



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 2nd October 2019

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL:(01353) 665555 EMAIL: Janis.murfet@eastcambs.gov.uk

Membership:

Conservative Members

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

Liberal Democrat Members

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

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Lead Officer:

Rebecca Saunt, Planning Manager

Quorum: 5 Members

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 11:00am
(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 4th September 2019

4. Chairman's Announcements **[oral]**

5. **19/00125/VAR**
To vary condition 1 (Approved Plans) of decision notice dated 7 June 2018 for the demolition of existing motor vehicle garage and construction of 6No. four bed dwellings, 2No. 3 bed dwellings, garaging, access road and associated works.

Kings of Witcham Ltd, The Slade, Witcham
Applicant: Buckingham and Sparrow

Site Visit: 11.10am

6. **19/00590/OUT**
Construction of detached bungalow, garaging, parking, access and associated site works.

Site South West of 6 Lode Lane, Wicken
Applicant: Mr & Mrs Hall

Site Visit: 11:50am

7. **19/00978/FUL**

Two storey and single storey rear extensions along with demolition of existing single garage & erection of double carport (revised proposals following approval 17/00607/FUL).

70 West Street, Isleham, CB7 5RA

Applicant: Mr & Mrs Wayne Dick

Site Visit: 12:15pm

8. **Statement on the Seeking of Affordable Housing**

9. **Planning Performance Report – August 2019**

10. **EXCLUSION OF THE PRESS & PUBLIC:**

“That the press and public be excluded during the consideration of the remaining item no. 11 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 Categories 2 & 6 of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

11. **Non Compliance with a Planning Enforcement Notice**

NOTES:

1. Members of the public are welcome to attend this meeting. This Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single use plastics in our workplace. Therefore, we do not provide disposable cups in our building and would ask members of the public to bring your own reusable bottle/cup to meetings where water/hot drinks will be available.

If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.

This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

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@eastcamb.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 Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 4th September 2019 at 3.15pm.

PRESENT

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr Sue Austen
Cllr David Brown
Cllr Lavinia Edwards
Cllr Simon Harries (Substitute for Cllr Matt Downey)
Cllr Alec Jones
Cllr Josh Schumann
Cllr Lisa Stubbs (Vice Chair)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Maggie Camp – Legal Services Manager
Angela Briggs – Planning Team Leader
Janis Murfet – Democratic Services Officer
Rebecca Saunt – Planning Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

Approximately 8 members of the public

26. APOLOGIES AND SUBSTITUTIONS

An apology for absence was received from Cllr Matt Downey.

It was noted that Cllr Harries would substitute for Cllr Downey for the duration of the meeting.

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. **MINUTES**

Further to Minute No. 21 (18/01435/OUM – Site East of Clare House Stables, Stetchworth Road, Dullingham), the Chairman said that Cllr Alan Sharp had requested that two comments be added to the draft Minutes, one made by Councillor Wilson and the other by Councillor Ambrose Smith:

- Councillor Wilson – *‘The point was also made that if planning permission was refused and the application was appealed, the Authority could potentially be liable for costs and the Committee did not have the budget for this.’*
- Councillor Ambrose Smith – *‘They built on agricultural land in Littleport, so what was the difference with building on stud land.’*

A paper showing the proposed amendments was tabled and Councillors Wilson and Ambrose Smith confirmed that they were content for the comments to be included in the Minutes. Whereupon,

It was resolved:

That subject to the agreed amendments, the Minutes of the meeting held on 7th August 2019 be confirmed as a correct record and signed by the Chairman.

29. **CHAIRMAN’S ANNOUNCEMENTS**

The Chairman said he was pleased to announce that Richard Fitzjohn, Senior Planning Officer, had recently become a father.

On behalf of the Committee he congratulated Mr Fitzjohn and his partner on the birth of their son.

30. **19/00519/FUL – 51 CANNON STREET, LITTLE DOWNHAM, CB6 2SS**

Angela Briggs, Planning Team Leader, presented a report (U52, previously circulated) which sought consent to retain and refurbish the dwelling at 51 Cannon Street and the construction of four 3 bedroom dwellings, three to the rear and one dwelling fronting White Horse Lane (adjacent to No.7).

Members noted that drawings had been amended; in Condition 1 version F, PL101 and PL102 had been superseded by G. The garage elevations PL02-05 had been superseded by A. If the application was granted permission, conditions 8, 14 and 22 would be revised to reflect the amendments.

The site comprised a vacant plot of land once used as an orchard. It was located just to the south of Little Downham’s development boundary, which also formed the boundaries of the rear gardens of 49A, 49 and 51

Cannon Street. These neighbouring dwellings occupied elevated positions in respect of the application site, with downward sloping mature gardens and hedging growth. Part of the eastern boundary of the site was demarcated by White Horse Lane; to the south was open farmland and to the west of the site were small scale agricultural buildings and residential ancillary structures.

It was noted that the application had been called in to Planning Committee by Councillor Anna Bailey, due to its planning history and concerns from neighbours.

A number of illustrations were displayed at the meeting, including a site location plan, aerial photograph, layout of the proposal, elevations, photograph of the site and a view of the street scene.

Members were reminded of the site history, and the Planning Team Leader reiterated that this was a relevant matter. The first application was submitted in 2017 for 7 dwellings (Ref: 17/00667/FUL); the application was refused and appealed. The appeal was dismissed on the grounds as set out in paragraph 7.3 of the Committee Report;

Following the Inspector's decision, another application (18/00775/FUL) was submitted in 2018 for 6 dwellings. It was called in to Planning Committee and deferred to allow further discussions regarding the Ecological Surveys, with particular regard to the alleged presence of Great Crested Newts on or near the site. The application was brought back to Planning Committee in February 2019, where it was refused, against Officer recommendation. The reasons for refusal were detailed in paragraph 7.4 of the Committee report. It was noted that an appeal was currently pending for this application.

The current application amended the proposal by removing the two plots fronting Cannon Street, retaining and refurbishing the host dwelling (51 Cannon Street) and included additional ecological reports to cover Great Crested Newts and Reptiles.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;
- Visual Impact;
- Highway Safety & Parking;
- Trees;
- Ecology; and
- Flood Risk & Drainage.

In terms of the sustainability of the site, Members noted that it was adjacent to the Little Downham Development Framework with good pedestrian links to the village. It was therefore considered to be in a sustainable location.

In connection with residential amenity, the scheme had been amended to remove two of the plots fronting Cannon Street. More space would be created between the existing buildings and 51 Cannon Street would be retained. There would be sufficient separation distances to avoid overbearing and the development would not cause any significantly harmful overlooking.

The Planning Team Leader reiterated that Plot 5 remained unchanged and was not a reason for refusal on the last application in relation to residential amenity.

It was considered that with regard to visual amenity, the proposal offered improvements to the scheme by the deletion of the two dwellings along the Cannon Street frontage and the retention of the existing host dwelling. The rear three plots would utilise the site topography with a minimal impact on the street scene and with existing built form on either side of the site, housing would not appear incongruous. Plot 5 appeared as a traditional in-fill and related well with the surrounding dwellings.

Speaking next of highway safety, the Planning Team Leader said the Local Highways Authority (LHA) had raised no concerns regarding the proposal. The scheme would be served by a new access from Cannon Street, and there would be sufficient parking and turning on-site. The site provided policy-compliant levels of off-street parking and visitor parking was shown on the plans; it was therefore considered that the development would not increase on-street car parking along Cannon Street.

The Committee was reminded that ecology was an important consideration and that the previous refusal had included a reason based on the uncertain adequacy of the Preliminary Ecological Appraisal submitted with that application. This application included a Reptile Survey and a Great Crested Newt & Reptile Impact Assessment dated June 2019. It was noted that environmental DNA (eDNA) was found in two nearby ponds which concluded positive for Great Crested Newts, although none were found during the survey. The proposal would also provide on-site habitat enhancements including a nature corridor, rough wildflower grass, hibernacula, pond and wood pile. An additional recommendation would be the inclusion of 'Hedgehog Highways' in the bottom of fences of the gardens in the south of the site. The Wildlife Trust had accepted the conclusions of both surveys and raised no objections to the proposed biodiversity enhancement scheme.

The application was also accompanied by an Arboricultural Report and having assessed it, the Council's Trees Officer concluded that it was acceptable. He recommended a condition requiring soft landscaping to include some historical reference to the orchard; a condition had therefore been appended and amended to include a reference to the apple trees.

Members noted that the site was located within Flood Zone 1. No comments had been received from the Local Lead Flood Authority (LLFA), although the previous drainage scheme, considered by the Planning Inspector, was adequate. A condition was recommended to ensure that a full drainage strategy (including foul water drainage) was submitted and it would be scrutinised by the LLFA to ensure that it could be implemented.

Referring to other material matters, the Planning Team Leader said that no comments had been received from the County Council in respect of mineral safeguarding as it was not considered commercially viable to extract the mineral from this relatively small site. A Construction Environment Management Plan would be secured by condition, as would an Energy Strategy.

The County Council Archaeology Team had identified the application site as having archaeological significance and had recommended a condition to require a Written Scheme of Investigation. A condition was appended to ensure this was submitted to safeguard any potential archaeology on the site.

The layout plan had been amended to show the turning heads clear of the car parking to allow refuse vehicles to be able to turn and exit in forward gear.

The Planning Team Leader concluded her presentation by saying that the issues raised in the previous refusal had been overcome and the application was therefore recommended for approval.

At the invitation of the Chairman, Mr Keith Aggett, accompanied by Mr Francis Cusick, addressed the Committee and made the following remarks:

- He was also representing Sheila Mott;
- He had spoken at the Planning meeting in February and he felt this application was not materially different to the previous one;
- It was out of character and would harden the transition between the edge of the village and the open countryside;
- It would be harmful to traffic and wildlife and would cause flooding issues;
- Numbers 37 and 39 were mitigated by hedging, but contrary to what was stated in paragraph 4.1 of the Committee report, there was not a single hedge on the subject site;
- At February's Committee meeting the principle objection was that this was backland development. It was strongly opposed by the local residents;
- There was no demonstrable need for these dwellings as work had commenced on 27 other dwellings in the village;
- There were factual errors in all the incarnations of the application and none had been challenged;
- The presumption in favour of sustainable development should not apply. Quoting from the Planning Inspector's Appeal Decision, he said that the area behind 51 Cannon Street '*currently softens the edge of*

the village and provides a visual bridge between the more built up street scene of Cannon Street and the open countryside beyond. Thus its undeveloped appearance contributes positively to the character of the area by providing a soft and informal transition from village to countryside'

- The adverse impacts of the scheme would still outweigh the benefits and due consideration should be given to the longer term. Members should support the views of the local community.

Councillor Harries asked Mr Aggett to point out which factual errors in the Officer's report had caused the most difficulty. Mr Aggett replied that the hedges were not there and there had been much discussion on sustainability; it was the view of the local community that the site must be properly sustainable.

Councillor Jones had noted during the site visit that not much of the orchard was left and he asked when the trees had been removed. He also wished to know how long the storage units had been there. Mr Cusick said that in both cases, it was 2 – 3 years ago, when the site was purchased by the developer.

At the invitation of the Chairman, Mr Jason Constable, applicant, addressed the Committee and made the following comments:

- He thanked the Case Officer for all her help with the application;
- At the Committee meeting in February 2019, approval had been lost by one vote;
- Since then the issues raised in the surveys had been addressed and the two proposed properties at the front of the site had been removed and he had gone above and beyond to meet the requirements;
- Some of the things said by the previous speakers were incorrect – there is backland development within the area;
- He was proud of being Ely born and bred. Most of his workers were too, and they lived in the area. Some of his contractors were from Little Downham and by having local workers, it meant they did not have to travel very far. This was unlike national developers whose workforce tended to be from outside the area;
- This project would put money back into the area. He had gone to the extreme to set the site out so it would create habitats and soften the edges of the village, and to please everyone.

Councillor Harries said he understood Mr Constable's point about using local resources but noted that objectors to the scheme said it was inappropriate development and the houses were not needed. Mr Constable replied that this was their view; he believed there was demand for houses and

he was putting his own money into the scheme and would not flog a dead horse. Little Downham was a pretty village and a desirable location but it had been ruined over 30 years by infill in the centre.

Councillor Brown asked Mr Constable if he would withdraw the ongoing appeal on the previous application if this application was approved; Mr Constable said he might give it consideration.

Councillor Wilson sought clarification regarding the boundaries between the houses and the Planning Team Leader explained that the vertical black lines shown on the Powerpoint slide were sectional, not boundary lines. Mr Constable then stated which properties had fences and which were open, and added that post and rail fencing would define the boundaries.

At the invitation of the Chairman, Councillor Marilyn Oldfield, Chairman of Little Downham Parish Council, addressed the Committee and made the following points:

- She was not going to repeat the Parish Council's previous comments, but its concerns had not been allayed by the changes to the application;
- The main concern was density and the development behind Cannon Street;
- There would be excessive vehicle movements; the land had been sprayed and shrubs and undergrowth had been cleared;
- The remaining fruit trees are dying;
- The wildlife had now probably gone;
- The Parish Council was aware of the need for housing but this backland development was not essential to the village.

Councillor Ambrose Smith thought the houses on the lower portion of the site seemed very nicely situated and that they would attract considerable interest. She also felt that there needed to be a measure of control over the countryside, with the grass being cut and the trees trimmed. Councillor Oldfield agreed, but said that the area had been decimated. Little Downham was a very desirable area, but the bus services were not good and this proposal would increase traffic levels.

Councillor Harries said he did not know Little Downham and sought clarification regarding the current use of the application site. Having walked over the land on the site visit, he noted that it was close to being wasteland and the apple trees were in a bad condition. He asked Councillor Oldfield whether she and the other objectors were suggesting that the orchard was sustainable and saying that the state of land was the fault of the developer. Councillor Oldfield replied that the slide of the aerial view showed it had once been a market gardening area with vegetable poly-tunnels.

At the invitation of the Chairman, Councillor Anna Bailey, Ward Member for Downham, addressed the Committee and made the following comments:

- She welcomed some of the improvements, especially the house being retained, the removal of one unit and the assessments. However, she remained concerned about Plot 5;
- To the rear of the properties on Cannon Street were gardens and hedging, which give way to fields and this area was on a natural ridge with open views to Ely;
- As the local Member, she remained concerned that this proposal was backland development;
- She understood the Officer's report and that the application had been looked at on its merits and she noted that there would be a net gain in biodiversity, as required by the NPPF;
- There had previously been an issue with the retention of orchard trees in private gardens. Condition 19 dealt with soft landscaping, but she did not think that it adequately addressed the issue. She thought that if the application was granted permission, there should be protection in perpetuity;
- The Planning Inspector's comments and concerns had not been addressed; Plots 2, 3, and 4 presented a hard edge and would cause significant harm;
- With Plot 5 being two storey, it would be overbearing because of the topography and would be out of keeping with the character of the area and the adjacent bungalow;
- The proposal was contrary to Policies ENV1 and ENV2.

The Planning Team Leader reminded the Committee that Conditions 8 and 22 addressed biodiversity and soft landscaping issues.

The Planning Manager added that Condition 19 required a scheme of maintenance for a minimum period of 10 years from last occupation, so Members could review this and make amendments to the time period.

Councillor Trapp asked Councillor Bailey if she considered No. 5 White Horse Lane to be backfill and she replied that White Horse Lane was a drove in its own right.

Councillor Harries felt there had to be a balance. He saw a natural edge to the village and good views which could mask and mitigate any housing but on the other hand, the people of Little Downham did not want housing there.

Councillor Bailey responded, saying the scheme would set a precedent and the location was outside the development envelope. This was the natural edge of the village and the community wanted to retain it.

At this point, the Planning Manager interjected to read from a section of the Planning Inspector's report (paragraph 11 refers): *'Nevertheless, there is built development either side of the appeal site with farm buildings to the south west and White Horse Lane to the east ... Thus, housing within the central part of the appeal site need not appear as an incongruous intrusion of development into the countryside.'*

The Chairman queried whether there was only one visitor parking space and the Planning Team leader confirmed this to be correct. He then asked about the responses from the 14 neighbouring properties and was advised that all were against the proposal.

Councillor Schumann drew Members' attention to paragraphs 33 and 35 of the Inspector's report which suggested that significant weight should be given to the conflict with Policies ENV1 and ENV2 of the Local Plan and paragraphs 17 and 58 of the National Planning Policy Framework. With that in mind, he asked why it had not been given significant weight in respect of the current application. The Planning Manager replied that the previous application was for a larger number of dwellings whereas this one was for less and it was felt that the conflict had been overcome.

Councillor Wilson wished to know who would be responsible for maintaining the pond and landscaping; the Planning Team Leader stated it would fall to the residents of the properties. Condition 22 required details of a biodiversity management plan which would outline an overall suitable strategy for the site.

Councillor Harries said there seemed to be real polarisation regarding the scheme. On the one hand he did not want to refuse a sensitively designed scheme, but on the other, residents were strongly against it.

Councillor Schumann agreed that this was a very difficult, finely balanced case. However, he believed that paragraph 11 of the Planning Inspector's report provided a decision in that the development would erode the natural edge of the village. In the light of this, he was minded to refuse the application.

A number of Members expressed their support for the scheme.

Councillor Ambrose Smith believed it to be sensitively designed.

Councillor Wilson noted he rarely saw a proposal with such large gardens and the biodiversity issues had been addressed and while there was a beautiful view, the loss of a view was not a material consideration. The Inspector raised concerns with much more development and the developer had reduced the number of dwellings. The proposed houses would be within

the natural boundary and there would be lots of gaps between the proposed dwellings. He felt a refusal would be difficult to justify at appeal.

Councillor Trapp remarked that the survey showed eDNA for Great Crested Newts, so maybe the site was not so desolate. The issue of backfill was reduced by the development along White Horse Lane. On the whole, he was in favour of granting approval.

Taking up on Councillor Wilson's point, Councillor Schumann stated there was an appeal already lodged for this site and he believed that refusing this application would hold very little risk. If an appeal was lodged and was unreasonable, it would be found at that stage. The point being contested was that backland development at the back of the site was unchanged.

Councillor Harries said he would vote for approval, but he was not convinced by the biodiversity arrangements. He wondered how anyone could be sure that residents would maintain the landscaping and how this would be monitored. The Planning Manager assured Members that Enforcement would investigate if complaints were received in relation to non-compliance with conditions.

Councillor Wilson said that in Haddenham, land needing maintenance was passed to the Parish Council and he thought the Parish Council would be better placed to deal with the pond. The Planning Manager replied that it would not normally be done for a small development such as this.

The Chairman supported Councillor Schumann's views, saying that the character of the area was being threatened; the undeveloped edge was a positive feature and the application would have an adverse impact on the countryside. There were already problems with car parking and this would cause congestion as only 2 spaces per dwelling and 1 visitor space would make it difficult to park. It was overdevelopment and to increase the load here would be irresponsible.

It was proposed by Councillor Schumann and seconded by the Chairman that the Officer's recommendation for approval be rejected and that the application be refused.

When put to the vote, the motion was declared carried, there being 6 votes for and 5 votes against.

It was resolved:

That planning application reference 19/00519/FUL be REFUSED for the following reasons:

- The scheme would be contrary to the Development Plan;
- It would be out of keeping and would significantly harm the character and appearance of the undeveloped area, eroding the open land to the edge of the village.

At this point, Councillor Schumann offered his apologies to the Chairman, saying that he did not like having to leave a meeting early, but today he would have to do so. He left the Chamber at 4.35pm.

31. 19/00544/FUL – SITE SOUTH OF 7 WHITE HORSE LANE, LITTLE DOWNHAM

Angela Briggs, Planning Team Leader, presented a report (reference U53, previously circulated) which sought consent to erect one 3 bedroom dwelling on land adjacent to No. 7 White Horse Lane. The dwelling would be 1½ storeys with a single storey wing to the rear, and accessed from White Horse Lane. There would be off-street parking for two cars, bin storage and the proposal would incorporate on-site biodiversity enhancements, comprising a hibernaculum and a wood pile area as part of a comprehensive soft landscaping scheme.

Members were asked to note a typographical error in paragraph 7.30 of the report; a condition requiring a CEMP was not included as it was considered too onerous for a single dwelling.

The site was located south of No. 7 White Horse Lane, just outside of the development framework of Little Downham and outside the Mineral Safeguarding Area; it was accessed from White Horse Lane, a single track lane, and it sloped down from Cannon Street. It was characterised by detached dwellings on either side of the track and had variety in terms of design and appearance.

It was noted that the application had been called in to Committee by Councillor Anna Bailey due to the concerns raised by neighbours.

A number of illustrations were displayed at the meeting, including a map, aerial view, the proposal in the south east of the site, elevations, proposed floor plans, and photographs of the site taken from various viewpoints.

The Planning Team Leader stated that there was no significant planning history for this site alone. However, as the site formed part of a broader development proposal, the history of the larger site was relevant. The current application included additional ecological reports to cover Great Crested Newts and Reptiles.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;
- Visual Impact;
- Highway Safety & Parking;
- Trees;
- Ecology; and

- Flood Risk & Drainage.

Members noted that the Council could not demonstrate 5 years of housing land supply and therefore the tilted balance was triggered and the proposal had to be carefully assessed against the three over-arching objectives: social, economic and environmental roles.

With regard to the social role, the proposal was adjacent to the Little Downham Development Framework, with good pedestrian links to the village. It was therefore considered to be in a sustainable location. In terms of the economic role, it would create short term employment opportunities during the construction phases and in connection with the environmental role, the proposal would bring forward on-site biodiversity enhancements.

Speaking next of residential amenity, the Planning Team Leader stated that the proposed dwelling would be positioned roughly in line with the adjacent dwelling at No. 7 White Horse Lane and centrally towards the front of the site. It would be 13 metres from the flank wall of No. 7 White Horse Lane and 13 metres from the frontage of 5 White Horse Lane. This was more than the 10 metres recommended figure stated in the Design Guide SPD and related to the window-to-window relationship. It was acknowledged that the outlook of Nos. 4 and 5 White Horse Lane would be altered by the proposed dwelling. However, it was considered that the proposed dwelling would not be over-bearing and would not cause significant over-looking. Members were reminded that the dwelling did not form part of the reasons for refusal on the previous application (Ref: 18/0775/FUL) and the design had not changed.

It was considered that in relation to visual amenity, the dwelling was acceptable. It would not detract from the character of White Horse Lane and would be a traditional design in keeping with this part of the village. It would also not be dominant within the street scene.

The Highways Authority had not made any specific comments on this proposal, although the dwelling was acknowledged in the partner application reference 19/00519/FUL. In connection with parking, there was sufficient space for two cars to be parked on site. Turning would require vehicles to back out onto the Lane but this was an existing situation and it was not considered reasonable to refuse the application on this basis.

In terms of ecology and trees, this application included a Great Crested Newt and Reptile Impact Assessment, with a Reptile Survey; the latter concluded that no reptiles were found. There would be on-site biodiversity improvements including a hibernacula and wood pile for reptiles along the western boundary of the site and 'hedgehog highways' were also encouraged into the bottom of fences of gardens in the south of the site to improve connectivity. This would tie in with the wildlife corridor proposed on the larger site, adjacent.

The application was accompanied by an Arboricultural Report due to the fruit trees on the site. The Council's Trees Officer had assessed the report and concluded that it was acceptable, subject to a condition to include fruit trees within the soft landscaping plan.

Conditions were recommended securing a biodiversity management plan, biodiversity implementation, tree protection, soft landscaping (site-wide and for the biodiversity enhancement areas) and maintenance, boundary treatments, and recommendations from the Reptile Survey and Great Crested Newts and Reptile Impact Assessment. Members were reminded that if permission was granted, work had to stop immediately if Great Crested Newts were found and the relevant licence would have to be obtained from Natural England.

The Committee noted that no comments had been received from the Local Lead Flood Authority. The previous larger scheme considered by the Planning Inspectorate (application reference 17/00667/FUL), had concluded that the submitted drainage system was adequate, but a condition was recommended to request details of surface water and foul water drainage.

With reference to other material matters, the Planning Team Leader said that no comments had been received from the County Council in respect of mineral safeguarding. A restriction on construction times and the burning of waste on site would be conditioned. An Energy Strategy would also be secured by condition so as to be consistent with the larger site.

The County Council Archaeology Team had identified the application site as having archaeological significance and had recommended a condition to require a Written Scheme of Investigation. A condition was appended to ensure that this was submitted to safeguard any potential archaeology on the site.

In connection with the provision of bins, the plans indicated an adequate waste collection area for the proposed dwelling, to the front of the site.

The Planning Team Leader concluded her presentation by saying that the proposal would act as a transition between the rural and the urban. The benefits of the scheme were considered to outweigh the level of harm caused, and the application was therefore recommended for approval.

At the invitation of the Chairman, Mr Francis Cusick addressed the Committee and made the following points:

- He was speaking on behalf of local residents and they were pleading with the Committee to reject the application;
- The site had always been agricultural and orchard land, and it was outside the development plan;
- The surveys were done outside of the framework time and they should have been done by a competent individual at the appropriate times;
- The house proposed was too large and would cause overshadowing;

- There was no on-street parking available and no parking for family or friends. The property would generate a minimum of 3 vehicles;
- In stormy weather, water ran down the street like a river; this caused a flood risk for No's 4 and 5 White Horse Lane;
- White Horse Lane was in a poor state of repair, it was not suitable for construction vehicles and it could not be accessed by the bin lorries;
- This was the third application and he believed the developers were treating residents and the Council with contempt.

Councillor Ambrose Smith asked how many parking spaces Mr Cusick had. He replied that he had 3 spaces and a garage.

Councillor Trapp noted that a 'special' bin lorry was used for refuse collections, and he said he did not think that one extra house would make much difference. Mr Cusick responded by saying that the access onto Cannon Street was both difficult and dangerous.

The Chairman asked Mr Cusick if he was saying that another building in that location would increase the flow of water down the road when it rained heavily. Mr Cusick replied that it would, and would pose an increased risk of flooding for No's 4 and 5 White Horse Lane.

At the invitation of the Chairman, Mr Jason Constable addressed the Committee. He said there was no much else he could say in respect of this application except that there would be no flood risk because percolation tests would be carried out as part of the build and the drainage would be built in accordance with what the Structural Engineer states is necessary. Most of the houses on this road were also part of the original grounds of the houses on Cannon Street.

Taking up on the point about flooding, Councillor Trapp asked what happened when it rained heavily. Mr Constable replied that the water soaked into the ground. The percolation tests would be done and then storm crates would be put in to lessen the risk of flooding. There would be no more risk of flooding than there is now.

Councillor Jones wished to know what would happen about the corridor at the back of the development and the protection for wildlife if the application was granted permission. Mr Constable said that there would be two corridors, along with a hibernacula and a woodpile.

In response to a question from Councillor Trapp about construction traffic accessing the site, Mr Constable said it would make sense to use the entrance by 51 Cannon Street. In doing so, it would keep traffic along White Horse Lane to a minimum.

Councillor Jones next asked Mr Constable why he had submitted two separate planning applications and was told that it was on the advice of his architect; he also wished to see a return on his asset.

At the invitation of the Chairman, Councillor Marilyn Oldfield, Chairman of Little Downham Parish Council, addressed the Committee and made the following points:

- She would not repeat the Parish Council's concerns as they were already well documented;
- Their concerns had not been allayed, as vehicles would still not be able to park or turn;
- Being realistic, there could be some form of development here, but the Lane was quite steep. The maximum should be a single storey dwelling so that it fitted in and did not overshadow the neighbouring properties;
- The proposed house would dominate the area and block out the views of No. 5.

At the invitation of the Chairman, Councillor Anna Bailey, Ward Member for Downham, addressed the Committee and made the following comments:

- She had already outlined her concerns last time;
- She accepted the principle of development but shared the Parish Council's concerns;
- The topography was such that the proposal would have an overbearing nature on No. 7 and it would be out of keeping with No. 5;
- She believed it would be reasonable to have some development on the site.

Councillor Trapp queried the topography of the site as it was his impression that 5 White Horse Lane was rather high and he wondered how the height of the proposed dwelling would compare to that of No. 5. The Planning Team Leader replied that No's 4 and 5 were set lower than the proposed house and both would be two storeys high.

Councillor Brown stated that if this was a standalone application, it would not be anywhere near Planning Committee.

Councillor Jones did not think the dwelling would be much higher than a bungalow and that given the distance between No's 4 and 5, any overbearing would be minimalised; he was therefore in favour of granting approval.

It was duly proposed by Councillor Brown and seconded by Councillor Trapp that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 8 votes for and 2 votes against.

It was resolved:

That planning application reference 19/00544/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

32. PLANNING PERFORMANCE REPORTS – JULY 2019

The Planning Manager presented a report (U54, previously circulated) which summarised the planning performance figures for July 2019.

Members were reminded that the figures were set by the Authority rather than being national targets.

It was noted that the Department had received a total of 210 applications during July 2019, which was a 1% increase on July 2018 (207) and a 23% increase from June 2019 (171).

The Planning Manager said that 7 valid appeals had been received, (including one for 51 Cannon Street, Little Downham) and 3 had been decided, with 2 having been dismissed and 1 allowed.

Members noted that an Enforcement Notice had been served on a barber's shop in Littleport in connection with the fitting of a Upvc window. This was a follow up Notice which had been issued to cover all eventualities and it was possible that, in time, the case might proceed to prosecution if the Notice was not adhered to.

In response to questions from Councillors Trapp and Wilson, and for the benefit of newer members of the Committee, the Planning Manager explained that validating an application occurred at the beginning of the process and determination at the end. Members also noted that 'DIS' stood for discharge of condition applications, and 'NMA' was non material amendments.

Whereupon,

It was resolved:

That the Planning Performance Report for July 2019 be noted.

33. PLANNING CUSTOMER SATISFACTION SURVEY – 6 MONTH FEEDBACK

The Planning Manager presented a report (U55, previously circulated) which provided an overview of the responses received to the Planning Customer Satisfaction Survey carried between January and July 2019.

It was noted that the questions were set by the Planning Advisory Service and the report had been put together by Lucy Flintham, Office Team Leader, Development Services.

1736 questionnaires were emailed within the six month period to agents, applicants and members of the public and 215 responses were received, equating to a 12% response rate.

The report set out the positive and negative feedback received and the Planning Manager said the adverse comments would be discussed at team meetings in order to find ways to improve the service.

The Action Plan, attached as Appendix 1 to the report, gave details of the actions to be taken, progress, the target completion and the date of completion. It was noted that if any processes changed, the people who had highlighted issues would be informed.

Members would receive future Survey results every six months and they would also be shared with agents.

The Chairman said that Members were very lucky to have such a very high quality of Officers in the Authority, and he offered his thanks to the Planning Team. He concluded by acknowledging that rather a long time had been taken over the first of today's applications, but it was entirely right to give it full service and examination.

It was resolved:

That the 6 month feedback from the Planning Customer Satisfaction Survey be noted.

The meeting closed at 5.17pm.

MAIN CASE

Reference No: 19/00125/VAR

Proposal: To vary condition 1 (Approved Plans) of decision notice dated 7 June 2018 for the demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works

Site Address: Kings Of Witcham Ltd The Slade Witcham Ely
Cambridgeshire CB6 2LA

Applicant: Buckingham And Sparrow

Case Officer: Emma Barral, Planning Officer

Parish: Witcham

Ward: Sutton
Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: 22 January 2019 **Expiry Date:** 9th October 2019
[U82]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Site Characterisation
- 6 Reporting of unexpected contamination
- 7 Footpath Details
- 8 Street Management and Maintenance
- 9 Construction Times
- 10 Boundary Treatment
- 11 Standard estate road construction
- 12 Existing access - closure
- 13 Gates - restriction
- 14 Access drainage
- 15 Permitted Development Rights – Extensions and Outbuildings

- 16 Tree Protection Measures
- 17 Construction Environmental Management Plan
- 18 Biodiversity Enhancements
- 19 Great Crested Newt Survey
- 20 Bin Store Provision
- 21 Lighting Provision

2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted seeks planning consent for a variation to the construction of eight detached dwellings approved under LPA Ref 17/00689/FUL on land that used to be occupied by the Kings of Witcham garage and car sales facility.
- 2.2 The proposed dwellings are relatively uniform and traditional in appearance with ridge heights averaging 7.5m and several plots having detached garages. Three highway fronting dwellings are proposed with the remaining five dwellings located further into the development site.
- 2.3 The site is subject to a previous outline approval for 10 dwellings in 2013 (13/00734/OUM). Historically, the redevelopment of the site has been supported by East Cambridgeshire District Council since 1988 when the demolition of the garage and erection of 8 bungalows was approved.
- 2.4 Whilst the proposal involves the loss of the Kings of Witcham garage; the applicant has stated during the determination of LPA Ref 17/00689/FUL that the business is looking to relocate within the district to a more sustainable and visible location. The previous approval concluded that “continued use for employment on the site is not viable, taking account of the characteristics of the site and its location. The use of the site for an alternative employment use is unlikely and could give rise to more unacceptable environmental or traffic issues”.
- 2.5 The current application proposes to vary Condition 1 of LPA Ref 17/00689/FUL shown on the Decision Notice dated 7th June 2018 which relates to the approved plans. The Variation of Condition application therefore relates to an updated version of Drawing Ref 16;151-2 Rev C (23rd April 2018) to be replaced with Drawing Ref 16;151-2 Rev F (16th May 2019) which demonstrates updated finished floor level heights for the proposed dwellings which have increased by an estimated average 50cm across the application site to suit the proposed gravity drainage system.
- 2.6 And the inclusion of Drawing Ref 16:151 SK1001 Rev C (14th August 2019) demonstrates the relationship with the neighbouring dwellinghouses at Numbers 6 and 8 The Slade and the increases in finished floor levels to Plots 1 and Plot 6 by increasing the land levels that the dwellinghouses will sit on. The plans also demonstrate the boundary treatments on the common boundaries with application site which are existing.
- 2.7 The application has been called to Planning Committee by Councillor Dupre in view of the “ongoing lack of clarity about some very significant aspects of this planning application, and the potential impact on neighbouring dwellings, I would like to call in this variation, and any current and future applications relating to this site, for determination by the Planning Committee”.

- 2.8 Several amended plans were received throughout the application process in order to seek clarity from the developer on the changes to the finished floor levels and the heights to the proposed dwellinghouses as this remained unclear. There is a close relationship between the need to amend the floor levels and the discharge of conditions submissions under LPA Ref 17/00689/DISA and 17/00689/DISB and relevant conditions have now been discharged relating to foul and surface water drainage. Additionally, matters relating to contamination have been carefully considered through the partial discharge of condition 5 of LPA Ref 17/00689/FUL and the details were cross referenced with the proposed drainage scheme to ensure that contamination and drainage methods worked effectively together.
- 2.9 It has been confirmed by the developer that the heights (floor to ridge height) of the elevations of the proposed eight dwellinghouses under LPA Ref 17/00689/FUL are not proposed to change through the Variation of Condition application. Only the finished floor levels and land levels are subject to changes as shown on drawing Ref 16;151-2 Rev F and 16:151 SK1001 Rev C which also demonstrate the relationship with the neighbouring dwellinghouses at Numbers 6 and 8 The Slade.
- 2.10 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

17/00689/FUL	Demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works	Approved	07.06.2018
13/00734/OUM	Construction of 7 dwellings plus 3 flexible dwellings with potential for employment use	Approved	06.03.2015
12/01127/OUM	Proposed development of 10 dwellings	Withdrawn	17.09.2013
02/00097/OUT	Renewal of permission E/96/0764/O - demolition of garage and service station and erection of 8 bungalows	Refused	25.03.2002
96/00764/OUT	Renewal of planning consent E/91/0615/O -	Approved	08.03.1999

demolition of garage and
service station and erection
of 8 bungalows

91/00615/OUT Demolition of garage and Approved 15.11.1993
service station and erection
of 8 bungalows

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is approximately 0.41 hectares in area and used to comprise a car showroom and servicing garage, together with car parking areas, and grassed areas to the rear of the main building which are no longer on the application site since the time of the approval under LPA Ref 17/00689/FUL on the 7th June 2018.
- 4.2 The site extends behind No 8 The Slade, from which it is separated by a 1.8m close-boarded fence. It is located within the settlement boundary of Witcham, close to the boundary of the Witcham Conservation Area. The majority of the site fronts The Slade, a Class C classified road, and is in a predominantly residential area, with bungalows on either side, and a mix of single and two storey properties opposite the site.
- 4.3 The western boundary abuts residential gardens and comprises fencing and established tree and hedge planting. The southern boundary comprises a close-boarded fence and overgrown vegetation with the boundary to the north comprising existing vegetation and a 2m high hedge in parts. The eastern boundary forms the frontage to The Slade.

5.0 RESPONSES FROM CONSULTEES

- 5.1 A site notice was displayed on the site on the 15th February 2019. The full responses are available on the Council's website.

Cadent Gas Ltd - 13 February 2019- Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

Witcham Parish Council - 14 March 2019- "The Parish Council did not find the amendment acceptable, based on residents' views living in the area. The increased heights exacerbate previous concerns specifically regarding loss of sunlight, overshadowing, loss of outlook for neighbouring properties; not in-keeping with existing street scene in terms of visual appearance, and of course as previously stated on responses, layout and density. The Planning Authority's attention is drawn to all the comments expressed at earlier stages of the application. There was no further details about mains drainage, including foul sewer and water supply schemes; the existing systems already being inadequate".

Witcham Parish Council – 30 April 2019- "Whilst the Council has welcomed some of the improvements to these plans over the months there are still concerns to reiterate. They have always been concerned about layout and density, and the effect on close neighbours - the increased heights exacerbate previous concerns specifically regarding loss of sunlight, overshadowing, loss of outlook for neighbouring properties, not in-keeping with existing street scene in terms of visual appearance.

The Council also draws attention to concerns about foul and surface water sewers. We know this areas suffers with flooding. Heavy rainfall causes flooding in The Slade opposite this development site (photo attached following one of the flood events last summer) and the foul water sewer backs up and floods people's gardens here as well, on its way to the pumping station, a terrible public health hazard particularly in this day and age - I have photographs of past events of this nature too. The Council would like undertakings from the developers and Anglian Water that existing residents in The Slade may expect plans have been put into place to cope with the effect of all the new houses here and improvements made so that there is no repetition of past events in terms of foul and surface water flooding. On a number of occasions over the past 20-30 years the Parish Council has raised concerns with Anglian Water about foul and surface water drainage system. I should also add that Witcham suffers with poor water supply systems from time to time too".

Witcham Parish Council – 13 June 2019- "Resolved that the Parish Council still had concerns regarding this development as had been expressed on the original planning application and all subsequent amendments, namely layout, density, the effect on close neighbours, increased heights exacerbate previous concerns specifically regarding loss of sunlight, overshadowing, loss of outlook for neighbouring properties, not in-keeping with existing street scene in terms of visual appearance. At the current stage the Council was particularly concerned about the arrangements for water supply and sewerage system/drainage. The Council wanted to see consultee response from water/sewerage/drainage agencies, ie Anglian Water and Environment Agency. Given the concerns expressed by neighbours regarding contamination of the site, confirmation was sought that the proposals to manage remediation works would be comprehensively carried out (EPS-11.3.19). Clarification regarding calculation of height of buildings from ground to roof pitch sought.

Regarding the height of the buildings, the Council flags point as raised in it's response of May 2017:

Earlier consent for 13/0073/OUM, Clause 4 states ridge height to be no more than 7.5m above ground level and set back from footpath to align with existing homes, numbers 6 and 8 The Slade – both bungalows – either side of this development. Clearly the buildings are considerably higher now. However the members of the Council do seek clarification of the calculation and meaning of the FFL heights. Please could you advise what heights the proposed buildings will now be from ground level to ridge height”.

Local Highways Authority - 18 February 2019- “The highways authority has no objection in principal to this application. As far as I can determine there is no alterations to the access or internal road layout”.

CCC Growth & Development - No Comments Received

ECDC Trees Team - 22 February 2019- “I have no objections to this application on tree grounds”.

Environmental Health - 6 February 2019- Nothing further to add to the comments provided for LPA Ref 17/00689/FUL.

Environmental Health - 16 May 2019- “I understand that soakaways will not work at this site due to the low permeability of the underlying Kimmeridge Clay. Therefore, a piped gravity system is required but in order for this to work the site levels need to be raised. An application has been made for a variation to condition 1 to allow this (19/00125/VAR). All other conditions under 17/00689/FUL including the contamination condition are unaffected. With regard to the neighbour’s concerns to which you refer; the remediation scheme should ensure that contamination does not enter the surface water drainage system.

The applicant should be asked for information relating to how the drainage proposals might affect the remediation scheme. Conditions 4 and 5 may need to be considered jointly as you suggest. As long as the pipe runs are within clean soil and do not create any migration pathways there should not be any problem. It may be necessary for the remediation contractor and the drainage contractor to liaise over their respective schemes”.

Waste Strategy (ECDC) - No Comments Received

Anglian Water Services Ltd - No Comments Received

Ward Councilor- Lorna Dupre- 6th June 2019 “I would be grateful if you could keep me apprised of the progress of this application, as it appears there is some concern on the part of the LLFA, IDB, and Environment Agency”.

12th September 2019- “In view of the ongoing lack of clarity about some very significant aspects of this planning application, and the potential impact on neighbouring dwellings, I would like to call in this variation, and any current and

future applications relating to this site, for determination by the Planning Committee.”

- 5.2 Neighbours – 17 neighbouring properties were notified and the responses received relating to the Variation of Condition application are summarised below. A full copy of the responses are available on the Council’s website.

11A The Slade- 8th February 2019, 27th February 2019, 3rd June 2019, 2nd September 2019- Raised concerns in relation to the impact to the neighbouring dwellings at Number 6 and number 8 The Slade. Raised concern relating to the information provided by the developer in relation to the changes to the approved plans. Raised concerns with the relationship between the discharge of conditions submissions for LPA Ref 17/00689/FUL and drainage matters on site.

11 The Slade- 27th May 2019- Concerns relating to the height changes of the plots and the impact to adjacent properties. Concerns for the implications

17 The Slade- 11th February 2019, 4th June 2019, 28th August 2019- Concern for the heights of the buildings due to loss of light and privacy. The development will be a dominant feature for residents on The Slade.

8 The Slade- 23rd May 2019- Impact on privacy by raising heights of buildings and blocking of light.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 3	Infrastructure requirements
ENV 14	Sites of archaeological interest
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 5	Presumption in favour of sustainable development
ENV 11	Conservation Areas

6.2 Supplementary Planning Documents

Design Guide
Flood and Water

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2012

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

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity, residential amenity (including reference to relevant and specific planning policies).

7.2 Principle of Development

7.2.1 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.2.2 The principle of development at the site has already been established under LPA Ref 17/00689/FUL and therefore the key considerations in determining this application are the impact upon visual amenity and residential amenity. Many of the related material planning considerations have been considered as part of the previous application and therefore this report will focus primarily on the changes to the approved plans (Condition 1 of LPA Ref 17/00689/FUL) and the alterations to the finish floor levels the land levels that the dwellinghouses will sit on.

7.3 Visual Amenity

7.3.1 Policy ENV1 of the Local Plan 2015 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The application seeks to vary the approved plans condition relating to the consent for 8 dwellings on the 0.4ha site. The site offers little in its visual contribution to the street-scene and the impact of the facility being removed would be considered a visual improvement to the wider character and appearance of the area. The 8 dwellings proposed would range in their footprint whilst maintaining a similar traditional design and height of 7.5m (aside from Plot 5 with a ridge of 8m). The uniform height was recommended as part of the previous approval on the site (13/00734/OUM), for 10 dwellings, whereby it was conditioned

that the dwellings do not exceed 7.5m in ridge height. The previous applications were determined on their own individual merits.

- 7.3.2 It is noted that in the Committee Report for LPA Ref 17/00689/FUL it stated that although the two-storey development would be positioned between 2 single-storey dwellings, the street-scene along The Slade is characterised by a mix of dwelling styles and scales, with two large single-storey dwellings located adjacent to the neighbouring plot to the south and a prevalence of two-storey dwellings along the eastern side of the road. The presence of this scale of development would not appear out-of-keeping with the wider area and not disrupt the visual character of the southern edge of Witcham. With the only changes to the approved plans pursuant to LPA Ref 17/00689/FUL relating to the changes to the finished floor levels and the land levels that the dwellings would sit on.
- 7.3.3 Given that the levels would increase by approximately 50cm (varying on different plots as shown on Drawing Ref 16: 151- 2 Rev F) the proposed alterations are not considered to cause substantial harm to visual amenity or to result in an unacceptable degree of visual harm to the character and appearance of the application site, surrounding area and streetscene. The proposal therefore complies with Policies ENV1 and ENV2 of the Local Plan 2015 by remaining sympathetic to the character and appearance of the surrounding area.
- 7.3.4 In order to prevent the site becoming cramped with built form, permitted development rights for outbuildings and extensions have been removed for several of the plots within the site.
- 7.3.5 The site is located outside, but in close proximity to, the Witcham Conservation Area. It is considered that due to the minor changes in finished floor levels and land level changes to the approved dwellinghouses and their distances from Conservation Area boundary that there will be no adverse impact on the setting of the Conservation Area. The proposal is therefore compliant with 2015 Local Plan Policy ENV11.
- 7.4 Residential Amenity
- 7.4.1 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity to the site, with the dwellings at 6 and 8 The Slade most significantly impacted upon.
- 7.4.2 The proposed development comprises three highway fronting dwellings with the remaining five occupying the land to the rear. The site is located between two existing dwellings, the aforementioned 6 and 8 The Slade, with the rear of the site leading onto the large garden of 2 The Slade. To the south lies the yard of Slade Farm and opposite the site is a linear form of development comprising a range of dwelling scales and plot sizes.
- 7.4.3 The proposed internal and external elevations are not changing as a result of the variation of the approved plans. Proposed Plots 1 and 7 of the proposed development remain to be modest 7.5m high dwellings with a traditional design

however the finished floor levels and land levels have increased by an average 50cm across the application site meaning that the proposed plots would be slightly higher as shown on Drawing Ref 16: 151- 2 Rev F and 16:151 SK1001 Rev C.

- 7.4.4 The most notable impact in relation to neighbour amenity would be at ground floor due to the increase in land levels and specially the impact from Plot 6 to Number 8 The Slade and Plot 1 to Number 6 The Slade. The changes would not be notably significant at first floor to the proposed plots. The building line of the two plots and their neighbours' are very similar and their proposed depth is approximately 6.3m, ensuring that the proposed dwellings do not have an unacceptable overbearing impact even with the proposed alterations to levels. It is considered that the impact by way of overbearing would not be significantly greater given the scale and heights of the dwellinghouses already approved under LPA Ref 17/00689/FUL.
- 7.4.5 In addition, the proposed changes are not considered to result in any additional significant impact upon loss of light or overshadowing given the distances retained to Number 6 and Number 8 The Slade and the orientation of the proposed plots. Therefore matters of overshadowing, overbearing nature and loss of light would not result in a material impact due to the distances retained and the extent of the changes proposed.
- 7.4.6 In relation to overlooking, proposed Plots 1 and 6 do not propose first-floor side-facing windows ensuring no directly overlooking impact to the side. With regards to overlooking to the rear; Plot 7 has no rear-facing first-floor bedroom windows and whilst Plot 1 has two rear-facing bedroom windows, the angle of overlooking and the obscurity created by the proposed garaging of Plot 2 and the existing garage of 6 The Slade renders this overlooking somewhat awkward and unlikely to cause significant harm. The impact to Number 8 The Slade by the ground floor of Plot 6 to the rear is emphasised to some extent by the changes in land levels and the viewing opportunities into the rear garden. The existing boundary fence serving Number 8 is approximately 1.8 metres in height including a trellis above. Given that the increases in finished floor levels and land levels may result in a degree of harm by way of overlooking and loss of privacy from the proposed east facing kitchen window to Plot 6, is considered necessary to require an additional 2 metre fence on the common boundary between Plot 6 and Number 8 The Slade to reduce harm by way of overlooking. This is also considered to be required on the common boundary between Number 6 The Slade and Plot 1 to reduce harm by way of overlooking and loss of privacy. Subject to the inclusion of 2 metre high fences on the aforementioned boundaries, on balance it is considered that the impact on the neighbouring dwellings and amenity spaces of Number 6 and 8 The Slade are acceptable.
- 7.4.7 The dwellings on the opposite side of The Slade to the proposal are at least 30m away from the front boundary of the site and a further 16m to the main elevation of the frontage dwelling. These separation distances are sufficient to mitigate against any overlooking or overbearing impact as a result of the proposed level changes.
- 7.4.8 On balance it is considered that subject to appropriate conditions, the proposal complies with Policies ENV2 of the Local Plan 2015.
- 7.5 Highways

- 7.5.1 The Local Highways Authority have raised no concerns with the proposal, subject to previously recommended conditions as part LPA Ref 17/00689/FUL. In LPA Ref 17/00689/FUL a new footpath was proposed within the highway verge from the site to the Silver Street junction to provide pedestrian access to the centre of the village. County Highways were content with this provision and the relevant condition has been discharged, subject to the agreed works taking place.
- 7.5.2 Planning conditions in respect of the internal road/parking arrangements; vehicular access over the County highway; the layout of parking/turning, minimum carriage width, and radius kerbs; and highway drainage details are amended as required. With these conditions in place it is considered that the proposal would meet policy requirements in respect of safe access, safety of the highway and appropriate parking arrangements. It is therefore considered to comply with Policies COM7, COM8 of the Local Plan 2015.
- 7.6 Ecology and Trees
- 7.6.1 Matters relating to tree protection measures have been satisfied by the discharge of condition 16 of LPA Ref 17/00689/FUL on the 13th September 2019.
- 7.6.2 During the determination of LPA Ref 17/00689/FUL it was established that surveys within the vicinity indicate a large population of Great Crested Newts albeit mostly to the east of The Slade. The survey recommended outline mitigation measures considered adequate for a high population of GCNs. In order to inform a more detailed strategy, up to date surveys were required and therefore it was reasonable to condition an updated survey report prior to construction. It was concluded through the discharge of condition 19 of LPA Ref 17/00689/FUL on the 18th December 2018 that GNC's were unlikely to be impacted by the development provided the precautionary measures are implemented.
- 7.6.3 The biodiversity net gain has been agreed previously and will remain to be controlled by planning condition.
- 7.7 Flood Risk and Drainage
- 7.7.1 The site is located in Flood Zone 1, where the majority of development should be directed. The finished floor levels are subject to changes as shown on drawing Ref 16;151-2 Rev F and 16:151 SK1001 Rev C together with the land levels that the dwellinghouses would sit on. A surface water drainage scheme was submitted as part of the discharge of condition 4 of LPA Ref 17/00689/FUL which was discharged on the 30th July 2019. This noted that some foul water details requires off site work, however this is private issue between land owners and Anglian Water and a separate considered will likely be require for these works. Foul and surface water drainage details were carefully considered alongside the Variation of Condition application and the changes proposed.
- 7.8 Other Material Matters

- 7.8.1 To help safeguard the amenity of nearby residents during the construction phase, a Construction Environment Management Plan has been approved by the submission of details relating to condition 17 of LPA Ref 17/00689/FUL.
- 7.8.2 In relation to archaeology, the Historic Environment Team have provided comment that no further archaeological works are required on site further to the submission of an Archaeological Evaluation (September 2018). Condition 10 of LPA Ref 17/00689/FUL has therefore been satisfied.
- 7.9 Planning Balance
- 7.9.1 The principle of development has been established through existing planning permissions and the granting of consent of the scheme for the demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works under LPA Ref 17/00689/FUL. The existing business on site and associated buildings have been demolished and had previously been considered unsustainable in its current location and is to be relocated in order to expand and secure future viability.
- 7.9.2 The proposal is not considered to cause significant or demonstrable harm to the visual amenity of the area or upon neighbour amenity. Subject to appropriate conditions it is also considered that the proposal will not have a significant detrimental effect on residential amenity.
- 8.0 APPENDICES
- 8.1 Appendix 1 – List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00125/VAR	Emma Barral Room No. 011 The Grange	Emma Barral Planning Officer 01353 665555 emma.barral@eastc amb.gov.uk
17/00689/FUL	Ely	

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 19/00125/VAR Conditions

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

Plan Reference	Version No	Date Received
16:151-0		20th April 2017
16:151-8		14th December 2017
16;151-1	TOPOGRAPHICAL	14th December 2017
16:151-4	B	14th December 2017
16:151-5	B	14th December 2017
16:151-7	A	14th December 2017
16:151-6	B	23rd April 2018
ECOLOGY SURVEY		19th January 2018
ARBORICULTURAL REPORT		11th February 2018
16;151-2	F	16 th May 2019
16:151-sk1001	C	14 th August 2019

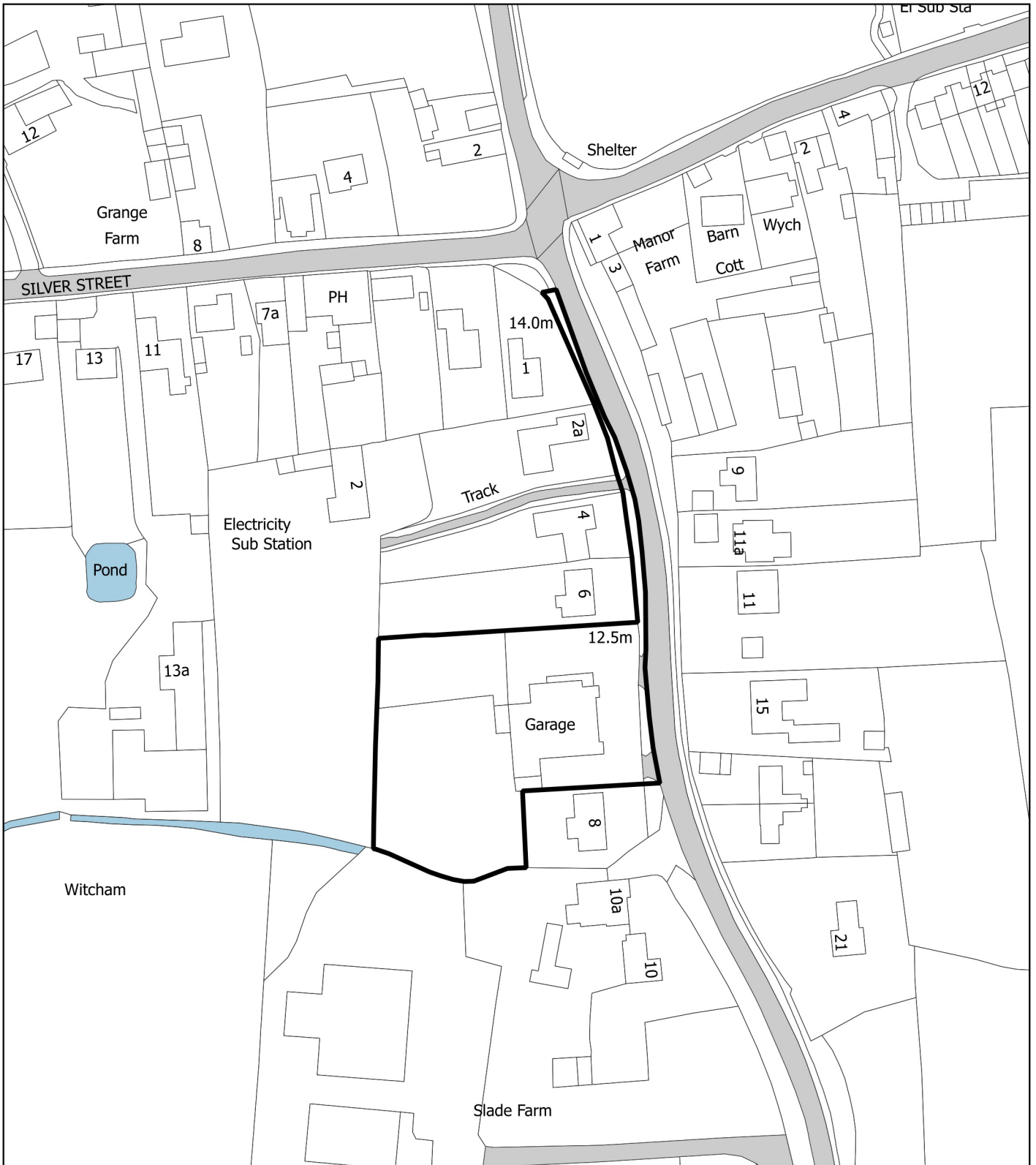
- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of the decision notice for LPA Ref 17/00689/FUL which is the 7th June 2018.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The proposed materials shall comply with the approved details agreed under 17/00689/DISA on the 18th December 2018 which was for Wienerberger Andante Golden Buff (for plots 1, 3, 5, and 7) and Heritage Blend Red (for plots 2, 4, 6, 8) bricks, terracotta and black roof tiles, ivory coloured windows and a mix of front door colours.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 The surface and foul water details as shown on Plan 188/2018/01 P3 agreed under 17/00689/DISB by letter on the 30th July 2019 should be complied with prior to first occupation of the dwellings hereby approved.
- 4 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.
- 5 During construction work, the development shall comply with the Remediation Method Statement and Verification Plan, 26th June 2019 Issue 2. Prior to first occupation of any dwellinghouse, the developer shall submit a Verification Report to be agreed in writing by the Local Planning Authority.
- 5 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.

- 6 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.
- 6 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.
- 7 The details relating to the footpath link to Silver Street shall be carried out in accordance with the details agreed under 17/00689/DISB dated 18th September 2019. The agreed footpath link shall be completed prior to first occupation.
- 7 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 The details relating to the proposed arrangements for future management and maintenance of the proposed streets within the development (provided by letter on the 20th November 2018) shall be carried out in accordance with the details agreed under 17/00689/DISA dated 13th September 2019.
- 8 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.
- 9 Construction works on the site shall not be undertaken outside of the following hours: 8.00 - 18.00 Monday to Friday; 8.00 - 13.00 on Saturdays; and at no time on Sundays and Public and Bank Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction of Plots 1 and 6 shall commence until details of the boundary treatments including their locations have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of either of Plots 1 and 6 of the proposed development.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers to ensure there is suitable 2 metre high boundary wall/fence, in accordance with policy ENV2 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 16;151-2 Ref F.
- 11 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 12 The existing access(es) to Kings of Witcham shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access.
- 12 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on 16; 151-2 Rev F.
- 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 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), Plots 1, 2, 3, 4, 5, and 6 (as shown on Drawing 16;151-2 Rev F) shall not be extended in any way, and no structures shall be erected within the curtilage of these dwellings, without the prior written consent of the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers and to ensure that the trees on site are adequately protected, in accordance with policy ENV2, ENV1 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 16 The details relating to tree protection shall be in accordance with the approved details provided in the Arboricultural Method Statement dated 12th October 2018 and the Arboricultural Report dated 17th January 2018 agreed under 17/00689/DISA dated 13th September 2019. Measures shall be fully installed and provided prior to the commencement of development and retained throughout all construction work.

- 16 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.
- 17 The CEMP submitted on the 21st November 2018 agreed under 17/00689/DISA dated 18th December 2018 shall be carried out in accordance with the approved plans. The CEMP shall be adhered to at all times during construction phases.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 The biodiversity improvements outlined in Section 8 of the Greenlight Ecological Appraisal shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 19 In relation to Great Crested Newts, the details agreed under 17/00689/DISA dated 18th December 2018 shall be carried out in accordance with approved plans and completed prior to the commencement of development and maintained during the entire period of construction.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation a scheme for the refuse and recycling shall be submitted to and agreed in writing by the Local Planning Authority and then the scheme shall be adhered to in perpetuity.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 The details relating to the proposed external lighting dated 21st November 2018 and agreed under 17/00689/DISA dated 18th December 2018 shall be carried out in accordance with approved plans and completed prior to the first occupation of the dwellings hereby approved.
- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



19/00125/VAR

Kings of Witcham Ltd
 The Slade
 Witcham



East Cambridgeshire
 District Council

Date: 17/09/2019
 Scale: 1:1,500



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MAIN CASE

Reference No: 19/00590/OUT

Proposal: Construction of detached bungalow, garaging, parking, access and associated site works

Site Address: Site South West Of 6 Lode Lane Wicken Cambridgeshire

Applicant: Mr & Mrs Hall

Case Officer: Rachael Forbes, Planning Officer

Parish: Wicken

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

Date Received: 23 April 2019 **Expiry Date:** 4th October 2019

[U83]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reason:
- 1.2 The application site is located beyond the existing small row of dwellings on the west side of Lode Lane, where there is an immediate change in character to rural open countryside and Wicken Fen beyond. The proposed development would be located within a sensitive edge of settlement location and would extend residential built form into the countryside in a manner that would cause significant and demonstrable harm to the rural landscape character and visual amenity of the area. The resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also result in the loss of important open views of the countryside and towards Wicken Fen. Therefore the proposal fails to comply with the aims and objectives of Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015. Furthermore, the proposal is not considered to constitute sustainable development in principle as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to paragraph 11 of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline permission for a detached bungalow, garaging parking, access and associated site works. The outline application seeks agreement for access and scale only. Appearance, landscaping and layout would be considered as part of a reserved matters application. The proposed bungalow would extend beyond the existing line of built form and the development envelope on the west side of Lode Lane. The scale indicated on the submitted plans is 17.8 metres in width, 23 metres in depth and 5.2 metres in height, including the double garage to the front of the plot. The creation of a new access is proposed from Lode Lane. The proposal includes the provision of a footpath to Wicken Fen. The application has been amended to show visibility splays, as requested by the Local Highway Authority and clarification around the footpath and an ecology report have been provided.
- 2.2 The planning history at the site consists of application 18/01287/OUT for a proposed detached chalet bungalow, garaging, parking, access and associated site works. The application was refused for two reasons. The first was that the extension of built form into the countryside would result in significant and demonstrable harm to the local rural landscape character and by virtue of the harm the proposal would not constitute sustainable development. The second reason for refusal was that insufficient information had been provided to ascertain whether there would be any ecological impacts as a result of the development due to the presence of a barn on site which was considered to have ecological potential. A copy of the decision notice is included under appendix 1.
- 2.3 The application has been called in to Planning Committee by Councillor Bovingdon as the application has no objections from the Parish Council and the addition of the footpath is a welcome addition.
- 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

18/01287/OUT	Proposed detached chalet bungalow, garaging, parking, access and associated site works	Refused	09.11.2018
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the south west of the village of Wicken, outside of, but adjacent to, the established development envelope for the village. The application site comprises a small parcel of a much larger agricultural field. There is a

corrugated sheet barn located with the site. Wicken Fen Nature Reserve (a Site of Special Scientific Interest, Special Area of Conservation and Ramsar Site) is located further along Lode Lane to the south of the application site. There are residential dwellings located directly to the north of the site and on the opposite side of Lode Lane to the east of the site. A Public Right of Way (ProW) runs adjacent to the northern boundary of the site.

5.0 RESPONSES FROM CONSULTEES

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

Asset Information Definitive Map Team - 10 June 2019

Please note Public Footpath 18 Wicken runs adjacent to the application site. To view the location of the byway please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public Byway, its legal alignment and width which may differ from what is available on the ground. If you require a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee.

The Byway must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it. Should you need to temporarily close it for safe works, you should apply to the Street works Team online.

Public Footpath 18 Wicken must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s137 of the Highways Act 1980 to obstruct a public Highway).

The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under s34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)

No alteration to the Footpaths surface is permitted without our consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).

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

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

Asset Information Definitive Map Team - 3 September 2019

As above.

Local Highway Authority – 14 May 2019

I note that only the means of access and scale are committed at this time.

It is unclear whether visibility of 2.4m by 43m between vehicles emerging from the proposed dwelling and those travelling along Lode Lane from the south can be achieved fully within the public highway and land in the applicant's control. To this end, the red line should be amended.

The parking areas shown appear to be short and should each be a minimum of 5m long by 2.5m wide. Despite this there would appear to be sufficient area for two vehicles to park and manoeuvre within the site, so as to enter and leave in forward gear.

The proposal includes provision of a section of footpath to be constructed on private land at the back of the Public Highway. It is unclear what purpose this is intended to serve, as no continuity of route is provided further north into the village. This should be clarified. It should be noted however, that the route would not be suitable for adoption as highway maintainable at public expense, and is unlikely to be considered necessary as part of an extended public rights of way network. I would recommend that Cambridgeshire County Councils Rights of Way team be included in this consultation in this regard and the effect on adjoining rights of way.

Local Highways Authority - 4 September 2019

I have no objections.

Please append the conditions and informative as recommended in my previous correspondence, dated 14th May 2019.

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) - 16 May 2019

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

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

- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Cambridge Ramblers Association - No Comments Received

Parish - 13 June 2019

Wicken Parish Council is pleased to see that the application includes a footpath along Lode Lane. This road and need for a footpath has been brought to the attention of ECDC by the Parish Council in the past due to safety concerns for visitors walking and cycling along the single track road to Wicken Fen.

Wicken Parish Council supports the application.

Parish – 11 September 2019

Wicken Parish Council is pleased to see the amended application still includes the footpath along Lode Lane and continues to support the application.

We are content for the final determination of the application to rest with the Planning Service.

Ward Councillors - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

The National Trust - 3 June 2019

It is noted that an outline application for a similar proposal was refused by the Local Planning Authority in 2018 on grounds of a) the harm to local rural landscape character and b) the absence of an ecology report relating to the demolition of the barn at the site. The current application is a revised version of that proposal with a change in the form of the dwelling (now a bungalow rather than a chalet bungalow) and the proposed inclusion of a public footway along the north western side of Lode Lane.

Whilst the introduction of the footway could secure some limited benefit in terms of pedestrian safety, it is not considered that this would outweigh the significant harm to local landscape character arising from the development. In any event, the land required for the footway appears to be outside the applicant's direct control so it is difficult to see how a condition to secure it would be reasonable or enforceable.

The reduction in the scale of the proposed dwelling would do little to minimise its impact on the open setting and a decision to approve any dwelling at this site could

set a regrettable precedent that could render the entire frontage of this section of the Lane vulnerable to similar proposals. In addition, the applicant does not appear to have addressed the lack of any information relating to the ecological impact of the development.

In these circumstances, it must be assumed that the Local Planning Authority will reach the same conclusion that it reached in relation to the previous application as to the scale of harm caused by the development and will, accordingly, refuse it.

National Trust – 27 August 2019

I write further to your recent letter advising that amended plans and information had been submitted in relation to the current outline application (ref 19/00590/OUT) for the erection of a dwelling at the above site.

I write to advise that, with the exception of the comments relating to the potential ecological impact of the development, the National Trust would wish to restate its original representations on this proposal.

Natural England – 23 May 2019

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Cambridgeshire Archaeology - 7 May 2019

Our records indicate that the site lies in an area of archaeological potential. The fields to the south of the Back Lane properties demonstrate prehistoric occupation consistent with that of other fen-edge sites in the locality, in the form of field scatters and find spots of Neolithic and early Bronze Age flints and stone tools whose distribution closely correlates with the transitional area between the waterlogged fen and the higher ground (for example scrapers, cores, axe heads and arrowheads, Cambridgeshire Historic Environment Record references 07058, 07073, 07075),

while an earlier, Mesolithic tranchet axe was found at the village green (07067). Later remains are evident in the scheduled monument of a medieval moated enclosure south of Chancel Farm (eg National Heritage List for England ref NHLE 1017845, CHER ref 01067) and some surviving late medieval historic fabric in the village's buildings. In addition, archaeological investigations opposite the application area identified field or boundary systems and refuse pits (ECB5566), while archaeological investigations to the north west at Hawes Lane revealed a dense concentration of Roman occupation (ECB5846).

We have commented on this in recent years. We would recommend that the same archaeological standard condition is placed on the development as was for prior application (18/01287/OUT) within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Cambridgeshire Archaeology - 6 September 2019

Comments as above.

Cambs Wildlife Trust - 30 August 2019

I have reviewed the Preliminary Ecological Appraisal (PEA) report accompanying the above planning application and am satisfied with the conclusions that the proposed development is unlikely to have significant negative impacts on protected species, habitats, or direct ecological impacts on nearby protected sites. The mitigation and enhancements proposed in section 8 of the PEA report are appropriate for addressing on-site impacts, and should permission be granted, should be required by way of a suitably worded planning condition(s).

However, the proposal site is in close proximity to Wicken Fen SSSI/NNR, (it appears to be within the Wicken Fen Vision area) and I note the National Trust have raised concerns over potential landscape impacts. Wicken Fen is a key biodiversity and green infrastructure asset (as recognised in the East Cambridgeshire Local Plan 2015, and Cambridgeshire Green Infrastructure Strategy) and planning proposals within the Wicken Fen Vision area should be carefully considered in terms of whether they are appropriate and fit within the long term aims for this area.

5.2 **Neighbours** - Seven neighbouring properties were notified and four responses were received which are summarised below. A full copy of the responses are available on the Council's website:

Objections:

- The three fold dimensions of sustainability as defined by the NPPF, are not met: the economic and the social roles are negligible whilst the environmental negativity is overwhelming. The proposal fails to meet all three, not just one, of the NPPF development guidelines.

- The proposal will set a precedent for development down the west side of Lode Lane.
- The house and plot are too large.
- The proposal will spoil the National Trust landscape, which is a significant visitor attraction.
- The building is on a T junction which does not seem ideal regarding traffic.
- The site is frequented by barn owls, slow worms and grass snakes and supports over 10,000 rose blooms that attract innumerable insects in the summer and sustain overwintering species too – the general setting is of unquestioned landscape importance and is internationally recognised and protected for its ecological significance.
- Lode Lane is a heavily trafficked small road which at present poses a high risk to pedestrians, cyclists, disabled persons and horses and riders enjoying access to the popular Wicken Fen. Approving this application will set the precedence for development along the north west side of Lode Lane, therefore it is essential that an alternate, dedicated access road directly linking the A1223 with the National Trust car park be made prior residential development being opened up.

Supporting – subject to questions being answered about the footpath.

- Previous opposition to an application to build on this site on the grounds that it is outside the village envelope and to allow development would make a mockery of the plan. However, the provision of a footpath put a different slant on the discussion. A footpath is sorely needed as pedestrians are forced onto the verges every time a vehicle comes along. The nature of the path must be clearly spelled out.

Following receipt of the amended plans, the following summarised comments were received:

- Footpath provision - the promise of such 'infrastructure' amendments in such cases are often unfulfilled and in this case the commitment is fraught with difficulties. If built will the path be a permissive right of way revocable at any time? Is the path to be designated as a permanent right of way? Who retains ownership of the facility, who maintains it, to what surface standard will it be built, what new drainage arrangements would be implemented? These and other questions are not addressed. Is the applicant prepared to construct the path to the required standard prior to the main project?
- Highways Authority - from the cursory examination I have been able to make of the Highways assessment their observations suggest necessary structural changes that would further aggravate the aesthetic, traffic concerns and public footpath proximity issues which have been raised previously.
- Ecological Assessment - This document contains a number of inaccuracies thereby diminishing the adverse impact of the project; for example, overstating the distance of bodies of water, vital to newts and frogs, from the

site. Scant attention is given to the floral richness at and surrounding the site nor are the references to nocturnal wildlife reliable.

- Essentially objections rest on the detrimental environmental impact on the adjacent Wicken Fen Ramsar site, and other matters, as emphasized at an earlier date. The amended application is merely an exacerbation of an already undesirable plan which has already been officially deemed unsuitable

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
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

Design Guide
Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

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

- The Principle of Development

- Visual Amenity
- Residential Amenity
- Ecology
- Highway Safety and Parking
- Public Right of Way
- Historic Environment
- Flood Risk and Drainage

7.2 Principle of Development

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted East Cambridgeshire Local Plan 2015 and related Supplementary Planning Documents.

- 7.3 The National Planning Policy Framework (NPPF) 2019 requires Council's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old as set out in paragraph 73.
- 7.4 Paragraph 78 of the NPPF, 2019 states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply; there is an essential need for a rural worker; the development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate settings, the development would involve the subdivision of an existing residential dwelling or the design is of exceptional quality.
- 7.5 The East Cambridgeshire Local Plan, 2015 describes Wicken as a small village on the edge of the fens near Soham, 10 miles north east of Cambridge and 5 miles south of Ely. It states that Wicken is likely to grow with new housing being built on suitable 'infill' sites within the village' and 'a development envelope has been drawn around Wicken to define the built up part of the village where development (infill and allocation sites) may be permitted. The purpose is to prevent sprawl into the open countryside'. Policy Growth 2 states that 'outside defined development envelopes housing, employment and other development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages'. There are exceptions to this set out in the policy, however the proposed

development does not fall into one of these exceptions. As the proposal is outside of the development framework it would not be considered to comply with the vision for Wicken as set out in the Local Plan, or policy Growth 2.

- 7.6 The National Planning Policy Framework promotes sustainable development and states in Paragraph 11 that decisions should apply a presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. Paragraph 11 makes it clear that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.7 The Council 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.
- 7.8 The benefits of this application are considered to be: - the limited but positive contribution of the provision of 1No. additional dwelling to the district's housing stock, the limited but positive contribution to the local and wider economy through the construction of the new dwelling and future spending and the addition of a footpath to Wicken Fen.
- 7.9 However, the NPPF states that sustainable development has three dimensions, namely: an economic role; a social role, and an environmental role. All three are mutually dependent and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Therefore, where a development does not achieve one or more of these roles that development will not be considered to be sustainable.
- 7.10 It is necessary, therefore, to consider the benefits of the proposed development and weigh those against any adverse impacts in order to determine whether or not the development comprises sustainable development. These are explained in more detail below.
- 7.11 **Visual Amenity**
- 7.12 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy EV2 states that development proposals ensure that the location, layout,

massing, materials and colour of buildings relate sympathetically to the surrounding area.

- 7.13 The application site comprises a small parcel of a much larger open agricultural field which has a modest agricultural barn located on it. The rural character and appearance of the application site at present provides a positive contribution to the wider rural surroundings to the south and west, whilst also contributing to views over the open fields and towards Wicken Fen Nature Reserve.
- 7.14 The application site is located in a sensitive edge of village location, beyond an existing small row of dwellings on the west side of Lode Lane, where there is an immediate change in character to rural open countryside and Wicken Fen beyond.
- 7.15 A previous application for a chalet bungalow was refused on this site in 2018 (18/01287/OUT). The first reason for refusal is relevant and states that by virtue of its location and scale, the proposed development would extend residential built form into the countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. The dwelling proposed under this application is no longer proposed to be a chalet bungalow; it is now single storey. The previous dwelling was proposed to be 18 metres in width, 13 metres in depth and 7.5 metres in height. While the height has now been reduced to 5 metres; the width has only marginally been reduced to 17.8 metres and the depth has increased significantly to 23 metres. It is considered that the scale would still result in significant and demonstrable harm to the local rural area and would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity and would also result in the loss of important open views of the countryside and towards Wicken Fen.
- 7.16 It is also noted that while layout is not for consideration at this stage, the garage is indicated to be positioned to the front of the site. This would be contrary to the Design Guide SPD which states that garages should ideally be positioned to the side or rear of dwellings and that it will rarely be acceptable to construct a garage between the front elevation and the highway.
- 7.17 It is therefore considered that the proposal, in respect of visual amenity would be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.
- 7.18 **Residential Amenity**
- 7.19 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.20 The closest neighbouring dwelling to the application site is to the north east, 6 Lode Lane. Scale is for consideration at this outline stage and it is considered that there is sufficient distance between the proposed dwelling and the neighbouring dwelling that the proposal would not result in a detrimental impact to residential amenity in respect of overshadowing and overbearing. Overlooking cannot be assessed at this stage as appearance is not for consideration at this outline stage, however it is

considered a dwelling in this location could be achieved without resulting in an overlooking impact to neighbouring dwellings.

- 7.21 The Design Guide SPD sets out that in most cases building plots should be approximately 300sqm and built form should not take up more than a third of the plot. Rear private amenity space should be a minimum of 50sqm. While it is considered that the proposed dwelling does take up more than a third of the plot, the plot is in excess of the 300sqm and the private amenity space exceeds far 50sqm and it is therefore considered that the proposed dwelling would not have a detriment to the amenity of any future occupiers.
- 7.22 The proposal is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan, 2015 in respect of residential amenity.
- 7.23 **Historic Environment**
- 7.24 The site is considered to have archaeological significance. Policy ENV 14 of the Local Plan, 2015 states that development proposals at or affecting all sites of known or potential archaeological interest will have regards to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings.
- 7.25 The Cambridgeshire County Council Archaeology Team have commented that the site lies in an area of archaeological potential. These comments are set out in full in paragraph 5.1 and advise that they do not object to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation. If the application were to be approved, this could be controlled by a condition.
- 7.26 **Highway Safety and Parking**
- 7.27 The site proposes an access from Lode Lane and drawing number 18:092-2 rev B shows the provision of visibility splays measuring 2.40m x 43m. The plan shows a double garage and two 2.5m x 5m parking spaces. Access is for agreement at outline stage.
- 7.28 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The application site is located along a 30mph road and the proposal would provide a new access onto this lane. Drawing number 18:092-2 rev B shows two car parking spaces and a double garage.
- 7.29 The Local Highway Authority initially commented that it was unclear whether the visibility splays shown could be achieved fully within the public highway and in land within the applicant's control. They also commented that the parking areas appeared to be too short and should be 2.5 x 5m. Lastly, they commented that the purpose of the footpath was unclear and that it would not be suitable for adoption by the Local Highway Authority.

- 7.30 Following amendments to show the visibility splays within the applicant's control, the enlarging of the parking spaces and clarification around the footpath, the Local Highway Authority have no objections to the proposal, subject to the imposition of conditions relating to the layout and provision of parking, a detailed engineering scheme for the construction of the access, visibility splays and access drainage.
- 7.31 The proposal is considered to provide safe access to the highway network and provides adequate parking and is therefore considered to comply with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.
- 7.32 **Public Right of Way**
- 7.33 A Public Right of Way (Public Footpath No.18 Wicken) runs along the northern boundary of the application site. However, the proposed development does not obstruct the PRow and the County Council Definitive Map Team state they have no objection to the proposal.
- 7.34 The proposal includes creating a footpath from Public Footpath No.18 Wicken to the Wicken Fen, which would be constructed by the applicant. The inclusion of a footpath does contribute to the social aspect of sustainable development as it provides safe access to one of the Districts main visitor attractions.
- 7.35 The proposal is therefore considered to comply with policy COM 7 of the East Cambridgeshire Local Plan, 2015.
- 7.36 **Ecology**
- 7.37 The application is in close proximity to Wicken Fen, which is a Ramsar Site (listed under the Convention on Wetlands of International Importance and are important in terms of Wildfowl Habitat), a Special Area of Conservation (classified under the EC Habitats Directive aimed at promoting measures to main or restore natural habitats and wild species), a Site of Special Scientific Interest (SSSI – designated under the Wildlife and Countryside Act 1981 (as amended) and a National Nature Reserve (declared under section 19 of the National Parks and Access to the Countryside Act 1949).
- 7.38 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 7.39 The officer report for the previous application (reference 18/01287/OUT) noted that '*the proposed development would require an existing barn on the application site to be demolished. This barn displays characteristics which could make it suitable for the presence of protected species*'. No ecology report was provided with the

previous application and therefore the ecological impacts could not be assessed. The barn still exists on site and would be demolished as part of this application.

- 7.40 An ecological report has been submitted for consideration. The Cambs Wildlife Trust have been consulted as part of the application and have commented that they have reviewed the Preliminary Ecological Appraisal and are satisfied that the conclusions that the proposed development is unlikely to have significant negative impacts on protected species, habitats or direct ecological impacts on nearby protected sites.
- 7.41 However, the Cambs Wildlife Trust have also commented that the proposal site is in close proximity to Wicken Fen and that Wicken Fen is a key biodiversity and green infrastructure asset and planning proposals within the Wicken Fen Vision area should be carefully considered in terms of whether they are appropriate and fit with the long term aims of the area.
- 7.42 It is considered that it has been sufficiently demonstrated that the proposals are unlikely to result in impacts to protected species, habitats or impacts to nearby protected sites and the mitigation and enhancement measures set out in section 8 of the ecology report could be secured by way of a suitably worded planning condition. Therefore, the proposal is considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.
- 7.43 Flood Risk and Drainage**
- 7.44 The site is entirely located 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 application form states that surface water will be disposed of via soakaways, however, this has not been shown on the plan. It is therefore considered reasonable and necessary that a scheme for the provision of surface water drainage should be secured via condition, if the application is approved.
- 7.45 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.
- 7.46 Planning Balance**
- 7.47 The proposal represents unsustainable form of development on a sensitive settlement edge of Wicken. The proposal includes the creation of one dwelling, which by virtue of its location and scale, the proposed development would lead to harmful encroachment into the countryside which would erode the rural character and appearance causing significant and demonstrable harm to the character, appearance and views of the rural area, including the sensitive settlement edge.
- 7.48 The proposal has overcome one of the reasons for refusal on application 18/01287/OUT which was the concerns around the ecological potential of the site. The application also proposes a footpath from Public Footpath 18 Wicken, along Lode Lane to Wicken Fen, one of the District's main visitor attractions. Although this is only for pedestrian access, it is considered that it does provide a provision of a route for walking and therefore does meet the social element of sustainable

development. However, the NPPF makes it clear that sustainable development will only be attained where all three elements are secured jointly and simultaneously. All have equal status and where one or more is achieved at the expense of the others then development should not be considered sustainable.

7.49 In this case, the environmental role of sustainable development would not be realised. The degree of harm caused to the countryside on the edge of the settlement could not be resolved through mitigation and the development would therefore cause environmental harm, contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015. The adverse impacts of the proposed development are considered to outweigh the economic and social benefits of the scheme. For these reasons, the proposal does not constitute sustainable development and the application is recommended for refusal.

8 APPENDICES

8.1 Decision Notice for 18/01287/OUT

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00590/OUT	Rachael Forbes Room No. 011	Rachael Forbes Planning Officer 01353 616300
18/01287/OUT	The Grange Ely	rachael.forbes@eastcambs.gov.uk

National Planning Policy Framework - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 - <http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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www.eastcambs.gov.uk

Mr & Mrs B Hall
C/O Andrew Fleet
6 Regent Place
Soham
Ely
Cambridgeshire
CB7 5RL

This matter is being dealt with by:

Richard Fitzjohn

Telephone: 01353 616280
E-mail: richard.fitzjohn@eastcambs.gov.uk
My Ref: 18/01287/OUT
Your ref

9th November 2018

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF OUTLINE PLANNING PERMISSION

The Council hereby **refuses** the following:

Proposal: Proposed detached chalet bungalow, garaging, parking, access and associated site works
Location: Site South West Of 6 Lode Lane Wicken Cambridgeshire
Applicant: Mr & Mrs B Hall

The Council hereby refuses outline planning permission for the application reference **18/01287/OUT** registered 14th September 2018.

REASONS FOR REFUSAL

- 1 The application site is located beyond the existing small row of dwellings on the west side of Lode Lane, where there is an immediate change in character to rural open countryside and Wicken Fen beyond. The proposed development would be located within a sensitive edge of settlement location and would extend residential built form into the countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. The resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also result in the loss of important open views of the countryside and towards Wicken Fen. Accordingly, the proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, Policies LP22 and LP28 of the Submitted Local Plan 2018 and Central Government advice contained in the National Planning Policy Framework 2018. Furthermore, the proposal is not considered to constitute sustainable development in principle

as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to the National Planning Policy Framework 2018.

- 2 Policy ENV7 of the East Cambridgeshire Local Plan 2015 states all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. Where there is reason to suspect the presence of protected species, trees and woodland, applications must be accompanied by a survey carried out by a qualified individual assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation. The proposed development would require an existing barn on the application site to be demolished. This barn displays characteristics which could make it suitable for the presence of protected species. However, no ecology report has been submitted with the application and therefore the ecological impacts of the proposed development cannot be fully assessed, contrary to policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018.

INFORMATIVES RELATING TO THIS APPLICATION

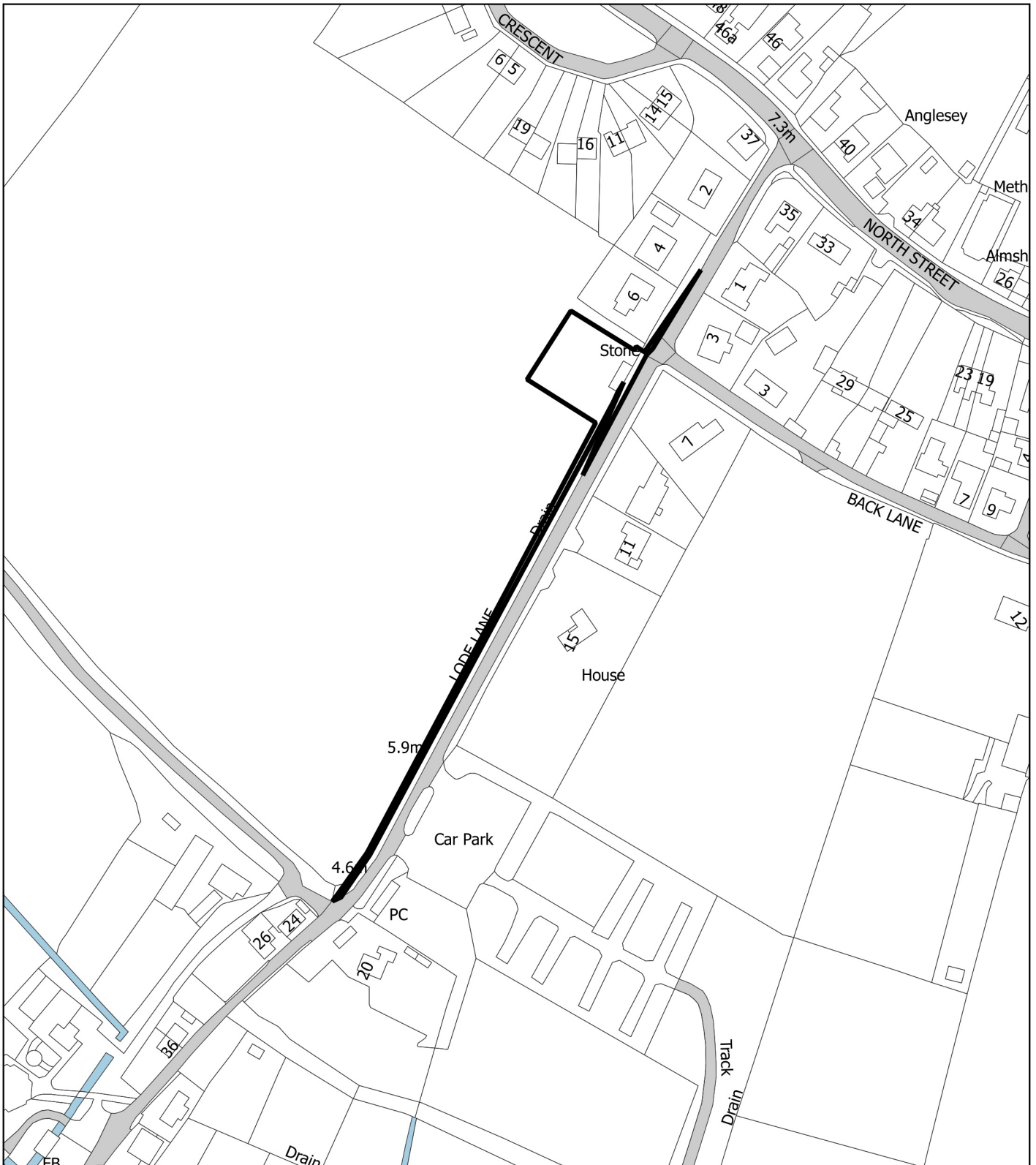
- 1 The decision to refuse this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be unsustainable and the applicant was informed of officer concerns regarding the impacts on the character and appearance of the area and ecology. The proposal is therefore contrary to the provisions of the NPPF.



Rebecca Saunt

Planning Manager

Dated: 9th November 2018



19/00590/OUT

Site South West of
6 Lode Lane
Wicken



East Cambridgeshire
District Council

Date: 17/09/2019
Scale: 1:2,000



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MAIN CASE

Reference No: 19/00978/FUL

Proposal: Two storey and single storey rear extensions along with demolition of existing single garage & erection of double carport (revised proposals following approval 17/00607/FUL)

Site Address: 70 West Street Isleham Ely Cambridgeshire CB7 5RA

Applicant: Mr & Mrs Wayne Dick

Case Officer: Emma Barral, Planning Officer

Parish: Isleham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 9 July 2019 **Expiry Date:** 9th October 2019

[U84]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reason:

The proposed two storey rear extension would cause significant and demonstrable harm to the visual amenity of the host building and character and appearance of the surrounding area given the depth of the projection to the rear proposed. The proposed extension fails to visually protect or enhance the streetscene by virtue of the depth of projection which is considered to be disproportionate to the scale of the original dwellinghouse. This visual dominance is considered to result in harm to the character and appearance of the dwellinghouse and that of the surrounding area and streetscene given the visibility and intrusive nature of the proposed extension from various points on the public highway, the Public Right of Way and on the private driveway that leads to Hall Farm. The proposal is therefore contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the Design Guide SPD.

At a height of 5.1 metres, the proposed replacement double garage/carport is considered to compete with the original dwellinghouse and is not considered to be of a scale that is subservient and appropriate forward of the building line of the dwellinghouse. The size, scale and location of the proposed double garage/carport is considered to result in harm to the character and appearance of the

dwellinghouse and the surrounding area given the excessive height and scale proposed contrary to Policy ENV2 of the Local Plan 2015.

2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted seeks planning permission for two storey and single storey rear extensions along with demolition of existing single garage & erection of double carport. The proposed two storey element would project 5.5 metres with a width of 6.8 metres and a total height of 6.6 metres. The proposed single storey element would project 5.5 metres and 4.6 metres to the rear of the dwellinghouse to create a staggered projection with a total width of 9.5 metres. The proposal would also include a utility space to the northern facing side elevation measuring 3.7 metres by 2.1 metres. The proposed replacement double garage/carport would measure 6.6 metres by 6.5 metres and would have an eaves height of 2.3 metres and a total height of 5.1 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.
- 2.2 The application follows a recent approval under LPA Ref 17/00607/FUL which was for a two storey and single storey rear extensions, demolition of existing single garage & erection of double carport. Amended plans were received during the course of the application, reducing the two-storey depth of the proposed extension and reducing the height of the proposed carport, following officer concerns. The approved extensions resulted in a proposed development that projected 3.6 metres from the rear wall at two storey with a width of 6.3 metres with a total height of 6.6 metres. The single storey element projected 4.8 metres to the rear of the dwelling and wrapping around the north side of the existing dwelling with a maximum ridge height of 4 metres and eaves height of 2.4 metres. The proposed double garage carport proposed a total height of 4 metres with a ridge height of 2.5 metres, which was significantly reduced in height from the originally submitted scale.
- 2.3 In total, from the extension granted under LPA Ref 17/00607/FUL, the rear projections have increased from 3.6 metres to 5.5 metres at two storey and from 4.8 metres to 5.5 metres and 4.6 metres at single storey in projection from the original rear wall of the dwellinghouse. The double carport/garage has increased in height by 1.1 metres.
- 2.4 The application was called-in to Planning Committee by Councillor Schumann who has provided comments that “we have considered a number of similar applications where the alterations are minor but appreciate the that you feel it tilts the balance with regards to the impact of the proposed. I believe in this case the application would benefit from the opinion of the committee”.
- 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

17/00607/FUL	Two storey and single storey rear extensions, demolition of existing single garage & erection of double carport	Approved	13.06.2017
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the north of West Street and to the east of Hall Barn Road, accessed via a private road connected to West Street. The site is located within the established development envelope for Isleham, however the density of the built form within the surrounding vicinity of the site is very low. The site comprises a two-storey cottage style dwelling with a detached flat roof garage to the north side. The site has a large garden to the rear of the dwelling and there is a public footpath which runs through the application site, adjacent to the northern boundary. There are Grade II listed buildings located approximately 30-40m to the north of the application site, within the grounds of Hall Farm.

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.

Local Highways Authority - 22 July 2019- The Highways Authority has no objections in principal to this application.

Isleham Parish Council - 6 August 2019- No concerns, other than the need for considerations to be attached in relation to the close proximity of this development to the adjacent grade 2, listed building.

Ward Councillors - No Comments Received

Cambridge Ramblers Association - No Comments Received

ECDC Trees Team - 2 August 2019- No tree related objections to this application. Please also note that the trees lining the access road are covered by a tree preservation order and extra care should be taken when any plant or materials are delivered to site to avoid damage to the trees and any resulting prosecution.

Asset Information Definitive Map Team - 22 July 2019- Commented that Public Footpath 14 Isleham runs adjacent to the application site. No objections to the proposed development however the application should be aware of the presence of the public right of way and suggest the following Informatives:

- Public Footpath 14 Isleham must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980)
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If Public Footpath 14 Isleham is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- Developers should follow the County Council's guidance on boundary treatment to ensure it does not result in obstruction and maintenance problems, available online at www.cambridgeshire.gov.uk/definitivemap

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

62 West Street, Isleham- Concerns relating to the demolition of the existing garage to the front/side of the dwellinghouse as the driveway is shared use for the five households accessed from West Street. Concerns for highway safety.

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
ENV12	Listed Buildings
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2019

12 Achieving well-designed places
16 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 Principle of 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 application follows a recent approval under LPA Ref 17/00607/FUL which was for a two storey and single storey rear extensions, demolition of existing single garage & erection of double carport. The original plans submitted with the application proposed a 5.5m deep two-storey extension. The depth of this extension was considered by the Planning Officer to be disproportionate to the scale of the existing dwelling and would be visually detrimental to the appearance of the existing dwelling. However, amended plans were received which reduced the two-storey element of the proposed extension to 3.6m which appeared more subservient to the existing dwelling and did not create a significant detrimental impact upon the appearance of the dwelling. The current application proposes a two storey projection of 5.5 metres from the rear of the dwellinghouse which is the same projection as the original plans submitted for LPA Ref 17/00607/FUL.
- 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 In terms of visual amenity, the proposed two storey rear extension would not be visible from the front of the dwellinghouse and the dwelling is visually isolated from other dwellings with a large residential curtilage surrounding it. However given the siting of the dwellinghouse the proposed two storey rear extension would be visible from several surrounding viewpoints including from West Street between Number 72 and 74, from the dwellinghouses at Hall Farm to the north of the application site, from the Public Right of Way to the north of the application site (moving from west to east) and its link from Temple Road/ Hall Barn Road to the west. Therefore, the character and appearance of the dwellinghouse would be altered and would be highly visible within the street scene, from the Public Right of Way and from the public highway.
- 7.2.3 The Design Guide SPD states that when a dwelling has been extended the original building should still be clearly legible and pre-dominate. Any extension should also be subservient to the existing dwelling. Given the depth of the projection of 5.5 metres, the proposed two storey rear extension is considered to result in development that is disproportionate to the scale of the existing dwellinghouse. As the total depth of the existing dwellinghouse is 4.9 metres when measured from the principle elevation to the original rear wall of the dwellinghouse, the proposed extension is greater in depth. Together with a ridge height similar to the existing and the excessive depth of projection, the proposed extension would be overly-prominent to the existing dwellinghouse resulting in a bulky and dominant extension

that would be visually detrimental to the character and appearance of the existing dwellinghouse.

- 7.2.4 The proposed two storey rear extension is considered to result in significant and demonstrable harm to the character and appearance of the dwellinghouse, surrounding area and street scene given the excessive scale and dominance of the proposed extension that would not be subservient to the existing dwellinghouse. This over-prominence given the size, scale and location of the proposed two storey rear extension would be visible from several surrounding viewing points in public highway and private driveway leading to Hall Farm and would therefore be visually intrusive within the streetscene contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and Design Guide SPD.
- 7.2.5 The proposed double-bay carport would replace an existing single garage which is of a poor quality appearance. Officers raised concerns during the course of the application LPA Ref 17/00607/FUL and the height of the proposed garage was subsequently reduced to 4 metres with a ridge height of 2.5 metres. In the current application the height has been increased to 5.1 metres which is considered to compete with the original dwellinghouse and is not considered to be of a scale that is subservient and appropriate forward of the building line of the dwellinghouse. The size, scale and location of the proposed double garage/carport is considered to result in harm to the character and appearance of the dwellinghouse and the surrounding area given the excessive height and scale proposed contrary to policy ENV2 of the Local Plan 2015.
- 7.2.6 There is no concern in relation to the single storey elements by way of harm to visual amenity. The external surfaces of the proposed extensions and car port would predominantly be constructed of materials to match, or closely match, the existing dwelling. The choice of materials would ensure that the proposed extensions and carport are sympathetic to the appearance to the existing dwelling and would be of a high quality appearance.
- 7.3 Historic Environment
- 7.3.1 There are Grade II listed buildings located to the north of the site, located within the grounds of Hall Farm. The nearest listed building is located more than 30m from boundary of the application site and the proposed carport, and 45m from the dwelling which would be extended. By virtue of its distance from any neighbouring properties, the proposed extension and carport would not create any significant detrimental impacts upon the character, appearance or setting of the listed buildings. The level of harm to the setting of listed buildings is considered to be extremely minimal with no harm caused. It is therefore considered that the proposal complies with Policy ENV12 of the East Cambridgeshire Local Plan 2015.
- 7.4 Residential Amenity
- 7.4.1 By virtue of its height, scale and distance from any neighbouring properties, the proposed extension and carport would not create any significant detrimental impacts upon neighbouring properties. It is therefore considered that the proposal complies with Policy ENV2 of the East Cambridgeshire Local Plan 2015 in respect of residential amenity.

7.5 Parking Provision

7.5.1 The proposed development would replace an existing single garage with a two bay carport, improving the parking provision for the dwelling by providing 2 car parking spaces which accords with the Council's parking standards set out within Policy COM8 of the East Cambridgeshire Local Plan 2015.

7.6 Planning Balance

7.6.1 The proposed two storey rear 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 outweighed by the proposed development causing significant and demonstrable harm to the visual amenity of the existing building and character of the surrounding area. The proposed development fails to visually protect or enhance the streetscene by virtue of the depth of projection which is considered to be disproportionate to the scale of the original dwellinghouse. This visual dominance is considered to result in harm to the character and appearance of the dwellinghouse and to that of the surrounding area given the visibility and intrusive nature of the proposed extension from various viewpoints on the public highway to the south, from the Public Right of Way to the north (and moving from west to east) and on the private driveway to the east that leads to Hall Farm to the north of the application site.

7.6.2 In addition, the height of the proposed double garage/carport is considered to compete with the original dwellinghouse and is not considered to be of a scale that is subservient and appropriate forward of the building line of the dwellinghouse. The proposed double garage/carport would therefore result in harm to visual amenity.

7.6.3 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.

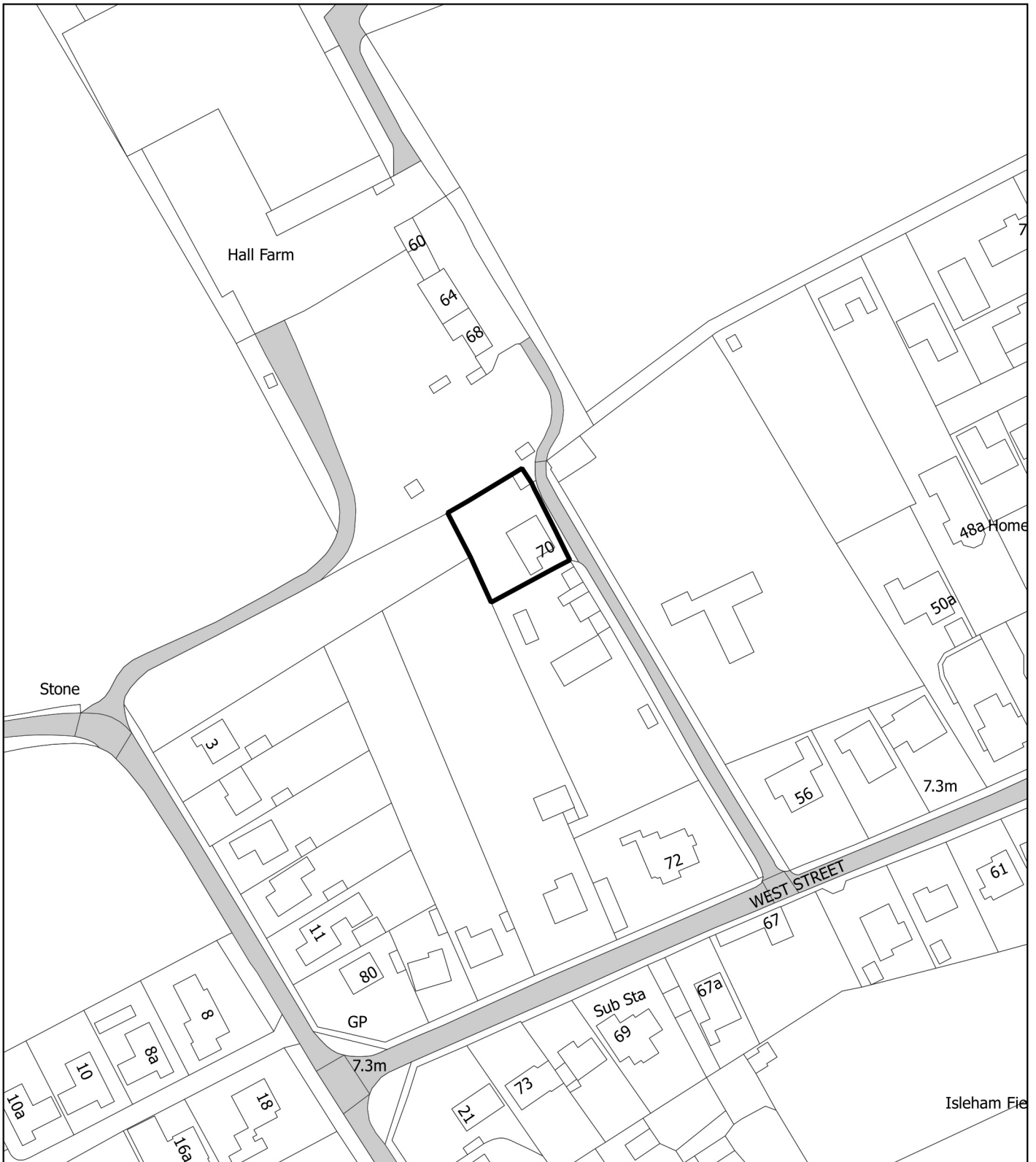
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00978/FUL	Emma Barral Room No. 011	Emma Barral Planning Officer
17/00607/FUL	The Grange Ely	01353 665555 emma.barral@eastc ambbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



19/00978/FUL

70 West Street
Isleham



East Cambridgeshire
District Council

Date: 17/09/2019
Scale: 1:1,500



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TITLE: Statement on the Seeking of Affordable Housing

Committee: Planning

Date: 2 October 2019

Author: Richard Kay – Strategic Planning Manager

[U85]

1.0 ISSUE

1.1 To note the slightly conflicting national and local policy for the seeking of affordable housing from development schemes, and to endorse a *Statement* clarifying the likely approach decision takers on planning applications will take henceforth.

2.0 RECOMMENDATION(S)

2.1 That Planning Committee:

- I. Endorses the attached '*Statement on the Seeking of Affordable Housing Developer Contributions*'.
- II. Notes that the *Statement* is not formal policy of the Council, and that it does not supersede any relevant policy in the Local Plan 2015 or in any duly made Neighbourhood Plan, but that instead its purpose is to clarify the likely weight planning decision takers will give to local and national policy on affordable housing.
- III. Notes that by endorsing the attached *Statement*, it does not compel any decision taker, including this Planning Committee, to follow the principles set out in the *Statement* in all instances, and that for any particular planning application the decision taker is able to determine the relevant and reasonable weight to be applied to local and national policy as it sees fit (with such weight potentially different to that as suggested by the *Statement*).

3.0 BACKGROUND/OPTIONS

Introduction

3.1 Planning decision takers, whether that be this Planning Committee or others (such as planning officers and planning inspectors), often have to grapple with potentially conflicting policy and guidance. Where such conflict arises, the decision taker often has to give greater 'weight' to one policy over another. The provision of 'weight' to various issues, in favour or against a particular proposal, is well established in planning decision taking, and is ultimately used in the planning balance to determine whether a proposal should be permitted or not.

- 3.2 One such current area of slight conflict between national and local policy relates to the matter of when affordable housing should be sought as part of a development scheme.
- 3.3 The attached *Statement* aims to explain what the conflict is, and then goes on to set out what is *likely* to be a reasonable position for the decision maker to take for the vast majority of planning applications that will be considered in East Cambridgeshire.
- 3.4 It is important to note, however, that the *Statement* is not formal planning policy. It does not replace any policy in the Local Plan (to do so would be unlawful). It also does not alter the fact that the decision taker must, lawfully, still use as the starting point for considering proposals the relevant policies as set out in the Local Plan (and Neighbourhood Plan, if one exists in that area).
- 3.5 However, as set out in legislation and confirmed by national policy, whilst the starting point for decision taking is always the Local Plan / Neighbourhood Plan, 'material considerations' may indicate that a decision not in accordance with the Local Plan / Neighbourhood Plan might be the most appropriate. For example, more up to date national planning policy is often a reason to deviate away from the Local Plan / Neighbourhood Plan (i.e. give them less weight), and instead place more emphasis on the differing national policy provision (i.e. give national policy greater weight).
- 3.6 It is also important to note that the *Statement*, if endorsed, does not compel the decision taker to apply it in all instances. Rather, the *Statement* is intended to be used as a guide as to how a decision taker in East Cambridgeshire is *likely* to wrestle with the currently conflicting policy provisions of the Local Plan and national policy, and is *likely* to apply greater weight to the provisions of national policy. But, if the decision taker believes, in considering any particular planning application, that alternative weight ought to be applied, then the decision taker is free to do so (albeit the decision taker must be reasonable in determining what weight to give to the various conflicting policies).
- 3.7 Planning Committee are asked to endorse the attached *Statement*, which officers believe will be helpful to all those involved, including those submitting planning applications, communities which consider and provide their views on proposals, as well as decision takers.
- 3.8 If the *Statement* is not endorsed, then it will not be published, and instead decision takers will continue to be free to consider what weight to apply to national and local policy as they see fit. However, such an approach is considered resource intensive (because each decision taker will be starting from scratch in researching and determining weight to the matters raised in this *Statement*) and not helpful to all other parties that are involved in the planning system.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 4.1 If the recommendations in this report are approved, then there are no financial implications arising.
- 4.2 An Equality Impact Assessment (INRA) is not required because the *Statement* is not formal policy, and there is no requirement for the *Statement* to be implemented. It is therefore not possible to determine whether an impact would arise.

5.0 APPENDICES

Appendix 1 – A draft ‘Statement on the Seeking of Affordable Housing Developer Contributions’

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room12A The Grange Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: richard.kay@eastcambs.gov.uk

East Cambridgeshire District Council

Statement on the Seeking of Affordable Housing Developer Contributions

October 2019

Note for Planning Committee: the following text will be included if the Statement is endorsed by Planning Committee on 2 October 2019:

This Statement was endorsed by Planning Committee on 2 October 2019

Introduction

The opening sentence to Policy HOU3 of the East Cambridgeshire Local Plan 2015 states as follows (emphasis added):

*“All new open market housing developments which incorporate **more than 10 dwellings** will be required to make appropriate provision for an element of affordable housing...”*

Such a policy wording was consistent with national policy at the point of that Plan being prepared.

However, national policy has shifted slightly since that Local Plan was prepared. The National Planning Policy Framework (NPPF – Feb 2019) sets the following government position:

*“Provision of affordable housing should not be sought for residential developments that are not **major developments**...”* (para 63)

And

*“Where **major development** involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹”, with footnote 29 explaining: “As part of the overall affordable housing contribution from the site”*

Consequently, there is a slight conflict between the adopted Local Plan policy and the NPPF policy, with the former referring to ‘**more than 10**’ dwellings, and the latter referring to ‘**major development**’.

Definition of ‘Major Development’

The NPPF defines ‘major development’ as follows:

“Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.”

The first part of this definition has led to a degree of confusion, as, taken literally, it could be interpreted to mean, for example, that a proposal for 1-9 dwellings on a site greater than 0.5 hectares would trigger NPPF para 63 and 64 requirements.

However, the legal definition of Major Development (as can be found in the aforementioned Order) provides greater detail than the NPPF definition. It states at s2(1):

“major development” means development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;*
- (b) waste development;*
- (c) the provision of dwellinghouses where—*
 - (i) the number of dwellinghouses to be provided is 10 or more; or*
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);*
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
- (e) development carried out on a site having an area of 1 hectare or more;”*

Application of Policy HOU2 and NPPF

Whilst nothing in this Statement should be read to have the intent of superseding policy in the duly made ‘development plan’ for the area (which comprises both the Local Plan 2015 and any made Neighbourhood Plans), the intention of this Statement is to provide guidance and clarity as to how decision makers on planning applications are likely to apply both development plan policy and take account of the material consideration which is national policy formed by the NPPF.

It is anticipated that, in respect of the matters raised in this Statement, a decision maker is likely to apply greater weight to the provisions set out in the NPPF rather than the policy position set out in the Local Plan, with such a position being consistent with the advice in the ‘Implementation’ section of Annex 1 to the NPPF.

It is also anticipated that a decision maker is likely to apply greater weight to the legal definition of ‘major development’ as set out in s2(1) of the *Town and Country Planning (Development Management Procedure) (England) Order 2015*, rather than the definition set out in the NPPF.

Accordingly, for the purpose of whether or not, in principle, the Council will seek affordable housing on a site, a decision maker is expected, in most instances, to seek an affordable housing contribution under the following example circumstances:

- where a proposal is for 10 or more dwellings; or
- where the proposal is an outline application on a site over 0.5 hectares, and it is not known how many homes will be provided on the site; or
- where the proposal will create a total internal floorspace of 1,000 sq m or more (and for the purpose of calculating this area, the Council will use the same floor area as determined to be liable for CIL purposes); or

- where the site is 1 hectare or more, irrespective of the number of dwellings to be provided.

In the vast majority of cases it will be clear whether or not, in principle, a development proposal should make a contribution to affordable housing, in accordance with the development plan policy, national policy and the guidance provided by this Statement. However, for a limited number of applications, such as those close to the 1,000 sq m or 1 hectare threshold, it would be extremely beneficial to both the Council and the applicant if the planning application made it expressly clear (with appropriate evidence as necessary) whether or not such a proposal, the applicant believes, was (or will lead to reserve matters which will be) above or below such thresholds.

For example, for outline proposals of less than 10 dwellings, we would welcome the applicant stating whether the total floorspace will exceed a combined 1,000 sqm. If it will, affordable housing will be sought. If the applicant is not yet in a position to state the total floorspace being sought, then the Council would be happy to condition any approval limiting the total floorspace to a maximum of 1,000 sqm. If, subsequently, greater than 1000 sq m are to be proposed, the applicant could then simply apply for this condition to be removed and any subsequent approval of such condition removal is likely to be subject to the signing of a s106 for an affordable housing contribution.

Formalising the contents of this Statement

Subject to due consultation, the Council intends to replicate the advice in this Statement (or provide something similar) in a forthcoming update to its Developer Contributions SPD. If it does so, at the point such an SPD is adopted, this Statement will cease to have effect.

Planning Performance – August 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.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	179	4	37	36	26	37	38
Determinations	147	3	29	41	11	39	24
Determined on time (%)		100% (90% within 13 weeks)	97% (80% within 8 weeks)	98% (90% within 8 weeks)	91% (90% within 8 weeks)	72% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	135	2	27	38	8	36	24
Refused	12	1	2	3	3	3	0

Open Cases by Team (as at 16/09/2019)							
Team 1 (3.5 FTE)	134	13	37	22	12	50	0
Team 2 (3 FTE)	123	16	31	18	19	39	0
Team 3 (3 FTE)	88	5	19	20	23	22	0
No Team (6 FTE)	108	14	18	2	17	16	41

No Team includes – Planning Manager, Trees Officers (x2), Conservation Officer and Agency Workers (x2)

The Planning department received a total of 196 applications during August which is an 18% increase on August 2018 (163) and 8% decrease from July 2019 (210).

Valid Appeals received – 2

Site East Of 8 Duck Lane Haddenham – Delegated Decision

41 Ward Way Witchford Ely – Delegated Decision

Appeals decided – 8

3 Soham Road Fordham Ely – Dismissed – Delegated Decision

Land West Of 93 Stretham Road Wilburton – Allowed – Delegated Decision

47A High Street Cheveley Newmarket – Dismissed – Delegated Decision

47A High Street Cheveley Newmarket – Allowed – Delegated Decision

85 High Street Bottisham – Allowed – Delegated Decision

Garage Block Adjacent To 5 Willow Walk Ely – Dismissed – Delegated Decision

Land North Of 14 New River Bank Littleport – Dismissed – Committee Decision (with
Officer
Recommendation)

St Johns Manor 1 St Johns Road Ely – Allowed – Remedial Notice Varied

Enforcement

New Complaints registered – 26 (4 Proactive)

Cases closed – 32 (9 Proactive)

Open cases/officer (2.5FTE) – $264/2.5 = 106$ per FTE (42 Proactive)

No Notices served