



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 4<sup>th</sup> April 2018

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)

### **Conservative Members**

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

### **Substitute Members**

Cllr Elaine Griffin-Singh  
Cllr Neil Hitchin  
Cllr Lisa Stubbs

### **Lead Officers:**

Jo Brooks, Director, Operations  
Rebecca Saunt, Planning Manager

**Quorum:** 5 Members

### **Liberal Democrat Members**

Cllr Sue Austen (Spokes)

### **Substitute Members**

Cllr Lorna Dupré  
Cllr Christine Whelan

### **Independent Members:**

Cllr Derrick Beckett

### **Substitute Members**

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**PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 10:30am**  
(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 7<sup>th</sup> March 2018

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

5. **17/00893/FUM**

Hybrid Planning Application – Full Application for the erection of 160 dwellings and associated access, parking and open space; Outline Application for 8 Self-Build Dwellings.

Land South of Blackberry Lane, Soham

Applicant: Orbit Homes (2020) Ltd

Site Visit: 11.40am

6. **17/01094/OUM**

Proposed employment development consisting of B1 uses, and associated access and landscaping.

Land West of Reach Road, Burwell

Applicant: IGP Solar PV Plant Number 6 Ltd

Site Visit: 11.20am

7. **18/00155/OUM**

Proposed employment development consisting of B1 uses, and associated access and landscaping.

Site to North Meadow View Industrial Estate, Reach Road, Burwell

Applicant: IGP Solar PV Plant Number 6 Ltd

Site Visit: 11.25am

8. **17/02002/FUM**

Erection of a three storey sixty six bed care home for older people with associated car park, access and landscaping.

Land North of Cam Drive, Ely, CB6 2WR

Applicant: LNT Care Developments

Site Visit : 12.15pm

9. **17/02205/FUL**

Development of a 49.9MW battery storage facility, bridge and associated infrastructure.

Land North West of Electricity Sub-Station, Weirs Drove, Burwell.

Applicant: Aura Power Storage Solutions

Site Visit: 11.10am

10. **18/00137/FUL**

Proposed erection of link detached double garage with storage link including the demolition of two single storey out-buildings.

80 Barton Road, Ely, CB7 4HZ

Applicant: Mr Colin Every

Site Visit: 10.35am

11. **Planning Performance Report – February 2018**

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@eastcambs.gov.uk">translate@eastcambs.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:** 17/00893/FUM

**Proposal:** Hybrid Planning Application - Full Application for the erection of 160 dwellings and associated access, parking and open space; Outline Application for 8 Self-Build Dwellings.

**Site Address:** Land South Of Blackberry Lane Soham Cambridgeshire

**Applicant:** Orbit Homes (2020) Ltd

**Case Officer:** Andrew Phillips, Senior Planning Officer

**Parish:** Soham

**Ward:** Soham South

Ward Councillor/s: Councillor Hamish Ross  
Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 23 May 2017

**Expiry Date:**  
16 April 2018

[S274]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to delegate approval of the application to the Planning Manager subject to the completion of a S106 Agreement and the following conditions (see Appendix 1 for full wording of conditions):

1. Approved Plans
2. Time Limit
3. Highway Improvements
4. Unexpected Contamination
5. Construction Environment Management Plan (CEMP)
6. Detailed Waste Management and Minimisation Plan
7. Archaeology
8. Fire Hydrants
9. Sustainability
10. Biodiversity Improvements
11. Road Construction Standard
12. Road Maintenance
13. Materials
14. Boundary Treatments

- 15. Tree Protection Measures
- 16. Highway access onto Blackberry Lane
- 17. Highway Improvements to Regal Land/Brook Street
- 18. Highway Drainage
- 19. Drainage
- 20. Soft Landscaping
- 21. Hard Landscaping
- 22. Construction of bund - timing
- 23. Outline condition
- 24. Outline implementation timeframe

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposed dwelling numbers have been reduced from 168 (8 self build outline application) to 160 (8 self build outline). The reduction in number is to seek to overcome design/noise issues raised by the case officer during the determination of the application. The latest set of major amendments was submitted on the 31 January 2018, with relatively smaller changes submitted on the 15 March 2018. The March 2018 changes make minor tweaks to the layout that have mainly tidied footpath details and has increased the amount of public open space slightly on site. In addition this March 2018 amendment provided additional information on how the landscape (most importantly the living willow fence) will be maintained. It has been discovered that the revised Flood Risk Assessment was not uploaded correctly on the Council's website, this has now been rectified and the consultation date expires on the 3 April 2018. Any additional consultation responses up to 3 April 2018 will be provided as an update to members.
- 2.2 The proposal also includes a noise barrier (max 5 metres above ground level) along the eastern boundary that is a mix between earth bund and acoustic fence. In addition to this the proposal also seeks to provide public open space, as well as the usual required infrastructure.
- 2.3 The application requires to be determined by Planning Committee, due to the Council's constitution of delegated powers.
- 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
- |                 |  |            |
|-----------------|--|------------|
| 17/00926/SCREEN | SCREENING OPINION -<br>Erection of 168 dwellings (8 self build plots) and associated access, Parking and Open space. | 22.06.2017 |
|-----------------|--|------------|

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located on the eastern edge of Soham, between Regal Lane to the west, Blackberry Lane to the north and Longmere Lane running from southwest – south. It is allocated in both the Adopted Local Plan (SOH5) and the Submitted Local Plan (SOH.H5).

4.2 The site is included within the village framework. It is partially within Flood Zones 2 and 3 (northwest corner). There are two TPOs on site and is within 2000m of a SSSI. A Public Right of Way crosses the site.

#### 5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

Soham Town Council (5 July 2017) – It has concerns over the proposal. Its concerns are in regards to:

- The Traffic Survey is from 2011 and questions if this data is new enough and is comprehensive enough.
- No consideration of traffic flow and levels to the new Southern Bypass.
- Proposal assumes car ownership for dwellings will be low.
- Wishes to ensure there is no water pollution.
- Wants to ensure no harm to ecology.

(31 July 2017) – Repeats previous concerns.

(6 September 2017) – No concerns.

(4 December 2017) – No concerns.

(1 March 2018) – Could not meet due to weather conditions, so no new comments for this application.

Strategic Planning Manager – (20 June 2017) Whilst it will be a matter for Full Council to decide it is his current view that any policy wording for any site in Soham should not make reference to the need for a new/or improved crossing over the A142.

Based on comments from Natural England and Wildlife Trust it would appear inappropriate for a contribution to be sought to provide a crossing over the A142.

Natural England – (27 July 2017) It has no objection. It does not consider that the proposal will have any significant adverse impacts on the Soham Wet Horse Fen Site of Special Scientific Interest (SSSI).

It states that people are putting pressure on the SSSI through water pollution, changes to water levels and recreational pressure (walkers trampling vegetation etc).

The developer's consultants have since worked with Natural England and the Wildlife Trust to identify a solution to the effects of increased recreational pressure from housing developments in Soham. The provision of large wildflower informal open space will help ensure people have somewhere to walk/exercise dogs on site and for this reason put less pressure on the SSSI.

Considers that it is unlikely that cat predation will pose any threat to the SSSI.

Considers that the surface water drainage of the scheme is unlikely to impact the SSSI.

It welcomes the enhancement measures proposed in chapter 5 of the Ecological Impact Appraisal.

(22 February 2018) Proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

Wildlife Trust – (16 August 2017) The Trust comments that it does not object.

The proposal avoids adverse impact on Soham Wet Horse Fen SSSI and provided mitigation for the Soham Commons County Wildlife Sites and East Fen Common and the Wash in particular. It achieves this through funding a mitigation and enhancement strategy for the Soham Commons and by increasing the amount of informal Open Space on site from 0.8 hectares to 1.24 hectares.

Trust welcomes the biodiversity enhancement measures and should be secured by way of a condition.

The Green Infrastructure should incorporate a range of semi-natural habitats. It should also allow for a circular route for dog walking (ideally 2.6km) and be well connected to the wider network.

Environmental Health – (29 June 2017) The Environmental Health Officer is seeking more supporting information to how the noise levels were calculated.

Seeks that the noise from Regal Lane Industrial Estate is considered by the developer, though currently there are houses closer to the industrial units and no complaints have currently been received.

The noise impact assessment finds that a 3m barrier/screen will be required along the site boundary with the A142 bypass. It also indicates that if windows remain closed, internal noise levels will be acceptable with standard double glazing. External noise levels will be acceptable and boundary garden fencing will improve this.

From an Environmental Health point of view it can be demonstrated that the proposal will meet governmental guidelines for both external/internal noise levels. However, they do comment that they understand the Local Planning Authority have to consider the fact of keeping windows closed and ventilation requirements against residential amenity standards.



The design and layout should be carefully considered trying to locate non-sensitive rooms away from the noisier facades.

It seeks to ensure that public open space meet the 55dB 16 hours World Health Organisation requirement.

Seeks conditions in regards to construction times and the requirement of a Construction Environmental Management Plan.

(10 August 2017) Confirms they have read the new noise impact assessment dated 29 June 2017.

The report concludes that there would be a requirement for acoustic glazing and ventilation, the noise consultant considers the details of these should be approved prior to installation.

(31 October 2017) No additional comments to add.

(20 February 2018) As a result of the changes the developer has made to the proposed layout, additional screening and internal layout it is concluded that the site can be developed for residential use, with reasonable daytime and night time internal levels achieved, without the need for windows to be closed and alternative ventilation provided.

External amenity at all properties will meet the guideline criteria with BS823:2014.

In addition to the A142 noise levels now being mitigated the nearby industrial areas will not have any significant adverse impact on the proposed dwellings.

Conditions should be used to secure a Construction Environmental Management Plan and hours of construction.

(14 March 2018) Confirmed that windows even when partially open have a sound reduction of 15dB and this is sufficient to achieve reasonable internal sound levels.

Environmental Health (Scientific Officer) – (12 July 2017) Having read the submitted information concludes that a site contamination investigation is not required. However, does recommend that an unexpected contamination condition should be attached.

Lead Local Flood Authority – (22 June 2017) Objects to the proposal at the current time due to:

- Insufficient information in regards to infiltration rates. Any testing should be in accordance with BRE DG 365/CIRIA 156.
- The south of the site was recorded as having high ground water but no further detail has been granted.
- Developer has not demonstrated that sustainable drainage systems will be used on the south side of the site.
- Developer has proposed a below ground water system but it is standing advice that above ground surface water drainage should be first explored.

- Pumping of surface water is an unsustainable drainage method and preference is for a gravity led system. If pumps are the only option the developer would need to prove what would happen if the pumps failed, attenuation storage was full and a storm occurred.

(31 July 2017) It is still unable to remove its objection, as it has concerns over the infiltration test.

It accepts the applicant's proposal to use a pump system.

(22 February 2018) Amendments do not affect their comments.

Environment Agency – (5 March 2018) The site is partially within floodzones 2 and 3. It is for the Local Planning Authority to determine if the proposal meets the Sequential Test.

It objects to the proposal on the grounds of an unacceptable Flood Risk Assessment (FRA).

The FRA does not comply with the requirements of the National Planning Policy Framework paras 102 and 103, as well as policy ENV8 of the East Cambridgeshire Local Plan.

The FRA fails to demonstrate:

- That a sequential approach has been taken to the site layout, with more vulnerable development located in areas at lowest risk of flooding.
- That the proposed development will be safe for its lifetime and that safe access is achievable at times of flood.
- That the proposal will not cause increased flooding elsewhere.
- An assessment needed of the effects of climate change on flood risk using appropriate climate change allowances.

A revised FRA needs to be submitted overcoming its concerns.

Anglian Water – (28 June 2017) States that there are assets owned by them within or close to the development and requests an informative on any decision.

The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity.

Seeks a condition to prevent downstream flooding and a foul water strategy.

Waste Strategy (ECDC) – (31 May 2017) Seeks to know which roads will be adopted.

The size of the green spaces within the development, they would expect the developers to provide suitable litter and dog bins for the areas.

States that ECDC will not enter private property to collect waste/recycling and expects residents to bring sacks/bins to the public highway. States that in

accordance with RECAP Waste Management Design Guide a resident only should take a wheeled bin 30m max to a collection point.

Provides usual guidance regarding the provision of bins.

Tree Officer – (22 June 2017) Recommends that a full Arboricultural Impact Assessment is provided to ensure the proposal can be achieved without damage to the trees to be retained.

Does have concerns that the development is unnecessarily close to the trees in the southern section of the site; recommends a revised layout to reduce the pressure on these trees.

(4 October 2017) The area is clearly visible to the public from the main highway and local footpaths. Two Oak Trees are protected by a Tree Preservation Order (E/11/17).

Objects to the proposal as it seeks to remove a protected Oak Tree and there is clear potential to revise the scheme.

While makes it clear they do not have professional qualifications in landscape and recommend a professional landscaper is consulted.

They state:

- Maintenance of public open space and street tree planting will need to be secured.
- Sufficient space will be required for all tree planting.
- Sufficient space between existing trees and dwellings to minimise potential nuisance.

(6 February 2018) States:

“This application is for a large scale development within a rural area of the Town of Soham. There is an industrial area to the South and the site is bordered by a bypass to the East of the site. A charming path (Longmere Lane) runs along the South of the site, this path includes the most substantial trees impacted by the proposal and offers the majority of the existing landscape interest to be retained. A Tree Preservation Order affect two Oak trees, retained within the proposal.

I am in support of the revision of this application that retains the protected trees and some effort has been made to increase open space provision with additional tree planting.

The landscape design has some positive aspects. The open space to the South of the site maintains some of the character of Longmere Lane while, the central public open space has value although it is highly overlooked and encircled by roads.

However I do have a number objections to be considered:

The design offers no street tree provision, it appears that the large-scale developments within the District continue to offer little or no street tree provision

although, I am unaware of a policy which supports this. While the County design document Housing estate road construction specification 2013 Section 21.03 supports tree planting in the highway verges and tree pits.

If no street tree provision is allocated, I fear this will have a long-term detriment to the character of the District if allowed to continue.

The bund design adjacent the A142 highway is in my view, inappropriate. The 2.5m bund with Willow fence will require intensive management to be effective. Management agreements for this will need to be clear and enforceable from the outset if this design is adopted yet, I consider a revision is required. The fact the bund requires a retaining wall is a clear indication of the inappropriate density of this design.

Also, aside from the management principle, I consider the bund incongruous with the landscape which would be objectionable in reference to landscape character in conflict with guidance within the draft local plan (ENV1: Landscape and settlement character). The current boundary planting adjacent the bypass is minimal and will do little to support the bund in the landscape. It appears that this design minimises the green space transition to increase housing allocation.

A current precedent for bypass boundary landscaping in the District (West of Ely) is to have a transitional green space between the rural, agricultural landscape and the settlement areas. I fear this development will set a new precedent to intensify development on the settlement boundaries and bypasses, creating a sharp transition between urban and rural landscape and with the vast visual aspects that are available within the Fenland landscape, a distinctly negative change of landscape character could result.

The housing provision adjacent the Southern corner of Longmere Lane is clearly too close to the trees to be retained to be viable. I foresee that these properties will be intensively shaded by the trees as the trees stand to the South of the properties, aside from the management issues they will present to the occupants by overhanging their garden space.

Also the character of Longmere Lane will clearly be significantly impacted with housing in close proximity.

In conclusion I feel the landscaping of this proposal is insufficiently designed to balance development with wider landscape character and insufficiently provisioned in relation to green infrastructure.

I strongly advise you refer to a landscape consultant for detailed assessment of these plans to advise upon changes that may be useful.”

(16 March 2018) States:

“The details within the landscaping maintenance scheme appear comprehensive. I am afraid that they surpass my area of expertise and I advise you refer them to a Landscape Consultant for full consideration.

It appears that the maintenance of the bund vegetation is to be conducted on an annual basis or as required by operatives using hand and power tools. Therefore consideration to the provision of this service will be an important issue, if the application is approved. However, I continue to recommend a revised scheme on the basis of a negative visual impact to the landscape of the scheme and additional concerns raised within my previous comments.”

CCC Growth & Development – (12 June 2017) States that a holistic view of Soham has been taken and it is also for ECDC to satisfy themselves that the development is adequately mitigated through either existing provision, CIL or S106.

States that Early Years, Primary Need and Secondary Need will all be full if planned developments go ahead.

County Council is seeking:

- £720,018 for Early Years
- £490,922 for Primary Need
- £641,342 for Secondary Need
- £17,690.40 for Libraries and Lifelong Learning.

CCC Growth and Economy Service – (12 June 2017) States that there has been no consideration of the planning policies of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011, the Site Specific Proposals Plan 2012 or the adopted RECAP Waste Management Guide 2012.

The site falls wholly within the Mineral Safeguarding Area for sand and gravel and although the site is allocated in the East Cambridgeshire Local Plan the proposal still requires to ensure that the mineral is extracted during the course of the proposed development and put to a sustainable use. The use of the minerals can be on or off site.

It seeks conditions to be placed in regards to the requirement of a Construction Environment Management Plan (CEMP) and a Detailed Waste Management and Minimisation Plan.

Historic Environment Team – (3 July 2017) States that the site is in an area of high archaeological potential.

Seeks an archaeological investigation scheme condition to be agreed prior to any demolition or development.

(2 August 2017) The additional information submitted demonstrates the presence of important archaeological assets relating to the Early Iron Age and Early to Middle Saxon periods. A condition requiring archaeological investigation is, therefore, still needed prior to development.

(15 March 2018) States that amendments to the above planning application and this does not affect their previous advice.

East Cambridgeshire Access Group – (14 June 2017) States that the estate will cause road issues/traffic increase in Brooke Street and Regal Lane. However welcomes the layout of the site. They expect the types of houses to be step free.

Local Highways Authority – (3 July 2017) It has no objections in principle but has the following comments:

- It is unable to adopt visitor parking on public open spaces.
- Shared use areas should be 6m wide with two 0.5m maintenance strips.
- All junctions leading to more than 5 properties must be laid out to County specification.
- Does not appear to be sufficient forward visibility at the corner of plot 1. A speed reducing feature is needed.
- The speed table between plots 29-120 is too long and requires altering.
- The shared use area between plots 15-23 cannot have a footway next to a shared use road
- The footpath through the public open space should be adopted by either East Cambs or the Town Council.

(20 March 2018) States:

“The highways authority required further information on this application regarding the maintenance of the trees abutting the highway. The planning officer has stated that this is due to go to committee before this information can be received.

Therefore I have been unable to determine the impact on highways safety and the structural integrity of the A142 and how the future maintenance of the trees on the bund adjacent to the highway will be completed. As such I must object to this application for the following reasons:

1. The proposal does not incorporate adequate facilities or measures to enable the maintenance of the developments trees abutting the highway, which is considered essential in the interests of highway safety. If permitted this would likely result in the detriment to highways safety and it free flowing function as a priority distribution route

No maintenance access route abutting the highway has been provided within the site boundary. The living wall is not proposed to be maintained from the development side and we cannot permit the maintenance of these trees from the highway (A142) as this is a priority distribution route. We can also not maintain them on behalf of the developer at the expense of the public.

No bund or living noise barrier (tree planting) will be permitted to be constructed in the highway / A142. The A142 is a priority distribution route with a 60mph speed limit. No maintenance will be permitted to be carried out from the A142 as this will require Traffic Management to protect the workers and disrupt the free flow of a priority route. We can also not permit Willow trees to be planted within the near vicinity of the highway as mature trees of this nature without maintenance are prone to limb loss which would potentially fall on the highway (A142). All trees within 5m of the adopted highway must be within a tree pit constructed as per the Cambridgeshire County Council (CCC) specification. Vegetation/ including but not

limited to shrubs, bushes or hedges within 5m of the highway will require a root barrier as per CCC standards.

### **Comments and informatives**

Sections of the Public Right of Way is proposed to be over land that is outside of the adoptable highway and appears to be diverted from the existing footpath / RoW. It is outside of my remit to accept this proposal and I would strongly recommend that the CCC RoW team are consulted prior to the determination of this application.

A Grampian Condition will be required for the change in the priority of the junction with Regal Lane with Brook Street. The final design and layout will be subject to a CCC Road Safety Audit stage 1 & 2 prior to construction which must be funded by the developer, but in principal this is acceptable to the highways authority.

Fruiting vegetation should not be planted where the bush and / or tree overhangs the highway. Fruits and berries can create a hazard and unnecessary risk to the public and on-going maintenance costs to the highways authority.

Trees within the highway MUST be adopted by either East Cambs or the Parish Council. Private Maintenance Company's do not provide the assurances needed by the highways authority that their up keep and maintenance will be completed as required. We do not adopt trees and as such prior to any adoption of the internal roads, written confirmation from the either authority will be required.

Visitor bays will not be adopted by the highways authority unless they serve a strategic highways function. The shown visitor bays are not essential for the function of the highway and as such we will not seek to or offer to adopt these.

The adopted highway surface water must discharge in to an area or water course under the authority of a local governing body. We can adopt roads that have the surface water discharging in to an area under the control of a private owner or managed by a private company. This is because it does not provide us with the assurances needed that these areas will be maintained in perpetuity. The highway authority do not adopt SUDs, areas of filtration, swales, water attenuation or water courses and ditches.

This development involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

### **Recommended Conditions**

HW2A – Prior to occupation the roads and footways will be constructed to at least the binder course level

HW3A – The highway shall be built to CCC highways standards  
HW22A – no private surface water shall be discharged on to the public highway  
HW23A – No development shall commence until details of the future management of the development is submitted and approved by the local planning authority.”

Transport Assessment Team – (4 August 2017) Provides the following points:

- Developer needs to provide a review of cycling infrastructure. County Council would rather the developer provide defined works and not provide a financial contribution.
- Asks if there is sufficient land to place bus stops and requires a plan to be submitted showing their position.
- Details of the relocated refuge island need to be provided.
- The roundabout junction of the A142 with A1123 and Fordham Road and the priority junction of Fordham Road with Regal Lane has been assessed. Surveys were undertaken on 17 March 2017.
- In regards to accident data seeks a full 60 months. The roundabout of the A142 with Fordham Road and A1123 is an accident cluster site and any application which proposes to add additional vehicles onto this roundabout will need to address the issue.
- Vehicular and cycle parking is to be provided in accordance with ECDC standards.
- Internal layout must be agreed by the Local Highways Authority officer Geoffrey Ellwood.
- It is noted the development will be completed by 2020.
- Seeks to secure a Travel Plan via a condition.
- Proposed total person trip rate is acceptable.
- Use of census data to distribute traffic is acceptable.
- Growth rates are not agreed, latest version of TEMPRO must be used.
- The committed development is not agreed with, due to the amount of development happening in Soham the Highway Authority; it has provided a guide.

It concluded that the application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

(1 November 2017) Has reviewed the Transport Assessment Response dated 6 October 2017.

States that while the report suggests no further improvements are required to cycle facilities the developer should improve the fragmented existing facilities.

Drawing(s) showing the bus stops and refuge island is acceptable.

Recommends that a 40mph speed limit on the A142 northbound approach relating to vehicle speeds and accident data.

A holistic approach is needed for the A142/A1123/Fordham Road roundabout. The developer needs to provide an overall design solution that can accommodate the impacts from all committed developments. This should include an indicative cost for



the associated works. The developer is thereby required to provide a proportion of the overall project cost.

While the development does not in itself cause capacity issues at the Regal Lane/Fordham Road junction it will contribute to future issues. It is, therefore, considered that a contribution is made for a ghost right turn.

(12 January 2018) Have reviewed the Richard Jackson Consultants dated 11 December. In regards to:

Cycling – Developer is now proposing some improvements to the cycling facilities along Fordham Road and these are acceptable.

Accident Assessment - In regards to potential reduction in speed the consultants response is accepted.

A142/A1123/Fordham Road – The developer is unwilling to provide a look at a holistic design solution. A contribution of £160,000 would therefore be required towards the roundabout future improvements. This is consistent with the approach taken on 98-118 Mildenhall Road Fordham (17/00481/OUM) where £1,000 per property was secured towards roundabout improvements.

The proposal is acceptable in terms of transport impacts subject to contributions being secured by S106 and the following condition being added to any consent:

Prior to the commencement of any development hereby approved, a scheme of works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved by the Local Planning Authority.

Asset Information Definitive Map Officer – (28 June 2017) States that Public Footpath No.93 Soham runs through the development site.

The Transport Assessment makes little to no reference of the presence of the Public Footpath and how it will present constraints or opportunities for the proposed development.

Drawing number SL01-6867 Rev K note that the existing footpath is to be diverted by presumably Mr and Mrs Palmer. At this stage, County Council has not received an application to permanently divert the footpath.

Seeks a pre-commencement condition in regards to the public rights of way.

Supports any proposal to provide an improved crossing of the A142.

(23 February 2018) Comments of 28 June 2017 still remain.

Design Out Crime Officers (Police) – (9 June 2017) States that the area is at a medium risk of crime, with the area mainly having thefts, burglaries and vehicle thefts.

There is no specific mention of crime prevention within the Design and Access Statement. States the layout appears to be reasonably acceptable in terms of crime prevention/community safety that provides good levels of natural surveillance, pedestrian and vehicle routes aligned and overlooked.

Majority of homes are back to back which is stated as offering good security.

Raises concerns in regards to:

- Parking courts – need to ensure they are fully overlooked.
- Need for sufficient lighting, asks if this could be conditioned.
- Footpaths between and behind houses should be gated at the front and secure.

(13 February 2018) No additional comments from 9 June 2017. They look forward to working with the developer regarding Secure by Design.

Cambridgeshire Fire and Rescue Service – (4 July 2017) Seeks fire hydrants to be provided by either S106 or a condition.

5.2 Neighbours – 45 neighbouring properties were notified and the responses received are summarised below. An advert was put in the press on the 8 June 2017 and a site notice was put up on the 15 June 2017. A full copy of the responses are available on the Council's website.

1 Greenhills, Soham – Occupier objects to the proposal. States that the area is a quiet part of Soham and this development plus those adjacent to Cherry Tree Pub will threaten to change the character of the area into a much busier, nosier location.

Impact on the junction of Regal Lane and Fordham Road is based on flawed assumptions.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

ENV14	Sits of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
SOH 5	Housing allocation, land south of Blackberry Lane

## 6.2 Supplementary Planning Documents

Design Guide  
 Developer Contributions  
 Contaminated Land  
 Cambridgeshire Flood and Water

## 6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 5 Supporting high quality communications infrastructure
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

## 6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP19	Maintaining and Improving Community Facilities
LP20	Delivering Green Infrastructure, Trees and Woodland
LP21	Open Space, Sport and Recreational Facilities
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
Soham 1	Spatial Strategy for Soham
Soham 2	Infrastructure and Community Facilities
Soham 3	Allocation Sites
Soham 5	Site SOH.H5 - Land south of Blackberry Lane

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

- 7.2 The site is allocated under the East Cambridgeshire Local Plan 2015 (Policy Soham 5) for up to 160 dwellings. However, in the Submitted Local Plan 2017 the total number of dwellings has been reduced to approximately 130 dwellings; the reduction was based on the need to ensure mechanical ventilation was not required. It is noted that the amount of public open space remains approximately both 1.1 hectares under both policy allocations. The change in policy creates a complexity in regards to if a proposal of 160 dwellings is in principle accepted.
- 7.3 While it is known that the developer has objected to the Submitted Local Plan 2017 this in itself does not mean the emerging local plan has no or limited weight. However, at the same time the Adopted Local Plan cannot be considered to have full weight in this case due to the conflict between Adopted and Submitted Plans, as the direction of travel in policy terms is clearly seeking to reduce the density of the scheme. At the current time it is considered that both policies have to be considered to have roughly equal weight; with the adopted Local Plan 2015 having slightly greater weight as it has gone through the entire consultation/adoption process. While it would be unreasonable to refuse the application on the grounds that it proposes dwellings above 130 dwellings, it adds weight to any concern that is directly linked to the number of dwellings.
- 7.4 While the allocation site policies seek a masterplan to include the 85 dwellings north of Blackberry Lane this is a preference and not a requirement. This site coming in alone is not a reason to withhold planning permission.
- 7.5 Residential Amenity - Noise
- 7.6 There has been a similar application/appeal in Witchford (16/01019/RMM) in regards to noise that the Council successfully defended. In the Appeal the Inspector stated:

“Notwithstanding this technical solution put forward, I share the Council’s concerns that the future occupiers of the development would be unable to open the rear windows without being subjected to excessive noise especially during night-time hours. Whilst ventilation would be possible by drawing air from the non-noise sensitive elevations, to my mind, this would not provide a suitable standard of living accommodation and would provide an unsatisfactory form of development.

In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally.

The Council have also referred to the overdevelopment of the site, by placing too many dwellings near the A142. However, the proposal provides for all of the required amenity, parking and space standards necessary to make an acceptable development. To that extent, the proposal could not be considered to be an overdevelopment of the site. However, that does not mean that the

development would provide suitable living conditions for its future occupiers in respect of outlook or noise.”

- 7.7 In line with the Inspector’s statement the use of mechanical ventilation should, therefore, be regarded as providing a lower quality of residential amenity and should only be used where there is no other possible option.
- 7.8 The greatest concern is night time noise levels during the hotter months where people are most likely to want to have windows open to cool their bedrooms and will require lower background noise in order to sleep.
- 7.9 The developer is not providing any mechanical ventilation on this scheme and is achieving this by providing a 5m high barrier along the A142. This barrier is made up of a 2.5m high living willow fence on top of an earth bund. In addition to this the house types along the eastern boundary (those nearest the A142) have no first floor habitable windows facing towards the road. This means that the dwellings can become part of the noise mitigation measure without detrimentally suffering from noise pollution.
- 7.10 The noise mitigation measures mean that the proposed scheme will have 61 dwellings that will have lower than 45dB external night time predicted noise levels and 99 dwellings that have predicted 45 – 50dB outside their bedroom windows; in short the maximum noise level outside the bedroom window will be akin to that of moderate rainfall/floor fan and expected for suburban- urban night time. Even if the window is partially open it still reduces the internal noise level by 15dB, thus bringing the sound levels down to an acceptable night time level of 35dB while allowing for ventilation. In the original scheme the habitable rooms nearest the A142 were experiencing night time noise between 55-59dB (similar to a group conversation). The amendment is a significant improvement in regards to noise mitigation/management and removing the need for mechanical ventilation is to the merit of the application.
- 7.11 The nearest dwelling (plot 67) is located 19m from the willow fence and 15m away from the start of the slop of the bund, which is a greater distance than some internal facing dwellings (for example 14m between plot 106 and plot 112); the impact on the outlook from the front living rooms of the nearest plots to the bund will be no more detrimental than looking at a dwelling. It should be noted that unlike the Witchford appeal application, the proposed bund is not immediately adjacent to the residential plots.
- 7.12 With two areas of public open space being boarded on two sides by the bund/fence the amenity of these spaces is reduced. However, it should be remembered that a key requirement of these open spaces is to create areas to walk through (particularly dog walkers) and are not spaces necessary for people to stay in for any long period of time. The harm to the amenity of these spaces is thereby reduced.
- 7.13 It should be noted that a noise buffer of only 3m in height would likely lose approximately 46 dwellings or the need for mechanical ventilation for 46 dwellings. If the site was reduced to 130 dwellings, this would still likely leave 16 dwellings needing mechanical ventilation or to be cleverly designed. It should also be

remembered that dwellings themselves form one of the best noise barriers, each dwelling removed adds to the noise levels experienced to the next dwelling westwards.

- 7.14 The noise levels from the A142 is a significant constraint on the site that informs the design. The developer in regards to purely noise mitigation has come up with a high quality and relatively innovative scheme that preserves the higher number of dwellings on the site.
- 7.15 There have been no concerns raised in regards to detrimental noise pollution from the industrial units on Regal Lane
- 7.16 Other Residential Amenity Concerns
- 7.17 While most of the plots have a back to back distance that meet or is in excess of the 20m as sought by the Design Guide SPD, there are some plots e.g 72 to 80 that fall slightly below this at a 19m back to back. The level of harm to residential amenity caused by this slight loss of privacy on this size scheme is considered to be minor and does not warrant a reason for refusal.
- 7.18 The proposed dwellings are not considered to cause any substantial overbearing or loss of light to each other.
- 7.19 The nearest plots to adjacent residential properties (plots 1, 6, 14, 15 and 26) have been pushed away from the common boundaries, which will ensure the impact on these properties amenity is minimal.
- 7.20 With the size of the development and the length of time it will take to build it is considered reasonable and necessary to add a condition requiring a Construction Environmental Management Plan to minimise disturbance to existing and future residents.
- 7.21 There is not considered to be any reason to refuse the application in regards to residential amenity.
- 7.22 Visual Amenity – Earth Bund and Fence
- 7.23 The gross density of the proposal is 23 dwellings per hectare or 9.5 dwellings an acre (net density 32 dwellings per hectare), which is a relatively low density and accords in theory with an edge of village/small town proposed residential scheme. However, like all schemes low density does not mean a better design in itself.
- 7.24 The first main issue is that the developer is providing a 5m barrier between the proposal and the A142. The appeal in Witchford (16/01019/RMM) had the inspector stating that its proposed bund would not cause significant harm to the character of the area and would be partially screened by current planting, but in this case the bund was only half the size; a direct comparison is hard to make for this reason. However, limited-moderate weight should be given to the Inspector's decision and that they made reference to tree planting along the A142.

- 7.25 The allocation policy requires a significant green and noise buffer alongside the A142 in order to provide a visually acceptable noise buffer to the A142.
- 7.26 This barrier is made up of an earth bund approximately 2.5m high with a 2.5m high living willow fence on top of it. The earth element of the bund has a fairly gentle slope in its northern half (ranging from 1:3 – 1:4) but has a much steeper slope in its southern half (1:1.2). However, about half of the steep slope section is partially mitigated against by being placed against an area of public open space (there is also an overprovision of public open space). The earth bund is considered to be acceptable from a visual point of view as it is only 0.5m over what could be achieved under permitted development (barrier not adjacent to a road) and that a large part of it will have a gentle, more natural, slope. It also has to be expected that placing a site allocation so near to a main road that there would need to be some form of bund to protect against road noise.
- 7.27 On top of this earth element is a 2.5m high living willow fence and it is accepted that this fence will look like a high hedge within 6 months of installation/planting on the A142 side. The boundary with the A142 is defined by a mature hedge (though much of it is low in height) and a sparse provision of trees within the hedge. The northern edge of the boundary is defined by a mature hedge along Blackberry Lane and the lane (Longmere) that runs along the western and southern edge is defined by a variety of trees on both sides. It should also be noted that aerial photos show on the eastern side of the A142 there are lines of trees. Tree belts are therefore part of the rural character of this part of Soham.
- 7.28 It should also be noted that the traditional fen landscape is extremely human influenced, as without humans creating ditches the fen landscape would still be water dominated. However, human influence in the fens is by primarily digging down, not mounding up.
- 7.29 The inside of the fence can be softened by planting additional willow trees, bushes and climbers in order to soften the fence from the development side. This will need to be secured early via a condition within the development in order to give time to allow the vegetation to establish prior to the occupation of proposed dwellings nearest the earth bund.
- 7.30 Landscape should only be used to obscure development in the most exceptional circumstances, this is usually due the nature of planting not being a permanent feature. However, in this case the developer is an affordable housing company and will remain in some form of control of the site in perpetuity. It is, therefore, possible to ensure that the living willow fence is suitably maintained and kept in perpetuity through the use of a S106 Agreement. The other strategic landscaping on or along the bund should be retained for a long period of time (for instance ten years) to allow and ensure it fully establishes.
- 7.31 The need for such landscape measures to hide an acoustic fence shows that while a very good practical solution, it is not an aesthetic solution. While a wider gap with a 3m acoustic barrier would be visually better, this would push the housing westwards and mean all the public open space was along the eastern boundary; it is arguable that the negatives of moving the public open space would balance out

the benefits. The visual harm that the earth bund and fence causes weighs against the proposal.

#### 7.32 Visual Amenity – Other Design Features

7.33 The design is weakened by pushing up against and turnings its back on the mature trees of Longmere Lane. The scheme could be significantly improved if it more positively brought Longmere Lane into the scheme by placing public open space up against this western boundary. However, pushing the housing away from this edge will either push the dwellings closer to the A142, reduce housing numbers or lose the northwest public space that acts as a feature when you come into the development and off sets the public open space in the southeast corner. However, the site provides public open space and a connection to Blackberry Lane that is considered to be a positive.

7.34 The design of the dwellings are considered to be average/standard and while not detrimental to the character of the area will certainly not enhance the visual public realm. The design of the dwellings, therefore, neither weighs in favour or against the proposal.

#### 7.35 Historic Environment

7.36 The comments from County Council in regards to the archaeological potential of the site are noted and accepted. A condition should be added to ensure that a suitable archaeological dig is carried out.

7.37 There are no other historical assets that the proposal is considered to effect.

#### 7.38 Highways

7.39 The site connects onto Regal Lane and needs to provide an access point for the allocation site north of Blackberry Lane (85 dwellings).

7.40 The recommended conditions sought by the Local Highways Authority and County Transport Team can be added, as they seek to make required improvements to ensure safety is maintained for all highway users. The S106 contributions are acceptable in principle and the exact wording/requirements would need to be finalised through the S106 negotiation process.

7.41 The proposed living willow fence is being located approximately 5m away from the edge of the public highway of the A142. While trees and other vegetation could be planted without requiring any consent from the Local Planning Authority it is important to ensure that the willow planting is maintained regularly in order to prevent the bush height willow trees turning into mature willows; mature willows have a high chance of limbs breaking off in high winds that could lead to an unacceptable risk to users of the public highway. The developer (who is a Registered Social Landlord) is willing to sign up to a S106 that requires them to maintain the living willow fence in perpetuity at its own cost (though this cost is likely to be passed onto the future residents of the proposal) at the height of a hedge. This will ensure that that the willows never grow 1m taller or away from the fence line to prevent the plants becoming a danger to highway users. The



submitted management plan also requires the maintenance work to be undertaken on the developer's own land only. With the importance of details contained within the document 'Soft Landscape Management and Maintenance Plan March 2018' it will need to be added to any S106 Agreement; without this document in the S106 there would be a significant concern that would weigh against the application.

- 7.42 Final comments from the Local Highways Authority regarding the amendments is still being waited for; any additional comments will be provided to members at committee.
- 7.43 Ecology
- 7.44 The developer has worked closely with Natural England in order to both help fund a scheme for all the proposed developments along the eastern boundary of Soham in order to prevent additional recreational pressure on the SSSI of Soham Wet Horse Fen. The SSSI is mainly located on the other side of the A142 but a small element is located to the west side of Longmere Lane.
- 7.45 The developer has provided approximately 1.3 hectares of informal public open space, this is 0.2 hectares over that guided in the site allocation policy SOH5 (Adopted Local Plan) and SOH.H5 (Submitted Local Plan) and 0.3 hectares over the minimum amount of informal space needed for the developers housing mix. The increase in space on site provides more recreational space that should help to stop people traveling onto the SSSI, this is combined with the creation of a circular walk route around its site. The circular walk route connects onto both existing routes and potential future developments (e.g the allocated site north of Blackberry Lane), thus allowing for greater walking opportunities.
- 7.46 Any landscape scheme will need to include biodiversity enhancement measures.
- 7.47 Flood Risk and Drainage
- 7.48 The northwest corner of the site is within Floodzone 2 and 3, which puts plots approximately plots 1-14 and plots 141-147 in an area of risk of flooding. On the other side by placing one of the main public open spaces in this area reduces the risk of future dwellings being water damaged or people having to evacuate.
- 7.49 With the site being allocated it passes the Sequential Test, as the dwellings need to go on this land. The main issue is, therefore, the Exception Test that seeks to reduce the risk either through the placement of dwellings or preparing them for the flood event (e.g rising electrical points above the ground and one way flow on drainage). One alternative is by substantially increasing the public open space in the northwest corner, this would either push approximately 20 dwellings closer to the A142 or lead to the reduction of 20 dwellings on the site.
- 7.50 With the latest Flood Risk Assessment not uploading correctly on the Council website (now been rectified) revised comments from drainage experts are still awaited; additional comments will be given to members as an update at committee. At the current time a standard surface water condition should be added, while any long term maintenance will be secured as part of a S106 Agreement.

- 7.51 Contributions
- 7.52 The site is allocated under the Adopted Local Plan the contributions of £1.85 million towards education is therefore unreasonable as it is covered by the Community Infrastructure Levy (CIL) that the developer is required to pay. The £17,690.40 for Libraries and Lifelong Learning can be secured through the S106 Agreement.
- 7.53 A contribution of £160,000 is being sought from County Council in order to improve the roundabout of A142/A1123/Fordham Road and this can be secured through the S106 Agreement.
- 7.54 A contribution would also need to be secured to part fund a ghost right hand turn on the Regal Lane/Fordham Road junction and to improve cycle routes along Fordham Road.
- 7.55 Developer is offering 20% affordable housing as required under policy LP6 of the Submitted Local Plan and for this reason is considered to be acceptable. The Submitted Local Plan is considered to have more weight than the Adopted Local Plan in this regard, as the Council has agreed that 30% affordable housing is not viable in Soham. The affordable housing can be controlled via a S106 Agreement.
- 7.56 Other Material Matters
- 7.57 Plots 136 to 143 are seeking outline consent and are the self-build plots. The exact details of these will be defined by future reserved matters applications if this application is approved. While the developer has provided a code for these self build plots it is considered more appropriate to control each reserved matters at the point of submission. The details of selling these plots will need to be secured in the S106 Agreement.
- 7.58 The requested conditions raised in regards to minerals by County Council can be added if the application is approved.
- 7.59 Planning Balance
- 7.60 The recommendation is highly balanced, as the crux of the matter is considered to be the need to balance the amount of dwellings, the height of the noise barrier and the requirement of mechanical ventilation.
- 7.61 The Planning Authority has successfully defended at appeal that mechanical ventilation should be avoided whenever possible as it leads to a poor level of amenity. The issue then is a 5 metre barrier along the A142 or a significant reduction in dwelling numbers that would likely be below the 130 dwellings suggested in the Submitted Local Plan. If all constraints of areas at risk of flooding, noise and creating an attractive feature of Longmere Lane were taken as inviolable the number of dwellings would likely be between 75 – 100 dwellings. This level of reduction of dwelling numbers is not considered to be reasonable even when the original site allocation is for up to 160 dwellings.
- 7.62 The developer has come up with a relatively innovative scheme (living willow fence) to bring the development to a suitable character on the A142 side and

additional landscaping can help blend the fence in from the development side. This barrier still will create a poor amenity space for the public open spaces in the northeast and southeast corners of the site, as it wraps around them on two sides. However, the developer has overprovided on open space in order to provide a walking route (specifically for dog walkers) in order to prevent people travelling onto the SSSI. The lower level of public open space amenity is, therefore, not considered to be as detrimental as it would normally be due to people not expecting to stay in these spaces for long periods of time and that there is another substantial public open space a significant distance away from the A142 and barrier.

7.63 Weight is also being added to the fact that this site has been allocated for a substantial period of time.

7.64 It is the view of officers' that this application should only just be recommended for approval on the basis that the provision of up to 160 dwellings holds more weight than approximately 130 dwellings, that the bunds impact on open space is limited by the overprovision of open space and that a significant amount of landscaping can be secured/maintained.

## 8.0 COSTS

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

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

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

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

- Site is allocated for up to 160 dwellings in the Adopted Local Plan 2015.
- Mechanical Ventilation should be avoided, unless absolutely necessary.

## 9.0 APPENDICES

9.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00893/FUM	Andrew Phillips	Andrew Phillips

17/00926/SCREEN

Room No. 011  
The Grange  
Ely

Senior Planning  
Officer  
01353 665555  
andrew.phillips@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>

APPENDIX 1 - 17/00893/FUM Conditions

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

Plan Reference	Version No	Date Received
LOC01	B	23rd May 2017
6867 G01 GARAGE TYPE	Rev B	31st January 2018
6867 G02 GARAGE TYPE	Rev B	31st January 2018
6867 G03 GARAGE TYPE	Rev B	31st January 2018
6867 G04 GARAGE TYPE		31st January 2018
6867 PL01 SANDRINGHAM	Rev A	31st January 2018
6867 PL02 STEVINGTON (TYPE A)		Rev A 31st January 2018
6867 PL03 STEVINGTON (TYPE B )		Rev A 31st January 2018
6867 PL04 STEVINGTON (TYPE A SID		Rev B 31st January 2018
6867 PL05 STEVINGTON (TYPE B)		Rev A 31st January 2018
6867 PL06 CARDINGTON	Rev B	31st January 2018
6867 PL07 CARDINGTON	Rev B	31st January 2018
6867 PL08 SMARDEN	RevA	31st January 2018
6867 PL09 LANGFORD L	Rev B	31st January 2018
6867 PL10 LANGFORD L	Rev A	31st January 2018
6867 PL11 LANGFORD L	Rev A	31st January 2018
6867 PL12 LANGFORD L	Rev A	31st January 2018
6867 PL13 LANGFORD P	Rev A	31st January 2018
6867 PL14 ASHLEY	Rev A	31st January 2018
6867 PL15 ASHLEY	Rev B	31st January 2018
6867 PL16 ASHLEY L	Rev A	31st January 2018
6867 PL17 ASHLEY P	Rev B	31st January 2018
6867 PL18 PENSHURST	Rev C	31st January 2018
6867 PL19 WELNEY	Rev B	31st January 2018
6867 PL20 MARSHAM	Rev B	31st January 2018
6867 PL21 PENSHURST & WELNEY		Rev C 31st January 2018
6867 PL25 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL22 PENHURST AND MARSHAM		Rev A 31st January 2018
6867 PL23 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL24 PENHURST, MARSHAM & PEN		Rev A 31st January 2018
6867 PL26 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL27 2B	Rev A	31st January 2018
6867 PL31	Rev C	31st January 2018
6867 PL32 2B & 3B	Rev A	31st January 2018
6867 PL36 MAYFIELD		31st January 2018
6867 PL37 ALDINGTON	Rev A	31st January 2018
6867 PL38 ALDINGTON	Rev A	31st January 2018
6867 PL39 TENTERDEN	Rev A	31st January 2018
6867 PL40 TENTERDEN	Rev A	31st January 2018
6867 PL41 TENTERDEN	Rev A	31st January 2018
6867 PL42 ALDINGTON		31st January 2018
6867 PL43 ALDINGTIN		31st January 2018
SL01	T	16th March 2018

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

2 FULL PLANNING PERMISSION FOR THE ERECTION OF 152 DWELLINGS AND ASSOCIATED ACCESS, PARKING AND OPEN SPACE

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

2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

3 Prior to above ground works a scheme of highway works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved in writing by the Local Planning Authority. The agreed development shall be completed prior to first occupation.

3 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.

5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise (including hours of construction work), dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 6 Prior to the commencement of development or any reserved matters approval, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority.  
The DWMMP shall include details of:
- a) Construction waste infrastructure if appropriate including a construction material recycling facility to be in place during all phases of construction
  - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
  - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
  - d) any other steps to ensure the minimisation of waste during construction
  - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
  - f) proposed monitoring and timing of submission of monitoring reports.
  - g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
  - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
  - i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles
- The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.
- 6 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 7 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.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in

accordance with the approved details prior to the occupation of any part of the development.

- 8 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 9 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 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 and LP23 and LP24 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted
- 10 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.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 11 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 11 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017.
- 12 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 12 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted



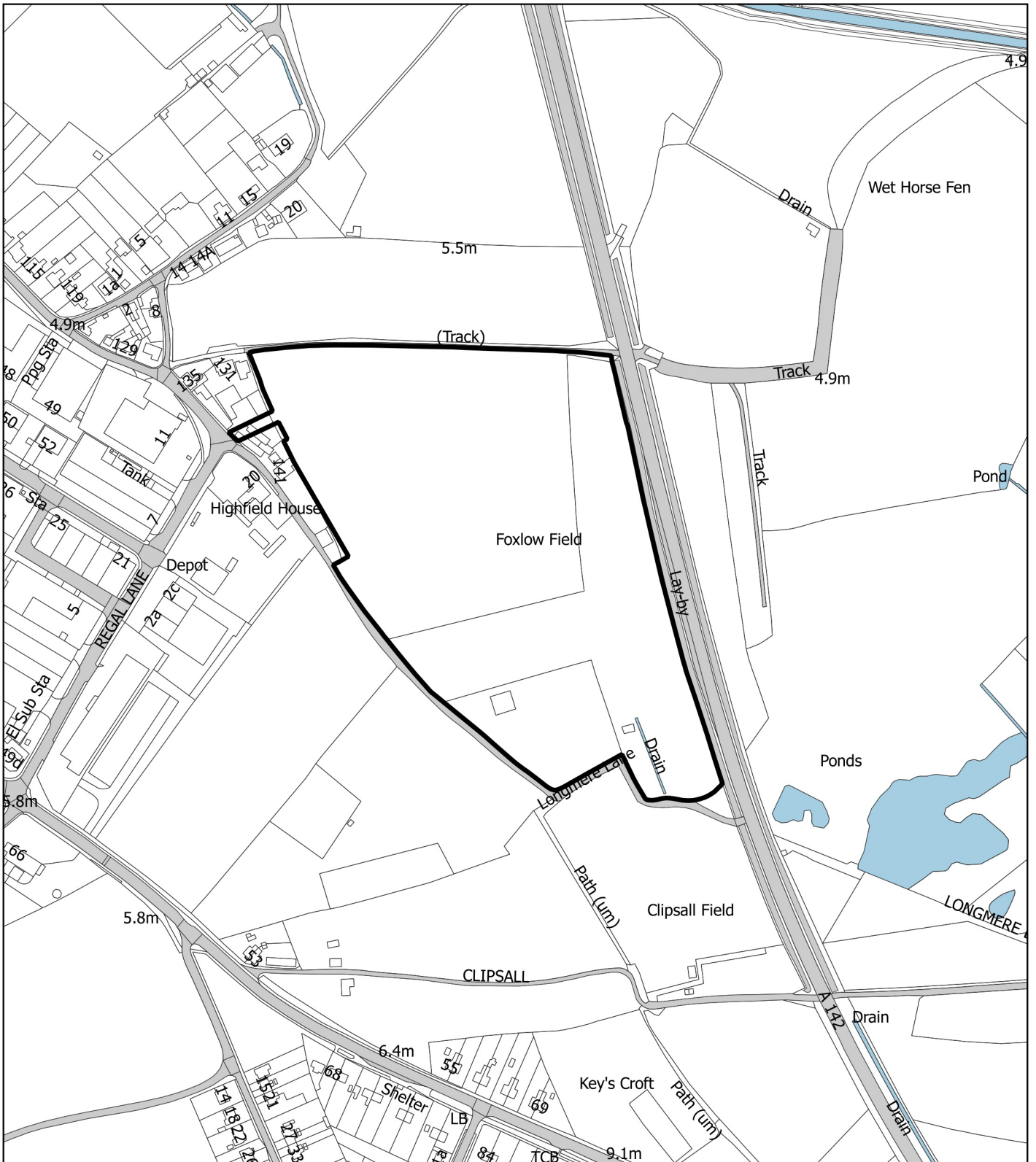
Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.

- 13 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 14 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the plot(s) the boundary treatment relates to.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 15 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. 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.
- 16 The road/footpaths and verges of the highway between Plot 5 and FW PS as shown on drawing number SL01 Rev T must go to the absolute site boundary prior to the occupation of the 6th dwelling plot on the site.
- 16 Reason: To avoid a ransom strip and to allow for highway access to the allocation site north of Blackberry Lane.

- 17 Prior to first occupation a scheme of changing in the priority of the junction with Regal Lane with Brook Street shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be carried out prior to first occupation.
- 17 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. This is a Grampian Condition as the works are within the public highway.
- 18 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.
- 18 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 19 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 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 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.
- 20 Prior to any above ground works commencing use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting (this excludes the living willow fence that is controlled via the S106), 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.
- 20 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 21 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.

- 22 Prior to above ground works commencing on plots 45 -46, 54-67, 110 – 135 and 153-160 (as defined by drawing number SL01 Rev T) the hereby approved 2.5 metre high bund and 2.5 metre high living willow fence along the eastern boundary shall be completed with all landscaping located on the bund having been planted in the planting season (November – February).
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 23 No development shall take place until details of flood resilience measures have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.
- 23 Reason: To reduce the impacts/risk of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.
- 24 OUTLINE PLANNING PERMISSION RELATING TO ONLY PLOTS 136 – 143 (AS DEFINED BY DRAWING NUMBER SL01 REV T).
- Approval of the details of the access, design, layout, scale and landscape (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.
- 24 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.
- 25 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 25 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 26 The self build dwellings hereby approved will be developed as single plots as shown on the drawings submitted shall be completed in phases.
- 26 Reason: The self build plots will be developed individually, in a phased manner for the purposes of CIL.
- 27 Construction times and deliveries, for the self build dwellings shall be limited to the following hours 07:30 to 18:00 each day Monday-Friday, 08:00 to 14:00 Saturdays and none on Sundays or Bank or Public Holidays.

- 27: Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 28 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 28 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.
- 29 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.
- 29 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.



17/00893/FUM

Land South of Blackberry Lane  
Soham



East Cambridgeshire  
District Council

Date: 19/03/2018  
Scale: 1:4,000



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**MAIN CASE**

**Reference No:** 17/01094/OUM

**Proposal:** Proposed employment development consisting of B1 uses, and associated access and landscaping.

**Site Address:** Land West Of Reach Road Burwell

**Applicant:** IGP Solar PV Plant Number 6 Ltd

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

**Parish:** Burwell

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

**Date Received:** 20 June 2017      **Expiry Date:** 11<sup>th</sup> April 2018

**[S275]**

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below with any changes delegated to the Planning Manager. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit OUT / OUM
- 3 Time Limit - OUT/OMM/RMA/RMM
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Surface water drainage scheme
- 7 Surface water maintenance scheme
- 8 Foul water drainage scheme
- 9 BREEAM requirement
- 10 Residential Travel Plan
- 11 Footway, crossing and access provision
- 12 Access gates restriction
- 13 Vehicular access width
- 14 Parking and turning
- 15 Visibility splays
- 16 Access and hardstanding drainage
- 17 Archaeological Investigation
- 18 Fire hydrants or sprinkler system

- 19 Tree protection
- 20 Biodiversity protection/enhancement
- 21 Construction hours
- 22 Construction Environmental Management PI
- 23 B1 Floor Space Limit

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for the change of use of land to a B1 (business) use, with associated B1 business units, a new vehicular access with Reach Road and landscaping. The matter of access is being considered as part of this application, with the matters of appearance, landscaping, layout and scale reserved. The Planning Statement submitted with the application states that the proposed development would provide a maximum total floor space of 5,700 square metres (which would be split between the 2 application sites for 17/01094/OUM and 18/00155/OUM).
- 2.2 Following the withdrawal of planning applications 17/01071/FUL and 17/01072/FUL for gas power-generators on land adjacent to the application site, a separate application for B1 development (ref:18/00155/OUM) has also been submitted to be considered alongside this application, forming a comprehensive scheme for B1 development across the two sites.
- 2.3 Both of these applications relate to land allocated for B1 (business) / B2 (general industrial) employment use within the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2017.
- 2.4 The application is being taken to Planning Committee at the request of the Planning Manager due to the high level of public interest in the application site mostly generated by the withdrawn applications for gas-powered generators (planning application references: 17/01071/FUL and 17/01072/FUL).
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1
- |                 |  |            |
|-----------------|--|------------|
| 17/00852/SCREEN | SCREENING OPINION - Generator and associated infrastructure to provide a flexible generation facility on land west of Reach Road | 12.06.2017 |
| 17/01071/FUL    | Installation of a gas-powered generators and associated infrastructure.  | 15.11.2017 |

17/01072/FUL	Installation of a gas-powered generators and associated infrastructure.	15.11.2017
18/00155/OUM	Proposed employment development consisting of B1 uses, and associated access and landscaping.	

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises approximately 2.7 hectares of uncultivated agricultural land located on the southern side of Reach Road, directly adjacent the Meadow View Business Park. The majority of the site falls within flood zone 1 in accordance with the Environment Agency flood risk maps but the south eastern corner falls within flood zones 2 and 3. The eastern boundary of the site is bordered by Reach Road and the western boundary of the site borders farmland. There is a public right of way which runs adjacent to the site. The site is located within close proximity to Devils Dyke. The nearest residential dwelling is No.60 Reach Road which is located approximately 50m to the east of the site. Burwell Castle (a scheduled monument) is located approximately 300m east of the site. The closest listed buildings are located approximately 500m from the site.
- 4.2 The site was identified as a potential area for employment development in the Core Strategy (2009) and the Burwell Masterplan (2013). Since then, the site has been allocated for B1/B2 use within Policy BUR2 of the East Cambridgeshire Local Plan 2015 and Policy BUR.E1 of the Submitted Local Plan 2017.

#### 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 **Burwell Parish Council** - No objections.
- 5.3 **Reach Parish Council** –  
Swaffham Prior Parish Council - Objects to all three applications (references: 17/01071/FUL, 17/01072/FUL and 17/01094/OUM) on the grounds of Community Impact, Environmental Impact and policy. (All comments in the objection letter relate to the impacts from the gas-powered generators previously proposed by planning applications 17/01071/FUL and 17/01072/FUL).
- 5.4 **Ward Councillors** – No comments received.
- 5.5 **Local Highways Authority** – “The Highways Authority Development Management team has no objections in principal to this application. These comments only reflects this team’s view on this proposal and not the CCC Transport Planning team which should be sort separately and prior to the determination of this application.

The applicant submitted speed survey data with this application and with 18/00155/OUM which sits in parallel with this application. This data demonstrated



that speeds on the eastern approach were lower than the advertised 60mph national speed limit. As such this visibility splay can be reduced to 135m as prescribed and in line with the DMRB guidance.

The applicant has also included a footway and crossing point to facilitate pedestrian access to the site. These works are outside of the redline boundary so a Grampian Condition will be required.

Recommended Conditions:

Grampian Condition – Prior to first occupation the footway, crossing and vehicle junction / access works on the highway as shown on drawing SK-100 Rev P3 must be completed to CCC standards

HW8A – No gates to be erected across the vehicle access

HW11A – Access width to be as per approved drawing SK-100 Rev P3

HW14A – parking and turning area

HW18A – Visibility as per approved drawing Sk-100 Rev P3 (east 2.4m x 135m & west 2.4m X 215m)

HW22A – No private surface water shall be discharged on the highway

Recommended Informative:

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council."

- 5.6 **Cambridgeshire County Council Transport Assessment Team** – "The closest bus stops to the site are on the High Street, 700m away from the site. An automated traffic count was undertaken on 13 June 2017, this is acceptable for use. Vehicular access details need to be agreed with Geoffrey Ellwood. It is proposed to provide a 1.2 metre side footway from the site access, continuing east and to extend the existing footway on the north east side of Reach Road north west. Although a footway connection is welcomed and required as part of the development, a 1.2 metre wide footway is not of sufficient width. The Highway Authority would not want to see the footway any less than 1.8 metres wide. Secure cycle parking will be provided on site. Vehicular parking will be provided in accordance with ECDC standards. The use of TRICS to obtain trip rates is acceptable for use. The proposed trip rates are acceptable for use in this assessment. An automated traffic count was undertaken on Reach Road from 5 June to 13 June 2017, this showed average two way vehicle flows of 95 vehicles in the Am peak and 76 vehicles in the Pm peak. This demonstrates that Reach Road is a very lightly trafficked road. Therefore the proposed developments two way trips of 58 in the Am and 52 in the Pm would not have a severe impact on the highway network. The use of crashmap is not acceptable as it does not contain the most up to date data, Cambridgeshire County Council hold the most up to date data. Having checked the accident data, I can confirm there are no cluster sites on Reach Road. Do not think the amount of

bus users generated by the proposed development would justify them providing a new bus stop and shelter.

The Highway Authority does not wish to object to the proposal subject to the following:

1. Prior to first occupation of the development, a 1.8 metre wide footway shall be constructed as shown in principle on drawing SK-100 Rev P2. Details to be agreed in writing with the Local Planning Authority.

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

5.7 **Cambridgeshire Fire And Rescue Service** – Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. Where a Section 106 agreement or planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, Section 16.

5.8 **Design Out Crime Officers** - I have also researched crimes and Police incidents over last year. 12 burglaries in the Reach Road area of which 9 were business burglaries, 2 criminal damage offences and two thefts from business sites. I therefore consider that this proposed development would be vulnerable to crime and would ask that we have discussions with the developer. I have also noted that BREEAM certification is being sought and we welcome consultation at RIBA Stage 2 in regards to a Crime Impact Assessment. I am happy to support the Application at this stage. I have no further comments, objections or recommendations at this stage.

5.9 **The Ely Group Of Internal Drainage Board** – The application is outside the Swaffham Internal Drainage District but within an area that drains into it. The Board has no comment to make from a drainage viewpoint.

5.10 **Asset Information Definitive Map Team** - Public Byway No. 39b, Burwell runs along the northern boundary of the site. It does not appear that this application will impact upon the Public Byway and therefore no objection.

5.11 **Lead Local Flood Authority** – No objection. The applicant has demonstrated that surface water can be dealt with on site by using attenuation cellular storage, permeable paving and catchpit manholes, restricting surface water discharge to the QBAR rate of 1.1 l/sec and providing storage for the 1 in 100 +40% storm event.

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that

do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant is advised to apply for consent for any proposed constructions or alterations within an ordinary watercourse at the same time as applying for planning permission at the detailed stage. The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

At the detailed design stage, it is advised that the single attenuation tank is split into several attenuation features across the site equating to the same storage area. These attenuation features can provide a greater plan area of storage than detailed in the site plan, but at a shallower depth to allow for groundwater close to the surface. A well designed drainage scheme will involve a number of SUDS features in sequence, forming a surface water management train. A management train will incrementally improve the quantity and quality of surface water run-off reducing the need for a single, large attenuation feature.

Recommended conditions:

- Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) prepared by Rossi Long Consultant (ref: 171171) dated 23rd June 2017, revised layout plan (ref: 0769U-00-005-F) dated June 2017 and revised drainage drawing (ref: CL-01) dated June 2017 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

5.12 **Trees Officer** - These proposals are for an industrial development upon an existing area of vacant land. The site consists of a number of boundary trees constituting groups of boundary vegetation. There are sections of the boundary vegetation for removal to facilitate site access. An Arboricultural report has been submitted to support each application. Considers the plans acceptable as the majority of the boundary vegetation is to be retained and the development is consistent with other

developments in the area. In relation to all applications, if approved, the Tree Protection Plan within Appendix 5 of the Arboricultural report will be required to be implemented under condition of planning approval, to ensure the successful retention of trees at the site (Condition TR9A).

5.13 **Environmental Health** – No comments received.

5.14 **Economic Development** - The proposed maximum floorspace of 5700 sq metres does seem optimistic however, given previously delivery rates in Burwell and the proposal for 1806 sq m of B1 floorspace on the former DS Smith site, Reach Road which has yet to materialise. The current stock of property across the district amounts to about 600,000 sq metres of floorspace of which about 12% is office space (72,000 sq mt) and so this scheme alone would represent nearly an 8% increase on current office stock levels (over 10% with the two sites combined.)

The DS Smith site is subject to a section 106 agreement for the transfer of land back to ECDC (in the event that the employment scheme does not commence within a three-year period) and it would prudent to include a similar agreement for this site to encourage the commercial element to come forward. However, need to run this past CMT (Corporate Management Team) as there is a danger that we will then be left with two sites that we may not have any desire to develop.

5.15 **Waste Strategy (ECDC)** - No Comments Received.

5.16 **Natural England** –

Statutory nature conservation sites – no objection.

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Devil's Dyke SSSI and Cam Washes SSSI have been notified. Natural England therefore advise the local planning authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws the local planning authority's attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring the local planning authority to re-consult Natural England.

#### Protected species

Natural England have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The local planning authority should apply Natural England's Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

- 5.17 **Cambridge Ramblers Association** – No comments received.
- 5.18 **East Cambridgeshire Access Group** - All development should comply with BS8300:2009 and Building Regulation Part M. Will be pleased to comment on the full planning application.
- 5.19 **Cambridgeshire Archaeology** - The report of results of a trench-based evaluation from the phase of work conducted last summer is not approved for entry to the Historic Environment Record as it contains no section on the results of sampling, either for ploughzone artefacts nor soil samples from the fills of ditches and pits.

Cambridgeshire Archaeology will contact the archaeological consultant and contractor to see if they can explain the absence of this area of required and agreed work and remedy the situation if possible. Many features were explored at this site, some definitely archaeological and are consistent with the land organisation and layout of fields contemporary with (i) the establishment of Burwell Castle and (ii) the known expansion of Burwell at this time. Some of the larger features are harder to interpret and may be much older pertaining to prehistoric land use known in the vicinity of palaeochannels from evaluations conducted ahead of developments across the road and also the Late Bronze Age features that are present in the development area.

Recommend that an archaeological condition should be placed on any planning consent granted for this development in order that the prehistoric and Medieval archaeological remains are properly investigated and recorded in an approved mitigation scheme prior to their loss through construction impacts.

5.20 **Cadent - Electricity** - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. Outlines the detailed requirements that the developer must follow when planning or undertaking the scheduled activities at this location.

5.21 **Historic England** – The proposed developments would be prominent in views towards the conservation area from the Devil’s Dyke and would be evident in views towards to the west from the earthworks within Burwell Castle. The degree of harm which would be caused to the significance of the heritage assets from the employment opportunities development, for which the site is allocated, would be moderate and should be mitigated by limiting height and attention to materials as reserved matters.

The application site has the potential to contain non-designated buried archaeological remains in the light of previous archaeological evaluation in the vicinity. Further evaluation is proposed to identify the impacts and possible mitigation for any direct impacts. Defer to the council’s archaeological adviser on this aspect of the proposals.

5.22 **Health & Safety Executive** - The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, the local planning authority may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

5.23 **Environment Agency** – No comments received.

5.24 **Neighbours** – A site notice was displayed and 22 neighbouring properties were notified. The responses received are summarised below. A full copy of the responses are available on the Council’s website.

5.25 7 neighbour representations have been received raising objections and concerns relating to the following summarised issues:

- Noise and pollution impacts to people and ecology from gas generators.
- Gas generators would not generate local employment.
- The Birches Tye development was granted planning permission after the Council claimed there was no need for further industrial land use/employment of this size in Burwell. This application is therefore in direct contradiction to that and there cannot be demand for this use now.
- Site is in open countryside and constitutes ribbon development.
- There is a poor road access for commercial development.
- It is visible from Devil's Dyke, an ancient monument.
- Impact on conservation area.
- Foul water drainage issues – No preliminary foul water drainage strategy has been provided for the employment allocation.
- Existing watercourses – The site is classed as a Greenfield site and the proposed developments will increase the impermeable areas across the site. No reference has been made within the FRA for the provisional diversions of existing watercourses/ditches that run within and along the boundary of the site. The Geo-Environmental Risk Assessment prepared for this site has identified that there is clear water running within parts of those watercourses and others, although not having water running through them, and the ground around them was identified as damp.
- Groundwater and contamination issues – The increase in surface water runoff and the method used to attenuate and discharge runoff directly into the ground will need to be reviewed by the competent authority as the effects of not clear surface water entering groundwaters and the watercourses in the vicinity of an established village and conservation area can cause harm to public health and wildlife.
- Pollution issues.
- Surface water drainage and maintenance issues – No assessment of surface water quality and impact to the receiving ground and watercourses has been made within the surface water drainage strategy.
- Flood risk – Parts of the site are located in Flood Zones 2 and 3. In the event that flood defences are overtopped, the on and off site detrimental effects have not been considered as the EA's flood maps do not take into account ditches and watercourses that are in close proximity and within the development site and its boundary.
- The applicant has not committed to planting trees and bushes to hide the site. If they did, screening would have to be significant.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

BUR 2	Employment allocation, land at Reach Road
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth

GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
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 2012

- 1 Building a strong, competitive economy
- 3 Supporting a prosperous rural economy
- 4 Promoting sustainable transport
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

## 6.4 Submitted Local Plan 2017

Burwell 3 Allocation Sites – BUR.E1

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP8 Delivering prosperity and Jobs

LP16 Infrastructure to Support Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP22 Achieving Design Excellence

LP23 Water Efficiency

LP24 Renewable and Low Carbon Energy Development

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

LP27 Conserving and Enhancing Heritage Assets

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

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP31 Development in the Countryside



## **7.0 PLANNING COMMENTS**

7.1 The main issues to consider when assessing this application relate to the principle of development and the impacts on the character and appearance of the area and nearby heritage assets, traffic and transportation, residential amenity, flood risk and drainage, archaeology, ecology and trees, and energy efficiency and BREEAM.

### **7.2 Principle of Development**

7.2.1 Policy EMP1 of the East Cambridgeshire Local Plan 2015 seeks to retain all existing employment sites or allocations for B1, B2 or B8 uses. Furthermore, Policy LP8 of the Submitted Local Plan 2017 states that employment sites will be reserved for B1, B2 and B8 uses. The application site is allocated for B1/B2 employment uses within Policy BUR2 of the East Cambridgeshire Local Plan 2015 and Policy BUR.E1 of the Submitted Local Plan 2017.

7.2.2 During discussions with the case officer and the applicant, the Council's Economic Development team recommended that the applicant contacted local commercial estate agents to establish demand for B1 and B2 space within the District. Following this exercise, it was considered that B1 uses on the site would be more viable and meet local demand more so than a mix of B1 and B2 uses.

7.2.3 The proposal would provide a significant increase of B1 space within the District, increasing employment space and opportunities for job creation. The B1 use of the site falls within the B1/B2 uses which the site is allocated for within the adopted and emerging Local Plans. The principle of development is therefore considered to be acceptable.

7.2.4 The Council's Economic Development team advised that the nearby DS Smith site is subject to a section 106 agreement for the transfer of land back to ECDC (in the event that the employment scheme does not commence within a three-year period) and that it would prudent to include a similar agreement for this site to encourage the commercial element to come forward. However, this request was only relevant if the planning applications for gas-powered generators (planning references 17/01071/FUL and 17/01072/FUL) were to be approved in order to give some security of the B1 uses being brought forward. Following withdrawal of these planning applications, the previously requested S106 agreement would not be required. Although concerns have been raised that there was viability issues on the nearby DS Smith site, the current site is greenfield land and does not have buildings requiring demolition which would likely cause significant additional costs.

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

7.3.1 The application has been submitted in outline form, with all matters reserved apart from access. Therefore, permission for the matters of appearance, landscaping, layout and scale are reserved would need to be sought separately. Policy BUR2 of the East Cambridgeshire Local Plan 2015 states that development proposals on this site will need to have particular regard to the scale, height, design and massing of

buildings and landscaping, in order to minimise visual impact on the surrounding countryside. The proposed development would be prominent in views towards the conservation area from the Devil's Dyke and would be evident in views towards the west from the earthworks within Burwell Castle. However, Historic England has stated that the degree of harm which would be caused to the significance of the heritage assets from the employment opportunities development, for which the site is allocated, would be moderate and should be mitigated by limiting height and attention to materials as reserved matters. It is therefore considered that the proposed development would cause less than substantial harm to the heritage assets, which would be outweighed by the public benefits of an allocated employment site being brought forward and the associated benefits to local employment, in addition to the additional footpath provision which would improve pedestrian safety in the area. Boundary treatments and landscaping details could be secured through any subsequent Reserved Matters application if the Outline application is approved.

- 7.3.2 It is therefore considered that B1 development could be provided on the site which meets the requirements of Policy BUR2 and does not cause any significant harm to the character and appearance of the area or nearby heritage assets (including the Burwell conservation areas), in accordance with policies BUR2, ENV1, ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 and policies LP22, LP27 and LP28 of the Submitted Local Plan 2017.

#### **7.4 Traffic and transportation**

- 7.4.1 Additional information and amended plans have been submitted during the course of this application to address concerns raised by the Local Highway Authority Development Management team and County Council Transport Assessment Team.
- 7.4.2 Following submission of a speed survey which demonstrates speeds on the eastern approach to the site being lower than 60mph, the Local Highway Authority Development Management team has accepted that the visibility splay can be reduced to 135m and has no objections in principle to the application.
- 7.4.3 The proposal includes a pedestrian footway and crossing point linking the application site to the existing footpaths further along Reach Road to the south-east. This would provide a safe pedestrian route to the site and ensure that the proposal is sustainable. These works would be carried out outside of the application site and could be secured by a Grampian Condition.
- 7.4.4 Cambridgeshire County Council Transport Assessment Team's original comments stated that there is scope to provide a bus stop on the North West side of the High Street with a shelter. However, following a request from the case officer for clarification regarding whether this was a requirement, the Transport Assessment Team's most recent comments state that they do not think the amount of bus users generated by the proposed development would justify this being requested. Therefore, the case officer considers that it would not be reasonable to require the applicant to provide this as part of the application.
- 7.4.5 During the course of the application, Cambridgeshire County Council Transport Assessment Team requested an assessment of traffic flows on the B1102 / Reach

Road junction. Following this, the applicant has provided an updated Transport Assessment providing an analysis of the TRICS trip-rate database and existing traffic flows on Reach Road. This analysis demonstrates that the proposal would create a negligible impact on the surrounding highway network and would not result in significant queuing at the B1102 / Reach Road junction. Following the submission of this, the Transport Assessment Team does not wish to object to the proposal subject to conditions being appended to any grant of planning permission requiring a 1.8m wide footway to be constructed and the provision and implementation of a Residential Travel Plan. Although the case officer considers it reasonable to append a Residential Travel Plan, the requirement for a 1.8m wide footway would be impractical to construct due to pinchpoints in the highway demonstrated on the submitted topographical survey. Following extensive discussions with the applicant's agent, the Local Highway Authority Development Management team has accepted the footway as shown on the submitted plans and this is considered to be acceptable in respect of highway and pedestrian safety.

- 7.4.6 It is therefore considered that the proposed development would not create any significant detrimental impacts on highway safety or the local highway network, in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2017. In addition, the provision of an extended public footpath along Reach Road would provide pedestrian safety benefits.

## **7.5 Residential amenity**

- 7.5.1 The closest residential dwelling to the application site is No.60 Reach Road which is located approximately 50m from the site. A similar separation distance currently exists between this residential dwelling and the Meadow View Business Park. Due to the separation distance from the nearest residential property and the nature of B1 uses, it is considered that the proposed development would not cause any significant harm to residential amenity, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017. From a review of nearby planning history, there does not appear to be any restrictions on operating hours for the adjacent business park. Given the B1 nature of the proposal which would be unlikely to cause significant amenity impacts to nearby residential properties, it is not considered necessary to restrict the operating hours on the site.

## **7.6 Flood Risk and Drainage**

- 7.6.1 The application site is predominantly located within Flood Zone 1, however part of the south-east corner of the site is located within Flood Zones 2 and 3. B1 uses are classed as a 'less vulnerable' which are acceptable within Flood Zones 2 and 3.
- 7.6.2 The application is supported by a Flood Risk Assessment. The application proposes to deal with surface water within the site through the use of attenuation cellular storage, permeable paving and catchpit manholes, restricting surface water discharge to the QBAR rate of 1.1 l/sec and providing storage for the 1 in 100 +40% storm event. The Lead Local Flood Authority has stated they have no objections to this, subject to conditions set out in section 5.11 of this report.

7.6.3 The Environment Agency have not provided comments for this application. However, their comments relating to the related planning application 18/00155/OUM state that the application form is vague about foul drainage arrangements, and the drainage strategy submitted within the FRA appears to omit foul drainage considerations. As such, the Environment Agency recommended that a condition be appended to any grant of planning permission for application 18/00155/OUM requiring a foul water drainage scheme to be agreed with the Local Planning Authority. Due to the inter-linked nature of the two applications, it is considered by the case officer that a condition relating to foul water drainage condition is also appended to any grant of planning permission for this planning application (ref:17/01094/OUM).

7.6.4 It is therefore considered that the proposed development would not cause any significant flooding or drainage issues, in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015 and Policy LP25 of the Submitted Local Plan 2017.

## **7.7 Archaeology**

7.7.1 Cambridgeshire County Council Archaeology do not object to the application subject to an archaeological investigation being carried out prior to development commencing. During the course of the application, a report was submitted with results of a trench-based evaluation from a phase of work conducted in 2017. However, this report was not approved for entry to the Historic Environment Record as it contains no section on the results of sampling, either for ploughzone artefacts nor soil samples from the fills of ditches and pits. Cambridgeshire County Council Archaeology stated that they will contact the archaeological consultant and contractor to see if they can explain the absence of this area of required and agreed work and remedy the situation if possible.

7.7.2 Many features were explored at this site, some definitely archaeological and are consistent with the land organisation and layout of fields contemporary with (i) the establishment of Burwell Castle and (ii) the known expansion of Burwell at this time. Some of the larger features are harder to interpret and may be much older pertaining to prehistoric land use known in the vicinity of palaeochannels from evaluations conducted ahead of developments across the road and also the Late Bronze Age features that are present in the development area.

7.7.3 Cambridgeshire County Council Archaeology continue to recommend that an archaeological condition should be placed on any planning consent granted for this development on this site, in order that the prehistoric and Medieval archaeological remains are properly investigated and recorded in an approved mitigation scheme prior to their loss through construction impacts. Subject to this being secured by a planning condition, it is considered that the proposed development accords with Policy ENV14 of the East Cambridgeshire Local Plan 2015 and Policy LP27 of the Submitted Local Plan 2017.

## **7.8 Ecology and trees**

7.8.1 The application site comprises uncultivated agricultural land with species-poor hedgerow, trees and ditches with slow flowing water.

- 7.8.2 The application is supported by a Preliminary Ecological Appraisal and a Great Crested Newt and Reptile Survey Report.
- 7.8.3 The Preliminary Ecological Appraisal states that the habitats and plant species present are common and widespread, although the hedgerow is a NERC habitat of principal importance. Overall, the site is of ecological value and the Preliminary Ecological Appraisal recommends that mitigation measures and compensatory planting should be provided.
- 7.8.4 The submission of the Great Crested Newt and Reptile Survey Report follows the identification of water bodies within 500m of the site which have the potential to support the presence of Great Crested Newts, however the report did not find any presence of Great Crested Newts in the water bodies and concluded that Great Crested Newts are likely to be absent from the application site and will not be affected by the proposed development.
- 7.8.5 The Great Crested Newt and Reptile Survey Report confirms the presence of a low population of grass snake and common lizard which are widespread species. The report recommends mitigation measures to protect these species and a condition could be appended to any grant of planning permission requiring these mitigation measures to be adhered to.
- 7.8.6 The boundaries of the site contain a number of boundary trees and hedging, sections of which are proposed to be removed to facilitate the proposed vehicular access to the site. The application is supported by an Arboricultural report and the Council's Tree Officer considers the plans acceptable as the majority of the boundary vegetation is to be retained and the development is consistent with other developments in the area.
- 7.8.7 The Council's Tree Officer advises that the Tree Protection Plan within Appendix 5 of the Arboricultural report will be required to be implemented under condition of planning approval, to ensure the successful retention of trees at the site. The case officer considers this to be a reasonable request to protect trees and a condition could therefore be appended requiring the development to be carried out in accordance with the Tree Protection Plan.
- 7.8.8 It is therefore considered that the proposed development would not create any significant harm to ecology or trees, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP30 of the Submitted Local Plan 2017.

## **7.9 Energy efficiency and BREEAM**

- 7.9.1 The application includes a BREEAM pre-assessment tracker and action list which states that the proposed development is targeting a BREEAM 'VERY GOOD' rating. This would accord with Policy ENV4 of the East Cambridgeshire Local Plan 2015 which requires all non-domestic developments of 1000 square metres or more to meet BREEAM 'VERY GOOD' standard or equivalent. Achieving a BREEAM 'VERY GOOD' rating would also help ensure the proposed development accords with Policy LP24 of the Submitted Local Plan 2017 which considers proposals more

favourably if they make a positive contribution to reducing demand and improving resource efficiency.

## **7.10 Planning Balance**

- 7.10.1 The proposed development would provide a significant increase of B1 space within the District, increasing employment space and opportunities for job creation. The B1 use of the site falls within the B1/B2 uses which the site is allocated for within the adopted and emerging Local Plans. The proposed development would also deliver additional public footpath provision along Reach Road which would improve pedestrian safety. Furthermore, there would not be any significant detrimental impacts created which would outweigh the benefits of the proposed development. The proposed development is therefore recommended for approval.

## **8 COSTS**

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

## **9 APPENDICES**

### APPENDIX 1 - 17/01094/OUM Conditions

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

Plan Reference	Version No	Date Received
ABORICULTURAL IMPACT ASSESSMENT		20th June 2017
PRELIMINARY ECOLOGICAL APPRAISAL		20th June 2017
FLOOD RISK ASSESSMENT		20th June 2017
BREEAM TRACKER AND ACTION LIST		20th June 2017
GCN & REPTILE REPORT		25th July 2017
SPEED SURVEY REPORT		19th January 2018
PLANT LIST		25th July 2017
0769U-00-002	A	9th February 2018
0769U-00-005	J	9th February 2018
TRANSPORT ASESSMENT		19th January 2018

SK-300	P1	19th January 2018
ARCHAEOLOGICAL EVALUATION		19th January 2018
19552EA-03		19th February 2018
SK-100	P3	19th February 2018
P2893.1	001	20th June 2017
P2893.1	002	20th June 2017

- 1 Reason: To define the scope and extent of this permission.
  
- 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 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.
  
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 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.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 6 Development shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.
- 6 Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 7 Reason: To ensure the satisfactory maintenance of unadopted drainage systems, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017, and the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.
- 8 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 first occupation of the hereby approved buildings.
- 8 Reason: To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to the water environment, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 9 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior



to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within twelve months of first occupation of the site for written agreement by the Local Planning Authority.

- 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 and policy LP24 of the Submitted Local Plan 2017.
- 10 Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. Such Travel Plan shall include the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 10 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 11 Prior to first occupation of the hereby approved development, the footway, crossing and vehicle junction/access works on the highway as shown on drawing SK-100 Rev P3 must be completed to Cambridgeshire County Council standards.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. This is a Grampian condition.
- 12 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access to the site within 15m of the public highway.
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 The width of the hereby approved vehicular access shall be as approved on drawing no.SK-100 Rev P3 and thereafter retained in perpetuity.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 Prior to first occupation of the development, sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 Prior to first occupation of the hereby approved development, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on drawing no. SK-100 Rev P3. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 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.
- 16 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 17 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.
- 17 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 18 Prior to occupation a scheme of fire hydrants or, if demonstrated not to be possible, a sprinkler system shall be submitted to and agreed in writing by the Planning Authority. Development shall commence in accordance with the approved details.
- 18 Reason: In the interests of public safety to the future occupants of the site.
- 19 The tree protection measures as shown on the Tree Protection Plan within Appendix 5 of the Arboricultural report 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
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 20 The hereby approved development shall be carried out strictly in accordance with Chapter 5 of the Preliminary Ecological Appraisal prepared by enims Environmental

Excellence and dated June 2017, and Section 4.2 'Mitigation Requirements' of the Great Crested Newt and Reptile Survey Report prepared by enims Environmental Excellence and dated July 2017.

- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 21 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00am-18:00pm each day Monday-Friday, 08:00am-13:00pm Saturdays and none on Sundays or Bank / Public Holidays.
- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 22 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.
- 22 Reason: In the interests of highway safety and to protect residential amenity, in accordance with ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 23 The development shall not exceed 5,700 square metres of B1 Use Class space.
- 23 Reason: The application has been considered and determined on this basis.

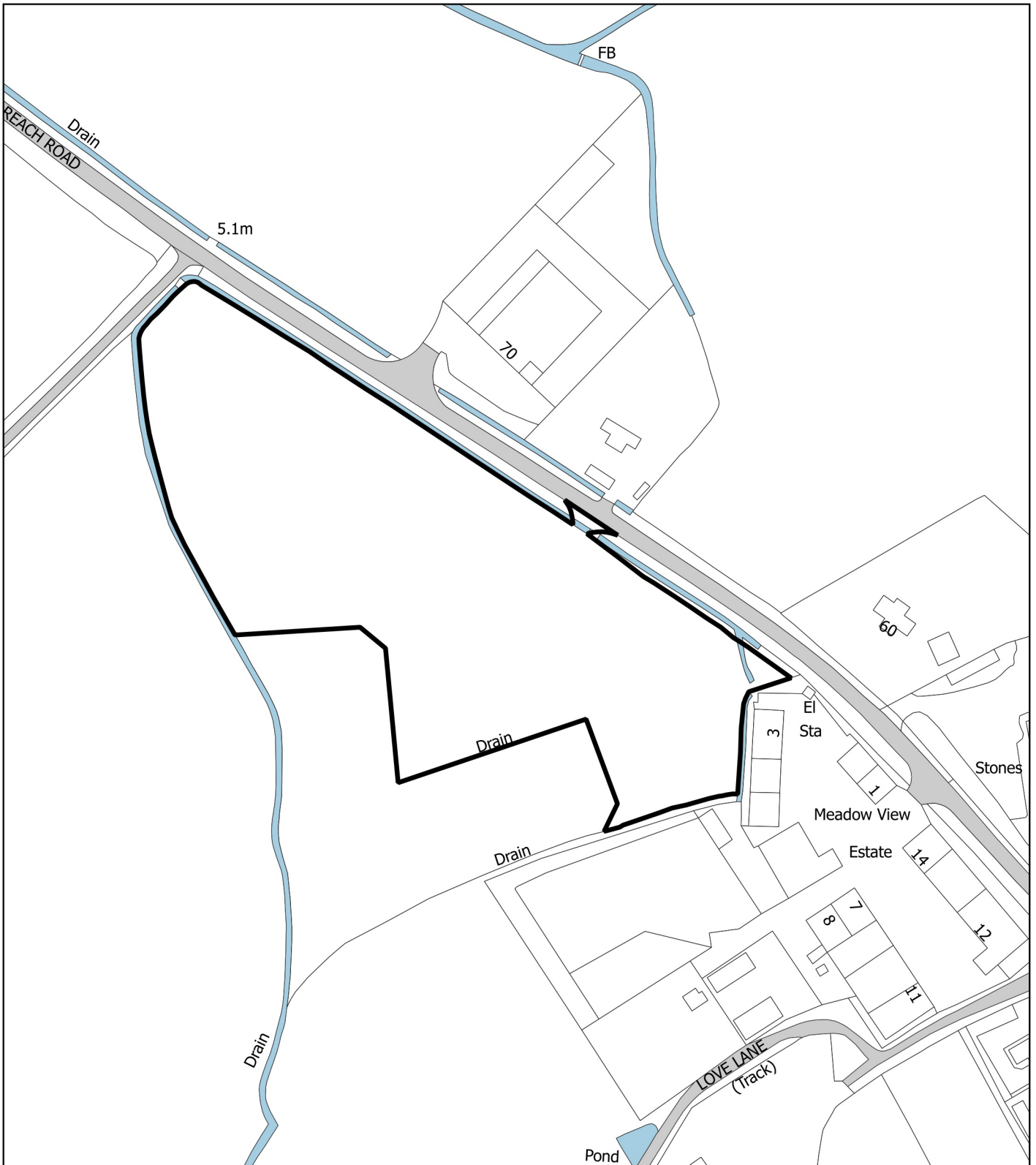
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/01094/OUM	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
17/00852/SCREEN	Ely	
17/01071/FUL		
17/01072/FUL		
18/00155/OUM		

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>



17/01094/OUM

Land West of Reach Road  
Burwell



East Cambridgeshire  
District Council

Date: 19/03/2018  
Scale: 1:2,000



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**MAIN CASE**

**Reference No:** 18/00155/OUM

**Proposal:** Proposed employment development consisting of B1 uses, and associated access and landscaping.

**Site Address:** Site To North Meadow View Industrial Estate Reach Road  
Burwell

**Applicant:** IGP Solar PV Plant Number 6 Ltd

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

**Parish:** Burwell

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

**Date Received:** 2 February 2018      **Expiry Date:** 4<sup>th</sup> May 2018

[S276]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below with any changes delegated to the Planning Manager. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit OUT / OUM
- 3 Time Limit - OUT/OMM/RMA/RMM
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Surface water drainage scheme
- 7 Surface water maintenance scheme
- 8 Foul water drainage scheme
- 9 BREEAM requirement
- 10 Residential Travel Plan
- 11 Footway, crossing and access provision
- 12 Access gates restriction
- 13 Vehicular access width
- 14 Parking and turning
- 15 Visibility splays
- 16 Access and hardstanding drainage
- 17 Archaeological Investigation

- 18 Fire hydrants or sprinkler system
- 19 Tree protection
- 20 Biodiversity protection/enhancement
- 21 Construction hours
- 22 Construction Environmental Management PI
- 23 Limit B1 Floor Space

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for the change of use of land to a B1 (business) use, with associated B1 business units, a new vehicular access with Reach Road and landscaping. The matter of access is being considered as part of this application, with the matters of appearance, landscaping, layout and scale reserved. The Planning Statement submitted with the application states that the proposed development would provide a maximum total floor space of 5,700 square metres (which would be split between the 2 application sites for 17/01094/OUM and 18/00155/OUM).
- 2.2 Following the withdrawal of planning applications 17/01071/FUL and 17/01072/FUL for gas power-generators on this application site, this application for B1 development has been submitted to be considered alongside planning application 17/01094/OUM, forming a comprehensive scheme for B1 development across the two sites.
- 2.3 Both of these applications relate to land allocated for B1 (business) / B2 (general industrial) employment use within the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2017.
- 2.4 The application is being taken to Planning Committee at the request of the Planning Manager due to the high level of public interest in the application site mostly generated by the withdrawn applications for gas-powered generators (planning application references: 17/01071/FUL and 17/01072/FUL).
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1
- |                 |  |            |
|-----------------|--|------------|
| 17/01094/OUM    | Proposed employment development consisting of B1 uses, and associated access and landscaping.            |            |
| 17/00852/SCREEN | SCREENING OPINION - Generator and associated infrastructure to provide a flexible generation facility on | 12.06.2017 |

land west of Reach Road

17/01071/FUL	Installation of a gas-powered generators and associated infrastructure.	15.11.2017
17/01072/FUL	Installation of a gas-powered generators and associated infrastructure.	15.11.2017

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises approximately 0.9 hectares of uncultivated agricultural land located on the southern side of Reach Road, directly adjacent the Meadow View Business Park. The majority of the site falls within flood zone 1 in accordance with the Environment Agency flood risk maps but the eastern part falls within flood zones 2 and 3. The eastern boundary of the site is bordered by Reach Road and the western boundary of the site borders farmland. There is a public right of way which runs near to the site to the north. The site is located within close proximity to Devils Dyke. The nearest residential dwelling is No.60 Reach Road which is located approximately 115m to the east of the site. Burwell Castle (a scheduled monument) is located approximately 390m east of the site. The closest listed buildings are located approximately 600m from the site.
- 4.2 The site was identified as a potential area for employment development in the Core Strategy (2009) and the Burwell Masterplan (2013). Since then, the site has been allocated for B1/B2 use within Policy BUR2 of the East Cambridgeshire Local Plan 2015 and Policy BUR.E1 of the Submitted Local Plan 2017.

#### 5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.
- 5.2 **Design Out Crime Officers** – “I have noted that all matters are reserved apart from access and I look forward to being consulted regarding the layout, design and boundary treatments for this proposal. I have no further comments at this stage”.
- 5.3 **Burwell Parish Council** – No objections.
- 5.4 **Ward Councillors** - No Comments Received
- 5.5 **Asset Information Definitive Map Team** - No Comments Received
- 5.6 **Cambridgeshire Fire And Rescue Service** - No Comments Received
- 5.7 **Local Highways Authority** – “The Highways Authority Development Management team has no objections in principal to this application. These comments only reflects



this team's view on this proposal and not the CCC Transport Planning team which should be sort separately and prior to the determination of this application.

The applicant submitted speed survey data with this application and with 17/01094/OUM which sits in parallel with this application. This data demonstrated that speeds on the eastern approach were lower than the advertised 60mph national speed limit. As such this visibility splay can be reduced to 135m as prescribed and in line with the DMRB guidance.

The applicant has also included a footway and crossing point to facilitate pedestrian access to the site. These works are outside of the red line boundary so a Grampian Condition will be required.

Recommended Conditions:

Grampian Condition – Prior to first occupation the footway, crossing and vehicle junction / access works on the highway as shown on drawing SK-100 Rev P3 must be completed to CCC standards

HW8A – No gates to be erected across the vehicle access

HW11A – Access width to be as per approved drawing SK-100 Rev P3

HW14A – parking and turning area

HW18A – Visibility as per approved drawing Sk-100 Rev P3 (east 2.4m x 135m & west 2.4m X 215m)

HW22A – No private surface water shall be discharged on the highway

Recommended Informative:

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council."

- 5.8 **County Archaeology** – An archaeological evaluation of the wider site was conducted between 26<sup>th</sup> June and 2<sup>nd</sup> July 2017 and significant archaeological remains have been found to be present, with the highest concentration of archaeological features recorded in trenches 8-10 towards the southern portion of the site in the area highlighted for development under this application. Comments have already been provided to the Local Planning Authority regarding County Archeology's appraisal of the findings of the report and their recommendation for a further mitigation strategy for this site. No objections, but advises that the archaeology condition recommended for planning application 17/01094/OUM is carried over to this application in order to secure the mitigation strategy.

- 5.9 **Lead Local Flood Authority** - No Comments Received

- 5.10 **Technical Officer Access** – All development should comply with BS8300:2009 and Building Regulation Part M. Will be pleased to comment on the full planning application.
- 5.11 **Trees Officer** – “In reference to my previous comments in relation to a proposed outline development (ref 17/01094/OUM) at this site (attached), I continue to raise no objection to development at this location. The primary landscape features are on the site boundaries and can be retained. The Arboricultural report submitted with this application is now inaccurate due to the change in site layout therefore, if this application is approved I recommend a condition confirming a Tree Protection Plan will be required to be submitted (TR2A), rather than supporting the Tree Protection Plan submitted with this application.”
- 5.12 **Environmental Health** - “I don't think there will be any issue of the existing surroundings affecting occupiers therefore the only issue is the business park affecting nearby residents. This is a speculative development of business units, so we don't know who the end users are likely to be or what sort of effect they would have on the environment or the amenity of nearby residents. On that basis I'm not sure what conditions regarding noise could be placed on them so we would have to rely on nuisance legislation. There is an existing, adjoining, business park to the south east of the site, I can't find the conditions allocated to that site, i.e. opening hours etc. if there are restrictions on opening hours then it follows that this new site should not have anything less than the same restrictions. The nearest resident is at 60 Reach Road and is nearer the existing business park. Therefore I would suggest the following conditions:
- Construction phase:  
Due to the close proximity of existing residential properties I would advise that construction times and deliveries during the construction and demolition phase are restricted to the following:  
08:00 – 18:00 each day Monday – Friday  
08:00 – 13:00 on Saturdays and  
None on Sundays, Public or Bank Holidays
- I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc.) during the demolition and construction phase. The CEMP shall be adhered to at all times during the demolition and construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA). Other than that, no issues, but please send out the environmental notes.”
- 5.13 **Strategic Planning** - No Comments Received
- 5.14 **Economic Development** - No Comments Received
- 5.15 **Waste Strategy (ECDC)** - No Comments Received
- 5.16 **Historic England** - No Comments Received

- 5.17 **Anglian Water Services Ltd** - No Comments Received
- 5.18 **Environment Agency** - The Environment Agency are satisfied that the proposed development can comply with the National Planning Policy Framework. The application form is vague about foul drainage arrangements and the drainage strategy submitted within the FRA appears to omit foul drainage considerations. Therefore, the Environment Agency recommends that a condition be appended to any grant of planning permission requiring a foul water drainage scheme to be agreed with the Local Planning Authority. The current layout shows the Flood Zone 3 portion of the site remains undeveloped, demonstrating that a sequential approach has been taken. This is an appropriate way to develop the site.
- 5.19 **Natural England** – No comments to make.
- 5.20 **Cambridge Ramblers Association** - No Comments Received
- 5.21 **Neighbours** – 22 neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and no responses were received.

## 6.0 **The Planning Policy Context**

### 6.1 East Cambridgeshire Local Plan 2015

BUR 2	Employment allocation, land at Reach Road
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2012

- 1 Building a strong, competitive economy
- 3 Supporting a prosperous rural economy
- 4 Promoting sustainable transport
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

#### 6.4 Submitted Local Plan 2017

- Burwell 3 Allocation Sites – BUR.E1
- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP8 Delivering prosperity and Jobs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP31 Development in the Countryside

## 7.0 **PLANNING COMMENTS**

7.1 The main issues to consider when assessing this application relate to the principle of development and the impacts on the character and appearance of the area and nearby heritage assets, traffic and transportation, residential amenity, flood risk and drainage, archaeology, ecology and trees, and energy efficiency and BREEAM.

### 7.2 **Principle of Development**

7.2.1 Policy EMP1 of the East Cambridgeshire Local Plan 2015 seeks to retain all existing employment sites or allocations for B1, B2 or B8 uses. Furthermore, Policy LP8 of the Submitted Local Plan 2017 states that employment sites will be reserved for B1, B2 and B8 uses. The application site is allocated for B1/B2 employment uses within Policy BUR2 of the East Cambridgeshire Local Plan 2015 and Policy BUR.E1 of the Submitted Local Plan 2017.

7.2.2 During discussions with the case officer and the applicant, the Council's Economic Development team recommended that the applicant contacted local commercial estate agents to establish demand for B1 and B2 space within the District. Following this exercise, it was considered that B1 uses on the site would be more viable and meet local demand more so than a mix of B1 and B2 uses.

7.2.3 The proposal would provide a significant increase of B1 space within the District, increasing employment space and opportunities for job creation. The B1 use of the site falls within the B1/B2 uses which the site is allocated for within the adopted and emerging Local Plans. The principle of development is therefore considered to be acceptable.

7.2.4 Although concerns have been raised that there was viability issues on the nearby DS Smith site, the current site is greenfield land and does not have buildings requiring demolition which would likely cause significant additional costs.

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

7.3.1 The application has been submitted in outline form, with all matters reserved apart from access. Therefore, permission for the matters of appearance, landscaping, layout and scale are reserved would need to be sought separately. Policy BUR2 of the East Cambridgeshire Local Plan 2015 states that development proposals on this site will need to have particular regard to the scale, height, design and massing of buildings and landscaping, in order to minimise visual impact on the surrounding countryside. The proposed development would be prominent in views towards the conservation area from the Devil's Dyke and would be evident in views towards to the west from the earthworks within Burwell Castle. However, Historic England has stated that the degree of harm which would be caused to the significance of the heritage assets from the employment opportunities development, for which the site is allocated, would be moderate and should be mitigated by limiting height and attention to materials as reserved matters. It is therefore considered that the proposed development would cause less than substantial harm to the heritage assets, which would be outweighed by the public benefits of an allocated employment site being brought forward and the associated benefits to local employment, in addition to the additional footpath provision which would improve pedestrian safety in the area. Boundary treatments and landscaping details could be secured through any subsequent Reserved Matters application if the Outline application is approved.

7.3.2 It is therefore considered that B1 development could be provided on the site which meets the requirements of Policy BUR2 and does not cause any significant harm to the character and appearance of the area or nearby heritage assets (including the Burwell conservation areas), in accordance with policies BUR2, ENV1, ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 and policies LP22, LP27 and LP28 of the Submitted Local Plan 2017.

### **7.4 Traffic and transportation**

7.4.1 Additional information and amended plans have been submitted during the course of this application to address concerns raised by the Local Highway Authority Development Management team and County Council Transport Assessment Team.

7.4.2 Speed survey data has been submitted with the application which demonstrates speeds on the eastern approach to the site being lower than 60mph, the Local Highway Authority Development Management team has accepted that the visibility splay can be reduced to 135m and has no objections in principle to the application.

- 7.4.3 The proposal includes a pedestrian footway and crossing point linking the application site to the existing footpaths further along Reach Road to the south-east. This would provide a safe pedestrian route to the site and ensure that the proposal is sustainable. These works would be carried out outside of the application site and could be secured by a Grampian Condition.
- 7.4.4 The applicant has provided a Transport Assessment providing an analysis of the TRICS trip-rate database and existing traffic flows on Reach Road. This analysis demonstrates that the proposal would create a negligible impact on the surrounding highway network and would not result in significant queuing at the B1102 / Reach Road junction. The Transport Assessment Team has reviewed the Transport Assessment and does not wish to object to the proposal subject to conditions being appended to any grant of planning permission requiring a 1.8m wide footway to be constructed and the provision and implementation of a Residential Travel Plan. Although the case officer considers it reasonable to append a Residential Travel Plan, the requirement for a 1.8m wide footway would be impractical to construct due to pinchpoints in the highway demonstrated on the submitted topographical survey. Following extensive discussions with the applicant's agent, the Local Highway Authority Development Management team has accepted the footway as shown on the submitted plans and this is considered to be acceptable in respect of highway and pedestrian safety.
- 7.4.5 It is therefore considered that the proposed development would not create any significant detrimental impacts on highway safety or the local highway network, in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2017. In addition, the provision of an extended public footpath along Reach Road would provide pedestrian safety benefits.

## **7.5 Residential amenity**

- 7.5.1 The closest residential dwelling to the application site is No.60 Reach Road which is located approximately 50m from the site. A similar separation distance currently exists between this residential dwelling and the Meadow View Business Park. Due to the separation distance from the nearest residential property and the nature of B1 uses, it is considered that the proposed development would not cause any significant harm to residential amenity, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Proposed Submission Local Plan 2017. From a review of nearby planning history, there does not appear to be any restrictions on operating hours for the adjacent business park. Given the B1 nature of the proposal which would be unlikely to cause significant amenity impacts to nearby residential properties, it is not considered necessary to restrict the operating hours on the site.

## **7.6 Flood Risk and Drainage**

- 7.6.1 The application site is predominantly located within Flood Zone 1, however part of the south-east corner of the site is located within Flood Zones 2 and 3. B1 uses are classed as a 'less vulnerable' which are acceptable within Flood Zones 2 and 3. The

Environment Agency are satisfied that the proposed development can comply with the National Planning Policy Framework.

- 7.6.2 The application is supported by a Flood Risk Assessment. The application proposes to deal with surface water within the site through the use of attenuation cellular storage, permeable paving and catchpit manholes, restricting surface water discharge to the QBAR rate of 1.1 l/sec and providing storage for the 1 in 100 +40% storm event. For planning application 17/01094/OUM and withdrawn applications 17/01071/FUL and 17/01072/FUL, the Lead Local Flood Authority stated they have no objections to this, subject to conditions. Due to the inter-linked nature of the two applications (planning references: 18/00155/OUM and 17/01094/OUM), it is considered by the case officer that the surface water drainage conditions recommended by the Lead Local Flood Authority are also appended to any grant of planning permission for this planning application.
- 7.6.3 The Environment Agency has stated that the application form is vague about foul drainage arrangements, and the drainage strategy submitted within the FRA appears to omit foul drainage considerations. As such, the Environment Agency recommends that a condition be appended to any grant of planning permission requiring a foul water drainage scheme to be agreed with the Local Planning Authority. It is considered by the case officer that it would be reasonable to append a foul water drainage condition to any grant of planning permission.
- 7.6.4 It is therefore considered that the proposed development would not cause any significant flooding or drainage issues, in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015 and Policy LP25 of the Submitted Local Plan 2017.

## **7.7 Archaeology**

- 7.7.1 An archaeological evaluation of the wider site was conducted between 26<sup>th</sup> June and 2<sup>nd</sup> July 2017 and significant archaeological remains have been found to be present, with the highest concentration of archaeological features recorded in trenches 8-10 towards the southern portion of the site in the area highlighted for development under this application. However, this report was not approved for entry to the Historic Environment Record as it contains no section on the results of sampling, either for ploughzone artefacts nor soil samples from the fills of ditches and pits. Comments have already been provided to the Local Planning Authority regarding County Archeology's appraisal of the findings of the report and their recommendation for a further mitigation strategy for this site.
- 7.7.2 Cambridgeshire County Council Archaeology has no objections to the application, but advises that the archaeology condition recommended for planning application 17/01094/OUM is carried over to this application in order to secure the mitigation strategy. This will ensure that the prehistoric and Medieval archaeological remains are properly investigated and recorded. Subject to this being secured by a planning condition, it is considered that the proposed development accords with Policy ENV14 of the East Cambridgeshire Local Plan 2015 and Policy LP27 of the Submitted Local Plan 2017.

## **7.8 Ecology and trees**

- 7.8.1 The application site comprises uncultivated agricultural land with species-poor hedgerow, trees and ditches with slow flowing water.
- 7.8.2 The application is supported by a Preliminary Ecological Appraisal and a Great Crested Newt and Reptile Survey Report.
- 7.8.3 The Preliminary Ecological Appraisal states that the habitats and plant species present are common and widespread, although the hedgerow is a NERC habitat of principal importance. Overall, the site is of ecological value and the Preliminary Ecological Appraisal recommends that mitigation measures and compensatory planting should be provided.
- 7.8.4 The submission of the Great Crested Newt and Reptile Survey Report follows the identification of water bodies within 500m of the site which have the potential to support the presence of Great Crested Newts, however the report did not find any presence of Great Crested Newts in the water bodies and concluded that Great Crested Newts are likely to be absent from the application site and will not be affected by the proposed development.
- 7.8.5 The Great Crested Newt and Reptile Survey Report confirms the presence of a low population of grass snake and common lizard which are widespread species. The report recommends mitigation measures to protect these species and a condition could be appended to any grant of planning permission requiring these mitigation measures to be adhered to.
- 7.8.6 The boundaries of the site contain a number of boundary trees and hedging, sections of which are proposed to be removed to facilitate the proposed vehicular access to the site. The application is supported by an Arboricultural report and the Council's Tree Officer raised no objection to the application as the primary landscape features are on the site boundary and can be retained.
- 7.8.7 However, due to the change in site layout from that of the previously withdrawn application (planning references: 17/01071/FUL and 17/01072/FUL), the Tree Officer recommends a condition requiring the submission of a new Tree Protection Plan will be required, rather than supporting the Tree Protection Plan submitted with this application. In order to ensure adequate tree protection, the case officer considers it reasonable to append a condition to any grant of planning permission requiring this.
- 7.8.8 It is therefore considered that the proposed development would not create any significant harm to ecology or trees, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP30 of the Proposed Submission Local Plan 2017.

## **7.9 Energy efficiency and BREEAM**

- 7.9.1 The application includes a BREEAM pre-assessment tracker and action list which states that the proposed development is targeting a BREEAM 'VERY GOOD' rating. This would accord with Policy ENV4 of the East Cambridgeshire Local Plan 2015



which requires all non-domestic developments of 1000 square metres or more to meet BREEAM 'VERY GOOD' standard or equivalent. Achieving a BREEAM 'VERY GOOD' rating would also help ensure the proposed development accords with Policy LP24 of the Submitted Local Plan 2017 which considers proposals more favourably if they make a positive contribution to reducing demand and improving resource efficiency.

## **7.10 Planning Balance**

- 7.10.1 The proposed development would provide a significant increase of B1 space within the District, increasing employment space and opportunities for job creation. The B1 use of the site falls within the B1/B2 uses which the site is allocated for within the adopted and emerging Local Plans. The proposed development would also deliver additional public footpath provision along Reach Road which would improve pedestrian safety. Furthermore, there would not be any significant detrimental impacts created which would outweigh the benefits of the proposed development. The proposed development is therefore recommended for approval.

## **8 COSTS**

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

## **8.0 APPENDICES**

- 8.1 Appendix 1 – List of Conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00155/OUM	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
17/01094/OUM 17/00852/SCREEN 17/01071/FUL	Ely	

17/01072/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>

APPENDIX 1 - 18/00155/OUM Conditions

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

Plan Reference	Version No	Date Received
0769U-00-001A		2nd February 2018
0769U-00-010		2nd February 2018
0769U-00-005	G	2nd February 2018
TRANSPORT ASSESSMENT	Rev 01	2nd February 2018
PRE-ASSESSMENT REPORT		2nd February 2018
EN151-01		2nd February 2018
ARBORICULTURAL IMPACT ASSESSMENT		P2893.1.0 2nd February 2018
PLANNING STATEMENT		2nd February 2018
GEO-ENVIRONMENTAL RISK ASSESSMEN		2nd February 2018
APPENDIX B		2nd February 2018
APPENDIX C		2nd February 2018
DELTASIMONS REPORT		2nd February 2018
TRAFFIC SURVEY REPORT		2nd February 2018
SK-100	P3	19th February 2018
19552EA-03		19th February 2018

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

- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 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.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 6 Development shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.
- 6 Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

- 7 Reason: To ensure the satisfactory maintenance of unadopted drainage systems, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017, and the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.
- 8 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 first occupation of the hereby approved buildings.
- 8 Reason: To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to the water environment, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within twelve months of first occupation of the site for written agreement by the Local Planning Authority.

- 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 and policy LP24 of the Submitted Local Plan 2017.
- 10 Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. Such Travel Plan shall include the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 10 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 11 Prior to first occupation of the hereby approved development, the footway, crossing and vehicle junction/access works on the highway as shown on drawing SK-100 Rev P3 must be completed to Cambridgeshire County Council standards.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. This is a Grampian condition.
- 12 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking,

amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access to the site within 15m of the public highway.

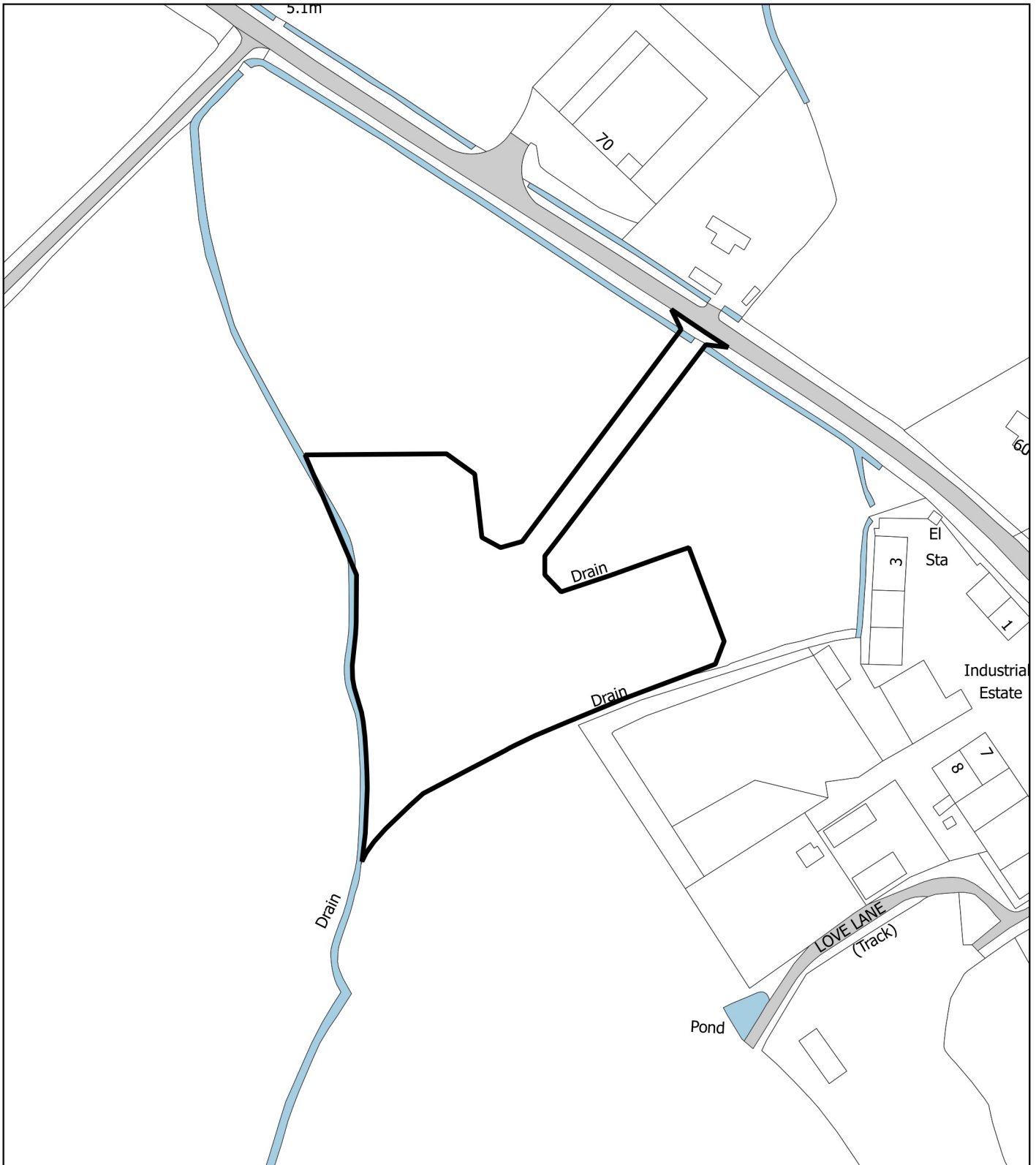
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 The width of the hereby approved vehicular access shall be as approved on drawing no.SK-100 Rev P3 and thereafter retained in perpetuity.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 Prior to first occupation of the development, sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 Prior to first occupation of the hereby approved development, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on drawing no. SK-100 Rev P3. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 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.
- 16 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 17 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.
- 17 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 18 Prior to occupation a scheme of fire hydrants or, if demonstrated not to be possible, a sprinkler system shall be submitted to and agreed in writing by the Planning Authority. Development shall commence in accordance with the approved details.
- 18 Reason: In the interests of public safety to the future occupants of the site.

- 19 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 20 The hereby approved development shall be carried out strictly in accordance with Chapter 5 of the Preliminary Ecological Appraisal prepared by enims Environmental Excellence and dated June 2017, and Paragraph 4.2 'Mitigation Requirements' of the Great Crested Newt and Reptile Survey Report prepared by enims Environmental Excellence and dated July 2017.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 21 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00am-18:00pm each day Monday-Friday, 08:00am-13:00pm Saturdays and none on Sundays or Bank / Public Holidays.
- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 22 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.
- 22 Reason: In the interests of highway safety and to protect residential amenity, in accordance with ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

23 The development shall not exceed 5,700 square metres of B1 Use Class space.

23 Reason: The application has been considered and determined on this basis.





18/00137/FUL

80 Barton Road  
Ely



East Cambridgeshire  
District Council

Date: 19/03/2018  
Scale: 1:1,819



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**MAIN CASE**

**Reference No:** 17/02002/FUM

**Proposal:** Erection of a three storey sixty six bed care home for older people with associated car park, access and landscaping.

**Site Address:** Land North Of Cam Drive Ely CB6 2WR

**Applicant:** LNT Care Developments

**Case Officer:** Julie Barrow, Senior Planning Officer

**Parish:** Ely

**Ward:** Ely North

Ward Councillor/s: Councillor Mike Rouse  
Councillor Elaine Griffin-Singh  
Councillor Andy Pearson

**Date Received:** 14 November 2017      **Expiry Date:** 6 April 2018

[S277]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the expiry of the advertisement placed in the Cambridge News (expiration date 5<sup>th</sup> April 2018) and subject to recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Materials
- 4 Windows and doors
- 5 Surface water drainage
- 6 Soft landscaping scheme
- 7 Soft landscaping maintenance
- 8 hard landscaping
- 9 Boundary treatments
- 10 Foul water drainage
- 11 Standard estate road construction
- 12 Internal access to adoptable standard
- 13 Construction Environmental Management Plan
- 14 Construction and delivery times
- 15 Travel Plan
- 16 Biodiversity enhancements
- 17 Parking and turning area

- 18 BREEAM
- 19 IT infrastructure
- 20 Site Characterisation
- 21 Reporting of unexpected contamination

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of a three storey, 66-bed residential care home for older people together with associated car park, access and landscaping.
- 2.2 The proposed 'L-shaped' building will have elevations facing the Isle of Ely School and the proposed development to the south. The building will have a maximum height of 10.7m and is contemporary in design, to complement the adjacent school, with the use of traditional materials.
- 2.3 The scheme includes a building to serve as a bin store and sprinkler house together with a separate cycle store. 20 car parking spaces are proposed, including 2 disabled spaces, alongside a drop off area adjacent to the main entrance at the rear of the building. The space around the building will serve as a resident's garden. The scheme is developed in a configuration which enables the care home to provide for two types of care – general residential and residential dementia. Its plan layout and internal arrangement allows the home to be split into the separate care requirements.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.5 Amended plans have been received during the course of the application making changes to the design of the building following input from the Council's urban design consultants.
- 2.6 The application is being presented to Planning Committee as it forms part of the strategic urban extension of Ely, known as North Ely.

## 3.0 PLANNING HISTORY

- 3.1
 

13/00785/ESO	Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely.	Approved	26.11.2014
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#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the west of The Isle of Ely School and forms part of the North Ely development. The land to the south of the site is allocated for mixed use as part of the wider scheme and the land to the south-west and south-east of the site is currently being developed by Hopkins Homes for residential purposes.

#### 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.

**City of Ely Council** – No concerns regarding this application but felt there is a lack of car parking spaces.

**Ward Councillors** – No comments received.

##### **Anglian Water** –

1. Wastewater treatment - The foul drainage from this development is in the catchment of Ely Water Recycling Centre that will have available capacity for these flows.
2. Foul sewerage network – Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. A condition is requested requiring the drainage strategy to be agreed.
3. Surface water disposal – From the details submitted the proposed method of surface water management does not relate to Anglian Water operated assets.

**Lead Local Flood Authority** – Satisfied with the proposed surface water drainage strategy and request a condition requiring the drainage system to be designed in accordance with the approved site-wide strategy.

**Littleport & Downham Internal Drainage Board** – This application is outside of the Littleport and Downham Internal Drainage District but within an area that will eventually drain into its Catchwater system. Providing this development follows the agreed surface water strategy for the whole Masterplan site, the Board will have no objections to this application.

**NHS England** (14<sup>th</sup> December 2017) – In its capacity as the primary healthcare commissioner, NHS England and the CCG has identified that the proposed development will have a significant impact on primary healthcare provision in Ely.

NHS England and the CCG raise a holding objection to this proposed development and any other significant pending residential developments in Ely, due to capacity issues in primary healthcare provision in the area at the current time.

Following a request for a financial contribution towards IT infrastructure NHS England has now agreed to the imposition of a condition requiring mutual support mechanism/IT infrastructure to link the care home to primary care facilities instead of a financial contribution and it has removed its objection.

**Local Highway Authority** – Transport Assessment Team (20<sup>th</sup> December 2017) – these comments are based on the Travel Plan dated November 2017:

1. A review of the relevant local and national policies should be provided within the Travel Plan. The purpose of a policy review is to demonstrate the ways in which the TP objectives and proposed measures are consistent with policy objectives at both national and local levels.
2. An Interim Travel Plan Coordinator is noted to be assigned until an official TPC has been appointed. The contact details of the permanent TPC should be provided to the LPA when appointed and should also be set out in the TP itself when known.
3. The roles and responsibilities of the TPC are outline clearly in the Travel Plan and are agreed.
4. It is acknowledged that from 3 months of first occupancy, the Travel Plan will be monitored through the delivery of annual staff and visitor travel surveys. A review of the Travel Plan will be undertaken on the 3<sup>rd</sup> and 5<sup>th</sup> year after first occupancy and a survey report submitted annually to CCC. This is agreed.
5. The Travel Plan sets out a target to reduce single occupancy car trips by 10% over the 5 years of implementation. This target is noted to be applicable to both staff and visitors. This is agreed.
6. The key person or group responsible for each task should be detailed within the Action Plan.

**Local Highway Authority** – Transport Assessment Team (2<sup>nd</sup> March 2018) – The applicant has provided the additional information requested and have updated the Travel Plan accordingly.

**Local Highway Authority** – Highway Engineer – No objections in principle to this application.

It is noted at this stage that the access to this development is shown to be over private land but accessed from an existing arm of the roundabout on Cam Drive. These sections of private road form part of the internal network for the larger development. It has not been agreed with the LHA if these sections are suitable for adoption and the road layout i.e. widths/parking etc. may need to be altered to make these sections to LHA standards. The applicant should be made aware that alterations to the road layout maybe required and may affect their access.

**Historic Environment Team** – No objection to the proposal and do not consider archaeological works to be necessary in connection with the development. The site was included in the evaluation undertaken in connection with the Cam Drive development (13/00785/ESO). No significant archaeology was identified within this area and it was excluded from the mitigation strategy for Cam Drive.

**Designing Out Crime Officer** – The documents have been reviewed in relation to crime, disorder and the fear of crime. This appears to be a very acceptable proposal and the section and content within the Design and Access Statement regarding crime prevention is noted. This office would be happy to consult with the applicant to discuss measures to mitigate against crime and the fear of crime.

**East Cambridgeshire Access Group** – Make the following comments:

- 20 parking spaces is insufficient for day staff plus visitors
- No Bicycle racks shown
- All entrances should be step free
- Reception area should be on 2 levels
- There needs to be a contained garden separate designed to enhance the quality of life of staff and residents.
- Cannot see the catering facilities for the café mentioned in the Access Statement.
- There are no facilities for visitors to go to the toilet, these should be accessible.
- Consider designing some en-suites instead of wet rooms.
- Bedroom doors open inwards for safety reasons. The hinges should allow the doors to be lifted off in the event of an emergency, or consider the door to open both ways.
- Can see a desk and chest of drawers in the bedroom plan but can see no hanging space.
- The space for a wheelchair user seems very tight.
- For access and quality of life for residents, the design seems very limited.
- Audible and visual signs throughout the complex.

**Housing Strategy & Enabling Manager** – As this application does not contain self-contained accommodation no affordable housing requirement is expected unless the Local Plan specifies that an affordable housing requirement should arise from this application for a care home.

**Environmental Health** – Under section 14 of this application the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is class as vulnerable to the presence of contamination it is advised that contaminated land conditions, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

It is advised that construction times and deliveries to the site are restricted and that prior to work commencing on site a Construction Environmental Management Plan is submitted and agreed in writing with the LPA.

**Environmental Health (Commercial Team)** – The layout, design and construction of the building must comply with relevant food and health and safety legislative requirements.

**ECDC Waste Strategy** – East Cambs District Council do NOT collect waste from registered care homes therefore it will be the responsibility of the developers/care providers to arrange a collection service with a registered waste carrier.

It will be the responsibility of the developers/care provider to ensure that all waste is presented at a suitable location for collection by a refuse freighter, which should not have to reverse more than 10 metres to a collection point and should not be blocked/restricted by parked vehicles, etc.

Any roads used by the refuse freighter should either be adopted or built to adopted road standards, if the road is not adopted then the developer/care provider will likely be expected to indemnify the waste carrier against any damage caused to the roadway during normal collection services.

**Dept of Social Services** - No comments received.

**Conservation Officer** - No comments received.

**CCC Growth & Development** - No comments received.

5.2 Neighbours – Site notice posted, advertisement placed in the Cambridge Evening News and 73 neighbouring properties were notified. No responses received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
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
ELY 1	Housing-led sustainable urban extension, North Ely
HOU 1	Housing mix
HOU 6	Residential care accommodation

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 2012

4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design

## 10 Meeting the challenge of climate change, flooding and coastal change

### 6.4 Submitted Local Plan 2017

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP16 Infrastructure to Support Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP18 Improving Cycle Provision

LP22 Achieving Design Excellence

LP24 Renewable and Low Carbon Energy Development

LP25 Managing Water Resources and Flood Risk

LP27 Conserving and Enhancing Heritage Assets

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

LP30 Conserving and Enhancing Biodiversity and Geodiversity

### 7.0 PLANNING COMMENTS

- 7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity, residential amenity, access and parking and flood risk and drainage.
- 7.2 Principle of development
- 7.2.1 Policy ELY1 of the Local Plan 2015 allocated approximately 210 hectares of land for a mixed-use urban extension of up to 3000 dwellings; 2 primary schools; sufficient employment uses to deliver approximately 1300-1500 jobs; two local centres providing retail and community facilities; and an extension of Ely Country Park. A Strategic Master plan has been prepared for the whole area in order to bring together Endurance Estates, the promoters of the western half of North Ely and the Church Commissioners, landowners of the eastern half of the allocation.
- 7.2.2 The North Ely Supplementary Planning Document (North Ely SPD) then sets out the planning requirements for the development of this new community, indicating the design and development principles that must be met to enable a 'special extension to a special city'.
- 7.2.3 As stated above, outline planning permission for the residential led development of up to 1200 homes with associated employment and community uses (including care home or extra care home), supporting infrastructure and open space/landscaping on land to the west of Lynn Road was granted on 20 June 2016. The S106 Agreement attached to the planning permission secures the provision of affordable housing across the site together with allotments and open space. A number of financial contributions towards matters such as business support, education and highway improvements are also secured through the Agreement.
- 7.2.4 One of the two primary schools to be delivered as part of the North Ely extension has already been constructed by Cambridgeshire County Council and has been taking pupils for the past year. The Isle of Ely School is located to the east of the land that is subject to this full application and is accessed via a section of spine road



constructed to facilitate the school and open up the remainder of the Endurance Estates land in later phases. The land immediately to the south of the site is designated as a local centre with a food store and four additional retail units, a public house/restaurant, work hub with offices and an option for a community space and/or micro library under the outline planning permission. Endurance Estates are being encouraged by the Council to bring this local centre forward as soon as is practicable in order to create a sense of community and meet the objective of Policy ELY1 to demonstrate a phased approach to development so that jobs, facilities and infrastructure are delivered alongside housing.

7.2.5 Prior to the submission of this full application Endurance Estates discharged a number of strategic site-wide planning conditions that will inform all future reserved matters applications and will set the parameters of matters such as surface water drainage for this application. The site is located within the Downham Meadow Character Area and the applicant has had to have regard to the Downham Meadow Design Code prepared by Endurance Estates and approved by the LPA in 2017.

7.2.6 The proposed care home does not have consent under the outline planning permission and a full planning application has therefore been made. Reference is made within the outline planning permission to a care home or extra care home and it is anticipated that an extra care facility will be constructed in the northern half of the site, as indicated by the approved Land Use Parameter Plan. It is considered that the use of part of the Endurance Estates site as a care home is compatible with the mixed use development envisaged by Policy ELY1 and the North Ely SPD. The North Ely SPD states that the District Council is 'seeking imaginative and creative place-making to develop a distinctive new community which adds to the specialness of the existing City'. The proposed care home will sit alongside The Isle of Ely School, the proposed local centre and the residential development currently being carried out by Hopkins Homes. It is therefore considered that the combination of uses will help to establish a 'distinctive new community' and provide a mixed use development that will cater for the needs of all sections of the community, as advocated by policy HOU1 of the Local Plan and policy LP6 of the Submitted Local Plan. In addition, the proposal accords with policy HOU6, which states that residential care accommodation should be located within a settlement that offers a range of services and social facilities. This is repeated in policy LP6. Given that the site is located within the development envelope of Ely it is considered to meet this criteria. The principle of development is therefore considered to be acceptable and in accordance with the provisions of the development plan.

7.3 Visual amenity

7.3.1 The application site lies within the Urban Village development type as set out in the North Ely SPD. This development type is defined by its mixed use areas, with a variety of building types and rooflines and it is anticipated that there will be a mix of two and three storey buildings. Dwellings are expected to be set along street frontages with formal tree planting in the streetscape reflecting the urban character. The site also lies within the Downham Meadow Character Area, which accommodates a natural transition between different urban forms and is influenced by the adjoining land uses.

7.3.2 The application site occupies a key dual fronted position on the spine road leading through the development. The proposed L-shaped care home addresses its prominent location and the building design has evolved as a result. The proposed materials palette has been simplified and a more contemporary approach to the design of the building has been taken to complement the design of The Isle of Ely School. A shallow pitched roof has reduced the overall massing of the building while the roofscape is accented further creating better flow along the streetscape. The applicant proposes to create garden areas on the key frontages to allow some visual permeability through the scheme and encourage residents to interact with the surrounding areas. The main entrance and car park are to the north-west of the building, minimising their prominence in the street scene. Formal tree planting is proposed on key boundaries to match the tree planting around the school and ensure continuity between the Downham Meadow Character Area and the adjacent Cam Grove Character Area. The applicant has worked with the LPA and its Urban Design consultants and it is considered that the scheme will enhance this key gateway area of the wider development and complement its surroundings. The proposal is therefore considered to comply with policy ENV2 of the Local Plan and policy LP22 of the Submitted Local Plan.

#### 7.4 Residential amenity

7.4.1 The proposed care home will house up to 66 residents and the internal layout is based upon the applicant's extensive experience of delivering such schemes. There is a generous amount of open space around the building for the benefit of future residents. The land to the south-east and south-west of the site is currently being developed by Hopkins Homes and a variety of dwellings and apartments are to be constructed. The care home will be separated from these dwellings by the internal road system within the wider development and the two schemes do not give rise to any concerns in relation to overlooking, privacy or appearing overbearing. It is possible that the two schemes may be constructed alongside one another and both developers will be required to adhere to a Construction Environmental Management Plan (CEMP) to ensure that the amenity of future residents is protected.

7.4.2 As the Cam Grove local centre has not yet been designed it is not possible to fully assess the effects of noise from this area of the wider development on future residents. Future applications for the local centre will therefore need to take account of the surrounding built form and appropriate noise mitigation measures put into place.

7.4.3 Subject to the imposition of suitable conditions in relation to the submission of a CEMP and the restriction of construction and delivery hours it is considered that the scheme complies with policies ENV2 and LP22 in relation to residential amenity.

#### 7.5 Access and parking

7.5.1 The vehicular access is located in the south-east corner of the site and will be taken off a newly formed estate road off School Road, which leads off Cam Drive. The estates roads are being constructed as part of the recently approved Hopkins Homes development and the applicant will need to ensure that appropriate arrangements are in place with Hopkins Homes and Endurance Estates, as land

promoters, to ensure the road is constructed in accordance with the approved details. The Local Highway Authority raises no objections to the access arrangements but notes that the internal roads within the wider development will need to be subject to the adoption process and the applicant should be aware that any changes required as part of this process could affect their access.

7.5.2 The application is accompanied by a Travel Plan, which sets out that the site is accessible by walking, cycling and public transport. The Travel Plan has been amended during the course of the application as a result of comments made by the Transport Assessment Team and it is now deemed to be acceptable. A Travel Plan Co-ordinator has been appointed by the County Council as part of the wider North Ely development and it is anticipated that this additional Travel Plan can feed into this process.

7.5.3 A total of 20 car parking spaces will be provided on site, 2 of which will be laid out to mobility specifications. The City of Ely Council and the East Cambridgeshire Access Group have raised concerns that this number of spaces will be insufficient. Policies COM8 and LP22 state that up to 1 car space per 4 residents should be provided together with up to 1 space for every 2 non-resident staff members. Based on the staffing levels proposed by the applicant this would equate to a total of 24 parking spaces. There is therefore a shortfall of 4 spaces.

7.5.4 The applicant is an experienced care home provider and has based the layout for this development on its knowledge and experience. It is confident that the number of spaces proposed will be adequate and given the high sustainability credentials of the site it is anticipated that other means of transport will be utilised. A cycle store is proposed on site for the benefit of staff and visitors. The car parking standards set out in policies COM8 and LP22 are stated to be maximum levels and not a minimum standard to be reached. On balance it is considered that weight can be given to the applicant's operational experience of such matters and that refusal of the application on the grounds of a shortfall in parking could not be justified. In addition, there is sufficient space within the site to create further parking spaces should it prove necessary, subject to a formal planning application being made.

7.6 Flood risk and drainage

7.6.1 The site is located in Flood Zone 1, where the majority of development should be directed. A site-wide Surface Drainage Strategy has been approved for the Endurance Estates side of North Ely and all development within this area is expected to accord with this strategy. The approach to surface water management on the site is reliant upon a strategic SuDS to provide on-site attenuation comprising of open ditches, attenuation basins and swales, with outflow restricted to greenfield run-off rates discharging to existing open drainage ditches and culverts beneath Cam Drive.

7.6.2 The applicant has made reference to the site-wide surface water drainage strategy approved in respect of the outline planning permission on the site and the fact that the detailed drainage system for the care home will be designed in accordance with this strategy. The Lead Local Flood Authority has confirmed that this is acceptable and has requested a condition to this effect.

- 7.7 Other matters
- 7.7.1 NHS England
- 7.7.2 NHS England were consulted on the application and raised concerns that the proposed development will have a significant impact on primary healthcare provision in Ely. The applicant responded directly to NHS England stating that the residents of the care home are likely to emanate from within a 3 mile radius of the site and will therefore already be registered with a GP practice in the local area. In addition, the care home will provide a substantial element of care, becoming a support services for local doctors and medical services. The applicant also stated that the additional care home places would relieve pressure on local hospitals and reduce 'bed blocking'.
- 7.7.3 NHS England has responded stating that its experience has been that care homes require an increased level of NHS support and often place an additional burden on practices due to complex care needs. There is also no guarantee the residents will be coming from the local area.
- 7.7.4 Further dialogue has taken place between the applicant and NHS England following a request for a financial contribution from the applicant towards IT infrastructure to link care homes to primary care facilities in order to increase capacity without the need for physical infrastructure. The applicant has advised that it has its own hi-tech IT systems that could link to the primary care facilities and it has been agreed that a condition can be imposed on any grant of planning permission requiring the applicant to liaise with NHS England and ensure that the appropriate IT systems are put in place. The Council's Strategic Planning Team has also confirmed that it has allocated the Princess of Wales Hospital site to enable redevelopment and re-organisation of healthcare facilities. This should provide a good opportunity to improve healthcare provision to North Ely residents, and further afield.
- 7.7.5 Sustainability standards
- 7.7.6 In accordance with policy ENV4 and the principles of policy LP24 of the Submitted Local Plan, the proposed care home will be expected to achieve BREEAM rating very good. The applicant has stated that in terms of building design steps have been taken to reduce energy demand having regard to operational requirements of the home. Externally the building has been designed with glazed areas to maximise access to natural light and to minimise energy requirements for lighting and heating in communal areas. Additionally Ground Source Heat Pumps are proposed to provide heating to the building and solar thermal panels to assist in hot water provision. It is the applicant's intention to implement renewable energy technologies and deliver in excess of 15% of the care home's predicted energy requirements, which would go towards meeting the requirements of the policies.
- 7.7.7 Historic environment
- 7.7.8 The Historic Environment Team have raised no objections to the proposal and are satisfied that no further archaeological work is required on the site.
- 7.7.9 Job creation

7.7.10 As well as the provision of 66 beds of residential and dementia care the scheme is also expected to create 46 jobs, around 40 of which will be full-time.

## 7.8 Planning Balance

7.8.1 The applicant has submitted evidence to support the need for the residential care home, with a shortage of 55 beds identified in the area. The proposal will therefore meet this need and addresses with the requirements of the current and emerging development plans to provide a mix of housing to meet local need and provide accommodation for older people. The site is located in a sustainable location and will be well integrated within the strategic urban extension known as North Ely. The benefits of the scheme therefore attract significant weight in favour of the proposal. Additional economic benefits will follow in the short term through construction and in the long term through the creation of 46 jobs. These benefits attract further weight in favour, albeit that the short term benefits attract limited weight.

7.8.2 The scheme can be accommodated using the planned network of roads to be constructed as part of the North Ely development and whilst there may be a slight shortfall in parking provision this is not considered to warrant refusal of the application. The care home has been designed to reflect its prominent position on the North Ely development and complement the adjacent school and residential development. Subject to appropriate conditions the proposal is acceptable in relation to all other material considerations and there are no significant and demonstrable adverse effects that would outweigh the benefits of the proposal. The application is therefore recommended for approval.

## 8.0 COSTS

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

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

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

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

- The proposal accords with the North Ely SPD and the relevant development plan policies
- No outstanding objections from statutory consultees

- 9.0 APPENDICES
- 9.1 Draft conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/02002/FUM	Julie Barrow Room No. 011 The Grange	Julie Barrow Senior Planning Officer
13/00785/ESO	Ely	01353 665555 julie.barrow@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 17/02002/FUM Conditions

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

Plan Reference	Version No	Date Received
TRAVEL PLAN		8th January 2018
CB6 2FG - A01	B	31st January 2018
CB6 2F - A02		31st January 2018
CB6 2FG - A04	C	20th February 2018
CB6 2FG - A03	F	20th February 2018
CB6 2FG - A03.1	C	20th February 2018
CB6 2FG - A05	E	20th February 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the 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: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No above ground construction shall take place on site until details of the windows and doors to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 5 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the Site-Wide Surface Water Drainage Strategy prepared by WSP Parsons Brinckerhoff dated July 2016 together with the details contained within the letter dated 7th September from WSP Parsons Brinckerhoff to the LLFA approved under planning reference 13/00785/DISA. The approved scheme(s) shall be implemented prior to first use.

- 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 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.
- 6 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping for a minimum period of 5 years, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 7 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 8 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the access road, car park and drop of area. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to first use.



- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in full prior to first use of the care home unless otherwise agreed in writing by the Local Planning Authority.
- 10 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.
- 11 Prior to the first use the road(s), footway(s) and cycleway(s) required to access the care home shall be constructed to at least binder course surfacing level from the building to the adjoining County road.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 12 The internal access road shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) prior to first use.
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 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.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 14 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 Prior to first use the initial measures outlined in sections 7 and 8 of the Travel Plan dated November 2017 and received on 8th January 2018 shall be implemented. The operator

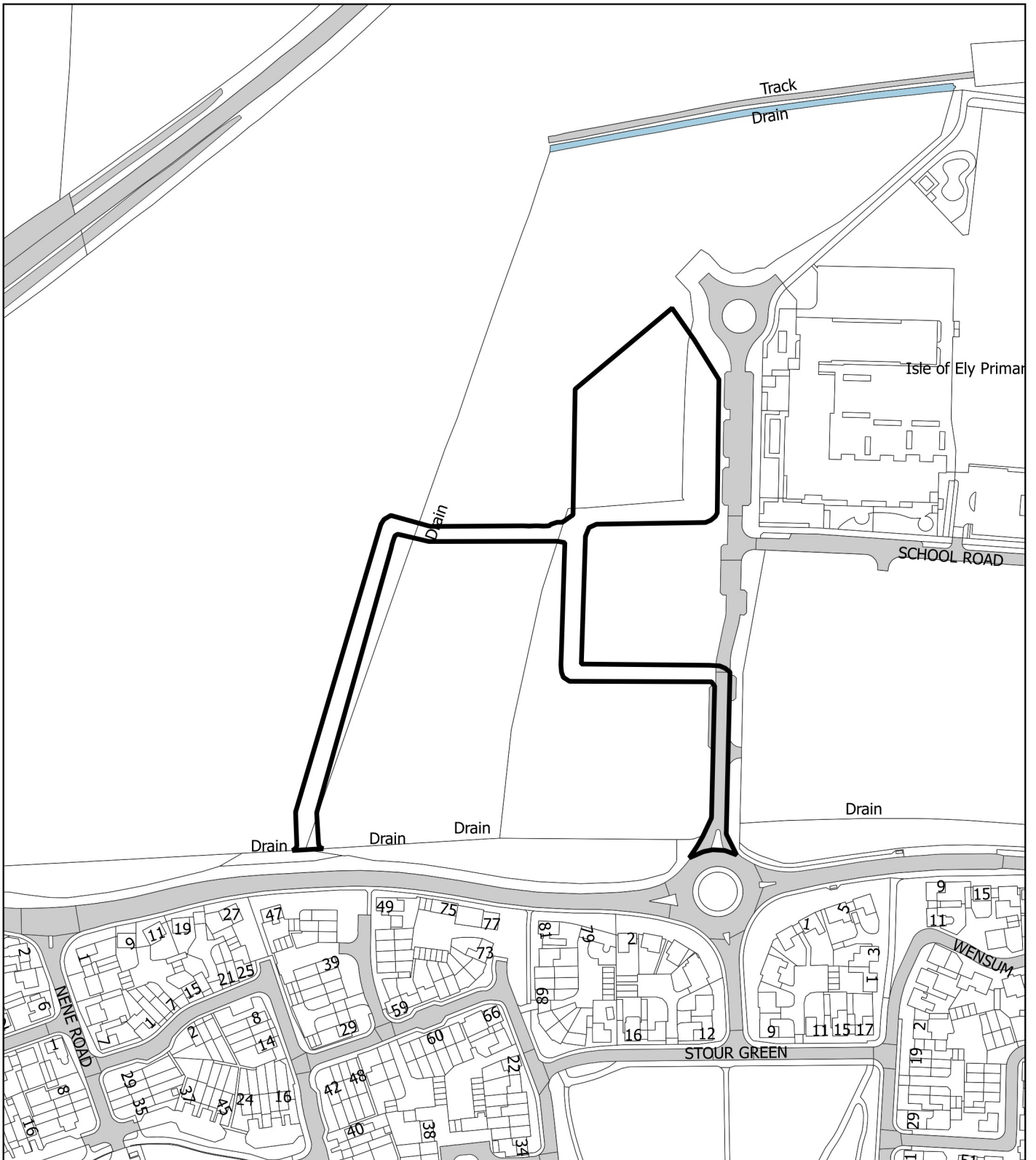
of the care home shall thereafter continue to implement and monitor the Travel Plan in accordance with the measures outlined in section 8.14.

- 15 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM7 of the East Cambridgeshire Local Plan 2015 and policies LP2 and LP17 of the Submitted Local Plan.
- 16 Prior to first use a scheme of biodiversity enhancements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity enhancements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 17 Prior to first use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the details shown on Drawing No. CB6 2FG - A03.1 - C and thereafter retained for that specific use.
- 17 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 18 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.  
A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.
- 18 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017.
- 19 Prior to first use details of the mutual support mechanism/IT infrastructure to link the care home to primary care facilities shall be submitted to and approved in writing by the Local Planning Authority in consultation with NHS England.
- 19 Reason: To ensure that appropriate infrastructure is in place to provide the necessary link between the care home and primary care facilities and to provide a mutual support mechanism in accordance with policy GROWTH3 of the East Cambridgeshire Local Plan 2015 and policy LP16 of the Submitted Local Plan.
- 20 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and

approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 20 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 21 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 22 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.



17/02002/FUM

Land North of Cam Drive  
Ely



East Cambridgeshire  
District Council

Date: 19/03/2018  
Scale: 1:2,627



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**MAIN CASE**

**Reference No:** 17/02205/FUL

**Proposal:** Development of a 49.9MW battery storage facility, bridge and associated infrastructure

**Site Address:** Land North West Of Electricity Sub-Station Weirs Drove Burwell

**Applicant:** Aura Power Storage Solutions

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

**Parish:** Burwell

**Ward:** Burwell

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

**Date Received:** 19 December 2017      **Expiry Date:** 11<sup>th</sup> April 2018

[S278]

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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.

1.2

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Detailed surface water SuDS scheme
- 4 Archaeological Investigation
- 5 Vehicular access construction
- 6 Construction times
- 7 No burning of waste
- 8 No lighting
- 9 Noise levels
- 10 Noise levels
- 11 Noise levels
- 12 Soft landscaping
- 13 Soft landscaping maintenance
- 14 Boundary treatments
- 15 Materials and colours
- 16 Construction Environmental Management PI
- 17 Water voles and otters

- 18 Ecological protection
- 19 Secondary containment
- 20 Flood Risk mitigation
- 21 Existing hedge protection
- 22 Fire Safety
- 23 Re-instatement of land and safe decommissioning

2.0 SUMMARY OF APPLICATION

- 2.1 Full planning permission is being sought for a 49.9MW battery storage facility, bridge and associated infrastructure. The proposed development would include 26No. battery energy storage containers which are 3m in height and ancillary infrastructure comprising transformers, a storage cabinet, a communications cabinet and a customer switch room, a circuit breaker and Distribution Network Operators sub-station. The maximum height of the ancillary infrastructure would be 5m. The proposal includes a 2m high earth bund with 1.5m high hedge above which would surround parts of the site boundaries. The proposal also includes a 3m high closeboarded fence along the eastern boundary, in addition to 2.5m high palisade fencing and 2.4m high weldmesh fencing along other boundaries which are mostly situated behind the bund and hedging within the site. The proposal includes a new vehicular access with a clear space concrete bridge over The Weirs watercourse.
- 2.2 Planning permission is being sought on a temporary basis for 25 years.
- 2.3 Additional information and amendments have been submitted during the course of this application, including additional hedging, a Landscape and Visual Note and a wire frame montage to demonstrate the visual impact of the proposed development in context with the surrounding landscape.
- 2.4 This application has been called in to Planning Committee by Councillor David Brown due to the nature and siting of the proposed development.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1 No relevant planning history on the site.

Relevant off-site planning history relating to surrounding land

93/00843/FUL	Erection of Steel Buildings Surrounded By Palisade Fencing to House Telecommunications Equipment	Approved	28.10.1993
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01/01123/FUL	Extend existing telecom module compound including back-up generators foundation slab and fencing.	Approved	01.02.2002
97/00955/TEL	The installation of a prefabricated equipment cabin size 3.7m X 2.5m mounted on a purpose built concrete base not exceeding 16 Square metres	Approved	16.01.1998
99/00798/TEL	Three dual polar sectar antennae, four microwave dishes and one equipment cabin	Approved	14.10.1999
97/00324/TEL	15 metre lattice tower with equipment housing, 3 antennas and 2 dishes	Approved	02.06.1997
97/00632/FUL	Replacement 25m Telecoms mast and associated equipment	Approved	08.10.1997
14/00789/FUL	Installation of a cable connecting the approved solar farm which is to be located off Heath Road, Burwell (ref:13/00878/ESF) to the electricity sub station which is located on the eastern side of Weirs Drove, Burwell.	Approved	06.10.2014
06/00814/FUL	Install a 3.5m tower extension with 3no. Dual Polar antennas @ 26.0 - 28.4 m, 3no. equipment cabinets, 1no. meter cabinet and a feeder gantry for O2 (UK) Ltd	Approved	05.09.2006

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located along Weirs Drove, to the west of the main settlement of Burwell and outside of the established development framework. The site comprises an open agricultural field which is bordered on the north and west sides by a watercourse. The site and surrounding area is predominantly rural in nature,

reflecting the countryside location of the site. However, there are two large electricity substations located within close proximity to the site to the north-west and south-east, in addition to large electricity pylons located to the west.

## 5.0 RESPONSES FROM CONSULTEES

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

5.2 Burwell Parish Council – In principle, have no objections to the proposal provided that the following questions / issues are addressed in a satisfactory way to the benefit of the residents of the parish:

### Boundary treatment

- Requests clarification of the height of the close-boarded acoustic fence. The application form states 3 metre high, supporting plan 23060103 states 3m high and supporting Plan 23060106 states 2.5m high.

### Hazardous substances

- Lithium ion batteries produce toxic gases if overheated.  
B. If overheated, damaged or rapidly charged or discharged Lithium Ion batteries may overheat and suffer thermal runaway resulting in fire and or explosion.  
C. Lithium is a highly volatile and reactive substance - If handled and operationally controlled correctly with a robust battery management system Lithium Ion batteries are considered to be safe.
- Lithium Ion Batteries are not classified as hazardous waste under the Hazardous Waste Regulations 2005. However they are included in the Environment Agency Guidance on Hazardous waste as a substance whose presence could render waste hazardous on account of its flammability.
- How will safe disposal of life expired batteries be ensured?
- How will safe disposal of the batteries be ensured when the site is decommissioned?
- Cobalt is a major component of Lithium Ion battery cells. One of the major sources of Cobalt is the Democratic Republic of Congo where children as young as seven are employed in the mining of Cobalt. Can Aura name the battery manufacturer and confirm that there is no child exploitation involved in the production to be used in the Burwell installation.

### “Noise

The conditions suggested by Peter Chisnall ECDC Environmental Health Technical Officer (Domestic) to be made mandatory. It was necessary to make various assumptions when completing the Noise Impact Assessment. Therefore it is



considered essential that accurate noise measurement readings are taken on commissioning the installation to ensure that the predicted noise levels are not exceeded.

### Planning statement

At a public meeting Aura stated that Halon gas would be used as a fire suppressant. The use of Halon gas was banned in 2003. In the Planning Statement 3.2.2 it states that a specially designed gas will be used as a fire suppressant. What gas will actually be used?

In response to a question raised at a public meeting Aura stated that solid state lithium ion batteries would be used at the Burwell Site. No solid state industrial Lithium Ion batteries are currently in production. Lithium Ion batteries are unlikely to be in production until 2022 at the earliest. What technology will be used for the batteries in the Battery Energy Storage System proposed for Burwell?

### Neighbour list

Newall Farm 295 metres from the site is included but Martin Close 275 metres and Low Road 280 metres from the site are not. Why are they excluded?

### General Questions

1. Does Aura Power have any connections with project Staunch the joint battery backup and diesel generator development in Newcastle under-Lyme?
2. The main companies involved in the Bristol Battery Storage Project were Hazel Capital, Noriker Power, Aura Power and Metka-EGN. What were each of their roles in the project?
3. Will the same Bristol Battery Storage Project partnership be involved in the Burwell project? If not who will take on their roles?
4. Who will manage and maintain the project once commissioned?
5. What are the guarantees that the specified essential maintenance, servicing and safety checks will be carried out throughout the life of the installation?
6. How are Fire and Rescue and the installation operators advised of a fire?
7. Will Fire and Rescue be made aware of the particular hazards of a fire in the installation?
8. In the unlikely event of a fire occurring what pollutants would be released into the atmosphere?
9. What are the lightning strike precautions?
10. Are the container units bought in, off the shelf, completely self-contained integrated units with fitted battery racks, individual AC DC AC conversion and battery management systems etc.? If so who is the manufacturer and what are the product details?
11. Are the units in house design? If so who is responsible for design and what experience do they have with battery backup systems?
12. The National Grid holds Grid Capacity Auctions sometimes known as Subsidy Auctions. Capacity Providers who are successful in the auction are awarded Capacity Agreements. These agreements appear to be for a minimum of one year in advance. If a Capacity Award is not held can Aura explain the contractual

arrangements for the operation of the Burwell installation, and how it will have a sustainable income?

13. Will the operators of the Burwell Battery Storage Scheme be bidding for a Capacity Award?

14. Have the implications of the proposed upgrades to both the Burwell National Grid Main Substation and the Burwell Local Grid Supply Sub Station been taken into consideration? UK Power Networks Regional Development Plan RDP05 Burwell GSP (EPN) 2014 refers.”

5.3 Reach Parish Council – No objection. Landscaping is very important to minimise the impact of the development and the Parish Council looks forward to the relevant landscaping conditions being in place to safeguard the area visually.

5.4 Ward Councillor David Brown – Requested the application is called in to Planning Committee due to the nature and siting of the proposed development.

5.5 Cambridgeshire Archaeology – Cambridgeshire Archaeology records indicate that the site lies in an area of high archaeological potential, situated in a known multi-period landscape and bounded on two sides by Weirs Drove, a known focus of activity, as evidenced by the density of findspots and cropmarks in the locality (eg. Cambridgeshire Historic Environment record references 06736, 02190, CB14759, MCB23990). Less than 300m east of the application area are earthworks including a hollow way and field boundaries (CHER 11378) and the site of a medieval house platform (11380), indicative of activity west of the present village during the medieval period. To the south-east are the remains of the medieval priory of St John (06864). Archaeological investigations to the north-east at Myrtle Drive revealed evidence of medieval and postmedieval settlement (ECB2446, ECB2443). In addition, archaeological investigations to the south-east off Low Road revealed evidence of Roman occupation (11989). It is therefore considered likely that important archaeological remains could survive on the site and that these would be severely damaged or destroyed by the proposed development. Cambridgeshire Archaeology 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 by a planning condition.

5.6 Planning Casework Unit - No Comments Received

5.7 Cambridgeshire Fire And Rescue Service - No Comments Received

5.8 Local Highways Authority - No objections in principal to this application. Request the below condition and informatives are added to any permissions granted:

Recommended Condition

- Access to be constructed as per 2306-01-SK101.

Informatives

- The access requires the installation of a span bridge which is partially in the adopted highway. It is the applicant’s responsibility to gain the necessary permissions and approvals from the CCC highways structures team prior to the commencement of any construction

- The proposed new access crosses a ditch / water course which will require the installation of a bridge and or water diversions / culvert. As such the applicant will require the approval of the local Water Management Authority. It is the responsibility of the applicant to ensure that all necessary permissions and agreements are in place prior to the commencement of any works.
- This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.9 CCC Growth & Development - No Comments Received.

5.10 Lead Local Flood Authority - The application is not classified as 'major development' and the Lead Local Flood Authority are not a statutory consultee for this type of application. Therefore the Lead Local Flood Authority are not making any comments.

5.11 Trees Officer - This proposal is for a large industrial facility within a rural location. A small weir runs on the perimeter for the site while some existing hedgerow stands to the South of the site. The existing vegetation is to be retained while additional hedging is proposed upon an earth bund, presumably to limit views. Does not formally object to this application as no significant trees are affected by the proposal. If approved, would like to ensure no damage is caused to the hedging during development with a condition identifying no development shall take place until a scheme for the protection during construction of the hedging on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority (Condition TR2A). This will protect the existing hedge. If the application is to be approved, recommends a full Landscaping Scheme with associated Landscaping Maintenance Schedule to be submitted under condition of planning approval (Conditions LS1A & LS3A). Has concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character). Considers the continued industrialisation of this part of the District abhorrent and the full economic justification for this proposal should be considered. It appears the bund and hedging proposal is to limit the negative visual and impact of this proposal upon the landscape and advises a Landscape Consultant is consulted to fully assess the implications of this proposal upon the landscape.

5.12 Conservation Officer - No comment from a heritage viewpoint. The site is not located within close proximity to any heritage assets.

5.13 Environmental Health –

Revised response dated 2<sup>nd</sup> February 2018

Requests these comments are accepted as a revised consultation response (to those provided by Environmental Health on 2<sup>nd</sup> January 2017).

The site rating noise level (i.e. site attributable noise in terms of LAeq with any relevant noise character penalty) from the development should not exceed the established representative background sound levels (measured in terms of LA90) to show a low impact at the nearest residential receptor boundaries, when assessed in terms of BS4142: 2014 methodology. Daytime specific sound levels to be determined over a 1 hour period (i.e. 0700-2300 hours) and the night-time period over 15 minute periods (i.e. 2300-0700 hours). Where it is not possible to determine the specific sound level by measurement, due to the dominance of any ambient and residual sound levels, then in accordance with section 7.3.5 of BS4142: 2014 determine the specific sound level by a combination of measurement and calculation. The operator of the Site to instruct an independent Noise Consultant (with relevant experience and qualifications) to provide in writing to the Local Authority, a verification report for approval, to show compliance with the above noise limits detailing the methodology, measurement positions, detail of any results, calculation method (where appropriate) and a report of findings. Where the assessment shows non-compliance, the report shall detail an action plan and proposals for further mitigation to comply with the noise limits within an agreed timetable. I would also suggest a condition relating to regular monitoring and any mitigation of noise levels to ensure compliance with the original assessment in the form of a noise management plan to be agreed in writing with the LPA.

During the construction phase I would recommend the following conditions:

The site preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays, Public or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area.

Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.

Reason: To protect the amenity of the area.

No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.

Reason: To protect the amenity of the area.

Previous Environmental Health response dated 2<sup>nd</sup> January 2018

In terms of the operation, cannot fault the methodology used to predict the sound levels in the worst instance from the storage batteries. Based on this, agrees that in operation noise will not have an adverse impact at the nearest properties. However, would add that the predicted noise levels may change over time as the equipment ages, large scale battery technology like this is relatively modern so there is not a lot of existing sites or prolonged noise data to use for the predictions. There is no

indication in the Noise Impact Assessment whether this has been taken into account. Therefore, suggests the following condition:

- The noise levels emitted from any mechanical plant, machinery and equipment shall not exceed 40 dB(A) when measured as a 5 minute LAeq at any time at the boundary of the premises. No mechanical plant, machinery and equipment shall come into operation until details of the mechanical plant, machinery and equipment, along with any proposed sound proofing, to achieve this condition, are provided to the Local Planning Authority for approval in writing. (Reason: To protect the amenity of the area).

Also suggests a condition relating to regular monitoring and any mitigation of noise levels to ensure compliance with the original assessment in the form of a noise management plan to be agreed in writing with the LPA.

During the construction phase, recommends the following conditions:

- The site preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays, Public or Bank Holidays without the prior written consent of the Local Planning Authority. (Reason: To protect the amenity of the area).
- Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment. (Reason: To protect the amenity of the area).
- No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties. (Reason: To protect the amenity of the area”).

5.14 Waste Strategy (ECDC) - No Comments Received.

5.15 Historic England - On the basis of the information available, do not wish to offer any comments. Suggest that views of the Council's specialist conservation and archaeological advisers are sought.

5.16 Swaffham Internal Drainage Board – The application is outside the Swaffham Internal Drainage District. The Board have no comment to make from a drainage point of view.

5.17 Environment Agency – “No objection but have the following condition and Informatives to add:-

#### **Pollution PREVENTION**

The proposed development will be acceptable if the following condition is attached to any planning permission.

## **CONDITION**

The development hereby permitted shall not be commenced until such time as a scheme to provide secondary containment has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

## **REASON**

The chemicals in batteries are highly polluting to the water environment, therefore given the proximity of the proposal to surface water, and position over a principal aquifer, we require further information detailing the containment of these batteries in the event of a leak. The secondary containment must be impermeable to the specific chemicals in the batteries, details of which must be submitted to the local planning authority for approval. The minimum volume of the secondary contaminant should be at least equivalent to the capacity of the batteries plus 10%, and the secondary containment shall have no opening used to drain the system.

A battery energy storage installation does not currently require an industrial installation permit to operate. Although there is good practice from the Environmental Permitting and CoMAH Regulations that this site should follow.

We suggest that the applicant contacts the local lead for the Energy Sector for East Anglia (Neil Goudie, Tel 020 302 51904) to discuss how the plant should be designed to take into fire prevention measures and in particular the run off from fire water that could contain hazardous substances.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

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

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

Natural England - Natural England's comments in relation to this application are provided in the following sections.

### **Statutory nature conservation sites – no objection**

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Devil's Dyke SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an

Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Devil's Dyke SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

### **Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website."

- 5.18 Design Out Crime Officers – Consider that security of the site has been addressed. Would be happy to offer any more advice regarding security if required. No other comments, objections or recommendations and happy to support the application.

- 5.19 Cambridge Ramblers Association - No Comments Received.
- 5.20 Cambs Wildlife Trust - No Comments Received.
- 5.21 UK Power Networks - No Comments Received.
- 5.22 National Grid - Electricity – No objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.
- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset.
  - National Grid requires 3D drawings to be provided at the earliest opportunity (DWG, DGN or DXF)
  - Statutory electrical safety clearances must be maintained at all times. National Grid recommends that no permanent structures are built directly beneath our overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004) To view EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004).  
[http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl\\_final/appendixIII/appIII-part2](http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/appIII-part2)
  - The statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to a normal road surface. Further detailed information can be obtained from the Energy Networks Association's ([www.energynetworks.org.uk](http://www.energynetworks.org.uk)) Technical Specification E-43-8 for “Overhead Line Clearances”, Issue 3 (2004)
  - Any changes in ground levels which are proposed either beneath or in close proximity to our existing overhead lines would serve to reduce safety clearances. Safety clearances to existing overhead lines must be maintained in all circumstances.
  - To view the Development Near Overhead Lines Document.  
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=23713>
  - To view the National Grid Policy's for our Sense of Place Document.  
<http://www2.nationalgrid.com/UK/Services/Land-and-Development/A-sense-of-place/>
  - The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines.”
  - Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum ‘sag’ or ‘swing’ conditions. Overhead Line profile drawings should be obtained using the above contact details.
  - If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
  - Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support”



of our towers. These foundations extend beyond the base are of the tower. Pillar of Support drawings should be obtained using the contact details above.

- Due to the scale, bulk and cost of the transmission equipment required to operate at 275kV or 400kV we only support proposals for the relocation of existing high voltage overhead lines where such proposals directly facilitate a major development or infrastructure project of national importance which has been identified as such by government.
- To promote the successful development of sites crossed by existing overhead lines, and the creation of well-designed places, National Grid has produced 'A Sense of Place' guidelines, which look at how to create high quality development near overhead lines and offer practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines.
- Further information regarding our undergrounding policy and development near transmission overhead lines is available on our website at: <http://www.nationalgrid.com/uk/LandandDevelopment>

5.23 Neighbours – A number of site notices were displayed along Weirs Drove and on the corner of Low Road 46 neighbouring properties were notified and the comments within the 7 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Noise impacts - The noise output generated by the new power station AND the existing noise generated by the existing substation be closely and carefully examined before planning is approved. Even the slightest increase in noise would be totally unacceptable and extremely detrimental to the all residents of Low Road and nearby Closes. Proposed battery units and air conditioning units deteriorate over time. Therefore, the proposed mitigation measures to combat noise must be of a standard that addresses the likely increase in noise levels. No NRS tests have been done at the distance of the development of 5 houses approved by planning permission 16/00652/FUL.
- The Noise Impact Assessment report modelling is conservative in several ways. The facility is assumed to be operating at full capacity and does not include the proposed earth bunds or the acoustic fence to the east side of the site, although the latter is proposed by the noise consultant as additional mitigation over and above the statutory requirements. Notes also the approximately 2dB reduction in noise at the nearest dwellings by means of the simple measure of pointing the cooling fans to the west away from those dwellings (noise map 2 in the report). In favour of such reasonable measures to cover the possibility that wear and tear will increase noise levels with time, e.g. fan bearings may become noisier. There is an additional simple measure that was shown on photographs displayed by Aura at the open meeting in Burwell and that is to locate the cooling fans as low down as possible on the outside of the containers. This will maximise the noise reduction effect of bunds and barriers, so should be required for this application. Notes Environmental Health's original comments requested a noise limit of LAeq,5min=40dB(A) at the boundary of the site. This should be reconsidered for several reasons:

i. Planning Policy Guidance, International Standards (ISO 1996) and British Standards (BS 4142:2014) are based on assessing noise at the nearest sensitive receptors, not at the site itself. Noise reduction with distance follows an inverse square law, so the noise level is reduced by at least half with every doubling of distance from the site.

ii. A 5 minute reference time for the measurement is also inconsistent with the above standards, which specify 1 hour for day time and 15 minutes for night time. It is presumed that standard methods have evolved to represent best the impact on people and because the measurement is averaged over the reference time, a shorter time places undue weight onto short duration sounds which are less bothersome (see BS 4142:2014, para. 7.2, note 2 and Examples 7 and 8).

iii. The level of 40 dB(A) is exceptionally low in respect of the WHO recommendations quoted in the Noise Assessment Report, since this is the recommended maximum at the receptor, not at the site. The background noise measurements presented in the report show that this criterion is unlikely to be met at this site at present.

iv. Placing such a limit at the western boundary is counter-productive in respect of the preferred orientation of the cooling fans to minimise noise at dwellings to the east.

v. The reason for the request was to protect the amenity of the area. This is compromised already by the presence of 2 electricity sub-stations and associated overhead power lines, so I do not think it is relevant to this particular stretch of The Weirs.

- Maintenance - Supports the Tree Officer's proposal for an ongoing Landscaping Management Schedule and suggest this should incorporate an ecological plan for appropriate management of the wildlife interest on the site. Has some concern regarding establishment of hedging planted on top of bunds from which water will drain during dry periods, so the plants may need to be watered periodically or replaced if necessary. Wooden acoustic fencing may also need regular maintenance.
- Environmental Impact Assessment – Notes the proposed development exceeds the Schedule 2 threshold in respect of area covered, 0.63ha compared with a threshold of 0.5ha, so the Planning Authority needs to provide a screening opinion as to whether it comprises an EIA development. It seems to me that high quality expert reports covering the relevant Schedule 3 criteria have already been provided. I see in Planning Policy Guidance that, if a development is deemed not to be an EIA development, the Planning Authority is still required to specify any features of the development and measures required to avoid significant environmental impact (ref. para. 4-018-20170728), so whether or not it is deemed an EIA development is not likely to affect the outcome.
- Chemical containment - Agrees with Environmental Health that there needs to be protection from accidental contamination, not only for ground water and open water, but also for soil, flora and fauna. Would favour additional containment measures applied at the individual installations rather than across the site. This approach would have the additional advantage of less material usage and therefore, less waste for disposal at end of life, compared to say, a complete concrete raft over the site. The effectiveness of any proposed containment can only be assessed with knowledge of the materials to be contained. That information is also essential for the authorities in the unlikely event that there is still an accident after all reasonable preventive

measures have been taken. Therefore, Aura Power should request from their suppliers Material Safety Data Sheets (MSDS) to cover at least the following:

- i. Battery electrolyte and cathode materials
- ii. Cooling system refrigerant
- iii. Fire suppressant the site. The background noise measurements presented in the report show that this criterion is unlikely to be met at this site at present.
- iv. Transformer oils

This information should be provided, along with estimates of quantities involved and any system level risk management features, e.g. I understand Aura have test data on the batteries demonstrating fire resistance in extreme overload conditions.

- Subsidiary issues - Understands that some residents of Low Road are already experiencing unacceptable noise levels which they believe to be associated with the existing UK Power Networks sub-station to the south of the proposed BESS and into which it would connect. There is always a hum audible from the road which is definitely coming from this sub-station, rather than the main one on the other side of the road. Sometimes, it is clearly audible on Low Road too. Residents claim that this noise became worse after works on the UKPN site approximately 18 months ago and that the sound is variable with location around their properties. Suggest that one possible cause for this effect could be constructive interference between multiple correlated sound sources, producing maxima where peaks coincide and minima where troughs coincide. Aura Power has offered verbally to pay for an acoustic barrier to the east of the UKPN site if their project goes ahead on the adjacent site, subject to landowner agreements. Some of the structures on the UKPN site are >5m tall in my estimation, so it is essential to determine the height and locations of the sound sources, to ensure the barrier is high enough and as close as possible to those sources to be effective. Since this barrier may be required beyond the lifetime of the Aura installation, it is also essential that UKPN takes responsibility for its maintenance. Since ECDC is responsible for dealing with noise nuisance complaints, requests that they expedite any professional investigations and negotiations so that the opportunity of a good solution to the current problem on Low Road is not lost.
- A condition should be added to any planning approval that does not allow any construction vehicles along Parsonage Lane and Low Road. There is a pinch point along Low Road and people park on Low Road close to this section of narrow road (Single traffic passing point) , which I do not consider would be appropriate route for construction vehicles. Reach Road is a proper width road which serves existing industrial and commercial premises together with the Burwell fire station and would therefore be the most appropriate route.
- The site would have been more appropriate on the opposite side of Weir's Drove and further away from the village. Behind the National Grid site would have been a better location, as the existing facility would have screened it.
- Visual amenity impacts - The proposed bund and native hedge on top, will screen the proposed development, but the hedge will take time to establish. Appropriate conditions must be attached to the permission to ensure the bund and hedge are retained and the hedge replaced if it dies. Visible from No.75 Low Road.

- The planting scheme does not go far enough and recommends additional tree planting to screen the development from the village. Understands a requirement of the landowner is for a further hedge to be planted (which is not within the red line of the application site). It is imperative that the scheme incorporates additional planting and habitat for local wildlife to offset the development.
- Removal: Once the site is no longer required, a condition requiring the site to be reverted to its original arable farmland should be attached to any approval.
- Level of consultation: Given the nature of the proposed development, does not consider the level of consultation is adequate. As a minimum more site notices should be displayed adjacent the site, along Low Road and Hythe Lane etc.
- Conditions: Appropriate conditions relating to comments from consultees (e.g Environmental Health, The Environment Agency) must be added to any planning approval. Particularly relating to noise, visual impact and the natural environment.
- Error in fence height.
- As suggested in various application documents, move all the coolers to the west side of the containers.
- This appears to be a sensible development, which is significantly more preferable to a gas fired generator.
- In favour of the use of such systems to support the use of renewables and reduce reliance on fossil fuels for electricity generation, but not without measures to manage their impact. Understands that the site chosen may not be ideal, but was the only one available.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
Design Guide

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

6.3 National Planning Policy Framework 2012

- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP3 The Settlement Hierarchy and the Countryside
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP31 Development in the Countryside

**7.0 PLANNING COMMENTS**

7.1 The main issues to consider when assessing this application are the principle of development and the impacts on the character and appearance of the area, noise quality and environmental pollution, residential amenity, traffic and transportation, ecology, archaeology and flood risk and drainage.

**7.2 Principle of Development**

7.2.1 Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 states that, outside defined development envelopes, renewable energy development may be permitted providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.2.2 Furthermore, policy GROWTH3 of the East Cambridgeshire Local Plan 2015 states that key infrastructure requirements relevant to growth within the district includes upgrading electricity infrastructure.

7.2.3 Policy ENV6 of the East Cambridgeshire Local Plan 2015 specifically relates to renewable energy development. Policy ENV6 states that proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated and made acceptable in relation to:

- The local environment and visual landscape impact.
- Impact on the character and appearance of the streetscape/buildings.
- Key views, in particular those of Ely Cathedral.

- Protected species.
- Residential amenity.
- Safeguarding areas for nearby airfields; and
- Heritage assets.

- 7.2.4 Policy ENV6 also states that the visual and amenity impacts of proposed structures will be assessed on their merits, both individually and cumulatively, and provision should be made for the removal of facilities and reinstatement of the site should they cease to operate.
- 7.2.5 Policy LP24 of the Submitted Local Plan 2017 states that proposals which support the growth of the renewable and low energy sector will be supported.
- 7.2.6 The Burwell Village Vision set out within Part 2 of the East Cambridgeshire Local Plan 2015 sets out strategic objectives for Burwell, which includes the requirement for the village to be served by appropriate levels of infrastructure and facilities, which includes energy infrastructure.
- 7.2.7 The nature of the proposed development requires specific locational requirements, such as being located within close proximity to the point of connection such as an existing substation. The proximity to existing electricity substations is a significant factor in this particular application site being chosen.
- 7.2.8 The proposed development would allow electricity from the Grid and stored in batteries at times of low demand and then exported back to the Grid at times of high demand. The proposed development would provide a 'balancing service' which would assist in balancing grid frequency at times of stress. The proposed development would support increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at times of high energy demand, contributing to ensuring a reliable energy supply across the Grid.
- 7.2.9 It is considered that the proposed development is acceptable in principle, as it would provide support to renewable energy forms and provide a more reliable energy supply across the Grid, in accordance with the principles of Policies GROWTH2, GROWTH3 and ENV6 of the East Cambridgeshire Local Plan 2015 and Policy LP24 of the Submitted Local Plan 2017.

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

- 7.3.1 The application site comprises an open agricultural field which is located within a rural countryside location. The proposed development includes a significant amount of battery storage containers and associated infrastructure which would be located on the site. The containers and associated infrastructure would comprise differing heights, however the tallest structures within the site would be 5m high. The proposal also includes 2.5m-3m high boundary fencing which would appear prominent from some aspects. It is acknowledge that there is an error regarding the acoustic fence height on the submitted plans, however an amended plan has been requested by the case officer to rectify this error or an additional condition could limit the height of this fence. This proposal would erode the unspoilt nature of the site and create detrimental harm to the character and appearance of the area. However, the visual impact of the development would be mitigated to some extent

by a 2m high bund with a 1.5m high hedge on top which would surround large sections of the site and provide some screening of the development. This would partly mitigate some of the visual amenity concerns. Conditions could be appended to any grant of planning permission requiring the proposed soft landscaping to be implemented prior to operation of the development and maintained in accordance with a scheme to be agreed by the Local Planning Authority.

- 7.3.2 Concerns were raised by the case officer during the course of the application in respect of the visual impact of the development. Additional information and amendments were subsequently requested by the case officer and received. This included additional hedging, a Landscape and Visual Note and a wire frame montage to demonstrate the visual impact of the proposed development in context with the surrounding landscape.
- 7.3.3 Although the application site comprises an open and currently unspoilt agricultural field, there are large electricity substations located within close proximity to the site to the south and to the west which have large buildings, containers and structures that already erode some of the rural landscape in this area. In addition, there are a number of very large electricity pylons located within close proximity to the site which further reduce the visual sensitivity of the rural character and appearance of the area.
- 7.3.4 The proposed development would result in harm to the character and appearance of the area which weighs against the application, as it is contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2017. However, this harm to the character and appearance of the area should be weighed against the benefits of the proposed development.

#### **7.4 Noise quality and environmental pollution**

- 7.4.1 A Noise Impact Assessment has been submitted with the application which shows the noise level impacts at the nearest residential receptors to be low according to BS4142:2014. The application and the Noise Impact Assessment have been reviewed by the Council's Environmental Health department. The Council's Environmental Health department has stated that they cannot fault the methodology used to predict the sound levels in the worst instance from the storage batteries, and agrees that in operation noise will not have an adverse impact at the nearest properties. However, would add that the predicted noise levels may change over time as the equipment ages, large scale battery technology like this is relatively modern so there is not a lot of existing sites or prolonged noise data to use for the predictions. The Council's Environmental Health department have provided recommended conditions to limit noise levels and also assess noise levels further when the development is operational, to mitigate any noise impacts on residential properties and to require regular monitoring of noise by the site operator. The proposed development also includes bunding, acoustic fencing and hedging to mitigate noise impacts to the nearest residential properties further.
- 7.4.2 The proposed development would not generate any emissions to the air.

7.4.3 A number of concerns have been raised regarding potential pollution issues which can be caused by batteries. In addition to the requirements of any grant of planning permission, the development will also be subject to protective legislation and safety requirement outside of the planning system with regards to pollution. The Environment Agency has requested pollution mitigation measures are secured by a secondary containment condition which would ensure there are no significant detrimental impacts created with regards to pollution of land and water. The case officer considers that it would be reasonable to append a condition to the planning permission requiring secondary containment in the interests of preventing any unacceptable pollution from batteries to the environment.

7.4.4 Subject to the proposed development complying with conditions recommended by the Council's Environmental Health department and the Environment Agency, the noise and environment pollution impacts of the proposed development are considered to be acceptable and would not cause significant disturbance or harm to residential amenity of neighbouring occupiers. It is therefore considered that the proposed development accords with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2017.

## **7.5 Residential amenity**

7.5.1 The application site is significantly distanced, more than 200m, from the closest neighbouring properties. At such a distance from the nearest properties, the only potential impacts which would be caused to the residential amenity of these properties relate to noise impacts. Noise impacts to occupiers of nearby residential properties has already been assessed in this report and the impacts are considered to be acceptable.

7.5.2 It is therefore considered that the proposed development would not cause any significant detrimental impacts to residential amenity of nearby properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

## **7.6 Traffic and transportation**

7.6.1 The proposed development would create a new access with Weirs Drove, with a clear span bridge crossing The Weirs watercourse to provide an entrance into the site. The Local Highway Authority has stated they have no objections in principal to this application, subject to the access being constructed in accordance with the approved drawing. Due to the nature of the surrounding highway and the likely amount of construction and delivery vehicles which will be required during the construction phase, the case officer recommends a condition is appended any grant of planning permission requiring a Construction Environmental Management Plan to be agreed with the Local Highway Authority prior to development commencing.

7.6.2 It is therefore considered that the proposed development would not create any significant detrimental impacts on highway safety or the local highway network, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2017.



## **7.7 Ecology**

- 7.7.1 The site comprises an open agricultural field which is bordered on the north and west sides by a watercourse, displaying characteristics are likely to support the presence of ecology. The application is supported by an Ecological Assessment.
- 7.7.2 The Ecological Assessment states that the site is of low foraging value for bats and offers no roosting opportunities, whilst no evidence of badger activity was found within 30m of the site. No Great Crested Newts have been recorded within 2km of the site and the closest otter record is 200m from the site. In addition, the Ecological Assessment states that the site does not support suitable habitat for an otter holt and, the ditch, if used, is likely to be for occasional foraging and movement as part of a wider territory. Several signs of water vole were recorded along the western and northern banks of the ditch.
- 7.7.3 The Ecological Assessment states that the proposed development would affect a small area of land which is of low ecological value. The Ecological Assessment states that it is highly unlikely that there would be any potential impacts on badgers, however a pre-construction badger survey will be undertaken within the site prior commencement of development as a precautionary measure. A condition could be appended requiring this. In addition, as the Phase 1 habitat survey confirmed the presence of water voles on the adjacent watercourse, the proposed development has the potential to affect their foraging habitat and, potentially, their burrows. During construction, the proposed access and associated works will cause temporary disruption to a small section of bankside habitat. The Ecological Assessment states that a water vole survey will be undertaken in the appropriate season (between April-October) to gather sufficient information to inform suitable avoidance and mitigation measures, which will be used to adjust the construction approach and working methods to avoid or minimise direct disturbance as far as practical. The Ecological Assessment goes on to state that a Method Statement will be prepared based on the survey findings, to benefit water voles and otter along this section of the watercourse, whilst the proposed development would have no further impacts on water voles or otters once constructed.
- 7.7.4 The Environment Agency has no objection to the proposal, providing the applicant adheres to the mitigation measures, regarding protected species and habitats, identified within the Ecological Assessment.
- 7.7.5 Subject to a pre-commencement condition requiring a Water Vole Survey (and incorporating further checks for evidence of otter), and a Method Statement detailing suitable avoidance and mitigation measures, to be undertaken and agreed by the Local Planning Authority, in addition to a condition requiring full compliance with the Ecological Assessment, it is considered that the proposed development would not create any significant detrimental impacts to ecology, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.

## **7.8 Archaeology**

- 7.8.1 Cambridgeshire Archaeology records indicate that the site lies in an area of high archaeological potential. Cambridgeshire Archaeology 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 by a planning condition. Due to the high potential for archaeological finds within the site, it is considered reasonable to append a condition to any grant of planning permission requiring an archaeological investigation is carried out prior to commencement of any development.
- 7.8.2 It is therefore considered that the proposed development accords with policy ENV14 of the East Cambridgeshire Local Plan 2015 and policy LP27 of the Submitted Local Plan 2017.

## **7.9 Flood Risk and Drainage**

- 7.9.1 The application site is located in Flood Zones 2 and 3. Planning Practice Guidance states that essential utility infrastructure, including electricity generating power stations and grid and primary substations, which has to be located in a flood risk area for operational reasons, can be located in Flood Zone 3 provided that it passes the exception test. Due to the specific locational requirements of the proposed development, it is considered that the development is acceptable subject to passing the exception test.
- 7.9.2 The application is supported by a Flood Risk Assessment including a SuDS strategy. The SuDS strategy demonstrates that surface water drainage could be successfully dealt with on the site as part of the proposed development. However, the Flood Risk Assessment acknowledges that a detailed surface water drainage scheme has not yet been undertaken and will be required. It is therefore considered reasonable for a condition to be appended to any grant of planning permission requiring full details of a surface water disposal scheme to be submitted to, and agreed by, the Local Planning Authority prior to any development commencing.
- 7.9.3 The Environment Agency has stated that it has no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. Due to the nature of the development which will be unmanned for the significant majority of its operation, the case officer is satisfied with regard to the safety of people and considers that the proposed development passes exception test, subject to compliance with the mitigation measures in the FRA.
- 7.9.4 It is therefore considered that the proposed development would not create any significant detrimental impacts in respect of flood risk and drainage, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2017.

## **7.10 Other Matters**

- 7.10.1 Burwell Parish Council's consultation response raised a number of questions directed to the applicant. The applicant provided a response to those questions

during the course of the application which can be viewed alongside the other documents relating to this planning application on the Council's website.

- 7.10.2 Some of the concerns raised are considered to be based on morality, these concerns are not material to the determination of a planning application.

## 7.11 Planning Balance

- 7.11.1 The proposed development would result in harm to the character and appearance of the area which weighs against the application. However, on balance, it is considered that the harm to the character and appearance of the area would be outweighed by the sustainable energy benefits of the proposed development which would support reliance on renewable energy forms and the benefits to the local and wider population of a more reliable energy supply. It is considered that the noise and residential amenity impacts of the development can be made acceptable through planning conditions. Whilst there are no significant traffic and transportation, flood risk and drainage, ecology and archaeology impacts which could not be adequately addressed by planning conditions.

## 8.0 APPENDICES

- 8.1 Appendix 1 – Recommended conditions.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/02205/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
93/00843/FUL		
01/01123/FUL		
97/00955/TEL		
99/00798/TEL		
97/00324/TEL		
97/00632/FUL		
14/00789/FUL		
06/00814/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>

## APPENDIX 1 - 17/02205/FUL Conditions

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

Plan Reference	Version No	Date Received
2306-01-01		19th December 2017
2306-01-03	A	19th December 2017
2306-01-04		19th December 2017
2306-01-05		19th December 2017
2306-01-07		19th December 2017
2306-01-08		19th December 2017
NOISE IMPACT ASSESSMENT		19th December 2017
ECOLOGICAL ASSESSMENT		19th December 2017
FLOOD RISK ASSESSMENT		19th December 2017
2306-01-02		19th December 2017
2306-01-06	A	5th February 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to operation of the hereby approved development.

In addition no development shall take place until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority.

Those details shall include:

- i a timetable for its implementation, and
- ii a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

- 3 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.
- 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 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 Prior to commencement of the use of the development, the hereby approved vehicular access shall be constructed in accordance with drawing no. 2306-01-SK101.
- 5 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00am - 18:00pm each day Monday-Friday, 08:00am-13:00pm on Saturdays and none on Sundays or Bank / Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 8 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 9 The site rating noise level (i.e. site attributable noise in terms of LAeq with any relevant noise character penalty) from the development shall not exceed the established representative background sound levels (measured in terms of LA90) to show a low impact at the nearest residential receptor boundaries, when assessed in terms of BS4142: 2014 methodology. Daytime specific sound levels to be determined over a 1 hour period (i.e. 0700-2300 hours) and the night-time period over 15 minute periods (i.e. 2300- 0700 hours). Where it is not possible to determine the specific sound level by measurement, due to the dominance of any ambient and residual sound levels, then in accordance with section 7.3.5 of BS4142: 2014, the specific sound level shall be determined by a combination of measurement and calculation.

- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 Prior to commencement of the operation of the development, a verification report to show compliance with the noise limits set out in Condition 9, detailing the methodology, measurement positions, detail of any results, calculation method (where appropriate) and a report of findings, shall be prepared by an independent qualified Noise Consultant and submitted to, and agreed by, the Local Authority. Where the assessment shows non-compliance, the report shall detail an action plan and proposals for further mitigation to comply with the noise limits within an agreed timetable.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 11 Prior to commencement of the operation of the development, a Noise Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority, The Noise Management Plan shall include details for a schedule of regular noise monitoring and any mitigation of noise levels to ensure compliance with the original assessment.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 12 All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to commencement of the operation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of ten 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.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 13 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping for the lifetime of the development, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 13 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.

- 14 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the approved plans. The boundary treatments shall be in situ and completed prior to commencement of the operation of the development. All works shall be carried out in accordance with the approved details and retained thereafter.
- 14 Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 No above ground construction shall take place on site until full details of the external appearance, including materials and colours, of all parts of 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.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 16 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.
- 16 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 No development shall take place until a Water Vole Survey (incorporating further checks for evidence of otter), to be undertaken in the appropriate season (between April-October), has been carried out and a Method Statement detailing suitable avoidance and mitigation measures has been submitted to, and approved in writing by, the Local Planning Authority.
- 17 Reason: To protect the Water Vole and Otter populations during construction of the development, in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and LP30 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place.
- 18 The hereby approved development shall be carried out in accordance with Chapter 6 'Conclusions - Ecology Priority Matrix' of the Ecological Assessment prepared by Avian Ecology.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.

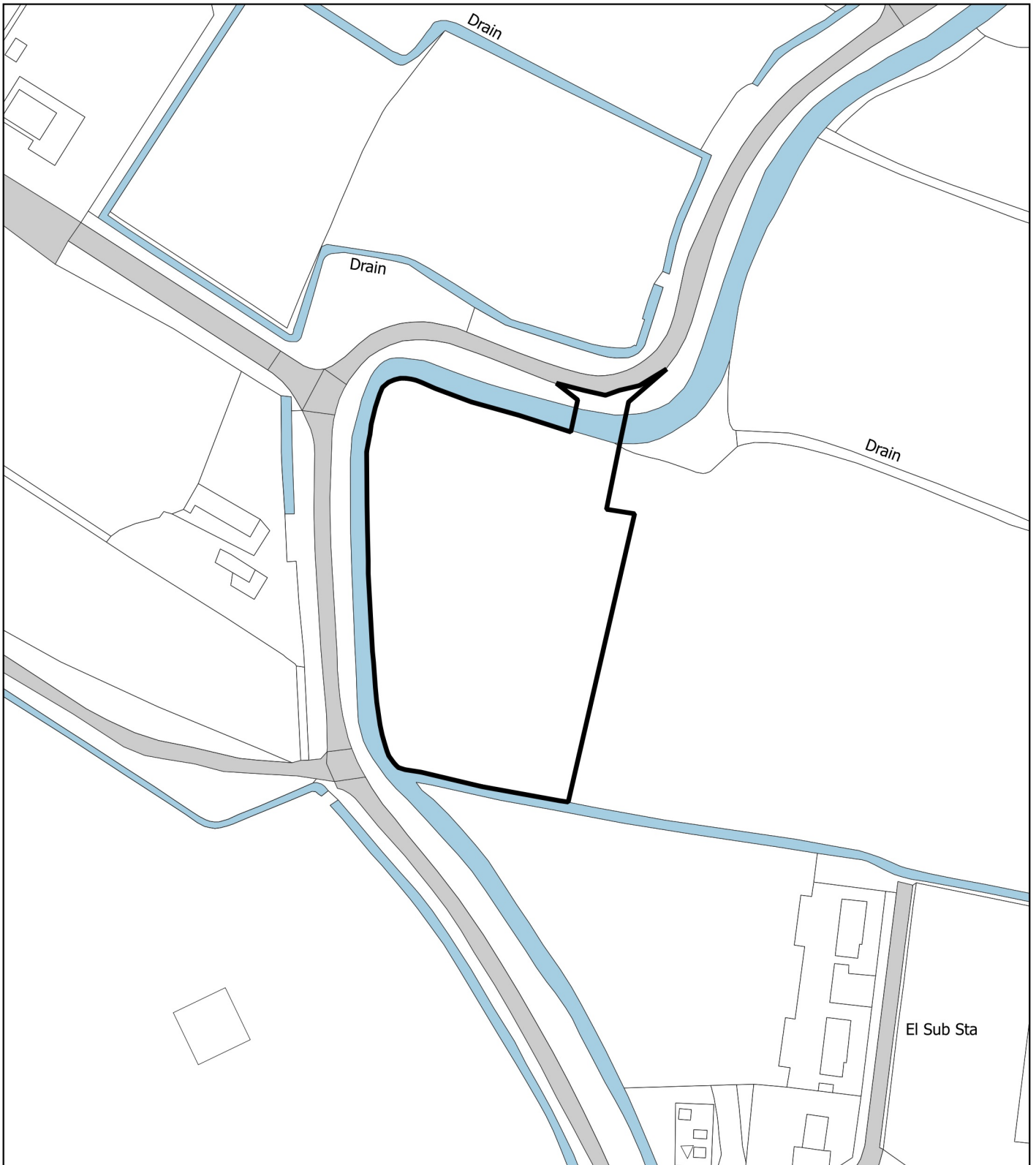
- 19 No development shall commence until such time as a scheme to provide secondary containment for the battery storage containers has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 20 The proposed development shall be carried out strictly in accordance with the mitigation measures set out within the Flood Risk Assessment, prepared by KRS Environmental, including the following mitigation measure:
- Finished flood levels will be set to 2.50m Above Ordinance Datum
- 20 Reason: To reduce the impacts/risk of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 21 No development shall take place until a scheme for the protection during construction of the trees/hedges on and adjacent to the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees/hedges, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree/hedge roots encountered with a diameter of 25mm or more shall be left unsevered.
- 21 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. 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.
- 22 Prior to commencement of operations a scheme of fire hydrants or a sprinkler system or other means of fire suppression shall be submitted to and agreed in writing by the Planning Authority. Development shall commence in accordance with the approved details.
- 22 Reason: In the interests of public safety to the future occupants of the site.



- 23 After 25 years, the development including all associated containers and infrastructure shall be removed from the site in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Prior to the removal of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure the safe decommissioning of the development.

- 23 Reason: To safeguard the character and appearance of the area and to reinstate the land to its original appearance following the expiration of the temporary consent applied for on the site, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. In addition to ensure that the development is decommissioned out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.



17/02205/FUL

Land North West of  
Electricity Sub-Station  
Weirs Drove  
Burwell



East Cambridgeshire  
District Council

Date: 19/03/2018  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 18/00137/FUL

**Proposal:** Proposed erection of link detached double garage with storage link including the demolition of two single storey out-buildings.

**Site Address:** 80 Barton Road Ely Cambridgeshire CB7 4HZ

**Applicant:** Mr Colin Every

**Case Officer:** Zoe Boyce-Upcraft, Planning Assistant

**Parish:** Ely

**Ward:** Ely East  
 Ward Councillor/s: Councillor Richard Hobbs  
 Councillor Lis Every

**Date Received:** 29 January 2018      **Expiry Date:** 6 April 2018

[S279]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve this application subject to the recommended conditions below:
- 1 Approved plans
  - 2 Time Limit -FUL/FUM/LBC
  - 3 Materials

Conditions can be read in full on the attached appendix 1.

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 Planning permission is being sought for a double garage and single storey link to the dwelling, following the demolition of two existing out-buildings. The proposed dimensions of the garage are a ridge height of 4.79m with an eaves height of 2.7m, a length of 8.3m and a width of 6.5m. The store linking the main dwelling with the garage would have a flat roof and height of 2.7m, a length of 3.3m and a width of

2.9m. The proposed materials will closely match the existing dwelling with the addition of black garage doors.

2.3 The application is being decided through Planning Committee as it concerns the home of a Council Member. In order to maintain transparency it is considered that delegated powers would not be suitable in determination of this proposal.

### 3.0 PLANNING HISTORY

3.1

16/00448/FUL	Proposed erection of link-detached one and half storey double garage with store and single storey utility room including the demolition of two existing single storey out-buildings	Approved	08.06.2016
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the City of Ely, and within the Conservation Area. It is a roughly triangular-shaped site located on a corner of Barton Road. The site contains a detached two-storey residential dwelling, two single storey outbuildings, and garden to the front. The boundary with Barton Road has a hedge and trees, and the boundaries to number 82 and 78a have close-boarded fences between 1.2m and 1.8m in height.

### 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from Ely City Council and the Conservation Officer and these are summarised below. The full responses are available on the Council's web site.

Ely City Council – The City of Ely Council have no concerns regarding this application.

Ward Councillors - No Comments Received

Conservation Officer – This is a resubmission of a previous application 16/00448/FUL and appears to have addressed the concerns raised previously in regards to the scale of the proposed garage. It is not considered that the amended proposal would result in an unacceptable level of harm being caused to the conservation area. No objections from a conservation viewpoint.

Consultee For Other Wards In Parish - No Comments Received

5.2 Neighbours – An advert was placed in the Cambridge Evening News and a site notice was posted on 21 February 2018. Four neighbouring properties were notified. No representations have been received.

### 6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 2 Design  
ENV 11 Conservation Areas  
COM 8 Parking provision

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2012

7 Requiring good design  
12 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

LP22 Achieving Design Excellence  
LP27 Conserving and Enhancing Heritage Assets

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are impact on residential amenity, and impact on the streetscene including the conservation area.

**7.1 Residential Amenity**

7.2 The location of the proposed development is south of number 78a with a ridge height of 4.79m. The garage is set a distance of 1.2m away from the boundary which comprises of a 1.8m timber fence with 0.3m trellis on top. Given its scale and position it is considered that the bulk and siting of the proposal will not cause significant loss of light or an overbearing impact on the neighbouring property to the north. The height will be considerably less than under the previous scheme which had a ridge height of 6.1m.

7.3 The previous scheme had two dormers and three rooflights to accommodate a games room/gym whereas this scheme does not include a first floor. Therefore there is no potential overlooking. There is an existing timber boundary fence 1.8m with 0.3m trellis on top.

7.4 To the west of the garage a new 1.8m timber fence will replace an existing leylandii hedge and 1.2m fence with 0.6m trellis on top. This will protect the residential amenity of number 82 with the garage being 3.4m away from the existing boundary fence.

7.5 The development is considered to comply with policy ENV2 regarding impact on residential amenity.

**7.6 Visual Amenity and Conservation Area**

- 7.7 As this development is within the Ely Conservation area, care should be taken to preserve or enhance the character and appearance of the conservation area. The demolition of the two out buildings are necessary as they do not serve a purpose on the site and demolition would create the space for better use of the land to create a garage and link to the house. The Conservation Officer has not indicated that the outbuildings are of any architectural, historic or visual significance and has not objected to the demolition.
- 7.8 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that, in the exercise of planning functions, “special regard shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area. The duty to pay “special regard” includes a duty to pay careful attention to the impact on the conservation area (para 24, *East Northamptonshire*). The term “preserving” in s.72(1) means doing no harm (*South Lakeland District Council v Secretary of State for the Environment [1992]2AC141* at 150, per Lord Bridge of Harwich). The site is on a corner plot and screened from the public highway by established substantial hedging and trees and the proposal would only be fleetingly visible from the entrance to the driveway. The proposal therefore will have an insignificant impact on the street scene and Conservation Area, and there will be no demonstrable harm to it.
- 7.9 The Conservation Officer was formally consulted on this application and there was considered to be no harm to the Conservation Area that would arise from this development.
- 7.10 Whilst the proposal is a large double garage it would be at a noticeably lower height than the dwelling and would appear subservient. It is considered that the site can take the development without appearing cramped and it is therefore not considered to be out of scale.
- 7.11 Materials would match those on the dwelling which help to harmonise the garage and link with the existing development on site.
- 7.12 For the reasons outlined above, the development is considered to comply with policy ENV2 regarding impact on visual amenity. Policy ENV11 of the Local Plan states that development proposals within Conservation Areas should be of a particularly high standard of design and materials. The proposal would be sympathetic to the surrounding area and the street scene. This is considered to comply with Policy ENV11 of the Local Plan 2015 and Policies LP22 and LP27 of the Submitted Local Plan 2017.
- 7.13 Parking**
- 7.14 This application will improve the parking situation on site as the outbuildings cannot currently be used for parking. A minimum of two parking spaces are being retained which complies with policy COM8.

**7.15 Summary**

7.16 The application is for a garage and link to an existing dwelling, and the demolition of two existing outbuildings. There are no issues of overlooking and there are not considered to be any significant impacts from overbearing. There are no concerns with the design from a conservation viewpoint and there is no harm to the Conservation Area.

**8.0 APPENDICES**

Appendix 1 - Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00137/FUL	Zoe Boyce-Upcraft Room No. 011	Zoe Boyce-Upcraft Planning Assistant 01353 665555
16/00448/FUL	The Grange Ely	zoe.boyce- upcraft@eastcamb .gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

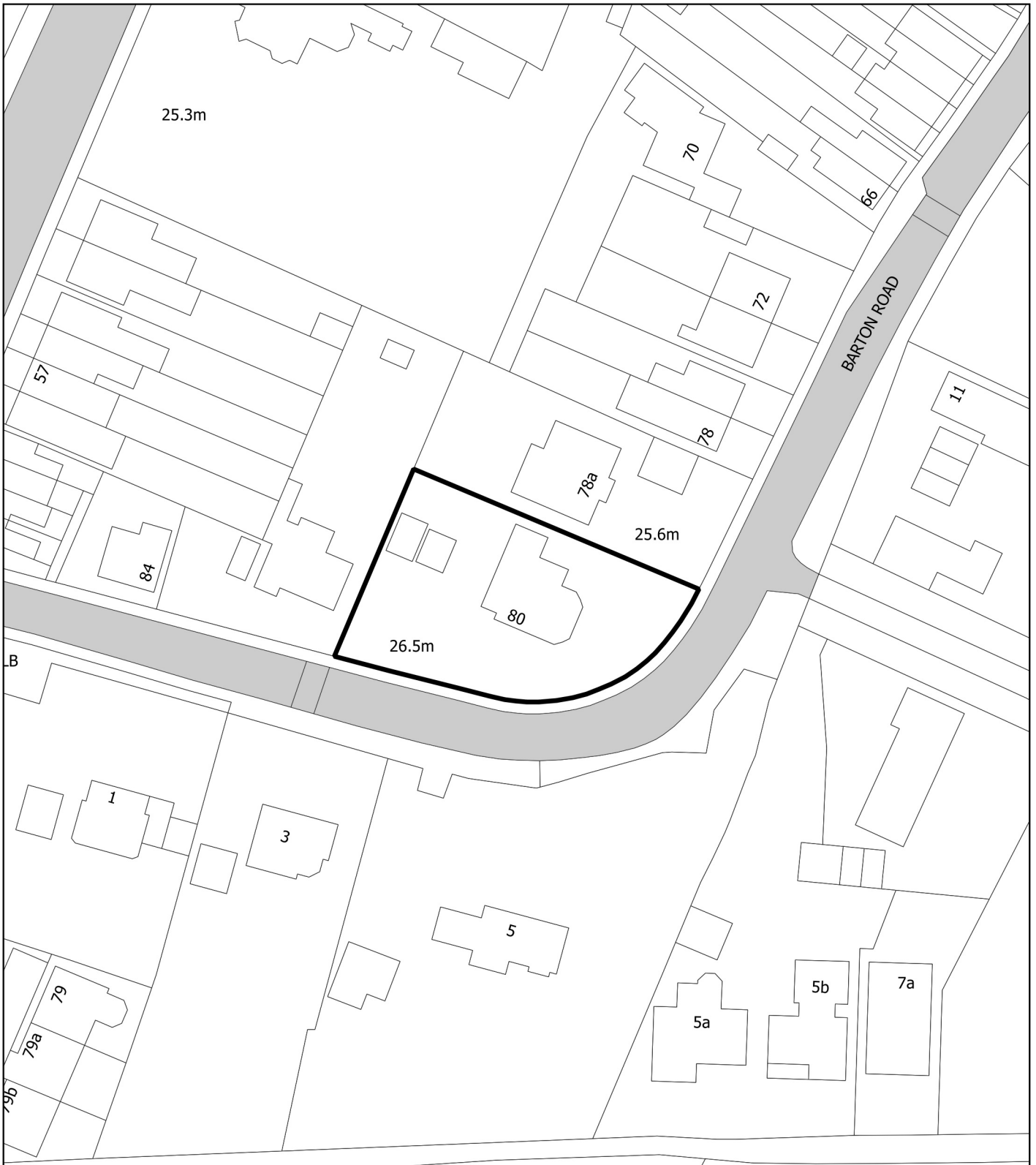
## APPENDIX 1 - 18/00137/FUL Conditions

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

Plan Reference	Version No	Date Received
EX100		29th January 2018
EX101		29th January 2018
EX102		29th January 2018
EX103		29th January 2018
PL200		29th January 2018
PL201		29th January 2018
PL202		29th January 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces shall be as follows:
  - Roof tiles - concrete pantiles to match those on main roof of dwelling
  - Brickwork - to match brickwork on existing dwelling
  - Rainwater goods - black PVCU
  - Render - to match colour on existing dwelling
  - Garage doors - blackAll works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2017.





18/00137/FUL

80 Barton Road  
Ely



East Cambridgeshire  
District Council

Date: 19/03/2018  
Scale: 1:750



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## **Planning Performance – February 2018**

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>Validation</b>	<b>134</b>	<b>2</b>	<b>32</b>	<b>40</b>	<b>59</b>
<b>Determinations</b>	<b>128</b>	<b>5</b>	<b>33</b>	<b>39</b>	<b>51</b>
<b>Determined on time (%)</b>		<b>100%</b> (target 70% within 13 weeks)	<b>97%</b> (75% within 8 week target)	<b>100%</b> (90% within 8 weeks)	<b>82%</b> (target 90% within 8 weeks)
<b>Approved</b>	<b>115</b>	<b>3</b>	<b>28</b>	<b>37</b>	<b>47</b>
<b>Refused</b>	<b>13</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>4</b>
<b>Open Cases by Team</b>					
<b>Team 1 (3.5 FTE)</b>	<b>174</b>	<b>11</b>	<b>51</b>	<b>34</b>	<b>78</b>
<b>Team 2 (3 FTE)</b>	<b>107</b>	<b>10</b>	<b>22</b>	<b>39</b>	<b>36</b>
<b>Team 3 (2 FTE)</b>	<b>78</b>	<b>6</b>	<b>29</b>	<b>1</b>	<b>42</b>
<b>No Team (4 FTE)</b>	<b>41</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>32</b>

### **No Team includes – Planning Manager, Trees Officers (x2) and Agency Worker**

The Planning department received a total of 145 applications during February which is a 23% decrease on February 2017 (188) and 15.2% decrease from January 2018 (171).

### **Valid Appeals received – 3**

Land Opposite 139 The Butts Soham – Committee Decision  
 Land Rear of Garden Close Sutton – Committee Decision  
 Land at Bury Lane Haddenham – Delegated Decision

### **Appeals decided – 7**

2 Angel Drove Ely – Withdrawn – 08/02/2018 – Delegated  
 63 Prickwillow Road Ely – Dismissed – 12/02/2018 - Delegated  
 Site Opposite 10 Fourth Drove Little Downham – Dismissed – 13/02/2018 - Delegated  
 20 West End Haddenham Ely – Allowed – 14/02/2018 - Delegated  
 51 Cannon Street Little Downham Ely – Dismissed – 16/02/2018 - Delegated  
 Site Rear Of 12 Wisbech Road Littleport – Allowed – 19/02/2018 – Delegated  
 Sunnycroft Grunty Fen Road Witchford Ely – Dismissed – 28/02/2018 - Delegated

### **Enforcement**

New Complaints registered – 32 (12 Proactive)  
 Cases closed – 18 (6 Proactive)

Open cases/officer (2FTE) –  $200 / 2 = 100$  per FTE (63 Proactive)

**Notices served – 0**