



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 3<sup>rd</sup> April 2019

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL: (01353) 665555 EMAIL: [Janis.murfet@eastcamb.gov.uk](mailto:Janis.murfet@eastcamb.gov.uk)

<b>Conservative Members</b>	<b>Liberal Democrat Members</b>	<b>Independent Members:</b>
Cllr Joshua Schumann (Chairman) Cllr Mike Rouse (Vice- Chairman) Cllr Christine Ambrose Smith Cllr David Chaplin Cllr Paul Cox Cllr Lavinia Edwards Cllr Mark Goldsack Cllr Bill Hunt Cllr Stuart Smith	Cllr Sue Austen (Spokes)	Cllr Derrick Beckett
<b>Substitute Members</b> Cllr Elaine Griffin-Singh Cllr Neil Hitchin Cllr Lisa Stubbs	<b>Substitute Members</b> Cllr Christine Whelan	<b>Substitute Members</b> -
<b>Lead Officers:</b> Jo Brooks, Director, Operations Rebecca Saunt, Planning Manager		
<b>Quorum:</b> 5 Members		

**PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9.00am**  
(Please note site visit timings are approximate)

## A G E N D A

1. Apologies and Substitutions

[oral]

2. **Declarations of Interest**  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**
  
3. **Minutes**  
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 6<sup>th</sup> March 2019
  
4. **Chairman's Announcements** **[oral]**
  
5. **18/01301/OUT**  
Proposed detached chalet bungalow, parking, access and associated site works.  
  
Site North West of Cheveley Lodge, Cheveley Park, Cheveley  
  
Applicant: JR & RJ Wade  
  
Site Visit: 9.50am
  
6. **18/01363/OUT**  
Outline planning application with all matters reserved except access for the erection of six self-build plots.  
  
Land Rear of 6 to 12 High Street, Aldreth  
  
Applicant: PJ Lee and Sons  
  
Site Visit: 12.05pm
  
7. **18/01397/OUT**  
Demolition of existing agricultural buildings, construction of two detached bungalows, associated parking and infrastructure.  
  
Site Southwest of Hill Farm, Fair Green, Reach  
  
Applicant: Mr J Cole  
  
Site Visit: 10.25am

8. **18/01556/OUT**  
Erection of 3 no. new dwellings and access drive, changes to parking for no. 45 and widening of drive to no. 47.  
Freshwinds, 47 High Street, Cheveley  
Applicant: Mr & Mrs Andrew and Teresa Crouchman  
Site Visit: 9.35am
9. **18/01649/FUL**  
Proposed erection of 1 private detached bungalow.  
Ashbridge Farm, Factory Road, Burwell, CB25 0BN  
Applicant: Mr McAlonan  
Site Visit: 10.55am
10. **18/01711/RMM**  
Reserved matters for Phase 1 including 97 residential dwellings and a local shop along with public open space and associated infrastructure works as approved under 17/00880/OUM.  
Fordham Nursery and Garden Centre, 41 Market Street, Fordham  
Applicant: Scotsdale Hill LLP  
Site Visit: 11.30am
11. **Planning Performance Report – February 2019**

1.	<p>Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.</p> <p>This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.</p> <p><b>The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 60 people plus Applicants, Agents, the Press and Registered Speakers.</b></p> <p><b>Admittance to the Council Chamber is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting.</b></p> <p>There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question times and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.</p>
2.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none"> <li>▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.</li> <li>▪ The fire assembly point is in the front staff car park by the exit barrier.</li> <li>▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.</li> </ul> <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p>
3.	<p>Reports are attached for each agenda item unless marked "oral".</p>
4.	<p>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: <a href="mailto:translate@eastcambbs.gov.uk">translate@eastcambbs.gov.uk</a></p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>"That the press and public be excluded during the consideration of the remaining items no. 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 there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."</p>

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**MAIN CASE**

**Reference No:** 18/01301/OUT

**Proposal:** Proposed detached chalet bungalow, parking, access and associated site works

**Site Address:** Site North West Of Cheveley Lodge Cheveley Park Cheveley Suffolk

**Applicant:** J R & R J Wade

**Case Officer:** Catherine Looper, Planning Officer

**Parish:** Cheveley

**Ward:** Cheveley  
Ward Councillor/s: Councillor Peter Cresswell  
Councillor Mathew Shuter

**Date Received:** 10 October 2018      **Expiry Date:** 05/04/2019

[T237]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to Refuse the application for the following reasons:

1. Policy ENV7 of the East Cambridgeshire Local Plan 2015 requires proposals to minimise harm to or loss of environmental features such as hedgerows and trees. Policy ENV1 of the Local Plan 2015 also requires new development to ensure that it can provide positive, complementary relationships with existing development, and protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as woodland trees. The introduction of a dwelling in this location would result in the need for regular pruning in order to accommodate the proposed dwelling, which in addition to inconvenience, would render the trees unsightly. These trees do not form part of the application site or fall under the ownership of the applicant, and therefore it is unreasonable to expect the owner to manage these trees in a way which would allow the proposed development. This would also impact on the amenity of future occupiers through issues such as shading, honey dew, leaf fall and branches making contact with the proposed dwelling, which would create pressure to remove the trees in the future. The proposal is therefore contrary to policies ENV1 and ENV7 of the Local Plan 2015.
2. The proposal would have an overly cramped appearance and an overdevelopment of the site due to its scale and proximity to the boundaries

of the site. The proposal would be out of keeping with the appearance of the area, and is positioned on a narrow site which does not appear to warrant residential development. The application is contrary to Policy ENV2 of the Local Plan 2015 and the Design Guide.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 The application seeks outline consent for the construction of a single dwelling. The matters to be considered at this stage are access and scale. All other matters would be considered as part of a reserved matters application.
- 2.3 The application has been called into Planning Committee by Councillor Shuter due to the unique situation and nature of Cheveley Park.

## 3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located approximately 1 mile outside the defined settlement boundary within a cluster of historic dwellings at the edge of Cheveley Park. The site is currently an area of grass with a garage and hedging.

## 5.0 RESPONSES FROM CONSULTEES

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

**Parish** - The Parish Council's only concern is for one of its street lights which is located in the vicinity. If it is necessary to move it, or it is damaged in any way by the construction, then the PC should be informed.

**Ward Councillors** - No Comments Received

**Local Highways Authority** - The Highways Authority have no objections in principal to this application.

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

**Conservation Officer** - No Comments Received

**Waste Strategy (ECDC)** - No objections raised. Standard informatives recommended.

**ECDC Trees Team** - I agree that the root ingress into the site under the wall is likely to be reduced, but the extent of this would depend largely on the depth of the walls footings which would need to be greater than 1metre in depth to completely block trees roots from ingress into the site.

It should also be noted that the proposal does not allow for the future growth of the trees which are likely to cause issues with shading, honey dew, leaves blocking gutters as well as branches making physical contact with the structure.

The neighbouring trees are species that will develop into large tall specimens and should be allowed the room to do this, as they will form a significant part of the future landscape.

- 5.2 Neighbours – A site notice was posted on 12<sup>th</sup> November 2018 and an advert was placed in the Cambridge Evening News. Five neighbouring properties were notified by post and the responses received are summarised below. A full copy of the responses are available on the Council’s website.
- The setting of Cheveley Lodge and the properties opposite is special in characteristics and appearance. The proposal would be cramped and cause harm to the character of the area.
  - There is a Grade II Listed property at the entrance to the site.
  - The site is located closely to stallion paddocks and would cause impacts to the health of the horses.

## 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
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

### 6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 6 Building a strong competitive economy
- 7 Ensuring the vitality of town centres

## 7.0 PLANNING COMMENTS

- 7.1 The main issues to consider when determining this application relate to the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and other matters.
- 7.2 Principle of Development
- 7.3 The application site lies outside of the defined development boundary. The development of the site for housing would therefore conflict with policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 which seeks to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policy GROWTH 2 cannot be considered up to date in so far as it relates to supply of housing land.
- 7.4 Paragraph 78 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. This site is located within an existing cluster of residential dwellings and is therefore not considered to be isolated in its location. The NPPF supports sustainable development in rural areas where proposals will enhance or maintain the vitality of rural communities. The proposal provides an additional dwelling to the district's housing stock and would also be beneficial to the economy in the short term through the construction stage. In accordance with the presumption in favour of sustainable development permission should be granted unless there are any adverse impacts in doing so which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.5 Residential Amenity
- 7.6 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. The full impact on residential amenity would be considered at a reserved matters stage as the full details of the proposal are not included in this application. However, given the distance between the site and neighbouring properties, it is considered that appropriate measures could be taken to prevent impacts to neighbouring occupiers. With regard to the amenity of future occupiers, the application states that private amenity space in excess of 100sqm is provided, however this would be overshadowed by the significant line of mature trees along the western boundary and the resulting level of overshadowing would be unacceptable.
- 7.7 Visual Amenity
- 7.8 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The site is narrow, at approximately 12m at its widest points, and narrows into a point to the south. The full details of appearance cannot be considered at this stage, however the scale is considered.



- 7.9 The proposed development would appear cramped and appear as an overdevelopment of the site within the street scene by virtue of its proximity to the site boundaries and adjacent dwellings, to the detriment of the character and appearance of the area. The site is currently garden land and bordered by a brick wall and hedging. The land has the appearance of open space which does not warrant residential development on such a narrow site. The siting of the proposed development is considered to be inappropriate for its setting and will appear out of keeping with the distinctive traditional pattern of development in this area. It will appear cramped and visually discordant in the street scene. This will result in a poor relationship with the adjacent properties and overdevelopment of the site.
- 7.10 Highways
- 7.11 The Local Highways Authority has been consulted regarding the application and have raised no objection to the principal of the application. The site would utilise an existing access and shared driveway. The proposal includes the provision of two spaces for the parking of vehicles and this is considered to comply with policy COM8 of the Local Plan 2015.
- 7.12 Trees
- 7.13 Under policy ENV7 of the Local Plan 2015, there is a requirement to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. Policy ENV1 of the Local Plan 2015 also requires this application to ensure that it can provide positive, complementary relationships with existing development, and protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as woodland and trees.
- 7.14 The applicant has submitted a Tree Survey which identifies that there are several trees at the site which are in close proximity to the proposed dwelling and private amenity space. The Council's Trees Officer has reviewed the information and has advised that these trees would require regular pruning in order to accommodate the proposed dwelling, which in addition to inconvenience, would render the trees unsightly. These trees do not form part of the application site or fall under the ownership of the applicant, and therefore it is unreasonable to expect the owner to manage these trees in a way which would allow the proposed development. This would also impact on the amenity of future occupiers through issues such as shading, honey dew, leaf fall and branches making contact with the proposed dwelling, which would create pressure to remove the trees in the future. The Trees Officer has identified that these trees are of a species which would develop into large, tall specimens and would form a significant part of the future landscape, and therefore it is considered that the potential loss of these trees in the future would cause harm to the visual appearance and character of the area.
- 7.15 Planning Balance
- 7.16 On balance the application would provide one additional house to the District's housing stock in a location that is not physically isolated and is within an existing cluster of residential development. However, the proposal would appear cramped

and overdeveloped, on a site which does not lend itself to residential development and would be harmful to the character and appearance of the area. The visual harm of the cramped proposal combined with the future impacts to the amenity of occupiers from the close proximity to adjacent trees is considered to outweigh the benefit of the provision of one dwelling. The application is therefore recommended for refusal.

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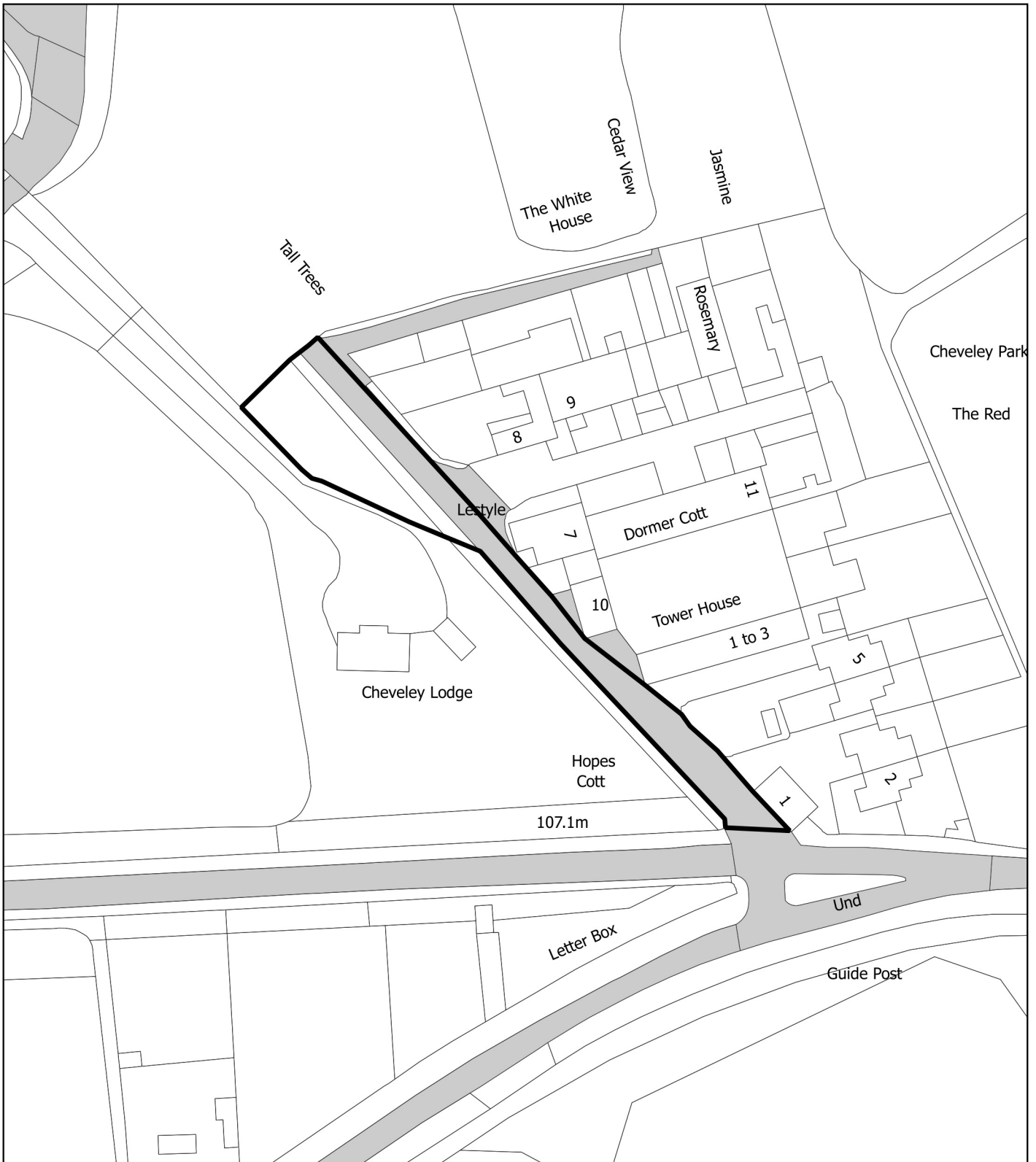
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01301/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/01301/OUT

Site North West of  
Cheveley Lodge  
Cheveley Park  
Cheveley



East Cambridgeshire  
District Council

Date: 19/03/2019  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 18/01363/OUT

**Proposal:** Outline planning application with all matters reserved except access for the erection of six self-build plots

**Site Address:** Land Rear Of 6 To 12 High Street Aldreth Cambridgeshire

**Applicant:** P J Lee and Sons

**Case Officer:** Anne James, Planning Consultant

**Parish:** Haddenham

**Ward:** Haddenham  
Ward Councillor/s: Councillor Steve Cheetham  
Councillor Mark Hugo  
Councillor Stuart Smith

**Date Received:** 1 October 2018      **Expiry Date:** 5<sup>th</sup> April 2019

[T238]

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**1.0 RECOMMENDATION**

1.1 Members are recommended to **APPROVE** the application subject to the recommended conditions as set out in APPENDIX ONE of the report and the signing of a satisfactory legal agreement with authority delegated to the Planning Manager and Legal Services Manager to complete the legal agreement and to issue the planning permission.

1.2 The legal agreement will secure the following:

- Prior to occupation of the dwellings (High Street 18/01363/OUT) use of the cooling and ventilation plant at De Freville Farm potato store will cease;
- The date of occupation of the dwellings and cessation of the plant to be advised to the Council;
- Potato store to be identified on a plan; and
- No further cooling or ventilation plant to be introduced to De Freville Farm

1.3 A summary of the conditions is detailed below:

- 1 Approved Plans
- 2 Reserved Matters
- 3 Time Limit
- 4 Up to 6 dwellings

- 5 Vehicle Access
- 6 Visibility Splays
- 7 Written Scheme of Investigation
- 8 CEMP
- 9 Hours of Construction and Deliveries
- 10 Design of access and PROW
- 11 Fire Hydrants
- 12 Energy and sustainability
- 13 Biodiversity Improvements and mitigation
- 14 Foul water
- 15 Welcome Travel Packs
- 16 Site Investigation
- 17 Unsuspected contamination
- 18 External lights
- 19 Surface water management strategy
- 20 CIL - phasing

## **2.0 SUMMARY OF APPLICATION**

- 2.1 This is an outline planning application with access to be considered and external appearance, scale, layout and landscaping to be considered at the reserved matters stage.
- 2.2 The application seeks planning permission for a scheme comprising 6 detached self-build properties with detached garages. Access would be taken to the west of the site from Tinkers Lane to the High Street.
- 2.3 The application has been accompanied by the following documents:
- Preliminary Ecology Appraisal;
  - Highways Statement
  - Planning Statement
- 2.4 The application has been called in by Councillor Steve Cheetham for consideration by Committee in view of the implications on residential amenity, village character, site access and highways and need for self-build plots within the district.
- 2.5 In dealing with this planning application and in reaching a recommendation set out in this report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.
- 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 17/01548/OUT The erection of 6 detached residential dwellings with garages  
Refused 19<sup>th</sup> October 2017

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

- 4.1 The application site comprises an arable field measuring approximately 0.8ha (1.36 acres) which is located on the northern edge of the village.
- 4.2 The site is enclosed by a combination of trees/hedgerow and residential boundary treatments which vary in height. There is an established linear row of housing to the south-east and along the north eastern boundaries of the site. To the west of the site is De-Freville Farm with Tinkers Lane running the full length of the western boundary. On this boundary the site is enclosed by a dense screen of hedgerow. The northern boundary abuts open countryside.
- 4.3 Tinkers Lane comprises an unmade single track access which is also a PROW for both walkers and vehicular traffic using the working farm and for the garage to the rear of No12 High Street.
- 4.4 There is a slight difference in land levels with a gentle fall across the site to the south-east. Whilst trees and vegetation form screening on some boundaries of the site there are no trees within the arable field.

### 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.

Anglian Water – No objection subject to condition

Asset Information Definitive Map Team – Objects.

Public Bridleway No20 has a legally recorded width of 9.1m. This means that the bridleway extends over the full width of the access corridor, not just the northern grass verge. Any works to accommodate the site access would therefore need the prior consent of Cambridgeshire County Council. In view that this application has been designed on the incorrect basis regarding the extent of the public highway the County Council cannot support this proposal and recommends its refusal. Should the LPA be minded to grant planning permission a condition is suggested.

CCC Growth & Development – No comments received

County Archaeologist – no objection

The site lies in an area of high archaeological potential, situated on the northern edge of the historic village of Aldreth. Recommend a condition concerning a Written Scheme of Investigation to be submitted and approved by the LPA.

Environmental Health – No objection

Subject to appropriate conditions concerning ground contamination, construction times and deliveries. The close proximity to De-Freville Farm to the south-west of the proposed site does raise concerns regard agricultural noise and odour. Whilst no complaints have been identified I would expect the future occupiers to take into consideration the rural nature of the environment which does include seasonal out-of-hours work and noise.

Cambridge Ramblers Association – No objection

However, express concern over potential disturbance to users of the Bridleway which provides vehicular access to the proposed building site. Not only does it appear that Tinkers Lane is the sole access during construction but also the permanent access for traffic after completion. It is imperative that a safe pathway is maintained; consideration should be given to provision of an off road pavement for walkers.

Local Highways Authority – No objection subject to conditions.

The access track and internal roads are not laid out to a highways adoptable standard.

Parish – Objects for the following reasons:

No housing allocation in adopted Local Plan 2015 and Submitted Local Plan 2018'  
Weight to be given to adopted local and emerging local plan;

- Back building/not a natural extension to the form of the village and outside of settlement boundary;
- Significant demonstrable harm to the character and appearance of Aldreth;
- Impact on residential amenity;
- Increase in noise and light issues from vehicles accessing the site along Tinkers Lane and behind the High Street;
- Drainage from the field currently slopes towards the houses in the High Street to the detriment of increase risk of flooding;
- Responsibility of upkeep of shared driveways;
- Sewerage system is already to the limit and cannot cope with additional properties;
- Water pressure is also low;
- Access road is not made up to an adoptable standard. Wheelie bins would need to be taken to the end of Tinkers Lane for collection;
- Noise from agricultural fans operating in a nearby storage shed which generate considerable noise and would affect the amenity of future residents;
- Vehicle parking on the road and the development is likely to exacerbate this.
- Visible to users of the PROW;
- Impact on wildlife;

- Misleading information regarding planning permission for development of the rear gardens of properties in High Street;
- Self-Build Register;
- No change in material considerations since planning permission was refused in October 2017. The lack of a 5-year housing supply is therefore not relevant in this case.

#### Ward Councillor – Mark Hugo – Objects

Aldreth is listed as a small village in both the Local Plan 2015 and the Local Plan submission 2017. There is no housing allocation in either of these plans, with housing restricted to only infill sites within the village to ensure no urban sprawl into the countryside.

- Local Plan 2015 Policy ENV2 requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers. Although the design is still awaited it is very clear the amenity of the existing residents will be significantly impacted. Existing properties have small or no gardens and are single storey with paddock/low fencing backing onto to open agricultural land. They therefore enjoy low maintenance of garden and a view onto open fields, both of which are reasons the residents moved there.
- The access road will run down Tinkers Lane and behind the existing properties and the vehicle movements to and from the proposed development will generate significant noise and especially vehicle light issues.

The proposed development would dominate the views from existing habitable rooms or residential gardens. This will have a serious effect on the health and well-being of existing residents, some of whom are very vulnerable.

- The site is clearly NOT infill by definition but would be back land development and does not present itself as a natural extension to the built form of the village. The proposed dwellings would be at odds with the current form of Aldreth and would result in an urban intrusion and would cause significant demonstrable harm to the character and appearance of the setting of Aldreth. As such it is contrary to Policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework.

Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015, seeks to protect landscape and settlement character and in particular, respect views into and out of settlements. These aims are reiterated in paragraph 17 of the NPPF which seeks to protect the intrinsic character and beauty of the countryside. Policy ENV 1 also requires new development to demonstrate that the location, amongst other things, will create positive, complementary relationships with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements.



- Development of this depth and size is unsuitable for Aldreth and will set a bad precedent for further growth into the countryside, thus changing the nature of the hamlet.
- The plots are stated as “self build” which could result in a ‘hotch potch’ of styles and a prolonged build time and ongoing stress, noise and inconvenience for existing residents. Also I consider this a cynical ploy by the applicant to avoid the need to pay CIL to aid the village infrastructure. In addition the self build list held by ECDC has only 7 entries for the whole district and therefore shows no need for this extra number of self builds in one place. In addition there is no evidence that anyone already on the list has indicated they wish to live in Aldreth which surely there needs to be for any self build permissions?
- In Aldreth the existing foul water sewerage system is already being stretched to the limit. I live opposite the village sewerage pumping station from which all foul water has to be pumped up Aldreth Hill to then run down by gravity to the main treatment plant in Haddenham. This small pumping station regularly breaks down causing blocked toilets in The Borough and probably elsewhere and Anglian water are forever attending to sort things out often accompanied by a large tanker to suck out and dispose of the excessive build up. I dread to think what the addition of 6 more houses (around a 6% increase in houses in Aldreth) would do to this creaking system. I am aware this is not a planning concern in the true sense but I urge the planning officer to get an accurate picture from Anglian Water on this issue which I don’t believe can be solved without very significant investment.
- Surface water drainage is also a concern as the proposed properties naturally drain towards the High St which on many occasions flows with water until it reaches often partially blocked drains further down the village. The removal of the natural “sponge” effect of this field would only add to this problem.

In conclusion I believe this is an inappropriate development for the hamlet of Aldreth that would do demonstrable harm to its residents and set a bad precedent for the future. This application was already refused back in 2017 under a different reference number and consistency should apply. It is worth noting that the reasons for refusal last time, of which there were many, make no reference to the validity or not of the East Cambs 5 year housing supply.

Additional comments received on 13<sup>th</sup> February 2019

Further to my previous objection, I wish to add some further comments following the recent refusal of 18/01464/OUT in Wentworth where in my view the application is not dissimilar to 18/01363/OUT:

- 1) The proposed development would be located within the open countryside and is considered to be visually intrusive and would cause demonstrable harm to the character of the rural area and its setting within the open countryside. The proposal is therefore considered to be contrary to the requirements of policies ENV2 of the East Cambridgeshire District Local Plan 2015 and LP3 and LP31 of the Submitted Local Plan 2018.

2) The proposed development is considered to be contrary to policies ENV2 of the East Cambridgeshire District Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The proposal is tantamount to a form of backland development which will generate a significant material detriment to the residential amenities of the dwellings that sit to the front of the proposed development site by reason of proximity of the proposal.

#### Ward Councillor - Steve Cheetham

Aldreth is a small village as defined in the local plan 2015 and the submitted local plan 2017 with no housing allocation in either of these plans, with any housing development on suitable infill sites within the village to ensure no urban sprawl into the countryside.

#### *Residential Amenity*

Local Plan 2015 Policy ENV2 requires development proposals to ensure that there is no significant detrimental effect on the residential amenity of nearby occupiers. The detailed design and appearance of the proposed dwellings is a reserved matter, however it is very clear that the proposed development will generate a significant material detriment to the residential amenities of the properties to the front of the proposed development site.

Currently a majority of the properties have no garden and are single storey with paddock/low fencing backing onto to open agricultural land. This affords them both very low maintenance of garden/etc alongside of the amenity that comes from the open environment.

The access road will run down Tinkers Lane and behind the High Street properties and the vehicle movements to and from the proposed development will generate significant additional noise and also vehicle light issues.

The effect of a proposed development on the outlook from habitable rooms or residential gardens would appear visually intrusive and overbearing.

#### *Village Character*

The site would be back land development in open countryside and does not present itself as a natural extension to the built form of the village and is outside the settlement boundary. The proposed dwellings by virtue of this location would be at odds with the built form, would result in an urban intrusion such that it would cause significant demonstrable harm to the rural areas and the character and appearance of the setting of Aldreth. As such it is contrary to Policies ENV 1 and ENV2 of the Local Plan 2015 and Paragraphs 170 of the National Planning Policy Framework 2018, where it is clear that this development does not meet the environmental objective of sustainable development in relation to the impact on character and appearance of the area which is integral to the dimension of sustainable development.

As well as the above, Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015, seeks to protect landscape and settlement character and in particular, respect views into and out of settlements. These aims are reiterated in paragraph 17 of the NPPF which seeks to protect the intrinsic character and beauty of the

countryside. Policy ENV 1 also requires new development to demonstrate that the location, amongst other things, will create positive, complementary relationships with existing development, and conserve, preserve and where possible enhance the distinctive and tradition

The site would be back land development and does not present itself as a natural extension to the built form of the village and outside the settlement boundary. The proposed dwellings by virtue of this location would be at odds with the built form, would result in an urban intrusion such that it would cause significant demonstrable harm to the character and appearance of the setting of Aldreth. As such it is contrary to Policies ENV 1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 11, 79, 127 and 170 of the National Planning Policy Framework 2018.

As well as the above, Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015, seeks to protect landscape and settlement character and in particular, respect views into and out of settlements. These aims are reiterated in paragraph 17 of the NPPF which seeks to protect the intrinsic character and beauty of the countryside. Policy ENV 1 also requires new development to demonstrate that the location, amongst other things, will create positive, complementary relationships with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. The proposed development would result in a significant level of built form which is highly visible from the public highway and out of keeping with the existing street scene.

With the exception of the replacement of agricultural/farm buildings all development has been infill in the small village of Aldreth in line with the Local Plan 2015 and the Submitted Local Plan 2017.

The development will be highly visible to users of the public right of way/bridle way (Tinkers Lane) that runs adjacent to the south of the site. The proposal fails to respect the edge of the settlement location and will dominate the landscape in the immediate area. It is therefore considered that the scale and layout of the proposal will cause significant and demonstrable harm to the visual amenity of the area and on this basis is contrary to Policies ENV1 and ENV2 of the Local Plan 2015.

Development of this depth is not a defining characteristic of Aldreth and this proposal will result in the loss of an area of open agricultural land to the rear of existing dwellings. The proposal will lead to further encroachment of the built

### *Ecology*

An Ecology Appraisal has been submitted, however based on local knowledge, this site has the potential for nesting birds and badgers. There have also been numerous bats seen in the area and barn owls.

### *Cheffins Planning Statement – September 2018*

*Under point 1.6* the planning statement states incorrectly that an application for a single detached dwelling, etc was approved on 15<sup>th</sup> September 2016 and that this site is situated to the rear of No's 4 and 6. This site is not to the rear of No 6 as can be

seen by the current construction of this property, which is being built on former hardstanding of the commercial business and is in the defined development envelope of the Local Plan 2015 and Submitted Local Plan 2017 and it is noted on the officers report for recommendation for approval that the site reflects more the characteristics of an 'infill' development. It also states in the officer reports that in terms of layout and modest scale it would reflect the character of the existing development plan in this part of the village and would be in compliance with Growth 2 of Local Plan 2015.

The officer report also states that the development would avoid the physical constraints and enclosure that are characteristic of back land development.

*Under point 1.7* the planning statement states incorrectly that there have been permissions for dwellings in gardens of the properties along High Street, notably 6A and 10A.

In fact in relation to 6a, this was a single story front infill extension and relocation of fence (12/00455/FUL). There is no note of permission for a dwelling in the garden at 10A/10 on the ECDC planning portal but this may be an infill property that fronts the High Street in accordance with the Local Plan. Certainly neither of these are 'back land' development.

*Under point 5.4* This refers to the self-build register and it is my understanding that there are only c7 people registered on the self-build register and clearly these should be approached to determine any interest before any planning approval is considered, using self-build as part of the reasons for approval. It also refers to the proposed land being infill within the built framework of Aldreth, which is clearly an incorrect statement under any definition of infill.

Finally, it must be noted that a development for 6 houses on the proposed site was refused in October 2017 for a number of material planning reasons and these reasons are valid for this proposed development.

### **Statutory Consultation**

- 5.2 A site notice was posted on 25<sup>th</sup> October 2018 and advertised in the press on 18<sup>th</sup> October 2018. 36 neighbouring properties were notified and 27 letters of representation have been received objecting to the scheme. The responses received are summarised below. A full copy of the responses are available on the Council's website.

#### *Visual Amenity*

- Affects public views
- Affects streetscene
- Affects Conservation Area
- Landscape impact
- Form and character – backland development
- Loss of public amenity
- Noise and general disturbance
- Leading to sprawl

- Light pollution
- Open countryside
- Overbearing impact
- Visual intrusion
- Loss of view
- Out of keeping with village

#### *Residential Amenity*

- Loss of privacy
- Overlooking
- Persons with protected characteristics

#### *Highway*

- Parking and turning
- Impact on PROW
- Increase in parking
- Highway and pedestrian safety

#### *Biodiversity*

- Presence of Great Crested Newts (GCNs)
- Tree and hedgerow removal
- No Tree Survey
- Ecology Report inaccurate

#### *Flooding and Drainage*

- Groundwater issues
- Surface water drainage

#### *Policy*

- Contrary to Policy and against development plan
- NPPF

#### *Other*

- Misleading information regarding infill development of other sites and that development on three sides of the site.
- Sustainability
- Infrastructure
- Right of access
- Views of local community disregarded
- Sewerage
- Self build can take longer to build
- Area of archaeological interest

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 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV11	Conservation Areas
ENV14	Sites of Archaeological interest
COM 7	Transport impact
COM 8	Parking provision

Village Vision Aldreth

6.2 Supplementary Planning Documents

East Cambridgeshire Design Guide

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

Flood and Water

Interim Five Year Housing Land Report

Annual Monitoring Report 2018

6.3 National Planning Policy Framework 2019

- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment
- 17 Facilitating the sustainable use of minerals

6.5 Planning Practice Guidance

Due regard has been had to the guidance contained within the PPG.

## **7.0 PLANNING COMMENTS**

- 7.0.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.
- 7.0.2 An interim Five Year Land Supply Report was published by the Council in November 2018 and its findings demonstrate that the Council does not have a five year housing land supply. As such, Policies relating to the supply of housing cannot therefore be considered up to date. Policies GROWTH 2 of the adopted Local Plan 2015 deals with the locational strategy with housing being centred in Ely, Littleport and Soham. In light of this, all planning applications for housing within the district should now be considered on the basis of the presumption in favour of development unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the NPPF.
- 7.0.3 A previous application (17/01548/OUT) was refused on 19<sup>th</sup> October 2017 for three reasons. Namely, that the development was located in an area of open countryside and no need had been demonstrated in this case. Secondly, that the development would likely give rise to adverse highway safety due to substandard visibility at the junction between Tinkers Lane and the High Street and lastly, that the development would be located close to a working farm that utilises electrical fans to dry produce and has the potential to cause noise nuisance.
- 7.0.4 The main issues to consider in the determination of this application are:
- Principle of Development
  - Visual amenity
  - Residential amenity
  - Highway and parking
  - Biodiversity and Ecology
  - Flooding and Drainage
  - Archaeology
  - Other Matters
  - Planning Balance

### **7.1 Principle of Development**

- 7.1.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable

development, as set out in the revised version of the NPPF 2019 and the East Cambridgeshire Local Plan 2015. An assessment has been made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

7.1.2 For the purposes of assessing the proposal, in relation to the presumption in favour of sustainable development, it is considered that when planning permission was refused in 2017, the Council had the benefit of a 5 year housing land supply. The application (17/01548/OUT) was refused for the following reasons:

- 1. The proposed development is located within an area defined as open countryside where new dwellings are only permitted where required to accommodate key agricultural, forestry or other essential countryside workers or to meet a local need for affordable housing/accommodation. No such need has been demonstrated in this case and the proposal would lead to sporadic and unsustainable development that would cause harm to the rural character of the area. It would significantly extend permanent built form into the countryside in this prominent location in a manner that is considered harmful to local landscape character and visual amenity. The resultant encroachment will increase the sense of suburbanisation of the countryside to the detriment of local visual amenity. In addition, it is considered that there are no social, economic and environmental benefits specific to the development which would outweigh either the harm to the plan-led system and housing strategy for the area or the site specific harm associated with the consolidation of development in this area. Accordingly, the proposal is not considered to constitute sustainable development in principle and is contrary to adopted East Cambridgeshire Local Plan (2015) Policies GROWTH2, ENV1, ENV2 and HOU2, Policies LP3, LP22, LP28 and LP31 of the Proposed Submission Local Plan (2017) and Central Government advice contained in the National Planning Policy Framework.*
- 2. The proposed development would be likely to give rise to adverse highway safety impacts by virtue of substandard visibility at the junction between Tinkers Lane and High Street and the restricted width of the Lane which would prevent opposing vehicles from passing each other leading to vehicles stopping and manoeuvring on the highway to the detriment of other users of the highway. In addition, Tinkers Lane is a public right of way and a bridleway and these conditions are also likely to lead to conflict between motor vehicles, horse riders and walkers further adding to the risks to the safety of users of the highway contrary to Policies COM7 of the adopted East Cambridgeshire Local Plan (2015) and LP17 of the Proposed Submission Local Plan (2017).*
- 3. The proposed development is located close to a working farm that utilises electrical fans to dry produce and which has potential to cause noise nuisance for future residents of the development. It has not been possible to fully assess the likely effects on amenity arising from this apparatus as insufficient information has been provided to the local planning authority. As such, the proposals would not comply with Policies ENV9 of the adopted East Cambridgeshire Local Plan (2015) and LP26 of the Proposed Submission Local Plan (2017).*

7.1.3 As has been evidenced recently, the Council can only demonstrate approximately 3.9 years housing land supply, and the presumption in favour of sustainable



development applies. Moreover, the Council will also need to apply a 20% buffer in line with the Government's recently published Housing Delivery Test.

- 7.1.4 In assessing the proposal presently under consideration, it needs to be acknowledged that in view of the Council's current position, the impact on the character of the area needs to be weighed against the under supply of housing provision within the district, changes in policy, as well as any physical changes that have occurred during the intervening period.
- 7.1.5 The second reason for refusal concerning highway safety has now been overcome as the scheme has demonstrated that an acceptable visibility can be achieved from the junction of Tinkers Lane with the High Street to which the Highways Authority have raised no objections. The PROW officer whilst objecting to the scheme has also offered a condition which will resolve previous concerns.
- 7.1.6 In assessing the third reason for refusal afresh, the Environmental Health Officer has raised no objection to the current scheme. In fact, he has advised that new occupiers would be aware of the close proximity of the farm and would be aware that as a working farm there would be noise and general disturbance periodically. However, it is considered necessary to restrict noise impacts by way of a legal agreement with the owners of both this site and the adjoining Defreville Farm to limit noise and general disturbance by way of a number of mitigation measures.
- 7.1.7 The NPPF supports the delivery of a wide range of high quality homes and considers small and medium sized sites (1ha or less) can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly, para 68 of the NPPF refers. Given the small number of dwellings proposed, and that smaller sites are more likely to be delivered on time than the larger strategic sites in Ely, Littleport and Soham, cumulatively, sites such as this one can make an important contribution to the District's housing land supply and be delivered within 3-5 years. As such, considerable positive weight should be afforded to the need for housing within the district.
- 7.1.8 Whilst the site is located within open countryside it is located adjacent to the settlement boundary which means that the site is accessible to the limited amount of services and facilities available in Aldreth. It is also considered the impact on residential amenity can be mitigated by condition.
- 7.1.9 When taking into consideration the impact of the scheme on the visual amenities of the area, physical changes to the adjoining sites now results in only one of its boundaries abutting open countryside. Therefore the site is now fairly well contained by development.
- 7.1.6 The application is therefore supported in principle.

## 7.2 Residential Amenity

- 7.2.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings is provided. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.

- 7.2.2 The site lies to the rear of a row of dwellings on the High Street (Nos 4 – 12 respectively), which effectively wrap around the site on its north east/south-east boundaries. There is a variety of house types represented in this area including bungalows and two storey houses. Most of them share a boundary with the application site.
- 7.2.3 Nos 4a, 6, 6a, 8 and 10 High Street all lie in close proximity to the site on the north-eastern and south-eastern boundaries. In particular, No 6a High Street, due to its restricted depth in plot size has resulted in the rear wall of the dwelling approximately 2m from the application site boundary. There is a lounge window on this north-west facing elevation which, although not the sole source of light to the living room, does provide the occupiers of this room with an outlook on to the application site. This would be diminished should the erection of boundary treatment in the form of close boarded fencing be erected along the north eastern and south eastern boundaries of the application site. The occupiers of No 6a have protected characteristics and rely on this room for much of their day-to-day living. Whilst it is acknowledged that the land owners may at any time erect 2m high fencing on this boundary without requiring planning permission, this application would provide an opportunity to ensure that modest post and rail fencing is erected, which would be less intrusive. A careful landscape buffer can also provide a degree of screening and outlook between the development and adjoining occupiers without injurious loss of amenity in terms of loss of sunlight/daylight penetration and outlook. In view of the size of the site and the quantum of development proposed, it is anticipated that an acceptable separation distance can be achieved which would not result in loss of privacy, visual intrusion or overshadowing.
- 7.2.4 It is considered that the needs of these occupiers could be respected in any future scheme by the use of appropriate mitigation measures imposed by condition.
- 7.2.5 Whilst other properties in the High Street would experience a change in outlook as a result of the redevelopment of this site, it is considered the impact on the amenities of these adjoining residents can be comprehensively assessed at the detailed design stage.
- 7.2.6 The application site is of a size to enable development to comply with the criteria set out in the East Cambridgeshire Design Guide. An indicative layout plan has been submitted with the application and this suggests that all properties could achieve a satisfactory living environment in terms of the degree of separation between dwellings and degree of amenity space to be provided. As layout and external appearance form matters to be considered at the detailed design stage, further details can be provided then.
- 7.2.7 Whilst these indicative layout drawings specify that some of the dwellings could be 9m in height, this would be out of character with the prevalent pattern of development which is predominantly single storey in nature. In assessing the impact of the scheme at reserved matters stage then the height, scale and massing of each dwelling can be re-considered further.

- 7.2.8 Although it is evident that the proposed development would change the nature of views from the properties in the vicinity of the site, private views such as these are not a material planning consideration.
- 7.2.9 In the previously refused scheme there were objections with regard to noise and general disturbance with the close proximity of the working farm. However, the Environmental Health Officer has not objected, citing that new occupants of the development would take into consideration the rural nature of the environment which does include seasonal out-of-hours work and noise. However, for reasons of consistency, a legal agreement is recommended to be entered into, similar to the one required by the development of one dwelling off of School Lane (18/00853/OUT) which required the cessation of the cooling and ventilation plant at De Freville Farm potato store.
- 7.2.10 Concerns have also been identified with regard to increased noise and light pollution issues from vehicles accessing the site along Tinkers Lane and behind the High Street. However, given that Tinkers Lane is already used by vehicular traffic then the scheme would not introduce a new element. Any proposed external lighting can be considered at a later stage in association with the biodiversity mitigation measures proposed which form a condition on the consent.
- 7.2.11 On balance, it is considered that the proposal would have an acceptable impact on residential amenities of both existing and future occupiers and that these issues can be comprehensively evaluated at the reserved matters stage. The scheme complies with Policy ENV2 of the Local Plan, and the NPPF, and this is attributed neutral weight in the planning balance.

### 7.3 Visual Amenity

- 7.3.1 In considering the visual impact on the landscape Policy ENV1 of the Local Plan requires new development to provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and of settlements. Policy ENV2 of the Local Plan requires that new development should ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area.
- 7.3.2 The application site comprises an agricultural field which is enclosed on three of its four boundaries by development. Land levels rise gradually from east to west and from south to north. The site is visible through gaps between development but is screened effectively by boundary hedgerow. The proposal will be visible from a number of vantage points and these would be along the PROW which abuts the site to the west. The formation of a new vehicular access point will further open up views of the development.
- 7.3.3 It is acknowledged that the development would alter the character of the village at this location, however, since planning permission was granted in December 2017 for the development of a detached dwelling, cart lodge and garage at land to the rear of 4A High Street (17/01921/FUL), to the north-east of the site, then the application site is no longer as “open” in nature as it was when the previous scheme on this site was first assessed. The proposed development could be considered to amount to a ‘rounding off’ of the form of the village given the existing surrounding development

which provides some degree of physical and visual containment of the site. It is considered the proposed development would be well-related to the existing established settlement pattern and would not comprise a sprawling form obtruding into the surrounding countryside but would maintain the compactness of the built form in the locality. As such, it is considered the proposed development would serve to consolidate the existing settlement pattern.

7.3.4 Whilst the proposed development would have an impact upon the character and appearance of the site itself and its immediate environments, its impact on the visual amenities of Tinkers Lane would alter as this section of the road is presently semi-rural with an open outlook on to the application site. Post development this streetscene would be significantly altered to one of a street within the built development of a village. However, these impacts would be inherently localised and it is considered could be mitigated through good design principles and landscaping which can be controlled through a future reserved matters application. Whilst it is noted that a number of properties along the High Street are 2 storey, in order not to appear too obtrusive it is considered that a scheme of six bungalow or chalet bungalow dwellings would be more in keeping and less likely to be incongruous with the general character of this part of the village.

7.3.5 At this stage, the matters of the detailed appearance, layout, landscaping and scale of the proposed development are reserved for approval at a later date and it is therefore not possible to make detailed assessments relating to the design and appearance, but these can be considered fully at the reserved matters stage.

7.3.6 On the basis of this assessment, it is therefore considered the proposal could be designed such as to form a coherent and congruous extension to the village without any significant detriment to the existing character or identity of the village in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and the NPPF. Therefore, due weight should be given to this factor in the planning balance.

#### 7.4 Access and Highway safety

7.4.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Para 109 of the NPPF requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.4.2 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.

7.4.3 Aldreth is classified in the adopted Local Plan 2015 as a hamlet which is located two miles south-west of the village of Haddenham. It supports a limited range of facilities including a church, recreation field and play area as well as a daily bus service to Ely which runs Monday-Saturday. It is likely to continue to grow at a slow rate, with new housing being built on suitable 'infill' sites. There will be a reliance on the private car to access higher order services and facilities.

- 7.4.4 The indicative layout shows housing and road layout, which outside of the site, follows the PROW on to the High Street and which is also shared with the neighbouring De Freville Farm. There is also no segregated footway or area for riders/horses to use.
- 7.4.5 A Transport Assessment has been submitted with the application [MTC Engineering dated September 2018] indicating that the development would likely generate approximately 4 movements during each AM peak period and about 5 movements during the PM peak period resulting in the generation of approximately 25 two way movements per day. The Highways Authority have raised no concerns with regard to the impact on the surrounding highway network which it is considered would not be affected by the proposal.
- 7.4.6 In terms of the access into the site again the Highways Authority has raised no objection in principle, however, has observed that the applicant does not appear to control sufficient land in order to carry out the required improvements to the junction with the highway. Tinkers Lane is shown as serving as access into the site and is also a PROW. Moreover, the access track and internal roads are not laid out to a highways adoptable standard. The Highways Authority has therefore imposed a number of conditions on the consent which would need to be discharged by agreement.
- 7.4.7 The County Rights of Way Officer has also raised concerns regarding the impact on the PROW which was not accurately recorded in the Highways Statement. This has now been amended. However, there is sufficient scope to agree an acceptable treatment to both the access road, footway and bridleway into the site and further details can be provided by way of condition.

#### *Parking*

- 7.4.8 Policy COM8 of the adopted Local Plan sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling.
- 7.4.9 From the indicative layout accompanying the planning application an opportunity exists on the site to provide an acceptable parking scheme and the scheme could be policy compliant in line with Policy COM8 of the adopted Local Plan.
- 7.4.10 To conclude, whilst Aldreth is not considered to be locationally sustainable, with an over-reliance on the car for higher order services and facilities, the scheme can provide a safe access and would not result in an unacceptable impact on highway and pedestrian safety. Further details can also be provided to the satisfaction of the County Rights of Way Officer which on balance would accord with Policies COM 7 and COM 8 of the adopted Local Plan 2015. These factors are therefore afforded neutral weight.

#### 7.5 Ecology and Biodiversity

- 7.5.1 Policy ENV7 of the Local Plan requires that development should protect biodiversity and the geological value of land and buildings and minimise harm to or loss of

environmental features such as hedgerows and trees. The application has been supported by a Preliminary Ecological Appraisal Survey carried out on 20<sup>th</sup> August 2018 [Green Environmental Consultants Ltd dated August 2018]. The aim of the survey was to complete an Extended Phase 1 Habitat Survey and to analyse these findings against a desk study.

7.5.2 The Appraisal identifies the site as a single grass field dominated by an improved grass sward. On the north-eastern side were two small trees Ash and Field Maple with some elm scrub present on the same boundary. The south-western boundary is entirely hedged with elm and hawthorn, damsons and bramble. The site has been valued at 'zone of influence' level due to its very local ecological value. There are no statutorily designated site within 2kms of the site. The area of search also includes the following non-statutory Local Wildlife Sites:

- Aldreth Ponds
- Fen Side Pollard Willows
- Haddenham Engine/Adventurers' Head Drainage System
- River Great Ouse

7.5.3 The Appraisal has not identified any protected species within 2km radius of the application site. Whilst the presence of many of these species were not found on site, it is likely that it is used for foraging and commuting purposes by bats, owls and birds. Mitigation measures have been proposed in the form of off-site vegetation enhancement, control of lighting across the site both during and after construction, as well as any site clearance works and hedge/tree removal undertaken outside of the bird nesting season. No reptiles, badgers, water vole, otters or dormice have been identified as present on site.

7.5.4 It is therefore considered that mitigation measures can be imposed by condition to ensure that the site delivers a net environment gain. The scheme would not result in an unacceptable impact on biodiversity or ecology and this factor is weighed neutrally in the planning balance. The proposal would therefore comply with Policy ENV7 of the adopted Local Plan 2015.

## 7.6 Flood Risk and Drainage

7.7.1 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction.

7.7.2 The application site is not within an area at high risk of flooding. Surface water is to be disposed of via soakaways. There is no reason to believe that the development could not be served by a suitable drainage system that prevents flooding of adjacent land or increased risk of pollution and further information would need to be submitted through a suitable planning condition.

## 7.8 Archaeology

7.8.1 Section 12 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset.

7.8.2 The County Archaeologist has commented that the site lies in an area of high archaeological potential, situated on the northern edge of the historic village of Aldreth. County would not object to the development of this site provided a programme of archaeological investigation is secured through the inclusion of a condition.

7.8.3 The scheme would not result in a detrimental impact on archaeology and this is weighed neutrally in the planning balance.

## 7.9 Other Material Matters

### *CIL*

7.9.1 As the development promotes self-build then it would be subject to an exemption of the Community Infrastructure Levy.

### *Energy Efficiency*

7.8.2 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers and further details can be obtained by condition.

### *Ground Contamination*

7.8.3 In view of the historic use of the site, the Council's Environmental Health Department are satisfied that further details regarding possible ground contamination can be submitted by condition. In addition during the construction works, adequate mitigation measures could be controlled to reduce pollution and general disturbance by the imposition of a Construction Environmental Management Plan to be agreed with the Council. External lighting could also be conditioned to preserve general amenity, with internal noise attenuation covered by building regulations.

### *Waste*

In terms of the collection of waste and recycling it would be the responsibility of the owners/residents to take any bins to the public highway boundary.

### *Misleading information within the material submitted with the application concerning other infill development*

The dwelling at 6a High Street was built on garden land to the north side of No 8 High Street. Planning application 80/00636/OUT refers.

The dwelling at 10a High Street was built on garden land to the north side of No12 High Street. Planning application 04/01004/OUT refers.

A dwelling has also been permitted on land to the north west of No 4a High Street, itself an infill development (17/01921/FUL) both of which lie outside of the development envelope.

*Drainage from the field currently slopes towards the houses in the High Street to the detriment of increase risk of flooding;*

In terms of drainage, the applicant's have stated that the existing water course would be used to dispose of surface water and further details would need to be provided by condition.

*Responsibility of upkeep of shared driveways;*

At this stage, the details of development are purely indicative with further information being provided at the reserved matters stage.

*Sewerage system is already to the limit and cannot cope with additional properties;*

Anglian Water have been approached to provide advice on the Aldreth pumping station. However according to their records the 'used water network' has capacity to treat the flows. There have been no reports of sewer flooding which is often caused by maintenance issues or blockages which is unlikely to be capacity issues and growth related. The proposed development would be required to provide further information, by condition, to the satisfaction of the Council that the scheme would either connect to the existing drainage system or provide evidence of other methods of disposing of foul sewage.

*Water pressure is also low;*

This is not a material planning consideration and therefore cannot be dealt with in the report to committee.

*Visible to users of the PROW;*

This proposal would be visible from the PROW, however, apart from the first 90m of the PROW from the rear boundary of No12 High Street the development be framed by existing development on three of its four boundaries. An appropriate landscaping scheme would be required by condition which would ameliorate the proposal into its landscape setting

*Self-Build Register;*

Concerns have been identified in the letters of representation that the number of people wishing to build their own home has significantly decreased. According to the Council's Annual Monitoring Report 2018 (AMR) as at 30 October 2017 there were 90 people on Part 1 of the Self-Build Register. Housing records indicate that there is currently 1 person on the Self-Build Register. However, from 1<sup>st</sup> April 2018 the CIL team have granted self-build relief to 76 people who have bought a plot of land and are building a home to live in for the next 3 years. On 31<sup>st</sup> October 2017 Councils were allowed to charge a fee for entering names on the Register and the implications of this will not be known until the next AMR is published.

Whilst self-build properties may take longer to build, the Council positively supports residents' rights to build their own homes.



## 7.9 Planning Balance

- 7.9.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. Para 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.9.2 The development would make a contribution to the housing land supply which, in the context of the Council currently being unable to demonstrate the 5 year housing land supply, is a benefit to be attributed considerable weight in the planning balance. In view of the number of dwellings proposed, there is no reason why the development could not come forward within the next 5 years making a contribution to the district's housing supply. There would also be economic benefits in terms of the construction of the development itself, and those associated with the resultant increase in population to which moderate weight should be attached.
- 7.9.3 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of highway safety; flood risk/drainage; access; residential amenity; biodiversity/ecology, archaeology, and, energy efficiency. However, these matters do not represent benefits to the wider area but demonstrates an absence of harm to which weight should be attributed neutrally.
- 7.9.4 The above assessment has also concluded that whilst the proposal would impact on the visual amenities and character of the area, the site specific characteristics provide sufficient physical and visual containment to the site, and it is not considered that the development would unacceptably intrude into the open countryside such that this factor should only be afforded moderate negative weight.

## 8 CONCLUSION

- 8.1 Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the East Cambridgeshire Local Plan 2015 and supplementary planning documents and guidance, in applying para 11 of the NPPF, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits.
- 8.2 The proposal is recommended for approval, subject to conditions.

## RECOMMENDATION: APPROVE

## 9. COSTS

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

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

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

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 proposal would not injuriously harm to the character and appearance of the area or residential amenity of existing and future occupiers as well as highway safety.

**10. APPENDICES**

Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01363/OUT 17/01548/OUT	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc ambs.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 ONE

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

Plan Ref:	Version No:	Date Received:
SK001		12.03.2019
Location Plan		01.10.2018

- 1 Reason:
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
2. Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 The proposal is for up to 6 dwellings.
- 4 Reason: To allow for a design led approach in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The Vehicle access with the highway to be laid out as per drawing number 2203-03 Rev A and be a minimum of 5m from the near edge of the highway carriageway for the first 10m in to the track and thereafter retained in perpetuity.
- 5 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to the occupation of the first dwelling, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 2203-03 Rev A and 2.4m x 43m either side of the vehicle access with the adopted highway. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 No 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 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.

7. 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.
- 8 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.
- 8 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.
- 9 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 or Bank Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the commencement of development, an access scheme shall be submitted to and approved by the LPA. Such scheme shall include provision for:
  - i. the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision
- 10 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground construction shall take place until details of the position and number of fire hydrants required has been submitted to and approved in writing by the local

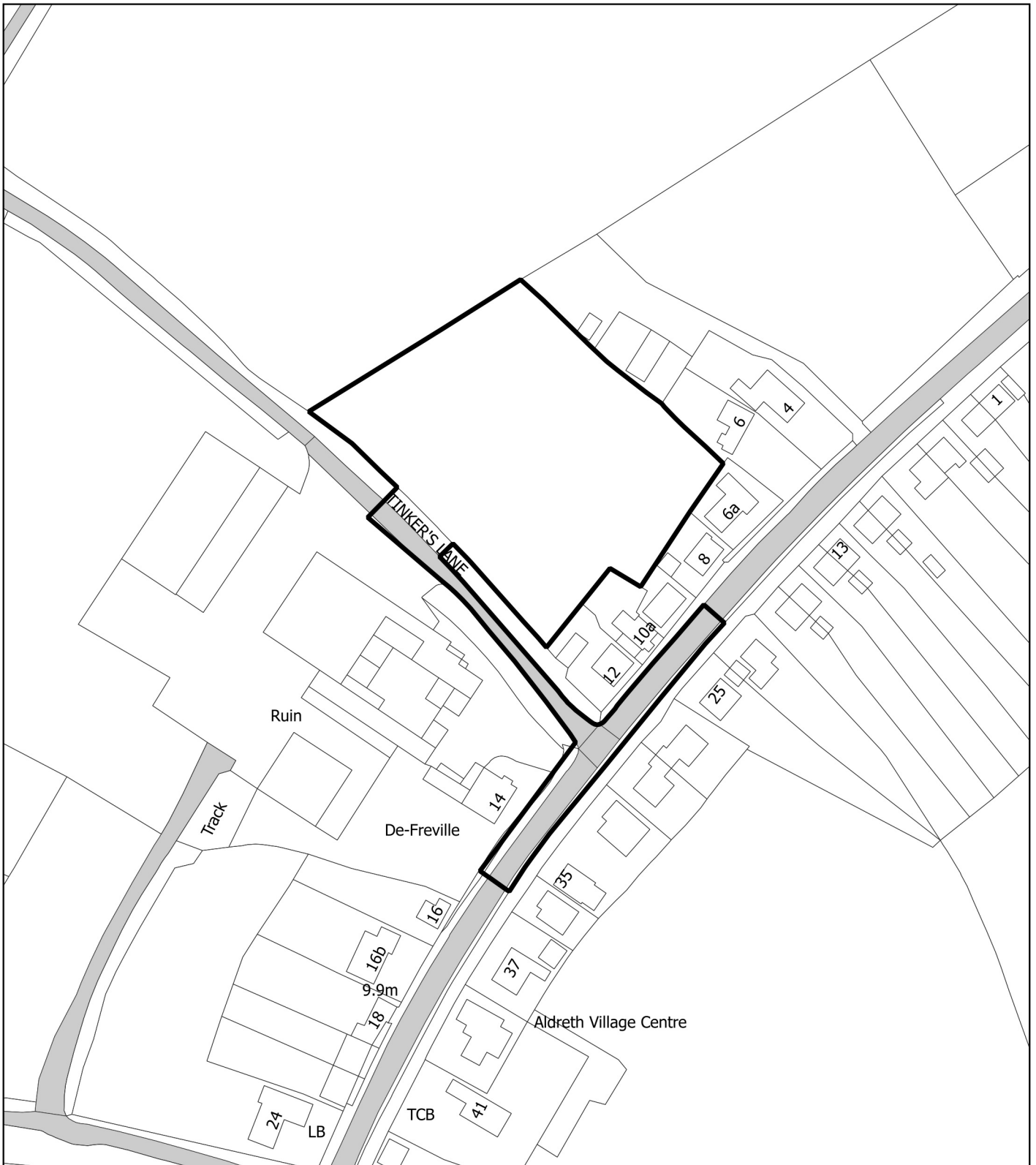
planning authority. The development shall be carried out in accordance with the agreed details, including any phasing arrangements.

- 11 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with Policies Growth 3 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 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.
- 12 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
13. Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 13 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22.
- 14 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(s) shall be implemented prior to occupation of the dwellings.
- 14 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 is detailed as one of the model conditions.
- 15 Prior to first occupation the form and content of Welcome Travel Packs to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.
- 15 Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.
- 16 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and

pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 17 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 18 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
- 19 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.

20. The biodiversity mitigation measures shall be undertaken in accordance with the recommendations set out in the Preliminary Ecology Appraisal [Green Environmental Consultants dated August 2018] and thereafter maintained in perpetuity.
20. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 21 The development hereby permitted consists of 6 self-build plots as shown on drawing SK001 and shall be completed in accordance with a phasing plan to be submitted with Condition 2.
- 21 Reason: In order that the development be undertaken in a phased manner for the purposes of CIL.



18/01363/OUT

Land Rear of  
6 to 12 High Street  
Aldreth



East Cambridgeshire  
District Council

Date: 19/03/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 18/01397/OUT

**Proposal:** Demolition of existing agricultural buildings, construction of two detached bungalows, associated parking and infrastructure

**Site Address:** Site Southwest Of Hill Farm Fair Green Reach

**Applicant:** Mr J Cole

**Case Officer:** Richard Fitzjohn, Senior Planning Officer

**Parish:** Reach

**Ward:** The Swaffhams  
Ward Councillor/s: Councillor Allen Alderson

**Date Received:** 5 October 2018      **Expiry Date:** 30<sup>th</sup> November 2018

[T239]

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1.0 **RECOMMENDATION**

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

1. The surrounding area predominantly comprises dwellings which front the public highway along Fair Green, Swaffham Road and Great Lane. The proposed development would be set back significantly from these public highways and dwellings, where it would be located on largely undeveloped agricultural land which is separated from the predominant pattern of residential built form within the surrounding area. The location of the proposed development is at odds with existing residential development and would not create a positive, complementary relationship with the nearby built form. In addition, the proposal would create new dwellings within an agricultural field which lies adjacent to public byways and contributes to the rural character and appearance of this area to the rear of the nearby residential properties. Despite some boundary hedging and trees which provide some screening of the site, the proposed development would still be significantly visible from the adjacent public byways and would have a detrimental impact upon the public amenity of the byways and the largely undeveloped nature and rural character of the site. Furthermore, the proposed development would result in a form of back land development which would be out of character with the existing linear pattern and form of residential development within the surrounding area. By virtue of its location, the proposed development would cause significant harm to the character and appearance of the area, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and guidance contained within the East Cambridgeshire Design

Guide Supplementary Planning Document. The adverse impacts of the proposed development on the character and appearance of the area would significantly and demonstrably outweigh the benefits, contrary to paragraph 11 of the NPPF.

## 2.0 SUMMARY OF APPLICATION

2.1 Outline planning permission is being sought for the erection of 2No. detached dwellings on agricultural land to the south-west of Fair Green and to the south-east of Great Lane in Reach. The application is submitted in Outline form, with only the matter of access to be considered. Matters of appearance, landscaping, layout and scale are reserved matters. The vehicular access to serve the proposed dwellings would be along an existing byway which is accessed from Fair Green.

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

2.3 This planning application has been called-in to Planning Committee by Councillor Allen Alderson for the following reason:

"Reach Parish is currently producing a neighbourhood plan, which identifies the need for bungalows in the village for locals to be able to downsize to. The two families in this application own the land. They were both born and brought up in Reach but presently live in houses too large for them and wish to downsize. I think that this proposal would improve what is presently an untidy area and has the approval of several residents."

## 3.0 PLANNING HISTORY

3.1 Off-site history:

17/01633/FUL	Two new detached bungalows.	Refused	30.11.2017
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## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located outside of, but adjacent to, the established development framework and conservation area for Reach. The site comprises an agricultural field with agricultural buildings, machinery and paraphernalia sited within it. The site boundaries are largely bordered by trees and hedging along the boundaries and Public Byways 7 and 8 (Reach) are located adjacent to the north-east and south-east boundaries of the site. The built-up area of the village predominantly comprises linear development along the road frontages such as Fair Green, Swaffham Road and Great Lane, with very few examples of dwellings located directly behind other dwellings. The application site is located to the rear of frontage development along Fair Green, where the predominance of largely undeveloped agricultural land contributes positively to the character and appearance of the area and the surrounding public byways.

## 5.0 RESPONSES FROM CONSULTEES

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

### 5.2 **Reach Parish Council**

- This development is outside of the village envelope and should be considered as backland development. It is separate from the build line of the village, and outside the standard form of the village within the conservation area.
- The Parish Council supports the building of retirement properties within the village.
- Access to the site is on a byway. The Parish Council are concerned about this setting a precedence for the use of byways as access roads.
- The Parish Council felt that the junction with the highway would not be a problem.
- The Parish Council would like the protection of the view along Back Lane be a condition of the build, should this development go ahead.

### 5.3 **Ward Councillor Allen Alderson**

Councillor Alderson states:- "I note that you are recommending refusal. I would therefore ask for the application to be called into the Planning Committee for consideration. My reasons are:- Reach Parish is currently producing a neighbourhood plan, which identifies the need for bungalows in the village for locals to be able to downsize to. The two families in this application own the land. They were both born and brought up in Reach but presently live in houses too large for them and wish to downsize. I think that this proposal would improve what is presently an untidy area and has the approval of several residents."

### 5.4 **Local Highways Authority**

20<sup>th</sup> February 2019 – "I can confirm that the highways authority have no objections in principal to this application subject to the access / Byway being conditioned to be at least 5m wide and metalled for the length of the access road / byway (to the properties). The construction, materials and drainage of the metalled surface will need to be to CCC Specifications."

16<sup>th</sup> August 2018 – Objected for the following reasons [however, objection has since been overcome]:

"1. The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.

The existing Byway over which the access is proposed is only wide enough for one vehicle. This should be a shared use access and be a minimum of 5m wide for a minimum length of 10m to allow two vehicles to pass and enter/leave the highway simultaneously.

2. As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide the highways mitigations required to facilitate this development and overcome the aforementioned objection.

The access track is over Byway 7 and as such recommend that the CCC RoW team are consulted prior to the determination of this application.”

## 5.5 **CCC Growth & Development**

No Comments Received

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

6<sup>th</sup> December 2018 - The County Council’s Definitive Map Team still cannot guarantee without a legal width being recorded through the making of a Definitive Map Modification Order that the applicant would be able to improve the byway to secure a road and footway to an adoptable standard that may be required by the Local Planning Authority (LPA). The applicant therefore would proceed with any development that might affect the highway at their own risk. The County Council’s Definitive Map Team is however content with the proposed use of this byway to access the development site. However, the byway will need to be improved to an adopted standard acceptable to the County Council’s Highways Development Management Team.

6<sup>th</sup> November 2018 - “Public rights of way are recorded on the Definitive Map & Statement, the legal record of public rights of way for Cambridgeshire. The proposed site would be accessed off Public Byway No. 7. As a Public Byway, the public have the right to pass and repass along the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles.

The byway is only maintained to the standard of a soft surface suitable for the majority of users. The County Council does not own the byway. The highway rights over the byway are simply vested in the County Council as the Highway Authority. The County Council does not know who the owner of the subsoil is. You will need to satisfy yourself as to this. There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that you would be able to improve the byway to secure a road and footway to an adoptable standard that may be required by the Local Planning Authority (LPA). An applicant therefore would proceed with any development that might affect the highway at their own risk.

The County Council’s Definitive Map team does not consider, from the submitted plans, that the applicant has sufficient ownership, control or agreement to deliver any highway improvements or mitigation to facilitate this development. The Definitive Map team cannot therefore support this application and recommends its refusal by the Local Planning Authority (LPA).

Further, the applicant should be aware of the presence of the public byway, its legal alignment and width which may differ from what is available on the ground. If you require a copy of the Definitive Map & Statement, this can be viewed at the County Council’s offices in person or requested online for a fee at [www.cambridgeshire.gov.uk/highwaysearches](http://www.cambridgeshire.gov.uk/highwaysearches).

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

Streetworks Team online at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highwaylicences-and-permits/cambridgeshire-permit-scheme-for-street-works/>.”

### **5.7 Environmental Health**

Advise that contaminated land conditions requiring an appropriate contamination assessment are attached to any planning permission granted. In addition, due to the proposed number of dwellings and the close proximity of existing residential properties, advise that construction times and deliveries during the construction and demolition 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

Notes the close proximity of several farms adjacent to the proposed site. Records show that Environmental Health do not appear to have received any complaints regarding farming activities. As there are existing residential dwellings in close proximity, has no cause to raise any objections at this time. It is expected that future occupiers will be aware of the rural location and expect the occasional agricultural noise and odour. Requests environmental notes are sent to applicant.

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

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

### **5.9 Conservation Officer**

No Comments Received.

### **5.10 Cambridge Ramblers Association**

The proposed access road to the development uses Reach Byway 7. It appears that this road is very narrow and is only one vehicle wide. We consequently have a major concern regarding potential conflict between legitimate byway users, including walkers, and traffic accessing new housing. Request that the access road is wide enough to enable a vehicle to pass pedestrians safely, i.e. at least 2 metres clearance. This byway is regularly used by local people accessing the dense network of public rights of way between Reach and Swaffham Prior.

### **5.11 Cambridgeshire Archaeology**

“Our records indicate that the site lies in an area of high archaeological potential, situated in an area of enhanced significance given the proximity to hythes and wharves (Historic Environment Record reference 06900, 06898, 06899), the commercial area and the end of the designated Saxon Devil's Ditch/Dyke (National Heritage List for England reference 1003262, HER 07801), which goes from Reach to Woodditton. To the north and north east of the application area are deserted medieval settlement earthworks (11381, 06440, 06441). Situated to the east of Saint Etheldreda's and Holy Trinity Church (06856) are the remains of an old chapel dedicated to St Etheldreda, virgin abbess of Ely AD 679 (06853). In addition, so the south of the application area is cropmark evidence of ring ditches (01355). We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.”

### **5.12 ECDC Trees Team**

The best trees on the site are the walnuts (T4 & T5). Walnut appears to be a signature species for the village. Dwellings should be sited as far away as possible to allow them to mature.

### **5.13 Neighbours**

23 neighbouring properties were notified and 2 responses have been received, as summarised below. A full copy of the responses are available on the Council's website.

#### 9B Fair Green – Supports application

“John Cole and his sister Jane Newman were born and brought up in Reach. The houses they live in now are no longer suitable for older residents, indeed Mr and Mrs Newman's house is on three storeys. As there is encouragement to build more houses in the village these are surely eminently suitable to partly fulfil the requirement. The bungalows they wish to build are tucked away on land they own and will not affect anyone else. Access to the bungalows will be up a track which Mr Cole has used all his working life to reach his farm buildings. As a BOAT the track is wide enough to take any vehicle and safe as it enters a 30 mph limit onto Fair Green with good visibility in both directions.”

#### Fitzroy Farm, 30 Fair Green – Supports application

“I support the application on the following grounds:

- That it will in time reduce the noise and disturbance to the village centre associated with farm machinery at Hill Farm.

- That it is likely to result in the sale and subsequent refurbishment of the original Grade II listed farmhouse, contributing to the appearance and character of the Conservation Area, in accordance with East Cambridgeshire District Council's Policy ENV 11.

As the owner of the property bordering Clunch Pit Lane, which leads from Fair Green to the proposed site, and which the applicant envisages using for access, I have no objection to its use either for construction traffic or for access to the completed pair of properties.”

## 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 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

### 6.3 National Planning Policy Framework 2019

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

## **7.0 PLANNING COMMENTS**

7.1 The main issues to consider when determining this application relate to the principle of development and the impacts on the character and appearance of the area, the historic environment, residential amenity, highway safety and parking, and archaeology.

### **7.2 Principle of Development**

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

7.2.2 The National Planning Policy Framework promotes sustainable development and states in Paragraph 11 that decisions should apply a presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. Paragraph 11 makes it clear that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

7.2.4 The benefits of this application are considered to be:- the positive contribution of the provision of 2No. additional dwellings to the district's housing stock and the positive contribution to the local and wider economy through the construction of the new dwellings and future spending by occupiers of the dwellings.

7.2.5 The site is located adjacent to the established development framework for Reach and is sufficiently connected to other housing and the rest of the village.

7.2.6 However, the NPPF states that sustainable development has three dimensions, namely: an economic role; a social role, and an environmental role. All three are mutually dependent and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be



sought jointly and simultaneously through the planning system. Therefore, where a development does not achieve one or more of these roles that development will not be considered to be sustainable.

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

### **7.3 Character and appearance of the area**

7.3.1 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires development proposals to demonstrate that their location and form create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance the unspoilt nature and tranquility of the area and public amenity and access. Furthermore, Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires that new development proposals ensure that the location of buildings relate sympathetically to the surrounding area and each other and respect the urban and village character, and landscape, of the surrounding area.

7.3.2 The surrounding area predominantly comprises dwellings which front the public highway along Fair Green, Swaffham Road and Great Lane. The proposed dwellings would be set back significantly from the public highway and to the rear of frontage development which faces onto Fair Green, separated from the predominant pattern of built form within the surrounding area. To the rear of these dwellings fronting Fair Green, there is an immediate change in character to rural countryside. The location of the proposed dwellings would therefore be at odds with existing development and would not create a positive, complementary relationship with the nearby built form. In addition, the proposal would create new dwellings within an agricultural field which lies adjacent to public byways. Despite views of the site being partially screened by surrounding trees and hedging, the proposed dwellings would still be significantly visible from the public byways and result in a significant detrimental impact upon the public amenity of the byways and the undeveloped nature of the field.

7.3.3 Furthermore, the proposed development would result in a form of back land development which would be out of character with the existing linear pattern and form of development within the surrounding area, failing to demonstrate an adequate contextual basis for back land development.

7.3.4 During the course of the application, the applicant's agent has submitted additional information which includes various examples of other planning permissions recently granted within the village of Reach and has also referenced another planning permission granted elsewhere within the district. However, every planning application must be determined on its own individual merits. The case officer has given due regard to the other nearby planning permissions and does not consider that the recommendation on this application is inconsistent with other planning permissions recently approved in the area which are considered to all be very different from the current proposal being considered. The case officer does not agree that any of the other planning permissions referenced by the applicant's agent comprised back land development and considers that the context of their

locations are all very different to the current site being considered as part of this planning application.

- 7.3.5 By virtue of its location, the proposed development would result in residential built form encroaching into, and increasing the sense of suburbanisation of, the countryside, in a manner that would cause significant and demonstrable harm to the character and appearance of the area and the public amenity of the adjacent public byways, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the East Cambridgeshire Design Guide Supplementary Planning Document.
- 7.3.6 Furthermore, the proposal is not considered to constitute sustainable development in principle, as the harm to the character and appearance of the area and the public amenity of the adjacent public byways would significantly and demonstrably outweigh the benefits of the proposed development, contrary to the National Planning Policy Framework.

#### **7.4 Historic Environment**

- 7.4.1 The application site is located adjacent to Reach conservation area but would not affect the setting of any listed buildings. Although it is considered that the proposal would have a significant detrimental impact upon the character and appearance of the area, due to its location it is considered that any impact on the setting of the adjacent conservation area would be minimal. The very modest public benefit of an additional 2 dwellings to the district's housing supply would outweigh the limited impact on the setting of the conservation area.
- 7.4.2 It is therefore considered that the proposal accords with Policies ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

#### **7.5 Residential amenity**

- 7.5.1 The application site is sufficiently distanced from existing residential properties to prevent any significant detrimental impacts being created to the residential amenity of nearby occupiers.
- 7.5.2 Although nearby farms may provide the potential to cause noise and disturbance to the future occupiers of the proposed dwellings, the site is located within a semi-rural location where such noise and odour is generally expected. Furthermore, Environmental Health have no records of complaints regarding farming activities in this area and do not have any concerns. The plot sizes and amenity space sizes of the proposed development would comply with the Council's Design Guide SPD. Overall, it is considered that the future occupiers of the proposed dwellings could be afforded a high standard of amenity.
- 7.5.3 It is therefore considered that the proposal accords with Policy ENV2 of the East Cambridgeshire Local Plan 2015 in respect of residential amenity.

## **7.6 Highway safety and parking**

- 7.6.1 The proposed access to the site is along Byway 7 (Reach) which is a non-metalled byway adjoining the public highway on Fair Green. The County Council's Definitive Map Team is content with the proposed use of this byway to access the development site. However, they have advised that the byway will need to be improved to an adopted standard acceptable to the County Council's Highways Development Management Team. The Local Highway Authority originally objected to the application due to concerns regarding intensification of an access with an inadequate width. However, the applicant's agent has submitted additional information to confirm an adequate access width can be achieved and this has addressed the Highway Authority's objection, subject to the byway being conditioned to be at least 5m wide and metalled for the length of the access road/byway [between the public highway on Fair Green and the application site]. The Highway Authority require that the construction, materials and drainage of the metalled surface are to Cambridgeshire County Council specification. This could be secured by planning condition if planning permission was to be approved.
- 7.6.2 There is sufficient space within the site to accommodate 2 car parking spaces per dwelling.
- 7.6.3 It is therefore considered that the proposed development could be achieved without causing any significant harm to highway safety, in accordance with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.7 Archaeology**

- 7.7.1 Cambridgeshire County Council have advised that the application site is located in an area of high archaeological potential and have therefore recommended that a condition is appended to any planning permission requiring an archaeological investigation. Due to the high potential for archaeological finds, it is considered reasonable to append a condition requiring an archaeological investigation to be carried out should planning permission be approved.

## **7.8 Other Material Matters**

- 7.8.1 Drainage and Flood Risk - The application site is located within Flood Zone 1 where the principle of development is acceptable in flood risk terms. Drainage for the 2 dwellings could be adequately provided on site, preventing any significant drainage issues being created to neighbouring and public land. It is therefore considered that the proposed development could provide adequate drainage measures, in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.
- 7.8.2 Ecology - An Ecology Report has been submitted with the application which concludes that the site is of low ecological value and there would be no significant ecological impacts. The report includes a number of mitigation and enhancement measures which could be secured by a planning condition if planning permission was to be approved. It is considered that the proposed development would not create any significant detrimental impacts on ecology, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015.

7.8.3 Contamination – Any contamination risks could be adequately dealt with by planning conditions if planning permission was to be approved.

## 7.9 Planning Balance

7.9.1 The proposed development would provide a very limited benefit to the district's housing supply through the provision of 2No. additional dwellings and limited economic benefits to the construction trade and local economy. Furthermore, the proposed development would have no significant impacts on the historic environment, residential amenity, highway safety and parking, and archaeology.

7.9.2 However, in order for a development proposal to be genuinely sustainable, it must satisfy the three strands of “sustainable development” defined in the NPPF. The proposed development will deliver a very limited number of economic and social benefits. However, the NPPF makes it clear that sustainable development will only be attained where all three elements are secured jointly and simultaneously. All have equal status and where one or more is achieved at the expense of the others then the development should not be considered sustainable.

7.9.3 The proposed development would result in residential built form encroaching into, and increasing the sense of suburbanisation of, the countryside, in a manner that would cause significant and demonstrable harm to the character and appearance of the area and the public amenity of the adjacent public byways.

7.9.4 In this case, the environmental role of sustainable development would not be realised. The degree of harm caused to the character and appearance of the area could not be resolved through mitigation and the development therefore would cause significant and demonstrable environmental harm, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the East Cambridgeshire Design Guide Supplementary Planning Document.

7.9.5 As a consequence, the adverse impacts of the proposed development would significantly and demonstrably outweigh the limited economic and social benefits of the scheme, contrary to paragraph 11 of the NPPF. For these reasons, the proposed development does not constitute sustainable development and the application is recommended for refusal, as detailed in paragraph 1.1 of this report.

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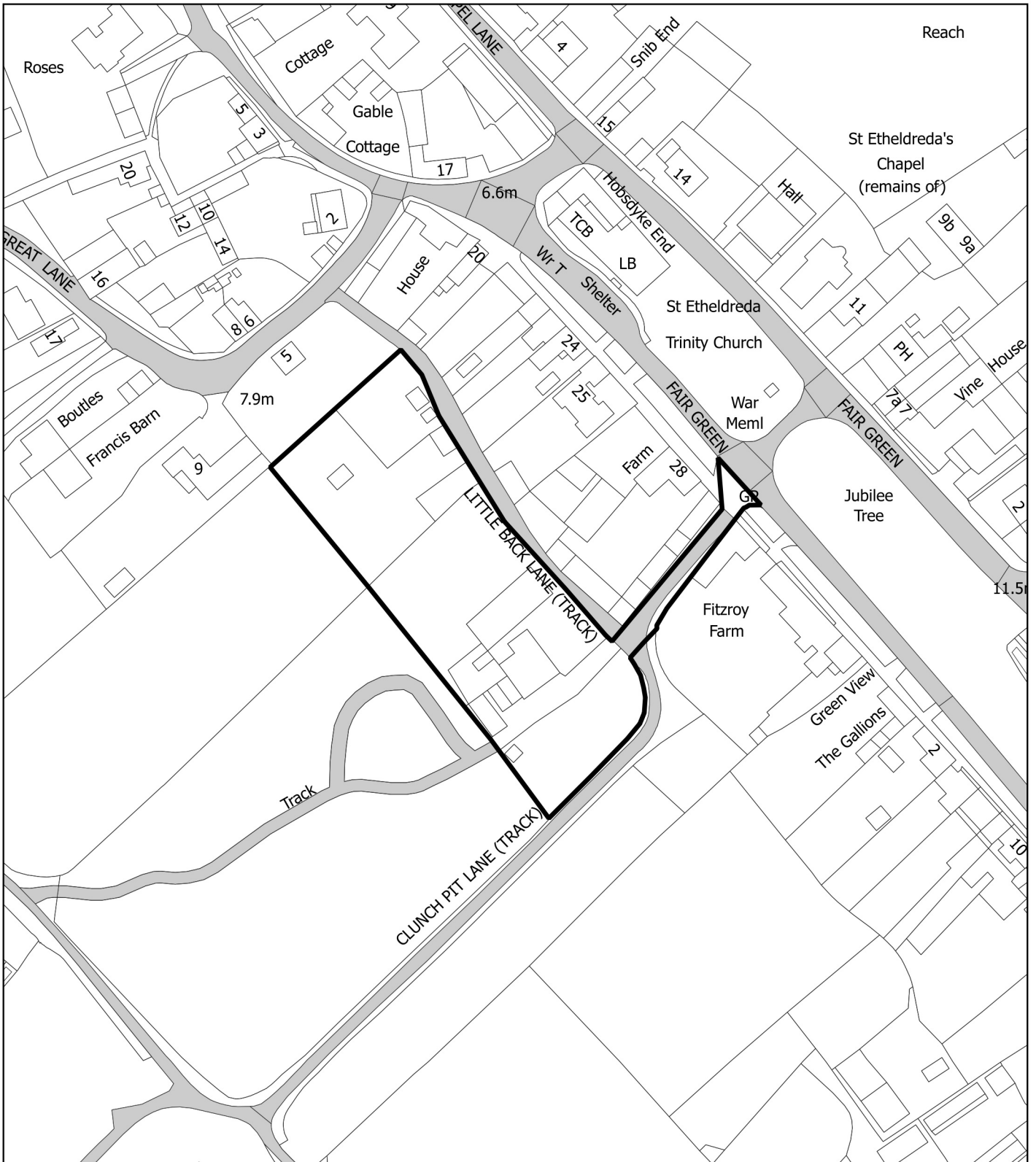
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01397/OUT	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Senior Planning Officer
17/01633/FUL	Ely	01353 665555 richard.fitzjohn@ea stcambs.gov.uk

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>



18/01397/OUT

Site Southwest of  
Hill Farm  
Fair Green  
Reach



East Cambridgeshire  
District Council

Date: 19/03/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 18/01556/OUT

**Proposal:** Erection of 3 no. new dwellings and access drive, changes to parking for no. 45 and widening of drive to no. 47

**Site Address:** Freshwinds 47 High Street Cheveley Newmarket Suffolk CB8 9DQ

**Applicant:** Mr & Mrs Andrew and Teresa Crouchman

**Case Officer:** Dan Smith, Planning Consultant

**Parish:** Cheveley

**Ward:** Cheveley

Ward Councillor/s: Councillor Peter Cresswell  
Councillor Mathew Shuter

**Date Received:** 2 November 2018      **Expiry Date:** 8 April 2019

[T240]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application, subject to the following conditions, below, which can be read in full on appendix A:

1. Approved plans
2. Reserved Matters
3. Timescale for implementation
4. Archaeological works
5. Surface and foul water drainage scheme
6. Arboricultural Method Statement
7. Construction Hours
8. Unanticipated contamination
9. Vehicles access specification
10. Visibility splays
11. Removal and restriction of gates to access
12. Parking and turning areas
13. Bin collection point
14. Biodiversity enhancements

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for 3 dwellings, changes to the parking area of No. 45 and widening of the access to No. 47. Approval for the means of access is sought as part of the application. The detailed matters of layout, appearance and scale of the buildings and landscaping are reserved for future consideration (the 'reserved matters'). A proposed site plan showing an indicative layout for the new dwellings has been submitted.
- 2.2 The application has been amended by the applicant to reduce the number of dwellings proposed from four to three. As part of that amendment, the detailed matter of layout, for which permission was originally sought, has been removed from the consideration of the outline application at the request of the applicant.
- 2.3 The application has been referred to Planning Committee at the request of Councillor Peter Cresswell.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

### 3.1 **On site**

74/00423/OUT	Erection of bungalow and double garage	Refused	
74/00071/RMA	Erection of bungalow and two garages	Refused	
00/00005/FUL	Extension and internal alterations	Approved	
06/01432/FUL	Alterations and extensions to existing dwelling	Approved	19.01.2007
06/01432/NMAA	Non-material amendments to planning permission	Approved	13.04.2011
06/01432/NMAB		Approved	23.12.2013
06/01432/NMAC	06/01432/FUL	Approved	18.10.2016
16/01500/VAR	Variation of condition 1 (Plans) of previously approved 06/01432/NMAC	Approved	14.12.2016



## On adjacent land

91/00752/OUT	Erection of one bungalow	Refused	
92/00642/OUT	Erection of bungalow	Approved	
01/00785/OUT		Approved	09.11.2001
01/01124/RMA		Approved	06.02.2002
18/01713/FUL	Erection of new bungalow including single garage	Refused	22.01.2019
18/01714/FUL	Erection of new dwelling house and double garage	Refused	23.01.2019

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is land to the rear of existing dwellings fronting the High Street and forward of the existing back land dwelling. The site is largely open paddock land and is accessed via a lane from the High Street to the south of the terrace of dwellings on the frontage. There are three trees on site covered by Tree Preservation Orders - a mature hornbeam and two silver birches. Much of the other vegetation and trees which until recently covered the central portion of the site behind the terrace of dwellings on the frontage has been removed.
- 4.2 The site is largely outside of the development envelope of Cheveley apart from the portion of the access closest to the High Street which falls within it. The site is not within the Cheveley Conservation Area nor are there any listed buildings in the immediate vicinity. The site is entirely within Flood Zone 1 meaning it is at the lowest risk of surface water flooding.
- 4.3 The pattern of development in the area is largely of linear, frontage residential properties along both sides of the High Street. Exceptions to this are the existing dwelling No.47 which sits well back from the street off the access lane to the rear of the application site and No. 47A, which occupies a back land location to the south of the application site.

### 5.0 RESPONSES FROM CONSULTEES

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

Parish – has commented on the revised scheme and recommends refusal on the following grounds:

- The location outside of the defined village envelope and the principle of development in this location is not acceptable;

- The development would result in development in the open countryside which would cause harm to the character and appearance of the village;
- The land is not identified for development in the emerging policy and allowing development of the site in advance of the plan would undermine the local plan process;
- The development of Plot 1 would be overbearing and overshadowing to the rear garden of No. 43 High Street and would overlook numbers 41 to 45 High Street;
- The development would have an adverse impact on landscape character and result in damage to protected trees;
- The proposed access is not safe as visibility is restricted by on street parking along the High Street.

Ward Councillors – The application was called-in to Planning Committee by Councillor Cresswell on the grounds that there is considerable opposition to the application from local residents and the Parish Council and that the decision should therefore be taken at a public meeting.

Cambridgeshire Archaeology – states that the site lies in an area of high archaeological potential. It does not object to the proposed development provided a condition requiring the submission and carrying out of a programme of archaeological work.

Local Highways Authority – does not object to the proposed development subject to conditions requiring the access widths and inter-vehicle visibility splays to be as per the submitted drawings, the drainage of the surface water within the site, the use of a bound surface within 10 metres of the highway and the restriction of gates across the access.

CCC Growth & Development - No Comments Received

ECDC Trees Team – objected to the initial scheme on the basis of the future pressure to fell or prune the mature hornbeam on site which might result from the provision of housing in its vicinity. Concern was also expressed in respect of the loss of the tree adjacent to the access which was considered to contribute to the streetscene. Since then, a Tree Preservation Order (TPO) was served in respect of five trees on the site. The order was confirmed with modifications at Planning Committee on 6 February 2019, omitting selected trees T1 and T3 from the TPO.

The Trees Team has commented on the revised scheme stating that the submitted Tree Protection Plan is acceptable and the new site layout is a vast improvement on previous plan. Conditions are requested in respect of the installation and removal of protective fencing, the provision of a soft landscaping scheme and the methodology for installing a soft landscape plan within the root protection areas of the trees.

ECDC Environmental Health Team – does not object to the proposed development and states that further investigation of contamination is not required. It requests conditions in respect of the addressing of any unanticipated contamination, construction hours and burning on site.

Waste Strategy (ECDC) – states it would not enter private property to collect waste or recycling and that residents would have to take bins to the public highway. It

notes the RECAP guidance that the maximum bin drag distances are 30 metres. It requests a bin collection point at the entrance to avoid obstruction to vehicles. It notes its prerogative to charge for the provision of bins.

5.2 Public Consultation – A site notice was displayed near the site on 6 December 2018 and a press advert was published in the Cambridge Evening News on 22 November 2018. In addition 15 neighbouring properties were directly notified by letter. Responses have been received from 16 neighbours raising the following summarised concerns. Full copies of the responses are available on the Council’s website.

- Outside development envelope;
- Impact on privacy of neighbours;
- Impact on trees;
- Impact on ecology;
- Drainage;
- Highway safety;
- Traffic congestion;
- Noise during construction;
- Light and odour pollution;
- Capacity of local services;
- Lack of detail in outline application;
- Availability of alternative sites;
- Lack of affordable housing provision;
- Broadband and telephone provision;
- Precedent for future development.

## 6.0 The Planning Policy Context

### 6.1 *East Cambridgeshire Local Plan 2015*

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

### 6.2 *Supplementary Planning Documents*

Design Guide – Adopted March 2012  
Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010  
Developer Contributions and Planning Obligations – Adopted May 2013

6.3 *National Planning Policy Framework 2019*

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 6	Building a strong, competitive economy
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 The main planning considerations are the principle of development; impact on visual amenity; residential amenity; highway safety and parking provision; biodiversity; contamination; flood risk and drainage; and archaeology.

7.2 Principle of Development

7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Cheveley in the countryside. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition.

7.2.2 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. The Council's Five Year Housing Land Supply Report (November 2018) demonstrates that the Council has a 3.94 year supply of deliverable housing land. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan and LP3 and of the Submitted Local Plan 2018, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 Suffolk Coastal District Council v Hopkins Homes Ltd) re-emphasised that where relevant policies are out of date, the "tilted balance" within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted 'unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

- 7.2.3 A balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.
- 7.3 Benefits of the scheme
- 7.3.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.3.2 The social benefits of the scheme are the provision of three new dwellings which would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. At three dwellings, the limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in three additional households in the locality which could provide some benefit in terms of the viability of local services and facilities although the limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities
- 7.3.3 The economic benefits of the scheme would include the construction of three houses which would bring about temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme from construction are afforded relatively limited weight. There would also be a potential beneficial impact on the local economy in terms of the use of local services and facilities, however due to the small scheme size the benefit is likely to be relatively limited. The increase in population may also contribute a limited benefit to the local labour market.
- 7.3.4 There is potential for a limited environmental benefit in the form of some ecological enhancement on site resulting from the development.
- 7.4 Adverse Impacts
- 7.4.1 It is considered that the adverse impacts of the scheme are a minor impact on the character of the area from additional backland development. This impact is discussed in detail in the visual amenity section below.
- 7.5 Sustainability of the location
- 7.5.1 The main part of the site is located outside but immediately adjacent to the development envelope of Cheveley which includes the dwellings along the frontage of High Street as well as the backland dwelling to the south of the site, no. 47A. Occupants of the site would have a footpath link into the centre of the village and the same access to its services and facilities as those within the development

envelope. On that basis, the site is considered to be sustainably located for housing in respect of its access to amenities.

## 7.6 Visual Amenity

7.6.1 The existing site is undeveloped land which has been in use as a mixture of garden and paddock/grazing land. The application is in outline form with only approval of the detailed matter of access being sought. The layout, scale and appearance of the dwellings as well as the landscaping of the site is not specified at this stage and would be reserved for future consideration. An indicative layout has been submitted which seeks to demonstrate how three dwellings could be accommodated on site.

7.6.2 The northern part of Cheveley is largely characterised by linear residential development along High Street with gardens of those properties commonly backing onto paddock or open stud land. Uncharacteristically, for the immediate area, the application site is home to an existing dwelling, no. 47, built well to the rear of the dwellings fronting the street and accessed by a narrow lane. The dwelling is of a substantial scale with a pool and domestic garden further to the east and stable/storage buildings to the northern boundary. To the south of the site is the other example of back land development in the immediate area, no. 47A. This dwelling sits closer to the frontage properties than no. 47.

7.6.3 While the prevailing character of the area is of linear, frontage development, the context of the application site is an exception to this with back land dwellings to the east and south. It is therefore considered that the provision of additional dwellings to the rear of the frontage dwellings off the existing lane would not be out of keeping with the specific pattern of development surrounding the site at present.

7.6.4 The indicative layout shows one dwelling located more directly behind the dwellings nos. 41-45 broadly in line with the back land dwelling to the south, No. 47A, and two dwellings located further back to the east forming a loose cluster with No. 47. While additional dwellings to the rear of the frontage properties would result in a limited urbanising effect by occupying existing open land with built development, the harm caused by the development is considered to be limited, due to the specific context of the site of existing back land dwellings.

7.6.5 Permission was recently refused for two applications for single dwellings (18/01713/FUL and 18/01714/FUL) on the land associated with No. 47 directly to the south of the application site on the basis of the visual harm that the dwellings would have caused. The development proposed by the current application is considered to differ from the development refused on the land to the south in several key ways. Firstly the current application proposes development which is significantly less dense than that refused to the south. It would also be possible to site the dwellings currently proposed more spaciouly without a cramped and contrived form of development resulting. It would also be possible to set the dwellings back from the access rather than directly at its termination and to have them be screened by existing frontage dwellings – reducing the prominence of the built form in public views of the site. While back land development is generally uncharacteristic of the wider area, the specific context of the site and proposal is considered to limit any harm to the character of the area.

- 7.6.6 The land levels on site rise slightly from the street to the rear of the site and it is therefore considered that full two storey dwellings are unlikely to be acceptable on the site. However as scale is a reserved matter, this detailed issue would be addressed at reserved matters stage. It is considered that single or 1.5 storey dwellings could be accommodated on site without causing any significant harm in terms of their scale and visual impact.
- 7.6.7 The indicative plans state floor areas for the proposed dwellings. While these are part of an indicative scheme, an informative stating that the floor areas listed on the indicative drawing are not approved by the outline permission, would be added to the decision for the avoidance of doubt.
- 7.6.8 It is therefore considered that while the development would result in some urbanising impact on the immediate surroundings, the limited prominence of the development in public views, the potential for screening with a suitable landscaping scheme, and the pattern of the existing back land dwellings in the immediate vicinity would mean that the proposed development is, on balance, acceptable in terms of its impact on visual amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7.7 Residential Amenity
- 7.7.1 The layout, scale and appearance of the dwellings has been reserved for future consideration, however the indicative site plans shows how they could be accommodated on site. The two dwellings located further to the rear of the site are clearly far enough from neighbouring dwellings that they would not cause any significant loss of light, overshadowing or overbearing to neighbours and could be oriented such that they would not overlook the windows or private garden areas of neighbours.
- 7.7.2 Concern has been expressed by neighbours regarding the potential impacts of the dwelling on plot 1 on the amenity of those properties which front High Street and back onto the proposed plot. The indicative plan shows the dwelling located approximately 30 metres from the main rear elevations of those dwellings and approximately 8 to 10 metres from the boundary with the garden of no. 43, which wraps around the rear of no. 41. At this distance, it is considered that a dwelling of an appropriate scale could be accommodated that would not cause any significant loss of light, visual intrusion or overshadowing to the neighbouring properties. Care would need to be taken with the orientation of the building and the positioning of any windows above ground floor level to ensure overlooking of those neighbours and two further to the north west was minimised so that they retain an acceptable level of privacy. However, it is considered that such requirements are achievable and that the scheme is therefore acceptable in principle in terms of its impact on neighbouring properties.
- 7.7.3 The impact of the intensified use of the access on neighbouring dwellings in terms of additional noise from vehicles using the access has been considered. Given the existing use serving the dwelling to the rear, the limited number of additional dwellings proposed and the separation between the access and the neighbouring dwellings on both sides, it is considered that the impact of any additional noise would fall within acceptable limits.

- 7.7.4 It is therefore considered that the proposed development is acceptable in terms of its impact on residential amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7.8 Highway Safety and Parking Provision
- 7.8.1 The proposed widening of the access as shown would provide a 6 metre wide shared surface driveway for the first 20 metres from the edge of the highway narrowing to 4.8 metres wide. The scheme would also result in the closing up of the existing access of No. 45 which is currently off High Street and the creation of a modified parking area for that dwelling with access off the widened lane. The Local Highways Authority has no objections to the additional dwellings being accessed off the lane provided the widened access is provided for at least the first 10 metres, visibility splays are provided and the access is surfaced with a bound material where it is close to the boundary with the highway. The existing gates would be required to be removed and future gates across the access restricted. On that basis, the provision of three additional dwellings and the parking area for No. 45 is considered to be acceptable in terms of its impact on highway safety.
- 7.8.2 Parking and turning for each of the new dwellings would be provided on plot at a level of at least two spaces per dwelling with the same provision for the existing dwelling No. 45. This is considered to be sufficient provision and in accordance with the Council's adopted parking standards and would be secured by a planning condition.
- 7.8.3 It is therefore considered that the proposed development is acceptable in terms of highway safety and parking in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7.9 Trees
- 7.9.1 There are three mature trees on site which are subject to Tree Preservation Orders. The indicative layout plan is considered to demonstrate that three dwellings can be accommodated on site without harm to the protected trees. Landscaping of the site has been reserved for future consideration, however there is space within the site and surrounding the plots for native hedge and tree planting which would soften the impact of the dwelling in the limited public and more extensive private views of the site. A landscaping scheme would be required as a reserved matter and a condition would be applied requiring the submission of an Arboricultural Impact Assessment related the specific layout proposed to ensure no harm to protected trees.
- 7.9.2 It is therefore considered that the proposed development is acceptable in terms of its impact on trees in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7.10 Biodiversity
- 7.10.1 The application site is largely comprised of improved grassland with boundary planting and the mature trees identified above. The site has been subject to a Preliminary Ecological Appraisal (PEA) which concludes that while the precise



impacts of the development would not be known until a detailed scheme was designed, the site offers no habitats of importance other than the mature trees provide roosting and nesting opportunities for bats and birds and shelter for hedgehogs. No further species surveys are recommended.

7.10.2 It is considered that the biodiversity impact of the proposed development could be adequately mitigated by a condition requiring the submission and implementation of an ecological mitigation and enhancement scheme. On that basis, the proposed development is acceptable in terms of its impact on and enhancement of biodiversity in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

#### 7.11 Contamination

7.11.1 The former use of the site as garden and paddock land suggests that there is unlikely to be contamination of the site sufficient to warrant a pre-development intrusive ground investigation. The Council's Environmental Health Officer (EHO) is content that any residual risks from contamination could be addressed via a condition for any unanticipated contamination to be mitigated. Concern has been expressed by the EHO regarding the potential for the burning of greenery cleared from the site and the need for a condition restricting that practice. While this concern is noted, much of the greenery has already been removed and it is not considered necessary to restrict the practice of burning on site by condition.

7.11.2 It is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

#### 7.12 Flood Risk and Drainage

7.12.1 The site is entirely within Flood Zone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water would be disposed of via a Sustainable Drainage System and that foul water would be directed to the mains sewer. There is no obvious impediment to providing adequate drainage in that manner and a condition requiring the submission of detailed drainage scheme and its implementation would be applied to ensure suitable drainage of the development.

7.12.2 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

#### 7.13 Archaeology

7.13.1 The County Archaeologist has observed that the site lies within an area of high archaeological potential. It does not object to the proposed development of the site on the condition that a scheme of archaeological investigation is agreed and implemented prior to the commencement of development.

7.13.2 It is therefore considered that the proposed development is acceptable in terms of its impact on the archaeological interests of the site in accordance with policies ENV14 of the adopted East Cambridgeshire Local Plan 2015.

#### 7.14 Other Matters

7.14.1 The location of the dwellings on plots 2 and 3 would require occupiers of the dwellings to drag bins considerably further than the distance recommended by the CCC Recap Guidance of 30 metres. While this is not desirable, the limited number of dwellings involved and the fact that the existing dwelling already on site is in a similar situation mean that it is not considered to cause any significant harm in this case.

#### 7.15 Planning Balance

7.15.1 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified is some minor harm to the existing character of the immediate area resulting from the additional back land development within the site. Given the presence of an existing dwelling further the rear of the site, the lack of prominence of the site in public views and the relatively low density of the scheme alongside an existing access lane, it is considered that the visual harm is so limited that it would not significantly and demonstrably outweigh the benefits associated with the provision of the additional dwellings. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be approved.

## 8.0 APPENDICES

8.1 Recommended conditions.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01556/OUT	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## Appendix 1

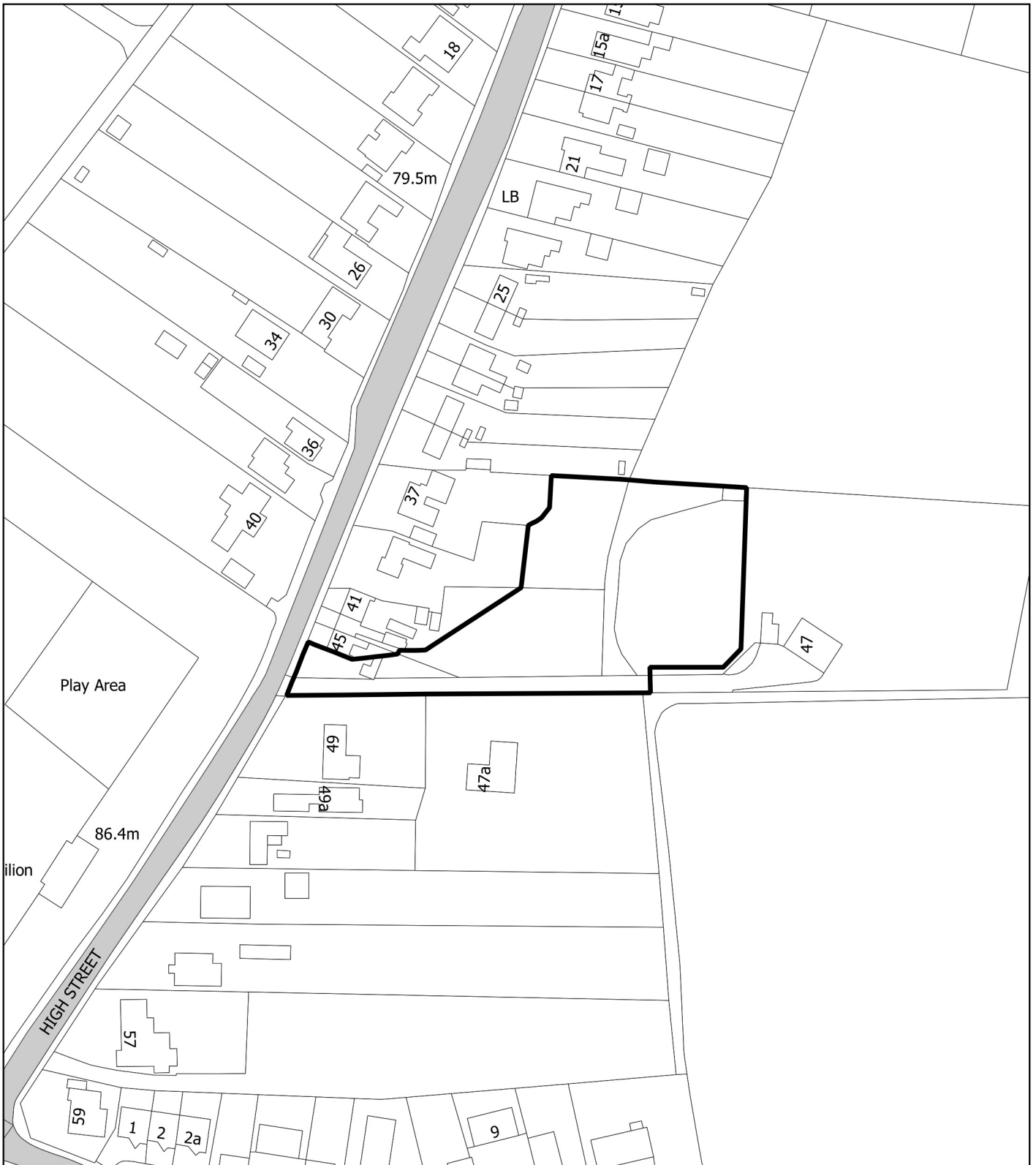
1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
04	J	21st January 2019
05	J	21st January 2019
01	REV A	2nd November 2018

- 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 development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 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 No development shall take place until a scheme to dispose of surface water and foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall thereafter be implemented prior to the first occupation of the dwelling.
- 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 No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 to 18:00 each day Monday-Friday, 07:30 to 13:00 on Saturdays and none on Sundays or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 8 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.
- 9 Prior to the first occupation of the development, hereby permitted, the vehicle access shall be provided to a minimum width of 6 metres, for a minimum distance of 10 metres measured from the near edge of the highway carriageway. The access shall be constructed from a bound material where it is within 10 metres of the public highway and such that no surface water from the site discharges on to the public highway. Such a vehicle access shall thereafter be retained in perpetuity.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the first occupation of the development, hereby approved, inter-vehicle visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 05/377 Rev J. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the provision of the widened access, the existing gates shall be removed from the site. Thereafter, notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access within 20 metres of the public highway.

- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the first occupation of the development, hereby approved, parking and turning areas for each dwelling and a parking area for the dwelling known as 45 High Street providing parking for at least two vehicles per dwelling, shall be provided on site and the existing vehicles access to No. 45 High Street effectively and permanently closed. Thereafter those parking areas shall be retained for the sole purpose of the parking and turning of domestic vehicles.
- 12 Reason: In the interests of highway safety and adequate parking provision, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to the first occupation of the development, hereby approved, the bin collection point shown on submitted drawing 04/377 Rev J shall be fully implemented and thereafter retained in perpetuity.
- 13 Reason: In the interests of highway safety and to allow safe collection of waste, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to the first occupation of the development, hereby approved, a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development and thereafter maintained in perpetuity.
- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.



18/01556/OUT

Freshwinds  
47 High Street  
Cheveley



East Cambridgeshire  
District Council

Date: 19/03/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 18/01649/FUL

**Proposal:** Proposed erection of 1 private detached bungalow

**Site Address:** Ashbridge Farm Factory Road Burwell Cambridge CB25 0BN

**Applicant:** Mr McAlonan

**Case Officer:** Richard Fitzjohn, Senior Planning Officer

**Parish:** Burwell

**Ward:** Burwell  
Ward Councillor/s: Councillor David Brown  
Councillor Lavinia Edwards  
Councillor Michael Allan

**Date Received:** 22 November 2018      **Expiry Date:** 28<sup>th</sup> February 2019  
[T241]

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1.0 **RECOMMENDATION**

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

1. The application site is located further west along Ashbridge Farm than the existing dwelling, known as Ashbridge Farm. To the west of this existing dwelling, there is an immediate change in character to a large group of mature trees and open countryside which contributes positively to the rural character and appearance of the area. The proposed development would be located within a sensitive edge of settlement location and would extend residential built form further west, beyond the existing built form and towards the open countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. By virtue of its location, the resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also appear cramped and contrived due to the narrow plot size which is out of keeping with the character of nearby dwellings. Accordingly, the proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. Furthermore, the proposal is not considered to constitute sustainable development in principle as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

2.1 Full planning permission is sought for the erection of a detached single-storey bungalow within the curtilage of the host dwelling, known as Ashbridge Farm.

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

2.3 This planning application has been called-in to Planning Committee by Councillor David Brown.

## 3.0 PLANNING HISTORY

3.1 Off-site planning permissions:

18/00970/OUT	Proposed one detached dwelling and associated works.	Approved	28.09.2018
17/01621/FUL	Construction of 3No. dwellings and associated works.	Approved	31.10.2017
16/00504/FUL	Construction of 2no. five bedroom, two storey detached dwellings and 1no. four bedroom bungalow	Approved	11.01.2017

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the development envelope for Burwell and comprises part of the residential curtilage of the host dwelling, known as Ashbridge Farm. A number of trees have recently been felled within, and adjacent to, the application site. There is also a large group of large, mature trees adjacent to the west of the site, beyond which are open agricultural fields to the west with no other built form sited in this direction for a very considerable distance. Full planning consent for 3no. dwellings (17/01621/FUL) has recently been approved adjacent to the east of the site, closer to the main settlement. A cluster of stable blocks with permission for residential conversion (17/01269/FUL) are located to the north-east of the site. Factory Road leads into Burwell via Dysons Drove to the south-east.

## 5.0 RESPONSES FROM CONSULTEES

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



**5.2 Ward Councillor David Brown**

Requested that the application is called-in to Planning Committee.

**5.3 Burwell Parish Council**

Objects due to the site being located outside of the development framework.

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

Provided soakaways from an effective means of surface water disposal in this area, no objections.

**5.5 ECDC Trees Team [original comments received on 4/12/2018]**

An Arboricultural Impact Assessment is required to accompany this application.

**5.6 ECDC Trees Team [subsequent comments received on 4/12/2018 following receipt of Tree and Impact Survey]**

“The location of the car parking space will lead to conflict with the adjacent Ash tree, due to this species tendencies to drop branches and dead wood. It is also a species known to be home for sap sucking insects that drop honey dew on cars leaving a sticky residue, also this tree being a native species is often used by roosting birds leading to issues relating to their waste on cars.

It should be considered that the installing a roofed structure such as a car port to this application is beneficial, as this will remove the likely conflict with the tree in the future.

The rest of the proposal is acceptable. But please condition tree protection TR9A 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.

Please note that ground protection will be required for access to the site as this will be over the root protection area of several trees.”

**5.7 Local Highways Authority**

No Comments Received.

**5.8 CCC Growth & Development**

No Comments Received.

**5.9 Waste Strategy (ECDC)**

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power

being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

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

### 5.10 CCC Archaeology

“Our records indicate that the site lies in an area of high archaeological potential, situated roughly 75m to the west of Burwell Catch Water Drain and approximately 250m to the north of Burwell Lode (Historic Environment Record reference 06815), with the remains of Black Lake (formally known as Burwell Lode until the mid-17th century when the present Burwell Lode was cut) to the north east of the proposed development area (06814). To the north of the application area are burials (08239) on the western bank of the Catch Water Drain, the extent and volume of these are currently not known. In addition, surrounding the application area is cropmark evidence, for example ring ditch (MCB18178) and artefact evidence from Prehistory onwards (for example, MCB15966, 11997, 06498).”

Do not object but recommend a pre-commencement condition is appended to any planning permission requiring an archaeological investigation to take place.

### 5.11 Neighbours

A site notice was displayed near the site on 7<sup>th</sup> December 2018. 1 response was received, which is summarised below. A full copy of the response is available on the Council’s website.

125 North Street, Burwell – Appears to be a very modest two bedroom retirement bungalow for the applicant to downsize and live in. Ashbridge Farm is far too big for this elderly couple to maintain and live in comfortably. The affect on the village edge would be minimal as the majority of the tree belt will be retained against the village edge. Therefore the landscape and character of the area would not be compromised by the bungalow.

## 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 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology

- ENV 8 Flood risk
- ENV 9 Pollution
- COM 7 Transport impact
- COM 8 Parking provision
- ENV 14 Sites of archaeological interest

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

## 6.3 National Planning Policy Framework 2019

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

## 7.0 **PLANNING COMMENTS**

7.1 The main issues to consider when determining this application relate to the principle of development and the impacts on the character and appearance of the area, residential amenity, trees, highway safety and archaeology.

### 7.2 **Principle of Development**

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

7.2.2 The National Planning Policy Framework promotes sustainable development and states in Paragraph 11 that decisions should apply a presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. Paragraph 11 makes it clear that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

7.2.4 The benefits of this application are considered to be:- the positive contribution of the provision of 1No. additional dwelling to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling.

7.2.5 The site is located within close proximity to the established development framework for Burwell and is sufficiently connected to other housing and the rest of the village.

7.2.6 However, the NPPF states that sustainable development has three dimensions, namely: an economic role; a social role, and an environmental role. All three are mutually dependent and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Therefore, where a development does not achieve one or more of these roles that development will not be considered to be sustainable.

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

### **7.3 Character and appearance of the area**

7.3.1 The application site is located further west along Ashbridge Farm than the existing dwelling, known as Ashbridge Farm. To the west of this existing dwelling, there is an immediate change in character to a large group of mature trees and open countryside which contributes positively to the rural character and appearance of the area.

7.3.2 The proposed development would be located within a sensitive edge of settlement location and would extend residential built form further west, beyond the existing built form and towards the open countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. By virtue of its location, the resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also appear cramped and contrived due to the narrow plot size which is out of keeping with the character of nearby dwellings. Accordingly, the proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

7.3.3 Furthermore, the proposal is not considered to constitute sustainable development in principle as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to the National Planning Policy Framework.

#### **7.4 Residential amenity**

7.4.1 Due to its single-storey height and modest scale, the proposed dwelling would not cause any significant residential amenity impacts to the host dwelling, Ashbridge Farm. There is a window proposed within the elevation of the proposed dwelling which faces towards Ashbridge Farm, however this would serve a bathroom and could reasonably be conditioned to be obscure-glazed and non-opening if planning permission was to be approved.

7.4.2 The proposed dwelling would be located adjacent to the side west side of the host dwelling, Ashbridge Farm. The rear garden of the proposed dwelling would be south-facing and the plot size and amenity space size of the proposed dwelling would comply with the Council's Design Guide SPD. Future occupiers of the proposed dwelling would enjoy a high standard of amenity.

7.4.3 It is therefore considered that the proposed development would not create any significant detrimental impacts on neighbouring properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

#### **7.5 Trees**

7.5.1 A number of trees within and adjacent to the application site have recently been felled. The submitted plans and the Tree and Impact Survey identify which trees within and adjacent to the site are to be felled and retained.

7.5.2 The Council's Trees Officer has advised that the location of the car parking spaces would lead to conflict with the adjacent Ash tree, due to this species tendencies to drop branches and dead wood. It is also a species known to be home for sap sucking insects that drop honey dew on cars leaving a sticky residue, and is a native species often used by roosting birds leading to issues relating to their waste on cars. The Council's Tree Officer has advised that installing a roofed structure, such as a car port, would be beneficial to mitigate these issues. The rest of the proposal is acceptable to the Trees Officer, subject to a condition relating to tree protection.

7.5.3 Due to the case officer's concerns with the visual impact of the proposed development on the character and appearance of the area, an additional roof structure such as a car port would not be considered acceptable to address the amenity issue caused by the adjacent Ash tree. However, this tree has no formal protection and could be removed without requiring permission. Therefore, although this amenity issue weighs minimally against the application, it is not considered a sufficient reason which would warrant refusal of planning permission on the grounds that the proposed development could result in future pressures to fell this tree.

7.5.4 It is therefore considered that the proposed development would not create any significant detrimental impacts on trees, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

## **7.6 Highway safety**

7.6.1 The proposal includes the creation of a new vehicular access to serve the proposed dwelling. The proposed vehicular access would have good visibility and would be constructed of a bound materials for the first 10m into the site to mitigate loose material being carried onto the public highway. The Local Highway Authority has been consulted on the application, however no comments have been received. With the absence of any objection and from the case officer's assessment following a site visit, it is considered that the proposal would provide a safe and convenient access with the public highway. The proposal includes 2 car parking spaces, in accordance with the Council's adopted parking standards.

7.6.2 It is therefore considered that the proposed development would not create any significant highway safety impacts, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.7 Archaeology**

7.7.1 Cambridgeshire County Council have advised that the application site is located in an area of high archaeological potential and have therefore recommended that a condition is appended to any planning permission requiring an archaeological investigation. Due to the high potential for archaeological finds, it is considered reasonable to append a condition requiring an archaeological investigation to be carried out should planning permission be approved.

## **7.8 Other Material Matters**

7.8.1 The proposed development would not result in any significant impacts in respect of contamination, ecology or drainage. These matters could be acceptably dealt with by planning conditions if planning permission was to be approved.

## **7.9 Planning Balance**

7.9.1 The proposed development would provide a very limited benefit to the district's housing supply through the provision of 1 dwelling and limited economic benefits to the construction trade and local economy. Furthermore, the proposed development would have no significant impacts on residential amenity, trees highway safety or archaeology.

7.9.2 However, in order for a development proposal to be genuinely sustainable, it must satisfy the three strands of "sustainable development" defined in the NPPF. The proposed development will deliver a very limited number of economic and social benefits. The NPPF makes it clear that sustainable development will only be attained where all three elements are secured jointly and simultaneously. All have equal status and where one or more is achieved at the expense of the others then the development should not be considered sustainable.

- 7.9.3 The proposed development would be located within a sensitive edge of settlement location and would extend residential built form further west, beyond the existing built form and towards the open countryside in a manner that would cause significant and demonstrable harm to the local rural landscape character and visual amenity of the area. By virtue of its location, the resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity, whilst it would also appear cramped and contrived due to the narrow plot size which is out of keeping with the character of nearby dwellings.
- 7.9.4 In this case, the environmental role of sustainable development would not be realised. The degree of harm caused to the character and appearance of the area could not be resolved through mitigation and the development therefore would cause significant and demonstrable environmental harm, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the East Cambridgeshire Design Guide Supplementary Planning Document.
- 7.9.5 As a consequence, the adverse impacts of the proposed development would significantly and demonstrably outweigh the limited economic and social benefits of the scheme, contrary to paragraph 11 of the NPPF. For these reasons, the proposed development does not constitute sustainable development and the application is recommended for refusal, as detailed in paragraph 1.1 of this report.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01649/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
18/00970/OUT		
17/01621/FUL		
16/00504/FUL		

National Planning Policy Framework -

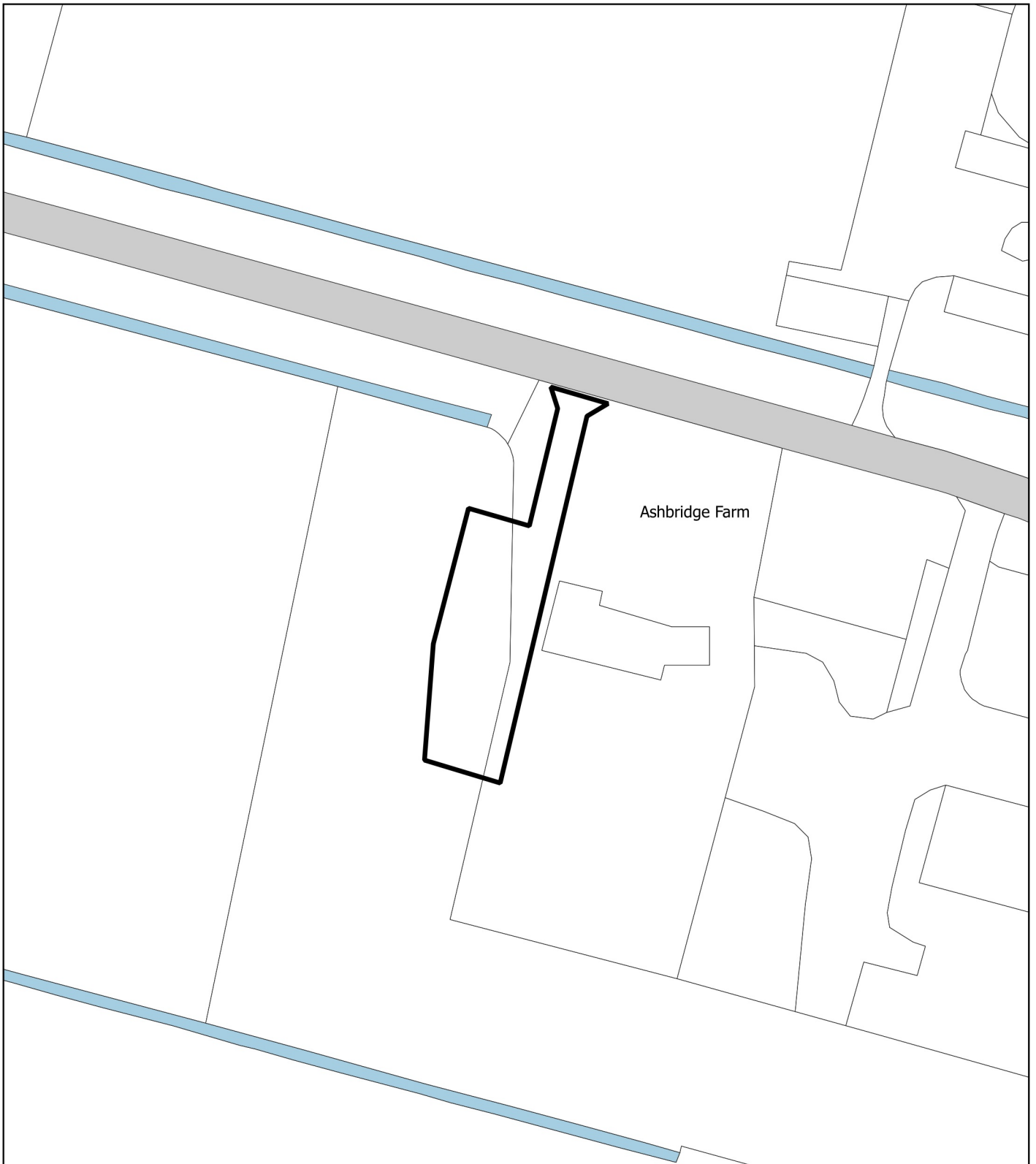
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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







18/01649/FUL

Ashbridge Farm  
Factory Road  
Burwell



East Cambridgeshire  
District Council

Date: 19/03/2019  
Scale: 1:750



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**MAIN CASE**

**Reference No:** 18/01711/RMM

**Proposal:** Reserved matters for Phase 1 including 97 residential dwellings and a local shop along with public open space and associated infrastructure works as approved under 17/00880/OUM

**Site Address:** Fordham Nursery And Garden Centre 41 Market Street  
Fordham Ely Cambridgeshire CB7 5LH

**Applicant:** Scotsdale Hill LLP

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

**Parish:** Fordham

**Ward:** Fordham Villages

Ward Councillor/s: Councillor Joshua Schumann  
Councillor Julia Huffer

**Date Received:** 3 December 2018      **Expiry Date:** 8<sup>th</sup> April 2019

[T242]

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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.

- 2 Time Limit - OUT/OUM/RMA/RMM
- 3 Materials
- 4 Access drainage
- 5 Implementation of FRA
- 6 Boundary treatments
- 7 Landscaping maintenance
- 8 Tree protection measures
- 9 Energy assessment
- 10 Landscaping implementation
- 11 Access restriction

## 2.0 SUMMARY OF APPLICATION

- 2.1 This is a reserved matters application in relation to the first phase of the development of the overall site with outline planning permission for the erection of 150 dwellings, a 75 bed care home, a shop (A1) and ancillary medical consultation facility. Access to the site was determined as part of the outline permission and approved from Market Street/Soham Road and Station Road.
- 2.2 This reserved matters application proposes the erection of 97 dwellings with public open space and shop (A1) comprising a retail sales area of 278 sqm with 20 parking spaces. The site comprises 4.82 ha (11.9 acres) of the overall site area granted outline consent of 9.3 ha.
- 2.3 The remainder of the area that benefits from outline planning permission will be addressed by way of a separate reserved matters submission at a later date and will be delivered as a second phase. The care home will also form a standalone phase to be delivered by a specialist provider by way of a separate reserved matters application. The applicant has also advised that it is also anticipated that the ancillary medical consultation facility consented in the outline application would be better placed to be brought forward within the care home facility.
- 2.4 A small portion of the area that benefits from outline permission, shown in blue on the site location plan, just to the south of this site, will be retained for use as part of the garden centre following a review by Scotsdales of their operational requirements. It is anticipated that this area of land will be required to accommodate a reconfigured car park and infrastructure works as part of a reconfigured garden centre.
- 2.5 The 29 affordable dwellings comprise the following mix;
- 10 x 1 bed apartments
  - 8 x 2 bed apartments
  - 5 x 2 bed houses
  - 4 x 3 bed houses
  - 1 x 4 bed house
- 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.**

The application has been called to Planning Committee by Councillor J Schumann.

### 3.0 PLANNING HISTORY

#### 3.1

17/00572/SCREEN SCREENING OPINION - 27.04.2017  
outline planning application for 150 new homes, a 75-bed care home and a retail unit along with public open space and associated infrastructure on approximately 9 hectares of the site.

17/00880/OUM Outline planning application Approved 08.08.2018  
for 150 residential dwellings (Use Class C3), a 75-bed care home (Use Class C2), a local shop (Use Class A1) and an ancillary medical consultation facility (Use Class D1) along with public open space and associated infrastructure with all matters reserved other than the means of access into the site from Market Street / Soham Road and Station Road.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The Scotsdales site as a whole extends to approximately 13.20 hectares (32.62 acres) of land and currently comprises a horticultural nursery and operational garden centre. The application site itself comprises 4.82 ha of the 9.3 hectares (22.98 acres) granted planning consent. The garden centre and nursery will be retained. The majority of the application site is located outside the development envelope but adjoins it in places on its eastern boundary. The northern and western boundaries are marked by existing tree lines and there are areas of scrub and vegetation together with defined tree lines and protected trees on the site.

### 5.0 RESPONSES FROM CONSULTEES

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

**Lead Local Flood Authority – 8/1/19** - We have reviewed the following document:

- Flood Risk Assessment and Drainage Strategy prepared by Walker Associates Consulting Limited dated November 2018.

At present we are unable to support the application for the following reasons:

1. Paragraph 3.7 states that final discharge rates will be restricted to the 1 in 1 year developable greenfield runoff rate of 3.71 l/s; however the drainage calculations show this be exceeded in the 1 in 100 year plus 40% rainfall event (up to 4.3 l/s).
2. The proposed Surface Water Drainage Strategy Plan (sheet 2 of 2) shows the flow control to be limited to 10.25 l/s. This exceeds the allowable discharge rate.
3. The proposed Surface Water Drainage Strategy Plan (sheet 1 of 2) shows a storage tank beneath an attenuation basin; however no discussion regarding the purpose of this has been included within the report. As outlined in the Flood & Water SPD, design and layout should seek to manage and convey surface water above-ground.

We request the applicant clarifies the above points.

31/1/19 - We have reviewed the revised information submitted by the applicant:

- Proposed Surface Water Drainage Strategy Plan Sheet 2 of 2 (C6852/SK101B) dated 14th January 2019.
- Drainage Design Report dated 14th January 2019.

The above documents address our concerns and we can therefore remove our objection.

It should be noted that the applicant is still required to discharge condition 19 of 17/00880/OUM which requires the detailed design of the surface water system.

**Cambridgeshire Archaeology** - The condition outlined in planning application 17/00880/OUM is sufficient to address the archaeological requirements. The archaeological investigation phase is due to commence on January 21<sup>st</sup> 2019.

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

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

**Head Of Strategic Planning** - No Comments Received

**CCC Growth & Development** – No comments.

**Minerals And Waste Development Control Team – 7/1/19**- With the exception of criteria H of condition 7, I am satisfied that the document titled Construction Notes Condition 7 satisfactorily addresses all of the remaining the criteria. Criteria H requires that a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material. I have been unable to locate a completed Toolkit in the online

documentation, which Construction Notes Condition 7 indicates would be supplied. It is requested that the missing documentation is provided.

**ECDC Trees Team – 13/12/18** - The Arboricultural Impact Assessment is acceptable.

The Landscape Proposals to the housing areas should be rather less urban in character. Suggested amendments would help blend the garden areas into the naturalist setting of the green spaces.

- More of the ornamental hedge should be native species holly or wild privet etc.
- More of the specified trees and specimen shrubs should be native species. For example substitute planting like Phormium etc with Juniperus communis, Viburnum opulus, Salix purpurea or similar. Similarly, the Pyrus chanticleer with Crataegus monoyna.
- Plant fruit trees in the larger gardens
- The straight edge of the buffer strip on the eastern boundary should be varied in width.

14/1/19 - I would recommend that T 009 Horse Chestnut (located along Soham road) is left as a 2 to 3m Monolith rather than removed to ground level for wildlife habitat and a replacement tree planted alongside it this should be a species that will develop to significant proportions such as Oak, Beech or Lime.

A formal avenue of either Tilia euchlora (Caucasian or Tilia tomentosa (silver Lime) along the main entrance road (edge of open space and plots 15 to 19 and adjacent the shop parking spaces) would benefit the sites long term appearance as they will develop to a significant size.

The shrub area in the open space adjacent the entrance should be reduced in size but with the area of grass adjacent No. 63 the existing property being added to the shrub area as its present allocation to grass will not be accessible for maintenance the shrub planting should be 1.5m from the boundary to allow the owner to access the boundary for maintenance. Also in this area the bulb planting would be better located under the trees as this will give added protection to the trees from issues relating to maintenance of the grass area as well as allowing a greater usable grass area. I also recommend further seating closer to the toddler play area to allow parents to sit within sight of those children requiring to most supervision.

The path to be installed under T 004 (in the open space adjacent entrance) should be made using no dig techniques to prevent significant root severance to a mature tree.

The proposed attenuation basin (adjacent plot 69) could have 3 Salix cinerea subsp. Oleifolia (Grey Willows) planted in its base to be managed by coppicing on a 3 year cycle these would be a great wildlife enrichment opportunity in keeping with the local area.

The top buffer of existing poplar trees (rear of plots 69 to 77) should be future proofed to allow replacement trees to establish to replace the poplars as they are a short lived species I suggest a staggered row of Acer campestre (Field maple), Malus sylvestris (Crab apple) with 3 to 4 Quercus robur (English Oak) and/or Carpinus betula (Hornbeam) that should be located closer to the existing trees in order for them to have room to develop in to significant landscape features.

The area could also be opened up for public access with a meandering path exiting adjacent to plot 69.

The garden boundaries could be raised to 1.5m to counter the use of the path with a native hedge planted along it on the outside of the properties boundaries which would place its future management on its top and one side with the adoptee of the open space. This change would also stop the potential abuse of this area as a dumping ground for grass clippings and other household waste.

The long swale could be used more as a feature possibly making a non linear feature with the added possibility of a culvert as a crossing point this would also allow greater space round it to allow better access to the adjacent hedge and trees.

18/3/19 - The changes made following my previous comments are great and I believe they will make a difference to the appearance and functionality of the area.

I do feel that the failure to install a path along the top buffer (rear of plots 69 to 77) is a missed opportunity. The lack of a secure boundary along here through the planting of a native hedge is a disappointment as I believe it will lead to the occupiers of the properties installing ad hoc fencing of limited value to the sites integration into the wider landscape.

The retention of the long swale in its current design is a shame but understandable and the adjusted planting is an improvement.

The failure to adjust the plan regarding the entrance avenue is disappointing and needs adjustment, as I was want a statement avenue this does not need to be via native species though that is commendable. I accept the possible problems with the size of the species suggested previously, though the use of *Tilia cordata* 'Greenspire' could still lead to issues of conflict as this species is known for the honey dew produced by its aphid population and as it is sited over car parking for the shop and the play area, I believe complaints about this will occur as the trees develop with age.

A staggered two species avenue would be the most desirable. Such as retaining the *Acer campestre* 'Elegant' but alternating it with an upright species such as *Liquidambar styraciflua* or *Ginkgo biloba* for example, this will give the statement avenue effect that could give the entrance to this development a sense of grandeur and the use of two species gives it diversity protecting the vista against total loss through disease.

**Conservation Officer - No Comments Received**

**Environmental Health – 14/12/18** – the Cass Allen report is accepted. The CEMP is also acceptable such that it satisfies Condition 6 on the outline consent.

18/1/19 – Having had another look at the noise report by Cass Allen referenced 'RP01-18120 and specifically the graph titled Appendix 1 – Figure 3 (but appearing in Appendix 2).

The background noise levels the report refers to appear to be higher than what we would expect. The graph seems to show that the background levels are lower than the 51 dB Lar, Tr figure given in Table 3 over significant periods of the day. For this reason we would like to request access to the data sets which determined those reported levels in Table 3 so we can establish how that figure was arrived at.

With regard to condition 11 of 17/00880/OUM - "The specific rated noise level emitted from plant or machinery located on site shall not exceed the existing background noise level or 35 dB, whichever is the higher" - normally, the applicant will know what mechanical plant will be going in to a premise and so would be able to evidence if the

levels will meet this condition, however, at this stage it may not be known what type of plant/machinery will be installed and so the report's stipulation that "Compliance with these limits will be ensured via a clause in the tenancy agreement for the retail unit" is something which the Environmental Health team would find acceptable, especially as there is the pre-existing condition in place which will mean that levels are not permitted to be breached. However, before the occupant of the store opens we would want them to demonstrate compliance with the 35dB/background noise level element of condition 11.

15/3/19 - The primary source of road noise was from Newmarket Road to the east and not the A142 to the west.

I have examined the data set provided by the acoustician with regard to the background noise levels after we queried Table 3. I have no issues to raise with the figure arrived at by Cass Allen for background noise.

The report references a lot of calculation and long term monitoring in a position not directly on the site in question (L1 - although we can understand why this position was chosen).

The measured noise levels labelled Appendix 1, table 3 show the highest levels experienced at the point closest to the road but much lower levels have been measured in the main body of the development where there also seems to be adequate absorption of noise from the bypass as measurements at N3 and N4 are the lowest stated in the table.

Position N2 appears to be where the retail unit and apartments will be located.

As this was an attended survey during the day, I have obtained a night-time level from the unattended position at L1 which is 49dB LAeq.

During the day, it is predicted that with a partially open window the internal levels will be 37dB (which will not meet the acceptable level target of 35dB)

During the night, it is predicted that with a partially open window the internal levels will be 34dB (which will not meet the acceptable level target of 30dB). Despite this, internal target levels may be relaxed by up to 5dB and reasonable internal conditions still achieved. If it is decided that this is appropriate then acceptable levels can be achieved. The Environmental Health Team has confirmed that the relaxation of internal noise guideline levels by up to 5dB has been taken into consideration at other locations, such as Soham, Littleport and Ely.

We would therefore have no objection to development at this site.

**Housing Section** - The affordable housing arising from this application should be in accordance with the S106 agreement for outline planning application 17/00880/OUM which requires 30% affordable housing to be provided on site, of which 70% shall be either an Affordable Rent Dwelling or a Social Rent Dwelling tenure and 30% shall be Shared Ownership tenure. Satisfied with the mix.

**Waste Strategy (ECDC)** – No comments received



**NHS England** - No Comments Received

**Anglian Water Services Ltd** – 11/1/19 - the impact on the public foul sewage network has not been adequately addressed. This proposal may result in an increased risk of flooding in the downstream network. The developer will need to confirm a pump rate. The proposed surface water drainage does not affect AW assets. Recommend a phasing condition.

14/3/19 – the impacts on the fowls sewer have not been adequately addressed. A rate of 6.9l/s cannot be accommodated in the network and is considered to be excessive for a development of this size. A mitigation solution is required which may include provision of network storage downstream of the connectionpointto balance additional flows.

18/3/19 - We have reviewed our previous response in relation to the above application.

We have been consulted further with developer and we can confirm that a foul water strategy has been agreed in principle; comprising a pumped conveyance connecting to the sewer via an extended length of gravity pipework in order that the discharge can be reduced to an acceptable flow rate.

The outcome can be achieved through a combination of a smaller bore rising main and extended gravity sewer length, the details of which will be confirmed by the detail design of the on-site drainage and vetted by AWS through the S106 new connection application process.

Therefore we are now recommend the discharge of condition.

**The Ely Group Of Internal Drainage Board** – No comments received

**Environment Agency** – 20/12/18 – No objections.

**Natural England** - The advice provided in our response to the outline application - ref: 17/00880/OUM, applies equally to the reserved matters application, namely;

17 Jan 2018 - Natural England welcome the effort made by the applicant in providing a Green Infrastructure Plan and additional Biodiversity Offsetting report to accompany the application. Subject to the delivery of all of the proposed mitigation and enhancement measures being secured through a s106 agreement or relevant planning conditions, Natural England is satisfied that the proposal will not have significant adverse impact on designated sites including Brackland Rough Site of Special Scientific Interest (SSSI). We therefore have no objection to the proposed development.

The Biodiversity Offsetting report seeks to demonstrate no net loss for biodiversity through development of the site. The Green Infrastructure Plan includes measures to encourage new residents to visit existing local green spaces without any contribution,

proportionate to future increased use of these sites, towards their enhancement or management. It is therefore disappointing that the proposed development appears unlikely to deliver any significant gain for people or wildlife.

**Design Out Crime Officers** - My comments are in regard to community safety and the layout that could impact on vulnerability to crime.

This is a very good layout in terms of community safety and reducing vulnerability to crime. I am supportive of the proposed layout and boundary treatments.

I would wish to be consulted on an external lighting scheme when available and to also enquire if the developer would consider a Secured by Design application which I would be very happy to work with them on.

13/3/19 - My comments are in regard to community safety and the layout that could impact on vulnerability to crime.

This is a very good layout in terms of community safety and reducing vulnerability to crime. I am supportive of the proposed layout and boundary treatments.

I would wish to be consulted on an external lighting scheme when available and to also enquire if the developer would consider a Secured by Design application which I would be very happy to work with them on.

**Cambs Wildlife Trust** – 19/12/18 - I have reviewed the information submitted with the above planning application. I consider the proposed layout and landscaping is broadly in keeping with the illustrative plans submitted at outline stage. I have no comments on the ecological impacts of the details provided at this stage. It is my understanding that a Biodiversity Mitigation and Enhancement scheme, which should include details of techniques for establishing habitats (e.g. wildflower areas), long-term management and monitoring, is required to be submitted in order to discharge condition 24 of the outline permission. Once this Biodiversity Scheme is submitted, I may have further detailed comments to make.

**Parish** – 8/1/19 - Would prefer that the affordable homes be integrated with the overall development so that residents are not isolated and separate.

15/3/19 – Disappointed that the affordable houses are not more scattered to integrate with other residents.

**Ward Councillors** - No Comments Received

**Local Highways Authority** – 11/1/19 - The highways authority has the following comments on the submitted drawings and information:

1. The roundabout and its arrangement on Market Street was approved during the outline planning application. This underwent a Road Safety Audit completed by CCC and is shown as per the approved layout on the submitted drawings.
2. The internal estate roads should be designed to 20mph and level uncontrolled pedestrian crossing points should be included on pedestrian desire lines. Therefore raised tables should be placed on the junction of plots 19 / 48 / 97 & 77 / 86 90,

some alterations will be required to accommodate these features i.e. relocation of parking bays, north, and relocation of parking space on plot 19 AND the extension of the shared use area outside plots 77 / 86, this should extend between plots 85 and 91. Please note that parking spaces should not be at the bottom of the ramps as vehicles would have to reverse out of the space and up on to the ramp also that tactile pavers should be located appropriately

3. There appears to be a raised area for the entry of the care home outside plot 14. If permitted this would require vehicles to reverse out from plot 14 up on to a ramp. Please amend or removed this feature so as to overcome this issue
4. Shared use areas that are offered for adoption should be 6m wide with an additional 0.5m maintenance strip around its entire length
5. Shared use areas must have a landing platform of the top of the ramp. Pedestrians should not alight the footway on to the ramp or the carriageway
6. The access to the parking area for the commercial premises should be widened to 5.5 / 6m and the internal parking area should also be widened to 6.5m (behind the spaces). This will encourage people to use the parking spaces provided rather than park on the street which would likely lead to a loss of amenity for residents and cause a potential decrease in highways safety in the near vicinity
7. The highways authority will not seek to adopt the road leading to the public open space and utility station by plot 77 / 90 OR the car parking / shared use areas by plots 24 / 78 or 29 / 31 as this area does not serve a highways function. We will also not adopt the visitor parking bays around plots 71 and the other adjacent bays. We will however take the visitor bays on the main access road
8. Trees should not be placed in visibility splays around junctions please remove these where applicable
9. Adoption of the internal roads by the highways authority will be subject to meeting CCC standards for construction and layout. We do not adopt POS, swales, ditches, watercourse, SUDs or areas of water attenuation. Should the highways surface water be proposed to be discharged in to any of the above it must be adopted by an authority or governing body to meet CCC requirements as third party and private management companies do not provide the necessary assurances required by the highways authority.

27/2/19 - After a review of the amended layout design I have the following:

- The shared use area to the south west of the site has been increased to 7m in width which is wide enough highways adoption. However the highways authority cannot adopt visitor parking that does not serve a highway function as such the planning authority should ensure that these spaces are maintained in the future
- The commercial premises parking has been altered and the increase width between the rear of each space is acceptable. However the spaces no longer are marked so width and type e.g. disabled cannot be confirmed.

- There should not be any vegetation in the visibility splays at vehicle crossing points or accesses. This includes residential bays and the access with the highway and the commercial parking area
- Pedestrian crossing points should be located on the assumed desire lines and these will require tactile pavers to be included
- The raised table to the south east of the site and access to the POS is acceptable if this is all at the same level. Please confirm that these two areas are the same levels and there is no ramp down to the private area?

14/3/19 - After a review of the amended layout design I have the following:

Highways adoption plan

The footpath to the south west of the site should not be shown as green / Shared Use but I am willing to adopt it as highway. Please change the colour to match the rest of the highway adoption area.

We only adopt to the top of the ramp / shared use areas. This does not include the pedestrian platform area/s but these should be kept in and where applicable form part of the privately maintained area.

The private drive / area to the south east of the site should be shown either at the same level as the raised junction or it should show a ramp at a min of 6m in to the area. It is unclear what is proposed in this location.

We can only adopt a small area of the service road to the north west of the site. This road is for access to the commercial property only and as such does not qualify for adoption. I would be willing to adopt enough of the road to create a turning head with the adjacent road.

The footpath fronting the dwellings on the north west of the site is not highway adoptable. Please remove this from the area of highways adoption.

**5.2 Neighbours** – A site notice was posted and advertisement places in the Cambridge Evening News. 173 neighbours were notified and two responses received raising the following main issues.

A full copy of the responses are available on the Council's website.

- Impact on the character of the area and local residents
- Increase in traffic and noise and disturbance and pollution.
- The pavement outside the garage is used as a layby thereby obstructing access to parents taking children to school. Even more chaos due to this development.
- Air quality
- Inadequate roundabout
- Increased pressure on infrastructure
- Too big for the village
- Flooding

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
HOU 6	Residential care accommodation
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

9 Promoting sustainable transport

5 Delivering a sufficient supply of homes

12 Achieving well designed places

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

15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 As the principle of residential development and provision of a retail unit (A1), has already been established within the outline consent the main issues to consider in the determination of this application are whether it complies with the parameters of

the outline consent, visual impact and layout, housing mix and density, public open space, landscaped buffer, trees and ecology, access and parking, noise and residential amenity and foul and surface water drainage.

7.2 The site has outline planning permission. The reserved matters application is in line with the outline permission and does not conflict with the conditions and S106 requirements set as part of that permission.

### 7.3 **Visual impact and layout**

7.3.1 The visual impact of developing the site for these uses would have been accepted in principle at outline stage.

7.3.2 A Landscape and Visual Impact Assessment (LVIA) assessed this impact. It describes the character of the site itself as being strongly associated with the retail and whole-sale horticultural land-uses and its position on the western edge of the village of Fordham. There is urban development to the south and east of the site.

7.3.3 It was accepted that the development will alter the appearance of the application site and the presence of two-storey development together with associated infrastructure will have an urbanising effect on the immediate locality. The site sits between the western edge of the village and the A142, although at some distance from it, and the proposal will have some wider reaching effects on the landscape, although these will be tempered by the existing and proposed landscape buffers on the northern and western edges of the site.

7.3.4 The LVIA indicated that the significance of the effects on the application site itself would be moderate-adverse. Landscape effects beyond the site would be localised and have a minor adverse significance of effect on the immediate surrounding landscape.

7.3.5 Given the current and proposed boundary treatments and adjacent built form the site is generally well enclosed and screened in views from the wider landscape.

7.3.6 Policy ENV1 requires development proposals to be informed by, be sympathetic to, and respect the capacity of the distinctive character area in which it sits. Development proposals are expected to create a positive relationship with existing development and where possible enhance the pattern of distinctive historic and traditional landscape features, visually sensitive skylines, the settlement edge and key views into and out of settlements. The tranquil nature and nocturnal character of areas should also be considered.

7.3.7 The proposal retains a landscape buffer of 8 to 7 metres along the western boundary behind the dwellings and along the northern boundary the existing tree line will be retained and enhanced with a landscaped buffer of some 5 metres. The closest built form to this boundary is 7 metres from the boundary. This will reduce the visual impact of the development. The boundary of the site with the proposed care home will be partially hedged and the rear of the houses will be bounded by a 1.2 metre high fence with trellis up to 1.8 metres to reduce any harsh visual impact of this boundary.

- 7.3.8 The dwellings and retail building are two storeys in height and the heights have been reduced during the course of discussions on the application. The retail unit with flats above rises to 9 metres and the dwellings have been reduced to heights of 8 to 8.7 metres.
- 7.3.9 The application has also been amended to include a greater mix and variety of materials and to ensure a sympathetic edge along the western and northern boundaries. These are considered acceptable. The retail building has also been re-designed to provide for a less dominant structure by breaking up the mass with differing roof heights and projections.
- 7.3.10 In achieving the layout the developer has had due regard to the constraints of the site and the desire to retain as many of the existing landscape features surrounding the site as possible.
- 7.3.11 The layout provides for an attractive residential development, with the retail unit making a statement at the entrance, and opposite the open space with play equipment. The entrance road will be lined with Lime, Acer and Field Maple trees on both sides to create a tree lined streetscene which will extend in front of properties to the end of the open space. Dwellings will front the open space and the roads within the site. To the south west a landscaped strip of some 25 metres in width runs alongside the garden centre and provides for a swale and a footpath and cycle link to the remainder of the development site to the south of the garden centre. An additional small area of open space will be provided to the north west corner with good footpath linkages throughout giving direct routes to the shop and to the garden centre south of the site.
- 7.3.12 Predominantly terraced and semi-detached dwellings are proposed along the spine roads and centre of the site, whilst detached dwellings are proposed to the boundaries to break up the mass. Three two storey blocks in the north eastern corner provide 12 apartments and surround an enclosed parking area, giving a sense of enclosure to the group. Dwellings front the open spaces and feature double fronted houses are provided at key junctions and viewpoints within the development and to allow overlooking of public spaces. The designs incorporate a range of materials to add variety, to include red and buff brick with some use of render, and a mix of grey and red roof tiles.
- 7.3.13 The combination of these design concepts allows for varied and interesting spaces to create a sense of place to the overall development. It is therefore considered the proposal reflects the key good design qualities as outlined in the NPPF.
- 7.3.14 The overall scale, massing, height, site coverage and detailing of the built form proposed has been carefully considered so as to respond positively to the physical characteristics of the site, whilst minimising the impacts on existing amenities enjoyed by the occupants of neighbouring properties and complying with the Design Guide SPD. The development of this site for 97 dwellings together with a retail unit can be achieved without causing significant harm to the character and appearance of the area and as such complies with Policies ENV 1 and ENV 2 of the Local Plan.

## **7.4 Housing mix and density**

- 7.4.1 The application proposes 97 dwellings, 29 of which are affordable housing. This equates to 30% and accords with the outline planning permission and has been secured by S106 legal agreement. The precise mix and tenure is acceptable to the Senior Housing Strategy and Enabling Officer.
- 7.4.2 The Parish Council comments are noted in relation to siting of the affordable dwellings. Although to the eastern side of the site they are considered to be spread apart in different pockets. There are six apartments above the shop, terraced and semi-detached opposite the shop and the three blocks of apartments and dwellings forming a courtyard to the north east corner.
- 7.4.3 The mix of the market dwellings is 15% 2-bed, 50% 3-bed and 35% 4-bed dwellings and the density of the developed residential area will be 27dph (8 per acre) This housing mix and density is considered acceptable and accords with Policies HOU 1 and HOU 2 as it respects the local area.

## **7.5 Public open space**

- 7.5.1 The amount of public open space provision on site at 0.8 ha accords with the developer Contributions SPD. These will be used to provide both toddler and junior play equipped areas within the main open space at the site frontage, with a smaller area to the north west corner of the site and the landscaped link from this phase of development to the land further south. These areas will be landscaped using native shrubs and hedgerows and the long term maintenance is secured by the S106.

## **7.6 Landscaped buffer, trees and ecology**

- 7.6.1 Following discussions with the applicant this area will be enhanced with extensive planting to establish a robust buffer strip. Discussions have taken place about the long term management of this area as it will be outside of private gardens to secure its retention in perpetuity and as an enhanced area for wildlife and offering significant biodiversity gain by providing an undisturbed habitat for wildlife. The area has been further enhanced with log piles, a woodland flora seed mix and native trees.
- 7.6.2 The area will be gated and managed by a private management company. It will also be enjoyed by the residents backing on to the space as the boundary treatment along the rear gardens will be post and rail fencing.
- 7.6.3 Trees – the outline consent allowed for the removal of a beech tree covered by Tree Preservation order. A replacement Oak tree is to be planted in its place at the site entrance. Following amendments the Tree Officer is satisfied with the buffer planting and the planting scheme across the site. A tree lined avenue along the site entrance is proposed and will create an attractive feature on entry to the site.

## **7.7 Access and parking**

- 7.7.1 The access to the site has already been agreed within the outline planning permission. Planning permission has also recently been granted for a separate



access to the care home site to the north of the site and this is actually preferable to having care home traffic through this residential area. Nevertheless a vehicular link has been shown within the layout to the rear of the retail unit should this be necessary to access that land in the future.

- 7.7.2 Pedestrian linkages have been shown to the shop both from off site and on site. The County Highway Authority are satisfied with the internal layout and that the roads will be built to adoptable standards and all properties meet the wheeled bin drag distances to roadside collection points. Parking provision has been made in accordance with the adopted standards including 22 spaces for the retail unit with parking for the apartments above to the rear.
- 7.7.3 Amendments have been made to the layout plan to incorporate more visitor's parking spaces in appropriate places and to reduce the level of tandem parking on plots. 20 visitor's spaces are provided and 50% of the dwellings are served by tandem parking. This is considered to be acceptable in giving a mix of parking arrangements.
- 7.7.4 Based on the consultation responses from County Highways, who are now satisfied with the amendments made, it is considered that the layout demonstrates a safe and accessible environment, allowing sufficient parking, manoeuvring and visitors parking provision. The proposal also provides for a network of routes for pedestrians and cyclists and safeguards access to the south and the garden centre. The Designing out Crime Officer is also satisfied with the layout. The proposal therefore complies with Policies COM 7 and COM 8.

## 7.8 **Noise and residential amenity**

- 7.8.1 The residents impacted by this development are to the east of the site access and to the south of the new open space area. The residents across the road are likely to experience some noise and disturbance from the additional vehicles using the site entrance, although the principle has already been established. An element of noise and disturbance would also likely be experienced by the neighbouring residents from the comings and goings to the shop. However, this principle has already been established and this is an acceptable location for the shop at the site entrance. Levels of disturbance will be controlled as the outline permission contains a condition to restrict opening hours and delivery times.
- 7.8.2 The outline permission did include a condition to control any noise impacts including road noise and noise emissions from any plant and equipment associated with the shop. A noise assessment has been submitted but it is not possible to know exactly what type of equipment the end user of the retail unit will require so this condition has not been entirely satisfied at this time but remains in place for the end user to comply with.
- 7.8.3 With regards to traffic noise from Market Street, the Environmental Health Officer has advised that at the residential properties above the shop, with windows open the acceptable daytime and night time noise levels would be exceeded by 2db and 4 db respectively. Despite this, internal target levels may be relaxed by up to 5dB and reasonable internal conditions still achieved. This can be appropriate and still achieve acceptable levels of amenity. As there are only two flats directly facing the

road frontage it is considered that no significant demonstrable harm would occur to residential amenity.

- 7.8.4 The applicant has given careful consideration to the residential amenities of the residents immediately to the south of the site by incorporating planting and retaining certain planting along that common boundary. The layout therefore protects the residential amenity of adjoining residents.
- 7.8.5 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings.
- 7.8.6 The residential amenity of future occupiers has also been assessed. The garden sizes accord with the Design Guide SPD as do the distances between houses. It is considered that the residential amenity of the future occupiers will be safeguarded in terms of any overlooking or noise disturbance. It is considered that the proposal accords with Policy ENV 2 of the Local Plan.

## 7.9 **Foul and surface water drainage**

- 7.9.1 Foul water drainage will be to the public sewer with provision of a pumping station on site. Anglian Water initially commented that the impact on the public foul sewage network has not been adequately addressed as this proposal may result in an increased risk of flooding in the downstream network and the developer was required to confirm a pump rate.
- 7.9.2 Following discussions with Anglian Water they are now satisfied that the foul water drainage scheme is acceptable and has been agreed in principle, comprising a pumped conveyance connecting to the sewer via an extended length of gravity pipework in order that the discharge can be reduced to an acceptable flow rate.
- 7.9.3 Surface water drainage - The nearest watercourse is located adjacent to the southern verge of Station Road some 200m from the site boundary. A gravity connection to the water course is feasible with final discharge rates controlled to 3.7l/s.
- 7.9.4 On site run off will be managed via a series of SUDS mechanisms in the form of permeable paving, swales, basins and cellular storage units. Attenuation for all storms up to and including the 100 year plus climate change event will be provided. The fall on site has meant that intermediate flow control devices have had to be introduced to enable the drainage to be terraced down the site and to allow storage to be utilised higher up the network rather than just rushing to the bottom and flooding out the site. Unfortunately there is not enough available storage at the correct levels to enable all of the water to be stored above ground in these areas and therefore an underground tank has had to be installed to enable the system to work without flooding. This is provided within the main public open space area.
- 7.9.5 The long swale near the south of the site (along the boundary) will contain water most times that it rains. The applicant has provided cross sections of this swale which provides for a 1 in 3 slope and shows the maximum water level as being

approx. 0.8 metres. The two basins will not contain water as much of the time as they are reserved for heavier rainfall events.

7.9.6 The Lead Local Flood Authority initially objected to the scheme but amendments received have overcome that objection. The scheme therefore accords with Policy ENV 8 and the Flood and Water SPD.

#### 7.10 **Other Material Matters**

7.10.1 A Preliminary Ecological Appraisal submitted with the application indicated that the site has potential to support badgers, birds, reptiles and bats and that further survey work was required in certain areas. The Appraisal also recommended that the site is enhanced post-development for the benefit of local biodiversity. A Further Biodiversity Assessment and Green Infrastructure Plan were also submitted that included a Biodiversity Impact Calculator. This indicated that there will be a minor biodiversity gain, taking into account the mitigation and enhancement measures and details the existing off-site green space that is available to future residents rather than placing further pressure on existing designated sites.

7.10.2 It is considered that the details of this reserved mater landscaping scheme further contributes to the biodiversity gain on the site in accordance with the aims of the new NPPF.

7.10.3 Details of a waste management plan have been submitted in pursuance of Condition 7 of the outline permission and the County Council Minerals and Waste Development Control Team are of the view that the submission satisfactorily addresses this condition. A RECAP Waste Management Toolkit has also been submitted.

7.10.4 The developer has also submitted an Energy Assessment Report pursuant to Conditions 22 and 23 of the outline permission. This demonstrates that the required energy savings can be achieved through the design of a high performance thermal envelope and building services specification. The report has also outlined water fittings specification and will aim to build upon the requirements for the commercial unit to achieve BREEAM "Very Good" rating under BREEAM New Construction 2018. This accords with Policy ENV 4 of the Local Plan. The homes and overall development will be environmentally assessed in accordance with the principles of The Code for Sustainable Homes. Key measures include, reducing energy efficiency of buildings, water conservation and management, sustainable construction and materials and waste recycling.

7.10.5 The site is located adjoining the settlement boundary and has outline planning permission. Given the lack of a five year housing land supply and the need for housing it is considered that the benefits of the proposal outweigh any adverse impacts and the proposal is not considered to be significantly and demonstrably harmful and is recommended for approval.

7.10.6 Overall the proposal complies with the conditions and parameters of the outline permission and complies with Policy.

## 8.0 **Planning Balance**

### 8.1 **COSTS**

- 8.1.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.1.2 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.
- 8.1.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.1.4 In this case members' attention is particularly drawn to the following points: outline planning permission has been granted and no statutory consultees object.

## 9.0 **APPENDICES**

- 9.1 Appendix 1 – Recommended conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01711/RMM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Planning Team Leader
17/00880/OUM	Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/01711/RMM Conditions

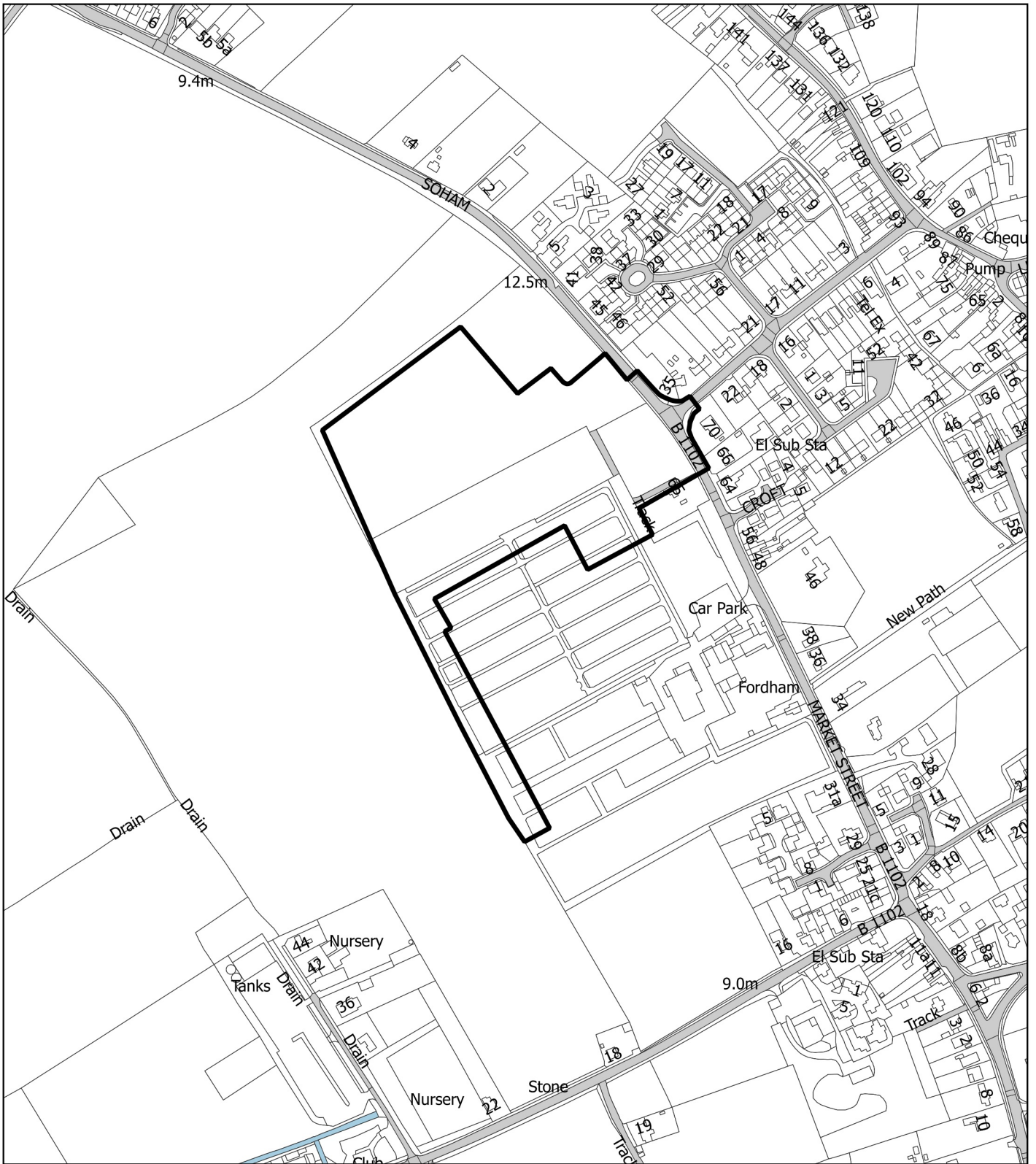
1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
C6852/SK100 A	DRAINAGE	3rd December 2018
C6852/SK101B	DRAINAGE	21st January 2019
C6852/SK103 SWALE DETAILS	DRAINAGE	4th March 2019
Drainage Design Report	DRAINAGE	21st January 2019
Environmental Statement		3rd December 2018
FRA & Drainage Strategy	DRAINAGE	3rd December 2018
GUA-DR-L-001	12	21st March 2019
GUA-DR-L-002	12	21st March 2019
GUA-DR-L-003	12	21st March 2019
GUA-DR-L-004	12	21st March 2019
GUA-DR-L-005	14	21st March 2019
GUA-DR-L-006	14	21st March 2019
GUA-DR-L-007	12	21st March 2019
GUA-DR-L-008	11	21st March 2019
GUA-DR-L-009	13	21st March 2019
LANDSCAPE MAN & MAINTENANCE PLAN		12th March 2019
Noise Impact Assessment		3rd December 2018
PL-100-001	B	4th March 2019
PL-100-101	K	21st March 2019
PL-100-102	G	21st March 2019
PL-100-103	D	21st March 2019
PL-100-104	C	21st March 2019
PL-100-201	A	4th March 2019
PL-100-202	A	4th March 2019
PL-100-203 A		
PL-100-204	A	4th March 2019
PL-100-205	A	4th March 2019
PL-100-206	A	4th March 2019
PL-100-207	A	4th March 2019
PL-100-208	A	4th March 2019
PL-100-209	B	4th March 2019
PL-100-210	B	4th March 2019
PL-100-211	A	4th March 2019
PL-100-212	A	4th March 2019
PL-100-213	A	4th March 2019
PL-100-214	A	15th March 2019
PL-100-215	A	15th March 2019
PL-100-216	A	4th March 2019
PL-100-217	B	4th March 2019
PL-100-218	A	4th March 2019
PL-100-219		4th March 2019
PL-100-220		15th March 2019
PL-100-221		15th March 2019
PL-100-303		4th March 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the windows, wall and roof materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 4 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.
- 4 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 5 The development shall be built in accordance with the Flood Risk Assessment and Drainage Strategy Walker Associates Nov 2018 and accompanying plans, drawing number C6852/SK101 Rev B and C6852/SK103.
- 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.
- 6 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the hard and soft landscape drawings. The boundary treatments shall be in situ and completed prior to the first occupation of the plot to which it relates, or first use of the shop. All works shall be carried out in accordance with the approved details and retained thereafter.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 All soft and hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of that part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or

replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 8 The tree protection measures as shown on Drawing Number 7101-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.
- 8 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.
- 9 The development shall be completed in accordance with the Energy Assessment report dated 27/11/18.
- 9 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to first occupation of any dwelling or first use of the retail unit the landscaping and parking areas associated with that plot or the retail unit shall be provided in accordance with the approved landscaping drawings, or in accordance with any alternative timetable agreed in writing with the Local Planning Authority.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No vehicular or pedestrian access shall be provided into the Scotsdale garden centre, at the end of the private drive beyond the pumping station. This shall remain permanently closed with hedge and fencing as shown on the approved plans.
- 11 Reason: In the interests of highway safety and residential amenity, in accordance with policies COM7, COM8 and ENV2 of the East Cambridgeshire Local Plan 2015.



18/01711/RMM

Fordham Nursery and Garden  
Centre  
41 Market Street  
Fordham



East Cambridgeshire  
District Council

Date: 19/03/2019  
Scale: 1:4,500



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## **Planning Performance – February 2019**

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

All figures include all types of planning applications.

	<b>Total</b>	<b>Major</b>	<b>Minor</b>	<b>Householder</b>	<b>Other</b>	<b>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>147</b>	<b>8</b>	<b>34</b>	<b>41</b>	<b>10</b>	<b>29</b>	<b>25</b>
<b>Determinations</b>	<b>132</b>	<b>3</b>	<b>37</b>	<b>27</b>	<b>15</b>	<b>28</b>	<b>22</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>87%</b> (80% within 8 weeks)	<b>96%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>39%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>113</b>	<b>1</b>	<b>23</b>	<b>27</b>	<b>12</b>	<b>28</b>	<b>22</b>
<b>Refused</b>	<b>19</b>	<b>2</b>	<b>14</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>

<b>Open Cases by Team</b>							
<b>Team 1 (3.5 FTE)</b>	<b>215</b>	<b>19</b>	<b>55</b>	<b>27</b>	<b>38</b>	<b>76</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>158</b>	<b>12</b>	<b>43</b>	<b>50</b>	<b>25</b>	<b>28</b>	<b>0</b>
<b>Team 3 (1 FTE)</b>	<b>19</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>10</b>	<b>0</b>
<b>No Team (5 FTE)</b>	<b>111</b>	<b>15</b>	<b>26</b>	<b>5</b>	<b>17</b>	<b>14</b>	<b>34</b>

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

The Planning department received a total of 162 applications during February which is a 12% increase on February 2018 (145) and 17% decrease from January 2019 (196).

**Valid Appeals received – 1**

106 Centre Drive Newmarket – Delegated Decision

**Appeals decided – 2**

Land South Of Blackberry Lane Soham – Allowed – Committee Decision  
Rear Of 12 Manor Close Witchford Ely – Dismissed – Delegated Decision

**Enforcement**

New Complaints registered – 24 (2 Proactive)

Cases closed – 7 (2 Proactive)

Open cases/officer (1.5FTE) –  $234/2 = 156$  per FTE (54 Proactive)

**Notices served – 0**