that this improvement and the amended house types offer an acceptable planning layout, and mix of houses, which accords with the Local Plan and that refusal of planning permission would not be justified, on these grounds.
- 7.11 The previous Flood Risk Assessment (FRA), stated that groundwater was found at 1.5 m below the ground level and for this reason shallow infiltration was previously proposed which the LLFA where satisfied with.
- 7.12 The FRA has been amended following further ground water testing, and states that groundwater was found to be 1.2 meters below ground level at the north east of the site. The infiltration features designed across the site generally take the form of shallow crates and swales which are set to produce the 1 meter clearance to measured water table. In the northern section of the site from Plots 3 to 26 the solution is to form an infiltration basin which is 500mm deep with bunded sides. The surface water from adjacent plots is collected using filter drains which feed into the basin. This arrangement is acceptable to the Lead Local Flood Authority.
- 7.13 All other matters in relation to the principle of development, residential amenity, visual amenity, flood risk and drainage and other material matters are covered in the initial report attached at Appendix 2.

## **8.0 Planning Balance**

- 8.1 The site is an allocation in the Local plan for up to 90 dwellings, which holds significant weight in the planning balance. The residential development of this site would enable economic and social improvements to the local environment, to the benefit of existing local residents, whilst providing much needed additional residential dwellings and 23 affordable homes, of mixed tenures, to maintain and add to the existing dwelling stock within the town. The site is well located in relation to existing services and facilities, with public transport links to the town centre and beyond available from Fordham Road adjacent. The site is also an allocation and although provides for less dwellings has due regard to the constraints of the site. There is no adverse impacts on residential amenity, flood risk, biodiversity or highway safety. These benefits weigh significantly in favour of the proposal.
- 8.2 On balance it is considered that there will be no adverse impacts that would weigh against the proposal and it is therefore recommended for approval.

## **9.0 COSTS**

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

This is an allocated site for housing development within the settlement boundary of Soham and no statutory consultees have objected.

## **10.0 APPENDICES**

Appendix 1 – Recommended Conditions  
Appendix 2- Committee Report from 5<sup>th</sup> December 2018

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00059/FUM	Barbara Greengrass Room No. 011	Barbara Greengrass Planning Team Leader
00/00338/OUT	The Grange Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00059/FUM Conditions

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

Plan Reference	Version No	Date Received
1705-005-ST001	C	10th May 2019
053	P01	8th May 2019
1705-005-001 DRAINAGE	G	27th April 2019
002	K	7th May 2019
003	K	7th May 2019
004	J	7th May 2019
1705-005-036 INFILTRATION		27th April 2019
LA3663 001	D	9th May 2019
Suds Strategy		10th September 2018
303	B	6th September 2018
140	A	19th September 2018
141	A	19th September 2018
139	A	13th July 2018
135	A	13th July 2018
136	A	13th July 2018
112	A	6th September 2018
113	A	6th September 2018
122	B	6th September 2018
123	B	6th September 2018
206	A	13th July 2018
207	A	13th July 2018
209	A	6th September 2018
201	A	13th July 2018
200	A	13th July 2018
212	A	6th September 2018
213	A	6th September 2018
214	A	6th September 2018
204	B	6th September 2018
205	B	6th September 2018
218	B	19th September 2018
219	B	19th September 2018
220	A	6th September 2018
221	B	19th September 2018
156		6th September 2018
157	A	19th September 2018
153		13th July 2018
154		13th July 2018
155		13th July 2018
151	A	6th September 2018
152	B	19th September 2018
148	A	19th September 2018
149	A	19th September 2018
150	A	19th September 2018
222		13th July 2018

223		13th July 2018
144	A	6th September 2018
145	A	6th September 2018
Noise Assessment	D	6th February 2019
107	A	23rd January 2019
Transport Assessment Technical note 1		22nd June 2018
100	B	23rd January 2019
101	B	23rd January 2019
106	A	23rd January 2019
114	A	23rd January 2019
115	A	23rd January 2019
116	A	23rd January 2019
128	A	23rd January 2019
129	A	23rd January 2019
137	C	23rd January 2019
138	C	23rd January 2019
302	C	23rd January 2019
306		23rd January 2019
Groundwater levels investigation report		26th February 2019
1705-005-ST001 DRAINAGE	B	23rd April 2019
19844ea-01		23rd April 2019
Flood Risk Assessment	D	23rd April 2019
146	C	23rd April 2019
147	C	23rd April 2019
300	D	23rd April 2019
301	D	23rd April 2019
125		15th January 2018
124		15th January 2018
126		15th January 2018
127		15th January 2018
130		15th January 2018
131		15th January 2018
133		15th January 2018
134		15th January 2018
142		15th January 2018
143		15th January 2018
202		15th January 2018
203		15th January 2018
208		15th January 2018
210		15th January 2018
211		15th January 2018
215		15th January 2018
216		15th January 2018
217		15th January 2018
304		15th January 2018
305		15th January 2018
TREE SURVEY		15th January 2018
ECOLOGICAL SITES ASSESSMENT		15th January 2018
SITE INVESTIGATION REPORT		15th January 2018
SUSTAINABILITY STATEMENT		15th January 2018
ARCHAEOLOGICAL EVALUATION		15th January 2018

105		15th January 2018
104		15th January 2018
103		15th January 2018
102		15th January 2018
6227-D		15th January 2018
108		15th January 2018
109		15th January 2018
110		15th January 2018
111		15th January 2018
117		15th January 2018
121		15th January 2018
118		15th January 2018
119		15th January 2018
120		15th January 2018
001	A	24th January 2018
Arboricultural Impact Assessment		24th May 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to the commencement of development a completed Waste Management Audit and Strategy must be submitted to and approved by the local planning authority. The Audit and Strategy shall detail: a) the quantity of anticipated waste and the measures put in place to maximise waste minimisation, sorting, re-use and recovery of waste b) how any sand and gravel incidentally extracted will be handled and where practicable made available for use. It shall be implemented in full prior to the first property being occupied.
- 6 Reason: To comply with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 7.30 to 18.00 each day Monday-Friday, 7.30 to 13.00 Saturdays and none on Sundays, Public or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The materials to be used in the construction of the external surfaces, including walls and roofs shall be as specified on the materials plan 004 Rev J dated 7 May 2019. All works shall be carried out in accordance with the approved details.



- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall include as a minimum:
- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
  - b) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - d) Full details of the proposed attenuation/disposal measures;
  - e) Temporary storage facilities if the development is to be phased;
  - f) A timetable for implementation if the development is to be phased;
  - g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - h) Full details of the maintenance/adoption of the surface water drainage system;
  - i) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- 9 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 10 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 10 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.
- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing number 003 Rev K.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 12 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 12 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 13 Prior to first use of the access visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted layout plan 003 rev K. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 15 Upon completion of the right of way alongside Plots 14 and 17, bollards shall be erected at either end to prevent vehicular access and retained thereafter.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to first occupation of any dwelling a scheme for the provision of facilities for charging plug-in and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 16 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes.
- 17 Prior to first occupation of any dwelling 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.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 18 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: play equipment, and bollards. 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 a programme agreed with the Local Planning Authority.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the external works drawing number 002 Rev K. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling to which it relates. All works shall be carried out in accordance with the approved details and retained thereafter.
- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 No development shall take place until a detailed Arboricultural Method Statement (AMS) 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.
- 20 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 21 All bathroom and cloakroom windows 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.
- 21 Reason: To safeguard the residential amenity of the occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees,

including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 22 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 23 Prior to any occupation of the development, a scheme for the maintenance of the hard and soft landscaping for a minimum period of 10 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 23 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 24 Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the LPA. Such scheme shall include provision for:
- i. the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 24 Reason: To safeguard the PROW and the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 25 Prior to the commencement of development, the definitive line of the public rights of way shall be marked out on site.
- 25 Reason: To safeguard the PROW and the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 26 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the

Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 26 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 of the East Cambridgeshire Local Plan 2015.
- 27 The development shall be carried out in accordance with the mitigation and precautionary methods contained within sections 5 and 6 of the Habitat Survey and Designated sites assessment report dated 6 November 2017.
- 27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 28 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.
- 28 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 29 All development shall be carried out in accordance with the submitted sustainability statement dated 15 January 2018.
- 29 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 30 Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator and cycle vouchers. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 30 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 31 The properties as identified within the noise report shall be acoustically treated as specified within the Noise Assessment Revision D, dated 6 February 2019, prior to occupation.
- 31 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 32 Prior to the occupation of any dwelling the associated surface water infrastructure works (including soakaways, infiltration features and pipe work) serving that dwelling shall be completed in accordance with the agreed site-wide drainage strategy, unless otherwise approved in writing by the Local Planning Authority.

- 32 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

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**MAIN CASE**

**Reference No:** 18/00059/FUM

**Proposal:** Erection of 80 residential dwellings together with associated new public open space.

**Site Address:** Land Rear Of 55 To 69 Fordham Road Soham  
Cambridgeshire

**Applicant:** Hopkins Homes Limited

**Case Officer:** Barbara Greengrass, Planning Team Leader

**Parish:** Soham

**Ward:** Soham South  
**Ward Councillor/s:** Councillor Hamish Ross  
Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 24 January 2018      **Expiry Date:** 7 December 2018  
[T146]

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
- 1.2 The S106 agreement will secure the following;
- 30% affordable housing.
  - Financial contribution of £105,600 towards the mitigation required at the A142/Fordham Rd/A1123 roundabout.
  - Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these areas.
  - Education and libraries contribution of £585,698.
  - Financial contribution of £8,000 towards the upkeep of the Commons.
  - Contribution for wheelie bins

Conditions;

- 1 Approved plans
- 2 Time Limit Full
- 3 Contamination
- 4 Unexpected contamination
- 5 Construction Environmental Management Plan
- 6 Waste Management plan
- 7 Construction times
- 8 Materials
- 9 Surface water drainage
- 10 Foul water drainage
- 11 Standard estate road construction
- 12 Adoptable standards
- 13 Visibility splays
- 14 Run –off restriction
- 15 Bollards
- 16 Charging plug- ins
- 17 Soft landscaping
- 18 Hard landscape works
- 19 Boundary treatments
- 20 Arboricultural Method Statement
- 21 Obscured glazing
- 22 Tree protection
- 23 Landscape maintenance
- 24 PROW scheme
- 25 PROW defined
- 26 Fire hydrants
- 27 Ecology mitigation

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks permission on a site of 3.85 hectares (9.51 acres), for the erection of 80 dwellings of which 24 (30%) will be affordable housing. The application is a full application with access onto Fordham Road together with the retention and enhancement of the existing Public Right of Way of Clipsall Lane through the site.
- 2.2 Two new areas of public open space are proposed within the development totalling approximately 6000 square metres.
- 2.3 The 24 affordable dwellings comprise the following mix;

### Rented tenure

- 4 x 1 bed flats
- 3 x 2 bed flats
- 6 x 2 bed houses
- 3 x 3 bed houses

### Shared ownership

- 1 X 2 bed flat
- 3 x 2 bed houses
- 4 x 3 bed houses



The 56 market dwellings comprise;

7 x 2 bed dwellings  
39 x 3 bed dwellings  
10 x 4 bed dwellings

2.4 The application is accompanied by, an archaeological trial trench evaluation, geotechnical report, sustainability statement, Noise Assessment, Phase 1 Habitat Survey and Designated sites assessment, Tree Survey, Transport Assessment and Flood Risk Assessment. 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/>.

2.5 **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.6 This application has come to planning committee in line with the Council's constitution.

### 3.0 **PLANNING HISTORY**

3.1

00/00338/OUT	Outline application - erection of one dwelling house, garage and associated works	Refused	06.07.2000
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### 4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site lies approximately 1 km south-east of the town centre, north-east of the Fordham Road, opposite existing residential development and between frontage development along Fordham Road. The site forms three adjoining irregular-shaped parcels of vacant agricultural land totalling approximately 3.85 Hectares (9.51 acres) in area, located within the settlement boundary of Soham and comprises Housing allocation SOH4.

4.2 To the north and east, the overall site borders further parcels of undeveloped, vacant agricultural land, with the land to the north strongly enclosed by a mature deciduous woodland belt. On the north-western, Fordham Road frontage, immediately to the north of the site boundary, a pair of two-storey semi-detached dwellings, numbers 51-53, together with their respective residential curtilages, abut the existing public right of way of Clipsall Lane, which runs broadly eastwards from site frontage, diagonally across the site. This Lane continues eastwards beyond the site, crossing the A142 bypass and on into open countryside

### 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.

5.1.1 **Cambridgeshire Archaeology**

The site has been subject to an archaeological evaluation (HER ECB5216). Sparse archaeological features were identified within the site and included a dump of pottery of Roman date. This is most likely a result of secondary deposition of domestic waste within field boundaries and indicates the presence of contemporary settlement in the vicinity, possibly the settlement known from excavations in advance of the Celandine View development to the north west. It is however unlikely that further investigation would add significantly to our understanding of this landscape and we do not consider further archaeological work to be necessary in relation to this application.

#### 5.1.2 **Asset Information Definitive Map Team**

22 Feb 2018 - Please note Public Byway No. 92, Soham and Public Footpath No. 96, Soham are affected by this development.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware that further consent may be required from Cambridgeshire County Council, as Local Highway Authority for any changes, or 'enhancements' as quoted within the Design and Access Statement, proposed to Clipsall Road. As such, it would be beneficial that a condition be applied to any permission granted to protect Clipsall Road and Footpath No. 96 and allow any scheme of enhancements to be agreed with relevant parties.

Furthermore, the applicant should be aware of the legal alignment and recorded width of the Public Rights of Way (which may differ from what is physically available on the ground) as well as the County Council's guidance on boundary fences and planting. This guidance ensures that boundary fences do not result in the path becoming narrow and uninviting whilst guidance on planting ensures that the future growth of planting does not obstruct the right of way.

To ensure the Public Rights of Way are protected as part of the development, the County Council's Definitive Map Team requests the following conditions be applied to any permission granted.

- Prior to the commencement of development, an access scheme shall be submitted to and approved by the LPA. Such scheme shall include provision for:
  - i. the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision
- Prior to the commencement of development, the definitive line of the public right of way shall be marked out on site.
- No fencing shall be erected on or within 1m of the current or any proposed public rights of way.
- No planting shall be erected on or within 2m of the current or any proposed public rights of way.

Most of the length of paths in the residents petition do not form part of the recorded public Rights of Way network. If the residents believe that they have used the route for 20 years or more without force, secrecy and permission then they may be able to claim

that a public right of way has come into existence. If the evidence within an application was strong enough then we would make an Order to record a Public Right of Way, regardless of whether the development has taken place or not.

30 April 2018 - Most of the length of paths referred to in the residents petition do not form part of the recorded Public Rights of Way network. They are not recorded on the legal records here at CCC.

However, that is not to say that they are not a Public Right of Way, just that it isn't recorded. If the residents believe that they have used the route for 20 years or more without force, secrecy and permission then they may be able to claim that a Public Right of Way has come into existence.

If an application was received to record these routes, then CCC would investigate the matter accordingly. If the evidence was strong enough then we would make an Order to record a Public Right of Way. This would happen regardless of whether the development has taken place or not.

Therefore, one outcome (out of many potential) that may occur is that a Public Footpath is recorded in five years' time on an alignment that is now occupied by dwellings.

The developer should be made aware that this is a possibility. Although without receiving an application it is very difficult to advise on the likelihood of any application being successful.

In terms of surfacing, I would have to talk to the local rights of way officer, however we would usually want to keep it as green as possible. So loose type 1 material laid into low spots and vehicle ruts may be sufficient. Any damage to the Byway during construction will obviously need to be rectified.

17 October 2018 - The Definitive Map Team notes the amendments to the site layout. With respect to the additional pathway adjacent to Plots 68 and 75, further details are required as to whether this section of path is to be offered for adoption, form part of a Public Path Order proposal or remain private. Either way, I echo the comments made by my colleague Geoff Ellwood that bollards would be required if the pathway was to be constructed as proposed (approx. 3 metres wide?). These details can be dealt with via an appropriate condition and I refer to my original response dated 22<sup>nd</sup> February 2018 for a suggested condition.

The Definitive Map Team does not have any further comments to make other than those already made in my responses dated 22<sup>nd</sup> February and 30<sup>th</sup> April 2018.

5.1.3 **Cambridgeshire Fire And Rescue Service**  
Wish to see adequate provision of fire hydrants.

5.1.4 **Local Highways Authority**  
7 March 2018 - The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. In summary;

Servicing provision cannot be agreed until such a time as Drawing 1705-005-ST002 has been submitted for review.

Trip rates utilised within application 15/01491/FUM have been used within this assessment and full TRICS outputs provided. The County Council do not accept data that is over 3 years old. Vehicle distributions within the trip distribution diagrams do not correctly add up. In addition, diagrams T7 and T8 do not coincide with the projected trip rates highlighted in Table 6.1. This should be clarified.

Junction capacity assessments have been utilised for the following junctions:

- Proposed Site Access/Fordham Road
- A142/Fordham Road/A1123 roundabout

The capacity assessment should be revised to incorporate the additional committed development.

The junction capacity assessment for the A142/Fordham Road/A1123 roundabout is unacceptable. The 2017 base model for this junction does not show any issues, yet the Highway Authority knows from its local knowledge there is an existing capacity issue. Therefore, the current model is incorrect and does not reflect what is happening on the ground now. In addition, such outputs differ significantly to the approved assessment conducted by application 17/01572/OUM which demonstrates much higher RFC values. The capacity assessment should therefore be revised and incorporate up-to-date trip rates and the additional committed development. Furthermore, the A142/Fordham Road/A1123 roundabout junction is expected to operate over capacity in future scenarios. Whilst it is noted that the capacity issues at the junction exist without the proposed development, vehicles from the proposed development will essentially add to the issue, which in turn will have a negative impact on the junction. The development should contribute a proportionate sum towards mitigation of the roundabout in order to mitigate the development.

11 October 2018 - After a review of the latest layout drawing I have no further objections subject to conditions.

The new and additional footpath adjacent to plots 68, 75 is wide for pedestrian only use. I would recommend that the CCC RoW team are consulted on this aspect. To the best of my knowledge this is not byway or a shared use cycle/footpath area. Should this remain this width bollards will need to be installed to stop vehicles entering this area.

### 5.1.5 **CCC Transport Team**

25 September 2018 - It was identified by the Highway Authority that the proposed development is likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout.

To address this capacity issue, the County Council request a contribution towards the improvement scheme set out for the junction. The junction improvement scheme has an in principle total cost of £1.2 million. The total contribution sum and subsequent calculation methodology as set out within the Technical Note 02 dated September 2018 has been accepted by the Highway Authority.

The Highway Authority does not object to the proposals subject to the following -

#### Condition

- Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator and cycle vouchers. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

S106

- Prior to first occupation, the applicant shall provide a contribution of £74,160 towards improvements to increase the capacity of the A142/Fordham Road/A1123 roundabout.

### 5.1.6 **CCC Education**

Contributions sought are; early years, £83,079, primary, £222,858 and secondary, £271,337. Libraries and lifelong learning - £8,424 sought.

### 5.1.7 **Lead Local Flood Authority**

21 March 2018 – object as limited infiltration referenced in the FRA, the site investigations demonstrate poor conditions for infiltration, information relating to topography is unclear, private soakaways cross property boundaries and no maintenance plan for the SuDs.

27 September 2018 - Thank you for your re-consultation which we received on 24th September 2018. We have reviewed the revised documents and would comment as follows.

1. Our initial objection stated, 'There is limited infiltration testing referenced within the Flood Risk Assessment (FRA) and it has not been wholly carried out with BRE 365 requirements. The report detailing the infiltration test results has not been provided and the FRA states that two out of the three test results have been estimated. Furthermore, the drainage calculations use an infiltration rate of 0.054 m/h which appears unrelated to those values stated within the FRA'.

The updated Flood Risk Assessment contains new infiltration testing undertaken at two locations across the site. These have been undertaken in accordance with BRE 365. The calculations have subsequently been updated to reflect the results. This aspect of our objection can therefore be removed.

2. Our initial objection stated, 'The FRA suggests that the site will be drained purely by infiltration, however, the Site Investigations demonstrates that groundwater is only 0.5m below ground level. This indicates poor conditions for infiltration. It also suggests that there may be a risk of groundwater flooding. This has not been discussed within the FRA'.

It is acknowledged in the updated FRA that groundwater depths were between 1.5m – 2.89m below ground level. The risk of groundwater flooding has now also been discussed and is considered by the report to be low. This aspect of our objection can therefore be removed.

3. Our initial objection stated, 'The information provided in relation to the topography of the site is not clear and there is no topographic survey or map attached to the FRA.'

The revised FRA now contains a topographic survey. This aspect of our objection can therefore be removed.

4. Our initial objection stated, 'Private soakaways have been designed to be shared across property boundaries, which we do not support. This is due to maintenance concerns'.

The revised FRA still contains shared soakaways. They have also been drawn onto the plans using very unusual shapes which is unlikely to be practical in terms of construction. This aspect of our objection therefore remains.

5. Our initial objection stated, 'No maintenance plan has been submitted with the application. The maintenance of the highways swales has been mentioned but we would expect a plan for the maintenance of all sustainable drainage features to be set out or an agreement between adoption bodies'.

A maintenance and management plan has now been submitted. This confirms that the infiltration trenches will be maintained by East Cambridgeshire District Council and all remaining private features will be maintained by householders. This aspect of our objection can therefore be removed.

Based on the above, whilst most aspects have been dealt with, there is still one remaining aspect of our objection that has not been satisfactorily addressed.

8 October 2018 - We feel that the last remaining aspect of our objection (soakaway design) can be dealt with by way of an appropriate condition.

We therefore remove our objection subject to a condition.

15 November 2018 – The latest drainage plan Rev F does not appear to make changes that materially affect the proposed surface water scheme. No additional comments to make.

#### 5.1.8 **Minerals And Waste Development Control Team**

##### CS26 Mineral Safeguarding Areas

The northern part of the application site lies within a Mineral Safeguarding Area for sand and gravel as shown on page 145 of the Cambridgeshire and Peterborough

Minerals and Waste Development Plan - Proposals Map C: Minerals Safeguarding Areas (July 2011). Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy states, inter-alia, that development will only be permitted where it has been demonstrated to the Mineral Planning Authority that, 1. The mineral concerned is no longer of any economic value or potential value, or 2. The mineral can be extracted prior to the development taking place, or 3. The development will not inhibit extraction if required in the future, or 4. There is overriding need for the development and prior extraction cannot be reasonably undertaken, or 5. The development is not incompatible.

I note that the area which is likely to have reserves is limited to part of the site and there are dwellings close to the western boundary. Consequently, I am of the view that even if sand and gravel of suitable quality is located within the site, it is unlikely to be viable to extract the mineral prior to development. I would ask that the following informative be included on any planning permission, should it be granted.

*Part of the application site lies within a Mineral Safeguarding Area for sand and gravel as shown on page 145 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan - Proposals Map C: Minerals Safeguarding Areas (July 2011). Whilst it is the view of the Minerals Planning Authority that full extraction is unlikely to be possible prior to development, the developer is encouraged to explore the possibilities of making best use of any sand and gravel that is extracted incidentally as part of construction. This should be detailed as part of the Waste Management Audit and Strategy.*

#### Policy CS28 Waste Minimisation, Re-use, and Resource Recovery

I note in the Sustainability Statement that it states that “during the construction phase a site management plan will be produced. This will include measures for identifying, sorting and separating construction and demolition materials for re-use and recycling.

The plan will also identify effective methods for minimizing construction waste.” To ensure compliance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy I would ask that the following condition be imposed, should permission be granted:

*Prior to the commencement of development a completed Waste Management Audit and Strategy must be submitted to and approved by the local planning authority. The Audit and Strategy shall detail:*

- a) the quantity of anticipated waste and the measures put in place to maximise waste minimisation, sorting, re-use and recovery of waste*
- b) how any sand and gravel incidentally extracted will be handled and where practicable made available for use. It shall be implemented in full prior to the first property being occupied.*

*Reason: Compliance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.*

#### 5.1.9 **Environmental Health (Technical)**

13 Feb 2018 - Conditions recommended for construction times, Construction Management Plan and traffic noise.

The Acoustic consultant SRL indicates that suitable noise levels can be achieved internally with special acoustic trickle ventilators. This would be with windows closed.

ECDC Planning require windows to be openable and still achieve suitable noise levels.

I would advise the following condition:

The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows open do not exceed an LAeq(16hrs) of 35 dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

From our point of view if the applicants consider windows need to remain closed for internal noise guidelines to be met there will be a need for an alternative ventilation system which can achieve air changes comparable to an open window. I am aware that the LPA do not consider trickle ventilation to be sufficient for summer cooling etc, therefore some form of mechanical ventilation would be required. The occupants of all habitable rooms will require a suitable ventilation system which achieves 2 - 4 Air Changes per Hour, and we would need information regarding this and any noise levels associated with it.

I think it is important to highlight that the LPA have previously raised concerns (from a residential amenity point of view) with other rural sites where windows have to remain closed to ensure recommended noise levels are not breached. It is important that the design and layout is considered carefully to try to avoid the need for keeping windows closed, for example, distance, screening, trying to locate non-sensitive rooms (kitchens, landings, bathrooms etc.) on noisier facades and if this is not possible, utilising additional windows on quieter facades so residents in noise sensitive rooms have the option of opening alternative windows.

A suitable MVHR system, possibly with additional in duct attenuation to prevent atmospheric noise getting in as well as reducing noise from the unit is a more controllable way of achieving the ventilation required. This does not preclude windows from being opened if the occupier requires it, however the suggested noise levels above may be exceeded if the windows are left open for prolonged periods.

The position of the external intake and discharge grilles can also be positioned to face away from external noise sources.

12 November 2018 – I can't see any update on the noise assessment. Nothing to add.

#### 5.1.10 **Environmental Health (Scientific)**

20 Feb 2018 - I have read the Site Investigation Report prepared by Harrison Environmental dated August 2017 and accept the findings. The report recommends further site investigation to delineate the extent of asbestos and TPH contamination. As this application is for a sensitive end use (residential) I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of permission.

The issue of air quality has not been considered in the application. The NPPF 2012 recommends that new developments should incorporate facilities for charging plug-in and other ultra-low emission vehicles. The government published its national air quality strategy in 2017 in which it further encouraged the adoption ULEVs and announced that sales of conventional cars and vans would end by 2040.



Policy LP22 of the emerging East Cambridgeshire Local Plan states that:

*New development should where appropriate...Provide parking.....which incorporates facilities for electric plug-in and other ultra-low emission vehicles.*

Although air quality is currently good in Soham there are plans for large expansion of the town which may impact air quality. Therefore, I recommend that the applicant undertakes an air quality assessment and makes provision for electric vehicle charging in their development proposals.

**5.1.11 Parks And Open Space**  
No Comments Received

**5.1.12 Waste Strategy (ECDC)**

30 January 2018 - RECAP, the maximum distance a resident should have to take a wheeled bin to the collection point is 30metres. Units 16, 27 to 29, 44 to 51, 65 to 71, 72 will all be required to bring their bins/bags to the adopted highway and the bin store for Plots 23 to 26 would need to be placed adjacent to the road.

**5.1.13 NHS England**

Do not wish to object providing funding is secured via CIL to deliver primary healthcare provision at the Staploe Medical centre as it does not have sufficient capacity for the additional growth and the cumulative growth in the area.

**5.1.14 Anglian Water Services Ltd**

1 March 2018 - The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

8 October 2018 - The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows

The sewerage system at present does not have capacity for these flows; development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with development.

We therefore request a condition requiring an on-site drainage strategy.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

12 November 2018 - Following legislative change Anglian Water now applies a Zonal Charge to each new property connecting to the public sewer. This is a cost per residential property (or flow equivalent for non-residential) connection charge payable by the developer when an application is made to connect to the public sewer and/or for potable water.

Funds raised by this charge will be used for network upgrades across the Anglian Water region.

Previously developers contributed to any off-site mitigation required for a development site. The new charges now mean Anglian Water is fully responsible for any off-site, or any on-site mitigation that is required. This mitigation will be funded through the zonal charge payments. This change enables Anglian Water to plan strategically for growth, looking at strategic investment schemes, as well as individual site solutions for water and wastewater in our region.

To enable us to make informed investment decisions we require customers to engage with us throughout the planning and build process. Anglian Water now requests planning conditions, where relevant, which require details on phasing and build rates as well as an on-site drainage strategy. These conditions ensure that we can plan and deliver any required infrastructure investment in a timely manor inline with the development build.

In relation to this application Anglian Water is working closely with the applicant and will continue to do so throughout the planning process and construction. It is anticipated that mitigation will be delivered on-site with additional storage at the proposed pumping station. As stated above, funding this mitigation is entirely the responsibility of Anglian Water. The sewerage system at present does not have capacity for these flows; development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We are currently working with the applicant on a suitable on-site drainage strategy and will continue this engagement to ensure any infrastructure improvements are delivered in line with development.

We therefore request a condition requiring an on-site drainage strategy.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. Should the proposed method of surface water management change to

include interaction with Anglian Water operated assets, we would wish to be re-consulted

**5.1.15 The Ely Group Of Internal Drainage Board**

No Comments

**5.1.16 Environment Agency**

No objection but make advisory comments including that Anglian Water are satisfied sufficient capacity exist to accommodate the additional flows.

**5.1.17 Design Out Crime Officers**

I note that there is no specific crime prevention or security section within the documents. While the layout provides for some surveillance from the front of houses and many of the rear gardens are back to back I do have some concerns particularly in light of the above figures: -

- The parking court areas, the floor plans and elevations indicate that there is little natural surveillance over the parking spaces from active rooms. (Living rooms & kitchens). This is the same for the FOG's – two of which have car ports so they are open.
- I would like to see that there is sufficient lighting in all adopted, un-adopted roads and parking areas to BS5489:1-2013 – perhaps this could be conditioned.
- Footpaths at the side/rear of houses and gardens – some consideration has been given to correct gating and self-closing, there may need to be some more trellis topping to assist the surveillance over parking areas.
- Landscaping maintenance plan – to ensure that there is surveillance over the open spaces and LEAP without conflict from planting.

**5.1.18 Cambridge Ramblers Association**

No Comments Received

**5.1.19 Consultee For Other Wards In Parish**

No Comments Received

**5.1.20 Parish**

Wished to see the level of affordable housing delivered. Who would be responsible for maintaining the open space? More information required regarding drainage and sewage as AW is objecting. If the drainage has to be changed the plan will have to be revised.

**5.1.21 Ward Councillors**

No Comments Received

**5.1.22 Senior Trees Officer**

15 March 2018 - This proposal is for a moderate size development upon existing disused land. Internally the site has few trees of substantial value. There are trees on or outside the site boundaries of landscape value. A small Sycamore woodland stands to the North of the site offering a considerable landscape feature. A full Arboricultural report has been submitted to support the application.

I do not object to the proposal as the potential impact upon trees in and around the site appears appropriately considered.

The main issue of potential contention is the Sycamore woodland, this feature is highly observable within the landscape and offers a clear differentiation between the built environment and the wider landscape. There is a potential conflict with the neighbouring housing in the long term, as residents may consider the woodland trees to present a hazard if they are left unmanaged. I consider this will be mitigated with good woodland management. The woodland trees do not pose a substantial shading issue by virtue of the position in relation to the housing therefore, I do not consider this a negative concern. In conclusion I consider the relationship between the development and the woodland acceptable.

I support the layout design of the proposal as I consider the retention of the footpath a pleasing feature, while the provision of open space is commensurate with the overall layout. This gives an opportunity for tree planting throughout the site offering a potentially attractive and pleasant living environment.

I would like to ensure no damage is caused to the trees during development with a condition identifying no development shall take place until a scheme for the protection during construction of the trees on the site. Also landscape conditions required to include maintenance.

The landscape strategy also receives my broad support.

26 October 2018 - The Arboricultural Impact Assessment is acceptable. A Method Statement showing the Engineering solution and 'No-dig' construction close to trees will be required, as recommended in the AIA.

My comments regarding the Landscape Proposals is as follows

The design concept of the Landscape Strategy is rather suburban in nature. Particularly in this wooded setting. The greater use of native species or cultivars of native trees/plants would blend the development better with its surroundings. A minimum of 70% the Highlight trees and medium ornamental trees should, therefore be natives.

The use of native hedging mixes should be applied to the Fordham Road and western boundaries. They would also function as wildlife corridors. To extend this theme some hedging to the individual plots should be naturalistic planting, such as beech, hornbeam, holly or native privet hedging.

#### 5.1.23 **County Wildlife Trust**

8 May 2018 - The Wildlife Trust have the following comments to make, which relate to the site layout, the biodiversity assessment report and associated mitigation proposals.

1. The application includes a biodiversity assessment which acknowledges the potential for recreational impacts (mainly from dog walkers) on Soham Wet Horse Fen SSSI and suggests a range of mitigation measures. These include the provision of 0.6 Ha of green space within the development and the use of signage to explain the value of the SSSI and to direct dog walkers on alternative routes away from the SSSI. These measures must be implemented.
2. Paragraph 5.13 of the biodiversity assessment recognises that the nearby East Fen Common will become the “de-facto” recreational greenspace (for dog walkers) for many of the new developments at the southern end of Soham, and that East Fen Common should be enhanced (in line with Policy Soham13 of the Local Plan).
3. The Wildlife Trust co-ordinated production of the Soham Commons Biodiversity and Access Enhancement Study which identified a range of mitigation and enhancement measures required on the Soham Commons to facilitate the increased levels of access from the proposed new developments. It is essential that all of the new developments that will be using the Soham Commons as “de-facto” open space make a proportionate contribution to the delivery of these measures.
4. The Wildlife Trust therefore requests that East Cambs DC negotiate a financial contribution from this development to deliver agreed elements of the Soham Commons Biodiversity and Access Enhancement Study, in addition to the other commitments made in the Design and Access Statement.

#### 5.1.24 **Natural England**

17 May 2018 - No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application could have an adverse effect on the integrity of Soham Wet Horse Fen Site of Special Scientific Interest (SSSI);

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Contribution to delivery of mitigation measures identified in the Soham Commons Biodiversity and Access Enhancement Study to address the effects of recreational pressure.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure mitigation measures.

Natural England's advice on other natural environment issues is set out below.

#### Further advice on mitigation

The Extended Phase 1 Habitat Survey and Designated Sites Assessment (Southern Ecological Solutions, November 2017) concludes that, with mitigation measures, the proposed development is unlikely to have any adverse impact on Soham Wet Horse Fen SSSI through cat predation, changes in water levels/pollution and increased recreational pressure. Natural England generally supports these conclusions and the mitigation measures detailed in section 5.10 – 5.17 of the report. However, we agree with comments from the Wildlife Trust that the effects of recreational pressure associated with residential development in Soham should be addressed through delivery of measures identified in the 'Soham Commons Biodiversity and Access Enhancement Study', recently prepared by Footprint Ecology.

This 'strategy' for the Commons is alluded to in Policy Soham13 of the emerging Local Plan. It identifies measures, to be implemented through residential development, to ensure that increased visitor pressure from people and dogs will not have an adverse impact on the Commons and Soham Wet Horse Fen SSSI. Natural England advises that the applicant be requested to provide a proportionate financial contribution to enable delivery of these measures, to ensure that the effects of increased recreational pressure on nationally and locally designated wildlife sites are appropriately mitigated. The ecological assessment report will need to be revised accordingly.

Natural England advises that all mitigation measures will need to be secured through an appropriate planning condition or obligation.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Natural England offers the following additional advice:

### Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement are listed.

5.1.25 **Strategic Housing Officer**

14 May 2018 - Policy HOU 3 of the current East Cambridgeshire Local Plan seeks 30% (in the north of the district) or 40% (in the south of the district) of the total number of dwellings provided on sites of 10 or more to be for affordable housing provision.

The viability assessment prepared for the Proposed Submission indicates that the level of affordable housing in the current Local Plan is not viable. Therefore if this planning application is determined in light of the Proposed Submission, the affordable housing requirement is as set out below.

Development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%.

The application provides for the following mix of affordable homes;

4 x 1 bedroom flats - rented  
2 x 2 bedroom flats - rented  
7 x 2 bedroom houses - rented  
3 x 3 bedroom houses – rented

4 x 2 bedroom houses – shared ownership  
4 x 3 bedroom houses – shared ownership

This housing mix is appropriate and does reflect housing need.

5.1.26 **The Society for the Protection of Ancient Buildings (Mills section)**

25 September 2018 - The SPAB Mills Section is concerned that the proposed development of 80 houses to the north of Soham Downfield windmill might affect the Grade II\* listed mill in two ways: by affecting the wind available to the mill and by restricting views the mill.

To evaluate potential wind loss, we looked at a wind rose from a nearby weather station – in this case from RAF Mildenhall. The rose shows the distribution of wind by direction and therefore its availability to the mill if there were no local obstructions. We then looked at the current environs of the mill using Google Earth, and can estimate how much loss has already taken place due to surrounding houses and trees. Finally, we can estimate any additional loss that would be caused by the proposed development and what percentage of milling time would be lost to the mill as a consequence.

The red lines on this view show the extremes of the wind directions which would be affected by the proposed development and, as can be seen from the wind rose, these directions constitute a very small proportion of the total wind available (which mostly blows from the SW direction). In all directions from the mill there are nearby bungalows which will already have reduced the wind available by a modest amount, and these will dominate over the proposed housing even where the new plots are closest to the mill. Therefore, we do not believe that any significant harm will be done to the mill in this respect.

However, it is proposed in the development plans to plant trees, particularly in the direction shown in blue in the above view (i.e. along the SE boundary of the area).



These trees will affect the wind to a greater degree than the houses if they grow higher than the ridge height and would overtop the existing bungalows. They will also obstruct views of the mill from the A142 coming south from Ely (extended blue area) and this is not considered to be advisable as mills rely heavily on such views to attract passers-by and hence custom as visitors or potential buyers of produce.

We would therefore recommend that height restrictions of less than 8m should be placed on these trees in particular, and other tree plantings in general, within the development in order to maintain the views of the historic building and minimize wind disturbance

10 October 2018 – The amendments affect the area which was highlighted in that the arrangements of both the houses and the tree planting in the relevant area have been altered. The houses have been moved – this is not likely to change the impact which they will have on either the wind to the mill or the views from the A142.

The tree planting has been reduced in density and size. Both changes would be beneficial to the mill and are therefore welcomed. The trees remain a concern in so far as their size is unlikely to be controlled after the development is built and we would ask that conditions should be applied to them as part of the granting of permission. The species chosen should be limited to ones that generally do not grow in the long term to heights greater than 7 -8 m and similar with any re-planting.

5.2 **Neighbours** – A site notice was posted and advertisement placed in the Cambridge Evening News 41 neighbouring properties were notified and responses received from 4 residents which includes a petition with 16 signatures. These are summarised below. A full copy of the responses are available on the Council’s website.

- Noise from the pumping station
- Odours from the pumping station
- Landscaping to the pumping station
- Flooding from the pumping station
- Overlooking
- Overshadowing
- Concerns regarding the public footpaths which are regularly used and have been omitted from the plans. Two additional footpaths have been in use for over 60 years.
- Impact on the Grade II\*Downfields windmill in terms of wind loss or turbulence and visual impact. Heights of buildings and trees should be limited. Views of the Mill from the A142 should be protected. Amendments showing removal of some trees will improve the sight lines of the Mill from the A142 so encourage visitors

## 6.0 **The Planning Policy Context**

### 6.1 **East Cambridgeshire Local Plan 2015**

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix

HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
SOH 4	Housing allocation, land off Fordham Road

## 6.2 Supplementary Planning Documents

Design Guide

Developer Contributions and Planning Obligations

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

Flood and Water

## 6.3 National Planning Policy Framework 2018

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

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 Submitted Local Plan 2018

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP16 Infrastructure to Support Growth

LP22 Achieving Design Excellence

LP23 Water Efficiency

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

LP27 Conserving and Enhancing Heritage Assets

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

Soham 13 Green Lanes and Commons

Soham 4 Site SOH.H4 - Land off Fordham Road

## 6.5 Planning Practice Guidance

## **7.0 PLANNING COMMENTS**

7.1 The main issues to consider to the determination of this applications are

- The principle of development
- Visual impact
- Noise and residential amenity
- Housing mix and layout
- Public open space
- Highway safety and transport impact
- Flood risk and drainage
- Trees
- Ecology and biodiversity

### **7.2 Principle of Development**

7.2.1 The site is 3.85 hectares (9.5 acres), located within the settlement boundary of Soham and has been identified within Policy SOH 4 of the East Cambridgeshire Local plan and SOH.H4 of the Submitted Local Plan, as a housing allocation for development of up to 90 dwellings. The principle of residential development on this site is therefore acceptable, subject to certain criteria and the other material planning considerations.

7.2.2 The site is located within the established development framework of Soham, within close proximity to the range of services and facilities available within the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the location of the site within the settlement boundary means that the site is considered to be in a sustainable location.

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

7.2.4 The benefits of this application are considered to be: the provision of 80 additional dwellings including 24 affordable homes, built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short and the long term through construction work and the contribution of future occupiers to the local economy.

### **7.3 Visual impact**

7.3.1 The site has an irregular shape with some substantial boundary planting to the north where its location adjacent to the south eastern corner of the town is well related to the existing built form and is reasonably well visually contained. This means the development of the site for residential will be relatively self-contained within the wider landscape. To the eastern rear edge of the site, the site boundaries are visually open, with only low post and rail timber fencing delineating these boundaries with open fields beyond. This open boundary means that views of the new development will be

possible from the A142, although set some distance away from it, at some 95 metres away at the closest point. This boundary will therefore need careful consideration given its impact on the rural setting of the town and the scheme proposes to replace the existing post and rail fencing along this boundary and retain any existing vegetation. In accordance with Policy SOH 4 it is also proposed to provide a planting belt along this boundary to provide for a soft edge to the development and to retain and enhance the rights of way within and alongside the site.

- 7.3.2 The design concept of the development as a whole is focussed upon the proposed open space, with play area, which itself will act as a visual and social centre to both the development and the surrounding area, creating a new focal point for this part of the town. Such a concept will enable new residents to feel part of a local community.
- 7.3.3 In achieving the layout the developer has had due regard to the constraints of the site and the desire to retain as many of the existing landscape features surrounding the site as possible. This has meant that to achieve an acceptable layout and density, the proposal is for 80 dwellings rather than the 90 proposed in the allocation. The public right of way of Clipsall Lane, which runs diagonally through the site, has formed a key element necessary to integrate into the development layout, whilst discussions with the Highway Authority and the resultant need to achieve safe access to and from the site for both vehicles and pedestrians have essentially dictated the location of the access into the site from the Fordham Road frontage. The desire to retain as many of the existing landscape features surrounding the site, together with additional planting to enhance this, along with the creation of pedestrian connections through the development with the retention of Clipsall Lane a key feature within the site, has similarly formed key parameters which have dictated the layout.
- 7.3.4 Following comments from the SPAB, the layout was also amended to ensure no adverse impacts on views of the Mill.
- 7.3.5 Whilst limited in number, the layout pays due regard to the desire to ensure that the existing residential amenities of the occupants of the neighbouring residential dwellings fronting Fordham Road are adequately respected and maintained. This has also been a key consideration in the formulation of the development layout together with landscaping and sensitive boundary treatments along the interface with the surrounding countryside.
- 7.3.6 The layout provides for an attractive residential development, with two large areas of green open space to either side of the site linked via the widened, central 'Clipsall Lane' public right of way, with the aim of providing a central green corridor through the development.
- 7.3.7 The overall scale, massing, height, site coverage and detailing of the built form proposed has been carefully considered so as to respond positively to the physical characteristics of the site, whilst minimising the impacts on existing amenities enjoyed by the occupants of neighbouring properties and complying with the Design Guide SPD.
- 7.3.8 The elevational drawings submitted with this application show a built form of a scale commensurate with local character. The character of the surrounding area is obviously of a mixed nature. The development comprises primarily traditional two-storey built forms, with some two-and-half-storey scale built-form within the more central area of the site, which is appropriate.

- 7.3.9 The built form of the dwellings proposed would sit comfortably within their wider surroundings.
- 7.3.10 Detailed scales of the residential dwellings range from two-storey dwellings with eaves heights of approximately 4.95 metres and ridge heights up to 8.9 metres to two-and-a-half-storey dwellings with eaves heights of 6 metres and ridge heights of 9.3 metres. Lesser scaled associated single-storey garages are also proposed, together with a single-storey building to house the electricity sub-station and a similarly scaled foul water pumping station in the north-western corner of the site.
- 7.3.11 The proposed density, of 20 dwellings per hectare (8.4/acre), with provision of open spaces, allows for a development which does not appear overdeveloped in the context of its surroundings and is appropriate for this edge of settlement location.
- 7.3.12 Overall, it is considered that given the separation distance from the A142, the new housing can be successfully integrated into the towns setting with limited adverse effects on visual amenity. There will be an appropriate transition between the wider countryside setting and the built form of the town. The development of this site for 80 dwellings can be achieved without causing significant harm to the character and appearance of the area and as such complies with Policies ENV 1, ENV 2 and SOH 4 of the Local Plan, Policies LP28 of the Submitted Local Plan 2018 and Design Guide SPD.

#### **7.4 Noise and residential amenity**

- 7.4.1 The applicant submitted a noise assessment with the application which concluded that there are no noise issues for future residents from the A142 but elevated levels would be experienced by the future residents along Fordham Road (14 dwellings). The applicant has amended the internal layout to provide for secondary windows to bedrooms where possible and to ensure that few habitable rooms are affected by road noise. The developer has shown good acoustic design by locating habitable rooms to the rear. The affected dwellings will also be fitted with acoustic ventilators. Overall it is considered that an acceptable level of residential amenity will be experienced by future occupiers.
- 7.4.2 The residents impacted by the development are along Fordham Road which generally have generous rear gardens meaning that the new built form will not be overbearing or cause excessive levels of overlooking by providing for distances of at least 10 metres from the site boundary with any existing boundary vegetation retained in accordance with the Design Guide SPD.
- 7.4.3 The detailed design and layout of the proposed development looks to respect existing boundaries and pay regard to any potential amenity impacts.
- 7.4.4 Suitable separation distances and boundary treatments are proposed to ensure the residential amenity of the adjoining residents are not unduly compromised and the proposed pumping station is sited outside of the required 15 metre cordon sanitaire. It is considered that the proposal accords with Policy ENV 2 and LP22 in this regard.
- 7.4.5 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings and the requirements of the Design Guide SPD.

7.4.6 Overall the proposal provides for a development with acceptable living conditions and residential amenity for proposed occupiers and existing residents.

## **7.5 Housing mix and layout**

7.5.1 The application proposes 80 dwellings, 24 of which are affordable housing. This equates to 30% and accords with Policy HOU 3 and SOH 4, in relation to the level of provision. The precise mix of tenure and size is acceptable and reflects the current need for dwellings on the Housing Register as advised by the Senior Housing Strategy and Enabling Officer.

7.5.2 The amount and mix of affordable housing will be secured by way of a S106 legal agreement.

7.5.3 The mix of market housing is as follows, 7 two bed units, 39 three bed units, and 10 four bed units. The mixes are considered to be acceptable for this location and accords with the requirements of Policy SOH 4 to provide for a mix of dwelling types and sizes to reflect current need within Soham. It does not accord with the guidelines for housing mix identified for Policy HOU 1 of the Local Plan, by providing for a higher proportion of 3 bed than 4 bed houses. However, it is accepted that this is reflective of market demand.

7.5.4 The obvious desire to retain as much of the existing landscape features within and surrounding the site, together with the creation of pedestrian linkages, both advocated by Policy SOH 4, have formed key parameters which have dictated the layout concept, as has the need for sympathetic treatment of the eastern boundary. In addition, the desire to ensure existing amenities of residents are retained has also formed a key factor on the layout masterplan.

7.5.5 The scheme as a whole provides an interesting mix of dwelling types including flats above garages, 1.5 storey, 2 storey and 2.5 storey which are sited to give variety and an interesting streetscape, with two main areas of public open space. The entrance is characterised by frontage two storey dwellings which complement the existing streetscene. The developers have incorporated interesting feature dwellings upon entry to the site with boundary feature walls, providing an attractive gateway to the site entrance. The layout is characterised by frontage development and dwellings fronting the public open space and Clipsall Road byway. To the southern end of the site the public rights of way are retained. The affordable homes on the site are located to the south and north eastern ends of the site and are tenure blind. The designs incorporate a range of materials to add variety, but include red and buff brick with some render, some use of weatherboarding and a mix of black and red pantiles and slate.

## **7.6 Public open space**

7.6.1 The amount of public open space provision at 0.6 ha accords with the requirements within Policy SOH 4. This will incorporate a Local Equipped Area of Play within the centre of the site, alongside the existing public right of way. A second area is provided around the site entrance which assists in providing an attractive entrance feature to the site.

7.6.2 These areas will be landscaped in accordance with a scheme to be agreed by condition and will include a scheme for the whole development including

supplementary planting along the eastern boundary, the site frontage and along Clipsall Lane to retain it as a green corridor across the site. These open space areas will be provided and transferred to the Council by way of a S106 agreement for future maintenance with the payment of a commuted sum.

## **7.7 Highway safety and transport impact**

- 7.7.1 The main access to the site is from Fordham Road, which will form the main estate road for the development in the form of a spine road serving private drives and courtyards. Pedestrian access to the site will also be provided along the existing byway to be retained and enhanced and leading directly to the plot area.
- 7.7.2 Additional access points are proposed onto Fordham Road to serve a group of six and 8 dwellings.
- 7.7.3 The access arrangements have been examined by the County Highway Authority and are considered to be adequate in regard to their width, layout and visibility and conditions are recommended. The access location in regard to accessibility and permeability have also been assessed and deemed acceptable by the County Council Transport Planning team. The Transport Statement has been substantially amended since its original submission to overcome various concerns raised by the Transport Planning team. The team are of the view that the proposed development is likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout and have requested a financial contribution of £74,160 to mitigate this impact, together with a Travel plan. This will be secured by S106 agreement and travel plan condition.
- 7.7.4 The proposed car parking provision indicates an average of in excess of two off-road car parking spaces for each dwelling across the site. This is considered to provide the correct balance between encouraging the use of the public transport facilities available locally, whilst ensuring that any development of the site does not exacerbate the potential for on-street car-parking within the area. Secure cycle storage for the all of the proposed dwellings is also provided, either within the curtilages or within associated garaging.
- 7.7.5 In addition to the provision of two car parking spaces per dwelling, on the site overall a total of 21 visitors spaces have been provided, which is in line with the Council's standard. The developer has been encouraged to limit the use of tandem parking as much of the parking provision is in tandem, (50%). However the developer is of the view that this would result in a wholly unacceptable scheme in many regards, including density, design and car dominance. They also state that it would reduce the number of dwellings on the site to 50 and significantly reduce the number of homes delivered in the District. The Highway Authority is satisfied that the spaces are usable.
- 7.7.6 Based on the consultation response it is considered that the layout demonstrates a safe and accessible environment has been created, allowing sufficient parking, manoeuvring and visitors parking provision. The proposal also provides for a network of routes for pedestrians and cyclists and safeguards access to the adjoining footpaths. The Architectural Liaison Officer for the Crime Prevention design team has recommended appropriate lighting. They acknowledge that the design and layout allows good natural surveillance. The proposal complies with Policies COM 7 and COM 8.

## **7.8 Flood risk and drainage**

- 7.8.1 The original Flood Risk Assessment submitted with the application was inadequate and the Lead Local Flood Authority therefore objected. Fundamentally, it did not demonstrate that infiltration would work on the site.
- 7.8.2 Following submission of additional information the surface water drainage scheme is acceptable and comprises soakaways for gardens and swales within the public open spaces to drain the adopted roads. The Lead Local Flood authority are now satisfied that the scheme is acceptable and complies with the Flood and Water SPD and Policies ENV8 and LP25.

## **7.9 Trees, ecology and biodiversity**

- 7.9.1 The vast majority of the vegetation and trees on the site will remain. The tree Officer is satisfied with the submitted Arboricultural Impact Assessment and the proposal subject to recommended conditions.
- 7.9.2 An ecology report, produced by Southern Ecological Solutions Nov 2017, accompanies the application. This assesses the impact on designated sites, but particularly on Soham Wet Horse Fen SSSI, the nearest nationally designated site, located approx. 100m north of the site across the A142.
- 7.9.3 Unit 2 of the SSSI is closest to the site, 102m to the north. This 1.18ha unit is separated from the rest of the SSSI by the A142 highway. There is no public access to this unit. The closest part of the rest of the SSSI is Unit 4, 139m north-east. A public footpath bisects the site, but the land is private, and access is not allowed beyond the path.
- 7.9.4 A designated sites assessment for a similar, nearby proposed development of 126 residential dwellings located 160m from Soham Wet Horse Fen SSSI was undertaken recently (SES, 2016). This considered all likely effects including:
- the increase in domestic cat numbers;
  - potential water level changes; and
  - increased recreational disturbance.
- 7.9.5 The report reviewed each of these effects and the results included in this assessment. It is considered that the potential impacts of the proposed development on the SSSI are likely to include an increase in local cat numbers, changes in water level and pollution levels, and an increase in recreational pressure.
- 7.9.6 *Domestic Cats*  
Local increases in cat populations may result in increased predation on breeding birds. SSSI Unit 2 is the only unit located close to the site and was considered unlikely to support breeding snipe given the lack of wet grassland habitats (SES, 2016), and as such, any increase in cat population is not considered to affect the SSSI or its qualifying features.
- 7.9.7 *Water level Changes*  
Suitable measures will be adopted to ensure delivery of water and wastewater services without water level or pollution impacts to the SSSI. There is potential for the development to disrupt water flows and increase water-borne pollution and sediment



loads to the SSSI during the construction phase. This will be mitigated fully through the implementation of the Construction Environment Management Plan.

#### 7.9.8 *Recreational Pressure*

Given the habitat types within the SSSI (meadows with footpath), potential increased recreational pressure will likely include walkers and dog walkers. The 2011 census provides average household sizes in East Cambridgeshire District of 2.4 people. Using this average, the proposed development would result in an increased population of 199 people. Natural England offsetting guidance recommends 8ha of Suitable Alternative Natural Green Space (SANGS) on or nearby site per 1,000 people to offset the indirect recreational effects of development on nearby designated sites. With an increase of 199 people, around 1.6ha of SANGS would be considered sufficient to offset the indirect recreational pressures on Soham Wet Horse Fen.

#### 7.9.9 *Proposed Mitigation*

The site is 3.85ha and includes 0.6ha of greenspace. This is 37.5% of the SANGS requirement. Hence it is expected that a proportion of dog walkers and other recreational walkers will walk from the site on the local public footpath network.

7.9.10 The closest unit of Soham Wet Horse Fen SSSI to the site is Unit 2 located 100m to the north; this is unavailable to the public but does have a public right of way adjacent to the north-eastern boundary. Unit 4 is the nearest unit on the far side of the A142 and with a public right of way along the south-eastern boundary. This public right of way continues to the Clipsall Road running in a north-east direction. The expectation is that dog walkers and others will walk along this track before returning or use other routes along the network. There is therefore no public access within any of the SSSI units and the adjacent access is in both cases well fenced. Additionally, the SSSI has no associated parking; and the units to the north of the A124 may only be accessed from the site via the footpath that runs beneath the A124.

7.9.11 In summary, the development site is well integrated into the current public footpath network that in two locations runs adjacent to two compartments but does not enter any of the SSSI compartments. Hence the increased use of the network by dog walkers and others will not lead to increased recreational pressure or related impacts such as disturbance to breeding birds within the SSSI. This protection may be enhanced by the use of signage at the edge of the site to explain the value of the nearby SSSI units and the sensitive habitats and species that occur there.

7.9.12 Several large areas of SANGS exist close to the site accessible via the public footpath network in the form of public open space; the closest existing area being East Fen Common (23ha), 0.9km north. The ECDC Adopted Local Plan (2015) encourages the improvement of public access to these areas.

7.9.13 Given the lack of accessibility by the public to the SSSI, the large amounts of public green space nearby, and the green space provision on site, it is considered that any increased recreational pressure arising from the proposed development will not significantly affect Soham Wet Horse Fen SSSI or any of its qualifying features.

7.9.14 With the implementation of the required mitigation measures, this assessment concludes that there will be no Likely Significant Adverse Effects in-isolation or in-combination with other plans or projects, and therefore obviates any need for further mitigation measures. These findings are accepted by Natural England who have raised no objection subject to financial contributions towards the delivery of measures

identified in the 'Soham Commons Biodiversity and Access Enhancement Study', recently prepared by Footprint Ecology, and contained within Policy Soham13 of the Submitted Local Plan. The purpose is to ensure that increased visitor pressure from people and dogs will not have an adverse impact on the Commons and Soham Wet Horse Fen SSSI. A contribution will be secured by the s106 legal agreement and landscaping, biodiversity improvements on the development will be secured by condition.

## **7.10 Other Material Matters**

- 7.10.1 Education – CCC have asked for the following financial contributions towards education, which the developer has agreed to pay and this will be secured by S106 agreement. £83,079 for early years, £222,858 for primary, £271,337 for secondary and £ 8,424 for libraries/lifelong learning.
- 7.10.2 Cambridgeshire archaeology have advised that archaeological investigations are not required.
- 7.10.3 In accordance with Policy ENV 4 of the Local Plan, the developer has submitted a sustainability statement which details key measures to be incorporated in the development. The homes and overall development will be environmentally assessed in accordance with the requirements of the appropriate legislation at the time of the development commencing e.g. currently The Code for Sustainable Homes. In addition to this each home will be sold with Energy Performance Certificate (EPC) to demonstrate their effectiveness in this regard. The built forms of the homes meet and exceed current standards of insulation and incorporate measures to minimise energy use. Both the design of the homes and the development layout together with the selection of materials is of key importance to the energy efficiency of the new properties.

## **7.11 Planning Balance**

- 7.11.1 The residential development of this site would enable economic and social improvements to the local environment, to the benefit of existing local residents, whilst providing much needed additional residential dwellings and affordable homes, of mixed tenures, to maintain and add to the existing dwelling stock within the town. The site is well located in relation to existing services and facilities, with public transport links to the town centre and beyond available from Fordham Road adjacent. The site is also an allocation and although provides for less dwellings has due regard to the constraints of the site. There is no adverse impacts on residential amenity, flood risk, biodiversity or highway safety. These benefits weigh significantly in favour of the proposal.
- 7.11.2 On balance it is considered that there will be no adverse impacts that would weigh against the proposal and it is therefore recommended for approval.

## **8.0 COSTS**

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as

appellant through the appeal process) then a cost award can be made against the Council.

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

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

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

This is an allocated site for housing development within the settlement boundary of Soham.

No objections from statutory consultees.

## 9.0 APPENDICES

9.1 Draft conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00059/FUM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Senior Planning Officer
00/00338/OUT	Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00059/FUM Conditions

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

Plan Reference	Version No	Date Received
Suds Strategy		10th September 2018
FRA	Rev A	10th September 2018
301	B	6th September 2018
300	B	6th September 2018
302	B	6th September 2018
303	B	6th September 2018
140	A	19th September 2018
141	A	19th September 2018
137	B	19th September 2018
138	B	19th September 2018
139	A	13th July 2018
135	A	13th July 2018
136	A	13th July 2018
112	A	6th September 2018
113	A	6th September 2018
122	B	6th September 2018
123	B	6th September 2018
206	A	13th July 2018
207	A	13th July 2018
209	A	6th September 2018
201	A	13th September 2018
200	A	13th July 2018
212	A	6th September 2018
213	A	6th September 2018
214	A	6th September 2018
204	B	6th September 2018
205	B	6th September 2018
100	A	6th September 2018
101	A	6th September 2018
218	B	19th September 2018
219	B	19th September 2018
220	A	6th September 2018
221	B	19th September 2018
156		6th September 2018
157	A	19th September 2018
153		13th July 2018
154		13th July 2018
155		13th July 2018
151	A	6th September 2018
152	B	19th September 2018
148	A	19th September 2018
149	A	19th September 2018
150	A	19th September 2018
222		13th July 2018
223		13th July 2018
146	A	6th September 2018
147	A	6th September 2018

144	A	6th September 2018
145	A	6th September 2018
S106 contributions		29th October 2018
001	F	29th October 2018
Transport Assessment Technical note 1		22nd June 2018
004	F	9th November 2018
002	G	9th November 2018
003	G	9th November 2018
125		15th January 2018
124		15th January 2018
126		15th January 2018
127		15th January 2018
128		15th January 2018
129		15th January 2018
130		15th January 2018
131		15th January 2018
133		15th January 2018
134		15th January 2018
142		15th January 2018
143		15th January 2018
202		15th January 2018
203		15th January 2018
208		15th January 2018
210		15th January 2018
211		15th January 2018
215		15th January 2018
216		15th January 2018
217		15th January 2018
304		15th January 2018
305		15th January 2018
TREE SURVEY		15th January 2018
ECOLOGICAL SITES ASSESSMENT		15th January 2018
SITE INVESTIGATION REPORT		15th January 2018
SUSTAINABILITY STATEMENT		15th January 2018
NOISE ASSESSMENT		15th January 2018
ARCHAEOLOGICAL EVALUATION		15th January 2018
102		15th January 2018
105		15th January 2018
104		15th January 2018
103		15th January 2018
6227-D		15th January 2018
001		15th January 2018
106		15th January 2018
107		15th January 2018
108		15th January 2018
109		15th January 2018
110		15th January 2018
111		15th January 2018
114		15th January 2018
115		15th January 2018
116		15th January 2018
117		15th January 2018
120		15th January 2018

118		15th January 2018
119		15th January 2018
121		15th January 2018
132		15th January 2018
17-05005-001	F	29 <sup>th</sup> October 2018

- 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 until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with

policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.

- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to the commencement of development a completed Waste Management Audit and Strategy must be submitted to and approved by the local planning authority. The Audit and Strategy shall detail: a) the quantity of anticipated waste and the measures put in place to maximise waste minimisation, sorting, re-use and recovery of waste b) how any sand and gravel incidentally extracted will be handled and where practicable made available for use. It shall be implemented in full prior to the first property being occupied.
- 6 Reason: To comply with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 7.30 to 18.00 each day Monday-Friday, 7.30 to 13.00 Saturdays and none on Sundays, Public or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 8 The materials to be used in the construction of the external surfaces, including walls and roofs shall be as specified on the materials plan 004 Rev F dated 9 november 2018. All works shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 9 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall include as a minimum:
  - a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
  - b) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow

- control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - d) Full details of the proposed attenuation/disposal measures;
  - e) Temporary storage facilities if the development is to be phased;
  - f) A timetable for implementation if the development is to be phased;
  - g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - h) Full details of the maintenance/adoption of the surface water drainage system;
  - i) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- 9 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 and LP22 and LP25 of the Submitted Local Plan 2018. 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 the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 10 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 and LP22 and LP25 of the Submitted Local Plan 2018.
- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing number 003 Rev G.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 12 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 12 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2018.
- 13 Prior to first use of the access visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted layout plan 003 rev G. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.



- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.
- 15 Upon completion of the right of way alongside Plots 14 and 17, bollards shall be erected at either end to prevent vehicular access and retained thereafter.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 16 Prior to first occupation of any dwelling a scheme for the provision of facilities for charging plug-in and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 16 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes.
- 17 Prior to first occupation of any dwelling 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.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 18 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: play equipment, and bollards. 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 a programme agreed with the Local Planning Authority.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 19 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the external works drawing number 002 Rev G. The boundary

treatments shall be in situ and completed prior to the first occupation of the dwelling to which it relates. All works shall be carried out in accordance with the approved details and retained thereafter.

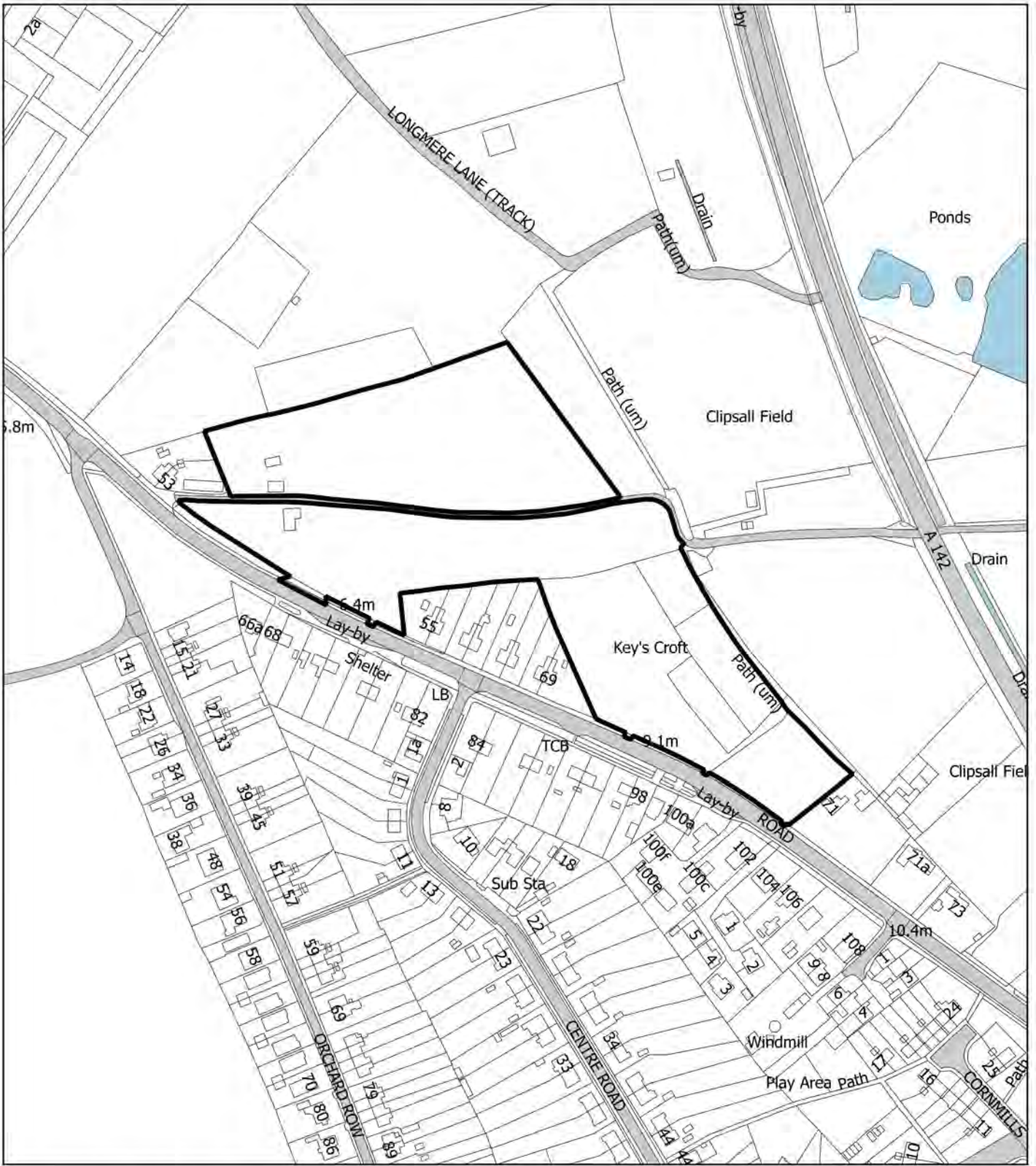
- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 20 No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved 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.
- 20 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 and LP22 and LP28 of the Submitted Local Plan 2018. 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.
- 21 All bathroom and cloakroom windows 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.
- 21 Reason: To safeguard the residential amenity of the occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 22 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 22 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 and LP22 and LP28 of the Submitted Local Plan 2018. 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.

- 23 Prior to any occupation of the development, a scheme for the maintenance of the hard and soft landscaping for a minimum period of 10 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 23 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018.
- 24 Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include provision for:
- i. the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 24 Reason: To safeguard the PROW and the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 25 Prior to the commencement of development, the definitive line of the public rights of way shall be marked out on site.
- 25 Reason: To safeguard the PROW and the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 26 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 26 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 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.
- 27 The development shall be carried out in accordance with the mitigation and precautionary methods contained within sections 5 and 6 of the Habitat Survey and Designated sites assessment report dated 6 November 2017.

- 27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 28 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.
- 28 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 29 All development shall be carried out in accordance with the submitted sustainability statement dated 15 January 2018.
- 29 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2018.
- 30 Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator and cycle vouchers. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 30 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.





18/00059/FUM

Land rear of  
55 to 69 Fordham Road  
Soham



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:3,000



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**MAIN CASE**

**Reference No:** 19/00272/FUM

**Proposal:** Duplicate application to 18/00059/FUM currently under consideration for the erection of 78 residential dwellings together with associated new public open space

**Site Address:** Land Rear Of 55 To 69 Fordham Road Soham  
Cambridgeshire

**Applicant:** Hopkins Homes Limited

**Case Officer:** Barbara Greengrass, Planning Team Leader

**Parish:** Soham

**Ward:** Soham South  
Ward Councillor/s:  
Councillor Ian Bovington  
Councillor Dan Schumann

**Date Received:** 21 February 2019      **Expiry Date:** 14 June 2019

[U9]

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
- 1.2 The S106 agreement will secure the following;
- 30% affordable housing.
  - Financial contribution of £74,160 towards the mitigation required at the A142/Fordham Rd/A1123 roundabout.
  - Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these areas.
  - Education and libraries contribution of £769,837.
  - Financial contribution of £8,000 towards the upkeep of the Commons.
  - Contribution for wheelie bins

### 1.3 Conditions;

- 1 Approved plans
- 2 Time Limit Full
- 3 Contamination
- 4 Unexpected contamination
- 5 Construction Environmental Management Plan
- 6 Waste Management plan
- 7 Construction times
- 8 Materials
- 9 Surface water drainage
- 10 Foul water drainage
- 11 Standard estate road construction
- 12 Adoptable standards
- 13 Visibility splays
- 14 Run –off restriction
- 15 Bollards
- 16 Charging plug- ins
- 17 Soft landscaping
- 18 Hard landscape works
- 19 Boundary treatments
- 20 Arboricultural Method Statement
- 21 Obscured glazing
- 22 Tree protection
- 23 Landscape maintenance
- 24 PROW scheme
- 25 PROW defined
- 26 Fire hydrants
- 27 Ecology mitigation
- 28 Biodiversity enhancements
- 29 Sustainability
- 30 Travel plan
- 31 Acoustic treatment.
- 32 Drainage implementation

## 2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks permission on a site of 3.85 hectares (9.51 acres), for the erection of 78 dwellings of which 23 (29%) will be affordable housing. The application is a full application, submitted as a duplicate to 18/00059/FUM, and is on this agenda for consideration.
- 2.2 The main access is onto Fordham Road together with four additional access points to serve small groups of dwellings. The retention and enhancement of the existing Public Right of Way of Clipsall Lane through the site and provision of two new areas of public open space within the development totalling approximately 6000 square metres.



2.3 The 23 affordable dwellings comprise the following mix;

Rented tenure

- 4 x 1 bed flats
- 2 x 2 bed flats
- 6 x 2 bed houses
- 3 x 3 bed houses

Shared ownership

- 1 X 2 bed flat
- 3 x 2 bed houses
- 4 x 3 bed houses

The 56 market dwellings comprise;

- 6 x 2 bed dwellings
- 46 x 3 bed dwellings
- 3 x 4 bed dwellings

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.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.5 This application is being determined by Planning Committee in accordance with the Council's constitution as it is over 50 dwellings.

**3.0 PLANNING HISTORY**

3.1

18/00059/FUM	Erection of 80 residential dwellings together with associated new public open space	Pending
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**4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The site lies approximately 1 km south-east of the town centre, north-east of the Fordham Road, opposite existing residential development and between frontage development along Fordham Road. The site forms three adjoining irregular-shaped parcels of vacant agricultural land totalling approximately 3.85 Hectares (9.51 acres) in area, located within the settlement boundary of Soham and comprises most of the land allocated within housing allocation SOH4.

4.2 To the north and east, the overall site borders further parcels of undeveloped, vacant agricultural land, with the land to the north strongly enclosed by a mature deciduous woodland belt. On the north-western, Fordham Road frontage, immediately to the north of the site boundary, a pair of two-storey semi-detached dwellings, numbers 51-53, together with their respective residential curtilages, abut

the existing public right of way of Clipsall Lane, which runs broadly eastwards from site frontage, diagonally across the site. This Lane continues eastwards beyond the site, crossing the A142 bypass and on into open countryside.

## **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.

### **Soham Town Council**

04/04/2019

The proposed development is near current Cherry Tree development which has demonstrated significant sewage, foul water and surface water issues which will be a similar issue for this application.

24 May 2019

Commented that they hoped the level of affordable housing will be maintained. Noted their concerns regarding the open space, who would be responsible for maintaining. Noted that more information is required regarding drainage, a sewage and surface water on site. If the drainage needs to be changed then the plan will require a re-design. Noted concerns regarding impact on SSSI field.

**Ward Councillors - No Comments Received**

### **Asset Information Definitive Map Team**

20/3/19 - Please note Public Byway No. 92, Soham and Public Footpath No. 96, Soham are affected by this development. Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware that further consent will be required from Cambridgeshire County Council, as Local Highway Authority for any changes, or enhancements proposed to Clipsall Road. As such, it would be beneficial that a condition be applied to any permission granted to protect Clipsall Road and Footpath No. 96 and allow any scheme of enhancements to be agreed with relevant parties.

Furthermore, the applicant should be aware of the legal alignment and recorded width of the Public Rights of Way (which may differ from what is physically available on the ground) as well as the County Council's guidance on boundary fences and planting. This guidance ensures that boundary fences do not result in the path becoming narrow and uninviting whilst guidance on planting ensures that the future growth of planting does not obstruct the right of way.

To ensure the Public Rights of Way are protected as part of the development, the County Council's Definitive Map Team requests conditions be applied to any permission granted.

- Prior to the commencement of development, an access scheme shall be submitted to and approved by the LPA. Such scheme shall include provision for:

- i. the design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision
- Prior to the commencement of development, the definitive line of the public right of way shall be marked out on site.
  - No fencing shall be erected on or within 1m of the current or any proposed public rights of way.
  - No planting shall be erected on or within 2m of the current or any proposed public rights of way.

### **Cambridgeshire County Council Education**

Contributions sought are; early years - £196,928, primary - £293,148 and secondary, £271,337. Libraries and lifelong learning - £8,424 sought.

### **Cambridgeshire Archaeology**

12/3/19

Our advice is the same as for concurrent application **18/00059/FUM**, namely that we have no objections or requirements for this development.

The site has been subject to an archaeological evaluation (Cambridgeshire Historic Environment Record reference ECB5216). Sparse archaeological features were identified within the site and included a dump of pottery of Roman date. This is most likely a result of secondary deposition of domestic waste within field boundaries and indicates the presence of contemporary settlement in the vicinity, possibly the settlement known from excavations in advance of the Celandine View development to the north west. It is however unlikely that further investigation would add significantly to our understanding of this landscape and we do not consider further archaeological work to be necessary in relation to this application

### **Cambridgeshire Fire And Rescue Service**

Request provision of fire hydrants.

### **Local Highways Authority**

29/05/19

Following amendments no objection subject to conditions.

### **CCC Transport Team**

Recommend approval subject to the same conditions and section 106 agreement as the previous application 18/00059/FUM.

25 September 2018 - It was identified by the Highway Authority that the proposed development is likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout.

To address this capacity issue, the County Council request a contribution towards the improvement scheme set out for the junction. The junction improvement scheme has an in principle total cost of £1.2 million. The total contribution sum and subsequent calculation methodology as set out within the Technical Note 02 dated September 2018 has been accepted by the Highway Authority.

The Highway Authority does not object to the proposals subject to the following -

#### Condition

- Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator and cycle vouchers. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

S106

- Prior to first occupation, the applicant shall provide a contribution of £74,160 towards improvements to increase the capacity of the A142/Fordham Road/A1123 roundabout.

#### **Lead Local Flood Authority**

21/05/2019

We have reviewed the following documents:

- Infiltration Basin Sections prepared by Ingent Consulting Engineers (ref: 1705-005-036) dated April 2019
- Preliminary Drainage Strategy prepared by Ingent Consulting Engineers (ref: 1705-005-001) dated June 2017, Rev G
- Drainage Strategy Infiltration Pond and Filter Drains prepared by Ingent Consulting Engineers (ref: 1705-005-ST001) dated January 2019, Rev C

Based on the above we are able to **remove our objection** subject to conditions.

In order to address the issue of high groundwater levels across the site, the applicant proposes to utilise shallow infiltration techniques to ensure there is a minimum of 1.0 m clearance between the base of the infiltration feature and the peak recorded groundwater level. This requires the use of a combination of shallow crated soakaways in the rear gardens of most properties. Where it isn't possible to achieve the clearance in rear gardens, a shallow infiltration basin is proposed (in an area of the site where the clearance can be achieved) to take water from several properties via a filter drain within rear gardens.

26/3/19 - At present we are awaiting additional information on surface water drainage due to recent ground investigations finding high groundwater levels. Until we receive a revised drainage strategy we are unable to support this application.

## **Minerals And Waste Development Control Team**

### CS26 Mineral Safeguarding Areas

The northern part of the application site lies within a Mineral Safeguarding Area for sand and gravel as shown on page 145 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan - Proposals Map C: Minerals Safeguarding Areas (July 2011). Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy states, inter-alia, that development will only be permitted where it has been demonstrated to the Mineral Planning Authority that, 1. The mineral concerned is no longer of any economic value or potential value, or 2. The mineral can be extracted prior to the development taking place, or 3. The development will not inhibit extraction if required in the future, or 4. There is overriding need for the development and prior extraction cannot be reasonably undertaken, or 5. The development is not incompatible.

I note that the area which is likely to have reserves is limited to part of the site and there are dwellings close to the western boundary. Consequently, I am of the view that even if sand and gravel of suitable quality is located within the site, it is unlikely to be viable to extract the mineral prior to development. I would ask that the following informative be included on any planning permission, should it be granted.

*Part of the application site lies within a Mineral Safeguarding Area for sand and gravel as shown on page 145 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan - Proposals Map C: Minerals Safeguarding Areas (July 2011). Whilst it is the view of the Minerals Planning Authority that full extraction is unlikely to be possible prior to development, the developer is encouraged to explore the possibilities of making best use of any sand and gravel that is extracted incidentally as part of construction. This should be detailed as part of the Waste Management Audit and Strategy.*

### Policy CS28 Waste Minimisation, Re-use, and Resource Recovery

I note in the Sustainability Statement that it states that “during the construction phase a site management plan will be produced. This will include measures for identifying, sorting and separating construction and demolition materials for re-use and recycling.

The plan will also identify effective methods for minimizing construction waste.” To ensure compliance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy I would ask that the following condition be imposed, should permission be granted:

*Prior to the commencement of development a completed Waste Management Audit and Strategy must be submitted to and approved by the local planning authority. The Audit and Strategy shall detail:*

- a) the quantity of anticipated waste and the measures put in place to maximise waste minimisation, sorting, re-use and recovery of waste*
- b) how any sand and gravel incidentally extracted will be handled and where practicable made available for use. It shall be implemented in full prior to the first property being occupied.*

*Reason: Compliance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.*

## **ECDC Trees Team**

21/03/2019

An Arboricultural Impact Assessment needs to be undertaken in order to be able to assess the impact of the development on the trees as it is not possible to be able to judge the compatibility of this design with the trees on site.

24/04/2019

The information submitted as an Arboricultural Impact Assessment (AIA) is a Tree Survey & Constraints Plan and is clearly identified as such on the documents front cover. The document does not contain information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removals proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels.

This information is needed in order to assess if the proposed site layout is suitable for the existing trees on site.

## **Environmental Health**

5 March 2019

As this is a duplicate application to 18/00059/FUM my comments remain the same as below.

13 Feb 2018 - Conditions recommended for construction times, Construction Management Plan and traffic noise.

The Acoustic consultant SRL indicates that suitable noise levels can be achieved internally with special acoustic trickle ventilators. This would be with windows closed.

ECDC Planning require windows to be openable and still achieve suitable noise levels.

I would advise the following condition:

The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows open do not exceed an LAeq(16hrs) of 35 dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

From our point of view if the applicants consider windows need to remain closed for internal noise guidelines to be met there will be a need for an alternative ventilation system which can achieve air changes comparable to an open window. I am aware that the LPA do not consider trickle ventilation to be sufficient for summer cooling etc, therefore some form of mechanical ventilation would be required. The occupants of all habitable rooms will require a suitable ventilation system which achieves 2 - 4 Air Changes per Hour, and we would need information regarding this and any noise levels associated with it.

I think it is important to highlight that the LPA have previously raised concerns (from a residential amenity point of view) with other rural sites where windows have to remain closed to ensure recommended noise levels are not breached. It is important that the design and layout is considered carefully to try to avoid the need for keeping windows closed, for example, distance, screening, trying to locate non-sensitive rooms (kitchens, landings, bathrooms etc.) on noisier facades and if this is not possible, utilising additional windows on quieter facades so residents in noise sensitive rooms have the option of opening alternative windows.

A suitable MVHR system, possibly with additional in duct attenuation to prevent atmospheric noise getting in as well as reducing noise from the unit is a more controllable way of achieving the ventilation required. This does not preclude windows from being opened if the occupier requires it, however the suggested noise levels above may be exceeded if the windows are left open for prolonged periods.

The position of the external intake and discharge grilles can also be positioned to face away from external noise sources.

12 November 2018 – I can't see any update on the noise assessment. Nothing to add

4 February 2019

I have compared the new layout to the previous and note that sites 79, 77, 76 and 75 have new orientations/layouts. I have highlighted these properties as they were indicated as requiring enhanced glazing and ventilators in Figure 3 of the Noise Impact Assessment dated 21 November 2017. I am struggling to interpret the revised floor plans but in any case, the noise report stated that –

*“As the site layout and building designs have not been finalised, I have used indicative room and glazing sizes to predict the likely sound insulation Performance required to achieve the required criteria. Once these details have been finalised, the assessment may need to be updated.”*

I would not expect these latest amendments to significantly alter the previous report but as mentioned above, when the layout and designs have been finalised it would be good practice for the NIA to be updated.

13 February 2019

I have compared this new noise report to its last iteration and it would appear that the only difference is an updated site plan layout. As the new layout does not appear to have changed the findings of the original noise report I have no concerns to raise at this time.

## **Strategic Housing Officer**

18/3/19 - I would strongly urge to removal of the following clause from the s106:

"If within a period of either 6 months from their completion or 6 months from the commencement of their marketing (whichever is the later) reasonable terms have not been agreed with a Housing Association, the dwellings may then be sold on the open market free from encumbrances. In such circumstances, an agreed sum shall be paid to the authority in lieu of physical provision."

Such a clause is no longer considered reasonable in planning terms as the onus should be on the developer to sell the properties to a Registered Provider as Affordable Housing. If at such a time that the developer approaches the Council and advises that they are unable to sell the properties to a Registered Provider and have exhausted all reasonable efforts, to which Council will require evidence of, then the developer can approach the Council for a Deed of Variation to change the terms of the S106 agreement.

25/3/19 - The Strategic Housing Team supports the above application in principle, as it meets Policy HOU 3 of East Cambridgeshire Local Plan to deliver 30% affordable housing on site (in the north of the district) of the total number of dwellings on sites of 10 or more.

Developers will be encouraged, to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing.

Based on the latest housing needs evidence from East Cambridgeshire's Housing Register, the Strategic Housing Team can confirm that it supports the affordable housing mix proposed on site, of one to three bedroom homes.

I am however concerned regarding some of the wording proposed within the draft S106, Heads of Terms issued as part of the planning application that refers to the affordable housing explicitly and would appreciate further discussions regarding this.

**Parks And Open Space** - No Comments Received

### **Waste Strategy (ECDC)**

In most cases bin collection points are acceptable although it is noted that the BCP for units 2 & 3, 16-20, 42-43 and 60-74 could be better sited.

**SPAB** - No Comments Received

**Consultee For Other Wards In Parish** - No Comments Received

**Anglian Water Services Ltd** - No Comments Received



## **The Ely Group Of Internal Drainage Board**

25/03/2019

The site is outside the Boards District. Provided that soakaways provide an effective means of surface water disposal the Board will not object.

**Natural England** - No Comments Received

### **Design Out Crime Officers**

I consider that this proposed layout allows good surveillance over the open spaces, I also think the design and layout of the homes afford good natural surveillance that should hopefully reduce burglary and other distraction offences. This area is vulnerable to volume crime offences such as burglary and vehicle crime. I would like to be consulted in regards to the external lighting plan, consideration for a Condition in this regard would be particularly useful to ensure that levels of lighting support all areas including the shared surface car park areas across the development.

I would also finally request that the Applicant seriously consider submitting a Secured by Design application if planning is approved as I believe this development would achieve a Gold Certificate and I very much look forward to working with them to achieve this.

**Cambridge Ramblers Association** - No Comments Received

### **Cambs Wildlife Trust**

14/3/19 - As this is a duplicate application please refer to our comments on application 18/00059/FUM, which still apply.

8/5/18 - The Wildlife Trust have the following comments to make, which relate to the site layout, the biodiversity assessment report and associated mitigation proposals.

1. The application includes a biodiversity assessment which acknowledges the potential for recreational impacts (mainly from dog walkers) on Soham Wet Horse Fen SSSI and suggests a range of mitigation measures. These include the provision of 0.6 Ha of green space within the development and the use of signage to explain the value of the SSSI and to direct dog walkers on alternative routes away from the SSSI. These measures must be implemented.
2. Paragraph 5.13 of the biodiversity assessment recognises that the nearby East Fen Common will become the “de-facto” recreational greenspace (for dog walkers) for many of the new developments at the southern end of Soham, and that East Fen Common should be enhanced (in line with Policy Soham13 of the Local Plan).
3. The Wildlife Trust co-ordinated production of the Soham Commons Biodiversity and Access Enhancement Study which identified a range of mitigation and enhancement measures required on the Soham Commons to facilitate the increased levels of access from the proposed new developments. It is essential that all of the new developments that will be using the Soham Commons as “de-facto” open space make a proportionate contribution to the delivery of these measures.

4. The Wildlife Trust therefore requests that East Cambs DC negotiate a financial contribution from this development to deliver agreed elements of the Soham Commons Biodiversity and Access Enhancement Study, in addition to the other commitments made in the Design and Access Statement.

**NHS England - No Comments Received**

### **Environment Agency**

22/03/19 - As this application is a duplicate of 18/00059/FUM our response is the same as made in our letter AC/2018/126734/02 dated 22 November 2018:- Our comments below are based on information that has been provided to us by Anglian Water and the latest Water Cycle Study (WCS).

### **WATER QUALITY/WASTE WATER**

Evidence suggests that wastewater capacity within the Soham area could be a constraint to planned growth and development. The latest measured flow data we have received from Anglian Water suggests that the foul flows through Soham Water Recycling Centre (WRC) are approaching the maximum permitted by the current discharge permit. Our estimate is that there may be sufficient capacity to accommodate approximately 300-400 new domestic properties before a breach of permit conditions, and a resultant threat of deterioration in the Soham Lode, occurs. Any deterioration in status of the Soham Lode would be in breach of Water Framework Directive obligations. This development, in isolation, may not cause a problem, however foul drainage from the full quantum of development proposed to connect into Soham WRC is unlikely to be accommodated within the current discharge permit. This position has not changed since the Council's first WCS was issued in 2011, and was confirmed by a Joint Position Statement issued by Anglian Water and the Environment Agency in 2014. The WCS has recently been revised and updated having assessed the extent of potential constraints to development across the District. This included an assessment of all allocated sites within the Soham WRC sewerage catchment.

Section 5.3 of the revised WCS, 'Water Recycling Centre Flow Permit Assessment' concludes:

*"All of the WRCs are currently working within their permits, however, 4 of the assessed WRCs would exceed their permit if all of the proposed development sites were delivered. These would therefore require infrastructure and/or treatment upgrades to accommodate all of the proposed growth."* It further goes on to recommend that ECDC should: *"Take into account the available WRC capacity in phasing of development going to the same WRC"* Soham is one of those 4 WRCs. Section 6 of the WCS, 'Water Quality', concludes:

*"The proposed growth is predicted to lead to deterioration greater than 10% and/or class deterioration at Burwell, Ely (New) and Soham WRCs. In the case of Ely (New) and Soham this can be accommodated through an upgrade to the WRC (application of BAT) and a tightening of permits"*.

The WCS recommends that ECDC and AW:

*"Where necessary, identify the scale of likely solutions to accommodate growth and build the likely timescale for delivering the infrastructure into the overall delivery programme to identify key dates and potential programme constraints"*. The scale of

recent planning applications submitted for development sites in Soham, when considered in light of the Water Cycle Study assessments, suggests that wastewater capacity and the knock-on impact on river water quality is likely to be a significant problem. As recommended in the WCS, development should be phased to allow the necessary upgrades to the foul infrastructure to be completed.

### **Site-specific comments**

Land to the rear of 55 to 69 Fordham Road was included in the recent WCS assessments (Site/23/23), it was allocated an 'Amber' assessment for foul sewerage network capacity and 'Red' for both WRC flow capacity and surface water network capacity. This implies that there are likely to be significant constraints associated with developing this site alone. Therefore, the developer should work closely with Anglian Water Services to determine upgrades needed prior to planning permission being granted.

5.2 **Neighbours** – A site notice was posted and advertisement placed in the Cambridge evening News. 38 neighbouring properties were notified and the two responses received are summarised below. A full copy of the responses are available on the Council's website.

- Noise and pollution during construction
- Safety of children
- Will there be new fences on the boundaries
- Impact on wildlife
- Accessibility of the path behind our fence
- Times and days of building
- Overlooking
- CEMP needs to ensure suitable dust control and construction times.
- Increased congestion at downfields roundabout
- Bird and bat boxes are not shown
- Trees should be protected
- Wildlife and footpaths should be protected.

## **6.0 The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology

ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
SOH 4	Housing allocation, land off Fordham Road

## 6.2 Supplementary Planning Documents

Design Guide

Developer Contributions and Planning Obligations

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

Flood and Water

## 6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

4 Decision making

5 Delivering a sufficient supply of homes

15 Conserving and enhancing the natural environment

12 Achieving well designed places

11 Making effective use of land

8 Promoting healthy and safe communities

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

16 Conserving and enhancing the historic environment

## 6.4 Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

### 7.1 The main issues to consider in determination of this application are

- The principle of development
- Visual impact
- Noise and residential amenity
- Housing mix and layout
- Public open space
- Highway safety and transport impact
- Flood risk and drainage
- Trees
- Ecology and biodiversity

## **7.2 Principle of Development**

- 7.2.1 The site is 3.85 hectares (9.5 acres), located within the settlement boundary of Soham and comprises most of the housing allocation identified within Policy SOH 4 of the East Cambridgeshire Local Plan, for development of up to 90 dwellings. The principle of residential development on this site is therefore acceptable, subject to certain criteria and the other material planning considerations.
- 7.2.2 The site is located within the established development framework of Soham, within close proximity to the range of services and facilities available within the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the location of the site within the settlement boundary means that the site is considered to be in a sustainable location.
- 7.2.3 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.2.4 The benefits of this application are considered to be: the provision of 78 additional dwellings including 23 affordable homes, built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short and the long term through construction work and the contribution of future occupiers to the local economy.

## **7.3 Visual impact**

- 7.3.1 The site has an irregular shape with some substantial boundary planting to the north where its location adjacent to the south eastern corner of the town is well related to the existing built form and is reasonably well visually contained. This means the development of the site for residential will be relatively self-contained within the wider landscape. To the eastern rear edge of the site, the site boundaries are visually open, with only low post and rail timber fencing delineating these boundaries with open fields beyond. This open boundary means that views of the new development will be possible from the A142, although set some distance away from it, at some 95 metres away at the closest point. This boundary will therefore need careful consideration given its impact on the rural setting of the town and the scheme proposes to replace the existing post and rail fencing along this boundary and retain any existing vegetation. In accordance with Policy SOH 4 it is also proposed to provide a landscaped buffer along this boundary to provide for a soft edge to the development and to retain and enhance the rights of way within and alongside the site.
- 7.3.2 The design concept of the development as a whole is focussed upon the proposed open space, with play area, which itself will act as a visual and social centre to both the development and the surrounding area, creating a new focal point for this part of the town. Such a concept will enable new residents to feel part of a local community.

- 7.3.3 In achieving the layout the developer has had due regard to the constraints of the site and the desire to retain as many of the existing landscape features surrounding the site as possible. This has meant that to achieve an acceptable layout and density, the proposal is for 78 dwellings. The public right of way of Clipsall Lane, which runs diagonally through the site, has formed a key element necessary to integrate into the development layout, whilst discussions with the Highway Authority and the resultant need to achieve safe access to and from the site for both vehicles and pedestrians have essentially dictated the location of the access into the site from the Fordham Road frontage. The desire to retain as many of the existing landscape features surrounding the site, together with additional planting to enhance this, along with the creation of pedestrian connections through the development with the retention of Clipsall Lane a key feature within the site, has similarly formed key parameters which have dictated the layout.
- 7.3.4 Whilst limited in number, the layout pays due regard to the desire to ensure that the existing residential amenities of the occupants of the neighbouring residential dwellings fronting Fordham Road are adequately respected and maintained. This has also been a key consideration in the formulation of the development layout together with landscaping and sensitive boundary treatments along the interface with the surrounding countryside.
- 7.3.5 The layout provides for an attractive residential development, with two large areas of green open space to either side of the site linked via the widened, central 'Clipsall Lane' public right of way, with the aim of providing a central green corridor through the development.
- 7.3.6 The overall scale, massing, height, site coverage and detailing of the built form proposed has been carefully considered so as to respond positively to the physical characteristics of the site, whilst minimising the impacts on existing amenities enjoyed by the occupants of neighbouring properties and complying with the Design Guide SPD.
- 7.3.7 The elevational drawings submitted with this application show a built form of a scale commensurate with local character. The character of the surrounding area is obviously of a mixed nature. The development comprises primarily traditional two-storey built forms, with some two-and-half-storey scale built-form within the more central area of the site, which is appropriate.
- 7.3.8 The built form of the dwellings proposed would sit comfortably within their wider surroundings.
- 7.3.9 Detailed scales of the residential dwellings range from two-storey dwellings with eaves heights of approximately 4.95 metres and ridge heights up to 8.9 metres to two-and-a-half-storey dwellings with eaves heights of 6 metres and ridge heights of 9.3 metres. Lesser scaled associated single-storey garages are also proposed, together with a single-storey building to house the electricity sub-station and a similarly scaled foul water pumping station in the north-western corner of the site.

- 7.3.10 The proposed density, of 20 dwellings per hectare (8.4/acre), with provision of open spaces, allows for a development which does not appear overdeveloped in the context of its surroundings and is appropriate for this edge of settlement location.
- 7.3.11 Overall, it is considered that given the separation distance from the A142, the new housing can be successfully integrated into the towns setting with limited adverse effects on visual amenity. There will be an appropriate transition between the wider countryside setting and the built form of the town. The development of this site for 78 dwellings can be achieved without causing significant harm to the character and appearance of the area and as such complies with Policies ENV 1, ENV 2 and SOH 4 of the Local Plan and Design Guide SPD.

#### **7.4 Noise and residential amenity**

- 7.4.1 The submitted noise assessment concludes that there are no noise issues for future residents from the A142 but elevated levels would be experienced by the future residents along Fordham Road (14 dwellings). The applicant has amended the internal layout to provide for secondary windows to bedrooms where possible and to ensure that few habitable rooms are affected by road noise. The developer has shown good acoustic design by locating habitable rooms to the rear. The affected dwellings will also be fitted with acoustic ventilators. Overall it is considered that an acceptable level of residential amenity will be experienced by future occupiers.
- 7.4.2 The residents impacted by the development are along Fordham Road which generally have generous rear gardens meaning that the new built form will not be overbearing or cause excessive levels of overlooking by providing for distances of at least 10 metres from the site boundary with any existing boundary vegetation retained in accordance with the Design Guide SPD.
- 7.4.3 The detailed design and layout of the proposed development looks to respect existing boundaries and pay regard to any potential amenity impacts.
- 7.4.4 Suitable separation distances and boundary treatments are proposed to ensure the residential amenity of the adjoining residents are not unduly compromised and the proposed pumping station is sited outside of the required 15 metre cordon sanitaire. It is considered that the proposal accords with Policy ENV 2 in this regard.
- 7.4.5 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings and the requirements of the Design Guide SPD.
- 7.4.6 Overall the proposal provides for a development with acceptable living conditions and residential amenity for proposed occupiers and existing residents.

#### **7.5 Housing mix and layout**

- 7.5.1 The application proposes 78 dwellings, 23 of which are affordable housing. This equates to 29%. The requirements of the adopted Local Plan is 30%. However, the Council's own Viability Assessment Report, April 2019, accepts that for Soham a requirement of 20% affordable dwellings is acceptable. On this basis, the provision of affordable housing at 29% is considered acceptable.

The precise mix of tenure and size is acceptable and reflects the current need for dwellings on the Housing Register as advised by the Senior Housing Strategy and Enabling Officer.

- 7.5.2 The amount and mix of affordable housing will be secured by way of a S106 legal agreement.
- 7.5.3 The mix of market housing is as follows, 6 two bed units, 46 three bed units, and 3 four bed units. The mixes are considered to be acceptable for this location and accords with the requirements of Policy SOH 4 to provide for a mix of dwelling types and sizes to reflect current need within Soham.
- 7.5.4 The obvious desire to retain as much of the existing landscape features within and surrounding the site, together with the creation of pedestrian linkages, both advocated by Policy SOH 4, have formed key parameters which have dictated the layout concept, as has the need for sympathetic treatment of the eastern boundary. In addition, the desire to ensure existing amenities of residents are retained has also formed a key factor on the layout masterplan.
- 7.5.5 The scheme as a whole provides an interesting mix of dwelling types including flats above garages, 1.5 storey, 2 storey and 2.5 storey which are sited to give variety and an interesting streetscape, with two main areas of public open space. The entrance is characterised by frontage two storey dwellings which complement the existing streetscene. The developers have incorporated interesting feature dwellings upon entry to the site with boundary feature walls, providing an attractive gateway to the site entrance. The layout is characterised by frontage development and dwellings fronting the public open space and Clipsall Road byway. To the southern end of the site the public rights of way are retained. The affordable homes on the site are located to the south and north eastern ends of the site and are tenure blind. The designs incorporate a range of materials to add variety, but include red and buff brick with some render, some use of weatherboarding and a mix of black and red pantiles and slate.

## **7.6 Public open space**

- 7.6.1 The amount of public open space provision at 0.6 ha accords with the requirements within Policy SOH 4. This will incorporate a Local Equipped Area of Play within the centre of the site, alongside the existing public right of way. A second area is provided around the site entrance which assists in providing an attractive entrance feature to the site.
- 7.6.2 These areas will be landscaped in accordance with a scheme to be agreed by condition and will include a scheme for the whole development including supplementary planting along the eastern boundary, the site frontage and along Clipsall Lane to retain it as a green corridor across the site. These open space areas will be provided and transferred to the Council by way of a S106 agreement for future maintenance with the payment of a commuted sum.



## 7.7 Highway safety and transport impact

- 7.7.1 The main access to the site is from Fordham Road, which will form the main estate road for the development in the form of a spine road serving private drives and courtyards. Pedestrian access to the site will also be provided along the existing byway to be retained and enhanced and leading directly to the play area.
- 7.7.2 Additional access points are proposed onto Fordham Road to serve a group of six and 8 dwellings.
- 7.7.3 The access arrangements have been examined by the County Highway Authority and are considered to be adequate in regard to their width, layout and visibility and conditions are recommended. The access location in regard to accessibility and permeability have also been assessed and deemed acceptable by the County Council Transport Planning team. The Transport Statement has been substantially amended since its original submission to overcome various concerns raised by the Transport Planning team. The team are of the view that the proposed development is likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout and have requested a financial contribution of £74,160 to mitigate this impact, together with a Travel plan. This will be secured by S106 agreement and travel plan condition.
- 7.7.4 The proposed car parking provision accords with planning application 18/00059/FUM elsewhere on this agenda. The plans propose 78 dwellings with a total of 185 car parking spaces, including visitors spaces. The total car parking provision therefore exceeds the average car parking standards for the development by 29 car spaces (allowing for 2 spaces per dwelling), as set out in policy COM8 of the Local Plan.
- The proposal includes a total of 28 unallocated visitors spaces when Local Plan policy only requires 20.
  - The total number of 4 bed dwellings has been reduced from 10 to 3, thus reducing the number of dwellings which might be expected to have 3 or more cars.
  - All garages are planned to a size which will accommodate a car and cycle storage having internal dimensions of 6m X 3m.
  - A total of 31 dwellings now have parking spaces which are not tandem, compared with the previous layout which had 21 such dwellings.
- 7.7.5 The developer has submitted a car parking compliance statement which states,

“Policy SOH4 of the adopted 2015 Local Plan allocates the site for **“up to 90 dwellings”** subject to the satisfaction of various criteria. Policy COM 8 of the Local Plan also sets out that **“development proposals should provide adequate levels of car and cycle parking, and make provision for parking broadly in accordance with the Council’s parking standards”**. Table 7.1 of the Local Plan states that for residential development there should be an average 2 car spaces per dwelling (per development). According to the policy,

**“parking standards may be relaxed in order to reflect accessibility of/ by non-car modes.**

The application site is directly adjacent to the bus stops at Centre Road where the No12 service provides a regular hourly service to the centre of Soham and to Ely or Cambridge further afield. The site is therefore well served by public transport. Furthermore, the site is neither located in an area of parking stress (where there is excess on street parking or parking regulation via parking enforcement/ yellow lining) nor is it in an area of above-average car ownership.

The proposal is within an area, accessible by public transport, where car parking standards may be relaxed. Notwithstanding the fact that car parking could be reduced here, the applicant has amended the planned parking so that it exceeds the car parking standards, exceeds visitor space requirements, and removes tandem parking”.

- 7.7.6 The mix of market homes with the reduction of the number of 4 bed dwellings means that the mix comprises one less 2 bed dwelling and eight more 3 bed dwellings.
- 7.7.7 These amendments mean that the new layout provides for 40% of the dwellings with tandem parking, compared to 73% on the last layout. This is an improvement which together with the reduction of the number of 4 bed houses, to three and the over provision of visitor’s spaces is considered acceptable in giving a mix of parking arrangements.
- 7.7.8 It is considered that this improvement and the amended house types offer an acceptable planning layout, and mix of houses, which accords with the Local Plan and that refusal of planning permission would not be justified, on these grounds.

## **7.8 Flood risk and drainage**

- 7.8.1 The FRA states that groundwater was found to be 1.2 metres below ground level at the north east of the site. The infiltration features designed across the site generally take the form of shallow crates and swales which are set to produce the 1 meter clearance to measured water table. In the northern section of the site from Plots 3 to 26 the solution is to form an infiltration basin which is 500mm deep with bunded sides. The surface water from adjacent plots is collected using filter drains which feed into the basin. This arrangement is acceptable to the Lead Local Flood Authority and therefore complies with Policy ENV 8 of the Local Plan and the Flood and Water SPD.
- 7.8.2 Foul drainage will be dealt with by provision of a pumping station on site which will store and then pump when the system has capacity. The applicant has engaged with Anglian Water at an early stage to design a solution that will be acceptable to them and absorb capacity within the wider network. Anglian Water are satisfied with the solutions put forward.

## 7.9 Trees, ecology and biodiversity

- 7.9.1 The vast majority of the vegetation and trees on the site will remain. The Tree Officer is satisfied with the submitted Arboricultural Impact Assessment and Tree Protection Plan subject to recommended conditions.
- 7.9.2 An ecology report, produced by Southern Ecological Solutions Nov 2017, accompanies the application. This assesses the impact on designated sites, but particularly on Soham Wet Horse Fen SSSI, the nearest nationally designated site, located approx. 100m north of the site across the A142.
- 7.9.3 Unit 2 of the SSSI is closest to the site, 102m to the north. This 1.18ha unit is separated from the rest of the SSSI by the A142 highway. There is no public access to this unit. The closest part of the rest of the SSSI is Unit 4, 139m north-east. A public footpath bisects the site, but the land is private, and access is not allowed beyond the path.
- 7.9.4 A designated sites assessment for a similar, nearby proposed development of 126 residential dwellings located 160m from Soham Wet Horse Fen SSSI was undertaken recently (SES, 2016). This considered all likely effects including:
- the increase in domestic cat numbers;
  - potential water level changes; and
  - increased recreational disturbance.
- 7.9.5 The report reviewed each of these effects and the results included in this assessment. It is considered that the potential impacts of the proposed development on the SSSI are likely to include an increase in local cat numbers, changes in water level and pollution levels, and an increase in recreational pressure.
- 7.9.6 *Domestic Cats*  
Local increases in cat populations may result in increased predation on breeding birds. SSSI Unit 2 is the only unit located close to the site and was considered unlikely to support breeding snipe given the lack of wet grassland habitats (SES, 2016), and as such, any increase in cat population is not considered to affect the SSSI or its qualifying features.
- 7.9.7 *Water level Changes*  
Suitable measures will be adopted to ensure delivery of water and wastewater services without water level or pollution impacts to the SSSI. There is potential for the development to disrupt water flows and increase water-borne pollution and sediment loads to the SSSI during the construction phase. This will be mitigated fully through the implementation of the Construction Environment Management Plan.
- 7.9.8 *Recreational Pressure*  
Given the habitat types within the SSSI (meadows with footpath), potential increased recreational pressure will likely include walkers and dog walkers. The 2011 census provides average household sizes in East Cambridgeshire District of 2.4 people. Using this average, the proposed development would result in an

increased population of 199 people. Natural England offsetting guidance recommends 8ha of Suitable Alternative Natural Green Space (SANGS) on or nearby site per 1,000 people to offset the indirect recreational effects of development on nearby designated sites. With an increase of 199 people, around 1.6ha of SANGS would be considered sufficient to offset the indirect recreational pressures on Soham Wet Horse Fen.

#### 7.9.9 *Proposed Mitigation*

The site is 3.85ha and includes 0.6ha of greenspace. This is 37.5% of the SANGS requirement. Hence it is expected that a proportion of dog walkers and other recreational walkers will walk from the site on the local public footpath network.

7.9.10 The closest unit of Soham Wet Horse Fen SSSI to the site is Unit 2 located 100m to the north; this is unavailable to the public but does have a public right of way adjacent to the north-eastern boundary. Unit 4 is the nearest unit on the far side of the A142 and with a public right of way along the south-eastern boundary. This public right of way continues to the Clipsall Road running in a north-east direction. The expectation is that dog walkers and others will walk along this track before returning or use other routes along the network. There is therefore no public access within any of the SSSI units and the adjacent access is in both cases well fenced. Additionally, the SSSI has no associated parking; and the units to the north of the A124 may only be accessed from the site via the footpath that runs beneath the A124.

7.9.11 In summary, the development site is well integrated into the current public footpath network that in two locations runs adjacent to two compartments but does not enter any of the SSSI compartments. Hence the increased use of the network by dog walkers and others will not lead to increased recreational pressure or related impacts such as disturbance to breeding birds within the SSSI. This protection may be enhanced by the use of signage at the edge of the site to explain the value of the nearby SSSI units and the sensitive habitats and species that occur there.

7.9.12 Several large areas of SANGS exist close to the site accessible via the public footpath network in the form of public open space; the closest existing area being East Fen Common (23ha), 0.9km north. The ECDC Adopted Local Plan (2015) encourages the improvement of public access to these areas.

7.9.13 Given the lack of accessibility by the public to the SSSI, the large amounts of public green space nearby, and the green space provision on site, it is considered that any increased recreational pressure arising from the proposed development will not significantly affect Soham Wet Horse Fen SSSI or any of its qualifying features.

7.9.14 With the implementation of the required mitigation measures, this assessment concludes that there will be no Likely Significant Adverse Effects in-isolation or in-combination with other plans or projects, and therefore obviates any need for further mitigation measures. These findings are accepted by Natural England who have raised no objection subject to financial contributions towards the delivery of measures identified in the 'Soham Commons Biodiversity and Access Enhancement Study', recently prepared by Footprint Ecology, and contained within Policy Soham13 of the Submitted Local Plan. The purpose is to ensure that increased visitor pressure from people and dogs will not have an adverse impact on the

Commons and Soham Wet Horse Fen SSSI. A contribution will be secured by the s106 legal agreement and landscaping, biodiversity improvements on the development will be secured by condition.

## **7.10 Other Material Matters**

- 7.10.1 Education – CCC have asked for the following financial contributions towards education, which the developer has agreed to pay and this will be secured by S106 agreement. £196,928 for early years, £293,148 for primary, £271,337 for secondary and £ 8,424 for libraries/lifelong learning.
- 7.10.2 Cambridgeshire archaeology have advised that archaeological investigations are not required.
- 7.10.3 In accordance with Policy ENV 4 of the Local Plan, the developer has submitted a sustainability statement which details key measures to be incorporated in the development. The homes and overall development will be environmentally assessed in accordance with the requirements of the appropriate legislation at the time of the development commencing e.g. currently The Code for Sustainable Homes. In addition to this each home will be sold with Energy Performance Certificate (EPC) to demonstrate their effectiveness in this regard. The built forms of the homes meet and exceed current standards of insulation and incorporate measures to minimise energy use. Both the design of the homes and the development layout together with the selection of materials is of key importance to the energy efficiency of the new properties.

## **8.0 Planning Balance**

- 8.1 The residential development of this site would enable economic and social improvements to the local environment, to the benefit of existing local residents, whilst providing much needed additional residential dwellings and affordable homes, of mixed tenures, to maintain and add to the existing dwelling stock within the town. The site is well located in relation to existing services and facilities, with public transport links to the town centre and beyond available from Fordham Road adjacent. The site is also an allocation and although provides for less dwellings has due regard to the constraints of the site. There is no adverse impacts on residential amenity, flood risk, biodiversity or highway safety. These benefits weigh significantly in favour of the proposal.
- 8.2 On balance it is considered that there will be no adverse impacts that would weigh against the proposal and it is therefore recommended for approval.

## **9.0 COSTS**

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

- 9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4 In this case Members' attention is particularly drawn to the following points:
- This is an allocated site for housing development within the settlement boundary of Soham.
- No objections from statutory consultees.

## 10.0 **APPENDICES**

- 10.1 Draft conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00272/FUM	Barbara Greengrass Room No. 011	Barbara Greengrass Planning Team Leader
18/00059/FUM	The Grange Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/00272/FUM Conditions

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

Plan Reference	Version No	Date Received
AIA		23rd May 2019
TS & AIA		23rd May 2019
LA3663 001	D	9th May 2019
1705-005-ST001	C	10th May 2019
1705-005-053	P01	8th May 2019
RP002	B EX WORKS	8th May 2019
RP003	B	8th May 2019
RP004	B MATERIALS	8th May 2019
1705-005-001	G	27th April 2019
1705-005-036 INFILTRATION		27th April 2019
AIA	Tree Survey	22nd March 2019
AIA Plan	6227-D	22nd March 2019
RP146	A	23rd April 2019
RP147	A	23rd April 2019
RP300	A	23rd April 2019
RP301	A	23rd April 2019
Flood Risk Assessment	D	23rd April 2019
Micro drainage calculations		21st February 2019
Habitat Survey		21st February 2019
Site Investigation Report		21st February 2019
Sustainability Statement		21st February 2019
Noise assessment		21st February 2019
Archaeological Trial Trench		21st February 2019
Flood Risk Assessment		21st February 2019
Tree Survey and Constrains Plan		21st February 2019
RP306		21st February 2019
RP305		21st February 2019
RP304		21st February 2019
RP303		21st February 2019
RP302		21st February 2019
RP223		21st February 2019
RP222		21st February 2019
RP221		21st February 2019
RP220		21st February 2019
RP219		21st February 2019
RP218		21st February 2019
217		21st February 2019
216		21st February 2019
215		21st February 2019
RP214	A	1st March 2019
RP213		21st February 2019
RP212		21st February 2019
RP211		21st February 2019
RP209		21st February 2019

RP210		21st February 2019
RP208		21st February 2019
RP205		21st February 2019
RP204		21st February 2019
RP201		21st February 2019
RP200		21st February 2019
RP157	A	1st March 2019
RP156		21st February 2019
RP152		21st February 2019
RP151		21st February 2019
RP150		21st February 2019
RP149		21st February 2019
RP148		21st February 2019
RP143		21st February 2019
RP142		21st February 2019
RP138		21st February 2019
RP137		21st February 2019
RP136		21st February 2019
RP135		21st February 2019
RP129		21st February 2019
RP128		21st February 2019
RP127		21st February 2019
RP126		21st February 2019
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RP107		21st February 2019
RP106		21st February 2019
RP105		21st February 2019
RP104		21st February 2019
RP103		21st February 2019
RP102		21st February 2019
RP101		21st February 2019
RP100		21st February 2019
RP001		21st February 2019
6227-D		21st February 2019



- 1 Reason: To define the scope and extent of this permission.
  
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
  
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
  
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
  
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
  
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
  
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to the commencement of development a completed Waste Management Audit and Strategy must be submitted to and approved by the local planning authority. The Audit and Strategy shall detail: a) the quantity of anticipated waste and the measures put in place to maximise waste minimisation, sorting, re-use and recovery of waste b) how any sand and gravel incidentally extracted will be handled and where practicable made available for use. It shall be implemented in full prior to the first property being occupied.
- 6 Reason: To comply with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 7.30 to 18.00 each day Monday-Friday, 7.30 to 13.00 Saturdays and none on Sundays, Public or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The materials to be used in the construction of the external surfaces, including walls and roofs shall be as specified on the materials plan RP 004 Rev B dated 8 May 2019. All works shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall include as a minimum:
  - a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
  - b) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; (as well as

- 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation/disposal measures;
- e) Temporary storage facilities if the development is to be phased;
- f) A timetable for implementation if the development is to be phased;
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- h) Full details of the maintenance/adoption of the surface water drainage system;
- i) Measures taken to prevent pollution of the receiving groundwater and/or surface water

- 9 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 10 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 10 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing number RP 003 Rev B dated 8 May 2019.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 12 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 13 Prior to first use of the accesses, visibility splays shall be provided each side of the vehicular accesses in full accordance with the details indicated on the submitted layout

plan RP 003 rev B dated 8 May 2019. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

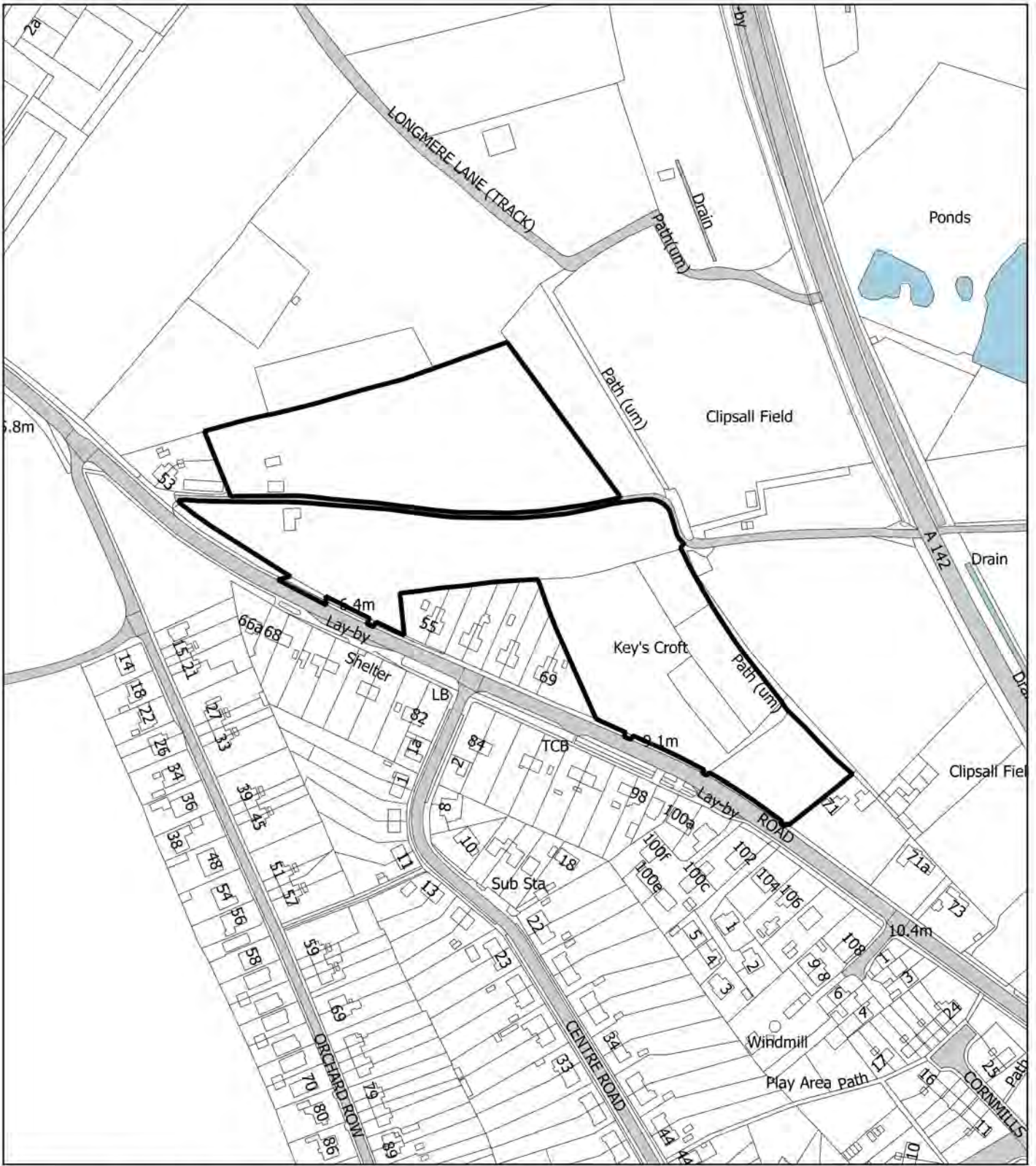
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 15 Upon completion of the right of way alongside Plots 14 and 17, bollards shall be erected at either end to prevent vehicular access and retained thereafter.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to first occupation of any dwelling a scheme for the provision of facilities for charging plug-in and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 16 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes.
- 17 Prior to first occupation of any dwelling 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.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: play equipment, and bollards. 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 a programme agreed with the Local Planning Authority.

- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the external works drawing number RP 002 Rev B dated 8 May 2019. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling to which it relates. All works shall be carried out in accordance with the approved details and retained thereafter.
- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 No development shall take place until a detailed Arboricultural Method Statement (AMS) 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.
- 20 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 21 All bathroom and cloakroom windows 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.
- 21 Reason: To safeguard the residential amenity of the occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and

backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 22 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 23 Prior to any occupation of the development, a scheme for the maintenance of the hard and soft landscaping for a minimum period of 10 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 23 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 24 Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the LPA. Such scheme shall include provision for:
- i. the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 24 Reason: To safeguard the PROW and the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted
- 25 Prior to the commencement of development, the definitive line of the public rights of way shall be marked out on site.
- 25 Reason: To safeguard the PROW and the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 26 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 26 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 of the East Cambridgeshire Local Plan 2015.
- 27 The development shall be carried out in accordance with the mitigation and precautionary methods contained within sections 5 and 6 of the Habitat Survey and Designated sites assessment report dated 6 November 2017.
- 27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 28 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.
- 28 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 29 All development shall be carried out in accordance with the submitted sustainability statement dated 21 February 2019.
- 29 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 30 Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator and cycle vouchers. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 30 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 31 The properties identified within the noise report shall be acoustically treated as specified within the Noise Assessment Revision D, dated 6 February 2019.
- 31 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 32 Prior to the occupation of any dwelling the associated surface water infrastructure works (including soakaways, infiltration features and pipe work) serving that dwelling shall be completed in accordance with the agreed site-wide drainage strategy, unless otherwise approved in writing by the Local Planning Authority.
- 32 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.



19/00272/FUM

Land rear of  
55 to 69 Fordham Road  
Soham



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:3,000



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**MAIN CASE**

**Reference No:** 18/01375/FUL

**Proposal:** Proposed erection of six dwellings following the demolition of store building and outbuildings.

**Site Address:** **Pattersons Stores 11 Mill Street Isleham Ely  
Cambridgeshire CB7 5RY**

**Applicant:** **Mr Sleightholme**

**Case Officer:** **Toni Hylton, Planning Officer**

**Parish:** **Isleham**

**Ward:** **Fordham And Isleham**  
Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** **2 October 2018**      **Expiry Date:**  
**14<sup>th</sup> June**  
**2019**

[U10]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE subject to the recommended conditions below and the full conditions are attached in Appendix 1:

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Site Characterisation
- 4 Reporting of unexpected contamination
- 5 Foul and Surface water drainage
- 6 New access - width
- 7 Parking & turning
- 8 Visibility splays - plans
- 9 Soft landscaping scheme
- 10 Boundary Treatments
- 11 Details of materials
- 12 Detailed design
- 13 Construction and delivery times
- 14 Construction Environmental Management Plan
- 15 Piling foundations
- 16 Permitted development - ext and outbldg
- 17 Permitted Dev - windows and openings

- 18 Hard landscaping scheme
- 19 No pruning/cutting or felling/removal
- 20 Biodiversity Improvements
- 21 Demolition by hand
- 22 Sample panel
- 23 Written Scheme of Investigation
- 24 Sustainability Assessment

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application proposes the demolition of the building to the front and 3 barns to the rear of the site and to replace the buildings with 6 dwellings with associated access.
- 2.2 The building to the front is a white rendered property which in the past has been a retail shop and was known as 'Pattersons'. The whole site was used by 'Pattersons' and included residential accommodation above the shop. This building has been vacant since 2008. The barns to the rear of which there are 3 are a mix of brick built and clunch barns. All of these buildings would be lost with the proposal.
- 2.3 In place of these buildings would be 6 dwellings. Three dwellings all two storey would front along Mill Street, with the remaining 3 to the rear. The dwellings to the rear are set to be a storey and half.
- 2.4 Plot 1 is part of a pair of semi detached two storey dwellings approximately 6.9 metres in height. At ground floor there is a kitchen/ diner, WC and lounge with 2 bedrooms (1 with en suite) and family bathroom at first floor. There is parking to the rear for 2 spaces, within a car port.
- 2.5 Plot 2 is the other part of the pair of semi detached two storey dwellings. At ground floor there is a kitchen/ diner, WC and lounge with 3 bedrooms and family bathroom at first floor. There is parking to the rear for 2 spaces, within a car port.
- 2.6 Plot 3 is a detached 2 storey dwelling approximately 6.5 metres in height. At ground floor there is an open plan living space, utility and WC and at first floor there are 4 bedrooms (1 with en suite) and family bathroom.
- 2.7 Plot 4 is a detached storey and half dwelling with a height of approximately 6.4 metres reducing to 5.8 metres. At ground floor there is an open plan living space, with utility and WC with attached garage and car port. At first floor there are 4 bedrooms (2 with ensuite) and a family bathroom. This is replicated in plot 5 but reversed.
- 2.8 Plot 6 is detached storey and half dwelling approximately 7.0 metres high reducing to 6.7 metres. At ground floor there is a kitchen/diner, lounge, WC and at first floor there are 3 bedrooms and family bathroom. Parking is provided to the front of the dwelling with 2 spaces.
- 2.9 The application has been amended and updated 5 times, and on 7<sup>th</sup> June 2019 the consultation period for the latest change will expire. However notification has

already been carried out but was repeated as the description had been missed from the consultation letter. The amendments were:

- Details of the existing buildings on the site
- Submission of an Ecology Report
- Submission of a Structural Report and marketing Report
- Alterations to layout and elevations
- Alterations to Plot 6

2.10 The application is brought to planning committee at the request of Councillor Beckett for the reason shown - "Due to the prominence of this site in a central village location, its impact on the street scene and public interest, I would like to call this application in to be considered by planning committee."

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

### 3.0 PLANNING HISTORY

3.1

17/00217/FUL	Demolition of the former Patterson's store building and erection of 7 dwellings with associated works	Withdrawn 04.04.2017
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is within the development envelope for the village of Isleham. It is in a central location within Mill Street surrounded by residential uses. The site is also within the Conservation Area with a Listed Building opposite and views of the Listed Church.

4.2 The site itself is fairly level, however the adjoining residential development of Limestone Close is set approximately 4 metres lower. The dwellings on Mill Street are at a similar ground level.

4.3 The site is currently home to 4 vacant buildings, the main building sits to the front with the remaining set to the rear. The site has been vacant since 2008 according to the application. The site has not been maintained in that time and there has been some changes in ownership. The site has become overgrown and parts of the building is in a poor state of repair.

## 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.

CCC Growth & Development - No Comments Received

Environmental Health – NO objection subject to restricting hours of work, contamination report and Environmental notes to be issued.

Parish – Object to the proposal on the following grounds:

- The proposed development will not enhance the Conservation Area
- Impact on the neighbours in Limestone Close
- Potential highway safety impacts

Conservation Officer –

“ Following discussion of the issues raised in initial comments, revised proposals have been submitted which largely address these thereby resulting in a scheme appropriate to the Conservation Area and the setting of the nearby listed buildings and satisfying the provision of sec 66 and 72 of the Planning (Listed Building and Conservation Areas) 1990 as supported by the aims of section 16 of the NPPF.

The revisions include

- i) modifying the position of the dwellings fronting Mill Street to maintain the visual inter-relationship of the listed building opposite with St Andrews Church and the replication of an arch feature to the street frontage and aids in screening the refuse bins in a convenient pick up point for operatives.
- ii) amending the design and layout of the proposed rear dwellings so that a single storey element is adjacent to the nearest dwelling to the south and reducing the extent of unadopted road with consequent increase in amenity area to the dwellings.

The design of the dwellings are not a pastiche of existing styles but contemporary whilst using traditional materials further information on which should be subject of a standard condition.

There is an unlisted heritage asset to the rear of the site namely the remains of a clunch barn whose position does not enable incorporation into the scheme. Its loss is less than significant harm which is outweighed by the improvement to the streetscape of Mill Street and additional residential units provided.”

ECDC Trees Team -

“I have no objection to this application, but as it is sited in a location where it can be overlooked a high quality landscaping scheme will be imperative, in order to help it blend in with surrounding location. This may require the need to plant large high quality trees suitable for this application site.

Please condition LS1A Soft landscaping scheme, to assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.”

Ward Councillors –

Councillor Beckett requested that the application was presented to the Planning Committee for the reason below:

“Due to the prominence of this site in a central village location, its impact on the street scene and public interest, I would like to call this application in to be considered by planning committee.”

Waste Strategy (ECDC) –

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

Local Highways Authority –

No objection subject to conditions relating to visibility, parking layout and width of access. The road that is proposed is not to adoptable standards and would therefore not be adopted by the Highways Authority.

Building Control - East Cambridgeshire District Council –

No adverse comments

Cambs Wildlife Trust –

“Further to my previous comments on the above application, I am pleased to see that further ecological information has been provided. I am satisfied that there is limited potential for protected species, and provided a precautionary approach is taken as outlined in section 4.5-4.6 of the Preliminary Ecological Appraisal report, there should be no significant negative impacts on protected species. I welcome the recommendation to include house sparrow boxes within the development.

The existing habitats on site are currently of limited interest, but as stated previously, in order to deliver a net gain in biodiversity, in line with national planning policy, the proposed landscaping should include native plant species.”

Historic Team (Archaeology) – No objection to the proposal subject to Written Scheme of Investigation.

5.2 A site notice was displayed at the site on the 18<sup>th</sup> October 2018 and a notice in the Cambridge Evening News was placed on 18<sup>th</sup> October 2018.

5.3 Neighbours – 22 neighbouring properties were notified and 10 responses (some have been duplicated with the amendments) received are summarised below. A full copy of the responses are available on the Council’s website.

- The potential impact on the adjoining neighbours amenity
- Noise from the development
- The proposal does not enhance the character of the Conservation Area
- The proposal is over development of the site
- The site has ecological value

- The scale of development
- Loss of a community facility
- Loss of historic building
- Potential impact on highway safety
- Fails to meet policy ENV11 and there has been deliberate attempt to neglect the building
- Loss of green space
- This is not an urban area
- Poor design
- Services within the village are over stretched
- Loss of the clunch barn
- Does not address the issue of intervisibility between the site and the church

A neighbour has stated that they would consider a legal challenge if the application were approved for the following reasons:

- The building has been deliberately neglected and the surveyors report is inadequate
- Fails to preserve or enhance the character of the area
- No evidence that they have tried to retain the buildings

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure Requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy 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 14	Sites of archaeological interest
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision
HOU 2	Housing density

### 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

## 6.3 National Planning Policy Framework 2019

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

## 7.0 PLANNING COMMENTS

7.1 The main considerations in determining this application are the principle of development; residential amenity; visual amenity; impact on the nearby heritage assets; highway safety; ecology.

### 7.2. **Principle of Development**

7.2.1 The site is located within the defined settlement boundary of Isleham and therefore complies with Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015, which seek to focus new development within the defined settlement boundaries.

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

7.2.3 This application is for 6 additional dwellings that would be added to the District's Housing Stock and make a contribution towards the shortfall in housing land supply. The provision of any additional dwellings attracts significant weight in the planning balance. The benefits of this development are therefore the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.

7.2.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.

7.2.5 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

7.2.6 Policy COM3 of the East Cambridgeshire District Council Local Plan 2015 requires that any application for the loss of community facility, such as a retail unit should be supported by a marketing report and demonstrate why it is no longer required.

7.2.7 The application was supported by a marketing report and it identified that the site had been marketed for 12 months and had been empty for approximately 11 years. There are existing facilities within the village which have been meeting the needs of the local community. A number of concerns have been raised with regard to the loss of a retail outlet in the village. However there is already a Co Op immediately opposite the site and the application site has been marketed in 2012 for 12 months as a business and it did not attract any interest. For the most part a building such as this does not meet modern standards and therefore will have limited interest to most retailers. It is considered that the Marketing Report is acceptable and the loss of a retail outlet is accepted. It is considered that in principle the proposal meets the criteria of policy COM3.

### **7.3.1 Residential Amenity**

7.3.2 The main neighbours to be affected by this proposal are 6, 8, 7, 9, 13,17,19 Mill Street; 25, 29, 30, 28 Limestone Close, 23, 19 and 15a Church Street.

7.3.3 6 and 8 Mill Street are opposite the site and number 6 is a Listed Building. Both of these properties will have sight of the proposal. However they sit on the other side of the road to the proposed development. It is considered the impact will not be detrimental to their amenities, as it will have a similar relationship to other properties in Mill Street, having dwellings opposite each other with the street between them.

7.3.4 13, 17 and 19 Mill Street and 30 Limestone Close are to the south of the development site. These are traditional two storey buildings. The access to the development runs along the side of these properties immediately adjacent to their access. It is considered that the impact of the development will be limited and restricted to the use of the access.

7.3.5 19, 15a and 23 Church Street sit to the north of the site. It is considered that the potential for overlooking to number 19 will be limited as the windows on this elevation are rooflights, which will restrict overlooking. Number 15a the dwelling itself will be protected from overlooking due to the orientation of Plot 5. There may be some indirect overlooking of the garden to the rear, which has an outbuilding in this location, however this is not immediately adjacent to the main dwelling. Number 23 is protected from any overlooking by sharing a boundary with the rear garden of plot 6.

7.3.6 Numbers 7 and 9 Mill Street sit to the north of the site and do have side windows which currently overlook the whole of the plot due to a low height wall. The layout of the proposal ensures there is no direct overlooking between the proposed dwellings and the distance between the dwellings is considered to be adequate so as not to be overbearing.

7.3.7 Numbers 25 and 28 Limestone Close are to the south of the development site and sit at least 4 metres lower than the development site. Having visited number 28 Limestone Close it is understood there is potential for some overlooking from Plot 6, particularly from the original scheme where there were windows which overlooked and the original dwelling sat closer to the boundary of the site. The proposal has been amended to site plot 6, 2 metres away from the boundary with a single storey element as the closest part of the proposal. A high level window is in the single storey to provide light into the kitchen with no further windows at first floor. It is considered that



the concern with regard to overlooking has been addressed. There are changes in level but there is unlikely to be direct overlooking between the dwellings. Number 25 sits further away from Plot 6 and direct overlooking between the dwellings is unlikely to occur.

- 7.3.8 With regard to whether plot 6 would be overbearing. It is considered that having a change in levels between the application site and the 28 Limestone Close with a 2 metre gap is sufficient to reduce the impact of the proposal on this neighbour. The proposed dwelling is 7 metres in height although the closest element is single storey. Therefore the two storey element is in excess of 4 metres away from the boundary. It is considered that the proposal has addressed the issue of being overbearing by proposing a dwelling which is a storey and half set in from the boundary.
- 7.3.9 There would be during construction some disturbances such as noise, dust and the paraphernalia associated with development. It is considered that during construction this could be controlled by way of condition restricting working hours and required a Construction Environmental Management Plan (CEMP) which would include details of where materials would be stored; parking of vehicles; how dust would be dealt with for example.
- 7.3.10 The Design Guide SPD recommends that new dwellings should have a garden area of approximately 50 square metres. Each of the new plots has a minimum garden area of 50 square metres. There is adequate distances between the dwellings to restrict overlooking between the dwellings and to enable private amenity space.
- 7.3.11 It is considered that the proposal has addressed the concerns of the potential for overlooking and being overbearing and as such complies with policy ENV2 and the design Guide SPD of the East Cambridgeshire District Council Local Plan 2015.

#### 7.4.1 **Visual Amenity**

- 7.4.2 The site is in a central location in the village where there is a traditional form of development of simple designed dwellings with a mix of materials including brick and render. The main views will be of the 3 dwellings (plots 1 – 3) that face onto Mill Street. These dwellings have been designed to be simple in appearance with little detailing to be similar to the cottages found further along Mill Street. At the request of the Ward Member, a window in one of the front dwellings akin to a shop window that was present in the original building. This was agreed by the agent and subsequently submitted. However, concerns from the Conservation Officer were raised as to whether this was really necessary. The window has been proposed and I can see the value in having a reference to the previous use of the site as a shop and there are other examples of this in the village. Whilst I understand this may not be necessary it is not considered to be detrimental to the character and appearance of the area.
- 7.4.3 There will be views of Plot 6 from Mill Street and the character of this dwelling is not too dissimilar to the simple dwellings at the front of the site. It has simple elevations yet includes interest such as box dormers and different materials. It is considered that visually the proposal will not be intrusive on the character of the area. The design of the proposal has been kept simple with low roofs so as not to compete with adjoining properties or detract from the character of the area.

7.4.4 The proposal creates 6 dwellings on the application site which can easily accommodate this number of dwellings at a reasonable density. Each plot will have its own private amenity space within the standards set within the Design Guide SPD. Each plot has a minimum of 2 parking spaces and space around the dwellings so as not to appear cramped. The heights of the dwellings has been kept low to minimise the impact of the proposal on the locality. As such it is considered that the proposal complies with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.

#### 7.5.1 **Historic Environment**

7.5.2 The site is within the designated Conservation Area and in close proximity to Listed Buildings. In consultation with the Conservation Officer following submission of the amended plans it was considered that these addressed the original concerns raised. In shifting Plot 3 closer to plots 1 and 2, this enabled the retention of views from the Listed Building opposite to the Church beyond.

7.5.3 The design of the dwellings has been made simpler and they have been reduced in height. This aids in reducing the overall impact of development on the area.

7.5.4 In discussion with the Conservation Officer the loss of the buildings was not considered to be a reason to dismiss the application. The 4 buildings are all different in appearance, however their retention is not considered to be of historic importance. All of the buildings are not worthy of being Listed in their own right and for the most part are in a poor state of repair. The application is supported by a Structural Report which concludes that the main building to the front is virtually beyond repair and not financially viable. The building itself is not of an age that is worthy of being listed. On this a balanced view had to be taken and as such having seen the Structural Report it was considered that the loss of the buildings was considered to be acceptable, but only on the basis of a comprehensive and well-designed scheme.

7.5.5 The Conservation Officer comments the loss of the buildings is considered to be less than substantial harm and as such would not request their retention.

7.5.6 It is understood that there are concerns at the loss of the actual buildings, however it is considered their loss will enable the delivery of a comprehensive design and mix of dwellings. The buildings are not of good quality and whilst it is accepted these buildings have been neglected over the past 11 years and the site has been left vacant, this is not a reason to allow the loss of heritage assets as set out in the NPPF. However it is considered that the loss of the buildings with a complimentary re development scheme will not be detrimental to the overall character of the area and the scheme can deliver something that will preserve the Conservation Area into the future. As such the proposal is considered to comply with policies ENV11 and ENV12.

7.5.7 In consultation with the Historic Team (Archaeology) the scheme is considered acceptable however will require a pre commencement condition relating to a Written Scheme of Investigation. On this basis the proposal is considered comply with policy ENV14 of the East Cambridgeshire District Council Local Plan 2015.

7.5.8 It is considered that the proposal would cause less than substantial harm to the setting of the heritage assets this has to be weighed against the public benefits as set out in the NPPF. It is considered that the public benefits are the provision of additional

housing and the economic benefits during construction. As such the proposal is considered to meet the requirements of the NPPF and policies ENV12, ENV14 of the Local Plan

#### **7.6.1 Highways**

7.6.2 Access is from Mill Street and parking is provided for all of the dwellings to the rear of site. Each dwelling has a minimum of 2 parking spaces in accordance with the East Cambridgeshire District Council Local Plan 2015 and all can leave the site in forward gear. The access is required to be a minimum of 5 metres wide to ensure cars can pass each other and therefore not stopping up on the highway.

7.6.3 In consultation with the Highways Officer the proposal is considered to be acceptable on the basis of conditions are attached to ensure the provision visibility splays, access to be 5 metres wide for a minimum of 10 metres with turning and parking. The East Cambridgeshire District Council Local Plan 2015 requires a minimum of 2 spaces per dwelling with visitor and cycle parking. The site provides 18 car parking spaces overall, which equates to 3 spaces per dwelling and there is adequate space to provide cycle parking within the car ports and garages. On this basis the proposal is considered to comply with policies COM7 and COM8 of the Local Plan.

#### **7.7.1 Ecology**

7.7.2 The application was supported by an Ecological Report. Initially the report was not considered to address all of the issues and was updated. The report addressed the potential for bats and the existing overgrown area of what was garden. In consultation with the Wildlife Trust the details and conclusions of the updated report was considered acceptable and that there was limited scope for protected species. It was considered that as a site it had limited value but in order to have a net biodiversity gain there should be attempt in the landscaping to plant native species and include other measures such as sparrow boxes and this can be achieved by way of condition. On this basis the proposal was considered to comply with policy ENV7 of the East Cambridgeshire District Council Local Plan 2015.

#### **7.8.1 Flood Risk and Drainage**

7.8.2 The site is within Flood Zone 1 where you would expect vulnerable development such as dwellings to be located. It is considered that any drainage issues can be dealt with by way of condition. On this basis the proposal is considered to comply with policies ENV8 of the Local Plan.

#### **7.9.1 Energy and Sustainability**

7.9.2 Policy ENV4 of the East Cambridgeshire District Council Local Plan 2015 requires developments of 5 or more dwellings to for a reduced or zero carbon development. Whilst no measures have been proposed as part of the submitted application this can be dealt with by way of condition. On this basis it is considered that the proposal can meet the requirements of policy ENV4 of the East Cambridgeshire District Council Local Plan 2015.

### 7.10.1 Other Material Matters

7.10.2 A number of concerns raised the issue with the loss of green space. It is accepted that some of the garden will be lost. However it currently is not available to the public for use. It has limited ecological value and adds little to the historic character of the area. It is considered that this loss of open space is not to the detriment to the local resident's amenity.

7.10.3 As part of the recommendation and the suggested conditions, a condition to restrict extensions, outbuildings and another for windows is recommended. The site has been designed to consider the adjoining neighbours and it is considered that further extensions could be detrimental to their amenities and as such the Local Planning Authority would assume the responsibility for assessing the impact of such a proposal. A condition restricting any additional windows is also recommended in order to protect the neighbours' amenity from windows being inserted in locations that could potentially overlook the adjoining properties.

### 7.11.1 Planning Balance

7.11.2 The site can provide 6 new dwellings in the village on a site which has been left vacant for approximately 11 years. There has been some suggestion of deliberate neglect, however this is not something that the Local Planning Authority can substantiate. Whilst it is always preferred to retain buildings or convert them into other uses in Conservation Areas, this building has been proven that it is beyond repair and not financially viable to be able to do so. On this basis the loss of the buildings has been considered acceptable.

7.11.3 The proposal for the 6 dwellings has been designed to consider the location within the Conservation Area and the other heritage assets. The designs have been kept simple to suit the character of the area and to not detract from other heritage assets. The site can accommodate the number of dwellings with adequate parking and amenity space for all of the proposed dwellings.

7.11.4 The proposal will have an impact on the adjoining neighbours as any new development would, however it is considered that the proposal has been amended to ensure that there is no demonstrable harm to the neighbours' amenities.

7.11.5 On balance the proposal is considered to be acceptable and there is a presumption in favour of the development. The Design SPD requires that neighbours amenity is protected and it is considered that this proposal would protect the amenities of the neighbours. The proposal can meet the requirements of the Highways Authority, maintain the setting of the Conservation Area and deliver 6 new dwellings at a time when the Local Planning Authority cannot demonstrate a 5 year housing land supply. The proposal will create public benefits such as additional housing and contribution towards the economy and would result in less than substantial harm to the heritage assets.

8.1. Appendix 1 is attached giving details of all of the conditions.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01375/FUL	Toni Hylton	Toni Hylton

17/00217/FUL

Room No. 011  
The Grange  
Ely

Planning Officer  
01353 665555  
toni.hylton@eastca  
mbs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

## Appendix 1

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

Plan Reference	Version no.	Date received
2018.05.100	E	25.04.19
2018.05.120	D	05.03.19
2018.05.109	C	25.04.19
2018.05.105		25.04.19
2018.05.106	E	21.03.19
2018.05.107	B	05.03.19
Location Plan		02.10.18
2018.05.SK		25.04.19
2018.05.102	A	02.10.18
2017-47-1		02.10.18
2018.05.108	B	05.03.19
2018.05.110		05.03.19

- 1 REASON; To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 REASON; To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 REASON; To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan

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

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall take place until a scheme to dispose of 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 the first occupation of the dwellings hereby approved.
- 5 REASON; To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 The access shall be a minimum width of 5m, for a minimum distance of 10;m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 6 REASON: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 7 REASON: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to first occupation of the dwellings hereby approved ; visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 2018-05.100REV D; The splays shall thereafter be maintained free

from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

- 8 REASON: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 REASON: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 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. This shall include specific details of location and land levels where they will be in situ. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 10 REASON: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground construction shall take place on site until details of the bricks, roofing materials, fascias, and soffits 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.
- 11 REASON: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall take place on site until details of the doors, windows, their surrounds, garage doors, rainwater goods, rooflights, external joinery paint and architraves 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.
- 12 REASON To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 13 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:



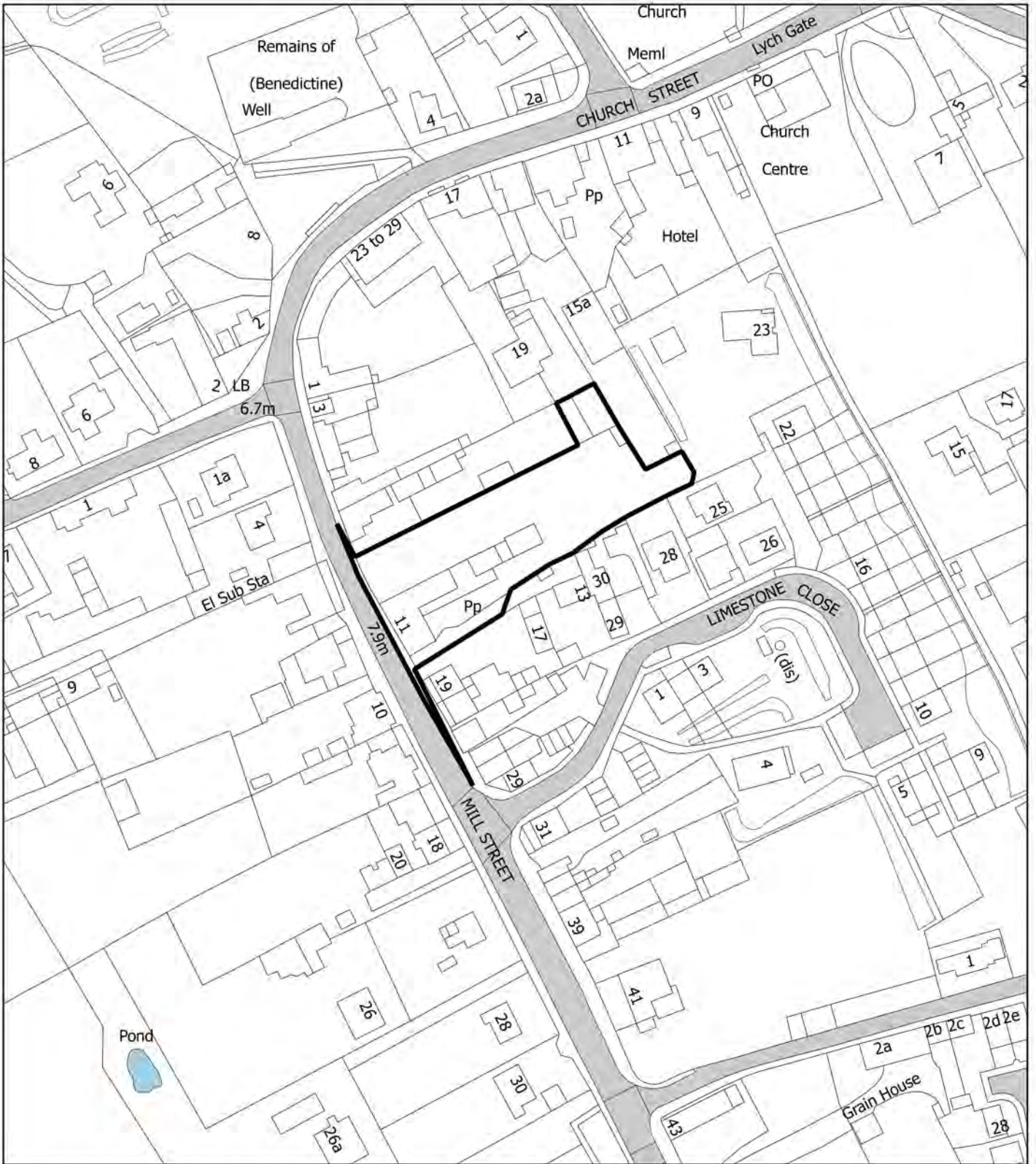
07:30 - 18:00; each day Monday-Friday,  
08:00 - 13:00; Saturdays  
and none on Sundays or Bank Holidays or Public Holidays.

- 13 REASON; To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 14 REASON: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 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.
- 15 REASON; To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 16 REASON; To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the any elevation(s), without the prior written consent of the Local Planning Authority.
- 17 REASON; To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 18 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: finished floor levels, hard surfacing materials and street lighting. 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 a programme agreed with the Local Planning Authority.
- 18 REASON: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority.
- 19 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.
- 20 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.
- 20 REASON; To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 21 No above ground construction shall take place until a sample panel measuring no less than 1 meter square has been constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection and agreement in writing by the relevant officer. The panel shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. All works shall be carried out in accordance with the approved details.
- 21 REASON:To safeguard the special architectural or historic interest, character, appearance and integrity of the Conservation Area; in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 22 The demolition hereby permitted shall be carried out by hand or using tools held in the hand other than power-driven tools. All materials arising from the demolition works shall be stored securely for reuse within the development or to be removed from the site.
- 22 REASON;To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 23 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.

- 23 REASON: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 24 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 24 REASON; To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.



18/01375/FUL

Pattersons Stores  
11 Mill Street  
Isleham



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 18/01607/OUT

**Proposal:** Erection of up to two dwellings and associated development

**Site Address:** Land West Of 51 Hillrow Haddenham Cambridgeshire

**Applicant:** Mr & Mrs Goodge

**Case Officer:** Dan Smith, Planning Consultant

**Parish:** Haddenham

**Ward:** Haddenham  
Ward Councillor/s: Gareth Wilson

**Date Received:** 14 November 2018      **Expiry Date:** 17 June 2019

[U11]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below, which can be read in full on Appendix 1:

1. Approved plans
2. Reserved Matters
3. Timescale for implementation
4. Scheme for pedestrian crossing point
5. Archaeological works
6. Surface and foul water drainage scheme
7. Investigation of contamination
8. Construction Hours
9. Unanticipated contamination
10. Parking and turning areas
11. Biodiversity mitigation measures
12. Biodiversity enhancements

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks outline planning permission for the erection of up to two dwellings. Approval for the detailed matter of Scale is also sought, while the detailed matters of access, appearance, landscaping and layout are reserved for future consideration.

2.2 The application has been referred to Planning Committee at the request of former Councillors Steve Cheetham and Stuart Smith to allow a wider debate given the local concerns regarding the application.

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

### 3.0 PLANNING HISTORY

3.1 There is no planning history on site relevant to the determination of the current application.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is an undeveloped parcel of land to the south side of Hillrow. It is located outside but immediately adjacent to the development envelope for Haddenham which extends to the eastern side boundary of the site. The site is not within the Conservation Area, however the Conservation Area boundary runs along the front of the site and includes buildings on the north side of the road. It is located within Flood Zone 1.

4.2 The site has a mature hedge to the road side and has been left to become overgrown. The land levels on site slope down from the road towards the rear of the site in line with the general land levels in the area which fall from north to south. There are houses opposite the site and a single dwelling located to the west. There is a ribbon of dwellings along the south side of the road to the east of the site which includes single storey bungalows and two storey dwellings, with the nearest dwelling to the application site being a bungalow.

### 5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - notes that access is not proposed to be determined at this time. States that this section of Hillrow has a 40mph limit that any vehicle access with the highway would require the correct visibility to be achieved. States that there is no footway or existing pedestrian crossing point on or near to this development side of the road which could be detrimental to highways safety. States that vehicles should be able to enter the site turn and leave in a forward gear and that there should be room for vehicles to complete these manoeuvres and also meet with the ECDC parking policies.

Conservation Officer - states that the application site falls within the setting of a grade II listed building (Porch House) and the Haddenham Conservation Area.

States that the Conservation Area Appraisal refers to the importance of views south from Hill Road but that single storey dwellings would minimise any such impact and that this would be in keeping with the other C20 housing south of Hill Row. Concludes that subject to an appropriate design, the scheme is unlikely to have any detrimental net impact on the heritage assets in the vicinity.

Environmental Health – does not object to the proposed development but states there is a need for a pre-commencement assessment of contamination. A condition for such an assessment is requested as are conditions regarding unanticipated contamination, no fires on site and the control of construction hours.

Cambs Wildlife Trust - reviewed the Preliminary Ecological Appraisal (PEA) and advised that the further surveys for reptiles recommended by the PEA should be completed prior to the application being determined to provide full information on the likely impacts on protected species and inform appropriate mitigation measures.

It states that there are unlikely to be significant negative impacts on other protected species or sites. It noted that there would be some loss of habitat and to mitigate this loss and deliver a net gain in biodiversity the scheme should include some habitat enhancement. It recommended additional information on potential enhancements is provided in order to assess the biodiversity enhancement.

It has since assessed the reptile survey provided and states that the survey is acceptable and the displacement methods proposed are appropriate given that there is only a small population of reptiles. It recommends enhancements discussed within the PEA for land to the south of the site to include the creation and maintenance of reptile habitat.

Waste Strategy (ECDC) - states it will not enter private property to collect waste receptacles and notes its prerogative to charge for the provision of waste receptacles.

CCC Growth & Development - No Comments Received

ECDC Trees Team – requested a plan of the trees and hedges on site.

Cambridgeshire Archaeology - states that the site is in an area of high archaeological potential and requests a condition regarding the carrying out of an archaeological investigation.

Parish - recommends refusal on the following grounds:

- The land has become an established habitat for wildlife
- Impact on the setting of a listed building (The Porch House) and its views;
- Impact on the landscape character when viewed from the Conservation Area;
- Lack of provision for access to the parcel of land to the rear of the site;
- Lack of a footpath link;
- No access points proposed;
- The site is outside the development envelope contrary to the Local Plan.

Ward Councillors - former Councillors Steve Cheetham and Stuart Smith referred the application to planning committee to allow a wider debate given the local concerns regarding the application.

5.2 Public Consultation – A site notice was displayed on 11 December 2018 and a newspaper advertisement was published on 29 November 2018. Consultations were sent to five neighbouring properties. Representations were received from the owner/occupiers of seven properties objecting to the application on the following grounds:

- Impact on ecology/wildlife habitat;
- Impact on Conservation Area;
- Impact on public views;
- Impact on visual amenity;
- Form and character of the development;
- Impact on highway safety;
- Impact on trees;
- Landscape impact;
- Impact on the setting of a Listed Building;
- Impact on residential amenity;
- Parking and turning provision;
- Outside development envelope;
- Sustainability of the site.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

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

### 6.2 Supplementary Planning Documents

ECDC Design Guide SPD – March 2012

Cambridgeshire Flood and Water – November 2016

Submitting planning applications on land that may be contaminated – January 2015

Developer Contributions – March 2013

Hill Row (Haddenham) Conservation Area Appraisal - 2010



- 6.3 National Planning Policy Framework 2019
  - Section 2 Achieving sustainable development
  - Section 4 Decision-making
  - Section 5 Delivering a sufficient supply of homes
  - Section 9 Promoting sustainable transport
  - Section 11 Making effective use of land
  - Section 12 Achieving well-designed places
  - Section 15 Conserving and enhancing the natural environment
  - Section 16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main planning considerations in the determination of the current application are the principle of development and the impact of the development on residential amenity; visual amenity and historic environment; highway safety and parking; biodiversity; contamination; and flood risk and drainage.

**7.2 Principle of Development**

7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Haddenham. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition.

7.2.2 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. The Council’s Five Year Housing Land Supply Report (November 2018) demonstrates that the Council has a 3.94 year supply of deliverable housing land. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 Suffolk Coastal District Council v Hopkins Homes Ltd) re-emphasised that where relevant policies are out of date, the “tilted balance” within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted ‘unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole’.

7.2.3 A balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.

### **7.3 Benefits of the scheme**

- 7.3.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social, economic and environmental dimensions.
- 7.3.2 The social benefits of the scheme are the provision of two dwellings which would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. The very limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in two additional households in the locality which could provide some benefit in terms of the viability of local services and facilities, although the very limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.
- 7.3.3 The construction of the dwellings would provide some short-term economic benefits from employment during construction. There would be a potential beneficial impact on the local economy in terms of the use of local services and facilities, however as detailed above, that benefit would be limited due to the small scheme. The small increase in population may also contribute a limited benefit to the local labour market.
- 7.3.4 There is potential for very limited environmental benefit in the form of ecological enhancement on site resulting from the development.

### **7.4 Adverse Impacts**

- 7.4.1 As discussed in the remainder of the report, it is not considered that there are any significant adverse impacts from the scheme.

### **7.5 Sustainability of the site**

- 7.5.1 The main part of the site is located outside but immediately adjacent to the development envelope of Haddenham which includes the dwellings along the south side of Hillrow as well as those opposite the site and further west away from the centre of Haddenham. Occupants of the site would have a footpath link into the centre of the village and the same access to its services and facilities as those within the development envelope. On that basis, the site is considered to be sustainably located for housing in respect of its access to amenities in Haddenham including its shops and public transport links.

### **7.6 Residential Amenity**

- 7.6.1 The detailed matters of layout and appearance are reserved for future consideration however approval is sought for the maximum scale of the dwellings including their ridge height of up to 6 metres. Given the width of the site and the limited height of

dwelling proposed, it is considered that two dwellings could be accommodated on site without causing any significant loss of light, visual intrusion or overshadowing to the residential dwellings to either side of the site or those opposite the site.

- 7.6.2 While the appearance has not been detailed at this stage, it is considered that a window arrangement could be designed which would not result in any significant loss of privacy for neighbouring dwellings.
- 7.6.3 There is potential from noise and disturbance during construction at unsociable hours to cause a loss of residential amenity for neighbours, however this can be adequately mitigated by controlling the hours of construction.
- 7.6.4 It is therefore considered that the proposed development is acceptable in terms of its impact on residential amenity in accordance with policies ENV2 and ENV 9 of the East Cambridgeshire Local Plan 2015.

## **7.7 Visual Amenity and Historic Environment**

- 7.7.1 The appearance, layout and landscaping of the site are reserved for future consideration but the scale of the dwellings is detailed. The application states that they would be bungalows with rooms in the roof with a ridge up to 6 metres in height. At this level, particularly considering the land levels which fall away into the site from the main road, it is considered that the impact of the height of the buildings would be acceptable, subject to an appropriate design being submitted at reserved matters stage. The maximum external dimensions are 14.5 metres wide and 20.5 metres deep are relatively large, however the indicative layout shows a staggered plan form and under those circumstances the maximum dimensions listed would be acceptable. As well as being mitigated by the falling land levels, the impact of the dwellings on the streetscene could be further benefited by the retention of much of the existing hedge and/or the provision of other planting on the frontage which would help to soften the appearance of the built form.
- 7.7.2 The indicative layout shows detached garages to the front of the dwellings. This is not characteristic of the area and such an approach would usually be resisted in such circumstances as it tends to compromise the visual appearance of the development. However, it is clear that there is sufficient space on site that the garages could be provided level with or behind the dwellings (or not at all) which would result in an acceptable layout. This matter would be dealt with at reserved matters stage.
- 7.7.3 The site is located outside but opposite the Haddenham Conservation Area. The Conservation Area Appraisal refers to the importance of certain gap views south from Hillrow and the desirability of preserving them. This particular site does not afford such views as it is densely hedged to the road site. The view of the Council's Conservation Officer is that the use of single storey buildings recognises the sensitivity of the site and minimises the impact of the scheme and that, subject to appropriate design, the development is unlikely to have any detrimental impact on heritage assets in the area. The Conservation Officer also states that the application is a continuation of the pattern of post-war development along the south side of Hillrow. The site is not in the immediate setting of any of the listed buildings on Hillrow. On that basis it is considered that the principle of the residential

development of the site for two dwellings is acceptable and that, subject to appropriate layout, design and landscaping coming forward at reserved matters stage, the development would be acceptable in terms of its impact on the visual amenity of the area and the historic environment.

7.7.4 The County Archaeologist has noted the location of the site within an area of high archaeological potential but is content that permission be granted subject to a scheme of site investigation being secured by condition.

7.7.5 It is therefore considered that the proposed development is acceptable in terms of its impact on the visual amenity of the area including the historic environment and on the archaeological interests of the site in accordance with policies ENV2, ENV11, ENV12 and ENV14 of the adopted East Cambridgeshire Local Plan 2015.

## **7.8 Highway Safety and Parking**

7.8.1 The application reserves the detailed matter of the access arrangements for future consideration and the Local Highways Authority (LHA) states that visibility splays in accordance with those required for the Design Manual for Roads and Bridges would be required for access onto the 40mph road (2.4m by 120m). The site benefits from being on the outside of a slight bend with good visibility in both directions. There is a wide verge which runs along the south side of the road which would allow for the provision of adequate visibility splays. On that basis, it is considered that there is no obvious impediment to providing safe vehicle access for the proposed development.

7.8.2 The LHA has expressed concern regarding the lack of a footpath link on the south side of the road or any existing pedestrian crossing point. The creation of a footpath to the site on the south side of the road is not feasible given that there is no footpath on that side of the road in the vicinity to connect with. It would however be possible to provide a pedestrian crossing point to the north side of the road where there is an existing pavement connecting back into the centre of Haddenham. The provision of that crossing point would be required by condition and is considered sufficient to ensure adequate access to the site on foot and pedestrian safety.

7.8.3 While the layout of the site is reserved for future consideration, it is clear that there is sufficient space on site to provide at least two car parking spaces per dwelling and adequate turning facilities to allow vehicles to turn on site and leave in a forward gear. On that basis, the application is considered to have demonstrated adequate parking and turning facilities could be provided. The provision of such facilities would be required by condition.

7.8.4 It is therefore considered that the proposed development is acceptable in terms of highway safety and parking in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.9 Biodiversity**

7.9.1 The site is currently overgrown and its potential as an ecological habitat has therefore been considered. A Preliminary Ecological Appraisal (PEA) was undertaken for the site which found that the site was no roosting opportunities for bats, provided some ground cover for birds, would not impact on Great Crested

Newts. No evidence of badgers was found but deer tracks were found on the site. The site was assessed as being suitable in some parts as habitat for reptiles and a follow-up survey was recommended. That survey was carried out and found evidence of a single grass snake under a refuge within the site. No other reptiles were found.

- 7.9.2 The submitted Reptile Survey Report recommends mitigation measures are undertaken during construction including careful, progressive site clearance, the relocation of any reptiles found and the mowing of the site under certain conditions. The Wildlife Trust has considered both ecological surveys and does not object to the proposal provided the development is carried out in accordance with mitigation measures that would be required by condition. It further recommends that a scheme of biodiversity enhancement is required by condition, to ensure the development complies with national and local policy regarding the needs for ecological enhancement. It notes that this should include enhancement on the wider site to the south of the development area.
- 7.9.3 On that basis, the proposed development is considered to be acceptable in terms of its impact on biodiversity interests on site in accordance with policies ENV2 and ENV7 of the adopted East Cambridgeshire Local Plan 2015.

## **7.10 Contamination**

- 7.10.1 The proposed dwellings are a type of development that is vulnerable to the presence of contamination. As a result the Council's Environmental Health Officer considers that an investigation of contamination is required prior to development. This would be addressed by a condition, as would the method of dealing with any unanticipated contamination found during construction.
- 7.10.2 It is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

## **7.11 Flood Risk and Drainage**

- 7.11.1 The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding where residential development is acceptable. As the scheme is in outline form no drainage details have been provided, other than the intention to provide surface water drainage via soakaway. There is no obvious impediment to achieving an adequate level of surface water drainage for the scheme and it is considered that adequate foul drainage would also be able to be achieved on site. A planning condition would be applied to ensure details of drainage arrangements are provided prior to the commencement of works.
- 7.11.2 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and drainage in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

## 7.12 Planning Balance

7.13 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. There are no adverse impacts identified and therefore no harm exists that would significantly and demonstrably outweigh the benefits associated with the provision of the additional dwellings. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be approved.

## 8.0 APPENDICES

8.1 Recommended conditions.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01607/OUT	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

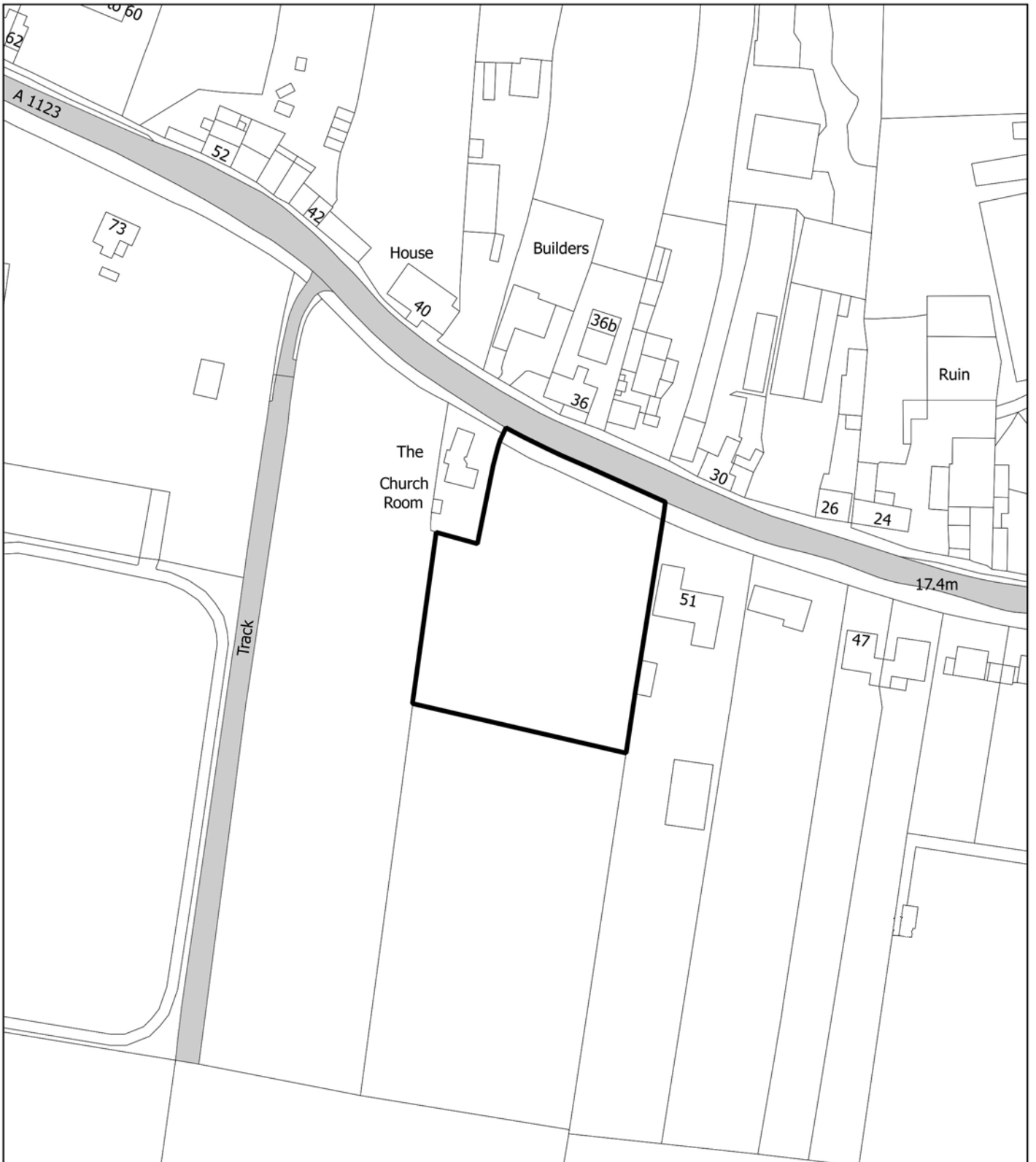
## Appendix 1

- 1 Development shall be carried out in accordance with the drawings and documents listed below
- | Plan Reference                   | Version No | Date Received |
|----------------------------------|------------|---------------|
| Location Plan                    |            | 20.11.2018    |
| Preliminary Ecological Appraisal |            | 06.02.2019    |
| Reptile Survey Report            |            | 21.05.2019    |
- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or at the same time as any application for approval of the reserved matter of access is submitted, a scheme for a pedestrian crossing point to link the site with the footpath on the north side of Hillrow shall be submitted in writing to the Local Planning Authority. No development shall commence until such a scheme has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings on site and thereafter retained.
- 4 Reason: In the interests of highway safety in accordance with policies COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as the design of the crossing point needs to be incorporated within the proposals for the detailed matter of access.
- 5 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.
- 5 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 No development shall take place until a scheme to dispose of surface water and foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall thereafter be implemented prior to the first occupation of the dwelling.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 7 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 to 18:00 each day Monday-Friday, 07:30 to 13:00 on Saturdays and none on Sundays or Bank Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 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.
- 10 Prior to the first occupation of the development, hereby approved, parking and turning areas for each dwelling providing parking for at least two vehicles per dwelling and allowing turning of vehicles on site such that they can exit the site in a forward gear, shall be provided on site. Thereafter those parking and turning areas shall be retained for the sole purpose of the parking and turning of domestic vehicles.
- 10 Reason: In the interests of highway safety and adequate parking provision, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.



- 11 The proposed development shall be carried out in full accordance with the mitigation measures detailed within section 3 of the approved Applied Ecology Reptile Survey Report dated May 2019.
- 11 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the first occupation of the development, hereby approved, a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development and thereafter maintained in perpetuity.
- 12 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.



18/01607/OUT

Land west of  
51 Hillrow  
Haddenham



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 19/00036/FUL

**Proposal:** Demolition of existing bungalow and creation of 7 properties made up of 4no. 3 bed town houses, 2no 3 bed flats and garage conversion to form 1no 3 bed dormer bungalow

**Site Address:** 5A White Hart Lane Soham Ely Cambridgeshire CB7 5JQ

**Applicant:** Churchgate (Elite) Developments Ltd

**Case Officer:** Anne James, Planning Consultant

**Parish:** Soham

**Ward:** Soham South  
 Ward Councillor/s: Councillor Ian Bovington  
 Councillor Dan Schumann

**Date Received:** 24 January 2019      **Expiry Date:** 14<sup>th</sup> June 2019

**[U12]**

1.0 **RECOMMENDATION**

1.1 Members are recommended to **APPROVE** subject to the recommended conditions below:

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

1. Plans
2. Time Limit
3. Archaeology
4. Materials
5. CEMP
6. Construction times and deliveries
7. Boundary treatments
8. Soft Landscaping
9. Maintenance of shared areas
10. Arboricultural Method Statement
11. Hard Landscaping
12. Energy Sustainability
13. Bird Nesting Season
14. Biodiversity Improvements
15. External Lighting
16. Site Characterisation

- 17 Unexpected Contamination
- 18 Gate location as shown on the approved layout drawing
- 19 Turning and parking area
- 20 Parking as shown on the approved layout drawing
- 21 No private water shall be discharged on to the adopted highway
- 22 Design of Bin Store
- 23 Foul and surface water
- 24 Fire Hydrants

## 2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks planning consent for a development comprising 7 dwellings comprising the following accommodation:

- 2 x 3no bed apartments
- 1 x 3no bed chalet bungalow
- 4 x 3no bed terrace of townhouses

The scheme also involves the creation of 2 parking bays per dwelling, turning area and landscaped areas.

2.2 The application has been accompanied by the following documents:

- Mission, Design and Access Statement;
- An Arboricultural Survey Report
- Heritage Statement

2.3 The application has been called in by Councillor Hamish Ross due to issues concerning an overdevelopment of the site, potential traffic congestion and lack of parking for residents and visitors.

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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 **PLANNING HISTORY**

3.1	18/00343/FUL	The demolition of an existing bungalow. Construction of 5no. 3 bed townhouses, 1no. 3 bed bungalow, 1no. garage conversion into a 3 bed bungalow and 2no. 3 bed flats.	Refused	18.07.18
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#### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site comprises an irregular shaped area of land measuring approximately 0.161 ha (0.4 acre), located on the northern side of White Hart Lane within the Soham Conservation Area. The site contains a detached bungalow with detached garage and associated landscaped areas.
- 4.2 The site is located just outside of the town centre boundary but within the development envelope of Soham. The prevalent character of development here is mixed use. Market Street is located to the north with White Hart Lane running along the southern edge. A passageway, serving a two storey flatted development, runs along the full extent of the eastern boundary linking Market Street to White Hart Lane. This site boundary comprises a brick wall of approximately 1.5m in height. Along the western boundary the site abuts the rear of the town centre boundary and a range of commercial premises which front on to Churchgate Street.
- 4.3 There are a number of trees on the site with a dense hedgerow on the northern boundary. Abutting the site to the north is a strip of land used for the storage of recovery vehicles.
- 4.4 Land levels are fairly consistent across the site.

#### **5.0 RESPONSES FROM CONSULTEES**

- 5.1 A number of revisions have been made to the scheme concerning the position of the turning head, parking bays, parking in Churchgate Street, visibility splays, as well as modifications to the design and the reduction in depth of the central block of dwellings and these have been re-consulted on. The Tree Report has also been amended to reflect the revised layout. Responses have been received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

##### Cambridgeshire Archaeology –

Our records indicate that the site is located in an area of high archaeological potential in the historic core of Soham which is raised up on an island with low-lying Fen to the east, west and north. The application area was known as “the cage” and there are surviving buildings dating from the 16<sup>th</sup> through to the 19<sup>th</sup> Century. It is likely that parts of the southern half of the site would contain foundations from some of the buildings.

Recommend a similar condition to that recommended in the previous application.

##### Local Highways Authority -

After a review of the amended layout I have no further objections. It has been brought to my attention that the vehicle access and shown parking arrangement on the High Street, is as existing. As such, and as the situation will not differ, I have no objection to this application. Subject to conditions.

CCC Growth & Development –

No Comments Received

ECDC Trees Team

Initial objections have been raised with regard to the application to the loss of significant feature trees that are visible from Market Street and Paddock Street combined with the lack of space for any surviving trees to develop in size and stature. However, the layout has been amended and a revised Tree Report re-consulted on.

Any further comments will be reported to Committee.

Environmental Health – No objection,

Subject to conditions concerning contamination, construction times and deliveries as well as a Construction Environment Management Plan (CEMP)

Waste Strategy (ECDC) – No objection

Subject to Informatives.

Consultee For Other Wards In Parish –

No Comments Received

Ward Councillors – Councillor Hamish Ross

I most strongly object to this application on the grounds of overdevelopment and the fact that White Hart Lane will be wholly unable to accommodate the increase in both traffic and parking issues.

From one original bungalow, you propose to create 7 new properties. It is reasonable to assume that any property would probably have 2 cars. Therefore we have a situation where currently there maybe 2 cars associated with this property but with this development, this will mushroom to 14!!!

White Hart Lane is highly congested as it is now. Developing this site will lead to an already unbearable situation turning into a nightmare.

Parish – No objection

The Clerk introduced a revised plan consistent with the plan provided which demonstrated the reduction of housing total from 9 to 7 but in addition access and turning modifications. Approved by majority as this satisfied previous concerns over the overdevelopment issue.

## Conservation Officer –

Initial objections have been resolved with the reduction in depth of the central block of dwellings, the removal of dormers and porch projection. No objection.

- 5.2 Statutory Notification – A site note was erected outside of the site on 20<sup>th</sup> February 2019 and the application was advertised in the Cambridge Evening News on 14<sup>th</sup> February 2019. 42 neighbouring properties were notified on 7<sup>th</sup> February 2019 and again on 7<sup>th</sup> March 2019. 5 letters of representation were received opposing the scheme and 2 letters in support of the scheme. The responses received are summarised below. A full copy of the responses are available on the Council's website.

### Opposing

#### *Highways*

- Traffic congestion,
- Highway safety,
- Traffic flow increased;
- Parking/tandem parking in Churchgate Street;
- Deliveries;
- State of roads;
- Lack of scale regarding size of car parking, turning area and area for wheelie bins;
- Construction vehicles;
- Right of access;
- Gravel on driveway being fed on to White Hart Lane;
- Inconsiderate parking in surrounding highway network;
- White Hart Lane too narrow;

#### *Residential amenity*

- loss of privacy;
- odour;
- overlooking;
- noise and general disturbance

#### *Natural Environment*

- Trees

#### *Historical Environment*

- Impact on Conservation Area;
- Out of character with visual amenities of the area;

#### *Other*

- Site layout;

## Supporting

- Positive for vitality and vibrancy of commercial elements in Soham Town Centre;
- Adequate parking provision;
- Eco-friendly;
- Interested in living within walking distance of the Town Centre;

### 6.0 The Planning Policy Context

#### 6.1 East Cambridgeshire Local Plan 2015

GRPWITH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational Strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV11	Conservation Areas
ENV12	Listed Buildings
ENV14	Sites of Archaeological Interest
COM 7	Transport impact
COM 8	Parking provision

Part 2: Village Visions

8.31 Soham

#### 6.2 Supplementary Planning Documents

- East Cambridgeshire Design Guide
- Developer Contributions and Planning Obligations
- Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- Flood and Water
- Soham Masterplan Vision 2010
- Soham Conservation Area Appraisal

#### 6.3 National Planning Policy Framework 2019



- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 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 and enhancing the historic environment
- 17 Facilitating the sustainable use of minerals

#### 6.4 Planning Practice Guidance

Due regard has been had to the guidance contained within the PPG.

### 7.0 **PLANNING COMMENTS**

7.1 The material planning considerations applicable in the determination of this application are:

- Principle of Development
- Impact on the visual amenities of the Soham Conservation Area
- Residential amenity
- Highway and parking
- Archaeology, Biodiversity and Ecology
- Flooding and Drainage
- Other Matters
- Planning Balance

#### 7.2 Principle of Development

7.2.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the NPPF, the East Cambridgeshire Local Plan 2015.

7.2.2 The NPPF promotes sustainable development and states at para 11 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF supports the delivery of a wide range of high quality homes and considers small and medium sized sites (1ha or less) can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly, para 68 refers.

7.2.3 Local planning authorities are charged with delivering a wide choice of high quality homes and to significantly boost the supply of housing by identifying sites for

development; maintaining a supply of deliverable sites, and, to generally consider housing applications in the context of the presumption in favour of sustainable development.

7.2.4 An assessment has been made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

7.2.5 For the purposes of assessing the proposal, and, in relation to the presumption in favour of sustainable development, it is pertinent to consider the previously refused scheme. This comprised an application of 9 dwellings in which the adverse impacts of the scheme significantly and demonstrably outweighed the benefits of the proposal Plan Ref: 18/00343/FUL refers. Planning permission was refused on 18<sup>th</sup> July 2018 for the following reasons:

1. *By virtue of the number of dwellings and the design, layout, scale and massing of the scheme, the proposed development would fail to preserve and enhance the special character of the Soham Conservation Area and the Listed Buildings located within it. The proposal is therefore contrary to the aims and objectives of the NPPF, Policies ENV2, ENV11 and ENV12 of the Local Plan 2015 and Policy LP27 of the Submitted Local Plan 2017.*
2. *Due to the restricted plot size there is inadequate provision for vehicle turning within the site, the scheme would fail to deliver a safe shared use area to meet the standards adopted by the Local Planning Authority for the proposed use. The proposed development does not provide an adequate level of parking provision for the dwelling and would likely result in an undesirable increase in on-street parking in the surrounding area. Moreover, the design of the entrance and access is not satisfactory for the shared use proposed. The proposal is therefore contrary to the aims and objectives of the NPPF and the provision of Policy COM7 of the Local Plan 2015 and Policies LP17 and LP22 of the Submitted Local Plan 2017.*
3. *By reason of the siting of Plot 9, the proposal represents an over-development of the site where insufficient separation distance between developments can be achieved, resulting in loss of privacy, light and outlook for occupiers of adjoining properties in Market Street. Moreover, the living environment for future occupiers of the site would also be injuriously affected in terms of loss of privacy and overlooking from properties in Market Street and Churchgate Street. The proposal would therefore fail to achieve an adequately high standard of living environment and would be contrary to the provisions of Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2017.*
4. *The proposal would lead to an overdevelopment of the site which by reason of the contrived layout would leave little potential for the retention of the existing trees and no provision of space for significant tree planting to mitigate the impact of tree removals that this proposal represents. The proposal would therefore fail to achieve a net environmental gain to the detriment of the natural environment and the visual amenities of the Soham Conservation Area contrary*

*to the provision of Policies ENV7 of the Local Plan 2015 and LP 28 and LP30 of the Submitted Local Plan.*

- 7.2.6 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents.
- 7.2.7 In assessing the proposal presently under consideration, the number of units on the site has been reduced from 9 to 7. As a consequence, the spatial relationship of buildings within the site has resulted in additional parking, an appropriate turning area, pockets of communal landscaping and the retention of a number of the significant feature trees plus opportunities for tree planting. The impact on residential amenity of both existing and future occupiers has also improved.
- 7.2.8 Further amendments have been sought by the Conservation Officer which have resulted in a reduction in depth of a number of the dwellings, as well as some alterations to the design, to be more in keeping with the special character of the Soham Conservation Area.
- 7.2.9 Given the Council's current 5 year land supply position, the reasons for refusal have been addressed in the resubmitted scheme and the presumption in favour of sustainable development applies.
- 7.2.10 The proposal is therefore acceptable in principle.
- 7.3 Impact on the visual amenities of the Soham Conservation Area
- 7.3.1 Section 16 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset.
- 7.3.2 Policies ENV2 and ENV11 of the Local Plan 2015 requires development proposals to be designed in order to preserve or enhance the special character and appearance of the area.
- 7.3.3 The site is located in the Soham Conservation Area adjacent to a number of Listed Buildings (2-4 Churchgate Street and 1-5b White Hart Lane). The surrounding area and tight urban grain consists mainly of 1 - 3 storey dwellings with the existing bungalow benefitting from a generous plot size which makes a neutral contribution to the Conservation Area and the setting of the Listed Buildings.
- 7.3.4 In the previously refused scheme the Council's Conservation Officer raised concerns over the design and layout of the scheme, which whilst taking into account the existing dense urban grain, was considered to be excessive in terms of massing and scale when viewed in relation to neighbouring dwellings. As such, it made little positive contribution to the character of the Conservation Area. The increased

density on the site was also not considered to preserve or enhance the character or equally the setting of the Listed Buildings located to the south and west of the site. Further criticisms of the scheme were aimed at the unimaginative design with little regard to the architectural language of the surrounding properties.

- 7.3.5 In the current scheme, the Conservation Officer noted that only flats 6 & 7 approached the scale and informal character of the type of service buildings (eg stables, workshops etc) which might be found in this location. As a consequence the scheme was further revised by reconfiguring the town houses to form a central group or 'mews' style more characteristic and in keeping with the type of development found within the historic core of Soham.
- 7.3.6 In terms of the materials proposed, the details indicate that gault brickwork with lime mortar on all external elevations with natural slate on the roof would be used. It is also proposed to use timber framed windows and doors with brick arch and stone cills. The materials proposal are considered to be of good quality and in keeping with the prevalent character of this part of the Conservation Area.
- 7.3.7 Given the scheme has been amended in line with advice from technical consultees, it would result in less than substantial harm to the historic environment of this part of the Soham Conservation Area. In weighing up the public benefits, the proposal would provide much needed housing, which in view of the Council's 5YLS position is a benefit to which considerable weight is afforded, para 196 of the NPPF refers. As such the proposal would satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as Policies ENV2 and ENV11 of the adopted Local Plan. This factor can be afforded neutral weight in the planning balance

#### 7.4 Residential amenity

- 7.4.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings is obtained. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.4.2 As mentioned in earlier sections of the report, the urban grain is dense and heavily constrained by neighbouring properties, some of which overlook the site.
- 7.4.3 With the removal of a two storey block of flats on the eastern boundary there is now an acceptable separation distance of approximately 20m between facing windows of the adjoining occupiers of the residential accommodation to the east of the site which complies with the requirements of the East Cambridgeshire Design Guide 2012. Whilst noise and general disturbance has been raised in the letters of representation from the parking bays located adjacent to the eastern boundary, given that the site is located within the central core of Soham Town Centre and there is a footpath already on this boundary which is used by members of the public, then a degree of noise and general disturbance already exists. That said, there are opportunities for landscaping along this boundary, and in addition, a number of measures are proposed which would mitigate the harm to residential amenities during the construction phase, such

that the impact on residential amenity is not considered sufficiently injurious to refuse. In terms of odour, it is not considered that this would cause detriment to adjoining occupiers.

7.4.4 The spatial relationship with development in Churchgate Street has also been considered. Bearing in mind a number of these properties have extensive single storey rear extensions which would be close to the application site boundary, the two storey elements are sufficiently set back resulting in an acceptable spatial relationship being achieved between inter-visible windows. The terrace of 4 dwellings has also been reduced in depth and as such this has also improved the relationship between the adjoining properties. It is acknowledged that a number of these properties are in use as restaurants and takeaways and therefore would generate a degree of disturbance, noise nuisance, smell and odour. No concerns have been identified by the Council's Environmental Health Department and bearing in mind this site is adjacent to the town centre, then future occupiers would take into consideration the nature of the urban environment which would include town centre uses.

7.4.5 In terms of the living environment created for future occupiers of the site, it is considered that all rooms benefit from a degree of outlook and sunlight/daylight penetration. Whilst, the amount of amenity space on a number of the dwellings falls short of the design guidance, it is acknowledged there are benefits in living within walking distance of the town centre and a number of facilities, services as well as close proximity to the recreational ground at St Andrews.

7.4.6 It is considered that on balance the scheme provides an acceptable standard of living for existing and future occupiers of the site and this factor is afforded moderate positive weight. The scheme therefore complies with Policy ENV2 of the adopted Local Plan 2015.

## 7.5 Highway and Parking

7.5.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, Section 4 of the NPPF refers.

7.5.2 Policy COM7 of the Local Plan is consistent with the NPPF and also requires development to be designed in order to provide safe and convenient access to the highway network; reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location.

7.5.3 Soham is an historic and attractive market town of approximately 11,000 people which is easily accessed from the A14. The adopted Local Plan 2015 sets the framework for significant growth of around 2,300 dwellings and new employment land which was informed by Soham Masterplan Vision 2010 document which looked at the long-term growth of Soham over the next 40 years.

7.5.4 As such Soham, is a growth area, and is considered to be a sustainable location that can accommodate planned growth and where sustainable transport modes can be

further explored. The site, located within close proximity to the Town Centre Boundary, as defined by the 2015 Local Plan is also considered to be locationally sustainable as it is within walking distance of a range of local services, facilities and bus routes.

7.5.5 The site benefits from an existing access with the highway in White Hart Lane. The access is proposed to become a permanent shared use area. However, a number of issues have been identified within the letters of representation regarding highway safety; the need for a safe access for emergency and service providers and construction vehicles; deliveries; tandem parking in Churchgate Street; state of roads; right of access; White Hart Lane being too narrow, as well as the general state of roads in the surrounding area.

7.5.6 The Local Highways Authority has raised no objection to the scheme, acknowledging that vehicles are now able to access the site, turn around and egress in a forward gear. Whilst it is acknowledged that there may be an increase in vehicular movements to and from the site, given that the development is within walking distance of the town centre then the scheme would also benefit from a range of sustainable modes of transport. A range of mitigation measures can also be imposed by way of a Construction Environment Management Plan to control deliveries, routing of construction vehicles as well as noise, dust, vibration, fumes etc. In terms of the general state of the roads in the surrounding area, this is a highway maintenance issue and cannot be dealt with in the report to Committee. With regard to gravel being swept on to the highway this could be resolved by additional details being considered by condition on the materials to be used in the construction of the access road.

#### *Parking*

7.5.7 Policy COM8 of the adopted Local Plan sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling.

7.5.8 The scheme would provide 16 parking spaces (two of which would be existing spaces accessed from Churchgate Street for use by future occupiers of Plot 1 (garage conversion). The layout of the scheme has been amended and now accommodates sufficient parking provision on site of an appropriate size, and as such, would not result in off-site parking and pressure on the existing highway network.

7.5.9 The scheme complies with the policy requirements of Policies COM7 and COM8 of the adopted Local Plan 2015 and this factor is afforded neutral weight in the planning balance.

#### 7.6 Archaeology, Biodiversity and Ecology

##### *Archaeology*

7.6.1 Policy ENV14 of the adopted Local Plan 2015 requires development proposals that affect sites of known or potential archaeological interest to have regard to their

impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains.

- 7.6.2 The County Archaeologist has commented that the site lies in an area of high archaeological potential in the historic core and therefore in compliance with Policy ENV 14 has requested a Written Scheme of Investigation report to form part of any consent. It is considered that the impact of the development can be comprehensively considered at a later date. The scheme complies with Policy ENV14 of the adopted Local Plan 2015 and this factor is weighed neutrally.

#### *Biodiversity*

- 7.6.3 Policy ENV7 of the Local Plan requires that development should protect biodiversity and the geological value of land and buildings and minimise harm to or loss of environmental features such as hedgerows and trees.
- 7.6.4 The existing site supports a number of trees. In particular, there are 4 fruit trees, 3 Sycamore, 1 Ash, a Holly, and a Maple, as well as two groups of leylandii. Whilst there are no TPOs on the trees, due to the location of the site within the Conservation Area any tree works would require prior notification.
- 7.6.5 An amended Tree Report [Ecologylink dated May 2019] has accompanied the application and this takes account of the amended layout. It is proposed to retain a Maple (T1), Cherry (T2), Sycamore (T7) and an Ash Tree (T9) which have been classified as Category B trees and are of 'Good' quality. The Ash Tree (16m in height) and the Sycamore (15m in height) are visible above the surrounding roofscape. The Maple and Cherry are located adjacent to the parking areas and are visible from White Hart Lane. A number of trees are proposed to be removed and comprise 3 Sycamore, 2 Apple, 1 Cherry and a Holly tree as well as the two groups of leylandii. These have been classified as good to low quality.
- 7.6.6 The Tree Officer has raised objections to the scheme due to the loss of significant feature trees that are visible from Market Street and Paddock Street combined with the lack of space for any surviving trees to develop in size and stature. Whilst the loss of a number of these trees is regretted, the scheme would retain two skyline trees and an opportunity does exist within a number of the pockets of communal landscaped areas for replacement fruit trees. This factor is afforded limited negative weight in view of the possibility for additional tree planting.
- 7.6.7 In terms ecology, whilst a number of trees would be lost within the site, the proposal does present an opportunity to provide a net environment gain and further information can be submitted by way of a condition on the consent to enhance the ecology of the site. However, on balance the proposal complies with Policy ENV7 of the adopted Local Plan 2015.

#### 7.7 Other Matters

##### *Ground Contamination*

- 7.7.1 In terms of the presence of contamination, as any residential property is classed as vulnerable to the presence of contamination the Council's Scientific Officer has

advised that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, can be attached to any planning permission granted.

#### *Flooding and Drainage*

- 7.7.2 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction.
- 7.7.3 The application site is not within an area at high risk of flooding and lies within Flood Zone 1 where residential development should be located. Surface water is to be disposed of via the main sewer. There is no reason to believe that the development could not be served by a suitable drainage system that prevents flooding of adjacent land or increased risk of pollution. These matters could be secured through a suitable planning condition.
- 7.7.4 In terms of foul water, the application indicates that this would also be disposed of via the mains sewer and again this matter would need to be dealt with via condition.
- 7.7.5 It is considered the proposal would be able to attenuate the additional surface and foul water created by this development but that further information would need to be supplied to demonstrate this and this would be secured by planning condition. As a result this is weighed neutrally in the planning balance. The proposal would comply with Policy ENV8 of the adopted Local Plan 2015.

#### *Rights of access*

- 7.7.6 With regard to the right of access over land not within the applicant's ownership, this is a civil matters and therefore cannot be considered within the planning report.

#### *5YLS*

- 7.7.7 In view of the fact that the Council is unable to demonstrate a 5 year land supply, the proposal of 7 new dwellings would make a significant contribution, although in view of the number proposed, this factor can only be afforded moderate positive weight.

#### *Waste*

- 7.7.8 The information supplied with the application indicates the presence of a bin store close to the site entrance. The Waste Strategy Team has commented that it would be the responsibility of the owners/residents to take any sacks/bins to the bin store on the relevant collection day and this should be made clear to any prospective purchasers in advance. This advice is provided on the planning permission.

#### *CIL*

- 7.7.9 The development will be subject to the Community Infrastructure Levy.



## *Energy Efficiency*

- 7.7.10 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers and further details can be obtained by condition.

## 7.8 Planning Balance

- 7.8.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. Para 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.8.2 The development would make a contribution to the housing land supply which, in the context of the Council currently being unable to demonstrate the 5 year housing land supply, is a benefit to be attributed significant weight in the planning balance. However, in view of the small number of dwellings proposed this is afforded moderate positive weight. There would also be economic benefits in terms of the construction of the development itself, those associated with the resultant increase in population and the contribution to the local economy to which moderate weight should be attached.
- 7.8.3 It is considered the scheme provides an acceptable standard of living for existing and future occupiers of the site and this factor is afforded moderate positive weight.
- 7.8.4 The scheme would result in the loss of a number of significant feature trees, although, there is an opportunity for a replacement tree scheme such that this factor is afforded limited negative weight.
- 7.8.5 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impact on heritage assets, access and highway safety, flooding and drainage and visual amenities. However, these matters do not represent benefits to the wider area but demonstrates an absence of harm to which weight should be attributed neutrally.

## 8. CONCLUSION

- 8.1 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the East Cambridgeshire Local Plan 2015 and supplementary planning documents and guidance, in applying para 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits.
- 8.2 The proposal is recommended for approval, subject to conditions.

## 9. **COSTS**

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

The proposal would not injuriously harm to the character and appearance of the Conservation Area or residential amenity of existing and future occupiers as well as highway safety.

## 10. **APPENDICES**

- 10.1 Appendix 1 - Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00036/FUL	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc amb.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>

## CONDITIONS

## APPENDIX 1

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

<i>Plan Ref:</i>	<i>Version</i>	<i>Dated Received</i>
200		20 <sup>th</sup> March 2019
201		20 <sup>th</sup> March 2019
202		20 <sup>th</sup> March 2019
203		20 <sup>th</sup> March 2019
004		20 <sup>th</sup> March 2019
005		20 <sup>th</sup> March 2019
006		20 <sup>th</sup> March 2019
007		20 <sup>th</sup> March 2019
Topographical Survey		7 <sup>th</sup> January 2019
003		7 <sup>th</sup> January 2019
002		7 <sup>th</sup> January 2019
100		7 <sup>th</sup> January 2019
101		7 <sup>th</sup> January 2019
400		7 <sup>th</sup> January 2019
401		7 <sup>th</sup> January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No demolition shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
  - A The Statement of significance and research objectives;
  - B The programme and methodology of site investigation and recording and the nomination of a competent person or organisation to undertake the agreed works;
  - C The programme for post excavation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

- 3 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 No above ground construction shall take place on site until details of the bricks, stone, roof coverings, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 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.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07.30 – 18.00 each day Monday-Friday and 07.30 – 13.00 on Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 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 first dwelling.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to first occupation 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.

- 8 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to any occupation of the development, a scheme for the maintenance of the shared areas for a minimum period of ten years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
- 9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall take place until a detailed Arboricultural Method Statement (AMS) 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.
- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: access road and all shared 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 a programme agreed with the Local Planning Authority.
- 11 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2

and ENV11 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

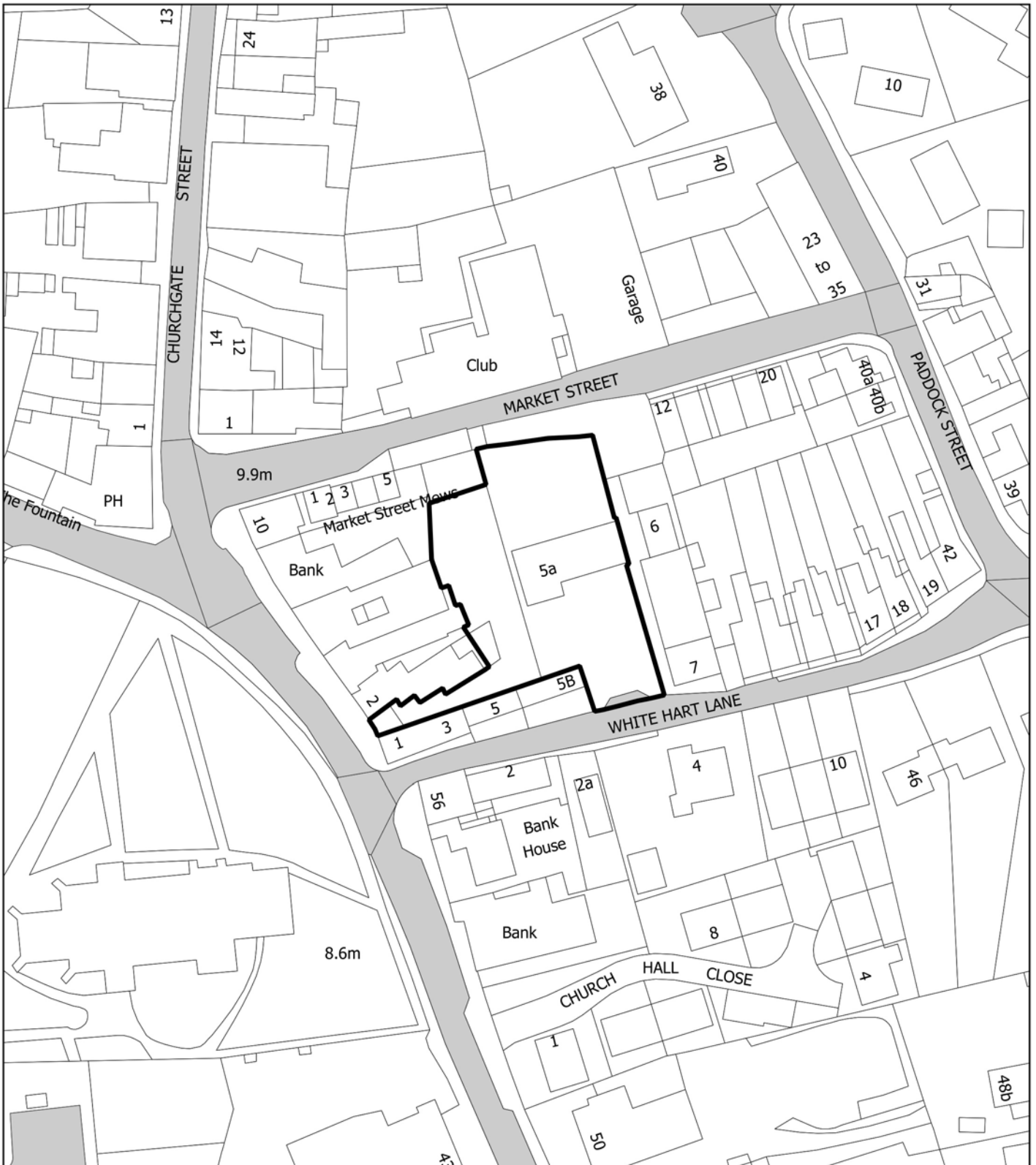
- 12 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 12 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 13 Any tree, hedge or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.
- 13 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until 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 development hereby approved and thereafter maintained in perpetuity.
- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 15 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 15 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 16 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 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.
- 17 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.
- 18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on Drawing 004.
- 18 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to first occupation of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 19 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to occupation of the dwellings space shall be laid out within the site for 16 cars to park. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.

- 20 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 21 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 21 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 22 No above ground construction shall commence until details of the bin stores have been submitted to and agreed in writing with the Local Planning Authority. The bin stores shall be in situ in accordance with the approved details prior to the occupation of the development.
- 22 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 23 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 23 Reason: To prevent environmental and amenity problems arising from flooding. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 24 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 24 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.





19/00036/FUL

5A White Hart Lane  
Soham



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 19/00042/FUL

**Proposal:** Proposed conversion of a storage building to a dwelling

**Site Address:** 14A The Cotes Soham Ely Cambridgeshire CB7 5EP

**Applicant:** Mr Edwards

**Case Officer:** Dan Smith, Planning Consultant

**Parish:** Soham

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

**Date Received:** 11 February 2019      **Expiry Date:** 17 June 2019

[U13]

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reason:
- 1.2 The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Soham and other local services and facilities and the lack of any public transport serving the site is situated in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the dwelling would be heavily reliant on private motor vehicles in order to access any local services or facilities. The proposed development would therefore cause harm in terms of the social and environmental elements of sustainable development. This identified harm would significantly and demonstrably outweigh the benefits derived from the provision of a single dwelling, contrary to policies ENV 2 and GROWTH 2 of the East Cambridgeshire Local Plan 2015 and paragraph 11 of the National Planning Policy Framework 2019.

**2.0 SUMMARY OF APPLICATION**

- 2.1 The planning application seeks full planning permission for the conversion of a recently constructed building to a dwelling.
- 2.2 The application has been referred to Planning Committee at the request of Councillor Mark Goldsack as he considers the Committee the appropriate place to

make a decision and as previous applications on the site have been determined at Committee.

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

### **3.0 PLANNING HISTORY**

#### 3.1

16/01536/FUL	Proposed Self-Contained Annexe with Hydrotherapy Suite & Site Works to Accommodate Special Medical Requirements of Applicant	Refused Appeal Dismissed	13.01.2017 15.12.2017
15/01138/FUL	Proposed Dwelling, Parking, Access & Associated Site Works	Refused Appeal Dismissed	06.01.2016 11.07.2016
16/01352/FUL	Proposed Bungalow, Hydrotherapy Suite, Access & Site Works	Withdrawn	21.10.2016
15/01139/FUL	Proposed Dwelling, Parking, Access & Associated Site Works on adjacent site	Refused Appeal Dismissed	06.01.2016 11.07.2016

### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site is a recently constructed single storey building with a pitched roof, located on a parcel of land between The Cotes and Blackberry Lane, immediately to the north east of 14a The Cotes. The building does not benefit from an express planning permission although the application documents indicate that the applicant believes it has been constructed under permitted development rights as an ancillary building to No. 14a for the purposes of storage. This part of The Cotes comprises an informal, loose ribbon development projecting into the countryside perpendicular to the main road to the front. There is agricultural land on both sides. The site is located outside of the established development envelope of Soham approximately 600m from the nearest point of the envelope and over 1.5 km from the centre of Soham. The site is located in Flood Zone 1 and is not within a Conservation Area.

## 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.

National Grid – states it does not object to the proposed development.

Parish – states it has no comments and no objections.

Ward Councillors – The application was referred to Planning Committee by former Councillor Mark Goldsack for the reason that the Planning Committee is the best and final place for the decision to be made, especially as the Committee considered other related applications on this plot.

Minerals and Waste Development Control Team - No Comments Received

Waste Strategy (ECDC) - States it will not enter private property to collect waste receptacles and notes its prerogative to charge for the provision of waste receptacles. It notes the RECAP Waste Management Design Guide advice regarding maximum bin drag distances of 30 metres.

Consultee for Other Wards in Parish - No Comments Received

Enforcement Section - No Comments Received

CCC Growth & Development - No Comments Received

Local Highways Authority – states it has no objection to the proposed development and that while the junction with the highway is not wide enough for two vehicles to use it simultaneously, the access and access road is already used for vehicle access to multiple dwellings.

Asset Information Definitive Map Team – does not object to the proposed development in terms of its impact on the public right of way. Notes the requirement for the public footpath to remain open and unobstructed at all times and suggests informative be added to any decision confirming those requirements.

Cambridge Ramblers Association - No Comments Received

5.2 Public Consultation – A site notice was displayed near the site on 6 March 2019. In addition 13 neighbouring properties were directly notified by letter. No formal responses have been received in respect of the application.

## 6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015  
GROWTH 1 Levels of housing, employment and retail growth  
GROWTH 2 Locational strategy  
GROWTH 3 Infrastructure requirements  
GROWTH 5 Presumption in favour of sustainable development

HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

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

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

- 6.4 Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

- 7.1 The main planning considerations in the determination of the current application are the principle of development and the impact of the development on residential amenity; visual amenity; highway safety and parking; ecology; and flood risk and drainage.

### 7.2 **Principle of Development**

- 7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Soham. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition.

- 7.2.2 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. The Council's Five Year Housing Land Supply Report (November 2018) demonstrates that the Council has a 3.94 year supply of deliverable housing land. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 Suffolk Coastal District Council v Hopkins Homes Ltd) re-emphasised that where relevant policies are out of date, the "tilted balance" within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted 'unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.
- 7.2.3 A balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.
- 7.3 Benefits of the scheme**
- 7.3.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.3.2 The social benefits of the scheme are the provision of a single dwelling which would add to the District's housing stock and provide an additional dwelling towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. The very limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in an additional household in the locality which could provide some benefit in terms of the viability of local services and facilities, however the dwelling is not located close to any such facilities or realistically accessible to them except by private car. Furthermore, the very limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.
- 7.3.3 As the building is already constructed the scheme would not bring about any further economic benefits from employment during construction. There would be a potential beneficial impact on the local economy in terms of the use of local services and facilities, however due to the small scheme size and its distance from such services and facilities, the benefit is likely to be relatively limited. The small increase in population may also contribute a limited benefit to the local labour market.
- 7.3.4 There is potential for very limited environmental benefit in the form of some ecological enhancement on site resulting from the development.

## **7.4 Adverse Impacts**

- 7.4.1 It is considered that the adverse impacts of the scheme are its unsustainable location, distant from any local services and facilities, devoid of public transport links to the nearest services and facilities. This impact is discussed in more detail below.

## **7.5 Sustainability**

- 7.5.1 As per paragraph 8 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. While there are existing dwellings on The Cotes, the site is otherwise located a considerable distance from any other social amenities and occupants would not have easy access to community groups or facilities. The site is located over 600m from the nearest point of the Soham Development Envelope and over 1.5 km from its centre. It is not accessible by public transport. There is a public right of way which provides access to Soham however this would require occupants to walk a distance in excess of 1.5 km to reach the services and facilities in Soham. Occupants of the site would therefore be heavily reliant on the car to gain access to services and facilities. This would not accord with the requirements of the NPPF nor the environmental dimension of sustainable development and the location remote from such services and facilities would weigh against the social dimension of sustainable development.
- 7.5.2 Due to the lack of accessible services and facilities and public transport, the dwellings would also result in occupants relying almost exclusively on private motor vehicles for access to the services in the wider area and for access to jobs and social opportunities more widely. On that basis, the proposed development is considered to perform badly against the social element of sustainability, which focusses on the need for development to support strong, healthy communities by providing housing to meet the needs of current and future generations and by providing accessible services.
- 7.5.3 The scheme is also considered to perform badly against the environmental role of sustainability which focusses on the need to protect and enhance the environment through using natural resources prudently, minimising pollution, and mitigating and adapting to climate change. The over-reliance on private motor vehicles and the requirement to travel considerable distance to access even the most basic services and facilities would not be sustainable from an environmental point of view.
- 7.5.4 Planning Inspectors have previously considered the issue of the sustainability of the site in respect of an independent dwelling (15/01138/FUL – Appendix 1) and an annexe associated with the existing dwelling (16/01536/FUL – Appendix 2). Inspectors have come to the same conclusions regarding the isolation from community services and facilities and the over-reliance on private motor vehicle to access services and facilities and have concluded that this is contrary to the social and economic dimensions of sustainable development.

## **7.6 Residential Amenity**

- 7.6.1 The proposed change of use would potentially result in a limited intensification of the use of the site in terms of noise and traffic movements, however it is not

considered that this would result in any significant additional impacts on the occupiers of neighbouring dwellings.

- 7.6.2 It is therefore considered that the proposed development is acceptable in terms of its impact on residential amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

## **7.7 Visual Amenity**

- 7.7.1 The proposed change of use would not result in any significant changes to the appearance of the building nor its impact on the visual amenity of the area. There is potential for increased parking on site and additional domestic paraphernalia associated with the proposed use, however given the character of the existing streetscene, this would not cause any significant harm to the visual amenity of the area.
- 7.7.2 It is therefore considered that the proposed development is acceptable in terms of its impact on visual amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

## **7.8 Highway safety and parking**

- 7.8.1 The dwelling would be accessed via the private gravel track off The Cotes. There is insufficient width for two cars to pass on the track, however there are passing places and given its lightly trafficked nature, it is not considered that the proposed change of use would cause any significant impact on highway safety. The Local Highways Authority has confirmed it is content with the change of use on that basis and this conclusion is consistent with the conclusions of the appeal inspector when considering the previous application for a dwelling on the site.
- 7.8.2 There is an existing access onto the site off the lane which would provide parking for at least two domestic vehicles. This provision meets the requirements of adopted parking standards.
- 7.8.3 It is therefore considered that the proposed development is acceptable in terms of highway safety and parking provision in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.9 Ecology**

- 7.9.1 The building is existing and the site is considered to be of low biodiversity value at present and the change of use is not considered likely to cause any significant ecological impacts. National and local planning policy requires that developments provide biodiversity enhancements and this could be secured in this case through the use of a planning condition.
- 7.9.2 It is therefore considered that the proposed development is acceptable in terms of its impact on and enhancement of biodiversity in accordance with policies ENV2 and ENV7 of the adopted East Cambridgeshire Local Plan 2015.



## 7.10 Flood Risk and Drainage

- 7.10.1 The site is entirely within floodzone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The building is existing and it is considered that the change of use would not increase the risk of surface water flooding or significantly alter the surface water drainage impact of the building.
- 7.10.2 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

## 7.11 Planning Balance

- 7.11.1 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the very small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified is the harm caused by the unsustainable location of the site which would result in occupants being isolated from community services and facilities and, due to a lack of public transport, overly reliant on private motor vehicle. The identified harm would conflict with the social and environmental objectives of sustainable development and is considered to be so significant that it significantly and demonstrably outweighs the limited benefits which would be derived from the provision of the dwelling. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be refused.
- 7.11.2 This conclusion is consistent with two previous appeal decisions for the site, one for a separate dwelling and one for a self-contained annexe, which Planning Inspectors have found to be unsustainable and judged the adverse impacts to outweigh the benefits of those schemes.

## 8.0 Appendices

- 8.1 Appendix 1 – Planning Inspectorate Decision dismissing appeal for refusal of planning application 15/01138/FUL.
- 8.2 Appendix 2 – Planning Inspectorate Decision dismissing appeal for refusal of planning application 16/01536/FUL.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00042/FUL	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

**NORTH ELY SECTION 106 SPECIFICATION FOR CRICKET PITCH AND OTHER  
ASSOCIATED PITCHES AND PAVILION PLUS ANCILLARY FACILITIES**

**Endurance Estates Site**

The Cricket pitch will be a full sized adult pitch with appropriate foundations, drainage, layout and construction as approved by the English and Wales Cricket Board (ECB) and Sport England (SE). It will be constructed by an experienced cricket and sports turf contractor as approved by the Institute of Groundsmanship (IOG)

It will provide a nine wicket square and the radius from the corner of the square will be approximately 45.7 m. The total playing area plus safety run off will be approximately 1.27h. The orientation, gradient etc will be as recommended by the ECB and SE.

There will be appropriate safety netting as required plus two artificial wickets with practice nets, 2 sight screens, water and power supply to enable care for the pitch.

The outfield and pavilion will also be used for soccer matches. The cricket pitch will accommodate two x football pitches of approximately 100m x 64m plus run off without using the nine wicket square. Two sets of mobile counter weighted football goalposts will also be provided. The facility will be built in accordance with the Successful Management of "Dual Use Cricket and Football Sites" Guidance Notes produced by the Football Association (FA), The ECB and the IOG.

The pavilion design, layout, orientation and construction will meet the requirements of the ECB and the FA for a two team changing facility plus toilets, showers, officials changing, kitchen and room for match teas. It will be a minimum of 150 sqm GIF and designed to ensure appropriate child safeguarding controls and will be fully fitted out with fixtures and fittings. There will also be provision for the storage of grounds maintenance equipment, either within the pavilion or as a separate secure store. There will be appropriate access and car parking plus cycle parking.

The reserved matters application will include detail of the pitch drainage, layout and construction including the types of turf and grass. The Landowners will employ a specialist consultant approved by the ECB and IOG, to oversee the pitch design and construction. It is expected that the contractors will work closely with this expert in order to ensure that the pitch meets the required quality standard and passes inspections, in advance of transfer to the relevant body..



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# Appeal Decision

Site visit made on 16 October 2017

**by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15<sup>th</sup> December 2017**

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**Appeal Ref: APP/V0510/W/17/3173726**

**Land adjacent to 14a The Cotes, Soham, Cambridgeshire CB7 5EP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr B. A. Edwards against the decision of East Cambridgeshire District Council.
  - The application Ref 16/01536/FUL, dated 6 November 2016, was refused by notice dated 2 February 2017.
  - The development proposed is a self-contained annexe with hydrotherapy suite and site works to accommodate special medical requirements of the applicant.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are whether the proposal would comply with the spatial strategy of the East Cambridgeshire Local Plan April 2015 (LP) in terms of the location of the development and the effect of the development on highway safety.

## Reasons

3. The appeal site is located in a small group of dwellings in an otherwise rural area and other development and currently forms part of the land around 14a The Cotes. From the evidence before me, the adopted highway is in excess of 200 metres away from the site and is accessed via a private roadway known as Blackberry Lane. There is also access available onto a driveway off the main section of road of The Cotes (with the driveway also being referred to as The Cotes).
4. The proposed annexe would be detached from the existing dwelling and would contain a bedroom, a wetroom, a kitchen/dining room, and a combined space shown as a sitting area and a physio area. These facilities indicate that the proposed annexe could be occupied independently with the submitted drawing also indicating a curtilage to the annexe. The proposal also includes a further building at the opposite corner of the site which would house a hydrotherapy suite.
5. Given the detached nature of the proposal with its own distinct curtilage (together with the facilities shown on the submitted drawings), to my mind, it would be functionally separate from the existing dwelling and would be likely to be occupied as an independent dwelling.

6. It has been indicated that the Appellants daughter (and family) would occupy the existing dwelling, and that the proposal should be kept separate from the proposed development to enable his daughter family to lead their own independent life. To my mind, this adds weight to my view that the annexe would be occupied independently of the main dwelling as opposed to a functionally linked annexe.
7. In addition to the above, the plans also indicate an existing annexe on the site (marked as 14b The Coates). From my site visit this also has a separate curtilage and it is not clear from the evidence before me how this building relates to the overall use of the site.
8. My attention has been drawn to previous appeal decisions<sup>1</sup> which related to new dwellings in broadly the same location (one each side of the existing dwelling) which were dismissed on the basis of the reliance of the future occupiers of the developments on the private motor vehicle and the relative isolation to services.
9. Given my conclusions on the lack of functional linkages to the existing dwelling (and that the annex would for all intents and purposes be occupied as an independent dwelling), there is little difference between the previous and current appeal developments in respect of this issue. In addition to that, little evidence has been provided to me to indicate that the occupiers of the proposal would not be heavily reliant on the private motor car to access the most basic level of services.
10. Turning to the design and scale of the proposed buildings, these would not appear out of scale or character with the variety of differing building in the vicinity of the site. However, that does not outweigh the harm I have found.
11. My attention has been drawn to numerous other proposals for new dwellings in Barway, Wardy Hill, Mepal, Isleham, Fordham and Soham, including five applications on Great Fen Road. However, very limited details of these have been provided to me and I am unable to judge whether these are comparable to the appeal development. Moreover, each application must be considered on its individual merits.
12. For the above reasons the proposal would be in conflict with the spatial strategy for East Cambridgeshire and would be contrary to Policy GROWTH2 and COM7 of the LP which amongst other matters seek to direct new development to the most sustainable locations, reduce the need to travel (particularly by car) and have regard to the need to protect the countryside.

### ***Highway safety***

13. The proposal would invariably involve an additional amount of traffic along The Cotes and/or Blackberry Lane. However, given the nature of the development the amount of additional traffic would clearly be limited.
14. I also note that this issue was effectively considered in the previous appeal decisions at the site. The previous inspector considered that there would not be a severe residual cumulative impact on highway safety.

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<sup>1</sup> APP/V0510/W/16/3143840 & APP/V0510/W/16/3143272

15. The Council have indicated that the speed limit along The Cotes is 60mph, which has not changed since the last appeal decision. From my site visit, I saw that traffic speeds were significantly lower than 60mph, although I acknowledge that this was only a snapshot in time. Notwithstanding that, given the geometry and layout of the road, it is highly unlikely that speeds of 60mph would be typical.
16. Taking all of the above into account, I consider that the development would provide a safe and suitable means of access to the site for all people.
17. For the above reasons, the development would provide a suitable access and would accord with Policies ENV2 and COM7 (in respect of a safe access) of the LP which amongst other matters seek to provide a safe means of access to the highway.

### ***Planning balance***

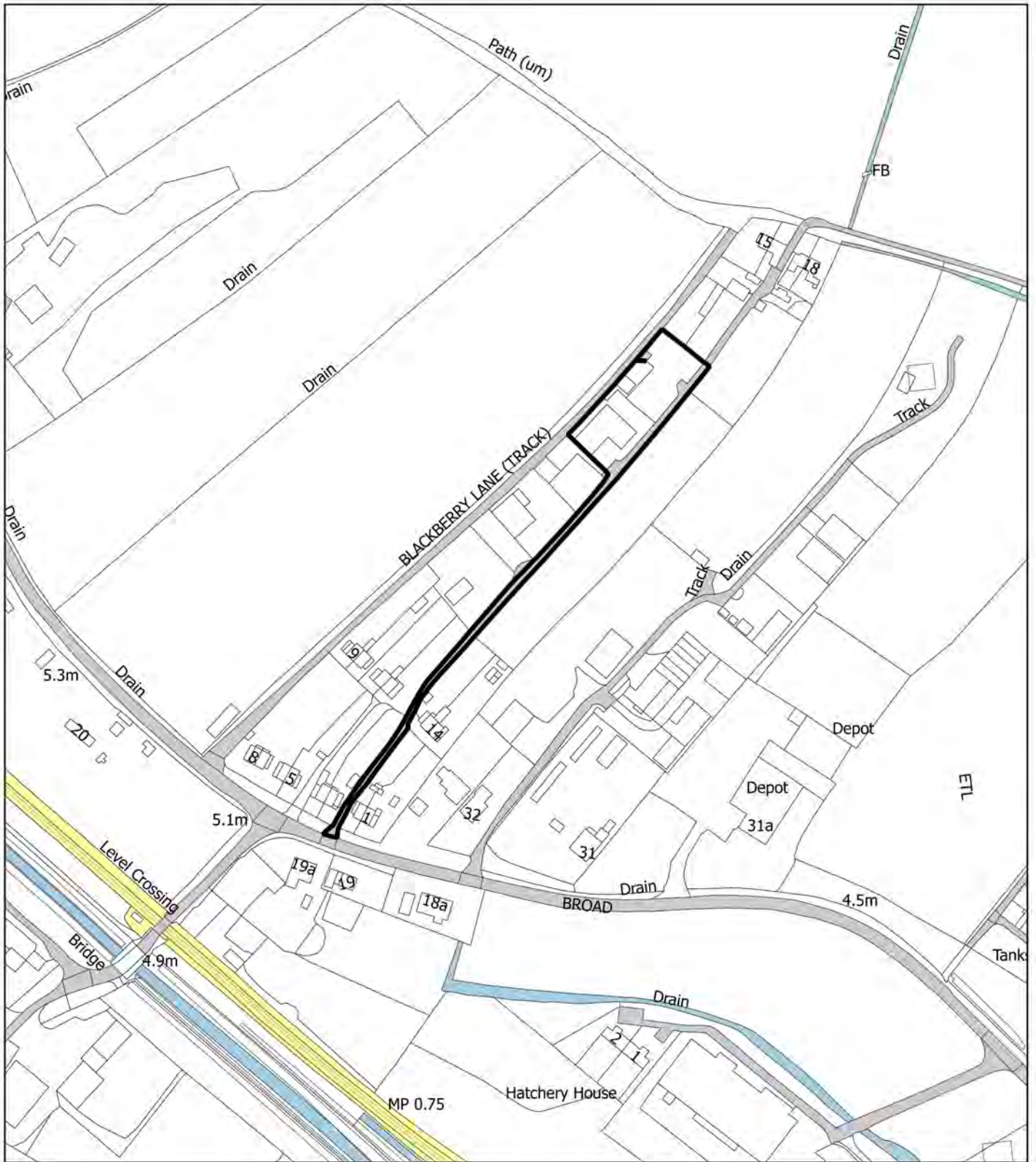
18. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework, the housing supply policies in the LP are not up-to-date.
19. Consequently the fourth bullet point of paragraph 14 of the Framework comes into force. This makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
20. As in the previous appeal decision, the occupiers of the annex would be heavily reliant on the private motor car to access the most basic levels of services and facilities. It is clear that this would conflict with the environmental dimension of sustainable development as well as social aspect in relation to isolation from community facilities. This would also conflict with paragraph 55 of the Framework in this respect. These factors weigh heavily against the proposal.
21. The development would provide some minor economic benefits to the rural area through the construction process, and in generating further economic activity through increased population in the rural area. In respect of the other aspect of the social dimension, the proposal would bring some minor social benefits in that it would provide much needed additional housing. I also have had regard to the personal circumstances of the Appellant, in that there is an undisputed need for care and medical needs. These factors weigh in favour of the proposal.
22. **From the evidence before me, it is unclear what the shortfall in the Council's five year housing land supply is.** Notwithstanding this, the proposal is unlikely to have any significant effect in reducing the deficit.
23. Against this background, to my mind, the harm identified (including the conflict with the LP and the Framework) significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

**Conclusion**

24. Taking all matters into consideration, including support for the proposal from the Parish Council and health professionals, I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR



19/00042/FUL

14A The Cotes  
Soham



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:2,500



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**MAIN CASE**

**Reference No:** 19/00299/MPO

**Proposal:** Application for the modification or discharge of a planning obligation (Ref13/00785/ESO)

**Site Address:** Land North Of Cam Drive Ely Cambridgeshire

**Applicant:** Cheffins

**Case Officer:** Angela Briggs, Planning Team Leader

**Parish:** Ely

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

**Date Received:** 27 February 2019      **Expiry Date:** 17<sup>th</sup> June 2019

[U14]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the Deed of Variation to vary the original S106 agreement to include a new paragraph to be inserted in Schedule 4 in relation to the delivery of the Extra Care Home, and a revised appendix 9 relating to the specifications for the Cricket Facility Scheme (replacing the original agreement at Appendix 9).

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks to vary the original S106 agreement for the development to address the following specific areas under Schedule 4 and appendix 9:
- Bring forward the delivery of the Extra Care Home facility which forms part of the overall affordable housing provision (Phase 2b);
  - Revise the specifications of the Cricket Pitch Facility and the Trim Trail (to be delivered as part of Phase 2).
- 2.2 The original appendix 9 of the S106 is attached as Appendix 1 of this report. The relevant extracts of the original S106 agreements is attached as Appendix 2.

2.3 The application is being brought before Planning Committee because it was Members' wish for the Extra Care Home to be delivered in a timely manner and to agree any changes to the S106 obligation as part of this strategic development.

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.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

### 3.0 PLANNING HISTORY

3.1

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

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

4.2 Development of the Southern part of this site is currently underway, with the Isle of Ely Primary School completed and opened in April 2016 followed by Phase 1 housing scheme, by Hopkins Homes, and the Care Home, situated opposite the School. The main access from Cam Drive has also been constructed which serves the School, and Phase 1 development, and the internal roadways. Some of the dwellings on Phase 1 are now already occupied.

## 5.0 PLANNING COMMENTS

5.1 This application seeks to vary two elements under Schedule 4 (Affordable Housing and Cricket Facility) and appendix 9 of the original S106 legal agreement associated with planning permission Ref: 13/00785/ESO, dated 20<sup>th</sup> June 2016, for a residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely. The variation relates to Phase 2 of the development only.

5.2 The two elements relevant to this variation relate to the following:

- The delivery and triggers for the Extra Care Home facility (Phase 2b); and
- The revised specifications of the Cricket Pitch facility appendix (as part of Phase 2a)

### Extra Care Home Facility:

5.3 Currently, Schedule 4, Section 1, of the original S106 agreement does not include the specific mechanisms for the delivery of the Extra Care home element of the development, which is mentioned as part of the affordable housing delivery under paragraph 1.7 of Schedule 4 (see Appendix 2).

5.4 The Deed of Variation would include an additional section within Schedule 4 which specifically stipulates the delivery for the Extra Care facility as part of Phase 2. This would follow on from the Open Space paragraphs in section 5. Section 6 would read as follows:

#### **“6. Extra Care Dwellings”**

Unless otherwise agreed in writing between the Landowners and the Council, the Landowners covenant not to Occupy or permit the Occupation of more than 75% of the Market Dwellings in Phase Two unless and until the Extra Care Land has been transferred to an Affordable Housing Provider, such Affordable Housing Provider and draft transfer to be approved in advance by the Council in writing (such approval not to be unreasonably withheld or delayed);

Unless otherwise agreed in writing between the Landowners and the Council, the Landowner covenants not to Occupy or permit the Occupation of more than 75% of the Market Dwellings in Phase Two unless and until the Landowners have submitted to the Council for its determination an application for outline planning consent or full consent for the Extra Care Facility and the Council has determined to grant outline planning consent or full planning consent pursuant to the Landowners application;

Unless otherwise agreed in writing between the Council and the Landowners, the Landowners covenant to notify the Council five Working Days prior to the expected date of Commencement of Construction of the Extra Care Facility;

Unless otherwise agreed in writing between the Council and the Landowners, the Landowners covenant not to Occupy or permit the Occupation of more than 85% of the Market Dwellings in Phase 2 unless and until the construction of the Extra Care Facility has Commenced;

- 5.5 The original agreement shall then be re-numbered accordingly after this section.
- 5.6 This additional section would facilitate the delivery of the Extra Care Home in connection with Phase 2 of the development, in a timely manner, as part of the overall affordable housing strategy. This is a facility which Members were keen to come forward at an early stage of development. This mechanism in the S106 would allow this facility to come forward as a stand-alone application without affecting the delivery of other affordable units, as part of the wider development, and without the potential delays of being considered as part of a larger application. As such it is considered that this approach would encourage this facility to come forward earlier than otherwise expected and provide a much-needed facility in the local area.

#### Cricket Pitch Facility

- 5.7 The second element of the Deed of Variation relates to the Cricket Pitch facility which is also included under Schedule 4, section 3. A scheme for the cricket pitch and associated pitches, and the Pavilion, was attached to the original S106 agreement at Appendix 9 (please refer to Appendix 3 of this report). The children's play facility would also now form a 'Trim Trail' to be installed within the Long Fen Country Park alongside the Cricket Pitch area, rather than provided on the Sports Pitch, and would include 5 pieces of play equipment (as shown indicatively on drawing number: 411-Fss-09-SP Rev A). Reference to the Trim Trail has now been included as part of the amended appendix.
- 5.8 The amended appendix would replace the original version with the following (italic and bold areas indicate the changes):

'The Cricket pitch will be a full sized adult pitch with appropriate foundations, drainage, layout and construction as approved by the English and Wales Cricket Board (ECB) and Sport England (SE). It will be constructed by an experienced cricket and sports turf contractor as approved by the Institute of Groundsmanship (IOG), *for example TTS or similar.*

It will provide a *ten* wicket square *of which one wicket is to be an artificial wicket* and the radius from the *stumps on the wicket at the edge* of the square will be approximately *52.74m*. The total playing area plus safety run off will be approximately *1.3ha*. The orientation, gradient etc will be as recommended by the ECB and SE *but broadly as shown on attached LMC Architects drawing No. 411-FSS-09-SP Rev A.*

There will be appropriate safety netting as required plus two artificial practice wickets in nets, 2 sight screens, water and power supply to enable care for the pitch.

The outfield and pavilion will also be used for soccer matches. **Three No youth pitches one each suitable for 5 v 5, 7 v 7 and 9 v 9 matches respectively with run off without using the ten wicket square, again as shown on drwg No 411-FSS-09-SP Rev A. Three** sets of mobile counter weighted football goalposts **of appropriate size suitable for each age group** will also be provided. The facility will be built in accordance with the Successful Management of “Dual Use Cricket and Football Sites” Guidance Notes produced by the Football Association (FA), The ECB and the IOG.

The pavilion design, layout, orientation and construction will meet the requirements of the ECB and the FA for a two team changing facility plus toilets, showers, officials changing, kitchen and room for match teas. It will be a minimum of 150 sqm GIF and designed to ensure appropriate child safeguarding controls and will be fully fitted out with fixtures and fittings. There will also be provision for the storage of grounds maintenance equipment **in a separate secure store abutting the pavilion**. There will be appropriate access and car parking plus cycle parking.

The reserved matters application will include detail of the pitch drainage, layout and construction including the types of turf and grass. The Landowners will employ a specialist consultant approved by the ECB and IOG, to oversee the pitch design and construction. It is expected that the contractors will work closely with the expert in order to ensure that the pitch meets the required quality standard and passes inspections, in advance of transfer to the relevant body

**In addition, a Trim Trail comprising 5 pieces of equipment is to be installed in Long Fen Country Park but in proximity to the pitches as shown indicatively on drwing No 411-FSS-09-SP Rev A.**

- 5.9 The amended specification details are supported by the Cricket and Football Clubs and reflect their provision requirements.
- 5.10 The children’s facility was originally planned to be included within the Sports pitches site. However, due to the size and requirements for the Sports Pitches, this provision has been moved off-site within the Long Fen Country Park area, which is nearby the sports pitches, and is known as the ‘Trim Trail’. This Trim Trail would include sufficient play equipment provision to meet the needs of the new community, and, by virtue of its close proximity to the sports pitches, is considered acceptable.
- 5.11 Both these important elements (Extra Care Home and Cricket Facility), have formed part of this Deed of Variation to ensure that all elements of the development are provided, in-keeping with the spirit of the original S106 agreement, and to maintain the momentum of development at North Ely.
- 5.12 It is considered that the proposal to seek variations to the original S106 agreement, as described in my report, are acceptable and Members are recommended to agree the variation to the original agreement and approve the application.

6.0 APPENDICES

6.1 Appendix 1 – Appendix 9 from the original agreement

6.2 Appendix 2 – Extract from Schedule 4 of the original S106 agreement, Ref: 13/00785/ESO.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00299/MPO	Angela Briggs Room No. 011	Angela Briggs Planning Team Leader
13/00785/ESO	The Grange Ely	01353 665555 angela.briggs@east cambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>

**NORTH ELY SECTION 106 SPECIFICATION FOR CRICKET PITCH AND OTHER  
ASSOCIATED PITCHES AND PAVILION PLUS ANCILLARY FACILITIES**

**Endurance Estates Site**

The Cricket pitch will be a full sized adult pitch with appropriate foundations, drainage, layout and construction as approved by the English and Wales Cricket Board (ECB) and Sport England (SE). It will be constructed by an experienced cricket and sports turf contractor as approved by the Institute of Groundsmanship (IOG)

It will provide a nine wicket square and the radius from the corner of the square will be approximately 45.7 m. The total playing area plus safety run off will be approximately 1.27h. The orientation, gradient etc will be as recommended by the ECB and SE.

There will be appropriate safety netting as required plus two artificial wickets with practice nets, 2 sight screens, water and power supply to enable care for the pitch.

The outfield and pavilion will also be used for soccer matches. The cricket pitch will accommodate two x football pitches of approximately 100m x 64m plus run off without using the nine wicket square. Two sets of mobile counter weighted football goalposts will also be provided. The facility will be built in accordance with the Successful Management of "Dual Use Cricket and Football Sites" Guidance Notes produced by the Football Association (FA), The ECB and the IOG.

The pavilion design, layout, orientation and construction will meet the requirements of the ECB and the FA for a two team changing facility plus toilets, showers, officials changing, kitchen and room for match teas. It will be a minimum of 150 sqm GIF and designed to ensure appropriate child safeguarding controls and will be fully fitted out with fixtures and fittings. There will also be provision for the storage of grounds maintenance equipment, either within the pavilion or as a separate secure store. There will be appropriate access and car parking plus cycle parking.

The reserved matters application will include detail of the pitch drainage, layout and construction including the types of turf and grass. The Landowners will employ a specialist consultant approved by the ECB and IOG, to oversee the pitch design and construction. It is expected that the contractors will work closely with this expert in order to ensure that the pitch meets the required quality standard and passes inspections, in advance of transfer to the relevant body..

## SCHEDULE 4

## Landowners' Covenants with the Council Regarding Phase TWO

## 1. AFFORDABLE HOUSING

- 1.1 Prior to Commencement of Development on Phase Two the Phase Two Affordable Housing Scheme (which has been subject to the relevant viability review in accordance with Schedule 8) shall be submitted to the Council in writing for approval.
- 1.2 That no more than 75% of the Market Dwellings in Phase Two shall be Occupied until all the Affordable Dwellings in Phase Two have been constructed in accordance with the Planning Permission and the approved Phase Two Affordable Housing Scheme and made ready for residential Occupation and written notification has been received by the Council.
- 1.3 The Landowners shall construct the Affordable Housing and offer to transfer the Affordable Housing prior to Occupation of no more than 75% of the Market Dwellings in Phase Two to the Affordable Housing Provider nominated by the Landowners and agreed by the Council at no cost to the Council (such approval not to be unreasonably withheld).
- 1.4 That the transfer to the Affordable Housing Provider shall be in accordance with paragraph 1.5 below and should the Affordable Housing Provider be a provider (pursuant to Part 2 of the Housing and Regeneration Act 2008) registered with the Homes and Communities Agency on terms that accord with relevant funding requirements of the Homes and Communities Agency current at the date of construction of the Affordable Housing.
- 1.5 The Transfer shall contain inter alia the following:
  - 1.5.1 a grant in favour of the Affordable Housing Provider of all rights of access passage of Services and other rights reasonably necessary for the beneficial enjoyment of the Affordable Dwellings;
  - 1.5.2 reservation of all rights of access and passage of Services and rights of entry reasonably necessary for the beneficial enjoyment of the Affordable Housing;
  - 1.5.3 a covenant by the Affordable Housing Provider not to use the transferred Affordable Housing other than for the purposes of providing Affordable Housing in perpetuity and to allocate the Affordable Housing in accordance with the provisions of the Nomination Agreement a draft of which is attached to this Deed.



- 1.6 The Affordable Dwellings shall be either Affordable Rent Dwellings (including Social Rent Dwellings) or Intermediate Dwellings or a combination thereof in accordance with the Phase Two Affordable Housing Scheme and no variation shall be permitted without the prior consent of the Council's Principal Housing Officer (Strategy & Development).
- 1.7 All Affordable Housing must be constructed to comply with the Homes and Community Agency's Design and Quality Standards Second Edition 2008 in terms of design, space and layout or any successor or replacement thereto or such other standard as may be agreed in writing by the Council and all Extra Care Dwellings must meet the design principles of the Housing Our Ageing Population Report (2012) (HAPPI 2) or any successor or replacement thereto or such other standards as may be agreed between the Council and the Landowners/Affordable Housing Provider.
- 1.8 From the date of Practical Completion of the Affordable Dwellings in Phase Two they shall not be used other than for Affordable Housing save that this obligation shall not be binding on:
- 1.8.1 any Protected Tenant or any mortgagee or chargee of a Protected Tenant or any person deriving title from a Protected Tenant or any successor in title thereto and their respective mortgagees and chargees; or
  - 1.8.2 any Chargee provided that the Chargee shall have first complied with the Chargee's duty at 1.9 below and
  - 1.8.3 any purchaser from a mortgagee of an individual Affordable Dwelling pursuant to any default by the individual mortgagor
- 1.9 The Chargee shall prior to seeking to dispose of the Affordable Dwellings pursuant to any default under the terms of its mortgage or charge give not less than two months' and one week's prior notice to the Council of its intention to dispose and:
- 1.9.1 in the event that the Council responds within two months from receipt of the notice indicating that arrangements for the transfer of the Affordable Dwellings (on the basis the chargee can recover or have the Affordable Housing Provider take responsibility for any outstanding debt) can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall co-operate with such arrangement and use its best endeavours to secure such transfer
  - 1.9.2 if the Council does not serve its response to the notice served under sub-paragraph 1.9.1 of this schedule within the two months then the

Chargee shall be entitled to dispose of the Affordable Dwellings free of the restrictions set out in this schedule

- 1.9.3 if the Council or any other person cannot within two months of the date of service of its response under sub-paragraph 1.9.1 of this schedule secure such transfer then provided that the Chargee shall have complied with its obligations under sub-paragraph 1.9.1 of this schedule the Chargee shall be entitled to dispose of the Affordable Dwellings free of the restrictions set out in this schedule PROVIDED ALWAYS that the chargee shall not be required to act contrary to the charge or in a way which means that the debt protected by the mortgage or charge shall not be repaid in full.

## **2. COMMUNITY FACILITY**

- 2.1 The Landowners covenant to submit a Community Facility Scheme and in the event that the Community Facility is to be provided as part of the Development the Community Facility Specification to the Council for agreement prior to Commencement of Development in Phase Two.
- 2.2 If the agreed Community Facility Scheme provides for the delivery of Community Facility as part of the Development then the Landowners covenant to deliver the Community Facility prior to Occupation of the 250<sup>th</sup> Dwelling in Phase Two in accordance with the agreed Community Facility Specification.
- 2.3 If the approved Community Facility Scheme provides for the payment of the Community Facility Contribution 50% of the Community Facility Contribution (together with any Indexation) shall be paid prior to Occupation of the last Dwelling in Phase Two.

## **3. CRICKET FACILITY**

- 3.1 The Landowners covenant to submit a Cricket Facility Scheme and the Cricket Facility Specification to the Council for agreement prior to Commencement of Development in Phase Two.
- 3.2 The Landowners will employ a specialist consultant approved by the England and Wales Cricket Board and Institute of Groundsmanship (or such other body as appropriate and agreed between the Landowners and the Council) to oversee the pitch design and construction.
- 3.3 The Landowners covenant to deliver the Cricket Facility on the Land in accordance with the approved Cricket Facility Specification prior to Occupation of the 150<sup>th</sup> Dwelling in Phase Two in accordance with the agreed Cricket Facility Specification.

- 3.4 On completion of the Cricket Facility to the reasonable satisfaction of the Council the Landowners shall procure the future maintenance of the Cricket Facility in accordance with the approved Cricket Facility Scheme.

**4. OUTDOOR SPORTS CONTRIBUTION AND OUTDOOR SPORTS MAINTENANCE CONTRIBUTION**

- 4.1 The Landowners covenant to pay £24,252 of the Outdoor Sports Contribution (together with any Indexation) and £748 of the Outdoor Sports Maintenance Contribution to the Council (together with any indexation) prior to the Occupation of the 40<sup>th</sup> Dwelling in Phase Two
- 4.2 The Landowners covenant to pay £24,252 of the Outdoor Sports Contribution (together with any Indexation) and £748 of the Outdoor Sports Maintenance Contribution to the Council (together with any indexation) prior to the Occupation of the 120<sup>th</sup> Dwelling in Phase Two
- 4.3 The Landowners covenant to pay £14,552 of the Outdoor Sports Contribution (together with any Indexation) and £448 of the Outdoor Sports Maintenance Contribution to the Council (together with any indexation) prior to the Occupation of the 160<sup>th</sup> Dwelling in Phase Two

**5. OPEN SPACE**

- 5.1 Prior to Commencement of Development in Phase Two the Landowners shall submit to the Council the Open Space Scheme and the Management and Maintenance Programme for Phase Two for approval
- 5.2 Not to Commence Development on Phase Two unless and until the Open Space Scheme and the Management and Maintenance Programme for Phase Two have been submitted to and approved by the Council (such approval not to be unreasonably withheld or delayed) in accordance with the approved Site Wide Landscaping Scheme.
- 5.3 Unless otherwise agreed in writing between the Landowners and the Council, not to Occupy or permit the Occupation of more than 50% of the Dwellings in Phase Two until 50% of the Open Space in Phase Two has been laid out and completed entirely in accordance with the approved Open Space Scheme for Phase Two
- 5.4 Unless otherwise agreed in writing between the Landowners and the Council, not to Occupy or permit the Occupation of more than 75% of the Dwellings in Phase Two until 100% of the Open Space in Phase Two has been laid out and completed entirely in accordance with the approved Open Space Scheme for Phase Two

- 5.5 To comply with the Compliance and Inspection Scheme in respect of the Open Space in Phase Two
- 5.6 On the date of Open Space Final Completion for Phase Two the Open Space in Phase Two shall be adopted by the Council
- 5.7 Within 20 Working Days of Open Space Final Completion for Phase Two the Landowners shall deliver the Open Space Transfer for the Open Space within Phase Two to the Council released for completion (unless the parties agree an alternative timescale)
- 5.8 That upon any transfer of the Open Space in Phase Two to the Council the Landowners shall pay to the Council the Phase Two Open Space Maintenance Contribution (together with any Indexation) in respect of future maintenance.

**The Landowners covenant with the County Council in relation to Phase Two**

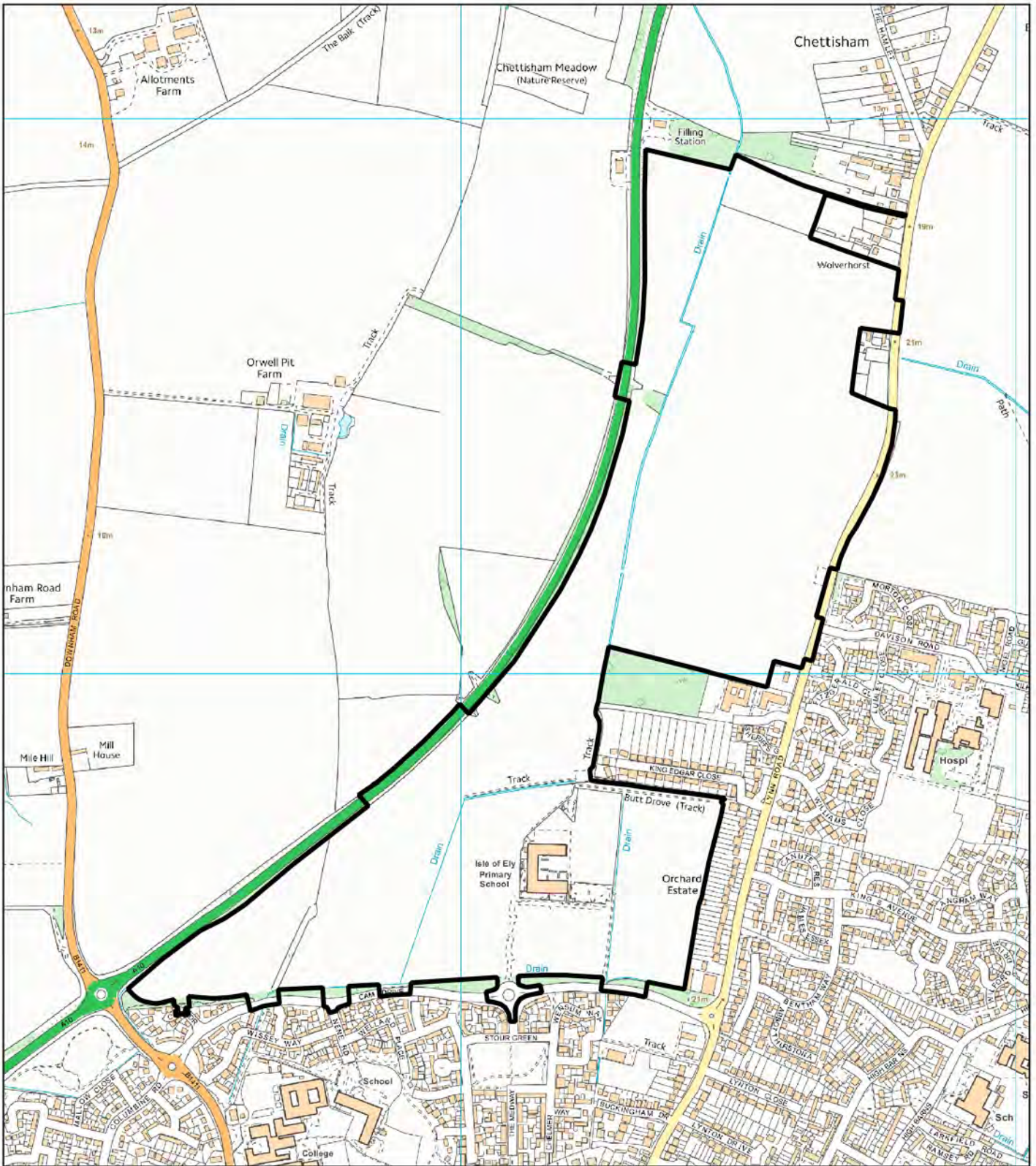
**6. PUBLIC TRANSPORT CONTRIBUTION**

- 6.1 The Landowners covenant to pay the Public Transport Contribution to the County Council (together with any Indexation) prior to the Occupation of the 150<sup>th</sup> Dwelling in Phase Two.

**7. PRIMARY EDUCATION CONTRIBUTION**

- 7.1 The Landowners covenant to pay £450,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 40<sup>th</sup> Dwelling in Phase Two
- 7.2 The Landowners covenant to pay £300,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 80<sup>th</sup> Dwelling in Phase Two
- 7.3 The Landowners covenant to pay £450,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 120<sup>th</sup> Dwelling in Phase Two
- 7.4 The Landowners covenant to pay £400,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 160<sup>th</sup> Dwelling in Phase Two
- 7.5 The Landowners covenant to pay £500,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 200<sup>th</sup> Dwelling in Phase Two

8. The Landowners covenant with the Councils in relation to this Phase Two that they will not Occupy nor permit Occupation of more than the specified number of Dwellings unless and until any payment instalment or other obligation related to that specific number of Dwellings has been paid to the respective Councils or complied with as the case may be



19/00299/MPO

Land North of  
Cam Drive  
Ely



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:10,000



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**MAIN CASE**

**Reference No:** 19/00329/OUT

**Proposal:** Erection of two new self-build plots and associated works

**Site Address:** 3 Main Street Wentworth Ely Cambridgeshire CB6 3QG

**Applicant:** Mr David Lee

**Case Officer:** Toni Hylton, Planning Officer

**Parish:** Wentworth

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

**Date Received:** 5 March 2019      **Expiry Date:**  
14<sup>th</sup> June  
2019

[U15]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to Refuse for the reasons stated below:

1. Located within the open countryside the proposal is considered to be visually intrusive and cause demonstrable harm to the character of the rural area and its setting within the open countryside. The proposal is therefore considered to be contrary to the requirements of policies ENV2 of the East Cambridgeshire District Local Plan 2015.
2. The proposed development is considered to be contrary to policies ENV2 of the East Cambridgeshire District Local Plan 2015. The proposal is tantamount to a form of back land development which is not only a contrived form of development but will generate a significant material detriment to its residential amenities of the dwellings that sit to the front of the proposed development site by reason of proximity and long driveway to access the proposal

2.0 **SUMMARY OF APPLICATION**

2.1 The application is made in outline with all matters reserved apart from access. The proposal is for up to 2 dwellings with access from Main Street along the boundary

with number 3 Main Street. Appearance, landscaping, layout and scale have not been provided and do not form part of the application.

- 2.2 The application states that the proposal will be for self-build plots as opposed to a developer or market housing.
- 2.3 In January 2019 an application for the same site proposing 3 houses was presented to the Planning Committee and was recommended for refusal and supported by members of the Planning Committee. This scheme is exactly the same to the previous application 18/01464/OUT with the only difference being a reduction in the number of units from 3 to 2. A copy of this report is attached as Appendix 1.
- 2.4 The application has been presented to Planning Committee at the request of Councillor Lorna Dupré. The reason is shown below:

“I would like to confirm that I would like to call in planning application 19/00329/OUT | Erection of two new self-build plots and associated works | 3 Main Street Wentworth Ely Cambridgeshire CB6 3QG for determination by the Planning Committee, as I believe it should be considered in the context of recent consents for other back land development in close proximity on Main Street Wentworth, notably 15/01567/FUL and 17/00786/FUL, and also 18/00840/OUT on the other side of the road opposite the application site.”

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

### 3.0 PLANNING HISTORY

3.1

18/01464/OUT	Erection of up to 3 new self-build plots and associated works	Refused	11.01.2019
87/00773/OUT	RESIDENTIAL DEVELOPMENT	Refused	10.08.1987

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is to the rear of 2 pairs of semi-detached 2 storey dwellings on Main Street in Wentworth. The site is currently used as a horse paddock and is immediately to the rear of number 3. The site itself sits slightly higher than the road and is open on the remaining sides to the rural area, with no built form. Adjacent to the site is an open field which has a Tree Preservation Order upon it. The site is not within the development Envelope or a Conservation area.



## 5.0 RESPONSES FROM CONSULTEES

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

**Parish** - No Comments Received

**Ward Councillors** – At the request of Cllr Lorna Dupré as shown below the application was requested to be presented to Planning Committee.

“I would like to confirm that I would like to call in planning application 19/00329/OUT | Erection of two new self-build plots and associated works | 3 Main Street Wentworth Ely Cambridgeshire CB6 3QG for determination by the Planning Committee, as I believe it should be considered in the context of recent consents for other back land development in close proximity on Main Street Wentworth, notably 15/01567/FUL and 17/00786/FUL, and also 18/00840/OUT on the other side of the road opposite the application site.”

**Local Highways Authority** – No objection subject to conditions restricting gates, access to be implemented as shown on the plans and adequate space for vehicles to turn and park.

**CCC Growth & Development** - No Comments Received

**ECDC Trees Team** – The Tree Officer reiterated the comments made on the previous application which are copied below:

*“This development impacts adversely on the character the village and its setting. New housing sites should relate to the character of the existing place and show an understanding of the existing settlement pattern. The site is in a location where, at present, the housing development is reducing in its effect and giving way to open countryside. Despite the varied pattern of development in the village, it is generally characterised by mostly spacious linear housing on single plots depths with significant landscaping. As backland development which would be readily perceptible from surrounding public viewpoints, it would appear alien and out of keeping with the pattern of development in the locality, Therefore, it is undesirable for this pattern of development to be extended further into countryside and would set a precedent for future development.”*

**Environmental Health** – No objection subject to conditions restricting working hours, contamination and Environmental Notes.

**Waste Strategy** (ECDC) – No objection subject to the payment towards the provision of bins.

**Cambridgeshire Archaeology** - No objection subject to a condition requiring a Written Scheme of Investigation.

**Infrastructure & Strategy Manager** - ECDC - No Comments Received

**National Grid** – No objection however to note there apparatus in close proximity to the site.

5.2 **Neighbours** –6 neighbouring properties were notified and 11 responses received and are summarised below.

- Wish to support the application
- People need homes to live in
- Lack of 5 year housing land supply
- Attract families to the village
- Screened by hedges
- Not too close to the highway
- Reduced the number of dwellings
- There are other examples of backland development.

A full copy of the responses are available on the Council's website.

5.3 A site notice was displayed at the site on 28.03.19 on a telegraph pole near the site and was advertised as a potential departure from the Development Plan in the Cambridge Evening News on 21<sup>st</sup> March 2019.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
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

### 6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

- 7.1.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.1.2 The benefits of this application are considered to be: the provision of up to three additional residential dwellings built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.1.3 The site is located outside the established development framework of Wentworth, however, the site sits adjacent to the settlement boundary and is therefore considered to be well connected to the settlement, alongside a number of residential dwellings and within close proximity to the facilities and services on offer in the village.
- 7.1.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.5 For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the proximity of the site to the settlement boundary is considered to be sufficient to consider the site as being in a sustainable location.
- 7.1.6 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

### 7.2 **Residential Amenity**

- 7.2.1 The proposed site is to the rear of 2 sets of semi-detached 2 storey dwellings each having a garden length of approximately 10 to 15 metres. Access will run along the boundary of number 3 Main Street which is approximately 8 metres from the dwelling.

7.2.2 It is considered that the site can be designed to ensure the neighbours' amenities can be maintained using the distances between the existing and proposed dwellings in accordance with the Design Guide SPD. This can be achieved through the final design of the dwellings and landscaping. However having the access running along the side boundary of number 3 Main Street, may be considered to be detrimental to the neighbours' amenities. As such the proposal does not comply with policy ENV2 of the Local Plan 2015.

### **7.3 Visual Amenity**

7.3.1 The site sits to the rear of semi- detached dwellings and visually will have limited impact from the view from the front of the existing dwellings. However it will be prominent when viewed from the playground and Main Street where there is a gap in the residential development. As such it is considered that the provision of 2 dwellings in this rural location, where the land sits higher will be detrimental to the visual character and amenity of the area. As such the proposal is considered to be contrary of the provisions of policies ENV2 of the Local Plan 2015

7.3.2 The street is characterised with linear development and this would push behind this linear pattern of development which would be out of keeping with the character of the area. A dwelling has been approved on land to the rear of the Old School House on Main Street in Wentworth. However this was originally recommended for refusal by the case officer and later approved by the Planning Committee. Whilst, the site is to the rear of an existing dwelling, it backs onto a cul de sac of Church Farm Close, which is group of 2 storey dwellings. It could be argued that this site has already strayed from this pattern of linear development, however this is set closer to a cluster of dwellings and was for a single dwelling.

7.3.3 This proposal would be for an in depth development of 2 dwellings on land which has not been previously developed and would protrude into the open countryside, creating substantial detrimental harm to the rural character and appearance of the settlement. Despite the Council being unable to demonstrate a five year housing supply, the significant visual harm of the proposal is considered to outweigh the provision of two dwellings and is contrary to the provisions of policies ENV2 of the Local Plan 2015.

### **7.4 Historic Environment**

7.4.1 The site is not within a Conservation Area nor is it in close proximity to a Listed Building, however is in close proximity to an area of archaeology. In consultation with the County Archaeologist no objection has been raised however a condition requiring a Written Scheme of Investigation is required. On this basis the proposal complies with policies ENV15 of the Local Plan.

### **7.5 Highways**

7.5.1 In consultation with the Highways Officer no objection to the proposal subject to conditions relating to no gates to be erected across the access within 6 metres of the highway; width of the access to be 5 metres for a distance of 10 metres and that parking and turning can be provided within the site. Main Street can in places

accommodate 2 cars passing each other, and in places there are passing places where the road narrows. The proposal would increase traffic but it is not considered to the detriment of highway safety and as such complies with policies COM7, COM8 of the Local Plan 2015.

## **7.6 Ecology**

7.6.1 The site is unlikely to be of a sensitive nature for protected species, the site is not overgrown and is used for horse grazing. On this basis the proposal is unlikely to cause harm to protected species. Any planning permission that is issued for approval would require a condition for biodiversity measures in the final build of the proposal. As such the proposal complies with policies ENV7 of the Local Plan 2015.

## **7.7 Flood Risk and Drainage**

7.7.1 The site is within Flood Zone 1 where you would expect vulnerable development such as dwellings to be located. On this basis the proposal complies with policies ENV8 of the Local Plan 2015. A scheme for foul and surface water drainage could be secured by condition.

## **7.8 Previous Planning Permissions in Wentworth**

7.8.1 At the request of the Local Member, Councillor Dupré the application is being presented to the planning committee and one of the reasons is the previous approvals for dwellings in Wentworth and whether these are comparable.

7.8.2 In 2015 (15/01567/FUL) planning permission was granted for a single storey dwelling within the garden of Sunnycree. This dwelling has some views from the street and shares boundaries with other residential properties. The site was within residential curtilage of Sunnycree and not an open field as with this proposal.

7.8.3 In 2017 (17/00786/FUL) planning permission was granted for a detached, sustainable low energy dwelling, garage and associated works. Planning permission was granted on the basis of previous approvals for a dwelling on the site, planning permissions 13/00111/FUL and 16/01490/FUL. In 2013 (13/00111/FUL) planning permission was granted for a dwelling on this site against the recommendation of the planning officer and approved at planning committee. The planning officer had concerns with the potential for overlooking and that the dwelling would be a form of backland development. However the planning committee at the time were impressed by the design of the dwelling and considered it was innovative. On this basis in 2013 planning permission was granted and has been carried through with subsequent applications on the site. However, it has always been made clear that a dwelling on this site should be a sustainable, low energy dwelling.

7.8.4 It is considered that the circumstances around these applications are different to those of the proposal before the Committee. Each application should be considered on its own merits and no two sites have the same context and relationship.

## 7.9 Planning Balance

- 7.9.1 The site is outside of the development envelope for Wentworth, however as the Local Planning Authority cannot demonstrate a 5 year housing land supply in some circumstances can consider some development outside of these boundaries acceptable. However there are other considerations which need to be assessed and the impact on the visual landscape, back land development are considered to cause demonstrable harm and as such this is not considered to be an acceptable form of development.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00329/OUT	Toni Hylton Room No. 011 The Grange	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastca
18/01464/OUT 87/00773/OUT	Ely	mbs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

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**MAIN CASE**

**Reference No:** 18/01464/OUT

**Proposal:** Erection of up to 3 new self-build plots and associated works

**Site Address:** 3 Main Street Wentworth Ely Cambridgeshire CB6 3QG

**Applicant:** Mr David Lee

**Case Officer:** Toni Hylton, Planning Officer

**Parish:** Wentworth

**Ward:** Haddenham  
Ward Councillor/s: Councillor Steve Cheetham  
Councillor Mark Hugo  
Councillor Stuart Smith

**Date Received:** 25 October 2018      **Expiry Date:** 11<sup>th</sup> January 2019

**[T171]**

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the applications for the reasons shown below:
1. Located within the open countryside the proposal is considered to be visually intrusive and cause demonstrable harm to the character of the rural area and its setting within the open countryside. The proposal is therefore considered to be contrary to the requirements of policies ENV2 of the East Cambridgeshire District Local Plan 2015 and LP3 and LP31 of the Submitted Local Plan 2018.
  2. The proposed development is considered to be contrary to policies ENV2 of the East Cambridgeshire District Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The proposal is tantamount to a form of back land development which is not only a contrived form of development but will generate a significant material detriment to its residential amenities of the dwellings that sit to the front of the proposed development site by reason of proximity and long driveway to access the proposal.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application is made in outline with all matters reserved apart from access. The proposal is for up to 3 dwellings with access from Main Street along the boundary with number 3 Main Street. Appearance, landscaping, layout and scale have not been provided and do not form part of the application.
- 2.2 The application states that the proposal will be for self-build plots as opposed to a developer or market housing.
- 2.3 The application has been presented to Planning Committee at the request of Councillor Steve Cheetham. He had been approached by the Parish Council who have had a number of residents raise issues with regard to the application and the applicant is the Chairman of the Parish Council.
- 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.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1
- |              |                            |         |            |
|--------------|----------------------------|---------|------------|
| 87/00773/OUT | RESIDENTIAL<br>DEVELOPMENT | Refused | 10.08.1987 |
|--------------|----------------------------|---------|------------|

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is to the rear of 2 pairs of semi-detached 2 storey dwellings on Main Street in Wentworth. The site is currently used as a horse paddock and is immediately to the rear of number 3. The site itself sits slightly higher than the road and is open on the remaining sides to the rural area, with no built form. Adjacent to the site is an open field which has a Tree Preservation Order upon it. The site is not within the development Envelope or a Conservation area.

## 5.0 RESPONSES FROM CONSULTEES

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

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

Local Highways Authority – No objections raised. Conditions recommended to be attached to any grant of approval.

CCC Growth & Development - No Comments Received



Senior Trees Officer (Consultant) – the comments from the Tree Officer are copied below for information;

*“This development impacts adversely on the character the village and its setting. New housing sites should relate to the character of the existing place and show an understanding of the existing settlement pattern. The site is in a location where, at present, the housing development is reducing in its effect and giving way to open countryside. Despite the varied pattern of development in the village, it is generally characterised by mostly spacious linear housing on single plots depths with significant landscaping. As backland development which would be readily perceptible from surrounding public viewpoints, it would appear alien and out of keeping with the pattern of development in the locality, Therefore, it is undesirable for this pattern of development to be extended further into countryside and would set a precedent for future development.”*

Environmental Health – No objection subject to conditions relating to contamination and hours of working being attached to any planning permission issued.

Waste Strategy (ECDC) - No Comments Received

Parish – Have got concerns with the proposal and at the Parish Council Meeting a number of residents attended the meeting and shared their concerns

Ward Councillors - The application has been presented to Planning Committee at the request of Councillor Steve Cheetham. He had been approached by the Parish Council who have had a number of residents raise issues with regard to the application and the applicant is the Chairman of the Parish Council.

Infrastructure & Strategy Manager - ECDC - No Comments Received

National Grid – No objection, however the applicants attention is drawn to the fact there is apparatus in the area.

5.2 Neighbours – 7 neighbouring properties were notified and 1 response was received and is summarised below. A full copy of the responses are available on the Council’s website. A site notice was also displayed at the site on 19<sup>th</sup> November and was advertised in the Cambridge Evening News as a potential departure from the Local Plan.

- The proposal is outside of the development envelope
- Loss of linear development
- The road is unsuitable for more traffic
- Increase in traffic
- The village has a lack of amenities

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
HOU 5	Dwellings for rural workers
ENV 14	Sites of archaeological interest

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

2 Achieving sustainable development  
11 Making effective use of land  
12 Achieving well-designed places  
14 Meeting the challenge of climate change, flooding and coastal change

6.4 Submitted Local Plan 2018

LP27 Conserving and Enhancing Heritage Assets  
LP1A presumption in Favour of Sustainable Development  
LP2 Level and Distribution of Growth  
LP17 Creating a Sustainable, Efficient and Resilient Transport Network  
LP22 Achieving Design Excellence  
LP25 Managing Water Resources and Flood Risk  
LP26 Pollution and Land Contamination  
LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views  
LP30 Conserving and Enhancing Biodiversity and Geodiversity  
LP31 Development in the Countryside

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

- 7.1.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.1.2 The benefits of this application are considered to be: the provision of up to three additional residential dwellings built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.1.3 The site is located outside the established development framework of Wentworth, however, the site sits adjacent to the settlement boundary and is therefore considered to be well connected to the settlement, alongside a number of residential dwellings and within close proximity to the facilities and services on offer in the village.
- 7.1.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.5 For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the proximity of the site to the settlement boundary is considered to be sufficient to consider the site as being in a sustainable location.
- 7.1.6 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

### 7.2 Residential Amenity

- 7.2.1 The proposed site is to the rear of 2 sets of semi-detached 2 storey dwellings each having a garden length of approximately 10 to 15 metres. Access will run along the boundary of number 3 Main Street which is approximately 8 metres from the dwelling.
- 7.2.2 It is considered that the site can be designed to ensure the neighbours amenities can be maintained using the distances between the existing and proposed dwellings in accordance with the Design Guide SPD. This can be achieved through the final design of the dwellings and landscaping. As such the proposal complies with policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

### 7.3 Visual Amenity

- 7.3.1 The site sits to the rear of semi- detached dwellings and visually will have limited impact from the view from the front of the existing dwellings. However it will be prominent when viewed from the playground and Main Street where there is a gap in the residential development. As such it is considered that the provision of 3 dwellings in this rural location, where the land sits higher will be detrimental to the visual character and amenity of the area. As such the proposal is considered to be contrary of the provisions of policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 7.3.2 In consultation with the Tree Officer (who is a Consultant with a background in landscape design) concerns with the proposal and its impact on the landscape have been raised and these comments are copied below and are also shown above in Section 5. These comments encapsulate the opinion of the planning officer.

*“This development impacts adversely on the character the village and its setting. New housing sites should relate to the character of the existing place and show an understanding of the existing settlement pattern. The site is in a location where, at present, the housing development is reducing in its effect and giving way to open countryside. Despite the varied pattern of development in the village, it is generally characterised by mostly spacious linear housing on single plots depths with significant landscaping. As backland development which would be readily perceptible from surrounding public viewpoints, it would appear alien and out of keeping with the pattern of development in the locality, Therefore, it is undesirable for this pattern of development to be extended further into countryside and would set a precedent for future development.”*

- 7.3. The street is characterised with linear development and this would push behind this linear pattern of development which would be out of keeping with the character of the area. A dwelling has been approved on land to the rear of the Old School House on Main Street in Wentworth. However this was originally recommended for refusal by the case officer and later approved by the Planning Committee. Whilst, the site is to the rear of an existing dwelling, it backs onto a cul de sac of Church Farm Close, which is group of 2 storey dwellings. It could be argued that this site has already strayed from this pattern of linear development, however this is set closer to a cluster of dwellings and was for a single dwelling. This proposal would be for an in depth development of 3 dwellings on land which has not been previously developed and would protrude into the open countryside, creating substantial detrimental harm to the rural character and appearance of the settlement. Despite the Council being unable to demonstrate a five year housing supply, the significant visual harm of the proposal is considered to outweigh the provision of up to three dwellings and is contrary to the provisions of policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

### 7.4 Historic Environment

- 7.4.1 The site is not within a Conservation Area nor is it in close proximity to a Listed Building, however is in close proximity to an area of archaeology. In consultation with the County Archaeologist no objection has been raised however conditions requiring a Written scheme of Investigation is required. On this basis the proposal complies with policies ENV15 of the Local Plan and LP27 of the Submitted Local Plan.
- 7.5 Highways
- 7.5.1 In consultation with the Highways Officer no objection to the proposal subject to conditions relating to no gates to be erected across the access within 6 metres of the highway; width of the access to be 5 metres for a distance of 10 metres and that parking and turning can be provided within the site. Main Street can in places accommodate 2 cars passing each other, and in places there are passing places where the road narrows. The proposal would increase traffic but it is not considered to the detriment of highway safety and as such complies with policies COM7, COM8 of the Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 7.6 Ecology
- 7.6.1 The site is unlikely to be of a sensitive nature for protected species, the site is not overgrown and has a horse grazing on the site. Whilst there are ponds within the area these are in excess of 100 metres away and do not link to the site. On this basis the proposal is unlikely to cause harm to protected species. Any planning permission that is issued for approval would require a condition for biodiversity measures in the final build of the proposal. As such the proposal complies with policies ENV7 of the Local Plan 2015 and LP31 of the Submitted Local Plan 2018.
- 7.7 Flood Risk and Drainage
- 7.7.1 The site is within Flood Zone 1 where you would expect vulnerable development such as dwellings to be located. On this basis the proposal complies with policies ENV8 of the Local Plan 2015 and LP25 of the Submitted Local Plan 2018. A scheme for foul and surface water drainage could be secured by condition.
- 7.8 Planning Balance
- 7.8.1 The site is outside of the development envelope for Wentworth, however as the Local Planning Authority cannot demonstrate a 5 year housing land supply in some circumstances can consider some development outside of these boundaries acceptable. However there are other considerations which need to be assessed and the impact on the visual landscape, back land development are considered to cause demonstrable harm and as such not considered to be an acceptable form of development.

18/01464/OUT

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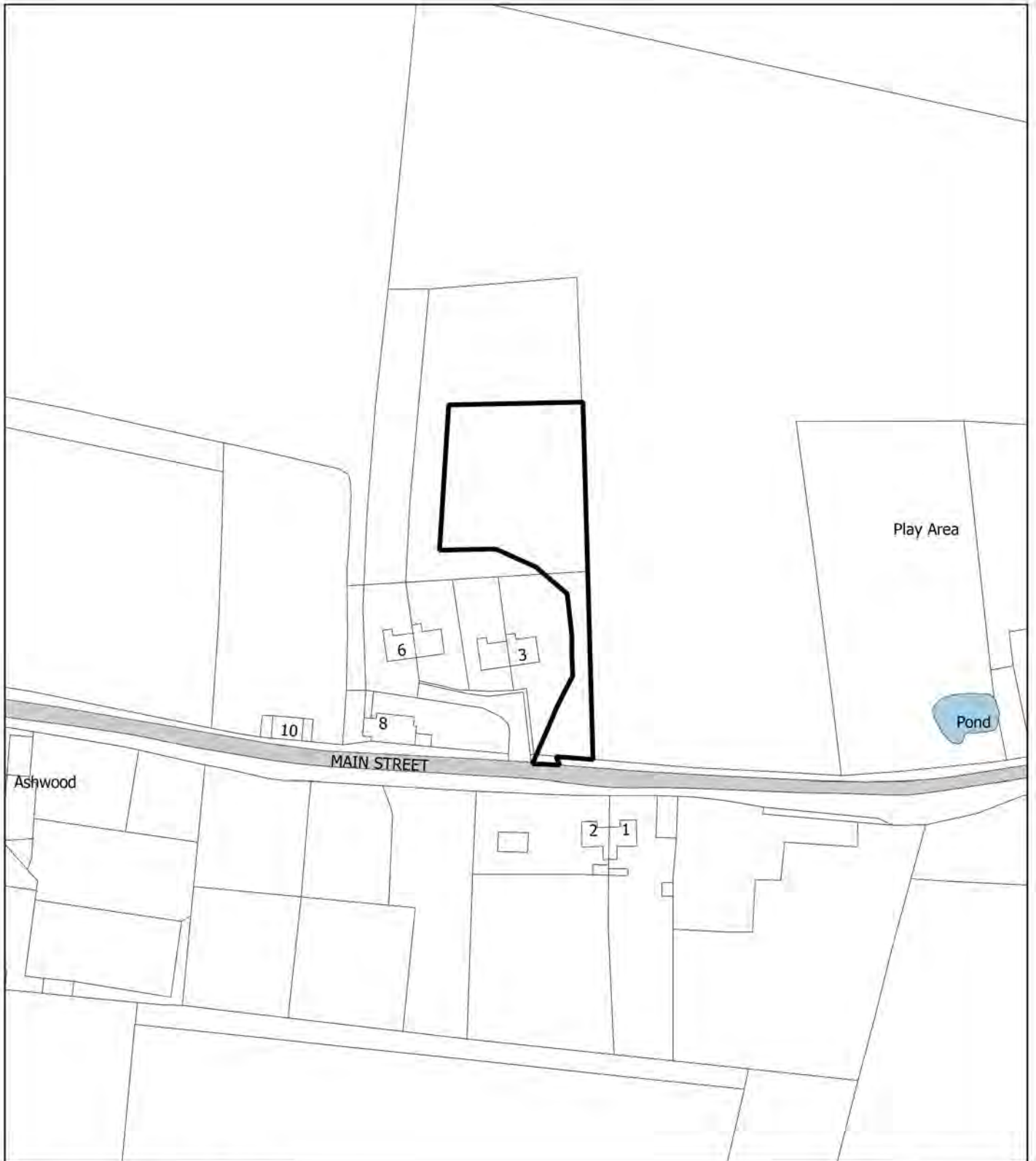
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National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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



19/00329/OUT

3 Main Street  
Wentworth



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 19/00371/FUL

**Proposal:** Side two storey extension and rear single storey extension

**Site Address:** 16 Duck Lane Haddenham Ely Cambridgeshire CB6 3UE

**Applicant:** Mr Ben Page

**Case Officer:** Emma Barral, Planning Officer

**Parish:** Haddenham

**Ward:** Haddenham  
Ward Councillor/s: Gareth Wilson

**Date Received:** 12 March 2019      **Expiry Date:** 19<sup>th</sup> June 2019

[U16]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reason:

The proposed two storey side extension would cause significant and demonstrable harm to the visual amenity of the host building and character of the surrounding area, by virtue of being overly prominent and intrusive by protruding beyond the established building line of Cherry Orchard to the south and failing to visually protect or enhance the character and appearance of the surrounding area and streetscene. Therefore the proposal would have a detrimental impact on the design and character of the area, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

2.0 **SUMMARY OF APPLICATION**

2.1 The application submitted seeks planning permission for a two storey side extension and a single storey rear extension. The proposed two storey side extension would project 5.2 metres to the side of the dwellinghouse with a depth of 6.9 metres at ground floor to create a rear single storey element to match the existing single storey rear projection and with a depth of 4.88 metres at first floor to be flush with the existing rear wall at first floor. The proposed two storey side extension would be set back from the principle elevation by 0.6 metres. The proposed materials of construction would be matching as far as possible to ensure that the extension assimilates well with the character and appearance of the dwellinghouse with grey UPVC doors and windows.



2.2 The application was called-in to Planning Committee by Councillor Smith for wider discussion.

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

### 3.0 PLANNING HISTORY

18/00791/FUL	Replace hedge at front and side with fence, create dropped kerb (highways permission given) and render front of existing house.	Approved	03.09.2018
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18/00072/FUL	Extensions	Approved	17.04.2018
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is occupied by a semi-detached two storey dwelling located on a corner plot, located on the southern side of Duck Lane and Cherry Orchard in Haddenham, within the development envelope and in an established residential area. The property is set back slightly from the road and benefits from a rear, side and front garden, with a boundary hedge to the front and wooden close boarded fencing (recently erected) to the side and rear. The existing dwelling features facing brick, white fascias, a concrete tiled roof, plus white UPVC windows & doors. This part of Duck Lane consists of a uniform building form of similar style, size and designed semi-detached dwellings, with a mixture of brick and rendered exteriors. The properties nearby Cherry Orchard are slightly more modern (1970s), but again have a very uniform building form of similar style, size and designed semi-detached dwellings. Parking is located to the front of the dwellinghouse due to the newly constructed driveway and dropped kerb. There is an area of public amenity space directly to the east of the application plot beyond the footpath serving Cherry Orchard.

### 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.

Haddenham Parish Council- No concerns with the application.

Ward Councillors - No Comments Received.

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

14 Duck Lane- No objection to the application.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2      Locational strategy  
ENV 1      Landscape and settlement character  
ENV 2      Design  
COM 8      Parking provision

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2019

12 Achieving well-designed places

7.0 PLANNING COMMENTS

7.1 Principle of the Development

7.1.1 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance of the dwellinghouse, surrounding area and street scene and parking provision. The site is within the development envelope, where in principle extensions to residential properties are considered acceptable subject to compliance with the relevant planning policies plus all other material planning considerations that form part of the planning balance for this application.

7.1.2 The previous application on site under LPA Ref 18/00072/FUL granted planning permission for the construction of a single storey side extension, a two storey rear extension and a porch. As part of this application, originally a two storey side extension was proposed, however this was later removed from the development proposal on the advice of Officers. The two storey extension was considered to not be in keeping with the street scene and would unbalance the pair of semi-detached dwellings and reduced to a single storey projection by the Agent. The porch element has already been implemented on site.

7.2 Visual Amenity

7.2.1 Policies ENV1 and ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.

7.2.2 The application site is located on the corner of Duck Lane and Cherry Orchard, There is a strong building line both on Duck Lane and Cherry Orchard, which the original dwellings front and side elevation follows.

7.2.3 In terms of visual amenity, the proposed two storey side extension would be visible within the street scene given its projection to the side of the dwellinghouse at two storey. Therefore, the character and appearance of the dwellinghouse would be altered and would be visible within the street scene and from the public highway (Duck Lane and Cherry Orchard). The proposed two storey side extension is in a prominent position within the street scene, however it is setback from the building line of the dwellinghouse and from the existing ridge height of the dwellinghouse.

7.2.4 The proposed two storey side extension would be set down from the ridge height of the dwellinghouse and is set back from the building line of the principle elevation. However, at a projection of 5.2 metres to the side of the original dwellinghouse, the proposed extension would extend beyond the established building line of Cherry Tree Orchard to the south. Given this protrusion beyond the established building line, the proposed extension is considered to result in an unacceptable degree of harm to the character and appearance of the dwellinghouse, surrounding area and street scene. The proposed extension would therefore appear overly prominent given the corner plot location and would result in development that would be visually intrusive within the streetscene.

### 7.3 Residential Amenity

7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Given the orientation of the application dwelling to the east of Number 14, there is not considered to be significant harm by way of overshadowing or loss of light and the proposed two storey side extension would not be visible to this neighbouring plot. Therefore, the location and scale of the proposed two storey side is not considered to create significant harm by way of loss of light or overshadowing to the neighbouring plots at Numbers 14 and surrounding plots within the streetscene.

7.3.2 No flank windows are proposed in the east facing side elevation of the proposed two storey side extension and therefore this is not considered to create significant overlooking or loss of privacy. The provision of ground floor and first floor windows in the front elevation and bi-folding doors, a door and an additional window to serve the proposed rear elevations are not considered to create overlooking or be harmful to residential amenity of nearby occupiers, in particular Number 14. Therefore, it is considered that the location and scale of the proposed extension would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2.

### 7.4 Highways

7.4.1 Local Plan Policy COM8 states that a dwelling should have parking provision for two motor vehicles on the site. At the time of the site visit, the dropped kerb and driveway, as granted under LPA Ref 18/00791/FUL, has been implemented on site. The number of bedrooms would increase as a result of the proposed two storey side extension, however it is considered that sufficient space would remain within the application site in accordance with Policy COM8 of the Local Plan 2015.

## 7.5 Planning Balance

- 7.5.1 The proposed side extension does not have a detrimental impact on car parking for the site and does not cause unacceptable harm to the residential amenity of the neighbouring occupiers. However, it is considered that this is out-weighed by the proposal causing significant and demonstrable harm to the visual amenity of the host building and character of the surrounding area, which fails to visually protect or enhance the streetscene by protruding beyond the established building line of Cherry Orchard to the south. The proposal is therefore contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 which require all proposed developments to be of high quality design and to protect or enhance the distinctive character of the area.

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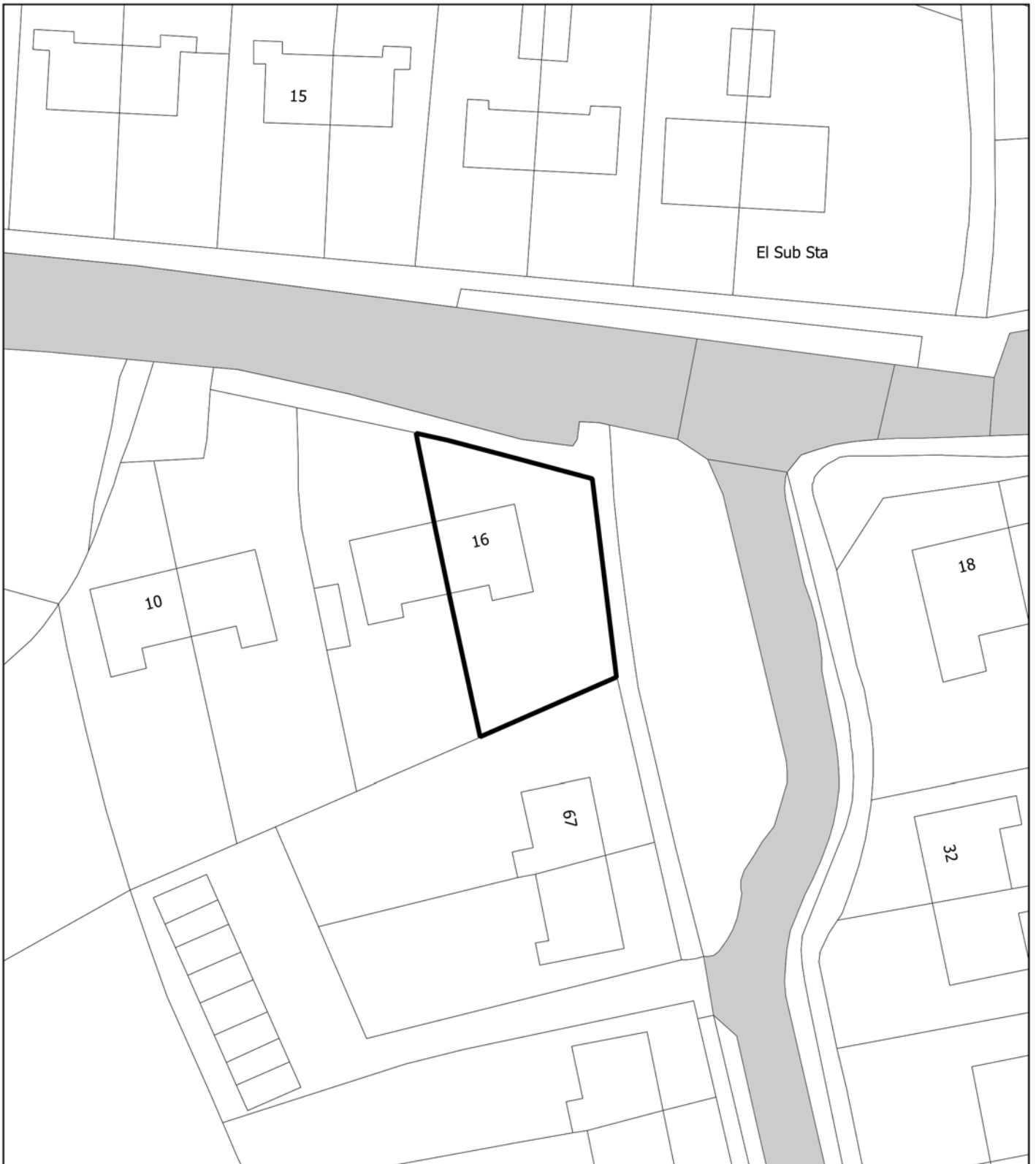
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00371/FUL	Emma Barral Room No. 011	Emma Barral Planning Officer
18/00072/FUL	The Grange Ely	01353 665555 emma.barral@eastc ambbs.gov.uk
19/00371/FUL		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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



19/00371/FUL

16 Duck Lane  
Haddenham



East Cambridgeshire  
District Council

Date: 29/05/2019  
Scale: 1:500



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## **Planning Performance – March 2019**

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

	<b>Total</b>	<b>Major</b>	<b>Minor</b>	<b>Householder</b>	<b>Other</b>	<b>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>183</b>	<b>8</b>	<b>47</b>	<b>50</b>	<b>18</b>	<b>33</b>	<b>27</b>
<b>Determinations</b>	<b>138</b>	<b>7</b>	<b>38</b>	<b>31</b>	<b>9</b>	<b>28</b>	<b>25</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>92%</b> (80% within 8 weeks)	<b>97%</b> (90% within 8 weeks)	<b>89%</b> (90% within 8 weeks)	<b>75%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>121</b>	<b>6</b>	<b>31</b>	<b>29</b>	<b>5</b>	<b>26</b>	<b>24</b>
<b>Refused</b>	<b>17</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>1</b>

<b>Open Cases by Team (as at 29/04/2019)</b>							
<b>Team 1 (3.5 FTE)</b>	<b>206</b>	<b>23</b>	<b>51</b>	<b>24</b>	<b>38</b>	<b>70</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>129</b>	<b>10</b>	<b>38</b>	<b>29</b>	<b>29</b>	<b>23</b>	<b>0</b>
<b>Team 3 (1 FTE)</b>	<b>65</b>	<b>4</b>	<b>10</b>	<b>25</b>	<b>10</b>	<b>16</b>	<b>0</b>
<b>No Team (5 FTE)</b>	<b>87</b>	<b>15</b>	<b>30</b>	<b>2</b>	<b>11</b>	<b>13</b>	<b>16</b>

**No Team includes – Planning Manager, Trees Officers (x2), Conservation Officer and Agency Workers (x2)**

The Planning department received a total of 198 applications during March which is a 17% increase on March 2018 (170) and 22% increase from February 2019 (162).

**Valid Appeals received – 4**

47A High Street Cheveley Newmarket – Delegated Decision

47A High Street Cheveley Newmarket – Delegated Decision

3 Soham Road Fordham – Delegated Decision

Land East Of 21A Cannon Street Little Downham – Delegated Decision

**Appeals decided – 7**

187 High Street Bottisham – Dismissed – Delegated Decision

Land Opposite 139 The Butts Soham – Dismissed – Committee Decision

Land North East Of Number 1 High Street Aldreth – Dismissed – Delegated Decision

19 Hillside Meadow Fordham – Allowed – Delegated Decision

Land Adjacent 9 Main Street Wardy Hill – Allowed – Delegated Decision

Land North Of Ness Road Burwell – Dismissed – Committee Decision

Land North Of 17 - 45 Toyse Lane Burwell – Dismissed – Committee Decision

**Enforcement**

New Complaints registered – 29 (3 Proactive)

Cases closed – 15 (1 Proactive)

Open cases/officer (1.5FTE) –  $263/1.5 = 175$  per FTE (53 Proactive)

**Notices served – 0**

## **Planning Performance – April 2019**

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

	<b>Total</b>	<b>Major</b>	<b>Minor</b>	<b>Householder</b>	<b>Other</b>	<b>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>173</b>	<b>1</b>	<b>39</b>	<b>49</b>	<b>27</b>	<b>38</b>	<b>19</b>
<b>Determinations</b>	<b>178</b>	<b>2</b>	<b>37</b>	<b>52</b>	<b>14</b>	<b>43</b>	<b>30</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>95%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>65%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>160</b>	<b>2</b>	<b>25</b>	<b>51</b>	<b>11</b>	<b>41</b>	<b>30</b>
<b>Refused</b>	<b>18</b>	<b>0</b>	<b>12</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>

<b>Open Cases by Team (as at 28/05/2019)</b>							
<b>Team 1 (3.5 FTE)</b>	<b>183</b>	<b>18</b>	<b>41</b>	<b>25</b>	<b>30</b>	<b>69</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>119</b>	<b>11</b>	<b>30</b>	<b>32</b>	<b>22</b>	<b>24</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>89</b>	<b>3</b>	<b>24</b>	<b>24</b>	<b>21</b>	<b>17</b>	<b>0</b>
<b>No Team (5 FTE)</b>	<b>80</b>	<b>14</b>	<b>26</b>	<b>2</b>	<b>9</b>	<b>13</b>	<b>16</b>

**No Team includes – Planning Manager, Trees Officers (x2), Conservation Officer and Agency Workers (x2)**

The Planning department received a total of 207 applications during April which is a 3% increase on April 2018 (201) and 5% increase from March 2019 (198).

**Valid Appeals received – 3**

Rear Of 89 And 91 Lynn Road Ely – Delegated Decision  
 Land West Of 93 Stretham Road Wilburton – Delegated Decision  
 Site South Of 85 To 97 Main Street Witchford – Delegated Decision

**Appeals decided – 4**

Site To West Of 10 - 20 Sheriffs Court Burrough Green – Dismissed – Delegated Decision  
 Land At Bury Lane Haddenham – Dismissed – Committee Decision  
 Land Adjacent To 2B Moor Road Fordham – Allowed – Delegated Decision  
 Land Adjacent To 2B Moor Road Fordham (Enforcement) – Allowed



**Enforcement**

New Complaints registered – 36 (4 Proactive)

Cases closed – 13 (2 Proactive)

Open cases/officer (1.5FTE) –  $244/1.5 = 162$  per FTE (44 Proactive)

**Notices served – 1**

High Hedge Remedial Notice at 177 High Street Cheveley