



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 1:00pm

DATE: **Wednesday 3<sup>rd</sup> February 2021**

VENUE: **PLEASE NOTE: Due to the introduction of restrictions on gatherings of people by the Government due to the Covid-19 outbreak, this meeting will be conducted remotely facilitated using the Zoom video conferencing system. There will be no access to the meeting at the Council Offices, but there will be public speaking in accordance with the Council's Public Speaking at Planning Committee Scheme. Details of the public speaking and public viewing arrangements for this meeting are detailed in the Notes box at the end of the Agenda.**

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

TELEPHONE:(01353) 665555 EMAIL: [caroline.evans@eastcambs.gov.uk](mailto:caroline.evans@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 Chairman)

### Liberal Democrat Members

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

### Independent Member

Cllr Sue Austen (Lead Member)

### Substitutes:

Cllr David Ambrose Smith  
Cllr Lis Every  
Cllr Julia Huffer

### Substitutes:

Cllr Charlotte Cane  
Cllr Simon Harries  
Cllr Christine Whelan

### Substitute:

Cllr Paola Trimarco

## Lead Officer:

Rebecca Saunt, Planning Manager

**Quorum:** 5 Members

# A G E N D A

- 1. Apologies and Substitutions** [oral]
- 2. Declarations of Interest** [oral]  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.

**3. Minutes**

To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 2<sup>nd</sup> December 2020.

**4. Chairman's Announcements**

**[oral]**

**5. TPO/E/01/20**

Confirmation of Tree Preservation Order E/01/20  
Rear garden of 10 Abbey Close Burwell

**6. 20/00932/FUL**

Construction of tennis court in garden to The Abbey  
The Abbey Abbey Lane Swaffham Bulbeck Cambridge CB25 0NQ

Applicant: Mr & Mrs Burke

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QDRA7SGGFK000>

**7. 20/00935/FUL**

Construction of borehole and rill pond with garden to northeast of The Abbey  
The Abbey Abbey Lane Swaffham Bulbeck Cambridge CB25 0NQ

Applicant: Mr & Mrs Burke

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QDRAM4GGFK400>

**8. 20/01111/FUL**

The erection of two detached dwellings with one detached double garage and off road parking  
Site Adjacent To 3 Main Street Prickwillow Cambridgeshire

Applicant: Mr Edward Rice

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFLY5VGGGXZ00>

**9. 20/01156/RMM**

Reserved matters for appearance, landscaping, layout and scale of previously approved  
19/00910/OUM for residential development of up to 30 dwellings, including open space  
provision and associated works with all matters reserved except for access

Land South Of 6 Hinton Way Wilburton Cambridgeshire

Applicant: Etopia Wilburton Limited

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFZK91GGH7J00>

**10. Planning Performance Reports**

**i. November 2020**

**ii. December 2020**

## NOTES:

1. Since the introduction of restrictions on gatherings of people by the Government in March 2020, it has not been possible to hold standard face to face public meetings at the Council Offices. This led to a temporary suspension of meetings. The Coronavirus Act 2020 has now been implemented, however, and in Regulations made under Section 78 it gives local authorities the power to hold meetings without it being necessary for any of the participants or audience to be present together in the same room.

The Council has a scheme to allow public speaking at Planning Committee using the Zoom video conferencing system. If you wish to speak at the Planning Committee, please contact Caroline Evans, Democratic Services Officer for the Planning Committee [caroline.evans@eastcambs.gov.uk](mailto:caroline.evans@eastcambs.gov.uk) to register your wish to speak by 10am on Tuesday 2<sup>nd</sup> February. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to access remotely, or do not wish to speak via a remote link. Please note that public speaking is limited to 5 minutes in total for each of the following groups:

Objectors  
Applicant/agent or supporters  
Local Parish/Town Council  
National/Statutory Bodies

2. A livestream of the meeting will be available for public viewing on YouTube via <https://www.eastcambs.gov.uk/meetings/planning-committee-03022021>
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



### **AGENDA ITEM NO. 3**

Minutes of a meeting of the Planning Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Wednesday, 2<sup>nd</sup> December 2020 at 1:00pm.

#### **PRESENT**

Cllr Bill Hunt (Chairman)  
Cllr Christine Ambrose Smith  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matthew Downey  
Cllr Lavinia Edwards  
Cllr Simon Harries (as a Substitute Member)  
Cllr Alec Jones  
Cllr Joshua Schumann  
Cllr Lisa Stubbs  
Cllr John Trapp

#### **OFFICERS**

Emma Barral – Planning Officer  
Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager  
Rachael Forbes – Planning Officer  
Andrew Phillips – Planning Team Leader  
Rebecca Saunt – Planning Manager  
Adrian Scaites-Stokes – Democratic Services Officer  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

#### **IN ATTENDANCE**

Mrs Louise Barnes – Objector (Agenda Item 5)  
Mr Graeme Hall– Supporter (Agenda Item 5)  
Dr Lydia Smith – Applicant (Agenda Item 6)  
Cllr Stuart Smith – Parish Council Representative (Agenda 5)  
Cllr Gareth Wilson - Ward Member (Agenda Item 5)

#### **55. ROLL CALL, APOLOGIES AND SUBSTITUTIONS**

It was noted that Councillor Harries would act as a Substitute Member for Councillor Wilson for the duration of the meeting.

#### **56. DECLARATIONS OF INTEREST**

There were no declarations of interest.



## 57. **MINUTES**

It was resolved:

That the Minutes of the meeting held on 4<sup>th</sup> November 2020 be confirmed as a correct record and be signed by the Chairman.

## 58. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Members should have received an additional document submitted by NIAB, which had arrived shortly before this meeting. From the next Planning Committee meeting cut-off dates for late submissions would be introduced. This would be set at 48 hours before the commencement of the Planning Committee meeting and any submissions received after that would not be accepted. Such late submissions put additional pressure on Council officers and gave Members no chance to check their contents.
- Members were reminded that they should concentrate, and comment, on material planning issues when considering applications and not on non-relevant issues. A list of planning issues Members should consider would be circulated in the following few days.
- As this was the last Planning Committee before Christmas, Members, officers and the public were wished a happy and prosperous New Year.

## 59. **20/00880/OUT – OS LAND PARCEL 7216, BURY LANE, HADDENHAM**

The Committee considered a report, reference V120 previously circulated, for an outline application to change the use from agricultural land to recreational land to create a new recreational ground for Haddenham Parish Council to include pitches, parking, changing rooms, access and associated works.

The Planning Officer advised the Committee that it should note the comments from the Countryside Charity, Cambridge and Peterborough branch, received after the committee report was published. This was an outline application for land for recreational use on a site to the west of Haddenham, that could be accessed via a single track off Bury Lane or via New Town Road leading in to Pocket Park adjacent to the application site.

The application site comprised an agricultural field, which was outside the Conservation Area and development envelope. The application sought outline planning consent with all matters being reserved. Haddenham Parish Council already had a recreation ground with two football pitches but, given the shortage of pitches available, several village teams had to play outside the village. The Parish Council had described this scheme as the first phase of a wider recreational scheme within the site, which initially would provide three additional pitches, one full-size and two smaller ones, with access and parking



for thirty cars. There were potentially two options for vehicular access to this site – via New Town Road through Pocket Park or via Bury Lane through an existing gate.

The main considerations for this application were: the principle of development; visual amenity; residential amenity; highway safety and car parking; flood risk and drainage; biodiversity; trees and other matters.

#### Principle of Development

Planning Policy COM4 was relevant in this case, as it referred to new community facilities, and in exceptional circumstances facilities may be provided in the open countryside where there was no suitable and available land within a settlement. It stated that the new facilities should: be well located and accessible to its catchment population; not have a significant adverse impact due to traffic generated or on the character of the locality; demonstrate opportunities to maximise shared use and be designed to facilitate future adaptation for alternative community or shared uses.

While the development would not be within the settlement of Haddenham, as there were no other suitable sites available, it was well suited to the catchment area. Additional traffic would only be generated on Saturdays and Sundays, with some evening weekday use, during the football season and occasionally at other times. However, the Highways Department had raised serious concerns about capacity along New Town Road.

The impact on the character and appearance of the locality and neighbour amenity would depend on the extent of development. The distances from the settlement boundary to the football pitches would not result in significant harm to the visual or residential amenity.

Some of the requirements of Policy COM4 had been met but others had not, therefore the principle of development was not considered acceptable in relation to the scale and nature of traffic generated.

#### Visual Amenity

The site was in the open countryside but any large buildings could result in visual harm to the countryside setting. The scale and size of the proposed changing rooms were unknown, but any modestly sized buildings would not significantly harm the visual amenity. Any lighting would have to be carefully assessed, however the applicant does not envision floodlighting for the pitches in this phase. A 3 metre high wire mesh or similar fencing would be provided to the areas around the site as necessary. However, with details being unclear it was difficult to assess any potential impact. The proposed change of use to recreational use would not in itself cause significant harm to the character and appearance of the area. The proposal could generally conform with Policy ENV2 of the Local Plan.

The site was set away from the Conservation Area boundary, with only the northern side of Bury Lane close to its boundary. As matters of appearance,



layout and access were not being considered the extent of visual harm on the northern edge of Bury Lane was difficult to assess. However, any substantial changes to Bury Lane would likely affect the Conservation Area along this rural edge.

### Residential Amenity

There was more than sufficient distance in the indicative layout away from residential properties to prevent overlooking or overshadowing. The full impact on residential amenity would be assessed at the reserved matters stage, once all other details were submitted. Any future floodlighting would have to be carefully assessed, but details on this were not available. There had also not been any objection from Environmental Health over noise pollution. However, there were so many unknown issues with this application this may affect the layout of the scheme.

### Highway Safety and Car Parking

The access to the site was reserved for future consideration. Where access is a reserved matter, the outline application must state where access points to the development would be situated. The applicant had provided options for access, either via New Town Road or via Bury Lane. It was not clear whether both would be used to access the site. County Highways had raised concerns relating to New Town Road not being suitable for the vehicle numbers and types that would be generated by this proposal. It considered Bury Lane to be a potential option, though this option was not preferred by Highways or officers because it was only a single track. Highways would not want to upgrade it to adoptable standards, as it would have to become a two-way road with a footpath. If this option was pursued then a full and thorough investigation and design by the applicant should be provided prior to the application being determined. Overall, County Highways believed that the application would have a negative impact on the highways, in relation to capacity and amenity issues, and could not safely be accommodated. Therefore, the application does not comply with the aims of COM4 and COM7 of the Local Plan. Any further intensification of use of this road would become a serious amenity issue for residents. The layout for adequate parking for cars and cyclists on the site would be reserved for future consideration.

### Biodiversity

Policy ENV7 and the Natural Environment Supplementary Planning Document sought to protect existing biodiversity, as well as substantial improvements to ensure net gain. Natural England's standing advice was that the full impact on protected species be considered before determination. The Council made it clear that evidence on protected species be provided prior to determination. As the layout on this site had not been agreed and no ecology report submitted, it was difficult to review the potential impact on habitats and biodiversity. There were significant unknowns, as this was an outline planning application. The creation of the football pitches may have a limited impact, but the changing rooms and parking area may have a bigger impact. Although officers had not found any significant biodiversity issues when visiting the site, third party comments had been reviewed and the possibility of protected species being



present was acknowledged. The ecology of the area could not be assessed as no ecology survey had been provided. ENV7 states that an ecology survey must accompany an application where the potential for protected species was suspected. Without this it was not possible to overcome the concerns raised or assess whether the proposal would have a detrimental impact on biodiversity in the local area. All proposals should provide mitigation measures to lead to a net gain in biodiversity and this advice was given at the pre-application stage. The proposal failed to show that there would not be any significant harms to the ecology and so was contrary to relevant policies.

#### Other Matters

Flood Risk – the site is within Flood Zone 1 and was considered acceptable in terms of flood risk.

Trees – any access should use the existing track as much as possible, to reduce tree loss, with any additional planting as necessary in mitigation.

Overall there was a need for this development and there was support for it. It was in a sustainable location with no adverse visual amenity impact. On balance though, there would be significant and demonstrable harm to highways and biodiversity which would outweigh any benefits. Therefore, the application was recommended for refusal.

At the invitation of the Chairman, the Democratic Services Officer read out a statement submitted by Mrs Barnes, which included a list of names and addresses of 75 local residents. It stated:

On behalf of the local residents listed at the end of this statement, thank you for the opportunity to summarise our objections to the above planning application. We feel there are many omissions and failings in the application itself, which have been referenced and outlined more fully in several of the written objections already submitted. We would like to make it clear that despite the proposed loss of a community green space (the Pocket Park), and the big impact this proposal will have on local residents, an official consultation has not been carried out by Haddenham Parish Council. We dispute the statement in the Design and Access Statement that this project is going ahead with the support of the whole village. Whilst we fully understand the difficulties presented by the COVID-19 pandemic, meetings have been conducted remotely relating to this application, so the same could have been done for the consultation.

Firstly, we would like to emphasise that we feel the inclusion of the Pocket Park within this development, and its degradation from a designated play area to vehicular access for a recreation ground is completely unacceptable.

Residents of Newtown Road and the wider village (including Parish Councillors at the time) obtained grants and planted over 200 native trees and hedgerows before the park opened in 1999. Some of these residents and/or their families still live on the road today. The Pocket Park is clearly recorded as a legitimate open space (play area) in the information provided by Haddenham Parish Council for the ECDC 2012-2013 Play Audit, furthermore it provides 80% of the dedicated toddler play space in Haddenham and Aldreth, and is currently the only play area at this end of the village. The Parish Council have erected football goal posts on the park. It is also marked on the central large map of the village's green spaces on the High Street. As such it is definitely a community facility, and putting an access road through it removes the facility as a safe place for children to play, and for wider community use for relaxation and leisure.





The suggestion that disruption will be minimal as the new development will use the existing track to the Pump House is misleading - anyone who has visited the park will know there is no visible track on the grass. There is currently only light intermittent use of this access. The provision of playing fields in no way makes up for the loss of the Pocket Park which is used in a completely different way, and is currently enjoyed not only by children (for natural, free, 'loose end' play); but also by dog walkers, friends and families, childminders and the Ark Baby and Toddler Group. Sport England have advised in their response to the proposal that 'playing fields shall be used for Outdoor Sport and for no other purpose.' Both the ECDC Local Plan (COM 3), and the National Planning Policy Framework recognise the importance of retaining community facilities such as open spaces and play areas, and state that their loss for proposals involving different community facilities are not appropriate in relation to open spaces.

Residents see a huge range of animal species in the park, field and Bury Lane - including protected species like bats and rare birds like song thrushes. Removing some of the trees and hedgerows, which are now reaching maturity, will disrupt habitats and wildlife corridors, and decrease biodiversity. There are several nearby ponds and the habitat is suitable for newts, so we feel there should have been a biodiversity assessment.

We understand that at this point the application has access as a reserved matter, but both the Parish Council and Planning Officer for this application (in consultation emails) have acknowledged that the cost and work needed to provide access via Bury Lane is likely to be prohibitive. Access is shown via Newtown Road and the Pocket Park in the submitted plans, and the Design and Access Statement mentions traffic via the A1123. We would therefore like to comment on how unsuitable Newtown Road is for this development (both for the initial phase of three football pitches, and for the future further development envisioned). We are pleased to see that many of our concerns over the suitability of Newtown Road were highlighted in the Highways Consultation Report.

Newtown Road is a 100% residential cul-de-sac so the expected increase in traffic will have a huge impact. It is currently a safe street where children can play with their friends (which is recognised as important by government schemes like Street Play). This will no longer be safe, especially as the increase in traffic will be at the times children would currently be outside playing (Saturdays, Sundays and light evenings).

Lots of residents park on the road as they do not have enough driveway space (especially during weekends and evenings). Extra cars navigating the road will cause traffic to back up onto the major A1123 which will be dangerous.

The road is not suitable for minibuses and/or coaches to access the recreation ground. We understand that Gareth Wilson has stated that there has been a misunderstanding of the traffic this development will generate. We feel it is contradictory to claim that there is a desperate need for these pitches due to the large number of matches that need to be hosted in the village, yet claim that this will not generate a significant increase in traffic on a residential cul-de-sac. If teams are not using larger vehicles for transport (especially in the first phase of the development), this will result in more individual cars. Given there are plans for 30 car parking spaces and overflow parking, it is clear a large number of vehicles are expected on the site.

Access by emergency services to the pitches and residents houses may be very difficult with the increased traffic and parking.

30 parking spaces does not appear sufficient when cross-over between three matches (players, officials and supporters) is taken into account. The field is often water-logged so overflow parking on the field in the winter months may not be possible, and these cars will end up parking on Newtown Road or West End - affecting safety and the amenity of properties.

There are no cycle paths in the village, and access will be via the A1123 which is a busy road with lots of HGVs. The public transport provision in Haddenham is also poor, meaning that visiting teams will have to drive. The field is not centrally located within the village meaning that many village players are also likely to arrive by car.

There are also concerns over the development on the field itself, and the impact on wildlife corridors of the buildings, car park and fencing. The land is low lying and prone to water



logging (an issue raised specifically by neighbouring land owners). The land is not within the development envelope for Haddenham. Haddenham Parish Council have recommended refusal of planning permission on similar sites, such as land on Hillrow. This was on the basis of it being longstanding pasture of environmental importance, and being situated outside of the development envelope - which they described as seriously undermining the Local plan and work put into it. We are pleased to see that the report by Emma Barral outlines the various environmental policies of ECDC that should have been considered and addressed prior to this application being made. The report by CPRE also highlights the huge environmental importance of the area and the detrimental impact this development will have.

There have been several incidences of anti-social behaviour in Haddenham at the current Recreation Ground and the Arkenstall Centre Car Park, despite them being in a central village location. There is concern from local residents that the more isolated position of this new recreational facility will attract similar issues.

In summary we feel that on the basis that it involves degradation of the Pocket Park from a dedicated open space to an access road for a recreation field this planning application should be refused. It also is outside of the planning envelope for the village, and likely to involve access via Newtown Road which is unsuitable for the volume and type of traffic. Thank you for your consideration.

In reply to Councillor Brown's enquiry, Mrs Barnes explained that there were goalposts on Pocket Park itself. Councillor Trapp queried the parking on New Town Road and it was revealed that after work time, in the evenings and over the weekends there were more parked vehicles. There had been at least one incident where the emergency services had not been able to access the road due to cars parked in the street.

At the invitation of the Chairman, Mr Hall spoke on behalf of Haddenham Football Club and made the following comments:

- The growing success of the football club had led to a situation where the current facilities were not sufficient to sustain the club and its future growth.
- This application was a real opportunity for the Parish Council to give something back to the local community.
- Other locations had been looked at over a 2 to 3 year period, but this land was the only one that had come forward as being feasible for a new recreational facility. This was the only option.
- East Cambridgeshire District Council's Corporation Plan listed the provision of high quality community facilities as a priority, so this application would help the Council deliver on its objectives.
- There was a strong possibility that this project would attract other funding.
- In relation to the highways and parking issues – there had been no objections to the previous application for this site. The current objections centred around the use of coaches but coaches had never been used by teams before. So, that objection was flawed.
- The current recreation ground would still be used, so the games would be split between the two facilities and kick off times could be managed. This would mean that traffic would be kept to an acceptable level.
- Parking would be provided within the site, via the Pocket Park.



- There was local demand for extra facilities, as around 200 children played football, ranging in ages from 4 to 18, with 90% of them living in the village.
- Currently 3 teams had to play outside the village and 2 at the primary school.
- This new facility would be of benefit to the children, would help sustain the football club, was needed now and had been supported by 2/3 of residents in a recent survey.
- It was fully expected that all the issues would be addressed at the full planning stage.

Councillor Brown asked where 3 teams had to play and it was revealed that they had to go to Wilburton. Councillor Jones was concerned about possible anti-social behaviour at that location and wondered whether there would be any access restrictions imposed on parking there. Could funding be obtained just for outside sport? Would Pocket Park remain separate from the new facility? Mr Hall suggested that the new facility could be gated to prevent possible anti-social behaviour, though this was usually caused by people who did not drive. Additional funding could possibly be obtained from Sport England. The play area was a small rectangular area by the pump house in Pocket Park. An access road could be made through Pocket Park, but an element of the park would remain. Councillor Downey noted the 75 objectors mentioned in Mrs Barnes statement and the potential 200 children that took part in football, but asked how many people were in support of this scheme. Mr Hall reiterated his point that 2/3 of people from a survey had expressed support. Councillor Trapp queried whether Bury Lane had been considered as an access to the site. Mr Hall stated that access via Bury Lane could be an alternative, though that would involve more work and was not preferred.

At the invitation of the Chairman, Councillor Smith spoke on behalf of Haddenham Parish Council and made the following comments:

- A statement in support of this application from the Chairman of the Parish Council had been circulated to the Committee beforehand.
- This was an important project for the village and its children and it strategically aligned with the District Council's objectives.
- The outline application had been submitted to gauge the level of support for the project, to see if it would be possible.
- If it was, then the Parish Council would seek to purchase the land with the support of the Football Association.
- Once that was done then a detailed plan could be drawn up.
- The project would not proceed until the Parish Council's Planning Committee had agreed to it.
- Some issues had to be resolved and the Parish Council would expect to address them and work up the details.

Councillor Smith answered Councillor Trapp's query by stating that there was a car turning point at the bottom of New Town Road, not a car park, but parking would not be a great problem. Councillor Ambrose Smith asked what plans the Parish Council had for the future, to make a larger space for children to play. The



Committee was informed that a small access road to the site could be put in and barricaded off so children could still play there, though large tankers frequently accessed the pump house on Pocket Park already. Councillor Austen wanted to know if all the points in the Parish Council Chairman's statement had been covered. Councillor Smith stated that the statement covered the history of the site and that the Parish Council would not buy the land until it was sure it could be used. Councillor Schumann was concerned that Highways may not have been fully consulted, but Councillor Smith explained that the Parish Council had spoken to this Council's planning officers, on the previous application, and Highways had no objections at that point. However, some residents had raised concerns, so that application had been withdrawn. Since then Highways had changed its mind and was now objecting.

At the invitation of the Chairman, Councillor Wilson spoke in his capacity as a Ward Member for Haddenham and made the following comments:

- He had supported the work of the Parish Council Chairman in bringing this project forward over the last 3 years.
- The Parish Council had been told that it had not been necessary to provide an environment statement as it was only an outline application, but apparently that was not the case so this would get organised.
- With regard to the environment survey, this was only a field so it would not make much difference changing it to football pitches.
- It was important to encourage children to participate in sport and it was remarkable that the village had 5 girl teams.
- The Parish Council had taken a proactive view to provide suitable facilities.
- The Parish Council had previously submitted a more detailed application, which had not been objected to by Highways, but this had been withdrawn because of a lot of objections to the use of Pocket Park.
- There was no intention to use Pocket Park other than as a children's play area and would be continue to be used that way.
- The objections from Highways was due to a simple misunderstanding, as the Parish Council was not intending to build a massive structure because the facility would only be a reserve pitch.
- The Parish Council had chosen to check the feasibility of the scheme, therefore an outline application had been submitted instead.
- The Parish Council would consult the village, after the COVID-19 restrictions, and would then decide on the access to the site.
- The facility would cost a lot of money to create, so the Parish Council needed indicative support for the scheme.
- Once that was achieved, the Parish Council could come back with the access sorted and an ecology report.
- This site was the only flat field found that would be suitable for the extra football pitches need and the Committee was asked to support in principle the application for the additional facilities.

Councillor Hunt understood that adult football would take place on the existing pitch with the new site for the children and, in the future, if the road access was



off Aldreth Road, then pedestrian access to Pocket Park from New Town Road would be provided. Councillor Wilson confirmed that the existing recreation ground had a full-sized football pitch, whereas the new field would have 3 smaller pitches, the exact sizes determined by the age groups using them. It would be logical to provide access for pedestrians in the future from New Town Road. Councillor Downey could not see that there would be any loss of biodiversity, but if any were found during the biodiversity survey would the Parish Council step back from the project? It was noted that 75 people had objected, but was there any indication of how many people supported the application? Councillor Wilson answered that any issues over projected species would be sorted out. It was difficult to gauge the exact number of residents who would support the scheme, though the Neighbourhood Plan survey had indicated that a lot of people thought the village needed extra facilities. Councillor Brown wondered whether the Parish Council had expected objections from Highways on this new application. Councillor Wilson revealed that the outline application had been dealt with by a different Highways officer to the previous application, but the new objection was irrelevant. The Water Company regularly got its lorries down New Town Road, so coaches would not be a problem, though they would definitely not be used. Councillor Harries noted the major objection from the Campaign to Protect Rural England due to the unique nature of Bury Lane. Councillor Wilson acknowledged that Bury Lane was a green lane used by farm vehicles, but cars could get down there without disturbing the hedgerows or wildlife. Councillor Jones noted the proposed use of 3metre high wire fencing and asked what type of hedging was in existence and whether the new fencing would be intrusive? Councillor Wilson explained that the fencing would be erected behind the goals and alongside a walkway around the edge of the field, for pedestrians and dog walkers, and would be see through. In response to Councillor Trapp's question, Councillor Wilson stated that coaches would definitely not be used.

Councillor Schumann thanked the Case Officer for a comprehensive update and asked if further pre-application advice was taken from the Local Highways Authority in between applications. The Case Officer could not confirm this, but assumed no additional pre-application advice had been sought.

Councillor Jones then asked the Planning Officer about the width of New Town Road. The Planning Officer stated that it was a narrow road making it difficult for cars to pass between parked cars. The applicant had been provided with pre-application advice and Highways had been formally consulted on the previous full application. Highways had raised concerns about parking, but not on highway safety, and had wanted clarity on parking and parking spaces. Several amendments to that application had been suggested but, as the details were unclear, that application had been withdrawn.

With reference to biodiversity, all applications had to be accompanied with information on biodiversity and include any mitigations where necessary. The applicant was told this, as information on potential protected species was needed. Natural England Standing Advice clearly stated that no conditions could be attached relating to such surveys.



Councillor Schumann asked whether Highways could have been consulted further. The Committee was assured that they had been and the Case Officer had been in discussions with them. Councillor Schumann then suggested that the debate be curtailed, as Members had implemented policies on protected species meaning applicants had to go through particular steps before submitting an application. On two previous occasions the Committee had noted that this had not been undertaken and had consequently refused the applications. The Council had this policy and should not agree to a subsequent survey as a condition. Highways had also objected on clear grounds. This application fell short of the necessary standards, could bring the Council into disrepute if rules were changed and therefore proposed it should be refused.

Councillor Hunt expressed the view that the Parish Council had to understand that all Members would support what it was trying to do, as there was a need for it. Haddenham was expanding and anything to get children in sport would be good. It would be essential to provide relevant facilities and a sports field would preserve the open space. However, permission should not be given without an ecology report being completed. Very little work had been done on the access from Aldreth Road as well.

Councillor Hunt then proposed that the application be deferred until next year to allow the applicants to complete an ecology survey and to carry out additional work on the access for vehicular and pedestrian traffic.

Councillor Schumann sought legal advice on whether the advice had changed since a previous application had been refused on similar grounds. The Legal Services Manager and Planning Manager advised the Committee that the advice from Natural England was clear, that the application should not be approved with a condition about an ecology survey. Without the relevant information the application should not go ahead but it was unclear whether it could be deferred, that was a decision for the Committee.

Councillor Harries was strongly in support of the proposal to defer, acknowledging that the application was not acceptable in its current form. He was concerned about the objections from Highways, as this could veto the application. Everybody supported the idea but the Parish Council had to ensure an effective consultation and engage with Highways to resolve the issues.

Councillor Downey accepted that there was not enough information to decide, so that was the whole point of deferring the application. The applicant should go away and obtain this information and bring it back to the Committee. Councillor Downey then seconded the proposal to defer the application.

Councillor Schumann proposed, duly seconded by Councillor Austen, that the officer's recommendation for refusal be agreed, as there was insufficient information to determine the application and to maintain consistency in the Committee's decision making, as at least two previous applications without an ecology survey had been refused. When put to the vote this proposal was lost.



The Committee then considered the proposal for deferral and when put to the vote this was declared carried.

It was resolved:

That planning application reference 20/00880/OUT be DEFERRED to next year to allow the applicants to complete an ecology survey and carry out further investigations in relation to the access for vehicular and pedestrian traffic to the site.

**60. 20/01145/FUL – NIAB AGRIGATE RESEARCH HUB, HASSE ROAD, SOHAM**

Emma Barral, Planning Officer, presented a report (reference V121, previously circulated) for an application for the installation of a solar array and associated development.

The Planning Officer reminded the Committee that revised plans had been received and an update circulated to Members that morning, that clarified the soft and hard landscaping on the site and the recommendation was to accept the amended plan. The only reason the application had come to the Committee for determination was because the scale of the development exceeded the limit set within the Council's Constitution for a delegated decision by officers.

The site was located north of Hasse Road outside Soham and was for a small scale solar array attached to an existing facility. It was anticipated that it would generate enough power equivalent to the provision required for 19 to 20 households. It would be located within an underused part of the site and the northern part would be retained as grassland, in accordance with the revised plan. It would include for electrical generation storage module, which would house associated equipment. The power it generated would be fed into the main incoming board on the site. The solar panels would be aligned in four rows, 2.7 metres above ground level.

The main considerations in the determination of this application were: principle of development; visual amenity; residential amenity; highway safety; trees and landscaping; heritage assets; biodiversity; flood risk and drainage; other matters.

Principle of Development

This application related to a wider upgrade and refurbishment project by NIAB and aimed for an improvement in renewable energy on the site. It would have significant benefits to the business and the local area. It also complied with the National Planning Policy Framework and Council policies to secure opportunities for renewable energy generation in the district and to contribute towards mitigation of climate change. Therefore, the principle of development was considered acceptable.



### Visual Amenity

Although the site was located in the countryside, the proposals would only be a minor addition, would be screened and so would only have a minor visual impact.

### Residential Amenity

Due to its location, being a substantial distance from nearby dwellings, it would have very little impact on residential amenity.

### Highway Safety

Although the site was off Hasse Road, and would use the existing access, it was not anticipated that there would be long-term traffic issues.

### Flooding and Drainage

The site was in Flood Zone 3, a high risk area, and surface water would runoff directly to the ground beneath the solar panels, and would partly infiltrate or runoff to the nearest watercourse. Surface water would not travel into the site and during a flood event it was unlikely there would be standing water on the site. Subject to the agreement of a suitable condition in relation to surface water drainage, this would be considered acceptable.

### Other Matters

The existing trees would be retained. The development would not affect any natural conservation sites. As the site was not located near any airfields, the solar panels would not be large enough to cause problems through glint and glare. The revised plan, coupled with ecology requirements, were considered agreeable.

Therefore, the application as amended was recommended for approval.

At the invitation of the Chairman, Dr Smith, on behalf of the Applicant, made the following comments:

- The hub was set up in 2015 on a brownfield site to support Agritech businesses.
- It was a unique incubator and NIAB wished to continue its improvement.
- With the cost of electricity rising, there were concerns that the business would not be able to continue with its experiments due to high electricity usage.
- The proposal was in accordance with local policies.
- The solar panels would be for demonstration, which was why they were wanted on the ground and not on the roof of a building.
- The application would comply with current legislation and would have no significant impacts on the local area.
- Although the solar panels would only cover a small area, they would make a big difference.
- To support biodiversity on the site, it was proposed to plant a mixed herbal ley under the solar array, in compliance with the revised plan.
- There were no planning reasons why this application should be refused.





Councillor Hunt asked how many households, for example, would this scheme power. Dr Smith responded between 6-8 dwellings. In response to a question raised by Cllr Trapp, Dr Smith answered the scheme also involved a heat pump.

Councillor Brown stated he was in support of the application. Councillor Harries thought this was exactly the sort of institute the district should have and thought the application should go ahead. It was therefore duly proposed by Councillor Hunt, seconded by Councillor Jones, and when put to the vote, approved.

It was resolved:

That planning application reference 20/01145/FUL be APPROVED, subject to the conditions listed in the report with the following amendments (as set out in the committee update), as amended due to the developer's revised plan,:

- Condition 1 to include the updated plan;
- Condition 3 (hard landscaping) was not now required;
- Condition 4 was revised as the wording "Notwithstanding the approved plans" was not now required.

**61. 20/01069/FUL – 72B WEST STREET, ISLEHAM**

Rachael Forbes, Planning Officer, presented a report (reference V122, previously circulated) for an application for the construction of a four bedroom two storey detached dwelling and garage/games room/gymnasium.

The Planning Officer advised the Committee that the main considerations in the determination of this application were: principle of development, visual amenity, residential amenity, highway safety and parking, ecology and trees, flood risk and drain age, and other matters.

Principle of Development

The site was located within the development envelope, so the principle of development was acceptable.

Visual Amenity

The application was for a dwelling that was similar in scale to one approved for Plot 2 and was the same scale as Plot 1. It also had similar details to nearby dwellings and was in keeping with the area. There would be limited views of the garage. There would be no impact on visual amenity.

Residential Amenity

There would be sufficient distances between the new dwelling and nearby dwellings so there would be no significant impact on residential amenity.



### Highway Safety and Parking

Access to the site had previously been approved, and had been constructed, and there would be no more intensification of access caused by the new building. Sufficient space for parking and turning would also be provided.

### Other Matters

The site would be unsustainable for protected species, so biodiversity enhancements could be achieved via suitable conditions. There were no objections regarding the trees on site, as matters had not significantly changed since the report in 2018. The site was at low risk of flooding or contamination. An archaeological programme had already been completed.

Therefore, the application was recommended for approval.

At the invitation of the Chairman, the Democratic Services Officer read out a statement on behalf of Mr T Drayton, the Applicant. It stated:

Thank you for taking the time to read my statement regarding this planning application. I have been employed as the builder and consultant for the recent build of 72A West Street, Isleham, which is now complete and I have been given the opportunity to purchase the land for 72B. I am a local builder, employing local tradesmen (who are predominantly from the village of Isleham).

The main reason for wanting to buy this land and build this new dwelling, is for myself, my wife and my 3 young sons. We would be building this for ourselves to have as our family home. This is not a property we wish to build and sell on. Unfortunately, we can not find a property that meets all of our needs.

Our children are very settled in the local school, and I run a local youth football team in the village, so staying local is priority for my family.

This property would give my children space to grow, to have a great amount of outdoor space but more importantly, it will ensure us the space should/when my wife's condition deteriorates. Unfortunately she suffers from the degenerative neurological condition of multiple sclerosis.

After reviewing the plans for the previously approved dwelling on this site, I've needed to adjust the floorplan of the dwelling to have future disability at the forefront of my mind. However, I have not adjusted the floor area of the garage that was previously approved.

We do hope that you approve our application.

Councillor Trapp wondered whether the plan for the house had been changed for easier access. The Planning Officer confirmed to Members that the scale of the development had not changed significantly from the previous approval.

The recommendation for approval was duly proposed by Councillor Brown, seconded by Councillor Ambrose Smith and when put to the vote it was declared approved.

It was resolved:

That planning application reference 20/01069/FUL be APPROVED subject to the recommended conditions in the officer's report.



62. **PLANNING PERFORMANCE REPORT – OCTOBER 2020**

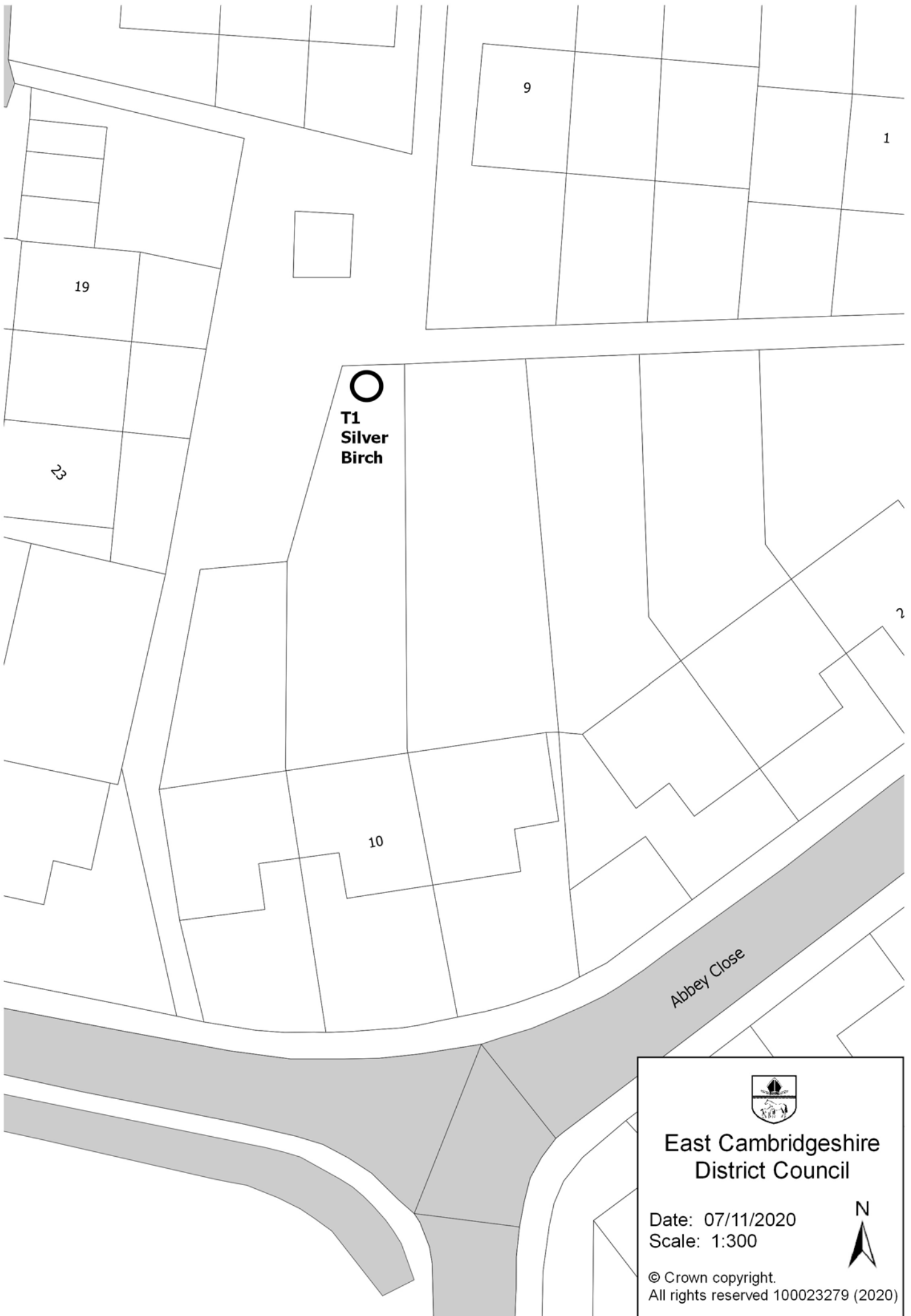
Rebecca Saunt, Planning Manager, presented a report (reference V123, previously circulated) which outlined the performance of the Planning Department for October 2020.

The Planning Manager confirmed that the Appeal Hearing for the McCann case would be a virtual hearing instead of written representations. Two planning appeals that had been approved by the Planning Inspectorate had been challenged by the Council. They had been taken to the High Court and had been quashed. The Inspectorate would now have to re-determine those appeals. A table had been included in the report to show the numbers and types of Enforcement complaints received during the month.

It was resolved:

That the Planning Performance Report for October 2020 be noted.

The meeting closed at 3:35pm.



**T1  
Silver  
Birch**

Abbey Close



**East Cambridgeshire  
District Council**

Date: 07/11/2020  
Scale: 1:300



© Crown copyright.  
All rights reserved 100023279 (2020)

**MAIN CASE**

Proposal: Confirmation of Tree Preservation Order E/01/20  
Location: rear garden of 10 Abbey Close Burwell.  
Applicant: N/A  
Agent: N/A  
Reference No: TPO/E/01/20  
Case Officer: Kevin Drane, Trees Officer  
Parish: Burwell

Ward: Burwell  
Ward Councillors: Councillor David Brown  
Councillor Lavinia Edwards

---

**[V124]**

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for one tree in the rear garden of 10 Abbey Close, Burwell. This matter is being referred to Committee due to objections received in the 28 days consultation period, which ended on 5<sup>th</sup> January 2021, and for the requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

The TPO is confirmed, for the following reasons: The tree is a prominent specimen, highly visible, in good health and its significant visual contribution to the amenity of the local landscape in this part of Burwell.

3.0 **COSTS**

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffers any loss or damage within 12 months of that decision being made.

#### 4.0 **BACKGROUND**

- 4.1 The Order was made after a request by the tree owner who nominated the trees for preservation because she believed it was a good specimen and that if it was removed it would take away from the character of the area.
- 4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 19<sup>th</sup> August 2019 because:
- The tree was assessed to have significant amenity value, as it makes a significant visual contribution to the local landscape in this part of Burwell.
- 4.3 An objection to the serving of the TPO was received in writing from a neighbour during the statutory consultation period. The letters of objection are in Appendix 1. The details of the objection were:
- Objection to the TPO being confirmed. The TPO is being sought so that the tree owner can rely on it in order not to maintain the tree to a healthy and appropriate size for its surroundings.
  - The tree requires overhanging branches pruning so that fallen leaves would not present a health and safety risk to members of the public. It is understood that the TPO does not prevent pruning but neither does it compel it.
  - Does not agree with tree officer's opinion that the tree provides a significant amenity asset to the surrounding area.
  - Should the tree fall due to weather conditions it could cause considerable damage to persons and six surrounding properties.
  - The presence of a TPO would place unnecessary restrictions on any future owner.
  - The tree roots are already causing damage to the public area and footpaths
  - The tree is causing unseen problems for adjacent properties both below ground and above.
- 4.4 Support for the TPO was received during the consultation period. The documents are in Appendix 2.
- 4.5 Given the comments received, including the objections, and also the public request for the serving of the TPO, it was considered appropriate for the Planning Committee Members to consider all the comments received and reach a democratic decision on the future protection of the single TPO tree.

## 5.0 **CONCLUSIONS**

- 5.1 The presence of a TPO does not alter the tree owner's duty of care as it does not stop pruning of trees or even their removal if required, especially in relation to public safety. What the TPO does do is give the Local Planning Authority the ability to refuse or alter the specification of any pruning if it is not deemed appropriate or justified. It also gives the Local Planning Authority the ability to require replacement planting if it is deemed necessary to remove a tree.
- 5.2 The pruning of overhanging branches is unlikely to significantly effect leaves falling on public areas due to winds being able to blow leaves a considerable distance combined with there being two other significantly sized Silver Birch trees in close proximity.
- 5.3 Whilst determining if the tree is of sufficient amenity value or not is to some extent subjective, the Trees Officer remains of the opinion that the tree makes a visual contribution to the local landscape and character of the area.
- 5.4 As part of the process for making the new TPO the tree was assessed relating to its current condition and no issues were noted relating to the foreseeable failure of the tree.
- 5.5 Any potential future owner of the property would be informed of the presence of the TPO as part of a land search and it is also a legal duty to inform the purchaser of the presence of a TPO. This allows any potential purchaser the option to decline the purchase of the property or request a professional assessment of the tree prior to finalising the purchase.
- 5.6 The Tree Officer noted when assessing the tree that there was some lifting of the tarmac path which is likely to have been caused by tree roots, but it was felt that this could be simply fixed by the duty holder (Cambridgeshire County Council as an adopted highway). The paved area is very unlevel but due to the age of the development and the pattern of movement it was the officer's opinion that the tree is not the primary cause of the movement.
- 5.7 The claim raised by the objector in relation to unseen problems is hard to disagree with, as any possible issues are quite often unseen. But the soil conditions in this part of Burwell do not lend themselves to subsidence and there are no reports of this in the vicinity. Blocked drains are another possibility but no reports of this have been received.
- 5.8 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owner can then remove the tree or prune it if they wished to, without any permission required from the Council.

Appendix 1 - Letters of objection to the TPO from neighbour at 9 Priory Close.

Appendix 2 - Emails supporting the TPO, received from the tree owner.

Appendix 3 – Documents:

- Copy of the TPO/E/01/20 document and Formal Notice documents
- ECDC TPO Assessment Sheet

---

<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
Town & Country Planning Act 1990 Town & Country Planning (Tree Preservation) (England) Regulations 2012 National Planning Policy Guidance from 6 <sup>th</sup> March 2014 <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/">http://planningguidance.planningportal.gov.uk /blog/guidance/tree-preservation-orders/how- are-offences-against-a-tree-preservation- order-enforced-including-tree-replacement/</a>	Kevin Drane, Trees Officer Room No. 002 The Grange Ely	Kevin Drane Trees Officer 01353 665555 kevin.drane@eastcambs.gov.uk
East Cambridgeshire District Local Plan 2015		



9 Priory Close  
Burwell  
CB25 0HW

Dear Sir/Madam

TREE PRESERVATION ORDER TPO/E/01/20  
At 10 Abbey Close, Burwell, Cambridge, CB25 0HN

EAST CAMBRIDGESHIRE

- 1 DEC 2020 DMS

DISTRICT COUNCIL

**OBJECTION**

I write in reference to the above TPO and wish to formally record my objection for the following reasons:

I challenge the local authorities view that the tree provides a significant amenity asset to the surrounding area. It is of a substantial size and to place a TPO on the tree would place a restriction on the pruning of the said tree. The tree is overbearing and dominates the surrounding area.

Should the tree be felled in its current state due to weather conditions, it would cause considerable damage to person and at least 6 surrounding properties.

The tree generates a substantial amount of fallen leaves on the public footpath due to overhanging branches. I have cleared them for several years due to the risk they pose. Should the TPO be successful, it will prevent the efficient pruning of the tree and continue to present a risk to the public including children who play in the area. I expect that the council adhere to their health and safety obligations and clear the leaves from now on to negate any risk of injury.

I am concerned that by imposing a TPO the householder will be unable to remove the tree should the tree become a risk to the greater public because of its health.

It is apparent that the tree roots are already causing damage to the public area and pathway adjacent to the property by raising the path. The tree is no doubt causing unseen problems for adjacent properties both below ground level and above.

For these reasons I conclude that imposing a Tree Protection order places undue hurdles for the householder in determining how best to respond to the challenges imposed by the tree.

I look forward to acknowledgement of the above and receiving details of the Council's determination upon this matter in due course.

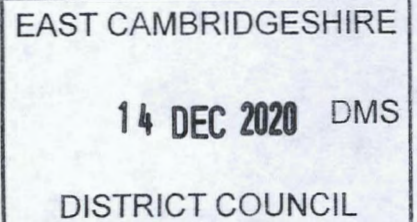


9 Priory Close  
Burwell  
CB25 0HW

11<sup>TH</sup> Dec 2020

Dear Mr Drane

TREE PRESERVATION ORDER TPO/E/01/20  
At 10 Abbey Close, Burwell, Cambridge, CB25 0HN



**OBJECTION**

I write in reference to the above TPO and your letter dated 7<sup>th</sup> December 2020.

I wish to make the following comments for the planning committee:

I feel a TPO is being sought so that the householder can rely on it in order to not maintain the tree to a healthy and appropriate size for its surroundings. I believe that this is not in the spirit of why a TPO should be granted and it would be unfair for planning legislation to be relied upon in this case.

I simply asked that the overhanging tree branches be pruned so that the fallen leaves would not present a health and safety risk to members of the public. I fully understand that the TPO does not prevent pruning but neither does it compel any pruning. I fear that the tree will be left and present a real risk to others should a TPO be granted.

I challenge the local authorities view that the tree provides a significant amenity asset to the surrounding area. It is of a substantial size and is over bearing to its surroundings.

Should the tree be felled in its current state due to weather conditions, it would cause considerable damage to person and at least 6 surrounding properties.

A TPO would place an unnecessary restriction on any future householder. A TPO is simply not needed and the application is being used for ulterior motives.

It is apparent that the tree roots are already causing damage to

the public area and pathway adjacent to the property by raising the path. The tree is no doubt causing unseen problems for adjacent properties both below ground level and above.

Kind regards



From: [REDACTED]

Sent: 04 December 2020 10:32

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

Subject: Re: [EXTERNAL] Re: ECDC tree enquiry

**Caution:** External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is [REDACTED]

---

Dear Kevin,

I just wanted to say thank you for sending out the TPO and for supporting my application for it so far.

I do expect objections from two of my neighbours... [REDACTED]

[REDACTED] and they talk to each other about leaves and twigs which fall on the communal space. The communal space belongs to Priory Close not Abbey Close where I live and I already contribute to the upkeep of the green on Abbey Close where the local men residents have a rota for cutting the grass.

One of the reasons we bought this house was because of the silver birch tree. My three girls have grown up with it and we all love it. It supports nesting birds and songbirds, squirrels who have a dray in it currently and lots of insect life. It brings me peace and contentment when I sit down there next to my pond and listen to the wind in the leaves.

The various incidents that have happened [REDACTED] and have tainted the joy I felt when looking out at the tree. Instead of something I thought was bringing joy to many other people in the local area I was living in ( and still am ) I now live with the knowledge that someone nearby hates the tree and everything about it and wants it cut down.

[REDACTED]

I understand people often behave like this when there is some anxiety and perhaps she is afraid it would fall on her house in a storm. I gave it some thought and decided I would source a good tree surgeon to make sure the tree was healthy. I felt obliged to have something done about it after her comments.

He said it was a fine healthy tree, no sign of disease and in all likelihood would not fall in any direction but into our own garden. I asked him to do some tree surgery on it which he did very sensitively, thinning out a lot of branches so now the wind blows through really well... [REDACTED]

[REDACTED] saying it was still too big and needed topping.

Which I know would kill it.

So that's the reason why I have applied for a TPO .

I am still worried she will put in some objection which will be upheld but even if that happens it is still my tree and I will protect it for as long as I live here. Trees have nobody to stand up for them unless there is someone willing to. The idea for having a TPO is also to protect the tree even after we leave the house for the future families who May move into the area.

Kind regards

[REDACTED]

**From:** [REDACTED]

**Sent:** 15 June 2020 12:48

**To:** Kevin Drane <Kevin.Drane@eastcambs.gov.uk>

**Subject:** Fwd: ECDC tree enquiry

Dear Kevin,

Thank you for your email.

I would like to make a formal request for a preservation order to be put on the silver birch at the end of my garden. It is on my property.

It overhangs a communal area but is not overhanging into anybody else's property.

I have had it sympathetically pruned by an excellent tree surgeon about 5 years ago costing £300 . It had tree surgery I believe at two other times before we moved into this house 23 years ago so it has a good shape.

The tree surgeon I had checked the health of the tree and said all was well, it was a fine healthy tree and I should not have any worries about it.

It is a big tree but is very graceful and beautiful. I think if it was removed it would take away from the character of the area. There are some other birch trees planted on other properties at the same time and I think it would be quite a loss if my tree was to be threatened with removal at any time. One of my neighbours two doors up had a similar tree but had it pruned very aggressively by tree surgeons who I believe were not professional. They cut off the crown of the tree and 2 years later it had to be completely removed . Perhaps it had rotted from the top down after being topped. ?

I have had one comment from a neighbour asking me to have my tree crowned or pruned to make it much smaller as she doesn't like the tree saying it's too big but I do not think that it would be the right thing for the tree.

Over several years we have had birds nesting in it and this year had a family of blue tits. I have also had green finch and gold finch to the feeder on the tree.

I would be very grateful if you would go ahead and carry out an assessment of the tree.

[REDACTED]

Kind regards

[REDACTED]

Sent from my iPad

Dated: 27th November 2020

TPO/E/01/20

=====  
**TOWN AND COUNTRY PLANNING ACT 1990**  
=====

**TREE**

**PRESERVATION**

**ORDER**

Relating to: - 10 Abbey Close Burwell Cambridge CB25 0HN

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

ORDER.TPO

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

**TREE PRESERVATION ORDER**

---

**Town and Country Planning Act 1990  
The Tree Preservation Order at 10 Abbey Close Burwell Cambridge CB25 0HN ,  
TPO/E/01/20 2020**

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

**Citation**

1. This Order may be cited as the Tree Preservation Order at 10 Abbey Close Burwell Cambridge CB25 0HN , TPO/E/01/20 2020

**Interpretation**

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

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

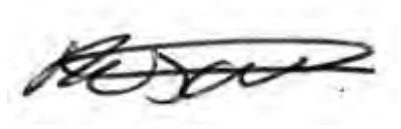
**Application to trees to be planted pursuant to a condition**

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



Dated this 27th day of November 2020

Signed on behalf of the East Cambridgeshire District Council



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

**CONFIRMATION OF ORDER**

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

*OR*

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

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

**DECISION NOT TO CONFIRM ORDER**

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

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

**VARIATION OF ORDER**

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

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

**REVOCATION OF ORDER**

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

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

**SCHEDULE  
SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
<b>T1</b>	<b>Silver Birch</b>	<b>Located against rear boundary of 10 Abbey Close</b>

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

Reference on map	Description	Situation
	<b>NONE</b>	

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

Reference on map	Description (including number of trees in the group)	Situation
	<b>NONE</b>	

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
	<b>NONE</b>	



**East Cambridgeshire  
District Council**

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

**TREE PRESERVATION  
ORDER  
No. E/01/20**

rear garden of  
10 Abbey Close  
Burwell  
Cambridge  
CB25 0HN

**T1 - Silver Birch**

**PLANNING SERVICE**

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE  
R. Saunt. Planning Manager

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

Date: 27/11/2020  
Scale: 1:400



© Crown copyright.  
All rights reserved 100023279 (2020)



## TREE PRESERVATION ORDER ASSESSMENT SHEET

Postal Address:	10 Abbey Close Burwell Cambridge CB25 0HN	
Date of inspection:	15 <sup>th</sup> June	Reference: E/01/2020
Tree(s) assessed by:	Kevin Drane	

<b>DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed</b>		
Category	Description (incl. species)	Situation
T	Silver Birch	Located against rear boundary of 10 Abbey Close

<b>CRITERION</b> [see guidance notes]	<b>ASSESSMENT</b>
<b>Visibility from a public place</b>	There is a public path adjacent the tree and it is visible from approximately 12 properties
<b>Individual Impact</b> i) <b>Size, form (incl health/condition)</b> ii) <b>Intrinsic beauty and/or contribution to the landscape (incl estimated life-expectancy and appropriateness to setting of the species)</b> iii) <b>Scarcity</b> iv) <b>Future amenity potential</b> v) <b>Distance from built structures and public highway, and impact the growth of the a tree may have on these</b> vi) <b>Special or other factors</b>	<p>The tree is approximately 18 to 20m tall with a crown spread of 6m in each of the cardinal points. There were no indications of ill health or reduced vitality evident at inspection beyond the expected amount of deadwood for a tree of this age.</p> <p>The tree has developed a good form and shape and is a striking specimen. The future life expectancy of the tree is in excess of 20/30 years. The siting of the tree and its species is appropriate for the area. The species of tree is common but the scale of this tree is uncommon. As the tree continues to grow its amenity value will increase as it develops the characteristics of a mature specimen.</p> <p>The nearest structure is a wall which is less than 0.5m away the nearest significant structure is a house which is approximately 12m away. There is a public path adjacent the wall.</p> <p>TPO requested by the tree owner.</p>
<b>Collective impact (for a group of trees or a woodland)</b>	
<b>Wider impact</b> i) <b>Significance in local setting</b> ii) <b>Suitability</b> iii) <b>Impact having regard to presence of other trees</b>	<p>The tree is highly visible with at least 12 properties being in line of sight of the tree.</p> <p>The tree species is suitable for the location any future pruning can maintain this. There are no other trees impacted by the presence of this tree.</p>

<b>EXPEDIENCY</b>	
<b>Evidence for risk of the tree being cut down or pruned</b>	Tree owner has mentioned pressure from one neighbour to have the tree cut back
<b>Would felling/pruning have a significant impact on the amenity of the area?</b>	Minor maintenance pruning of the tree would be of little concern the felling of the tree would have a significant impact on the amenity of the area.
<b>Is the risk immediate?</b>	Unknown

<b>SUMMARY ASSESSMENT – APPROPRIATENESS OF IMPOSING A TPO</b>
<p>The tree is highly visible in good health and a TPO has been requested by the tree owner due to its amenity value.</p>

# TREE PRESERVATION ORDER ASSESSMENT SHEET GUIDANCE NOTES

CRITERION	GUIDANCE
<b>AMENITY VALUE</b>	
<p><b>Visibility from a public place</b></p> <p><b>Individual impact</b></p> <p>(i) <b>Size, form</b></p> <p>(ii) <b>Intrinsic beauty and/or contribution to the landscape</b></p> <p>(iii) <b>Scarcity</b></p> <p>(iv) <b>Future amenity potential</b></p> <p>(v) <b>Special or other factors</b></p> <p><b>Collective impact (for a group of trees or a woodland)</b></p> <p><b>Wider impact</b></p> <p>(i) <b>Significance in local setting</b></p> <p>(ii) <b>Suitability</b></p> <p>(iii) <b>Impact having regard to presence of other trees</b></p>	<p>The Act does not define ‘amenity’, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State’s view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.</p> <p>LPA’s should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO. In the Secretary of State’s view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.</p> <p>LPA’s should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the ‘amenity value’ of trees in a structured and consistent way, taking into account the following key criteria:</p> <ol style="list-style-type: none"> <li>(1) <b>Visibility:</b> the extent of which the trees or woodlands can be seen by the general public will inform the LPA’s assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;</li> <li>(2) <b>Individual impact:</b> the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree’s particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. As noted in paragraph 3.2 above, in relation to a group of trees or woodland, an assessment should be made of its collective impact;</li> <li>(3) <b>Wider Impact:</b> the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.</li> </ol>
<b>EXPEDIENCY</b>	
<p><b>Evidence for risk of the tree being cut down or pruned</b></p> <p><b>Would felling/pruning have a significant impact on the amenity of the area?</b></p> <p><b>Is the risk immediate?</b></p>	<p>Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.</p> <p>It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.</p>

## List of Consultees

Owner(s):

Parish Council:

Ward Councillors:

Legal

Land Charges

Planning

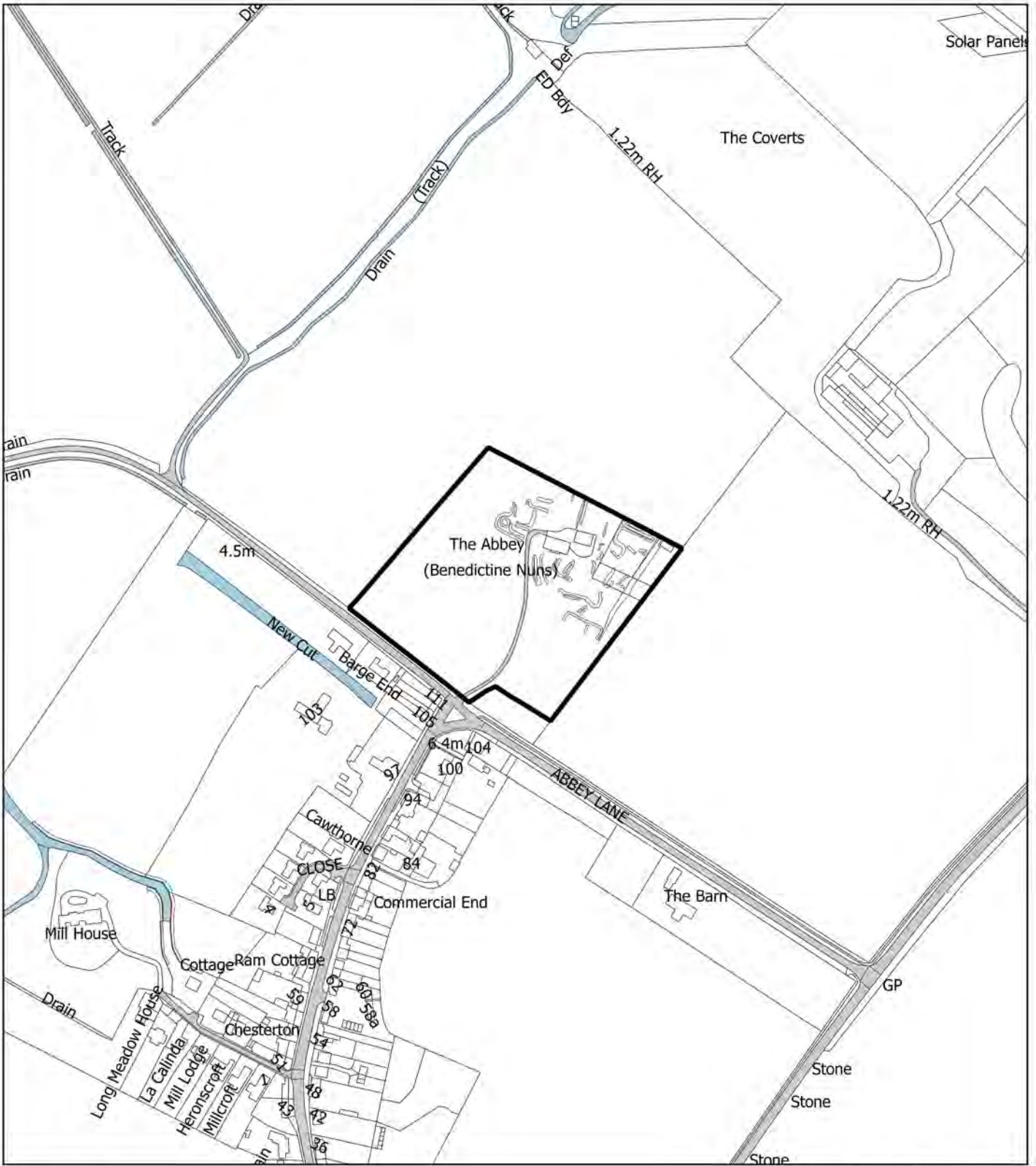
Site Notice  
needed?

Yes  No

Neighbours:

(To be checked on site)

**Date Notified**



20/00932/FUL

The Abbey  
Abbey Lane  
Swaffham Bulbeck



East Cambridgeshire  
District Council

Date: 18/01/2021  
Scale: 1:4,000



© Crown copyright.  
All rights reserved 100023279 (2020)



---

**MAIN CASE**

**Reference No:** 20/00932/FUL

**Proposal:** Construction of tennis court in garden to The Abbey

**Site Address:** The Abbey Abbey Lane Swaffham Bulbeck Cambridge CB25 0NQ

**Applicant:** Mr & Mrs Burke

**Case Officer:** Emma Barral Planning Officer

**Parish:** Swaffham Bulbeck

**Ward:** Bottisham  
 Ward Councillor/s: Charlotte Cane  
 John Trapp

**Date Received:** 20 July 2020      **Expiry Date:** 12<sup>th</sup> February 2021  
**[V125]**

---

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
  - 3 Archaeology
  - 4 Fencing Details

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent for the construction of a new hard surfaced tennis court with surrounding fence to the northwest corner of the Site.
- 2.2 The proposed hard standing for tennis court will measure 17m x 35m (55 feet x 114 feet) with an area of 595sqm (6400 square foot). It will be located at the northwest corner of the property, at a distance of approximately 50m (164 feet) from the main house. A detailed construction specification is provided in support of this application which details the method of construction for the court. Removal of topsoil to a depth of 150mm (0.5 feet) is required to facilitate construction, with 4x posts installed at the corners to support the fencing.

- 2.3 The boundary of the playing area will be enclosed by fencing measuring 2.75m (9 feet) in height. The court will have a 150mm (0.5 feet) lime-stone base with a further porous layer of macadam and green painted finish. The porous nature of the surface will allow the court to drain quickly to avoid any surface water issues.
- 2.4 The fencing will be high-specification post and chain link with galvanised steel painted black.
- 2.5 The application has been called in to Planning Committee by Councillor Trapp who has stated that the applicants feel that “the condition imposed by County Archaeology has already been met and the applicants have done everything possible to establish that the site is not of significant archaeological significance, and to this end it would be quicker to have this called into Planning Committee”.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **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

95/00041/LBC	Demolition of Derelict Garage and Repairs, Alterations & Improvements to Dwelling (part demolition)	Approved	27.04.1995
95/01001/FUL	Demolition of existing timber garage and erection of new garage and storebuilding in grounds	Approved	11.07.1996
95/01002/LBC	Demolition of existing timber garage and erection of new garage and storebuilding in grounds	Approved	11.07.1996
05/01160/LBC	Repairs/Rebuilding parapet walls at roof level.	Approved	19.12.2005
05/01162/LBC	Works to support existing chimney	Approved	21.02.2006
12/00416/TRE	T1, T2 & T3 Holly Trees - overall reduction by 50% and reshaping.	Allowed	08.06.2012

12/00779/FUL	Part enclosure of the covered veranda of the existing building to create a wine store.	Approved	02.10.2012
14/01428/LBC	Internal and external alterations to listed building	Approved	10.02.2015
14/01428/DISA	To discharge conditions 3 (windows and doors) and 4 (rainwater and soil vent) of decision notice dated 11.2.15 for internal and external alterations to listed building	Condition Discharged	23.07.2015
15/01057/LBC	To carry out minor alterations to install a new bathroom on the first floor (see previously approved application 14/01428/LBC)	Approved	05.11.2015
15/01057/DISA	To discharge condition 3 (Details of proposed soil vent pipe and visible pipework) on decision dated 5.11.15 for carrying out minor alterations to install a new bathroom on the first floor (see previously approved application 14/01428/LBC)	Condition Discharged	26.01.2016
14/01428/DISB	To discharge condition 3 (Details of proposed windows & external doors) on decision dated 11.2.15 for Internal and external alterations to listed building	Condition Discharged	26.05.2016
14/01428/DISC	To discharge condition 6 (Internal staircases) of decision dated 11/02/2015 for the internal and external alterations to listed building	Condition Discharged	18.07.2016
16/01156/CLB	Replace existing "Bottesford Blue" pan tiles with plain tiles to match existing nearby roofing detail.	Approved	05.10.2016

Proposed sample tiles are on site and photograph attached.

14/01428/DISD	To discharge condition 3 (Window and door detailing) on decision notice dated 11.2.15 for Internal and external alterations to listed building	Condition Discharged	24.04.2017
17/00403/LBC	New window opening in south wall in the easternmost bay of the undercroft plus consolidate and repair defective stonework etc	Approved	25.04.2017
17/02130/FUL	Construction of a new double garage	Approved	02.02.2018
19/00206/TRE	T1 Ash + T2 Ash - Fell due to Ash Dieback disease (butts to be retained at hedge height.) Replacement native hardwoods to be planted within the garden adjacent to felled trees) T3, T4, T5 Ash - Fell due to Ash Dieback disease (but no replacement planting due to proximity of adjacent trees) T6 Willow - Reduce crown by 50% T7 Coast Redwood - Fell due to extensive basal decay.	Allowed	09.10.2019
19/01524/FUL	Construction of bore hole and rill pond within the northeast garden	Withdrawn	23.01.2020

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the north-east of the village of Swaffham Bulbeck, approximately 8 miles from Cambridge. The house sits to the north of the site and is set on a north-west to south-east orientation. The Abbey is accessed from the driveway to the south and is the location of a Benedictine Nunnery, first referenced in the 12th century. The majority of the Abbey grounds is open and grassed, given

over to paddocks and wild meadows. To the north of the main house is a private garden and to the east is a large garage with a patio. Further east is a section of wall which is part of the former medieval nunnery. The application site is located outside the development envelope and within the Conservation Area Boundary.

- 4.2 The area of land to which this application relates is in the northwest corner of the Abbey.
- 4.3 The Abbey is a Grade I Listed Building and is a large detached dwellinghouse. Significant alterations and repairs were undertaken to the property in the 1990s. More recently, the current owners have undertaken further alterations and repairs to the property as well as constructing a series of outbuildings to the northeast and northwest of the main house. All works have been undertaken in a careful and sympathetic manner appropriate to the significance of the property. And much of the upper floors of the building have been restored to reflect its 19th century origins.
- 4.4 As a Grade I listed building; the Abbey is considered to be of high significance in heritage terms. The list description guides that the property is listed a result of its architectural and historic interest as a private residential dwelling and its associations with the nunnery that once occupied the site.
- 4.5 The Grade I Listed Building sits within a Scheduled Ancient Monument (as of October 2020). Notification of the Designation Decision was received on 23 October 2020; which confirmed that the *'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.'* The site of the proposed tennis court lies outside the area that was added to the Schedule of Monuments as this covered the dwellinghouse and rear section of the curtilage only.
- 4.6 To the north of the site is the Grade II Listed Building of Swaffham Prior House set within a Grade II Listed Park and Garden.

## 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.

**Swaffham Bulbeck Parish Council**- 10 August 2020- No comment

**Conservation Officer** - 11 August 2020- "The application site is within the grounds of NHLE ref 116559 The Abbey, a Grade I listed C18 house built over the remains of a C13 Benedictine nunnery. The site also contains a separately Grade II listed fragment of standing wall (NHLE ref 1331452) and extensive earthwork remains, and the whole complex is included in the Commercial End conservation area.

It should be noted that a previous application (19/01524/FUL) involving excavation elsewhere on the site was withdrawn in the face of Cambridgeshire Archaeology's objections. Whilst they will make their own judgements, the site as a whole is clearly archaeologically-sensitive and in the light of the current scheduling application, it would be premature for the Council to determine this application pending its outcome. Recommendation: objection".

**Conservation Officer** - 26 October 2020- “Now that the scheduling application has run its course and the boundary of the designated area has been confirmed, I am content to withdraw my precautionary holding objection. I would stress however that given the proven archaeological sensitivity of the site, Cambridgeshire Archaeology's view on the application in this location remain paramount”.

**Historic England** - 25 August 2020- “Thank you for your letter of 29 July 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

The grade I listed Abbey is an C18 house that has been built over the well-preserved undercroft of the Benedictine nunnery or priory of Swaffham Bulbeck extant by 1199. The Abbey also lies within the Commercial End conservation area. The planning application is for a tennis court that would be sited approximately 50 metres to the north-west of the house beyond the row of trees and on the opposite side of the driveway. We note the accompanying Heritage Statement and concur with its assessment that the proposed works would not result in a negative impact upon the setting of the Grade I listed building, and therefore do not consider this would result in harm to its significance as a heritage asset.

However, whilst we would have no objection in principle, we note from our records that this site is currently under consideration for scheduling by our colleagues in listing team and you may wish to consider whether the application should be held in abeyance until the outcome of the scheduling application has been decided.

#### Recommendation

Historic England has no objection to the application on heritage grounds”.

**Historic England** - 19 November 2020- “Thank you for your letter of 4 November 2020 re-consulting us following receipt of additional information in relation to the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

The grade I listed Abbey is an 18th century house that has been built over the well-preserved undercroft of the Benedictine nunnery or priory of Swaffham Bulbeck, that was extant by 1199. The Abbey also lies within the Commercial End conservation area.

Approval is sought for the construction of a hard surface tennis court (17m x 35m) surrounded by a 2.75m chain link fence in the north west corner of the garden. The tennis court would be sited approximately 50 metres to the north-west of the house beyond the row of trees and on the opposite side of the driveway.

We were consulted in July 2020 regarding the proposals; following which the application was withdrawn pending a decision from the DCMS in respect of an application for scheduling of the earthwork remains associated with The Abbey. Notification of the Designation Decision was received on 23 October 2020; which confirmed that the 'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.' The site of the proposed tennis court lies outside the area that was added to the Schedule of Monuments.

Having considered the comprehensive documentation submitted with the application, including the Design, Access and Heritage Statement produced by Barton Willmore and An Historic Environment Desk-Based Assessment produced Historic England is satisfied that the proposed tennis court would be contextually appropriate within the grounds of the grade I listed Abbey and would not cause harm to the significance of the Abbey or its setting.

We suggest you seek the advice of the Cambridgeshire Historic Environment Team in relation to detailed archaeological advice.

Historic England has no objections to the application on heritage grounds”.

**Cambridgeshire Archaeology** - 11 September 2020- “The site is located in a site of very high archaeological significance within the grounds of the former Swaffham Bulbeck Priory. The location sits within the grounds of the Grade I Listed Abbey and extant earthworks within the Abbey Grounds are most likely to be associated with the former Abbey.

The proposed development is likely to impact heritage assets of archaeological interest which may be considered as of equivalent significance to designated heritage assets. The National Planning Policy Framework is clear that such assets should be subject to the same policies as designated assets and that development should be wholly exceptional. Furthermore, the site is currently under consideration for scheduling by Historic England, advisors to DCMS.

We therefore object to the application and recommend refusal of the planning application”.

**Cambridgeshire Archaeology** - 18 November 2020- “I am writing to you regarding the archaeological implications of the above planning application

We have previously provided comments objecting to the proposed development on the grounds of likely impacts on potentially nationally important archaeology associated with the Abbey. The site has since been considered for designation by Historic England and, in accordance with their recommendation, part of the site has been awarded Scheduled Monument status under List Entry 1472391.

The current application was excluded from the Schedule. There is however potential for sub surface archaeological remains relating to the Abbey to survive in the area. We would therefore withdraw our previous holding objection to the proposal and would recommend 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:

### Archaeology

No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material

### Reason

To ensure that the significance of historic environment assets is conserved in line with NPPF section 16”.

**Cambridgeshire Archaeology** - 14 January 2021- “I must reiterate our previous advice regarding the conditions for both applications. The site is located in an area of high archaeological sensitivity within the grounds of a former Priory, considered to be of national importance which is reflected in its recent designation as a Scheduled Monument. The areas of the applications were excluded from this schedule as it was felt on balance that these areas were subject to later disturbance. This should not however be taken as confirmation that the areas in question have no archaeological potential. The interpretation of the site layout has not been confirmed by field testing and a cautionary approach to the applications is justified by their location within the precinct of the nationally important medieval Abbey.

In terms of the condition requiring a written scheme of investigation, I believe Quinton addressed this in his email of 30th December. We would of course advise programmes of work which are proportionate to the impact of the proposed schemes. For the tennis court, it is likely that this will involve a monitoring and recording exercise (sometimes referred to as a watching brief) on the limited ground disturbance proposed. I must however point out that this must still be undertaken by the applicant's contractor in accordance with an approved written scheme of investigation. The Chartered Institute for Archaeologists (CIfA), the professional body representing archaeologists in the UK, has a range of Regulations, Standards and Guidance which are designed to ensure that all members work to high ethical and professional standards. CIfA standards and guidance require all archaeological



fieldwork, including watching briefs, to be governed by a written scheme of investigation.

<https://www.archaeologists.net/sites/default/files/CIfASGWatchingbrief.pdf>

3.1.5 However it arises, an archaeologist should only undertake watching briefs which are governed by a Written Scheme of Investigation (WSI) or project design (see Appendices 2 and 3) agreed by all relevant parties, as this is the tool against which performance, fitness for purpose - and hence achievement of standards - can be measured.

3.1.6 The WSI or project design is therefore of critical importance.

I would therefore confirm that we consider our previous recommendations, comprising the use of pre commencement conditions requiring written schemes of investigation to secure the necessary archaeological works, to be justified and proportionate to the scale of the proposed works and the potential archaeological impacts”.

**Council for British Archaeology** - No Comments Received

**SPAB** - No Comments Received

**Ward Councillors** - Councillor Trapp has stated that the applicants feel that “the condition imposed by County Archaeology has already been met and the applicants have done everything possible to establish that the site is not of significant archaeological significance, and to this end it would be quicker to have this called into Planning Committee”.

**Ancient Monuments Society** - No Comments Received

5.2 **Neighbours** – A site notice was erected near the site on the 20<sup>th</sup> August 2020, and an advert published in the Cambridge Evening News on the 6<sup>th</sup> August 2020. No neighbouring properties were directly notified given the proximity of the proposals from any neighbouring development.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood Risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact

COM 8            Parking provision

6.2            Supplementary Planning Documents

Design Guide  
Natural Environment  
Contaminated Land  
Cambridgeshire Flood and Water

- 6.3            National Planning Policy Framework 2019  
2 Achieving sustainable development  
4 Decision-making  
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            Principle of Development

7.2            The proposed works are within the residential curtilage of the dwellinghouse in the north-west section of the garden and are for the enjoyment of the occupiers of the dwellinghouse. Therefore, the principle of the proposed development is considered to be acceptable.

7.3            Residential Amenity

7.4            Policy ENV2 of the East Cambridgeshire Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There are no nearby neighbouring occupiers that would be affected by the proposed construction of a tennis court and surrounding fence within the garden to north-west of The Abbey. As such, the proposals would not result in harm by way of overlooking, overbearing, loss of light, loss of outlook, loss of privacy, overshadowing or similar.

7.5            Therefore, it is considered that the location and scale of the proposed works would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2 of the Local Plan 2015.

7.6            Visual Amenity

7.7            Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The character of the site is that of a private domestic dwelling set within a large private garden.

7.8            The proposed tennis court is to be positioned in the north-west corner of the Abbey grounds. Approval is sought for the construction of a hard surface tennis court (17m x 35m, 55 feet x 114 feet) surrounded by a 2.75m (9 feet) chain link fence in

the north west corner of the garden. The tennis court would be sited approximately 50 metres (164 feet) to the north-west of the house beyond the row of trees and on the opposite side of the driveway.

7.9 The construction of the proposed tennis court and surrounding fencing will not be overly visible from the main house nor the public highway to the south. Given the limited visibility and small scale nature of the proposals they are not considered to result in harm to visual amenity. The proposal therefore complies with Policy ENV2 and ENV11 of the Local Plan 2015 by being designed to a high quality and by utilising sympathetic materials to ensure that the proposed remains sympathetic to the character and appearance of the surrounding area.

7.10 Due to the proposal being in the setting of a Grade I Listed Building and to ensure a high-quality finish, details of the proposed fencing around the tennis courts are appended as a planning condition.

7.11 Historic Environment

7.12 Policy ENV11 of the Local Plan 2015 states that development proposals within Conservation Areas should be of a particularly high standard of design and materials. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of an area, with respect to any buildings or other land in a conservation area. Policy ENV12 of the Local Plan 2015 relates to listed buildings and is therefore considered to be the most relevant policy to this proposal. Policy ENV12 states that:

*“Proposals that affect the setting of a Listed Building will only be permitted where they would:*

- *Preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset.*
- *Not materially harm the immediate or wider setting of the Listed Building. This setting may extend well beyond the immediate building curtilage and may include an extensive street scene or a wider urban design context, especially when the proposal is within a Conservation Area; and*
- *Facilitate the long-term preservation of the building.”*

Furthermore, the Council’s Design Guide Supplementary Planning Document states:

*“Any development that affects the historic environment should make a positive contribution to the area and have sufficient regard for the surrounding buildings and features. Development that does not respect the character, detracts from, or has a negative impact on the area, will not be supported.”*

7.13 The Conservation Officer has been consulted as part of the application process and has commented that “now that the scheduling application has run its course and

the boundary of the designated area has been confirmed, I am content to withdraw my precautionary holding objection. I would stress however that given the proven archaeological sensitivity of the site, Cambridgeshire Archaeology's view on the application in this location remain paramount”.

- 7.14 As stated by the Conservation Officer, the dwellinghouse and its immediate garden form part of Scheduled Ancient Monument only. The proposed works would still affect the setting of the Grade I Listed Building however they are not included in the Scheduled Ancient Monument designation.
- 7.15 In addition, Historic England have commented that “Notification of the Designation Decision was received on 23 October 2020; which confirmed that the 'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.' The site of the proposed tennis court and fencing lies outside the area that was added to the Schedule of Monuments.
- 7.16 Having considered the comprehensive documentation submitted with the application, including the Design, Access and Heritage Statement produced by Barton Willmore, together with the Historic Environment Desk Based Assessment produced by CTA, Historic England is satisfied that the proposals would be contextually appropriate within the grounds of the grade I listed Abbey and would not cause harm to the significance of the Abbey or its setting”.
- 7.17 Therefore, given the minor scale of the proposed works and their distance from the Listed Building it is not considered that the proposal would result in any harm to the special interest of the Grade I listed Abbey building or its setting.
- 7.18 Therefore, the proposed development is not considered to result in harm to the Conservation Area nor the setting or fabric of the Listed Building known as The Abbey. The proposal preserves the character and appearance of the Swaffham Bulbeck Conservation Area and the Listed Building complying with Policy ENV11 and ENV12 of the Local Plan 2015. The application complies with Policy ENV12 of the East Cambridgeshire Local Plan, as the proposal is considered to be compatible with the character of the Listed Building.
- 7.19 Archaeology
- 7.20 The Abbey retains historic fabric that dates from the 13th century which provides evidence of how the building has developed over time. The undercroft of the house provides evidence as to the construction of the original buildings on the site. The Planning Agent, applicants and County Archaeology have been involved in discussions since the application was first validated around how the archaeological potential within the site should be considered. There is considered to be high potential for archaeological remains given the proximity to a Scheduled Ancient Monument (SAM). When the SAM was designated Historic England advised that Cambridgeshire Historic Environment Team be consulted to assess archaeology. Any proposed digging could lead to permanent damage to important historic heritage and as such a condition is required to ensure that archaeological findings found are appropriately protected and reported.

- 7.21 County Archaeology have commented that “the site is located in an area of high archaeological sensitivity within the grounds of a former Priory, considered to be of national importance which is reflected in its recent designation as a Scheduled Monument. The areas of the applications were excluded from this schedule as it was felt on balance that these areas were subject to later disturbance. This should not however be taken as confirmation that the areas in question have no archaeological potential. The interpretation of the site layout has not been confirmed by field testing and a cautionary approach to the applications is justified by their location within the precinct of the nationally important medieval Abbey”.
- 7.22 Both sides agree that there is archaeology potential on the parts of the site that lie outside the Scheduled Ancient Monuments boundary, including to the northwest of the site in the location of the proposed tennis court and fencing within the garden to northwest of The Abbey. There is still a need to reach a conclusion if the depth of intrusions are likely to reach/interfere with archaeological evidence and the relevant wording of a condition to be appended to any consent granted.
- 7.23 In relation to their recommended pre-commencement condition, County Archaeology have commented that “the current application was excluded from the Schedule. There is however potential for sub surface archaeological remains relating to the Abbey to survive in the area. We would therefore withdraw our previous holding objection to the proposal and would recommend that the site should be subject to a programme of archaeological investigation, secured through the inclusion of a negative condition”. County Archaeology have also stated that “the use of pre commencement conditions requiring written schemes of investigation to secure the necessary archaeological works, to be justified and proportionate to the scale of the proposed works and the potential archaeological impacts”.
- 7.24 Officers therefore consider that County Archaeology have given sufficient detail to suggest that their pre-commencement condition is reasonable and have provided clear guidance alongside their justifications. The Planning Agent has agreed in writing to the principle of the suggested condition. The Planning Agent has commented that “The Applicant has maintained throughout this process that they are happy to agree to an archaeological condition being placed on any consent for the provision of an archaeological watching brief and this position has not changed. Our concern remains that the standard archaeological condition is disproportionate in regard to the likelihood of archaeology being present in the location of the two applications; as has been clearly demonstrated in the submitted DBA and the subsequent assessment by Historic England”. As such, the Agent has raised concern with the wording of the condition suggested by County Archaeology.
- 7.25 The Planning Agent is seeking the following wording:
- “No development shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed”.*

- 7.26 It is recommended by Officers that the wording suggested by County Council is used, in order to ensure appropriate control over the protection of archaeology on the site.
- 7.27 Planning Balance
- 7.28 Paragraph 192 of the NPPF guides that local planning authorities, in determining applications, should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 of the NPPF guides that great weight must be given to the conservation of designated heritage assets in decision-making, the more important the asset the greater the weight should be. Paragraph 196 of the NPPF guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 200 guides that proposals that preserve those elements of the setting of heritage assets that make a positive contribution should be treated favourably.
- 7.29 The planning application is for planning permission for the construction of a tennis court and fencing to the northwest corner of the Abbey grounds. It is not considered that the proposed development would result in harm being caused to the special character of the Grade I listed Abbey. The proposals would also not result in harm to visual amenity or residential amenity given their location within the application site and limited visibility. For these reasons the propose development complies with ENV1, ENV2, ENV11 and ENV12 of the Local Plan 2015.
- 7.30 With the inclusion of the pre-commencement condition as suggested by County Archaeology, the proposed development would comply with Policy ENV14 of the Local Plan 2015. The application is therefore recommended for approval subject to the conditions as set out in the beginning of the Committee Report.

8.0 APPENDICES

8.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00932/FUL	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastc amb.s.gov.uk

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

East Cambridgeshire Local Plan 2015 -

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

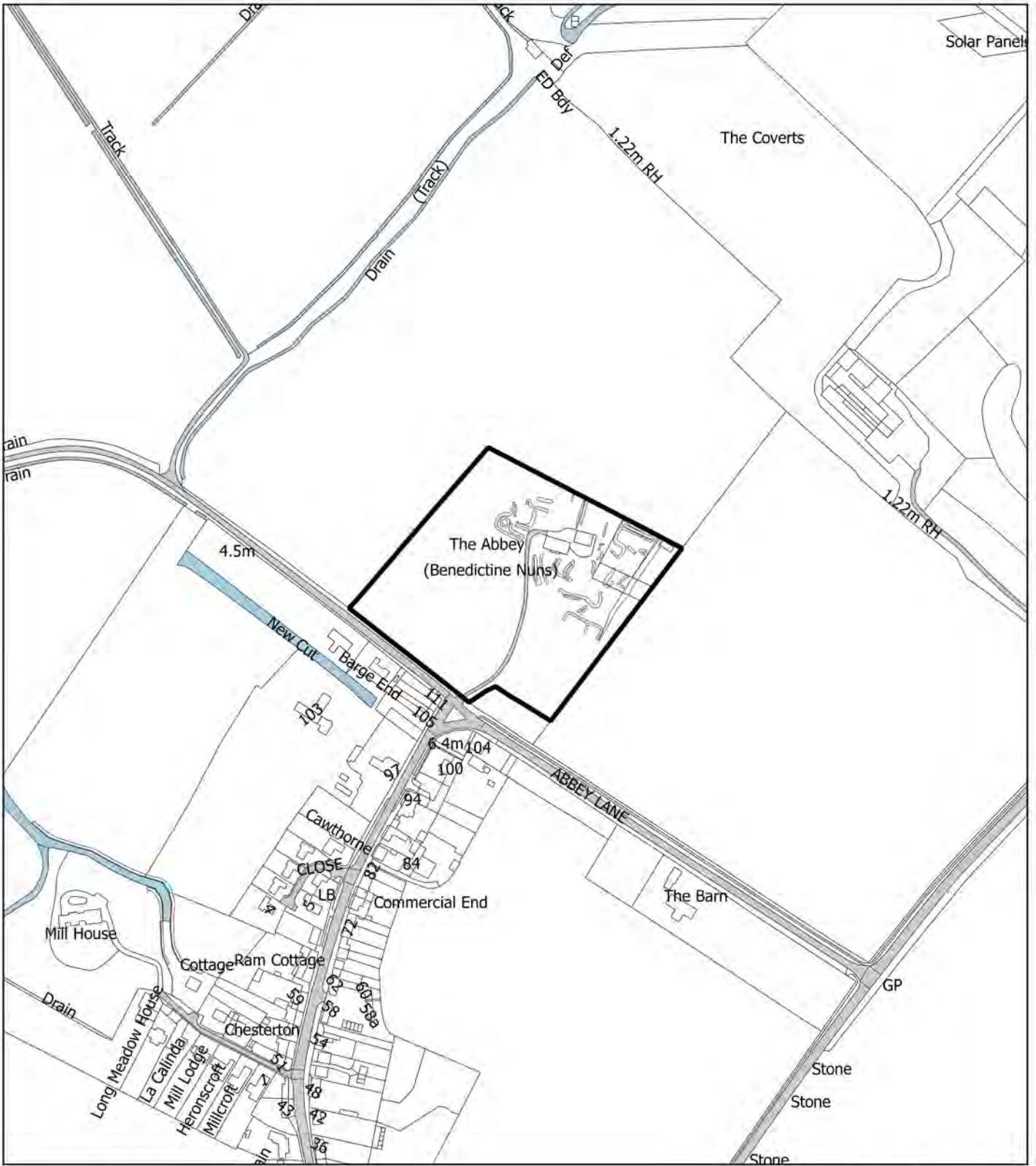
APPENDIX 1 - 20/00932/FUL Conditions

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

Plan Reference	Version No	Date Received
Construction Specification		20th July 2020
Location Plan		20th July 2020
Block Plan		20th July 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
- a. the statement of significance and research objectives;
  - b. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - c. The timetable for the field investigation as part of the development programme;
  - d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material
- 3 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 Notwithstanding the Construction Specification for the proposed tennis court, details of the proposed fencing (including elevations) shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the fencing to be used in the development. Development shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.





20/00935/FUL

The Abbey  
Abbey Lane  
Swaffham Bulbeck



East Cambridgeshire  
District Council

Date: 18/01/2021  
Scale: 1:4,000



© Crown copyright.  
All rights reserved 100023279 (2020)

---

**MAIN CASE**

**Reference No:** 20/00935/FUL

**Proposal:** Construction of borehole and rill pond within the garden to northeast of The Abbey

**Site Address:** The Abbey Abbey Lane Swaffham Bulbeck Cambridge CB25 0NQ

**Applicant:** Mr and Mrs Burke

**Case Officer:** Emma Barral Planning Officer

**Parish:** Swaffham Bulbeck

**Ward:** Bottisham  
 Ward Councillor/s: Charlotte Cane  
 John Trapp

**Date Received:** 20 July 2020      **Expiry Date:** 12<sup>th</sup> February 2021  
**[V126]**

---

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
- 3 Archaeology
- 4 Construction Times

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the construction of a new borehole in the north-eastern corner of the Abbey grounds and a rill pool to the south of the existing outbuilding in the same part of the site.

2.2 The proposed borehole will be located to the north of the existing outbuilding, against the rear elevation. It will be housed in a brick-built structure measuring 800mm (2.6 feet) x 800mm (2.6 feet) x 150mm (0.5 feet) (above ground) with foundations as detailed on the accompanying plans. It will extend to a depth of 20m (66 feet). The construction of the borehole will allow for the provision of a natural water source, of which there is none at the moment.

- 2.3 The rationale for this works is the desire by the applicant to restore water to the property. Historically there was a working well on the site, located to the north of the main house. However, currently there is no natural water source with the previous waterways were infilled in the 1980s.
- 2.4 The proposed rill pool will be constructed immediately south of the exiting outbuilding and will measure 15.5m (51 feet) x 4m (13 feet) x 1.5m (5 feet) (this measurement includes scope for the construction materials with the internal measurements of the pool being 15m (49 feet) x 3.5m (11 feet). It is intended that this feature will become part of an area of improved biodiversity within the Abbey grounds and it is not the intention of the applicant to create a formal style swimming pool.
- 2.5 The application has been called in to Planning Committee by Councillor Trapp who has stated that the applicants feel that “the condition imposed by County Archaeology has already been met and the applicants have done everything possible to establish that the site is not of significant archaeological significance, and to this end it would be quicker to have this called into Planning Committee”.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **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

95/00041/LBC	Demolition of Derelict Garage and Repairs, Alterations & Improvements to Dwelling (part demolition)	Approved	27.04.1995
95/01001/FUL	Demolition of existing timber garage and erection of new garage and storebuilding in grounds	Approved	11.07.1996
95/01002/LBC	Demolition of existing timber garage and erection of new garage and storebuilding in grounds	Approved	11.07.1996
05/01160/LBC	Repairs/Rebuilding parapet walls at roof level.	Approved	19.12.2005
05/01162/LBC	Works to support existing chimney	Approved	21.02.2006

12/00416/TRE	T1, T2 & T3 Holly Trees - overall reduction by 50% and reshaping.	Allowed	08.06.2012
12/00779/FUL	Part enclosure of the covered veranda of the existing building to create a wine store.	Approved	02.10.2012
14/01428/LBC	Internal and external alterations to listed building	Approved	10.02.2015
14/01428/DISA	To discharge conditions 3 (windows and doors) and 4 (rainwater and soil vent) of decision notice dated 11.2.15 for internal and external alterations to listed building	Condition Discharged	23.07.2015
15/01057/LBC	To carry out minor alterations to install a new bathroom on the first floor (see previously approved application 14/01428/LBC)	Approved	05.11.2015
15/01057/DISA	To discharge condition 3 (Details of proposed soil vent pipe and visible pipework) on decision dated 5.11.15 for carrying out minor alterations to install a new bathroom on the first floor (see previously approved application 14/01428/LBC)	Condition Discharged	26.01.2016
14/01428/DISB	To discharge condition 3 (Details of proposed windows & external doors) on decision dated 11.2.15 for Internal and external alterations to listed building	Condition Discharged	26.05.2016
14/01428/DISC	To discharge condition 6 (Internal staircases) of decision dated 11/02/2015 for the internal and external alterations to listed building	Condition Discharged	18.07.2016

16/01156/CLB	Replace existing "Bottesford Blue" pan tiles with plain tiles to match existing nearby roofing detail. Proposed sample tiles are on site and photograph attached.	Approved	05.10.2016
14/01428/DISD	To discharge condition 3 (Window and door detailing) on decision notice dated 11.2.15 for Internal and external alterations to listed building	Condition Discharged	24.04.2017
17/00403/LBC	New window opening in south wall in the easternmost bay of the undercroft plus consolidate and repair defective stonework etc	Approved	25.04.2017
17/02130/FUL	Construction of a new double garage	Approved	02.02.2018
19/00206/TRE	T1 Ash + T2 Ash - Fell due to Ash Dieback disease (butts to be retained at hedge height.) Replacement native hardwoods to be planted within the garden adjacent to felled trees) T3, T4, T5 Ash - Fell due to Ash Dieback disease (but no replacement planting due to proximity of adjacent trees) T6 Willow - Reduce crown by 50% T7 Coast Redwood - Fell due to extensive basal decay.	Allowed	09.10.2019
19/01524/FUL	Construction of bore hole and rill pond within the northeast garden	Withdrawn	23.01.2020

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located to the north-east of the village of Swaffham Bulbeck, approximately 8 miles from Cambridge. The house sits to the north of the site and is set on a north-west to south-east orientation. The Abbey is accessed from the driveway to the south and is the location of a Benedictine Nunnery, first referenced in the 12th century. The majority of the Abbey grounds is open and grassed, given over to paddocks and wild meadows. To the north of the main house is a private garden and to the east is a large garage with a patio. Further east is a section of wall which is part of the former medieval nunnery. The application site is located outside the development envelope and within the Conservation Area Boundary.
- 4.2 The area of land to which this application relates is in the northeast corner of the Abbey. This part of the grounds currently houses a free-standing home office orientated east-west with the remaining part of the site laid to lawn. This area has been raised and levelled in the past and occupies a slightly elevated position to the remaining garden areas to the west.
- 4.3 The Abbey is a Grade I Listed Building and is a large detached dwellinghouse. Significant alterations and repairs were undertaken to the property in the 1990s. More recently, the current owners have undertaken further alterations and repairs to the property as well as constructing a series of outbuildings to the northeast and northwest of the main house. All works have been undertaken in a careful and sympathetic manner appropriate to the significance of the property. And much of the upper floors of the building have been restored to reflect its 19th century origins.
- 4.4 As a Grade I listed building; the Abbey is considered to be of high significance in heritage terms. The list description guides that the property is listed a result of its architectural and historic interest as a private residential dwelling and its associations with the nunnery that once occupied the site.
- 4.5 The Grade I Listed Building sits within a Scheduled Ancient Monument (as of October 2020). Notification of the Designation Decision was received on 23 October 2020; which confirmed that the '*area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.*' The site of the proposed bore hole and rill pond lies outside the area that was added to the Schedule of Monuments as this covered the dwellinghouse and rear section of the curtilage only.
- 4.6 To the north of the site is the Grade II Listed Building of Swaffham Prior House set within a Grade II Listed Park and Garden.

#### 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.

**Swaffham Bulbeck Parish Council-** 10 August 2020- No comments

**Anglian Water Services Ltd** - 29 July 2020- "We note that the developer is not proposing to connect to Anglian Water's Network, this is outside of Anglian Water's jurisdiction to comment".

**Environment Agency** - 3 August 2020- "We are returning this planning application consultation without comment because it is not clear why we have been consulted".

**Conservation Officer** - 11 August 2020- "The application site is within the grounds of NHLE ref 116559 The Abbey, a Grade I listed C18 house built over the remains of a C13 Benedictine nunnery. The site also contains a separately Grade II listed fragment of standing wall (NHLE ref 1331452) and extensive earthwork remains, and the whole complex is included in the Commercial End conservation area. This is a repeat of an identical 2019 application (19/01524/FUL) withdrawn in the face of Cambridgeshire Archaeology's objections. Whilst they will make their own judgements, the site is clearly archaeologically-sensitive and in the light of the current scheduling application, it would be premature for the Council to determine this application pending its outcome. Recommendation: objection".

**Conservation Officer** - 26 October 2020- "Now that the scheduling application has run its course and the boundary of the designated area has been confirmed, I am content to withdraw my precautionary holding objection. I would stress however that given the proven archaeological sensitivity of the site, Cambridgeshire Archaeology's view on the application in this location remain paramount".

**Historic England** - 12 August 2020- "Thank you for your letter of 28 July 2020 regarding the above application for construction of a bore hole and rill pond within the northeast garden at the above site. We were consulted last year on the same proposals and our advice of 26 November 2019 remains unchanged.

Having considered the comprehensive documentation submitted with the application, including the Design, Access and Heritage Statement produced by Barton Willmore, Historic England are satisfied that the proposals would be contextually appropriate within the grounds of the grade I listed Abbey and would not cause harm to the significance of the Abbey or its setting.

We have no objections to the proposals on heritage grounds and consider the application meets the requirements of the NPPF. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals".

**Historic England** - 19 November 2020- "Thank you for your letter of 4 November 2020 re-consulting us following receipt of additional information in relation to the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

The grade I listed Abbey is an 18th century house that has been built over the well-preserved undercroft of the Benedictine nunnery or priory of Swaffham Bulbeck that was extant by 1199. The Abbey also lies within the Commercial End conservation area.

Approval is sought for the construction of a bore hole and rill pond within the northeast garden at the above site, adjacent to the eastern boundary. We were initially consulted in November 2019 and then again in July 2020 regarding the proposals; following which the application was withdrawn pending a decision from the DCMS in respect of an application for scheduling of the earthwork remains associated with The Abbey.

Notification of the Designation Decision was received on 23 October 2020; which confirmed that the 'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.' The site of the proposed bore hole and rill pond lies outside the area that was added to the Schedule of Monuments.

Having considered the comprehensive documentation submitted with the application, including the Design, Access and Heritage Statement produced by Barton Willmore, together with the Historic Environment Desk Based Assessment produced by CTA, Historic England is satisfied that the proposals would be contextually appropriate within the grounds of the grade I listed Abbey and would not cause harm to the significance of the Abbey or its setting.

We suggest you seek the advice of the Cambridgeshire Historic Environment Team in relation to detailed archaeological advice.

#### Recommendation

Historic England has no objections to the application on heritage grounds”.

**Cambridgeshire Archaeology** - 19 August 2020- “The site is located in a site of very high archaeological significance within the grounds of the former Swaffham Bulbeck Priory. The location sits within the grounds of the Grade I Listed Abbey and extant earthworks within the site are most likely to be associated with the former Abbey.

We have provided advice for a previous application for this development, recommending refusal on the grounds of impact on heritage assets of equivalent significance to designated heritage assets, in accordance with the National Planning Policy Framework. Furthermore, the site is currently under consideration for scheduling by Historic England, advisors to DCMS.

I would therefore confirm that for the reasons above, we object to this proposal and recommend refusal of the planning application”.

**Cambridgeshire Archaeology** - 18 November 2020- “I am writing to you regarding the archaeological implications of the above planning application

We have previously provided comments objecting to the proposed development on the grounds of likely impacts on potentially nationally important archaeology associated with the Abbey. The site has since been considered for designation by Historic England and, in accordance with their recommendation, part of the site has been awarded Scheduled Monument status under List Entry 1472391.



The current application was excluded from the Schedule. There is however potential for sub surface archaeological remains relating to the Abbey to survive in the area. We would therefore withdraw our previous holding objection to the proposal and would recommend 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:

### Archaeology

No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material

#### Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

#### Reason

To ensure that the significance of historic environment assets is conserved in line with NPPF section 16”.

**Cambridgeshire Archaeology** - 14 January 2021- “I must reiterate our previous advice regarding the conditions for both applications. The site is located in an area of high archaeological sensitivity within the grounds of a former Priory, considered to be of national importance which is reflected in its recent designation as a Scheduled Monument. The areas of the applications were excluded from this schedule as it was felt on balance that these areas were subject to later disturbance. This should not however be taken as confirmation that the areas in question have no archaeological potential. The interpretation of the site layout has not been confirmed by field testing and a cautionary approach to the applications is justified by their location within the precinct of the nationally important medieval Abbey.

In terms of the condition requiring a written scheme of investigation, I believe Quinton addressed this in his email of 30th December. We would of course advise

programmes of work which are proportionate to the impact of the proposed schemes. For the tennis court, it is likely that this will involve a monitoring and recording exercise (sometimes referred to as a watching brief) on the limited ground disturbance proposed. I must however point out that this must still be undertaken by the applicant's contractor in accordance with an approved written scheme of investigation. The Chartered Institute for Archaeologists (CIfA), the professional body representing archaeologists in the UK, has a range of Regulations, Standards and Guidance which are designed to ensure that all members work to high ethical and professional standards. CIfA standards and guidance require all archaeological fieldwork, including watching briefs, to be governed by a written scheme of investigation.

<https://www.archaeologists.net/sites/default/files/CIfASGWatchingbrief.pdf>

3.1.5 However it arises, an archaeologist should only undertake watching briefs which are governed by a Written Scheme of Investigation (WSI) or project design (see Appendices 2 and 3) agreed by all relevant parties, as this is the tool against which performance, fitness for purpose - and hence achievement of standards - can be measured.

3.1.6 The WSI or project design is therefore of critical importance.

I would therefore confirm that we consider our previous recommendations, comprising the use of pre commencement conditions requiring written schemes of investigation to secure the necessary archaeological works, to be justified and proportionate to the scale of the proposed works and the potential archaeological impacts”.

**ECDC Trees Team** - 27 August 2020- “There are no direct tree related issues with the proposed development, however the tracking of 'diggers' and material deliveries may indirectly impact upon trees in the vicinity.

The addition of an informative would be satisfactory to ensure trees on site are not inadvertently compromised: -

'To ensure that no trees on site are compromised through contract vehicle movements guidance needs to be sort from BS 5837 2012 Trees in relation to design, demolition and construction recommendations, to ensure any trees are not inadvertently compromised through the tracking of vehicles, and that the appropriate tree protection is adopted.”.

**SPAB (Mills)** - No Comments Received

**Ancient Monuments Society** - No Comments Received

**Council for British Archaeology** - No Comments Received

**The Ely Group Of Internal Drainage Board** - 20 August 2020- “The Board has no objections from a drainage point of view”.

**Environmental Health-** 20<sup>th</sup> January 2021- “It is my understanding that drilling/auguring is the traditional method of creating a borehole. I would advise the standard construction times for this and we won’t need anything additional, especially taking in to account the location.

Our main concern from an EH perspective would be if the intention is for the borehole to provide drinking water. If this is just for one family there wouldn’t be a need to sample but if it was to be used as a B&B or for commercial purposes it will require periodical sampling but Rick should be able to advise you further on this if necessary”.

**Ward Councillors** - Councillor Trapp has stated that the applicants feel that “the condition imposed by County Archaeology has already been met and the applicants have done everything possible to establish that the site is not of significant archaeological significance, and to this end it would be quicker to have this called into Planning Committee”.

5.2 **Neighbours** – A site notice was erected near the site on the 20<sup>th</sup> August 2020, and an advert published in the Cambridge Evening News on the 6<sup>th</sup> August 2020. No neighbouring properties were directly notified given the proximity of the proposals from any neighbouring development.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood Risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide  
Natural Environment  
Contaminated Land  
Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2019  
2 Achieving sustainable development  
4 Decision-making  
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 Principle of Development

7.2 The proposed works are within the residential curtilage of the dwellinghouse in the north-east section of the garden. The proposed works are purely for the enjoyment of the occupiers of the dwellinghouse and their desire to restore water to the property. It is the long-term ambition of the owner to implement sustainable water management practices on the site and to provide water for livestock and wildlife and this application is the first step in their ability to progress with this goal.

7.3 In addition, the two elements of the proposal do not result in a fundamental change to the use of this part of the Abbey grounds which will be maintained as part of the wider private gardens to the house. The grounds of the Abbey complement the house as a high-status residential dwelling. The proposed works are a further evolution of the garden landscape and have been designed and positioned on the site in a manner that is entirely in keeping with this contribution. Therefore, the principle of the proposed development is considered to be acceptable.

### 7.4 Residential Amenity

7.5 Policy ENV2 of the East Cambridgeshire Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There are no nearby neighbouring occupiers that would be affected by the proposed construction of a borehole and rill pond within the garden to northeast of The Abbey. As such, the proposals would not result in harm by way of overlooking, overbearing, loss of light, loss of outlook, loss of privacy, overshadowing or similar.

7.6 Therefore, it is considered that the location and scale of the proposed works would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2 of the Local Plan 2015.

7.7 In addition, there are not considered to be any concerns in relation to water pollution as the proposals are for private use within the curtilage of the dwellinghouse.

### 7.8 Visual Amenity

7.9 Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The character of the site is that of a private domestic dwelling set within a large private garden.

7.10 The proposed borehole and rill pool are to be positioned in the north-eastern corner of the Abbey grounds. This area of land has been subject to a number of uses over the years and is used by the current owner as part of the private gardens to the

Abbey. A single storey outbuilding was installed on the site several years ago which will be retained as part of the current proposals.

7.11 The construction of the proposed borehole and rill pool will not be visible from the main house nor the public highway to the south. Given the limited visibility and small scale nature of the proposals they are not considered to result in harm to visual amenity. The proposal therefore complies with Policy ENV2 of the Local Plan 2015 by being designed to a high quality and by utilising sympathetic materials to ensure that the proposed remains sympathetic to the character and appearance of the surrounding area.

7.12 Historic Environment

7.13 Policy ENV11 of the Local Plan 2015 states that development proposals within Conservation Areas should be of a particularly high standard of design and materials. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of an area, with respect to any buildings or other land in a conservation area. Policy ENV12 of the Local Plan 2015 relates to listed buildings and is therefore considered to be the most relevant policy to this proposal. Policy ENV12 states that:

*“Proposals that affect the setting of a Listed Building will only be permitted where they would:*

- *Preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset.*
- *Not materially harm the immediate or wider setting of the Listed Building. This setting may extend well beyond the immediate building curtilage and may include an extensive street scene or a wider urban design context, especially when the proposal is within a Conservation Area; and*
- *Facilitate the long-term preservation of the building.”*

Furthermore, the Council’s Design Guide Supplementary Planning Document states:

*“Any development that affects the historic environment should make a positive contribution to the area and have sufficient regard for the surrounding buildings and features. Development that does not respect the character, detracts from, or has a negative impact on the area, will not be supported.”*

7.14 The Conservation Officer has been consulted as part of the application process and has commented that “now that the scheduling application has run its course and the boundary of the designated area has been confirmed, I am content to withdraw my precautionary holding objection. I would stress however that given the proven archaeological sensitivity of the site, Cambridgeshire Archaeology’s view on the application in this location remain paramount”.

- 7.15 As stated by the Conservation Officer, the dwellinghouse and its immediate garden form part of Scheduled Ancient Monument only. The proposed works would still affect the setting of the Grade I Listed Building however they are not included in the Scheduled Ancient Monument designation.
- 7.16 In addition, Historic England have commented that “Notification of the Designation Decision was received on 23 October 2020; which confirmed that the 'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.' The site of the proposed bore hole and rill pond lies outside the area that was added to the Schedule of Monuments.
- 7.17 Having considered the comprehensive documentation submitted with the application, including the Design, Access and Heritage Statement produced by Barton Willmore, together with the Historic Environment Desk Based Assessment produced by CTA, Historic England is satisfied that the proposals would be contextually appropriate within the grounds of the grade I listed Abbey and would not cause harm to the significance of the Abbey or its setting”.
- 7.18 Therefore, given the minor scale of the proposed works and their distance from the Listed Building it is not considered that the proposal would result in any harm to the special interest of the Grade I listed Abbey building or its setting.
- 7.19 Therefore, the proposed development is not considered to result in harm to the Conservation Area nor the setting or fabric of the Listed Building known as The Abbey. The proposal preserves the character and appearance of the Swaffham Bulbeck Conservation Area and the Listed Building complying with Policy ENV11 and ENV12 of the Local Plan 2015. The application complies with Policy ENV12 of the East Cambridgeshire Local Plan, as the proposal is considered to be compatible with the character of the Listed Building.
- 7.20 Archaeology
- 7.21 The Abbey retains historic fabric that dates from the 13th century which provides evidence of how the building has developed over time. The undercroft of the house provides evidence as to the construction of the original buildings on the site. The Planning Agent, applicants and County Archaeology have been involved in discussions since the application was first validated around how the archaeological potential within the site should be considered. There is considered to be high potential for archaeological remains given the proximity to a Scheduled Ancient Monument (SAM). When the SAM was designated Historic England advised that Cambridgeshire Historic Environment Team be consulted to assess archaeology. Any proposed digging could lead to permanent damage to important historic heritage and as such a condition is required to ensure that archaeological findings found are appropriately protected and reported.
- 7.22 County Archaeology have commented that “the site is located in an area of high archaeological sensitivity within the grounds of a former Priory, considered to be of national importance which is reflected in its recent designation as a Scheduled Monument. The areas of the applications were excluded from this schedule as it was felt on balance that these areas were subject to later disturbance. This should

not however be taken as confirmation that the areas in question have no archaeological potential. The interpretation of the site layout has not been confirmed by field testing and a cautionary approach to the applications is justified by their location within the precinct of the nationally important medieval Abbey”.

- 7.23 Both sides agree that there is archaeology potential on the parts of the site that lie outside the Scheduled Ancient Monuments boundary, including to the northeast of the site in the location of the proposed borehole and rill pond within the garden to northeast of The Abbey. There is still a need to reach a conclusion if the depth of intrusions are likely to reach/interfere with archaeological evidence and the relevant wording of a condition to be appended to any consent granted.
- 7.24 In relation to their recommended pre-commencement condition, County Archaeology have commented that “the current application was excluded from the Schedule. There is however potential for sub surface archaeological remains relating to the Abbey to survive in the area. We would therefore withdraw our previous holding objection to the proposal and would recommend that the site should be subject to a programme of archaeological investigation, secured through the inclusion of a negative condition”. County Archaeology have further stated that “the use of pre commencement conditions requiring written schemes of investigation to secure the necessary archaeological works, to be justified and proportionate to the scale of the proposed works and the potential archaeological impacts”.
- 7.25 Officers therefore consider that County Archaeology have given sufficient detail to suggest that their pre-commencement condition is reasonable and have provided clear guidance alongside their justifications. The Planning Agent has agreed in writing to the principle of the suggested condition. The Planning Agent has commented that “The Applicant has maintained throughout this process that they are happy to agree to an archaeological condition being placed on any consent for the provision of an archaeological watching brief and this position has not changed. Our concern remains that the standard archaeological condition is disproportionate in regard to the likelihood of archaeology being present in the location of the two applications; as has been clearly demonstrated in the submitted DBA and the subsequent assessment by Historic England”. As such, the Agent has raised concern with the wording of the condition suggested by County Archaeology.
- 7.26 The Planning Agent is seeking the following wording:
- “No development shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed”.*
- 7.27 It is recommended by Officers that the wording suggested by County Council is used, in order to ensure appropriate control over the protection of archaeology on the site.

## 7.28 Other Material Matters

The Environmental Health Team have commented that “it is my understanding that drilling/auguring is the traditional method of creating a borehole. I would advise the standard construction times for this and we won’t need anything additional, especially taking in to account the location”. As such, the suggested condition is appended.

## 7.29 Planning Balance

7.30 Paragraph 192 of the NPPF guides that local planning authorities, in determining applications, should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 of the NPPF guides that great weight must be given to the conservation of designated heritage assets in decision-making, the more important the asset the greater the weight should be. Paragraph 196 of the NPPF guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 200 guides that proposals that preserve those elements of the setting of heritage assets that make a positive contribution should be treated favourably.

7.31 The planning application is for planning permission for the construction of a borehole and rill pool to the northeast corner of the Abbey grounds. It is considered that the proposed development would not result in harm being caused to the special character of the Grade I listed Abbey. The proposals would also not result in harm to visual amenity or residential amenity given their location within the application site and limited visibility. For these reasons the propose development complies with ENV1, ENV2, ENV11 and ENV12 of the Local Plan 2015.

7.32 With the inclusion of the pre-commencement condition as suggested by County Archaeology, the proposed development would comply with Policy ENV14 of the Local Plan 2015. The application is therefore recommended for approval subject to the conditions as set out in the beginning of the Committee Report.

## 8.0 APPENDICES

### 8.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00935/FUL	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastc amb.s.gov.uk

National Planning Policy Framework -

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



East Cambridgeshire Local Plan 2015 -

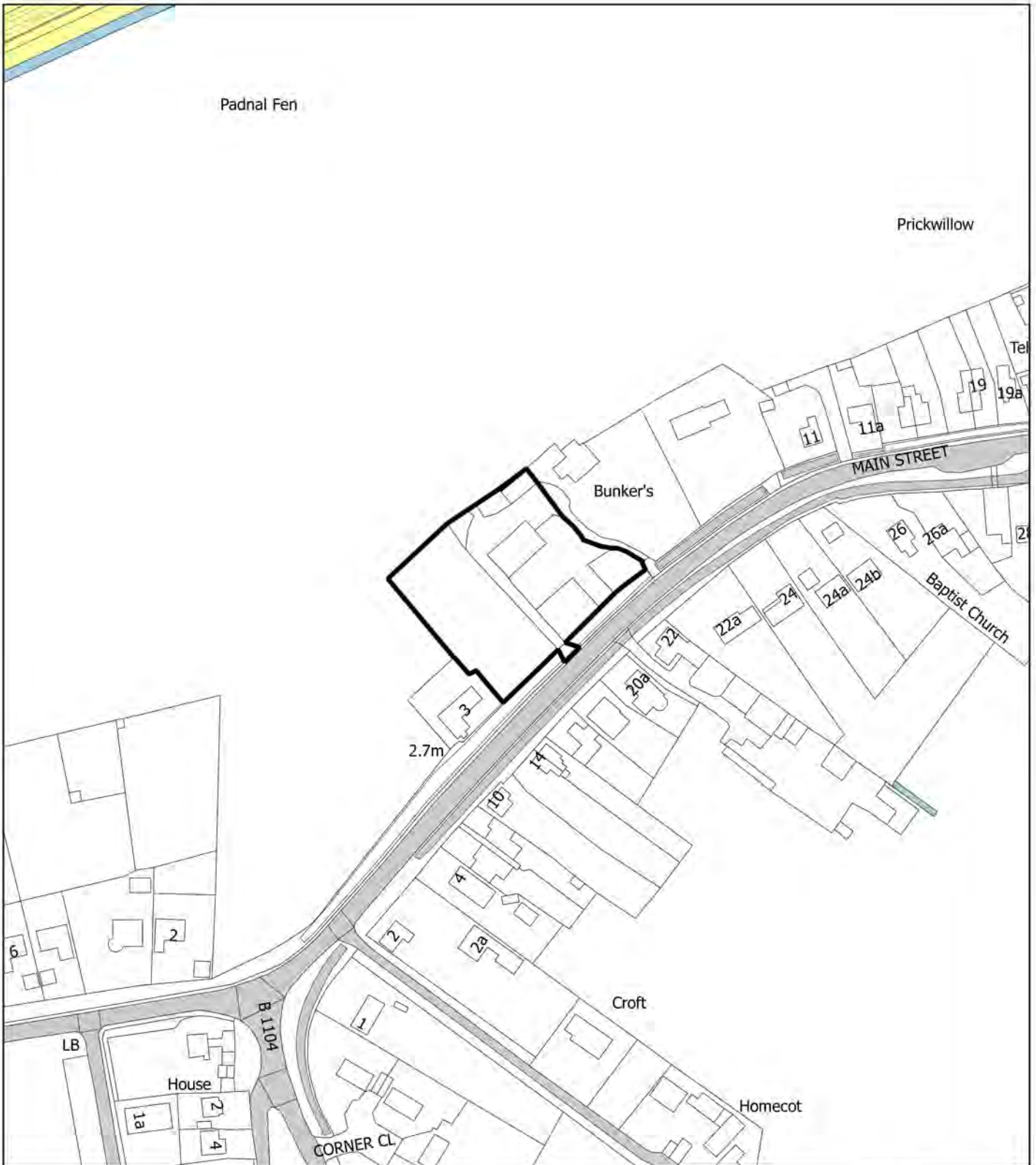
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 20/00935/FUL Conditions

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

Plan Reference	Version No	Date Received
Location Plan		20th July 2020
Block Plan		20th July 2020
Borehole Details		20th July 2020
Pool Dimensions		20th July 2020
Rill Pool Sections		20th July 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
- a. the statement of significance and research objectives;
  - b. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - c. The timetable for the field investigation as part of the development programme;
  - d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material
- 3 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



20/01111/FUL

Site Adjacent To 3  
Main Street  
Prickwillow



East Cambridgeshire  
District Council

Date: 18/01/2021  
Scale: 1:2,000



© Crown copyright.  
All rights reserved 100023279 (2020)

---

**MAIN CASE**

**Reference No:** 20/01111/FUL

**Proposal:** The erection of two detached dwellings with one detached double garage and off road parking

**Site Address:** Site Adjacent To 3 Main Street Prickwillow Cambridgeshire

**Applicant:** Mr Edward Rice

**Case Officer:** Molly Hood Planning Officer

**Parish:** Ely

**Ward:** Ely North  
 Ward Councillor/s: Simon Harries  
 Alison Whelan

**Date Received:** 25 August 2020      **Expiry Date:** 11<sup>th</sup> February 2021  
**[V127]**

---

**1.0      RECOMMENDATION**

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

- 1      Approved plans
- 2      Time Limit - FUL/FUM - 2+ dwelling
- 3      Contamination Investigation
- 4      Reporting of unexpected contamination
- 5      Foul and Surface Water Drainage
- 6      Ground Piling
- 7      Tree Protection
- 8      Boundary Treatments
- 9      Soft landscaping scheme
- 10     Phasing
- 11     Permitted Development Removal
- 12     Permitted Development Removal
- 13     Gates - restriction
- 14     New access - width
- 15     Parking, serving, etc
- 16     Visibility splays - plans
- 17     Access drainage
- 18     Access Engineering
- 19     Construction times - Standard hours

- 20 FRA mitigation
- 21 Flood Evacuation Programme
- 22 Japanese Knotweed Removal
- 23 Sample materials
- 24 Ecology mitigation
- 25 Soft landscaping

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks permission for the construction of two detached dwellings, which vary in scale and design. Construction of these dwellings is proposed to be phased. Plot 1 is the furthest back into the site, with a centrally located modern dwelling and a detached garage. Plot 2 is an L shaped designed dwelling with an adjoining double garage and is located closer to the highway.
- 2.2 Amendments have been received for this application to overcome concerns raised regarding visual impact and residential amenity impacts to existing neighbouring properties. These amendments have largely been focused on Plot 2.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.4 The application has been called into Planning Committee by Councillor Whelan due to concerns on the impact to the area, the neighbours and the fact it is outside of the Local Plan development area.

## **3.0 PLANNING HISTORY**

### **3.1**

17/01578/OUT	Proposed Dwelling	Refused	03.11.2017
18/01691/OUT	Proposed dwelling	Approved	10.05.2019
20/00404/FUL	Proposed construction of 3no. detached dwellings with off road parking	withdrawn	02.06.2020
18/00364/OUT	Outline application for 2no dwellings	Approved	23.07.2019

## **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located outside of the established development framework which runs adjacent to the south-west, south-east and north-east. The site is also located within Flood Zone 2 and 3 and the Goose and Swan Impact Zone. An access runs along

the north-east boundary of the site, which serves the neighbouring farm unit and No.7 Main Street. A mature trees/hedgerow belt is situated between the site and highway. The area is characterised as edge of settlement with low density of housing in close proximity.

## **5.0 RESPONSES FROM CONSULTEES**

5.1 A site notice was posted on the 25<sup>th</sup> September 2020, along with an advertisement in the Cambridge Evening News which was printed on the 2<sup>nd</sup> September 2020. 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 - 12 October 2020**

I note that access arrangements are essentially the same as those previously approved with respect to plots 2 and 3 of application 20/00404/FUL and I do not therefore object in that regard.

The turning areas proposed within the site however appear less than ideal with maneuvering within both likely to be difficult. Vehicles reversing out of the southern garage space of plot 1 will be particularly awkward and is likely to require multiple manoeuvres. The tandem parking proposed for plot 2 causes additional difficulties, especially when the garaged vehicle needs to leave site while a second vehicle is present.

The applicant should be invited to demonstrate how parked vehicles will independent manoeuvre within the site so as to enter and leave in forward gear, with plans being amend as may be necessary to achieve this.

Please let me know if the applicant is unable or unwilling to provide additional information and/or make necessary changes, so that I can make alternative recommendations

### **Local Highways Authority - 17 December 2020**

No objections, subject to the comments and recommended conditions:

In widening the access, the driveway must be constructed in a bound material within 5m of the carriageway edge, with any works within the highway constructed in accordance with Cambridgeshire County Councils Housing Estate Roads Construction Specification (HERCS).

It should be also be noted that surface water from the site may not be discharged onto the public highway and measures will be required to prevent this, such as constructing the driveway to draining away from the highway or by provision of a separate positive drainage system.

### **Waste Strategy (ECDC) - 16 September 2020**

No objections, comments added as an informative.

### **ECDC Trees Team - 24 September 2020**

The arboricultural report provided by Haydens identifies that the overall conflict with trees on site is minimal, with the loss of a group, hedge and one tree all categorised as 'C' grade and therefore should not prevent development.

Providing the tree protection as shown on plan 8341 - D - AIA is installed prior to any construction activities on site - No Objections

**CCC Growth & Development - No Comments Received**

**Environmental Health - 3 September 2020**

It looks like we have commented on this site in the past .

I have nothing to add at this time.

Previous Comments:

Under section 6 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted. In addition, due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

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

07:30 – 13:00 on Saturdays and

None on Sundays or Bank Holidays

Also, as it would appear from a satellite view that there may be the need to remove some greenery in order for this development to go ahead I would advise that there be no burning of waste on site during the construction or clearance phases. This is in order to protect existing nearby residents from smoke nuisance.

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

No other points to raise at this time but please send out the environmental notes.

**Environment Agency - 23 September 2020**

The Agency has no objection to the proposed development but wishes to make the following comments:-

National Planning Policy Framework Flood Risk Sequential Test

In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has

to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test.

### FLOOD RISK

We have reviewed the Flood Risk Assessment (FRA) submitted and find the details acceptable. However, to reduce the risk of flooding to the development and future occupants in extreme events, your authority may wish to consider applying a condition to any subsequent permission to ensure the implementation of proposed mitigation measures.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, by Geoff Beel Consultancy, Ref: GCB/SABERTON, Dated January 2019 are implemented in full unless otherwise agreed by the planning authority. The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The EA does not need to be consulted on any matters related to this condition. It should be noted that the submitted FRA states that:

1. Finished floor levels are to be raised by 1m above existing ground levels to a minimum of 1.5m AOD.
2. Flood resilient construction measures shall be incorporated up to 300mm above the finished floor level.
3. There shall be no ground floor sleeping accommodation.

### Advice to LPA

With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authority to formally consider the emergency planning and rescue implications of new development in making their decisions. We strongly recommend that your Emergency Planner is consulted on the above issues.

### Advice to Applicant

Please be aware that the FRA submitted with this planning application was for the same site but for a single dwelling. In this instance because the documents detailing the elevations have shown that the proposed mitigation measures will cover both dwellings we have accepted the use of this FRA. However it may be that future applications for the site will require the FRA to be updated. Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for



Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings - Flood Resilient Construction", which can be downloaded from the following website:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Floodline Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit [www.gov.uk/flood](http://www.gov.uk/flood) Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

If soakaways are proposed for the disposal of uncontaminated surface water percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Building Control. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

The site is located in an area served by the public foul sewer. Foul water from the proposed development should be discharged to the public foul sewer, with the prior written approval of the sewerage undertaker.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

**Environment Agency - 21 December 2020**

We have reviewed the amended details submitted and have no comments to add to those made in our response AC/2020/129612 dated 23 September 2020.

**Cambs Wildlife Trust - 6 October 2020**

I have reviewed the relevant documents and have no specific comments to make. Recommendations for ecological enhancements should be included as a condition to planning permission, should you be minded to approve the application

**Cambs Wildlife Trust - 6 January 2021**

I have reviewed the PEA and letter of 23rd Dec 20 and would conclude that the findings and recommendations are adequate. However, I would suggest that the approach to the Japanese Knotweed should be clearer: it is an offence to cause this plant to spread, which can occur accidentally through the movement of material on the site. Therefore, the removal of the Japanese knotweed should take place first, before other works commence on the site, and this should be done by a suitably qualified and experienced contractor.

I would recommend that the mitigation and enhancement measures set out in Section 6 of the report be required by way of a suitably worded planning condition(s), should permission be granted.

And to add clarity, I am in agreement with the applicants ecologist that there is unlikely to be impacts on Natural England's Ouse Washes 'Goose and Swan Functional Land' Impact Risk Zone (IRZ).

**Parish - 22 September 2020**

The City of Ely Council had no concerns with regards to this application.

**Parish - 15 December 2020**

The City of Ely Council had no concerns with regards to this application.

**Ward Councillors – 18 December 2020**

I would like this to be called into the planning committee as I am concerned that the impact on the area, the neighbours and the fact that it is outside the Local Plan development area needs to be determined by the committee.

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

**The Ely Group Of Internal Drainage Board - 10 September 2020**

This application for development is within the Padnal and Waterden Internal Drainage District.

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

**Natural England - 6 January 2021**

**NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

5.2 Neighbours – 10 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

#### Principle

- Outside the development envelope, on land protected by planning policies.
- Associated outline applications were only permitted due to lack of 5 year housing supply at that time without details assessment.
- One of the described outbuildings has already been demolished in 2019.

#### Residential Amenity

- The proposed development is overbearing, overlooking and would lead to a loss of privacy.
- This layout would result in overlooking and privacy issues to No.3 rear windows and back garden and the front garden of No.7. There is ample space to the front of the plot which wouldn't impact.
- Whilst it has been reduced from 3 to 2 dwellings, the development would still be overbearing and significantly larger than neighbouring houses.
- The raised finished floor levels above AOD 1.5m will lead to overlooking issues already introduced by the stepped back position of the proposed houses.

#### Visual Impact

- Out of keeping with the neighbouring environment.
- The natural building line shifts the development further from the street line compared to the approved outline applications.
- The scale is greater than what was agreed at outline and this application doesn't confirm with the previous outline.
- It would form a dominant feature in the streetscene.
- Could have a negative impact on land stability of the neighbouring historic building.
- Concern with the extent of landownership and the risk this could be used for a large residential garden and no specific boundary treatments.

#### Ecology

- The proposed development is on land designate as Goose and Swan Functional Land Impact Zone functionally linked to the Ouse Washes European Site.
- The neighbour has provided images to demonstrate a number of Swans in the adjacent field from January 2020.
- If any development is going to be pursued in this location a habitats regulation assessment should be performed to demonstrate that proposed development will not have any adverse effect on the Ouse Washes functional land in accordance with the requirements of the Habitats Regulations.
- It will have a negative impact on local wildlife and biodiversity.

#### Highway Safety

- It is not clear if the proposed visibility splays 2.4m x 43m are sufficient for access point located below existing street level. Joining the highway from a driveway with a steep gradient usually leads to reduced visibility.
- The existing access point and a significant part of Plot 1 is already used by No.7 for parking and the access and existing parking for No.7 Main Street is missing.

- Doesn't provide enough parking spaces for the two proposed houses and the existing house.

Technical Details

- The location plan and plan as proposed do not fully show the whole extent of the built-up area.
- The proposed site plan shows floor levels at 1.35m AOD, not sufficient to conform with previous planning conditions.
- Application 20/00404/FUL was withdrawn and this current application doesn't remove any of our concerns. Whilst three proposed dwellings were changed to two dwelling, small reduction in build-up area and a minor reshuffle of the layout, concerns still remain.

These comments were received after the amendment:

- We have reviewed the amended plans and our concerns remain unchanged.
- Plot 2 is positioned outside of the development envelope for Prickwillow and development on this site shouldn't be permitted.
- The proposal is substantially different from the previous outline and the scale is larger than the scope previously agreed.
- It would create a dominant feature in the streetscene, with a unconventional layout that is being proposed on Plot 1.
- The proposed houses are very tightly packed on the site with increasing distance from the street line which would inevitably lead to overlooking and loss of privacy.
- The revised plan is still showing ground levels at 1.35OAD contrary to the requirement of 1.5m AOD.
- Also raising the land could result in surface water drainage issues to our property.
- Raising the floor levels will result in overlooking and loss of privacy.
- The proposed access is currently used as the main access for No.7 Main Street.
- The access for No.7 Main Street is in fact a footpath which is not adequate for parking or turning for two cars.
- Impact to ecology and concern of extant of ownership.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational Strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

6.2 *Supplementary Planning Documents*

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

### 6.3 *National Planning Policy Framework 2019*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

### 6.4 *Planning Practice Guidance*

### 6.5 *National Design Guide*

## 7.0 **PLANNING COMMENTS**

7.1 The main considerations of this application are: principle of development, visual amenity, residential amenity, highway safety, ecology, trees and other matters. The site has secured outline permission under two different applications for a cumulative total of three dwellings on this site (application references 18/00364/OUT and 18/01691/OUT). These permissions remain extant.

### 7.2 **Principle of Development**

7.2.1 The Council's latest Five Year Land Supply report, published December 2020 demonstrates the authority has 6.14 years worth of supply of deliverable homes. On the basis that the Council can demonstrate a five year land supply the NPPF 'tilted balance' of para 11(d) is not triggered.

7.2.2 Policy GROWTH2 of the Local Plan 2015 provides the locational strategy for the district and seeks for development to be concentrated within the defined settlement boundaries. Outside these areas and subject to other policies in the plan, development will be strictly controlled having regard to the need to protect the countryside and the setting of towns and villages. This proposal is located outside of the development boundary of Prickwillow and therefore within open countryside. As such the development is contrary to Policy GROWTH2 and does not meet the list of exceptions within the policy. However, the principle of development was previously agreed on this site through the approval of two outline planning permissions. As these permissions are still extant, it is considered that the principle of residential dwellings on this site is established as a material consideration.

7.2.3 The neighbouring resident comments on the sites location outside of the development envelope, stating 'the associated outlines were only permitted due to a lack of 5 year supply at that time without detailed assessment of the negative impacts'. The previously approved applications were outline permissions, meaning matters were reserved and couldn't be considered. However, the factors impacting the principle of development, i.e. flood risk and land supply were considered and in

the assessment of the tilted balance no harm outweighed the contribution of the three dwellings. These permissions remain live and development under these outline's can still proceed, therefore this forms a material planning consideration under this application.

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

### **7.3 Residential Amenity**

7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Additionally paragraph 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

7.3.2 Concerns were received from No.3 Prickwillow Road about the overbearing impact, overlooking and loss of privacy from the initial design of the dwellings. Privacy concerns were raised regarding the rear windows and curtilage of No.3 and the front curtilage of No.7. In addition, neighbour concerns addressed the finished floor levels being raised 1.5m (4.9ft) from AOD and the overlooking issues this would lead to due to the stepped back position of the proposed houses.

7.3.3 Amendments were received to Plot 2 to address the concerns about the impact to No.3 Main Street, as this property has the closest relationship and the highest possibility to be impacted in terms of overlooking, overbearing and loss of privacy. The amendments altered the location of the dwelling, moving it closer to the road and as far away as possible from the south-west boundary. In addition, changes have been made to the roof design, removing the windows from the south-west elevation and a reduction in the footprint of the property to minimise the depth of the south-west elevation. Furthermore, the garage has been positioned so it sits along the northern boundary.

7.3.4 The revisions made to Plot 2 are considered to minimise the harm to No.3 Main Street and the proposed dwelling is not considered to result in significantly detrimental impacts. The south-west elevation of the dwelling is the closest aspect to No.3 and spans 8m (26.2ft), with no openings. The depth has been reduced by 4m (13.1ft) and the bulk of built form is positioned further to the northern boundary. It is considered that the scale and location of the dwelling would not result in significant overbearing or overshadowing harm.

7.3.5 Whilst the dwelling is set back further from the highway than No.3, the property is not considered to result in significantly detrimental overlooking or loss of privacy. The closest first floor front elevation window will serve a habitable room, however there will be 7m (22.96ft) between the proposed property and the nearest point of No.3 Main Street. It is considered that the positioning of the window will restrict the views towards the neighbouring properties curtilage and rear elevation windows and roof lights. The raising of the floor levels to mitigate the flood risk is not considered to significantly impact residential amenity or lead to detrimental overlooking, as the

dwelling's ridge height would be no greater than the existing property and the positioning of the dwelling would restrict views.

- 7.3.6 Furthermore, the positioning and fenestration detailing for Plot 1 are not considered to result in significantly detrimental impacts to the residential amenity of No.7 Main Street or No.3 Main Street. The only windows on the northern elevation would be at ground floor, serving a bathroom and a secondary window to the living room. The proposal is not considered to result in detrimental impacts to the residential amenity of the existing and future occupiers and would still retain a high standard of amenity.

#### **7.4. Visual Impact**

- 7.4.1 Neighbour concerns were received about the visual impact of the proposed development, describing the proposal as out of keeping with the neighbouring environment and shifting the development further from the street than the outline permissions. Upon reviewing the outlines, layout was not a matter agreed under application 18/01691/OUT. However, layout was agreed under 18/00364/OUT and the two dwellings approved were further forward than Plot 1. This application staggers the development diagonally to form a line of built form starting from No.3 to No.7, in turn establishing a pattern of development in line with the existing graduation of dwellings from the highway. It is considered that this is not harmful to the appearance of the dwellings from the streetscene or the overall pattern of development on Prickwillow.
- 7.4.2 Main Street, has a variety of dwellings which vary in scale and design. In the immediate area, there are bungalows, one and half storey properties with dormers and full height two storey dwellings. The proposed dwellings are not considered to be at odds with the existing built form in the streetscene or the adjacent properties. The indicative streetscene image demonstrates that the proposed ridge heights sit sympathetically to the adjacent dwellings. In addition, the footprint of the dwellings would not span the width of the site and the dwellings with accompanying garages and parking are not considered to result in overdevelopment. The proposed development maintains a spacious and open appearance to the site, in keeping to the surrounding properties.
- 7.4.3 Main Street does have a variety of dwellings and the immediate area of the streetscene has a collection of materials and differently designed properties. Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. To add, the National Design Guide draws upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings to establish well- designed, high quality and attractive development.
- 7.4.4 The Design and Access Statement demonstrated an assessment of the local context, illustrating nearby modern or uniquely designed dwellings. Plot 1 brings a new modern architectural design of dwelling to the streetscene, due to the footprint shape, roof articulation and window designs. However, it is considered that the design of the property is not so extreme that it is exceptionally harmful to the character of the streetscene or results in a dominant dwelling. The more prominent features have been isolated to the rear elevations, yet the front elevation still

establishes a sympathetic modern appearance which is considered to complement the mixed architectural styles present on main street.

- 7.4.5 The neighbouring property has raised concern that the proposal would be a dominant feature in the streetscene, however both properties are considered to be sympathetic in form, scale, layout and materials. The revisions to Plot 2, in particular, help to sympathise the appearance and form of the dwelling to the adjacent property No.3. Materials proposed include facing brick work and cladding, with colour to be conditioned, slate roofing and grey/black casement windows. The full material details will be conditioned, however the use of brick and cladding is considered to be appropriate for this location.
- 7.4.6 Finally, comments on the application reference boundary treatments and the depth of the residential curtilage into the surrounding countryside. Boundary treatments will be a condition, to ensure those in particularly adjacent to the fields remain open, however the agent has advised close boarded fencing will be used along the boundary with No.3 to protect amenity. A condition will be applied to remove permitted development rights for Class E to control any future built form extending closer to the rear curtilage boundary and adjacent fields.

## **7.5 Flood Risk**

- 7.5.1 Under the previous outline applications the sequential test was applied to the proposed developments, due to the sites location in Flood Zone 2 & 3 and its high probability of flooding in accordance with the NPPG. The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding.
- 7.5.2 The Local Planning Authority considered the requirements of the Sequential Test, within the previous applications. It was determined due to the site's location adjacent to existing residential properties, that the development is in sustainable location, providing mitigation measures are applied. In addition, it was considered there is no further land available for development in Prickwillow, which is at a lower risk of flooding. All of the area in the defined development envelope for Prickwillow is within Flood Zone 2 & 3, meaning there are no other suitable sites within Prickwillow which are not within an allocated Flood Zone or demonstrate a lower probability of flooding. Therefore, the proposed development was considered acceptable in this location and passed the Sequential Test for this reason. This position remains for these current applications and the present application is still considered to meet the sequential test.
- 7.5.3 The Exception Test is required for development proposals where the Sequential Test is met. The Exception Test requires that proposals demonstrate that the development (Part A) provides wider sustainability benefits to the community that outweigh flood risk, and (Part B) that a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 7.5.4 It is considered the development provides a public benefit as it provides an additional two dwellings and contributes to the vitality by increasing sustainable



development in rural communities. In addition, the development has provided a site specific Flood Risk Assessment which demonstrates the development will be safe for its lifetime. The Environment Agency have raised no objection, recommending a condition to ensure mitigation measures are implemented. This will be controlled by condition.

*'The proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, by Geoff Beel Consultancy, Ref: GCB/SABERTON, Dated January 2019 are implemented in full unless otherwise agreed by the planning authority. The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.'*

*The EA does not need to be consulted on any matters related to this condition. It should be noted that the submitted FRA states that:*

- 1. Finished floor levels are to be raised by 1m above existing ground levels to a minimum of 1.5m AOD.*
- 2. Flood resilient construction measures shall be incorporated up to 300mm above the finished floor level.*
- 3. There shall be no ground floor sleeping accommodation.*

7.5.5 The Flood Risk Assessment states in paragraph 5.5 that the site is located in Flood Zone 2 & 3 and benefits from defences. The development is considered to be safe from effects of any flooding, with a refuge at first floor in the case of a flood. Furthermore paragraph 5.6 identifies that finished floor levels will be raised to a minimum of 1.5m (4.9ft) AOD with a further 300mm resilient construction above. In terms of flood risk mitigation, the measures outlined in the FRA, together with a condition in respect of surface and foul drainage disposal would be appropriate to reduce the risk of flood damage. The drainage condition can then address the suitability of soakaways in this area or whether an alternative means of surface water drainage is required, in line with the Internal Drainage Board's comments.

7.5.6 The Environment Agency comments cover the provision of an evacuation plan. The formulation of an evacuation plan will be controlled by condition, to ensure that the applicants are prepared in the event of a breach.

## **7.6 Highways Safety**

7.6.1 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Neighbour concerns have been raised over whether the visibility splays are appropriate for the access point and the gradient of the drive. In addition, the use of the existing access point for No.7 Main Street and insufficient parking for proposed dwellings.

7.6.2 The Local Highway Authority have raised no objection to the access arrangements, advising these are the same as previously approved. However, concerns were initially raised about the size of the turning areas and ability to manoeuvre, in particular for Plot 1. There have since been revisions to the layout of garaging on the site, which in

turn impacts the turning area. With the revisions, it is considered that the parking arrangements would provide sufficient space to allow for vehicles to safely access the highway in a forward gear. On the revised plans, the Local Highway Authority raised no objection and recommended conditions, in particular ensuring the access is constructed from a bound material.

- 7.6.3 The Local Highway Authority has not raised an objection to the access point or the indicated visibility splays. Therefore, it is considered that the access point is safe and convenient to serve the two dwellings, compliant with policy COM7. Furthermore, the proposal provides two off street parking spaces for each dwelling, in line with policy COM8. The existing access point and site does provide off street parking for No.7 Main Street, which would become void with this current application. However, the site plan demonstrates another access point which serves No.7 Main Street. The neighbouring property has raised concern over this access, however it is an existing vehicular access point to the dwelling.

## **7.7 Ecology**

- 7.7.1 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. In addition, the Natural Environment SPD seeks to establish biodiversity net gain and provides additional guidance for those sites situated in designations. The site sits in the Goose and Swan Impact Risk Zone and therefore it is necessary to ensure that the proposal would not result in any adverse impact. Whilst the site has extant planning permission, the impact of development on the Impact Zone and Ecology still have to be considered under this application.
- 7.7.2 A neighbour has raised concern over the sites location in the designated site and has provided images of swans in the adjacent field from January 2020. In addition, that a Habitats Regulation Assessment is required for the proposal to demonstrate that the development will not have an adverse effect on the Ouse Washes functional land.
- 7.7.3 The application includes a Preliminary Ecology Assessment which details the habitats on the site are of low ecological value and that there are no significant ecological constraints that would prevent the proposed works. Whilst the site is located within the goose and swan impact zone, the applicant has carried out a Preliminary Ecology Assessment dated September 2020 and has since provided further information relating specifically to geese and swans from Greenlight Environmental Consultancy. Greenlight have confirmed that at the time of survey, the field was sown with unsuitable arable crop for geese and swans and that the suitability of the site for these birds is affected by the nearby railway. Greenlight advise that the site is unsuitable for these species, particularly given the adjacent residential uses. They also confirm that any construction activities would not exceed the disturbance already created by the railway line. Greenlight conclude that the proposed development will have insignificant effects on the Goose and Swan Impact Risk Zone, owing to its relatively small scale, unsuitable habitats on site and limited predicted impacts beyond the area of works. Therefore it is not considered necessary to require the applicant to submit further information or surveys.

- 7.7.4 The site is not within a SSSI or any other designated area which triggers the requirement for an HRA assessment. Natural England's and the Wildlife Trust, agree with the Ecologist that there is unlikely to be impacts on Natural England's Ouse Washes Goose and Swan Functional Land Impact Risk Zone (IRZ). In addition, the Natural Environment SPD does not require an HRA for developments such as proposed here.
- 7.7.5 To ensure as little disturbance and post development gain is provided the mitigation measures will be conditioned, along with a soft landscaping scheme. Furthermore, a suitable condition will be included to support the appropriate removal of the Japanese knotweed in line with the Wildlife Trusts comments.

## **7.8 Trees**

- 7.8.1 Along the south-east boundary is a collection of well-established hedgerow, shrubs and trees. The development will utilise an existing access point, however some level of improvements will be required to meet standards. As such this will involve encroachment into the area of vegetation. A Tree Survey, Arboricultural Impact Assessment and Preliminary Method Statement, with tree protection details was included with the application. The Trees Officer advised that the Arboricultural Report provided by Haydens identifies that the overall conflict with trees on site is minimal, with the loss of a group, hedge and one tree all categorised as 'C' grade, and therefore should not prevent development. The development will only result in minimal disturbance to the front boundary vegetation and adequate tree protection measures have been provided for the retained trees and hedging. The tree protection plan will be conditioned.

## **7.9 Other Matters**

- 7.9.1 The neighbour comments express concern that the location plan does not fully show the whole extent of the build-up area. The plans illustrate the footprints of the immediate neighbouring properties and clearly defines the footprint of the proposed dwellings. There is not considered to be any discrepancies with the drawings submitted. In addition, the concerns with the drawings extend towards the indicated raised floor levels of the dwellings, with them being shown at 1.35m (4.4ft) AOD. The approved drawings have been checked and the proposed elevations indicate that the dwellings will be 1.5m (4.9ft) AOD, this will be also be conditioned as part of the FRA mitigation measures.

## **8.0 Planning balance**

- 8.1 The site has extant planning permission for three dwellings, therefore the principle of development has already been considered acceptable. This application would reduce the amount of built form as only two dwellings are proposed. Furthermore, the proposal is not considered to result in significant harm to the residential amenity of the surrounding occupiers, the visual appearance of the streetscene or the Goose and Swan Impact Risk Zone. In addition, the proposal meets the sequential and exceptions tests and demonstrates adequate parking, turning and safe access to the highway. The proposal is compliant to policies within the East Cambridgeshire Local Plan, the NPPF and Supplementary Planning Documents. Therefore, the application is recommended for approval.

## 9.0 APPENDICES

### Appendix 1 – List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/01111/FUL	Molly Hood Room No. 011	Molly Hood Planning Officer 01353 665555
17/01578/OUT	The Grange	molly.hood@eastca
18/01691/OUT	Ely	mbs.gov.uk
20/00404/FUL		
18/00364/OUT		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

### Appendix 1 – List of Conditions

Approve

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

Plan Reference	Version No	Date Received
G05	C	25th August 2020
G16		25th August 2020
G01	D	2nd December 2020
8341-D-AIA		9th September 2020
Arboricultural Impact Assessment		9th September 2020
Preliminary Ecological Assessment		9th September 2020
G06	E	2nd December 2020
G11	H	2nd December 2020
G15	H	2nd December 2020
G10	I	2nd December 2020
G12	H	2nd December 2020
G20	F	2nd December 2020
G21	C	2nd December 2020
G22	F	2nd December 2020

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

- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake

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

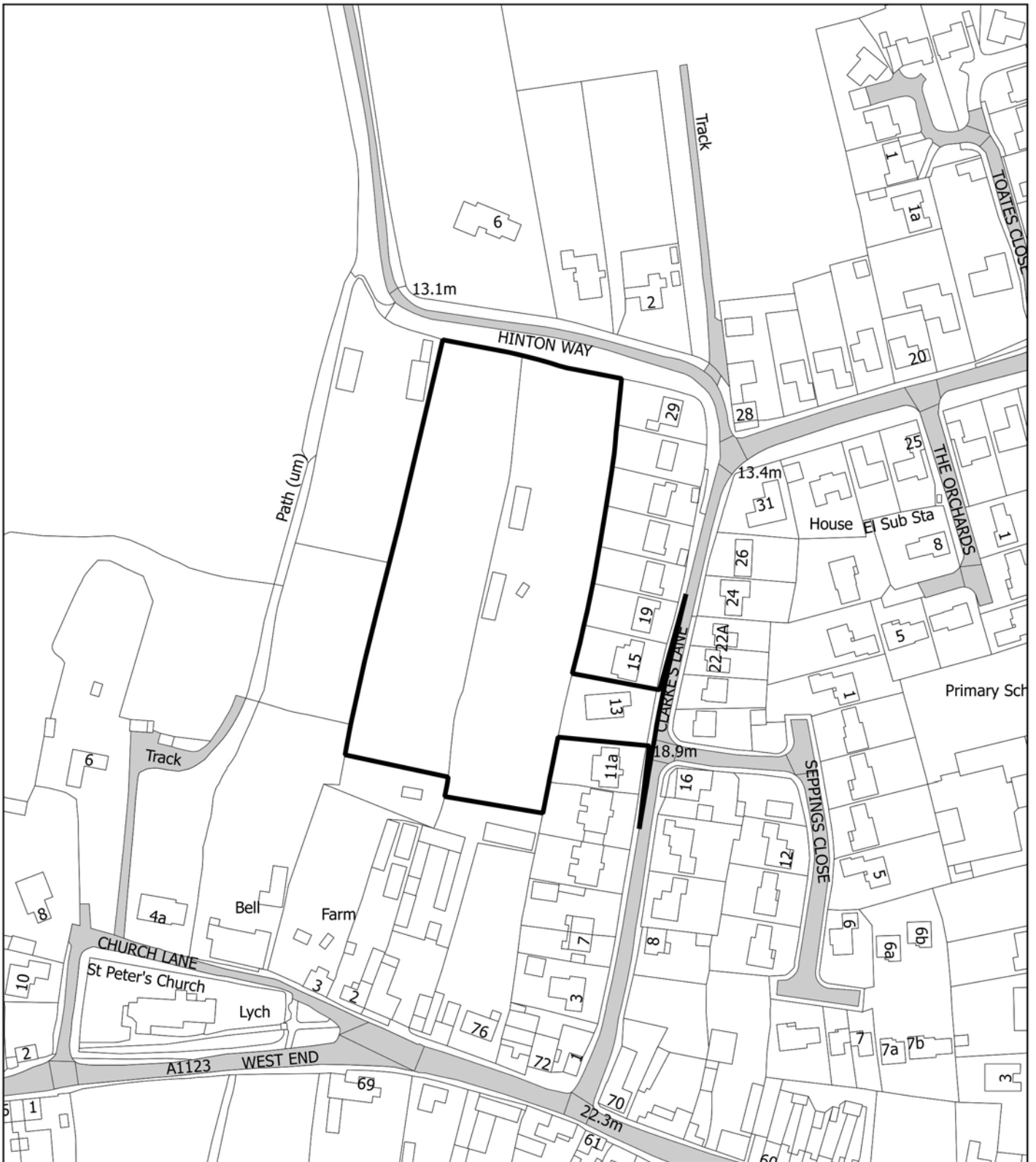
- 6 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The tree protection measures as shown on 8341 - D - AIA shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 7 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of the dwelling to which it relates and retained thereafter.
- 8 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 The development hereby permitted consists of two phases as shown on Drawing No. G07 A ; and shall be completed in accordance with the phasing plan submitted.
- 10 Reason: The applicant has requested that the development be undertaken in a phased manner for the purposes of CIL.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A of Part 2 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 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 GO6 E.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan GO6 E and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to the occupation of the dwellings visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan GO6 E The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 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.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 18 Before the dwelling hereby permitted is occupied, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 The development shall be carried out in accordance with the submitted Flood Risk Assessment dated January 2019 to include:
- Finished floor levels are to be raised by 1m above existing ground levels to a minimum of 1.5m AOD.
  - Flood resilient construction measures shall be incorporated up to 300mm above the finished floor level.
  - There shall be no ground floor sleeping accommodation.
- 20 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to occupation, a flood evacuation programme should be submitted and in agreed in writing with the Local Planning Authority. The approved flood evacuation plan shall be adhered to in perpetuity.
- 21 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 22 No development shall take place until a programme for the removal and disposal of the Japanese Knotweed present on site, is submitted to and agreed in writing with the Local Planning Authority. The works to remove and dispose of the species shall be carried out before any site clearance, demolition or site investigations commence. The works should be done by a suitably qualified and experienced contractor.
- 22 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 23 No above ground construction shall take place on site until details of the brick, cladding, roof covering, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 23 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



- 24 The development shall be carried out in accordance with the mitigation measures set out in Chapter 6, Discussions and Conclusions, of the Preliminary Ecological Appraisal dated 7th September 2020. Works shall be completed in accordance with the approved details.
- 24 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 25 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 25 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.



20/01156/RMM

Land South Of 6  
Hinton Way  
Wilburton



East Cambridgeshire  
District Council

Date: 18/01/2021  
Scale: 1:2,000



© Crown copyright.  
All rights reserved 100023279 (2020)

---

**MAIN CASE**

**Reference No:** 20/01156/RMM

**Proposal:** Reserved matters for appearance, landscaping, layout and scale of previously approved 19/00910/OUM for residential development of up to 30 dwellings, including open space provision and associated works with all matters reserved except for access

**Site Address:** Land South Of 6 Hinton Way Wilburton Cambridgeshire

**Applicant:** Etopia Wilburton Limited

**Case Officer:** Toni Hylton Senior Planning Officer

**Parish:** Wilburton

**Ward:** Stretham  
 Ward Councillor/s: Bill Hunt  
 Lisa Stubbs

**Date Received:** 1 September 2020      **Expiry Date:** 5<sup>th</sup> February 2021

[V128]

---

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit - OUT/OUM/RMA/RMM
- 3 Parking, serving, etc
- 4 Visibility splays
- 5 Garages for parking
- 6 Details of cycle sheds
- 7 Details of benches
- 8 Boundary treatments
- 9 Landscaping as agreed
- 10 Landscape maintenance
- 11 Lighting scheme
- 12 PD rights Windows (some plots)
- 13 PD rights extensions, outbuildings (some plots)
- 14 Compliance with tree protection

- 15 Materials
- 16 Road construction

2.0 SUMMARY OF APPLICATION

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

2.2 The Reserved Matters Planning permission is sought for the erection of 30 dwellings, to include appearance, layout, landscaping and scale. The table below illustrates the range of dwellings and their dimensions. A full table is shown in Appendix 2 for further information. The figures in closed brackets are the approximate measurement in the imperial measurement of Feet. The numbers not in brackets are in the metric measurement of metres. (XG) excluding garage.

Plot	Plot Size Sqm (Sqft)	Garden size Sqm (Sqft)	Width Metres (Feet)	Depth Metres (Feet)	Floor Area Sqm (sqft)	Height (Eaves) Metres (Feet)	Height (ridge) Metres (Feet)
1	440 (4736)	210 (2260)	9.2 (XG) (29)	7.6 (25)	70(XG) (725)	5.3 (17.3)	8.3 (27.2)
2	212.5 (2287)	115.5 (1237)	9 (29)	6.5 (21)	58.5 (609)		7.9 (25.9)
3	238 (2561)	141.5 (1523)	9 (29)	6.5 (21)	58.5 (609)		7.9 (25.9)
4	216 (2325)	103.9 (1108)	11.7 (39)	9.4 (30)	110 (1170)		9.1 (29.8)
5	189 (2034)	76.13 (819)					9.1 (29.8)
6	660 (7104)	353.40 (3803)					9.2 (XG) (29)
7	374 (4026)	157.4 (1694)	6.7 (22)	9.8 (32)	66 (704)		9.1 (29.8)
8	418 (4499)	231 (2486)	9.2 (XG) (29)	7.4 (24)	68 (XG) (696)		8.3 (27.2)
9	340 (3660)	184.2 (1982)	6.7 (22)	9.8 (32)	66 (704)		9.1 (29.8)
10	300 (3229)	183.6 (1976)	9 (29)	6.5 (21)	58.5 (609)		7.9 (25.9)
11	154 (1658)	71.3 (767)	9.2 (29)	9.8 (32)	90 (928)		9.1 (29.8)
12	132 (1421)	70.45 (757)					

Plot	Plot Size Sqm (Sqft)	Garden size Sqm (Sqft)	Width Metres (Feet)	Depth Metres (Feet)	Floor Area Sqm (sqft)	Height (Eaves) Metres (Feet)	Height (ridge) Metres (Feet)	
13	154 (1658)	87.60 (943)	11.7 (38)	9.2 (29)	108 (1102)			
14	154 (1658)	83.40 (897)						
15	120 (1292)	56 (602)	10.6 (35)	9.8 (32)	104 (1120)			
16	130 (1399)	65 (699)						
17	120 (1292)	65 (699)	10 (33)	9.8 (32)	98 (1056)			
18	120 (1292)	65 (699)						
19	120 (1292)	57.3 (616)						
20	120 (1292)	58.2 (626)						
21	140 (1507)	71 (764)	15.3 (50)	9.8 (32)	150 (1600)			
22	110 (1184)	55.9 (601)						
23	112.5 (1211)	61.6 (663)						
24	138 (1485)	77.4 (833)						
25	138 (1485)	79.8 (858)	10.2 (33)	9 (29)	92 (957)			
26	141 (1517)	82.6 (889)						
27	144 (1550)	85 (914)	10.2 (33)	9 (29)	92 (957)			
28	144 (1550)	87.5 (941)						
29	171.5 (1846)	92 (990)	11.7 (38)	9.2 (29)	108 (1102)			9.1 (29.8)
30	171.5 (1846)	92 (990)						9.1 (29.8)

- 2.3 The application has been amended twice, in order to address external consultee comments and the concerns raised by the planning case officer. Firstly to address the layout of the site, improved amenities for the dwellings to the north of the site and to accommodate more public open space. Secondly to address drainage issues and highway concerns.
- 2.4 The application is a reserved matters application, the site was granted outline planning permission on 16th April 2020 with a S106 agreement attached. The decision notice is attached as appendix 3. The S106 agreement required the provision of affordable

housing; transfer of public open space and SUDS; contribution towards the provision of bins; biodiversity contribution off site provision; payment towards education.

- 2.5 To the boundary of the site it is planned for 1.8 metre close board fencing, with an element of 1 metre high and trellis above in the north eastern corner. Each plot has at least 2 parking spaces, garden in excess of 50 square metres, cycle shed and planting.
- 2.6 The application has been called into Planning Committee at the request of Cllr Hunt, on the basis that the proposal has raised a number of concerns locally and in the public interest should be discussed in an open forum.

### 3.0 PLANNING HISTORY

19/00910/OUM Proposed outline planning permission for residential development of up to 30 dwellings, including open space provision and associated works with all matters reserved except for access. Approved 16.04.2020

19/00910/DISA – Discharge condition 4 parts A and B (Archaeology) Accepted

19/00910/DISB – Discharge conditions 4C (Archaeology) 5 (CEMP) 9 (Fire hydrants) 11 (Arboricultural Method Statement) 20 (Contamination) 23 (Foul Water) - out to consultation

19/00910/DISC – Discharge condition 19 (Broadband Strategy) – out to consultation

20/01614/ADV Erection of a sign – remains undetermined

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is situated to the western edge of Wilburton, to the west of Clarke's Lane and is situated outside of, but adjacent to, the development envelope of Wilburton. The site is a rectangular shape and covers a total area of approximately 1.21 hectares. The site also includes the occupation of a single storey bungalow (no.13) located directly to the west of Clarke's Lane, which is to be demolished as part of this proposal. The existing dwelling is not listed and is not a highly architectural example within the area.
- 4.2 To the south of the site you have the more traditional development along the High Street (A1123), the Conservation Area and Listed Buildings. There are some local amenities within the village including a Post Office/convenience store, 2 garages, garden centre, village hall, primary school, church and recreation ground.
- 4.3 The land has previously been used for agricultural purposes, though it has been left to fallow, with an overgrown unkempt appearance. There are several dilapidated former agricultural buildings within the site, along with a number of unused agricultural machinery, related to the farm to the south. The site is interspersed to the north, south and western boundaries by existing trees and hedges, with an existing close boarded fence bounding the eastern edge of the site, which also defines the boundaries of the dwellings along this side of Clarke's Lane.

- 4.4 The surrounding development is primarily focused to the east and south of the site. The site is outside of the development but is bound to it on the east, south and adjacent to it to the northern boundary. The built form along Clarke's Lane consists mainly of detached and semi-detached two-storey dwellings, with some flat development. Similarly, residential development consisting of both single storey and two storey dwellings can be found to the south. Directly adjacent to the site, to the north is Hinton Way, which is an unmetalled track, leading to a few detached dwellings set back from the road frontage. Directly to the west of the site is an enclosed field used for grazing horses and is occupied by a field shelter with open countryside beyond to the west.
- 4.5 The south-west corner of the site is positioned adjacent to the Conservation Area. The nearest listed building is 2 Church Lane (Grade II) which is approximately 76 metres to the south of the site.
- 4.6 The site in October 2020 was secured by the applicant with Heras fencing, this surrounds the site and is predominantly for site security.

## 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.

**Cllr Bill Hunt** – Requests the application is presented to Planning Committee to be discussed in open forum, due to the public interest.

### **Wilburton Parish Council- 21 December 2020**

States "Cllrs object: all previous objections still stand.

1. 4 visitor parking spaces for 17 of the houses (all the 2 bed houses) The road leading to the site, Clarks Lane, has considerable existing issues with parking which will only be exacerbated by this lack of provision.
2. There are three dead ends from this development to adjoining land - this is showing that the developers are putting in access for further development at the cost of not enough visitor parking or any open space on the development.
3. Density of the houses on this development remains a major concern with public area at a minimum
4. Drainage of site is not good enough. There has always been considerable surface water on the site even with some drainage and putting 30 houses on the site will only cause more water to flood the area."

### **Wilburton Parish Council - 26 October 2020**

States "Councillors are very concerned about

1. No visitor parking for 17 of the houses (all the 2 bed houses) the road leading to the site: Clarks Lane, has considerable existing issues with parking which will only be exacerbated by this lack of provision.
2. Footpath behind number 22 - unusual position of the footpath poses security issues for plot 22, 23 and the house facing Clarkes Lane

3. There are three dead ends from this development to adjoining land - this is showing that the developers are putting in access for further development at the cost of not enough visitor parking or any open space on the development.
4. Density of the houses on this development remains a major concern”

**Lead Local Flood Authority - 19 January 2021**

Following a discussion with the LLFA their objection would be removed if the applicant could provide confirmation that the swales were within their ownership.

**Lead Local Flood Authority – 19 January 2021**

The swales are not within the full ownership of the applicant and neighbours have Riparian rights.

**Lead Local Flood Authority - 15 December 2020**

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

**1. Water Quality**

The inclusion of permeable paving across the private drives and access is supported by the LLFA. However, surface water runoff draining from the adoptable highway will not be receiving adequate treatment in line with the pollution hazard indices as outline in the CIRIA SuDS Manual (C753). The LLFA does not consider the conventional trapped gully as a form of treatment. This is due to the fact that if the gullies are silted up and a storm occurs, this can flush the built up pollutants through the system. All runoff leaving the site must be cleansed suitably to ensure there is minimised risk of pollutants leaving the site and entering the wider surface water networks. This should be through a wider use of SuDS, such as conveyance swales, or other online treatment features. Until all surface water leaving the development is being appropriately cleansed of pollutants, we are unable to support this application.

**2. Discharge Rate (depending on orifice in calcs)**

The proposed discharge rate from the site is 3.3 l/s to an Anglian Water surface water sewer. The calculated QBar runoff rate is 1.9 l/s. As stated in our previous response, the proposed discharge rate from the site approved under the outline planning approval 19/00910/OUM is at 2.0 l/s. The reasoning for this increase in rate is due to the potentially small orifice flow control required, which could increase risk of blockage. The submitted calculations indicate that the flow control from the system is proposed to be 83mm. However, the information submitted with the outline report demonstrates that the 2.0 l/s flow control can be attained with a 76mm diameter flow control, which is an acceptable size. Therefore the rate should be reduced to ensure the rate is as close to the greenfield rate as possible. Until the rate is reduced, we are unable to support this application.”

**Lead Local Flood Authority - 23 September 2020**

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

**1. Discharge Rate**

The proposed discharge rate from the site approved under the outline planning approval 19/00910/OUM is at 2.0 l/s. The proposals are to now discharge at 5.0 l/s to the Anglian Water surface water sewer. Whilst it is noted that Anglian Water will accept this rate, as stated in Anglian Water's response in Appendix 3 of the



submitted report, it is a rate up to 5.0 l/s. The reasoning for this increase in rate is due to the potentially small orifice flow control required, which could increase risk of blockage. However, the information submitted with the outline report demonstrates that the 2.0 l/s flow control can be attained with a 76mm diameter flow control, which is an acceptable size. Therefore the rate should be reduced to ensure the rate is as close to the greenfield rate as possible. Until the rate is reduced, we are unable to support this application.”

**Cambs Wildlife Trust - 14 December 2020**

States “We have no comments to make on this aspect of the application.”

**Environmental Health - 8 January 2021**

States “I have nothing to add to my previous comments”

**Environmental Health - 8 December 2020**

States “I have nothing to add to my previous comments”

**Environmental Health – Scientific Officer - 7 October 2020**

States “I have read the Phase 2 Contaminated Land Assessment report dated 30th July 2020 prepared by Nott Group and accept the findings. The report finds that there are slightly elevated levels of arsenic in the topsoil and made ground and recommends further investigation. Depending on the results further sampling or remediation may be required. It will not be possible to fully discharge the condition until this work has been completed and any necessary remediation has been completed and verified.

**Environmental Health - 15 September 2020**

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

**Technical Officer Access - 29 September 2020**

States “1) If the tactile paving towards the beginning of the cul-de-sac could be nearer the junction with Clarke's Lane, that might be a bit safer for visually impaired pedestrians. This is because you will not be crossing on a corner and will not have to walk across the private drive on the south side of the road.

2) There is a moratorium on shared space. Shared space is not accessible for blind and partially sighted pedestrians because we can't see cars.”

**Local Highways Authority - 14 January 2021**

States “The revised proposal is acceptable, and I therefore have no further observations.

In addition to the above, and provided the LPA are content to apply these, I would suggest the following Conditions are appropriate to secure satisfactory implementation:

HW2A - standard estate road construction

HW3A - estate road specification - unless otherwise agreed in writing with the LPA

HW16A - parking for each respective dwelling - PL-1-02 Rev E

HW20A - pedestrian visibility - at access crossovers as shown on drawing PL-1-02 Rev E”

**Local Highways Authority - 15 October 2020**

States “Subject to the following comments and recommendations:

The development principle and access arrangements are acceptable having been established at Outline planning application stage.

In relation to the internal layout which has been the subject of pre-application discussions with the applicant's engineering consultant, I would make the following comments which require attention:

1. Turning head kerb radii need clarifying (I note that the junction layout is covered by Outline consent Condition 15);
2. Turning head extension west - CCC will only adopt 20m extension from the approach road CL, but sufficient length is needed for a refuse vehicle to turn. Thus the potential adoptable extent needs to be looked at (see overarching drainage comments below);
3. I would suggest remote path in front of plots 13 - 19 is offered for adoption, but would need to consider drainage of highway to private parking spaces (see overarching drainage comments below);
4. CCC would prefer not to adopt the tree adjacent plot 22; I would suggest that a 0.5m maintenance strip is shown to the inside of the kerb and that the remainder of the grass area and the tree is maintained by private management company along with the wider open spaces and paths across the site (see comments below).

Points for further consideration:

- o The FRA and drainage proposal includes crate storage system beneath the adoptable highway; such features beneath the structure of the road are not acceptable to CCC, and the roads will not be considered adoption unless the storage feature can be relocated from the carriageway.
- o Notwithstanding the above, the Surface Water Sewer includes private and highway surface water and thus would require adoption by AWS. AWS would need to be satisfied with any drainage solution and the future maintenance thereof, if CCC were to adopt the roads in the fullness of time.
- o The development includes significant areas of open space/ shared private paths - future maintenance thereof needs to be properly considered and secured, noting that Condition 18 of the Outline consent covers the interim maintenance of the streets.”

**ECDC Trees Team - 13 January 2021**

States "I'm concerned that the blocks of planting adjacent the entrance under the upright ornamental Pear trees is unnecessary and offers little benefit. If these areas were smaller, circular and either contained small scale shade tolerant shrub species shrubs or wild flowers and bulbs this would help soften the entrance and be better than the proposed blocks of grass, it could also reduce ongoing maintenance costs for the site. The short lengths of Prunus lusitanica hedging at right angles to the entrance boundary hedging are superfluous and offer little benefit to the sites aesthetics. It would also be better if there was less none native evergreen hedging used consideration should be given to the use of Holly or Yew as alternatives or the use of non-evergreen species such as Hornbeam that will still provide a suitable boundary. The hedging by parking spaces 12, 13 and 14 would be better combined in to one larger area allowing planting space to avoid future conflict between car doors and the hedges. The hedge between spaces 17 should be added to the planting are adjacent parking space 18 as this would give the proposed new tree more space to develop increasing its chance of long tern retention and avoiding the previously mentioned conflict between car doors and hedges. There are other hedge lined parking spaces (15, 19, 21, 22, Vx3, 29, 30) which should be reconsidered as they are unlikely to be sustainable, nobody likes getting out of a car into/close to a hedge especially on damp days or when loading children into cars when more space is required and this is a likely scenario due to the proposed property sizes.

No tree related objections to the current design"

**ECDC Trees Team - 18 December 2020**

States "The revised tree protection details are acceptable in respect of T9 Oak.

The lack of public open space is dissapointing and lack of providing trees within the area they have now identified for parking to break up the area visually and to contribute to the water management of the site through interception of rain."

**ECDC Trees Team - 8 October 2020**

States "One tree (T9 Oak) which on the previous layout ref PL-1-01 19/00910/OUM which previously would have been lost to the development is now retained. However it is compromised by the proposed path through the RPA and there is no real detail in how this decing and path would be installed.

The layout is poor in relation to the lack of open space and retaining the Oak tree T9, as an open grown tree it is not acceptable to place pedestrian paths through the RPA creating post development pressure through creating a risk in respect of deliberately placing people under the canopy of the tree.

The layout is poor and does not provide the appropriate provision for the longevity of T9 or for public open space the layout should be revised."

**Conservation Officer - 27 October 2020**

States "In line with NPPF requirements, the application is supported by a heritage assessment which builds on the one submitted for the 2019 outline application. This follows Historic England's format set out in 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets.' Given the separation

distances involved, lack of intervisibility and the screening effects of intervening development around the site, its conclusions on the limited impact of the scheme on any designated heritage assets in the vicinity are considered reasonable.  
Recommendation: no objection”

**Housing Section - 22 December 2020**

States “The Strategic Housing Team notes the amendments made to the affordable housing plot numbers and the location and has no further comments to make, as the mix and number of affordable housing dwellings remain unchanged.”

**Housing Section - 21 September 2020**

States “The Strategic Housing Team supports the above application as it will deliver 30% affordable housing on site and will meet the required tenure of 77% rented and 23% shared ownership in accordance with the approved s106 agreement.

The affordable housing mix proposed will meet the housing needs of those households in East Cambridgeshire as well as helping meet the Councils overall Objectively Assessed Need for affordable housing.”

**Waste Strategy (ECDC) - 30 September 2020**

Details of refuse collection points.

**The Ely Group Of Internal Drainage Board - 8 October 2020**

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

**The Ely Group Of Internal Drainage Board - 15 September 2020**

States “This application for development is outside of the Littleport and Downham Internal Drainage District but within an area that drains into it.  
The Board has no comment to make on the aspects raised in this application.”

**Environment Agency - 23 September 2020**

States “We are returning this planning application consultation without comment because it is not clear why we have been consulted.”

**Design Out Crime Officers - 18 December 2020**

States “I can confirm this office has reviewed the amendments to the above reserved matters application and are supportive of proposed changes and consider that community safety and vulnerability to crime should be addressed. No further comments at this time”

**Design Out Crime Officers - 14 September 2020**

States “I have reviewed documents and drawings in relation to the above Reserved Matters Application - it would appear that this proposed design and layout including landscaping promotes community safety and should reduce vulnerability to crime,

the proposed pedestrian link to Hinton Way is straight and within sight of homes. I would like to see a lighting proposal when ready to consider it, I am happy that adopted roads should be lit to BS5489-2013 or 2020 but I would like to see what lighting is proposed for the private and shared drives.”

**Cambridgeshire Archaeology - 18 January 2021**

States “An archaeological evaluation of the development area was undertaken in October 2020, carried out against the condition included on permission granted to associated outline application ref 19/00910/OUM (Cambridgeshire Historic Environment Record reference ECB6308). No further archaeological works are required in mitigation of the development impacts and we have no further objections or requirements for this development as proposed.”

**The Ely Group Of Internal Drainage Board - No Comments Received**

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

**Cambridge Ramblers Association - No Comments Received**

**Asset Information Definitive Map Team - No Comments Received**

**Cambridgeshire Fire And Rescue Service - No Comments Received**

**Enforcement Section - No Comments Received**

**Building Control - East Cambridgeshire District Council - No Comments Received**

**CCC Growth & Development - No Comments Received**

**Minerals And Waste Development Control Team - No Comments Received**

5.2 Neighbours – 42 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council’s website.

5.3 At the time of writing the report 64 responses had been received from local residents from 16 different addresses. 42 local residents have been notified of the application. The responses received are shown in the table below and are an overview. The full responses are available to be seen on the Planning Website.

Letter	Date	Address	Objections
1	01/10	21 Clarkes Lane	More suited to urban development settings Density of development is too high The filling in of the ditch will lead to flooding Lack of parking The creation of additional traffic
2	02/10	23 Clarkes Lane	Fails to represent the local character Inappropriate development in the Green Belt

Letter	Date	Address	Objections
			Increase in surface water Overlooking Noise from the development of dwellings and vehicle movements Highway safety from having 2 junctions opposite (Seppings Close) Loss of trees
3	21/12		Does not accord with the development plan Does not accord with the NPPF Scale of development Loss of privacy Inappropriate use Impact on highway safety Impact on conservation, biodiversity and trees
4	06/10	1 Toates Close	Overdevelopment Surface water issues Foul water and blockages having to be cleared by Anglian Water Highway safety at junction with Clarkes Lane Is it for 30 or 60 houses MTC report says 60?
5	01/10	22 Broadway	Highway safety from the junction and the A1123 Emergency vehicles access Surface water run off
6	22/09	19 Clarkes Lane	Overlooking, loss of privacy Density of development Loss of light Loss of trees Loss of wildlife Traffic congestion and lack of parking Drainage surface and foul water
7	08/10		Could the planning officer visit the site and come to the house
8	17/12		Loss of privacy Overbearing Lack of parking Refuse collection points Drainage How is this eco? Why not another developer?
9	11/12	9 Clarkes Lane	Too much traffic Pollution from additional traffic Too much development Loss of privacy/overlooking Dated statistics
10	14/12	27 Clarkes Lane	Too many dwellings
11	14/12		The developer has not addressed any of the concerns raised originally
12	09/11		Further samples were taken from the site. Can information be provided to show where and

Letter	Date	Address	Objections
			what the samples were?
13	02/10		<p>Density</p> <p>Anything over single storey will be invasive to neighbours amenities</p> <p>Overlooking due to the layout</p> <p>Loss of light</p> <p>The amenities in the village cannot support a development of 30 dwellings</p> <p>Additional traffic</p> <p>Noise from the GSHP</p> <p>Evidence that suggests there is wildlife on the site</p> <p>Development outside of the development framework</p> <p>The online consultation was not satisfactory</p> <p>Not organic growth</p>
14	04/10		<p>Impact of view</p> <p>Development dominates rear garden</p> <p>Noise pollution of GSHP</p> <p>Back to back distance is not far enough</p> <p>Site is higher than adjoining neighbours</p> <p>Layout plans shown neighbouring properties in correctly</p> <p>The heights of the dwellings has not been clarified</p> <p>Infilling of the ditch</p> <p>Existing footpath in Clarkes Lane is not suitable and cannot accommodate more development</p> <p>Additional traffic</p> <p>Removal of roofs has been undertaken by the landowner not the applicant</p> <p>Impact on the wildlife</p> <p>Local amenities cannot support the development of 30 dwellings</p> <p>Lack of infrastructure</p>
15	06/10		<p>Do not support the proposal or accept this work</p> <p>Who will be installing the fence and the details of height, material, working hours</p> <p>Removal of vegetation should not be burnt on the site</p> <p>What risks assessments have been undertaken to determine the impact of the development on the properties on Clarkes Lane.</p>
16	07/10		<p>Who are the contractors for the site as this is important for site safety</p>
17	14/10		<p>The drainage of the site is of concern and potential run off into the garden</p> <p>There are springs on the site</p> <p>High water table</p>

Letter	Date	Address	Objections
			Potential for newts
18	24/11		Have amended plans been submitted?
19	25/11		Why has the Local Planning Authority asked for an extension of time? Will any revised plans be the final application
20	27/11		Objection to the temporary fencing Restricts wildlife Objects to signs that state it is a construction site
21	08/12		New documents have been appearing on the portal are these to be consulted upon?
22	10/12 (15.02)		The time period is not acceptable to provide comments To see the information discussed with the developers
23	10/12 (17.30)		E mail uploaded incorrectly dated Request a call to discuss the application on process
24	10/12 (19.10)		The red line is so thick it is incorrect
25	11/12 (09.47)		The information is not easy to understand
26	11/12 (16.44)		Objection to the waste strategy too many will have to drag their bins in excess of 20 metres Bin storage too close to rear boundary The measurements are incorrect
27	13/12 (20.44)		Overlooking from the changed layout View will be affected by a car park
28	13/12 (21.24)		Infilling of the ditch will lead to flooding issues, this was always maintained by the previous land owner
29	18/12 (10.13)		Support the comments of the LLFA
30	16/12 (10.19)		Unable to scale the drawings from the website Concerns with the disclaimer and not drawn to scale
31	21/12		Impact on the loss of the swales and flood issues The tree would flourish with no development The measurements for bins to be dragged by occupants is incorrect The contamination report has not had the follow up reports and the information provided by the agent did not address concerns Where archaeology research has taken place this will have disturbed any further contamination Lack of parking/overspill parking Proposal is not innovative



Letter	Date	Address	Objections
			<p>Density  Provision of a car park area  Impact on junction with Clarkes Lane and A1123  The fencing that has been erected has not considered ecology  Lack of noise data with regard to GSHP  The drainage issues should be considered with this application.</p>
32	28/12 (17.10)		<p>Have the comments from 13/12/20 been uploaded  Case officer confirmed 30/12.20 the 13<sup>th</sup> was a non working day so was received on 14/12/20</p>
33	24/12 (10.06)		<p>Drainage strategy does not address the issues and provides photographs of recent flood issues at the site. Swales cannot cope with the discharge.  A door has been placed over a spring to create a bridge, which shows a lack of understanding of the site.</p>
34	30/12		<p>In correct addresses given in the report by MTC  The drainage strategy does not address the issues  Drag distances of refuse bins are incorrect  Sustainability and Energy Strategy is a statement and does not meet the s106  The mapping shown is incorrect  The swales are not depressions  Lack of understanding of ditch ownership  'Riparian owner'</p>
35	28/12		<p>Loss of light  Overshadowing  Loss of privacy  Visual amenity  Insufficient parking spaces  Highway safety  Noise and disturbance from vehicles  Density  Out of keeping with the character of the area  Outside of the planning envelope  Drainage  Errors in the submitted documents</p>
36	06/01		<p>Incorrect dimensions and bin drag distances are in excess of 25 metres</p>
37	11/01		<p>Lack of an explanation  How many amendments  The strategy is intentions not a strategy  10 days to comment is not long enough</p>
38	18/01		<p>Too close to the dwelling  Lack of privacy</p>

Letter	Date	Address	Objections
			No sunlight to affordable housing gardens Pollution from the car parking/turning area Lack of street lighting proposal
39	18/01 (17.44) and again (17.45)		Planning officer to call to discuss the process of the application. When does the planning officer examine the responses? Lack of explanation from the developer on changes to plans? How can they make their responses more constructive?
40	04/10	18 Clarkes Lane	Access opposite will lead to lights into the dwelling Staggered crossroads Outside the development envelope Density Lack of parking Highway data outdated Ecological damage Loss of a dwelling
41	09/12		Concerns over the erection of the sign ruin the outlook The erection of the sign assumes planning permission has been granted Why is this not part of the reserved matters application The fence that has been erected is unsightly
42	14/10		Site clearance has been undertaken (landowner) Burning on site should not be permitted as per condition 8 (landowner) Impact on wildlife from the burning Removal of an asbestos roof (landowner)
43	11/11		Erection of the sign
44	23/12		An outside light has been erected at number 13 Clarkes Lane
45	21/12		Re iterates objections 04/10/20
46	03/10	25 Clarkes Lane	Outside of the development envelope Drainage Loss of light Loss of privacy Noise and disturbance Light pollution Highway safety Lack of parking Use is inappropriate Capacity at waste water treatment works Lack of local services Impact landscape features

Letter	Date	Address	Objections
47	16/10		<ul style="list-style-type: none"> <li>Infilling of ditches</li> <li>Impact of surface run off</li> <li>Lack of waste collection points</li> <li>Who will manage the open space</li> <li>Contamination impacts</li> </ul>
48	13/11		<ul style="list-style-type: none"> <li>Archaeology does not respond to the application</li> <li>Ground works are being undertaken</li> </ul>
49	16/11		<ul style="list-style-type: none"> <li>Density</li> <li>Risk of flooding</li> <li>Adequate drainage</li> <li>Contaminated land</li> <li>Out of character</li> <li>Inadequate parking</li> <li>Highway safety</li> <li>Loss of light</li> <li>Loss of privacy</li> </ul>
50	05/12		<ul style="list-style-type: none"> <li>The erection of the sign assumes planning permission has been granted</li> <li>The size of the sign does not meet regulations</li> <li>Clarkes Lane has been blighted by the fencing</li> </ul>
51	21/12		<ul style="list-style-type: none"> <li>Does not address the objections raised with regard to the original submission.</li> <li>The rainfall recently has seen drainage issues</li> <li>Request the application is presented to the planning committee</li> <li>Density</li> <li>Scale</li> <li>Garden sizes are too small</li> <li>No natural light to some bathrooms</li> <li>The development will be 20 metres from their conservatory</li> <li>Invasion of privacy</li> <li>Creation of a car park</li> <li>Pathway to plot 23 is not secure and affects their own security</li> </ul>
52	29/12		<ul style="list-style-type: none"> <li>Supporting information about how important the ditches and swales are to the site</li> <li>MTC report does not address the issues</li> </ul>
53	05/10	11a Clarkes Lane	<ul style="list-style-type: none"> <li>Out of character</li> <li>Design and layout</li> <li>Overlooking</li> <li>Overbearing</li> <li>Loss of privacy</li> <li>Loss of light</li> <li>Loss of view</li> <li>Outside of the development envelope</li> <li>Poorly located</li> <li>Over development</li> <li>Increased traffic</li> </ul>

Letter	Date	Address	Objections
54	16/11		Concern that the developer is proceeding when no planning permission has been granted.
55	24/11	6 Hinton Way	Damage to Hinton Way during construction as this is maintained by the residents of Hinton Way
56	30/12		Loss of the swales are critical to the drainage of the site
57	18/12		The swales are not depressions Flooding in the future
58	05/10	26 Clarkes Lane	Volume of traffic Parked cars on Clarkes Lane Traffic impact during construction
59	04/10	Bellgables Church Lane	Poor design Use of materials Materials unsuitable for a vernacular building
60	29/12	29 Clarkes Lane	Loss of light Loss of privacy Poor drainage and infilling of ditch
61	29/12		Overlooking from plots 19, 20 and 21
62	19/12	4 Hinton Way	Drainage Concerns over using Hinton Way as access to the site
63	04/01		Provided photos of flooding issues at the site
64	08/01	15 Clarkes Lane	Density Flooding Potential for future housing Impact on the wider village

## 6.0 The Planning Policy Context

### 6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure Requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable Housing Provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and Water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings

- ENV 14 Sites of archaeological interest
- COM 7 Transport impact
- COM 8 Parking provision

- 6.2 *Supplementary Planning Documents*  
 Developer Contributions and Planning Obligations  
 Design Guide  
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
 Flood and Water  
 Natural Environment

- 6.3 *National Planning Policy Framework 2019*
- 2 Achieving sustainable development
  - 4 Decision-making
  - 5 Delivering a sufficient supply of homes
  - 8 Promoting healthy and safe communities
  - 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

*National Design Guide*

*Cambridgeshire County Council*  
 RECAP Waste Management Design Kit

7.0 PLANNING COMMENTS

7.1 The vast response from neighbours has raised a number of issues, some of which are not within the scope of planning. The table below identifies these issues and the Local Planning Authority response.

Non planning issues	Reason why they are not planning issues
Why this developer	This is not determined by the Local Planning Authority.
Applicants consultation not acceptable	The Local Planning Authority was not part of this consultation on the scheme.
Impact on view	It is long established that the impact on a 'view' is not a reason to refuse an application.
Site clearance by previous landowner	The Local Planning Authority were made aware of the original landowner carrying out site clearance. However, it was not related to the development proposal. The Local Planning Authority did investigate through the Planning Enforcement Team.

Non planning issues	Reason why they are not planning issues
Risk assessment of the contractors on site	All sites have to undergo health and safety regulations and this will be carried out by the contractor and not something the Local Planning Authority would be involved in. Although the submission of a CEMP in accordance with condition 5 of 19/00910/OUM may address some of these issues.
Why did the Planning Officer ask for an extension of time	To give the agent the opportunity to address the concerns raised by the planning officer, neighbours and other external consultees.
Time period to make representations is not long enough	This is set in legislation. As a Local Planning Authority we accept comments up until the point of determination. For items being presented to planning committee these need to be submitted by noon on the Monday before the meeting.
Red line is incorrect	This was due to the thickness of the line and not infringement on any neighbours boundary.
Incorrectly dated e mails	Many e mails were received over the weekend, however as a non working day they were dated on the date received.
Disclaimer on the plans	This is a standard disclaimer that all architects use. These are planning application plans, not those for the physical development and they are scaled down for the purposes of planning from the large plans for construction. This is the architects method to ensure this is known at the planning stage. Any approved plans would need to be complied with.
Incorrect information submitted by applicant	There is some degree of honesty and acceptance that the information is correct. Any errors are have been brought to the applicants attention.
Can the applicant continue to submit amendments	This is at the discretion of the planning officer.
Erection of a sign should be as part of this application	This can only be submitted as an Advert application, as per the planning regulations.
Erection of the sign pre determines the application for approval	Consent does exist for up to 30 dwellings (19/00910/OUM) and therefore this is standard practice by site owners to undertake these types of works.

7.1.1The main issues to consider in the determination of the application are;

- Principle of development
- Character of the area
- Neighbours amenities
- Highway safety and parking
- Ecology and trees
- Heritage assets
- Flood risk
- Contamination
- Waste

## **7.2 Principle of development**

7.2.1 In 2019 outline planning permission was granted for the erection of up to 30 dwellings on this site, with only vehicular access agreed from Clarkes Lane (application 19/00910/OUM, decision notice is attached in Appendix 3). At that time the Local Planning Authority could not state that they had a 5 year housing land supply and therefore the tilted balance was applied. The justification for allowing this development is copied from the Officer Report for information.

*“The site is situated outside of the settlement framework of Wilburton. The proposal would provide up to 30 dwellings, including up to 9 affordable dwellings (30%). Means of access is the only detailed matter for consideration as part of this outline application. An indicative site layout plan has also been submitted showing how the site could be developed but this is for illustrative purposes only and does not dictate the final layout. Layout, scale, appearance and landscaping are all matters which are reserved and not part of this application.*

*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. The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning authority 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 as set out in paragraph 11 of the NPPF. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. This is also echoed in Policy GROWTH 5 of the East Cambridgeshire Local Plan, 2015 which highlights the NPPFs thrust of the presumption in favour of sustainable development.*

*It is therefore necessary to consider the benefits of the proposed development and weigh against any adverse impacts in order to determine whether or not the development comprises sustainable development.*

*Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are Economic, Social, and Environmental.*

*In terms of the economic role the proposal would provide short term local employment during the construction phases of development. In terms of the social role, the development is well connected to the village and local services can be easily and safely accessed and the scheme would provide up to 9no. affordable dwellings to meet local housing needs. In terms of the environmental benefits, the proposal would contribute towards a scheme which would provide a biodiversity net gain, off-site, by way of a financial contribution secured by the S106 legal agreement.*

*It is considered that the principle of development is acceptable and complies with Policies Growth 2, Growth 5 of the East Cambridgeshire Local Plan, 2015, Paragraphs 8, 11 and 78 of the NPPF, and subject to the following material planning considerations”*

- 7.2.2 On this basis the site does have the benefit of planning permission for up to 30 dwellings and this reserved matter application is the detailed application to enable the site to be brought forward for development. The site as part of the outline permission considered that the site was in an acceptable location, sustainable location and makes for an efficient use of land.

### **7.3 Character of the area**

- 7.3.1 The site is adjacent to the development envelope for Wilburton and is in a location of transition from the village setting of Wilburton into the rural open countryside. Clarkes Lane has a mix of housing types and has a variety of styles and age of properties. At the entrance to Clarkes Lane are traditional dwellings, which then progresses onward to 1960's development, with Seppings Close being built in the late 1990's and 10,12 and 12a in early 2000. Further development leads onto The Broadway. The Broadway is almost a continuation of Clarkes Lane, having seen relatively recent residential development of small cul-de-sacs of single and two storey dwellings. This part of Wilburton has seen the character change over the years and seen development occur using a range of styles.

#### Density

- 7.3.2 The density of the proposed development is 25 dwellings per hectare (gross) or net of 30 dwellings per hectare, which is what you would expect to find in a village location. In comparison with the dwellings on Clarkes Lane, the proposed development does have a higher density which is suited to their period of construction. Planning has evolved since the development of Clarkes Lane and the NPPF seeks that development makes an efficient use of land, which does mean that densities compared with earlier developments are higher. In comparison with other developments, Berristead Close has 20 dwellings per hectare and Warren Close has 19 dwellings per hectare (gross). The density proposed on this site is more akin to 21<sup>st</sup> density standards and makes for the efficient use of land, in accordance with the NPPF.



7.3.3 Whilst the density of the development is higher than its immediate surroundings, it is still what you would expect to find in a village location. In more urban areas these densities can be over 30 dwellings per hectare. The proposed density is not considered to be of urban development, and in keeping with a village setting.

#### Design

7.3.4 The design of the dwellings has been kept simple and this also reflected in its construction. The construction of the dwellings is primarily off site and brought to site to be assembled, this reduces build times by weeks and is seen to be a better building method with less costs to the environment. This is also leads to a lesser impact on the neighbours amenities during construction.

7.3.5 The dwellings have a mix of finishes including brick and render, as well as slate and red roof tiles, with different colours to the doors and windows to add interest. The dwellings are not distinguished between affordable and market housing, although the affordable housing is grouped together at the northern part of the site. This is more to do with the management of the properties by the housing provider. The dwellings incorporate solar panels on south facing roofs and GSHP (Ground Source Heat Pumps) as part of the need use renewable energies within new developments. The development is simple with some interest from coloured windows and doors. Whilst some issues from the neighbours have been raised with regard to design, they are not stark or urban style dwellings and something similar can be seen across the district. They are contemporary in their style with renewable and sustainable features within the build. The dwellings do not recreate something from the past, or features of other architectural styles but a development of a simple, contemporary and comprehensive development.

7.3.6 Some of the plots have internal bathrooms with no natural lighting and was raised as a concern by a resident. It is not unusual for dwellings to have internal bathrooms, and ventilation is provided by way of an internal extractor fan. This would be an issue dealt with as part of the building regulations. It is not however seen to be an issue that would seek refusal of the application and would be unreasonable to require when a bathroom is not a habitable room.

7.3.7 The heights of the dwellings range from 7.8 to 9.1 metres in height with all of the dwellings having the same eaves height of 5.3 metres. This is a typical height for residential developments and not disproportionately high for 2 storey dwellings. The variation in heights and materials add for interest to the overall development of the site and prevents a monotonous roofscape.

#### Layout

7.3.8 Plot 23 has a rear access and concern was raised that this is not secure. There is a gate to this rear access, however a condition can be attached to confirm the location of the gate and its appearance. The use of such accesses is not considered unacceptable for the purposes of serving rear gardens.

- 7.3.9 The layout of the site has changed since its original submission. The original submission was a linear form of development, with less public open space and a very car dominated environment. The revised proposal gives more depth to the proposal. The accesses to the south and western boundaries, which provide access to neighbouring land and a requirement of the purchase. These are now serving not just the requirement for the adjoining land owners but also become part of the overall scheme.
- 7.3.10 The change in layout has allowed for the affordable housing to be split across the northern part of the site, provide larger gardens and to reduce the number of the affordable gardens with north facing gardens. The south western part of the site is spacious to limit any impact on the nearby Conservation Area and Listed Buildings.
- 7.3.11 On entering the site, there is an impression of space with retained oak tree as a focal point. Whilst the open space is not for sports pitches it is a pleasant environment with benches and features, which will positively add to the public domain. It encourages people to walk through the site and link with the public right of way to the rear on Hinton Way.
- 7.3.12 The proposal provides blocks of housing, rather than continual terraces to enable breaks in the roof scape, views through the site and to advocate a sense of space. The parking arrangement has been spread across the site, rather than a continual line of parking, which again break up the parking layout and allows for planting.

#### Plot size

- 7.3.13 Each plot provides at the minimum 2 parking spaces, 2 spaces for cycles within a shed and a garden size in excess of 50 square metres. There were some concerns with the original scheme that the garden sizes did not meet the Design Guide standard of a minimum of 50 square metres and that the lack of public open space was not acceptable. However, the layout was reassessed and the scheme was amended to ensure all gardens were in excess of 50 square metres and increase the public open space provision.

#### Lighting

- 7.3.14 The final development will need to provide some kind of street lighting this will need to ensure that it provides levels of lighting to ensure public safety without causing a detrimental impact to lightspill. This is a balance to be met and can be dealt with by way of condition. In consultation with the Design Crime Officer, no objections were received to the proposal although the final details of a lighting scheme would be required via a condition on this application.

#### Conclusion Character of the Area

- 7.3.15 On balance the proposal is considered to meet the criteria of policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015. Policy ENV1 of the Local Plan states all new developments should be informed by, be sympathetic to, and respect the capacity of the distinctive character areas. Development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment

and structural landscaping will create positive, complementary relationships with existing development. This will protect, conserve, and where possible enhance the settlement edge, space between settlements, and their wider landscape setting. It is considered that whilst the approach taken is modern in terms of its construction the external features are simple and little details such as door details and windows give each dwelling its own identity. The immediate surroundings of the site are mixed with a range in development types of 1960s, 1970, 1990's and early 21<sup>st</sup> century, a variety of brick types, render, roofing styles and overall appearance including single and 2 storey dwellings. It is considered that the simple style will sit next to the established development without competing or detracting from the overall character of the area.

7.3.16 Each plot can provide adequate garden space, parking provision and renewable energy features in accordance with policy ENV4 of the East Cambridgeshire District Council Local Plan 2015. The proposal would make for an efficient use of land in accordance with the NPPF and local plan policy.

7.3.17 The design and layout are contemporary in keeping with the period in which it would be built. It does not recreate the past but is true to its generation. It is considered the proposal is in keeping with the spirit of policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.

#### **7.4 Neighbours amenities**

7.4.1 Policy ENV2 of the Local Plan is relevant and requires all new development to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. A number of concerns have been raised from neighbours highlighting issues of overlooking; noise; dwellings too close to their properties; creation of a car park and plot 23 is not secure. The Design Guide provides guidelines for distances between dwellings and boundaries. The back to back distance should be a minimum of 20 metres (65 feet) and a boundary distance of 10 metres (32 feet). Elevations that sit side on to development should have a minimum distance of 10 metres (32 feet).

7.4.2 The main neighbours to be affected by the proposal are 18, 15, 19, 21, 23, 25, 27 and 29 Clarkes Lane, 2, 4 and 6 Hinton Way.

##### 18 Clarkes Lane

7.4.3 18 Clarkes Lane is set opposite to the access road to be created for the proposed development. Whilst the neighbour would not be subject to overlooking, the development being overbearing or loss of light, they will have sight of the proposal. The ruining of a view is not reason to refuse an application. There will be some disturbance with the access road being almost opposite the dwelling, however this was assessed as part of the outline application 19/00910/OUT. It is considered that the amenities of this neighbour will not be demonstrably harmed by this proposal.

##### 15 Clarkes Lane

7.4.4 15 Clarkes Lane is a 2 storey detached dwelling and sits close to the entrance with the proposed development. Plot 1 of the proposed development is nearest dwelling to the neighbour and sits 15 metres (49.2 feet) side on to the neighbour's western boundary, although the main dwelling sits at 23 metres (75.4 feet). It is considered that whilst the neighbour will have sight of the dwelling it will not be to detriment of the neighbour's amenities by way of overlooking, being overbearing or loss of light. To ensure the amenities of the neighbour are maintained in the future any additional windows on the east facing elevation should be restricted, to ensure there is no perception of overlooking in the future between the neighbour and the proposed plot 1.

#### 19 Clarkes Lane

7.4.5 19 Clarkes Lane is also a detached 2 storey dwelling and would have plots 29, 30 and in part 28 to its western boundary. These plots are 2 storey dwellings and set 10 (32 feet) metres away from the boundary of this neighbour. The distance from the rear elevation of 19 Clarkes Lane and these plots is 28 metres (91.8 feet). It is considered that this distance would not lead to detrimental overlooking, being overbearing or loss of light.

#### 21 Clarkes Lane

7.4.6 21 Clarkes Lane has plots 28, 27 and 26 to its western boundary and these dwellings sit 13 metres (42.6 feet) from the boundary and 29 metres (95.1 feet) from the rear elevation of the dwelling. It is considered at this distance would not lead to detrimental overlooking, being overbearing or loss of light.

#### 23 Clarkes Lane

7.4.7 23 Clarkes Lane has plots 25 and 24 to its western boundary. These plots are set between 12 and 14 metres (39.3 – 45.9 feet) from the boundary and 24 metres (78.7 feet) at the closest point from the rear elevation. It is considered at this distance would not lead to detrimental overlooking, being overbearing or loss of light.

#### 25 Clarkes Lane

7.4.8 25 Clarkes Lane has plots 22 and 23 to its western boundary. These plots sit 15 metres (49.2 feet) from this boundary with a distance of 21 metres (68.8 feet) from the rear conservatory. It is considered at this distance would not lead to detrimental overlooking, being overbearing or loss of light.

#### 27 Clarkes Lane

7.4.9 27 Clarkes Lane is a detached 2 storey dwelling which shares the parking area to the western boundary and in part plot 21 side elevation. The distance between the side elevation of plot 21 and number 25 Clarkes Lane is 15 metres (49.2 feet). It is considered that this will not lead to the proposal being significantly overbearing or lead to overlooking. To ensure future amenities are maintained a restriction on windows on the east facing elevation is recommended to ensure the perception of overlooking is not an issue in the future.

7.4.10 To the rear of the neighbour is parking for 3 dwellings and this boundary is enhanced by the provision of a 1.8 close board fencing, a beech hedge and Acer trees. The

parking area site between 5 and 3 metres (16.4 and 9.8 feet) from the boundary and the neighbour is concerned with the noise from this area and its impact on their amenities. It is considered that this would not cause demonstrable harm to the neighbour's amenities. It is the rear part of the garden and in excess of 15 metres (49.2 feet) from the main dwelling.

#### 29 Clarkes Lane

7.4.11 29 Clarkes Lane is a detached 2 storey dwelling with Plot 21 to its western boundary. The distance between the dwellings is 14 metres (45.9 feet) and the majority of the rear garden will share its boundary with Plot 21 rear garden. To ensure the neighbours amenities are not harmed in the future a condition restricting windows in the eastern elevation is recommended.

#### 2 Hinton Way

7.4.12 2 Hinton Way sits to the north of the development site in excess of 25 metres from the boundary of the site. The nearest dwelling is plot 21 in excess of 35 metres (114.8 feet) from the neighbour. The distance between the dwellings is considered to not lead to overlooking, being overbearing or loss of light.

#### 4 Hinton Way

7.4.13 4 Hinton Way sits to the north of the development site in excess of 25 metres (82.0 feet) from the boundary of the site. The nearest plots are 19 and 20 approximately 35 metres (114.8 feet) from the dwelling at 4 Hinton Way. The distance between the dwellings is considered will not to lead to overlooking, being overbearing or loss of light.

#### 6 Hinton Way

7.4.14 6 Hinton Way sits to the north of the development site in excess of 40 metres (131 feet) from the boundary. The nearest plot is number 18 which is side onto the boundary. It is considered that the distance would not lead to overlooking, being overbearing or loss of light.

#### Residential Amenity Conclusion

7.4.15 Using the Design Guide SPD the distances between the dwellings and boundaries is in accordance with the distances set out within guide. It is appreciated that the view of these neighbours will change significantly and they will no longer view open fields but a development of 30 dwellings. However, these will not lead to direct overlooking and conditions can be attached to ensure these are protected in the future. The principle of dwellings in this location has already been established through the granting of planning permission 19/00910/OUM.

### **7.5 Highway Safety and parking**

7.5.1 There are a number of highway issues to consider, although the access from Clarkes Lane has already been established through application 19/00910/OUM and this cannot be altered. However, the accesses and road layout within the site and parking arrangements form part of the discussion of this application.

- 7.5.2 The access into the site has been established through application 19/00910/OUM and has been accepted by the Local Planning Authority and Local Highway Authority. It is considered that traffic will increase but the existing road network is able to cope with the additional traffic as assessed and determined within the outline application.
- 7.5.3 In consultation with the Local Highway Authority the internal highway arrangement has been considered acceptable, following some amendments and conditions have been requested to address the final construction of the internal road layout. These would be attached to any planning permission issued.
- 7.5.4 The site provides 70 parking spaces. Five plots, specifically the larger plots 1, 6,7,8 and 9 provide 4 parking spaces per dwelling and the remaining plots have 2 parking spaces each and a total of 4 visitor parking spaces. Whilst policy COM 8 would require 8 visitor parking spaces, there is an over provision of 2 spaces, as the site as a whole would require 68 spaces and it provides 70 spaces. In addition the site provides 2 cycle spaces per dwelling which is in excess of the policy which requires 1 per dwelling.
- 7.5.5 It is considered that parking on the site has been addressed and provides adequate parking in accordance with policy COM8 of the East Cambridgeshire District Council Local Plan 2015. The garages are able to accommodate a vehicle and are in excess of the standard 3 metres by 6 metres. (9.84 by 19.6 feet). A condition to restrict the conversion of the garages to habitable accommodation at a later date would be recommended, in order to preserve the parking provision within the site.
- 7.5.6 The proposal is considered to meet the requirements of policies COM7 by achieving highway safety and adequate parking in relation to policy COM8 of East Cambridgeshire District Council Local Plan 2015.

## **7.6 Ecology, trees, landscape and public open space**

- 7.6.1 The original application was subject to an Extended Phase I Habitat Survey and a Reptile Survey, which in consultation with the Wildlife Trust was considered acceptable. As part of that application, and the S106 agreement the application was to provide some biodiversity measures within the site and an off-site contribution to ensure a net gain in biodiversity. This is still applicable and forms part of the permission.
- 7.6.2 A number of residents have raised issues with regard to wildlife and the lack of biodiversity provision, however this has been covered by the Outline application 19/00910/OUT (condition 14) and the corresponding S106 Agreement. On this basis the proposal is considered to meet the requirements of policy ENV7 of the East Cambridgeshire District Council Local Plan 2015.

- 7.6.3 The application is supported by a comprehensive landscaping plan and has also been updated throughout the application. It ensures the retention of the oak tree which becomes a focal point for the overall development.
- 7.6.4 In consultation with Tree Officer the scheme did raise concerns initially with regard to the oak tree, which have subsequently been addressed. On the final submission the Tree Officer has found some areas of contention mainly relating to hedges being in close proximity to car parking areas, some planting seems to be superfluous to requirements and to include other tree species such as yew, holly for example. It is considered that these are merely suggestions, however the overall scheme will not only provide ecological benefits it will have a selection of trees, hedges and planting that will provide a positive environment.
- 7.6.5 The proposal has been amended and this included increasing the amount of Public Open Space from 1574 square metres to 2055 square metres, enhanced planting plan and responding to issues relating to the oak tree to be retained. An application of this scale would need to provide a minimum of 1725 square metres of public open space and delivers in excess of this by 305 square metres. It is considered that the proposal delivers an adequate amount of public open space, with a comprehensive landscaping plan.
- 7.6.6 The proposal is considered to comply with policies ENV1 and ENV7 of the East Cambridgeshire District Council Local Plan 2015, Natural Environment SPD and the NPPF.

## **7.7 Heritage assets**

- 7.7.1 The site is not within the Conservation Area, host to a Listed Building, nor Building Local Interest (BLINT). The Conservation Area is in excess of 40 metres (131.2 feet) from the boundary of the site. The nearest Listed Building, 2 Church Lane is the closest Listed Building at 75 metres, (246 feet). The Gables, Church Lane, 85 metres (278.8 feet) and the church is 112 metres. (367.4 feet) There are no BLINT's in close proximity to the proposal. On this basis policies ENV11(Conservation Area) and ENV12 (Listed Buildings) of the East Cambridgeshire District Council Local Plan 2015 should be applied.
- 7.7.2 In consultation with the Conservation Officer no objections have been raised. It was considered that the distances between the heritage assets and the development site it would have a limited impact. In assessing the harm in accordance with NPPF, it is considered the proposal would lead to negligible harm, it would not affect the setting of the Listed Buildings or the Conservation Area, and there would be limited inter-visibility between the site and the buildings. The benefit of the proposal is that it brings housing to the village to support a growing population, support local services and employment. On this basis the proposal accords with policies ENV11, ENV12 of the East Cambridgeshire District Council Local Plan 2015 and the NPPF.
- 7.7.3 The site has been subject to an Archaeological investigation and as part of discharge of condition application 19/00910/DISB this is being assessed by the Historic

Environment Team (HET) at the time of writing the report. The archaeological information is required to be submitted in stages, and it's the final stage that is awaiting approval from HET.

- 7.7.4 On balance the proposal is considered acceptable and complies with policies ENV11, ENV12 and ENV14 of the East Cambridgeshire District Council Local Plan 2015 and the NPPF.

## **7.8 Flood Risk**

- 7.8.1 The site is within flood zone 1, where you would expect vulnerable development, such as residential development to be located. This was discussed within the outline application and the LLFA (Lead Local Flood Authority) considered the information submitted within the application was for the most part acceptable and a condition was attached to the permission granted. Condition 10 of 19/00910/OUM required a surface water drainage scheme, which would be agreed via a discharge of condition application. Whilst the applicant has submitted this information as part of the application, it can be dealt with under condition 10 of 19/00910/OUM.
- 7.8.2 The site was a field and to the eastern boundary are swales. These are part of the surface water drainage for the area. As part of the application, it is proposed these areas are infilled and piping is introduced with swales included within the site as part of the public open space. These swales will become part of the landscaping of the site and in time provide additional habitats.
- 7.8.3 In consultation with the LLFA there were originally objections to the proposals, due to calculations from green field run off and a question of the ownership of the swale. Following a discussion and e mails with the LLFA, following confirmation from the application that they do own the swales the LLFA would not raise any objections or require further information.
- 7.8.4 Local residents have stated that they have 'Riparian right' over the swale. In brief this means that the swale is partly owned by the residents and the developer. However, the developer has been able to prove that they do own the swale, and therefore the 'Riparian rights' do not apply. This is further supported by statements from neighbours stating that the previous landowner had undertaken regular maintenance of the swales. On this basis it is considered the 'Riparian rights' do not apply in this instance and the swales are within the ownership of the applicant.
- 7.8.5 Following the conformation of the ownership of the swale, the LLFA have removed their objection. The infilling of the swales will require consent under the Land Drainage Act 1991. On this basis the proposal is considered to comply with policy ENV8 of the East Cambridgeshire District Council Local Plan 2015.

## **7.9 Contamination**

- 7.9.1 The site has been subject to a Phase II Contamination Report and has been submitted in conjunction with application 19/00910/DISB, to discharge condition 20. A number of residents have raised issues with regard to the potential of contamination from arsenic and asbestos. The contamination report has been submitted to the Local Planning Authority and is being assessed by the Council's Scientific Officer and forms part of



the approved outline application (19/00910/OUM). This report provides mitigation measures and remediation where appropriate and will be assessed as part of the discharge of condition application.

- 7.9.2 Should any further contamination be found during construction the developers are required by condition 21 of 19/00910/OUT to report this to the Local Planning Authority and cease works until further investigations are carried out. It is considered that the proposal complies with policy ENV9 of the East Cambridgeshire District Council Local Plan 2015.

## **7.10 Waste**

- 7.10.1 In consultation with the East Cambs Waste Teams no objections to the proposal were raised, other than a plan to show refuse collection points. This was supplied by the applicant and shows all of the collection points at the kerbside. The RECAP Waste Design Kit does state bins should not be dragged in excess of 30 metres (98.4 feet) to a refuse collection point, however does state that these collection points can be from private driveways.
- 7.10.2 A concern has been raised that some of the distance's residents are required to drag their bins is in excess of 25 metres (82 feet). Whilst this is a recommendation it is not something a proposal could be seen to be refused upon. There is 1 dwelling, Plot 7 which has a drag distance of 32 metres, (104.9 feet) to a collection point. However, the remaining plots are within the recommendation of 30 metres (98.4 feet). It is considered that on balance the distances and the collection points are acceptable and in compliance with the RECAP Waste Design Kit. There is also the option that refuse could be collected from private driveways.

## **7.11 Conclusion**

- 7.11.1 The principle of development has already been secured through the previous approval 19/00910/OUM and therefore it's the finer details that need to be agreed appearance, landscaping, layout and scale. Access formed part of the outline approval. The scheme is considered to have met all of the criteria set within the Design Guide SPD by ensuring at the very least minimum distances between dwellings and neighbours are met. On this basis its impact in terms of overlooking, overbearing, loss of light are considered as being acceptable. This does not alter the fact that there will be an impact on the existing neighbours' views, however this would occur with any development proposed on this site.
- 7.11.2 The site has secured in excess of the required Public Open Space provision by some 300 square metres and creates what is an attractive environment. This includes the retention of the oak tree, additional planting, swales and benches as well as linking with the Public Right of Way. All of the dwellings proposed have a garden size which is in accordance with the Design Guide or in excess of it. This ensures the environment for the new dwellings is pleasant and place where people want to live.
- 7.11.3 All of the plots have a minimum of 2 parking spaces, some even having 4 parking spaces with 4 visitor spaces in accordance with the parking standards set out within

the local plan. Highway safety standards can also be met and the internal measurements of the garages are in accordance with the requirements.

- 7.11.4 The biodiversity of the site is achieved through an off site provision via the S106, however this will be further enhanced by the comprehensive landscaping scheme proposed which is proposed. There are other ecological features of the scheme including the construction methods, for which most is off site and a reduction in the build out time by weeks.
- 7.11.5 The layout has been addressed through concerns raised by Local Highways Authority and the case officer, which aided in the increase in garden sizes, amenity space and to meet the guidelines set within the Design SPD.
- 7.11.6 Issues relating to flooding have been addressed and the LLFA have accepted the proposals and the infilling of the swales with a condition to ensure this is implemented. Whilst the Land Drainage Act 1991 will need to be addressed this is not in relation to the planning merits of the scheme.
- 7.11.7 On balance the proposal is considered to be acceptable and meets the criteria set out within the East Cambridgeshire Local Plan 2015, NPPF and supplementary planning documents and is recommend for approval subject to the recommended conditions.

## 8 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellants through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The principle of development has been established with 19/00910/OUM
  - No external consultees have raised objections

## 9 APPENDICES

- Appendix 1 – Suggested Conditions  
Appendix 2 – Full list of details for the development  
Appendix 3 – Decision Notice 19/00910/OUM

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/01156/RMM	Toni Hylton Room No. 011	Toni Hylton Senior Planning Officer
19/00910/OUM	The Grange Ely	01353 665555 toni.hylton@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 20/01156/RMM Conditions

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

Plan Reference	Version No	Date Received
100-14-LA-01	P3	
10014-PP-01	P3	
2016-PL-1-03	C	
PL-1-02	E	
Location Plan		1st September 2020
18985-TOPO 2 of 2	A	1st September 2020
18985-TOPO 1 of 2	A	1st September 2020
Arboricultural Method Statement		1st September 2020
(2B08)3-01	B	3rd December 2020
(2B07/4)3-01	B	3rd December 2020
(2B08)2-01	B	3rd December 2020
(3B08-1)2-01	B	3rd December 2020
(3B08-1)3-01	B	3rd December 2020
(3B08-2)2-01	B	3rd December 2020
(3B08-2)3-01	B	3rd December 2020
(3B03)2-01	B	3rd December 2020
(3B08-3)2-01	A	3rd December 2020
(3B05-1)3-01	B	3rd December 2020
(3B08-3)3-01	A	3rd December 2020
(3B03)3-01	B	3rd December 2020
(3B05-1)2-01	B	3rd December 2020
(3B05-2)2-01	B	3rd December 2020
(3B05-2)3-01	B	3rd December 2020
(3B06-1)2-01	B	3rd December 2020
(3B06-1)3-01	B	3rd December 2020
(3B06-2)2-01	B	3rd December 2020
(3B06-2)3-01	B	3rd December 2020
(4B01-1)2-01	B	3rd December 2020
(4B01-1)3-01	B	3rd December 2020
(4B01-2)2-01	B	3rd December 2020
(4B01-2)3-01	B	3rd December 2020
Greenwillows Cover Letter		3rd December 2020
10086-MP-01		3rd December 2020
10086-SP-01		3rd December 2020
Garden Sizes Schedule		3rd December 2020
Services Report	B	3rd December 2020
Tree Protection Plan		3rd December 2020
(3B06-3)2-01	B	3rd December 2020
(3B06-3)3-01	B	3rd December 2020
Flood Risk Assessment & Drainage Strategy	D	7th December 2020
(2B01-1)3-01	B	3rd December 2020
PL-1-03	B	3rd December 2020
3-01	B	3rd December 2020

(2B01-1)2-01	B	3rd December 2020
(2B01-2)2-01	B	3rd December 2020
(2B01-2)3-01	B	3rd December 2020
(2B03-1)2-01	B	3rd December 2020
(2B03-1)3-01	B	3rd December 2020
(2B07/4)2-01	B	3rd December 2020
(4B03-2)3-01	B	3rd December 2020
(4B03-1)2-01	B	3rd December 2020
(4B03-1)3-01	B	3rd December 2020
(4B03-2)2-01	B	3rd December 2020
(4B03-3)2-01	B	3rd December 2020
(4B03-3)3-01	B	3rd December 2020
(GA1)2-01	B	3rd December 2020
(GA2)2-01	B	3rd December 2020
(GA3)2-01	A	3rd December 2020
10014-DT-CD-01	T1	3rd December 2020

- 1 Reason: To define the scope and extent of this permission.
  
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
  
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
  
- 3 Prior to first occupation or commencement of use the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan PL-1-02-Rev E and thereafter retained for that specific use.
  
- 3 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
  
- 4 Prior to the first occupation of the dwellings the visibility splays shown on PL-1-02-Rev E shall be provided each side of the vehicular accesses. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.
  
- 4 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
  
- 5 The garages space shall be made available for the parking vehicles. This space shall remain available for parking and not used for any other purpose in perpetuity.
  
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
  
- 6 No above ground works shall take place until details of the cycle sheds have been submitted to and approved in writing by the Local Planning Authority. The cycle sheds shall be erected prior to first occupation of the dwellings hereby approved and maintained in perpetuity.

- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 No above ground works shall take place until details of the benches have been submitted to and approved in writing by the Local Planning Authority. The benches shall be installed prior to first occupation of the dwellings hereby approved and maintained in perpetuity.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on 10014-LA-01 Revision P3 and 10014-PP- revision P3. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 8 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 All of the landscaping works shall be carried out in accordance with the approved details shown on Plans 10014-LA-01 Revision P3 and 10014-PP-01-Revision P3 . The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 20 years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.
- 10 Prior to any occupation of the development, a scheme for the maintenance of the landscaping scheme shown on plans 10014-LA-01 Revision P3 and 10014-PP-01 Revision P3; for a minimum period of 20 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 10 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground works shall take place until a scheme of lighting has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be implemented prior to first occupation of the dwellings hereby approved and maintained in perpetuity.

- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above on the following plot numbers and elevations.

Plot 1 - east facing elevation  
 Plot 21 - east facing elevation

without the prior written consent of the Local Planning Authority.

- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no development permitted by Class A, B, C, D or E of Part 1 or Class A of Part 2 of Schedule 2 of the 2015 Order (as amended) shall be carried out or made to the following plots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 or within its curtilage without the grant of a further planning permission by the local planning authority.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 The tree protection measures as shown on Tree Protection Plan shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered
- 14 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.

- 15 The materials to be used in the construction of the external surfaces, including walls, roofing materials, windows, and doors, shall be as specified on the submitted plans detailed below:

(2B01-1)2-01	B	3rd December 2020
(2B01-2)2-01	B	3rd December 2020
(2B01-2)3-01	B	3rd December 2020
(2B03-1)2-01	B	3rd December 2020
(2B03-1)3-01	B	3rd December 2020

(2B07/4)2-01	B	3rd December 2020
(4B03-2)3-01	B	3rd December 2020
(4B03-1)2-01	B	3rd December 2020
(4B03-1)3-01	B	3rd December 2020
(4B03-2)2-01	B	3rd December 2020
(4B03-3)2-01	B	3rd December 2020
(4B03-3)3-01	B	3rd December 2020
(GA1)2-01	B	3rd December 2020
(GA2)2-01	B	3rd December 2020
(GA3)2-01	A	3rd December 2020
(2B08)3-01	B	3rd December 2020
(2B07/4)3-01	B	3rd December 2020
(2B08)2-01	B	3rd December 2020
(3B08-1)2-01	B	3rd December 2020
(3B08-1)3-01	B	3rd December 2020
(3B08-2)2-01	B	3rd December 2020
(3B08-2)3-01	B	3rd December 2020
(3B03)2-01	B	3rd December 2020
(3B08-3)2-01	A	3rd December 2020
(3B05-1)3-01	B	3rd December 2020
(3B08-3)3-01	A	3rd December 2020
(3B03)3-01	B	3rd December 2020
(3B05-1)2-01	B	3rd December 2020
(3B05-2)2-01	B	3rd December 2020
(3B05-2)3-01	B	3rd December 2020
(3B06-1)2-01	B	3rd December 2020
(3B06-1)3-01	B	3rd December 2020
(3B06-2)2-01	B	3rd December 2020
(3B06-2)3-01	B	3rd December 2020
(4B01-1)2-01	B	3rd December 2020
(4B01-1)3-01	B	3rd December 2020
(4B01-2)2-01	B	3rd December 2020
(4B01-2)3-01	B	3rd December 2020

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

- 15 Reason To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
  
- 16 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
  
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.



Appendix 2 – Full details of each plot

Plot	Plot Size	Garden size	Height (Eaves)	Height (ridge)	Width	Depth	Floor Area	Materials/Notes
1 (4B03-1) 3-01B	440 (4736)	210 (2260)	5.3 (17.3)	8.3 (27.2)	9.2 (XG) (29)	7.6 (25)	70(XG) (725)	(B) Buff /Soft grey CB RAL7038 (R) slate plain tiles (WD) Basalt Grey RAL7012 (SP)
2 (3B06-1) 3-01B	212.5 (2287)	115.5 (1237)		7.9 (25.9)	9 (29)	6.5 (21)	58.5 (609)	(B) Buff /Soft grey CB RAL7038 (R) slate plain tiles (WD) Basalt Grey RAL7012and Beige RAL1015 (SP)
3 (3B06-2)3-01B	238 (2561)	141.5 (1523)		7.9 (25.9)	9 (29)	6.5 (21)	58.5 (609)	(B) Buff /Soft grey CB RAL7038 (R) slate plain tiles (WD) Basalt Grey RAL7012 and blue RAL 5014 (SP)
4 (3B05-1) 2-01B	216 (2325)	103.9 (1108)		9.1 (29.8)	11.7 (39)	9.4 (30)	110 (1170)	B) red multi/ Soft grey CB RAL7038 (R) Clay plain tile light red (WD) Basalt Grey RAL7012 and beige RAL 1015 (SP)
5 (3B05-1) 2-01B	189 (2034)	76.13 (819)		9.1 (29.8)				
6 (4B03-2) 2-01B	660 (7104)	353.40 (3803)		8.3 (27.2)	9.2 (XG) (29)	7.4 (24)	68 (XG) (696)	(B)Red multi/(CB) Black anthracite RAL9005 (R) slate plain tiles (WD) pure white/Beige RAL1015 (SP)
7 (4B01-1)3-	374 (4026)	157.4 (1694)		9.1 (29.8)	6.7 (22)	9.8 (32)	66 (704)	(B) Red multi/(CB) Black anthracite

Plot	Plot Size	Garden size	Height (Eaves)	Height (ridge)	Width	Depth	Floor Area	Materials/Notes
01B								RAL9005 (R) Clay plain tile light red (WD) white 9016 (SP) Garage materials to match
8 (4B03-3)-01B	418 (4499)	231 (2486)		8.3 (27.2)	9.2 (XG) (29)	7.4 (24)	68 (XG) (696)	(B) Buff /Soft grey CB RAL7038 (R) slate plain tiles (WD) Basalt Grey RAL7012 (SP)
9 (4B01-2)3-01B	340 (3660)	184.2 (1982)		9.1 (29.8)	6.7 (22)	9.8 (32)	66 (704)	(B) Buff /Soft grey CB RAL7038 (R) slate plain tiles (WD) Basalt Grey RAL7012 (SP) Garage materials to match- garage door blue RAL5012
10 (3B06-3)3-01B	300 (3229)	183.6 (1976)		7.9 (25.9)	9 (29)	6.5 (21)	58.5 (609)	(B) Red multi/(CB) Black anthracite RAL9005 (R) Clay plain tile light red (WD) white 9016 /basalt grey RAL7012 (SP) Garage materials to match
11 (2B01-1)2-01B	154 (1658)	71.3 (767)		9.1 (29.8)	9.2 (29)	9.8 (32)	90 (928)	(B) render white (R) slate plain tiles (WD) Basalt Grey RAL7012, Green RAL6005, Blue RAL5014 (SP)
12 (2B01-1)2-01B	132 (1421)	70.45 (757)						
13 (3B05-2)3-01B	154 (1658)	87.60 (943)			11.7 (38)	9.2 (29)	108 (1102)	(B) Buff /Soft grey CB RAL7038 (R) slate plain tiles (WD) Basalt Grey RAL7012 (SP)
14 (3B05-2)3-01B	154 (1658)	83.40 (897)						
15 (3B08-1)2-01B	120 (1292)	56 (602)			10.6 (35)	9.8 (32)	104 (1120)	(B) render white (CB) Black anthracite RAL 9005
16	130	65						(R) clay plain tile red

Plot	Plot Size	Garden size	Height (Eaves)	Height (ridge)	Width	Depth	Floor Area	Materials/Notes
(3B08-1)2-01B	(1399)	(699)						(WD) Basalt Grey RAL7012, Beige RAL1015, blue RAL5014 (SP)
17 (3B08-2)3-01B	120 (1292)	65 (699)			10 (33)	9.8 (32)	98 (1056)	(B) Render white (R) slate plain tiles (WD) Basalt Grey RAL7012, red RAL3013 (SP)
18 (3B08-2)3-01B	120 (1292)	65 (699)						
19 (2B01-2)2-01B	120 (1292)	57.3 (616)			15.3 (50)	9.8 (32)	150 (1600)	(B)render white (CB) Black anthracite RAL 9005 (R) slate plain tiles (WD) Basalt Grey RAL7012, red RAL 3013. Blue RAL5014 (SP)
20 (3B08-3)3-01A	120 (1292)	58.2 (626)						
21 (2B01-2)2-01B	140 (1507)	71 (764)						
22 (2B03-1)2-01B	110 (1184)	55.9 (601)		8.8 (28.8)	15.2 (50)	8.7 (28)	132 (1400)	(B) red multi (CB) Black anthracite RAL9005 (R) Light red clay plain tile (WD) white 9016/ red RAL 3013. Blue RAL5014 (SP)
23 (2B03-1)2-01B	112.5 (1211)	61.6 (663)						
24 (2B03-1)2-01B	138 (1485)	77.4 (833)						
25 (2B07/4)2-01B	138 (1485)	79.8 (858)			10.2 (33)	9 (29)	92 (957)	(B) render white (R) slate plain tiles (WD)Grey RAL7015, green RAL6005 (SP)
26 (2B07/4)2-01B	141 (1517)	82.6 (889)						
27 (2B08)2-01B	144 (1550)	85 (914)			10.2 (33)	9 (29)	92 (957)	(B) render white (CB) Black anthracite RAL9005 (R) light red clay plain tiles (WD) Basalt Grey RAL7012, beige RAL1015 (SP)
28 (2B08)2-01B	144 (1550)	87.5 (941)						
29 (3B03)3-01B	171.5 (1846)	92 (990)		9.1 (29.8)	11.7 (38)	9.2 (29)	108 (1102)	(B) Buff /Soft grey CB RAL7038 (R) slate plain tiles (WD) Basalt Grey RAL7012

Plot	Plot Size	Garden size	Height (Eaves)	Height (ridge)	Width	Depth	Floor Area	Materials/Notes
								(SP)

Appendix 3 – Decision Notice 19/00910/OUM



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

Telephone: Ely (01353) 665555  
DX41001 ELY Fax: (01353) 665240  
www.eastcambs.gov.uk

Turnwood Heritage Ltd C/O Bloomhall  
C/O Barton Willmore  
FAO Mr James Tipping  
St Andrews House  
St Andrews Road  
Cambridge  
CB4 1WB

*This matter is being dealt with by:*

Angela Briggs

Telephone: 01353616307  
E-mail: angela.briggs@eastcambs.gov.uk  
My Ref: 19/00910/OUM  
Your ref

16th April 2020

Dear Sir/Madam

## TOWN AND COUNTRY PLANNING ACT 1990

### OUTLINE PLANNING PERMISSION

#### Subject to conditions

The Council hereby **approves** the following:

**Proposal:** Proposed outline planning permission for residential development of up to 30 dwellings, including open space provision and associated works with all matters reserved except for access  
**Location:** Land South Of 6 Hinton Way Wilburton Cambridgeshire  
**Applicant:** Turnwood Heritage Ltd C/O Bloomhall

This consent for outline planning permission is granted in accordance with the application reference **19/00910/OUM** registered 27th June 2019.

**Subject to the additional conditions set out below:**

### ADDITIONAL CONDITIONS

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

Plan Reference	Version No	Date Received
1895-TOPO 1/2		27th June 2019
1895-TOPO 2/2		27th June 2019
406.09704.00001.14.H010.2		27th June 2019
Biodiversity offsetting+delivery of net gain		12th December 2019
Ecological Impact Assessment		27th June 2019
Ecological Impact Assessment: Reptiles		16th August 2019
Location Plan		5th July 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
  - A. the statement of significance and research objectives;
  - B. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - C. The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 4 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 7 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 There shall be no burning on site during the clearance or construction phases.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 9 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 10 No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Surface Water Drainage Strategy prepared by MTC Engineering Ltd (ref: 2346-FRA&DS Rev A) dated May 2019 and shall also include:

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

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

- 10 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 11 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 11 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 12 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 12 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 With any reserved matters application for landscaping details pursuant to this approval, all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 The development hereby approved shall be completed only in accordance with the biodiversity recommendations and mitigation measures as stipulated within the Ecological Impact Assessment, written by Gilbert and Parnwell (Greenwillows Associates), dated June 2019, the Ecological Impact Assessment: Reptiles (Greenwillows Associates), dated June 2019, and the Biodiversity Offsetting and Delivery of Net Gain (Greenwillows Associates) dated November 2019. The biodiversity improvements shall be installed prior to the first occupation of any dwelling, hereby approved, and thereafter maintained in perpetuity.



- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to first occupation, the junction with Clarke's Lane will be laid out to the approved drawing number 406.07904.00001.14.H010.2 dated May 2019, and constructed to County Council's specifications.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 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.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 18 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 18 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 19 Prior to the commencement of development, a strategy for the facilitation of latest technology broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, open access ducting to industry standards to facilitate the provision of a broadband service to that dwelling, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.
- 19 Reason: To ensure that the needs of future residents to connect to the internet do not necessarily entail engineering works to an otherwise finished and high quality environment, and to assist community integration, economic vibrancy and home working, in accordance with Policies ENV2 and COM6 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted; and to ensure that the opportunity to provide any necessary enabling works is not missed.

- 20 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 20 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 21 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.
- 21 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.
- 22 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 22 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 23 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of any of the dwellings.
- 23 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The

condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

### **INFORMATIVES RELATING TO THIS APPLICATION**

- 1 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The application has been subject to pre-application advice/extensive discussion and amendments have been made that address officer concerns in regards to biodiversity and amended layout
- 2 The applicant/developers attention is drawn to the guidance notes issued by the Council's Environmental Health on potential nuisance during construction and demolition works which is available on our website <http://eastcambs.gov.uk/planning/guidance-leaflets>. All reasonable measures should be taken to prevent nuisance during demolition and construction works, with reference to those notes.
- 3 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to complete the CIL Additional information Requirement Form - [https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/2](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2)

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

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

- 4 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an offence to carry out works within the public highway without permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents and approval under the Highways Act 1980 and Street Works Act are also obtained from the County Council.
- 5 East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over loose gravel/shingle driveways.

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

Each new property requires two bins; this contribution is currently set at £43 per property.

Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

- 6 This decision notice should be read in conjunction with the Section 106 Obligation dated 15th April 2020 and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

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



**Rebecca Saunt**

**Planning Manager**

Dated: 16th April 2020

## Planning Performance – November 2020

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
<b>Validation</b>	<b>201</b>	<b>5</b>	<b>38</b>	<b>44</b>	<b>16</b>	<b>44</b>	<b>54</b>
<b>Validated within 5 days (%)</b>	<b>93%</b>	<b>(ECDC target of 75%)</b>					
<b>Determinations</b>	<b>160</b>	<b>1</b>	<b>30</b>	<b>36</b>	<b>17</b>	<b>26</b>	<b>50</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>93%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>94%</b> (90% within 8 weeks)	<b>77%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>149</b>	<b>1</b>	<b>25</b>	<b>34</b>	<b>13</b>	<b>26</b>	<b>50</b>
<b>Refused</b>	<b>11</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>0</b>

<b>Open Cases by Team (as at 14/12/2020)</b>							
<b>Team 1 (3.8 FTE)</b>	<b>150</b>	<b>10</b>	<b>36</b>	<b>24</b>	<b>30</b>	<b>50</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>127</b>	<b>15</b>	<b>32</b>	<b>30</b>	<b>14</b>	<b>36</b>	<b>0</b>
<b>Team 3 (4 FTE)</b>	<b>135</b>	<b>11</b>	<b>44</b>	<b>21</b>	<b>24</b>	<b>35</b>	<b>0</b>
<b>No Team (3 FTE)</b>	<b>74</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>55</b>

### **No Team includes – Trees Officer, Conservation Officer and Agency Worker**

The Planning department received a total of 224 applications during November which is a 22% increase of number received during November 2019 (184) and 5% increase to the number received during October 2020 (196).

### **Valid Appeals received – 3**

Queensberry 196 Carter Street Fordham – Delegated Decision  
Gosling Cottage 165 The Street Kirtling – Committee Decision  
Hurst Farm West Fen Road Ely – Delegated Decision

### **Appeals decided – 6**

Land Off Station Road Wilburton– Delegated Decision – Dismissed  
Land Opposite 1 To 8 Dalham Road Ashley – Delegated Decision – Dismissed  
Site Between 117 & 119 Duchess Drive – Delegated Decision – Dismissed  
Land South Of West Fen Road, West Of A10 Ely Bypass Ely – Delegated Decision – Dismissed  
14A The Cotes Soham Ely – Enforcement Appeal– Allowed – Enforcement Notice Quashed  
Land Northeast And Adjoining 14A The Cotes Soham – Enforcement Appeal – Appeal Dismissed – Enforcement Notice Varied by deletion of requirement (i) in section 5. Section 5 states:

What you are required to do  
Steps

- (i) Cease the use of the building as a dwelling
- (ii) Demolish the building in its entirety
- (iii) Remove all material and debris from the land resulting from compliance with step (ii) above.

## Enforcement

New Complaints registered – 24 (1 Proactive)

Cases closed – 33 (3 Proactive)

Open cases/officer (2.5FTE) – 252 cases (25 Proactive)/2.5 = 100.8 per FTE

Notices served – 0

### Comparison of Enforcement complaints received during November

Code	Description	2019	2020
<b>ADVERT</b>	Reports of unauthorised adverts	1	1
<b>COND</b>	Reports of breaches of planning conditions	6	6
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area	0	0
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area	0	0
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	1	1
<b>OP</b>	Reports of operational development, such as building or engineering works	7	7
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	1	0
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	2	2
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	6	1
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	1	3
<b>USE</b>	Reports of the change of use of land or buildings	3	3
<b>TOTAL</b>		<b>28</b>	<b>24</b>

## **Planning Performance – December 2020**

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

	<b>Total</b>	<b>Major</b>	<b>Minor</b>	<b>Householder</b>	<b>Other</b>	<b>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>148</b>	<b>6</b>	<b>36</b>	<b>46</b>	<b>22</b>	<b>31</b>	<b>27</b>
<b>Validated within 5 days (%)</b>	<b>85%</b>	<b>(ECDC target of 75%)</b>					
<b>Determinations</b>	<b>168</b>	<b>2</b>	<b>25</b>	<b>34</b>	<b>14</b>	<b>30</b>	<b>63</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>88%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>77%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>156</b>	<b>1</b>	<b>22</b>	<b>32</b>	<b>8</b>	<b>30</b>	<b>63</b>
<b>Refused</b>	<b>12</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>0</b>

<b>Open Cases by Team (as at 19/01/2021)</b>							
<b>Team 1 (3.8 FTE)</b>	<b>158</b>	<b>12</b>	<b>47</b>	<b>24</b>	<b>22</b>	<b>53</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>140</b>	<b>14</b>	<b>34</b>	<b>32</b>	<b>23</b>	<b>37</b>	<b>0</b>
<b>Team 3 (4 FTE)</b>	<b>163</b>	<b>13</b>	<b>46</b>	<b>33</b>	<b>27</b>	<b>44</b>	<b>0</b>
<b>No Team (3 FTE)</b>	<b>52</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>37</b>

### **No Team includes – Trees Officer, Conservation Officer and Agency Worker**

The Planning department received a total of 183 applications during December which is a 25% increase of number received during December 2019 (147) and 18% decrease to the number received during November 2020 (224).

### **Valid Appeals received – 1**

59A Great Fen Road Soham Ely – Delegated Decision

### **Appeals decided – 6**

Site South Of 1A And 1B Church Farm Barns Short Road Snailwell – Delegated Decision – Dismissed  
 Site South Of 1A And 1B Church Farm Barns Short Road Snailwell – Delegated Decision – Dismissed  
 Land Southwest Of The Drove Bedwell Park Witchford – Delegated Decision – Allowed  
 1 Lower Road Wicken – Delegated Decision – Dismissed  
 57 Parsons Lane Littleport – Delegated Decision – Dismissed  
 1 The Pines Mildenhall Road Fordham – Delegated Decision – Dismissed

### **Enforcement**

New Complaints registered – 15 (2 Proactive)

Cases closed – 30 (1 Proactive)

Open cases/officer (2.5FTE) – 243 cases (24 Proactive)/2.5 = 97.2 per FTE

**Notices served – 4**

Trees 77 High Street Cheveley – Enforcement Notice  
 The Nursery Mile End Road Prickwillow – Enforcement Notice  
 27A The Causeway Burwell – Enforcement Notice  
 St Johns Manor St Johns Road Ely – High Hedge Remedial Notice

**Comparison of Enforcement complaints received during Decemeber**

<b>Code</b>	<b>Description</b>	<b>2019</b>	<b>2020</b>
<b>ADVERT</b>	Reports of unauthorised adverts	<b>0</b>	<b>0</b>
<b>COND</b>	Reports of breaches of planning conditions	<b>3</b>	<b>1</b>
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area	<b>1</b>	<b>2</b>
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area	<b>0</b>	<b>1</b>
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act	<b>0</b>	<b>0</b>
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	<b>1</b>	<b>0</b>
<b>OP</b>	Reports of operational development, such as building or engineering works	<b>3</b>	<b>5</b>
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	<b>0</b>	<b>0</b>
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	<b>2</b>	<b>1</b>
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	<b>0</b>	<b>2</b>
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	<b>1</b>	<b>0</b>
<b>USE</b>	Reports of the change of use of land or buildings	<b>3</b>	<b>3</b>
<b>TOTAL</b>		<b>14</b>	<b>15</b>