



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 5<sup>th</sup> September 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)

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

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

## A G E N D A

1. Apologies and Substitutions

[oral]

2. **Declarations of Interest**  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**
  
3. **Minutes**  
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 1<sup>st</sup> August 2018
  
4. **Chairman's Announcements** **[oral]**
  
5. **18/00384/VAR**  
Variation of condition 1 (approved plans) of previously approved 17/00881/FUL for erection of two detached dwellings.  
Land East and South of 111 Hillrow, Haddenham  
Applicant: AJ Lee Developments Limited  
Site Visit: 10:25am
  
6. **18/00393/OUM**  
Construction of up to 126 dwellings and associated infrastructure.  
Land South of Chamberlain Fields, Littleport  
Applicant: Cannon Kirk (UK) Ltd  
Site Visit: 9:15am
  
7. **18/00549/FUL**  
Proposed outbuilding (gym/pool room) (existing derelict shed to be removed) – previously approved 15/01459/FUL  
63 High Street, Wilburton, CB6 3RA  
Applicant: Mr R Upton  
Site Visit: 10:40am

8. **18/00716/FUL**

Full refurbishment plus extensions to the existing Mill to create a theatre and cultural/community hub, multi-use auditorium/event space, bar/café/social area and stage area, with associated works and parking. Also change of use from B2 to D1, D2 and A3 uses.

Spencer Mill, Mereside, Soham

Applicant: Mr Daniel Schumann

Site Visit: 12:05pm

9. **18/00782/RMM**

Reserved matters for 128 dwellings.

Land North of Field End, Witchford

Applicant: Bovis Homes Ltd

Site Visit: 9:50am

10. **18/00778/OUM**

Outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.

Land North of 22 Marroway Lane, Witchford

Applicant: Gladman Developments

Site Visit: 10:05am

11. **18/00819/FUL**

Erect two dwellings with attached garages and external works.

Site between Houghtons Lane and East Fen Road, Isleham

Applicant: Victoria Stanley Ltd

Site Visit: 11.35am

12. **18/00824/FUL**

Erect two 4 bedroom bungalows.

Site between Houghtons Lane and East Fen Road, Isleham

Applicant: Victoria Stanley Ltd

Site Visit: 11:45am

### 13. Planning Performance Report – July 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:** 18/00384/VAR

**Proposal:** Variation of condition 1 (Approved plans) of previously approved 17/00881/FUL for Erection of two detached dwellings

**Site Address:** Land East And South Of 111 Hillrow Haddenham  
Cambridgeshire

**Applicant:** AJ Lee Developments Limited

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

**Parish:** Haddenham

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

**Date Received:** 27 March 2018      **Expiry Date:** 07/09/2018

[T79]

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1.0 **RECOMMENDATION**

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

1. The proposal is considered to be contrary to policies ENV1, ENV2 and ENV11 of the Local Plan 2015, and policies LP22, LP27 and LP28 of the Submitted Local Plan 2017 by virtue of its size and design which would not create a positive and complementary relationship with the surrounding rural area. The proposed dwelling would create a highly dominant and visually intrusive form of urbanizing development within the rural landscape which fails to preserve the edge of settlement location. The dwelling is of a large, modern style with a garage between the front elevation and highway, contrary to the dispersed development along Hillrow.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks to vary the approved plans for the previous application 17/00881/FUL, for one plot only. The variation would result in a dwelling with a maximum height of 7.6m. The dwelling would feature an M shaped roof with various elements protruding, resulting in a continuous line of built form which extends 32.3m in depth into the plot.

2.2 Planning permission was previously approved by Planning Committee in August 2017 against officer recommendations for the erection of two detached dwellings. This application for one of the plots has therefore been brought back to Planning Committee.

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

### 3.0 PLANNING HISTORY

3.1

17/00083/FUL	Erection of two detached dwellings.	Refused	16.03.2017
17/00881/FUL	Erection of two detached dwellings	Approved	03.08.2017

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the established development frameworks of Haddenham and adjacent to the Hill Row conservation area which runs to the north-east. The proposed development is located some 150m to the west of the Hill Row established development framework, and approximately 800m to the west of the main development framework of Haddenham. To the north of the site runs the highway, there is also a hedgerow which fronts the roadside. There are a number of trees which border the site. The site forms part of a traditional fen landscape with sparse development interspersed with fields and agricultural activities. The south side of Hillrow where the site is located does not benefit from a footpath. There is a footpath on the north side of this road, but is separated from the site by a 40mph road.

### 5.0 RESPONSES FROM CONSULTEES

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

**Local Highways Authority** - The highways Authority has no objections in principal to this application. The access has approval under planning number 17/00881/FUL. Please include any previous and relevant highways comments, recommend conditions and informatives to any permissions that the planning authority is minded to grant as per approved application number 17/00881/FUL and / or any other relevant approvals.

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

**Environmental Health** - Under section 14 of this application the applicant has indicated 'yes' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box but I cannot see an environmental statement attached. I therefore advise contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted. In addition, due to the proposed number of dwellings and the close proximity of existing residential properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

08:00 – 18:00 each day Monday – Friday  
08:00 – 13:00 on Saturdays and  
None on Sundays or Bank Holidays

Other than that, no issues, but please send out the environmental notes.

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

**Parish** - The Council meet yesterday evening to consider the above application and wish to recommend outright refusal and return the following comments;

- The new proposal is significantly larger than that previously approved and would be out of scale with neighbouring properties as well as being out of keeping with the street scene.
- The Hillrow conservation area document clearly states that views should be protected along and across this ancient causeway, a property of this scale would have a significant visual impact.

**Ward Councillors - No Comments Received**

**Conservation Officer - No Comments Received**

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

- Concerns regarding overdevelopment.
- The application proposes development on the scale of the original application which was refused (17/00083/FUL).
- The proposal would set a precedent.
- The proposal would impact the conservation area of Haddenham.

6.0 The Planning Policy Context

6.1 **East Cambridgeshire Local Plan 2015**

HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution

ENV 11	Conservation Areas
ENV 14	Sites of archaeological interest
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
COM 7	Transport impact
COM 8	Parking provision

## 6.2 Supplementary Planning Documents

Design Guide  
 Flood and Water  
 Developer Contributions and Planning Obligations  
 Hill Row Haddenham Conservation Area

## 6.3 National Planning Policy Framework 2018

5 Delivering a sufficient supply of homes  
 12 Achieving well-designed places  
 15 Conserving and enhancing the natural environment  
 12 Achieving well-designed places

## 6.4 Submitted Local Plan 2017

LP6 Meeting Local Housing Needs  
 LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views  
 LP22 Achieving Design Excellence  
 LP30 Conserving and Enhancing Biodiversity and Geodiversity  
 LP25 Managing Water Resources and Flood Risk  
 LP26 Pollution and Land Contamination  
 LP27 Conserving and Enhancing Heritage Assets  
 LP2 Level and Distribution of Growth  
 LP3 The Settlement Hierarchy and the Countryside  
 LP16 Infrastructure to Support Growth  
 LP17 Creating a Sustainable, Efficient and Resilient Transport Network

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of the application are the residential amenity of neighbouring occupiers, the visual impact, and the impact on the adjacent Conservation Area.

7.2 The principle of development has already been established on this site under application 17/00781/FUL, whereby two detached dwellings were permitted. The current application seeks to amend the design of one plot.

- 7.3 With regard to residential amenity, the proposed dwelling is a significant distance from neighbouring properties and is not considered to create overbearing or overshadowing impacts due to these distances. There are no side facing windows at first floor level, and therefore the proposed dwelling would not create overlooking to neighbouring properties or the proposed dwelling on Plot 2.
- 7.4 Policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2017 requires proposals to provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.
- 7.5 The site is located outside of the Hill Row Conservation area, the boundary of which is opposite the site on the North Side of Hill Row adjacent to No. 78. The site is considered to be sufficiently close to the conservation area to trigger the need to consider policy ENV11 of the Local Plan 2015 and policy LP27 of the Submitted Local Plan 2017 in relation to any impact on the character and setting of the designated heritage asset.
- 7.6 The streetscene is characterised by dwellings of a traditional scale and design. There are also some larger dwellings which are typical of farmhouse style properties in a rural setting, and these contribute to the character and appearance of the Conservation Area. To the south of Hillrow the land slopes away and is predominantly agricultural, with sporadic dwellings of a smaller scale in this vicinity.
- 7.7 Policy ENV 11 of the Local Plan 2015 and policy LP27 of the Submitted Local Plan 2017 require development proposals to be of a particularly high standard of design and materials in order to preserve or enhance the character and appearance of the area. The Hill Row Conservation Area SPD states the loss of views to the south from Hill Row should be resisted. The site can be viewed from the conservation area to the north and on this basis the proposals will partially obscure views to the south out of the conservation area. The introduction of a modern and dominant dwelling of this scale would be harmful to the rural character and appearance of the Conservation Area.
- 7.8 The principle of a dwelling in this location has been established, however policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 state that design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable. The previous application granted permission for two dwellings of a significant scale. The current proposal would see a significant increase in the footprint and level of built-form on one of the plots. The level of built-form would extend back into the plot by a further 10m from the original scheme, which would be visually intrusive to the rural setting. The applicant has advised that the ridge height of the proposed dwelling would be equal to that of the previously approved scheme, however this has been achieved by digging down and setting the property at a lower level. The width of the proposed dwelling is increased from 14.7m in the previous scheme, to 16.5m. This is exacerbated by the proposed detached garage which would mean

that built form is present across 18m of the 27.5m frontage. In addition to the visually intrusive impact, the design of the proposed dwelling is of a much more modern design than the previous approval, which provided for a much more rural appearance, more in keeping with the character of the area. The current proposal would be out of character with the rural setting of the area, and would therefore introduce a significantly urbanising influence in this rural setting.

- 7.9 The proposal fails to satisfy the requirements of policies ENV1, ENV2, and ENV11 of the Local Plan 2015 and policies LP22, LP27 and LP28 of the Submitted Local Plan 2017.
- 7.10 The access arrangements remain unchanged from the previous application 17/00881/FUL, to which the Highways Authority raised no objections. Therefore the proposal is considered acceptable in terms of highway safety and access.
- 7.11 The previous application dealt with trees, hedgerow and biodiversity matters by condition and these are considered suitable to append to any grant of permission on the new design.
- 7.12 On balance the benefits of the provision of a dwelling are outweighed by the detrimental impacts on visual amenity and the character and appearance of the Conservation Area, through the introduction of a highly dominant and urbanising level of built-form, which is contrary to policies ENV1, ENV2 and ENV11 of the Local Plan 2015, and policies LP22, LP27 and LP28 of the Submitted Local Plan 2017. The application is therefore recommended for refusal.

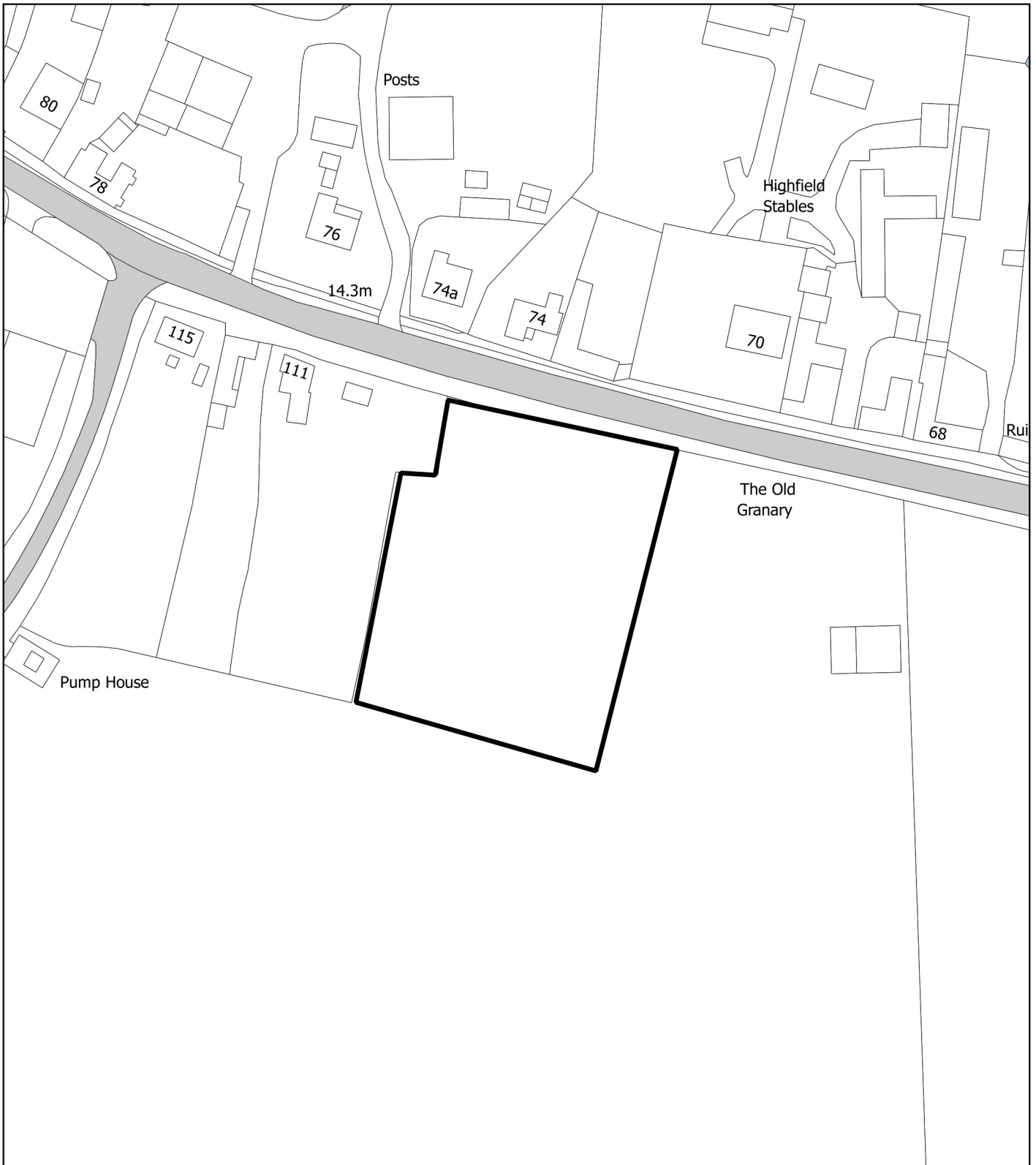
8.0 APPENDICES

8.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00384/VAR	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
17/00083/FUL 17/00881/FUL	Ely	catherine.looper@eastcambs.gov.uk

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

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



18/00384/VAR

Land East and South of  
111 Hillrow  
Haddenham



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:1,250



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**MAIN CASE**

**Reference No:** 18/00393/OUM

**Proposal:** Construction of up to 126 dwellings and associated infrastructure.

**Site Address:** Land South Of Chamberlain Fields Littleport  
Cambridgeshire

**Applicant:** Cannon Kirk (UK) Ltd

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

**Parish:** Littleport

**Ward:** Littleport West  
Ward Councillor/s: Councillor Christine Ambrose-Smith  
Councillor Paul Cox

**Date Received:** 27 March 2018      **Expiry Date:** 7<sup>th</sup> September 2018  
[T80]

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1.0 **RECOMMENDATION**

1.1 Members are recommended that approval be delegated to the Planning Manager, following the completion of a s106 Agreement and subject to the draft conditions (with any minor revisions to the conditions delegated to the Planning Manager). The full planning conditions can be read in full on the attached Appendix 1.

- 1 Approved plans
- 2 Time Limit – OUM
- 3 Time Limit – OUT/RMM
- 4 Number of dwellings
- 5 Fire Hydrants
- 6 Contaminated land
- 7 Hours of construction
- 8 Construction Environmental Management Plan
- 9 Foul water drainage
- 10 Biodiversity Mitigation Plan
- 11 Welcome Travel Packs
- 12 Energy and Sustainability Strategy
- 13 Construction Traffic Management
- 14 Drainage
- 15 SUDS Management and Maintenance
- 16 SUDS Implementation
- 17 Estate Road construction



- 18 Highway built to adoptable standards
- 19 Management and maintenance of estate roads.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for the construction of up to 126 dwellings, 26 of which would be affordable. Details of the access are to be determined at this stage with external appearance, landscaping, layout and scale to be determined at reserved matters stage.
- 2.2 An indicative Masterplan submitted with the application indicates that the access into the site would be taken from an existing entrance in Grange Lane and would follow the route of the existing access which serves the Highfield housing estate. The proposal would incorporate 3 main vehicular and pedestrian access points taken from Lowfield Crescent to the south and Harvest Way and Cornfield Lane to the east. The proposal would also provide approximately 0.52 hectares of open space.
- 2.3 In line with Submitted Local Plan policy the scheme would provide 20% affordable housing, comprising the following mix of accommodation:

Affordable housing = 26 units

4 x 1 bed  
12 x 2no bed  
9 x 3 bed  
1 x 4+ bed

Market housing

18 x 1 bed  
14 x 2 bed  
55 3 bed  
13 x 4+ bed

- 2.4 The following documents have been submitted with the application:

- Planning Statement
- Design and Access Statement
- Arboricultural Survey
- Archaeological Evaluation
- Biodiversity Assessment
- Phases I and II Ground Investigation Reports
- Transport Assessment
- Reptile Survey
- Renewable Energy and Water Consumption Statement

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.**

2.6 This application has been brought to Planning Committee in accordance with the Council's Constitution as the application results in more than 50 dwellings.

### 3.0 PLANNING HISTORY

3.1 In October 1998 planning permission was approved for an outline scheme totalling 650 dwellings with all matters reserved except for access. (Plans Ref: 98/00426/OUT).

3.2 In April 2004 a reserved matters application was approved. (Plans Ref: 02/00950/RMA).

3.3 A number of pre-commencement conditions have been discharged and parts of the site have been developed.

3.4 Pre-application advice has been received in Jan 2018.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located off Grange Lane to the west of Littleport and comprises an undeveloped parcel of land measuring approximately 4.16ha. This parcel was initially included within an outline planning application forming part of the Highfield estate which is presently in the process of construction. In the chronology of phasing, this land parcel represents Phase 5 of a wider multi-phased residential development.

4.2 The site is fairly open in character with a screen of trees abutting the northern and western boundaries. To the east of the site is an ongoing construction site relating to Phase 2 of the Highfields Farm scheme with the other phases forming parcels of land to the south, and these are yet to commence development. Further to the north of the site is residential development located in Chamberlain fields, Browning Chase and Cottier Drive.

4.3 Land levels are fairly even across the site although overall there is a drop from south east to North West.

### 5.0 RESPONSES FROM CONSULTEES

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

Anglian Water Services Ltd –

No objection subject to conditions relating to surface and foul water strategies.

Cambridgeshire Archaeology –

The application area was trenched in relation to the condition applied to E/98/0436/O. Excavation took place in advance of 08/00907/FUM and the particular block of land relating to this current application (18/00393/OUM) was considered to have low archaeological potential. For your records, we are still awaiting the final results for 08/00907/FUM.

Cambridgeshire Fire and Rescue Service –

No objection subject to condition that adequate provision being made for fire hydrants.

Cambridgeshire - Lead Local Flood Authority -

No longer objects to the scheme and consider that the material submitted demonstrates that surface water from the proposed development can be managed through the use of a surface water sewer system draining water to a balancing lagoon before discharging to an Internal Drainage Board drain.

Cambridgeshire - Local Highways Authority –

No objections to the application. It should be noted that at this time the application is for access only. The shown new internal road layout differs from the previously approved layout and with the current adoption layout that has been submitted to the HA by the developer. This may have some future implication for the adoption of this area by the HA.

CCC Growth & Development – Education

The local education providers for this development are Littleport Community Pre – School, Stepping Stones Pre- School and 6 childminders for Early years provision; Littleport Community Primary School for Primary provision; and Littleport and East Cambridgeshire Academy for secondary pupils.

There is currently sufficient capacity for the 31 early years pupils eligible for free entitlement. As of Spring term 2018 there were 69, 15 hour equivalent surplus places across Littleport to mitigate these pupils. In light of the most recent admissions data, figures show that primary pupil numbers across the Littleport catchment fall significantly short of forecast predictions for September 2018, with 92 places being offered compared to a total of 117 predicted 4 Yr old pupils. This shortfall of 25 children will help to mitigate the impact of this development in the short term. As a result of this development, if consented, other proposed allocations, and increasing local demand for school places, the County Council proposes to provide 1 Form of entry (210 places) through an expansion at Littleport Community Primary and in addition a new 1Form of Entry Primary School in Littleport (including Early years provision) after 2021.

Mitigation for this development will be provided for under the ECDC CIL scheme, and therefore we will to seek to add education projects to the ECDC Infrastructure List as and when pupil numbers increase. The Council will mitigate the 32

secondary aged pupils generated by this development via the additional capacity created at the new Littleport and East Cambridgeshire Academy, which has the potential to be expanded as and when pupil numbers rise.

Contributions would be required for Libraries. The contribution would be used to finance library service provision, purchase additional information and fiction books for adults, including large print books and story CDs for people with hearing and sight impairment. In addition, to support the life-long learning needs of the locality, children's story books, picture books and board books for babies and toddlers, as well books for teenagers.

Consultee for Other Wards in Parish –

No Comments Received

Environment Agency –

No comments to make.

The Ely Group of Internal Drainage Board –

No objection - The surface water accommodation for this area was allowed for in the initial application for the whole site and a lagoon was constructed to balance flows before entering the Woodfen Catchwater Drain.

Littleport Parish –

No objection

Ward Councillors –

No Comments Received

ECDC - Senior Trees Officer –

Trees potentially affected are upon the site boundaries and include a number of Poplars, Ash and native hedgerow species. An Arboricultural report has been submitted to support the application.

No objections to the proposal as the trees at and adjacent the site are to be likely to be retained although, there are some concerns in relation to the indicative layout. However, the Trees Officer is satisfied that any tree related conditions can be applied at latter stages of the planning process.

ECDC - Environmental Health Scientific Officer –

No objection subject to condition relating to unsuspected contamination.

### ECDC – Environmental Health – Noise

No objection subject to appropriate conditions relating to hours of operation and a construction environmental management plan.

### ECDC – Housing –

No objection. 25 affordable homes to be provided to include 19 rented and 6 for shared ownership. The property types should reflect housing need at the time of the reserved matters application.

### ECDC - Waste Strategy -

No objection subject to informatives.

### Technical Officer Access –

As some properties abut the public footpath, the design needs to ensure there is step free access and sufficient turning space for a wheelchair to the footpath without going into the road.

If Yeomans Way is a new road it should have a footpath both sides, complying with BS8300 2009.

We would also encourage a cycle path

- 5.2 Neighbours –. In terms of statutory notification, the application was advertised by way of a number of site notices both at the entrance in Grange Lane and abutting the northern boundary of the site in Browning Chase on 9<sup>th</sup> April 2018 and advertised in the Cambridge Evening News on 19<sup>th</sup> April 2018.
- 5.3 A total of 403 neighbouring properties were notified and the responses received are summarised below. One letter has been received in support of the scheme and six opposing the scheme. A full copy of the responses is available on the Council's website and any further comments received will be tabled at Committee.
- 5.4 A summary of the main points raised by members of the public:

#### *Ecology and Biodiversity*

- Removal of trees along the northern boundary exposing the new development;
- Loss of habitat for local wildlife
- The tree impact assessment differs from the one carried out in 2007 raising concerns over impact on adjoining site.

#### *Residential amenity*

- Loss of privacy;
- Overlooking;

- Noise;
- Light pollution
- fumes

#### *Highways and parking*

- Wider transportation issues on A10 roundabout and the A10 in general;
- Concerns over pedestrian safety due to increased traffic movement so close to Millfield Infant school;
- A third access is required into this site;

#### *Infrastructure*

- Impact on schools, nurseries, doctors and other facilities, services or local amenities and would the developer contribute to these?
- Has consideration been given to rail infrastructure ie improvements to station etc
- Surface water drainage;

#### *Other*

- Factual inaccuracies in information submitted;
- Accessibility for disabled people buses and easy connectivity;
- Bus service in Littleport is poor;
- Overpopulated area;

## 6.0 THE PLANNING POLICY CONTEXT

### 6.1 East Cambridgeshire Local Plan 2015

Policies GROWTH 1 [Levels of housing, employment and retail growth] and GROWTH 2 [Locational strategy] relate to the supply of housing and are now considered out of date.

The following policies do not relate specifically to the supply of housing and are accorded weight in so far as they are consistent with NPPF advice.

GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
EMP1	Retention of existing employment sites and allocations
EMP4	Re-use and replacement of existing buildings in the countryside
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

Part Two: Village/Town Visions

Littleport

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting Healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of Land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 20 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

Planning Practice Guidance

Consideration has been given to the advice provided in the PPG.

6.4 The Submitted Local Plan (February 2017)

The Council submitted the Local Plan Review to the Secretary of State in February 2018 and an Independent Examination in Public is underway. In view of the position of the Council, again the policies relating to the supply of housing are not dealt with in this report.

Those policies of relevance to the application are:

- LP1 A presumption in favour of sustainable development
- LP 6 Meeting Local Housing Needs
- LP 16 Infrastructure to Support Growth
- LP 17 Creating Sustainable, Efficient and Resilient Transport
- LP 22 Achieving Design Excellence
- LP 23 Water Efficiency
- LP 30 Conserving and Enhancing Biodiversity and Geodiversity

LP 25	Managing Water Resources and Flood Risk
LP 26	Pollution and Land Contamination
LP 27	Conserving and Enhancing Heritage Assets
LP 28	Landscape, Treescape and Built Environment

Littleport 1: Littleport's Local Character and Facilities

Littleport 4: Site LIT.H5 – Land west of Highfields

## 7.0 PLANNING COMMENTS:

- 7.0.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.
- 7.0.2 A Five Year Housing Land Report setting out the five year land supply for East Cambridgeshire for the period 01 April 2017 to 31 March 2022 has been prepared following the resolution of the Council in October 2017. However, at a recent Public Inquiry [Appeal Ref: APP/V0510/17/3186785 Land off Mildenhall Road, Fordham], the Inspector found that the Council could only demonstrate 3.86 year housing land supply. The appeal was allowed on this basis.
- 7.0.3 As a consequence the Council is now currently unable to demonstrate a five year housing supply and therefore the policies within the Local Plan which relate to the supply of housing are now out of date. Para 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.0.4 In light of this, planning applications for housing within the district should now be considered on the basis of the presumption in favour of sustainable development.
- 7.0.5 The main issues to consider in the determination of this application are
- the principle of development,
  - Visual amenity,
  - Residential amenity,
  - Access and highway safety;
  - Housing mix and affordable housing;
  - Public Open space
  - Drainage and flood risk;



- Ecology and biodiversity

## 7.1 Principle of Development

- 7.1.1 The applicant seeks outline consent for up to 126 new dwellings, with access to be considered and all other matters reserved. The site is located within the established development framework of Littleport, within close proximity to the range of services and facilities available within the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the location of the site within the settlement boundary means that the site is considered to be in a sustainable location.
- 7.1.2 The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and the relevant policies of the development plan. And an assessment made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.
- 7.1.3 Bearing in mind the location of the site within the development framework of the Highfield estate, access was the key consideration in the assessment of the outline application initially for the wider site area. The Local Highway Authority accepted the transport model and permission was granted on the basis of access being satisfactory to serve a scheme of this size without prejudicing users of the neighbouring development. An indicative layout demonstrated how the site could be developed to successfully accommodate an additional 126 units whilst respecting the character and pattern of development within the vicinity of the site.
- 7.1.4 The provision of up to 126 dwellings, 26 of which would be affordable, on this site is still a benefit to which significant positive weight is afforded and therefore the principle of housing is still considered acceptable.
- 7.1.5 As such in assessing the scheme and applying the tilted balancing exercise as set out in the NPPF the social benefits of the scheme would significantly and demonstrably outweigh any adverse impact of the development and therefore in principle, the scheme is considered acceptable.

## 7.2 Visual Amenity

- 7.2.1 The NPPF states that good design is a key aspect of sustainable development and creates better places in which to live and work.
- 7.2.2 In considering the visual impact on the landscape Policy ENV1 of the Local Plan requires new development to provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and of settlements. Policy ENV2 of the Local Plan requires that new development should ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area.

- 7.2.3 The site comprises a pocket of open land abutting the Highfields estate to the east with other areas adjoining the site, either under construction or, form land allocated for development.
- 7.2.4 The site is located at a considerable distance from Grange Lane to the south and Woodfen Road to the west and as such does not feature prominently in either of the streescenes. Bearing in mind that this is a landscape in transition with the majority of this area allocated for development, then the visual amenities would not be unacceptably harmed.
- 7.2.5 The application does not seek to determine details relating to external appearance, landscaping, layout and scale, all of which would need to be subject to a reserved matters application. The Tree Officer has indicted his agreement to the removal of some of the trees and hedges on the site necessary to facilitate the development and will provide further input at the detailed design stage on any replacement scheme.
- 7.2.6 Moreover whilst it is acknowledged that there would be some loss of trees and or hedgerow, an opportunity does exist to provide new landscaped areas which would result in a net environmental gain on site and in turn improve the visual amenities of this part of Littleport.
- 7.2.7 On balance the scheme would be in keeping with the vision for Littleport as part of the Masterplan for this area and given that the scheme extends an existing modern housing estate within the existing urban framework of Littleport, it is considered that the impact on the character of the area is considered to comply with Policies ENV1 and ENV2 of the Local Plan 2015 and Police LP22 of the Submitted Local Plan acceptable. This factor is given neutral weight in the planning balance.
- 7.3 Residential Amenity
- 7.3.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers. Policy LP22 of the Submitted Local Plan requires new development to provide a high standard of amenity and maintain the existing amenity of neighbours.
- 7.3.2 An indicative site layout plan has been submitted with the application and this outlines the proposed scale and layout of the development which illustrates that a scheme of this number of dwellings can be delivered and designed in accordance with the East Cambridgeshire Design Guide SPD. This takes into account the requirement to provide sufficient plot sizes and amenity space. Attention has also been given to the need to ensure that the minimum distance of 20m between rear window to rear window can be achieved. Likewise, all dwellings should have an acceptable outlook with adequate sunlight/daylight penetration to all habitable rooms.
- 7.3.3 In terms of the impact on existing residential amenity, a number of concerns have been identified by adjoining occupiers primarily with regard to overlooking, loss of privacy, light pollution, noise and general disturbance.

- 7.3.4 Those residents directly affected by this scheme are located to the north of the site, in and around the Browning Chase and Chamberlain Fields area. During construction of the development there would be strict controls in place imposed by means of a number of conditions. A Construction Environmental Management Plan which covers appropriate construction and delivery routes as well as mitigation measures to control the amount of noise, dust and fumes etc.
- 7.3.5 The indicative siting of the dwellings and the separation from the nearest properties would ensure that no loss of amenity would occur in terms of access to light and outlook. The detailed layout submitted with any subsequent application would assess the amenities for future occupiers but it appears from the indicative plans that adequate separation distances can be achieved to ensure that a satisfactory level of amenity can be provided. Details such as obscure glazing could also be secured by planning conditions at reserved matters stage upon the submission of floor plans and elevations.
- 7.3.6 Overall it is considered that the proposal would have an acceptable impact on residential amenities in accordance with policy ENV2 of the Local Plan, Policy LP22 of the Submitted Local Plan and the NPPF, and this is attributed neutral weight in the planning balance.
- 7.4 Access and highway safety
- 7.4.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Para 29 of the NPPF states that transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives.
- 7.4.2 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.4.3 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.
- 7.4.4 Littleport is considered to be a locationally sustainable town which offers a good range of services and facilities with close connectivity to the A10 and which also benefits from a railway station. However, as has been mentioned in the letters of representation, the bus service is poor and further enhancements are required at the railway station. The developer is in negotiation with the County Passenger Transport Team and is to contribute towards a bus service within the Highfields Estate and this will become operational once the development is occupied.
- 7.4.5 In terms of access into the site, the scheme would, in future, be served by two accesses on to two existing roads, namely Grange Lane and Highfields Drive with

the former access presently serving construction vehicles. Bearing in mind, the access from Grange Lane has already been agreed in principle when determining the initial planning application for this scheme, the Highways Authority have raised no concerns in this regard. However, they have noted that the internal layout would differ from what was previously agreed and that further modification may need to be undertaken. However, this can be dealt when further details would be submitted with the reserved matters application.

- 7.4.6 A Transport Assessment has been submitted with the application [Cannon Kirk (UK) Ltd – 23<sup>rd</sup> February 2018] and this has taken into consideration a number of committed schemes, namely the development of 680 dwellings and neighbourhood centre to the west of the site (Plans Ref: 17/00757/ESO).
- 7.4.7 The Transport Assessment considers that the opening of the Grange Lane site access to residents will result in a redistribution of traffic such that traffic flows at the Highfield Drive/Ely Road roundabout and at the Ely Road/Grange Lane roundabout would be improved.
- 7.4.8 The likely trip generation of the proposed development at peak times has also been calculated using trip rates derived from the existing Cannon Kirk development, adjacent to the proposed site. From an analysis of the junction modelling undertaken, there will be sufficient capacity in the future to accommodate the expected traffic generation from the proposed site.
- 7.4.9 The access arrangements have been examined by the Local Highway Authority and are considered to be adequate in regard to their width and layout. The access locations in regard to accessibility and permeability have also been assessed and deemed acceptable.
- 7.4.10 The indicative layout indicates that two car parking spaces per dwelling will be provided together with a number of visitor parking spaces and therefore the applicant has demonstrated that adequate vehicle parking can be provided in accordance with Policy COM8. However, the final layout would be dealt with at reserved matters stage.
- 7.4.11 To conclude Littleport is considered to be locationally sustainable with access to a wide range of services, facilities and modes of transport. The information submitted and the consultation responses received indicate that the applicant has demonstrated that safe and convenient access to the highway network can be achieved and that the development would not result in detriment to highway and pedestrian safety. The proposal therefore complies with Policy COM7 in this regard. The applicant has also demonstrated that adequate parking can be provided in accordance with Policy COM8 of the Local Plan and Policy LP22 of the Submitted Local Plan 2017. These factors are weighed neutrally in the planning balance.

## 7.5 Housing mix and affordable housing

- 7.5.1 The application proposes 126 dwellings, 26 of which are stated to be affordable dwellings. This equates to 20% of the total dwellings proposed and accords with

Policy LP6 of the Submitted Local Plan 2017 in relation to affordable housing provision. The 26 affordable units are to be split 70%-30% affordable rent/shared ownership with units pepper potted throughout the site.

7.5.2 The affordable housing is comparable to schemes delivered on neighbouring sites and will be secured by way of a s106 Agreement. The Council's Housing Strategy & Enabling Officer has confirmed that the proposed tenure mix is acceptable and the proposed mix of property types will meet the housing needs identified on the Housing Register. This factor is considered a benefit to be afforded significant positive weight in the planning balance.

## 7.6 Public Open Space

7.6.1 Policy GROWTH 3 of the adopted Local Plan requires residential developments of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. Policy LP21 of the Submitted Local Plan requires 51-200 dwellings to provide open space on-site.

7.6.2 The scheme proposes an area of public open space in the north-western corner of the site of approximately 5,200sqm. The Council's Developer Contributions and Planning Obligations SPD calculates that the development should deliver 7,620sqm of public open space and therefore the scheme falls short of this requirement.

7.6.3 The applicants propose to provide a contribution towards off-site play space and sports facilities and this would be delivered via a s106 Agreement. Littleport Parish Council at their meeting on 19<sup>th</sup> March agreed in principle to the offer of a financial payment towards informal open space in respect of the shortfall identified in the application. This factor is considered a benefit to be afforded moderate positive weight in the planning balance.

## 7.7 Flood Risk and Drainage

7.7.1 Policy ENV8 of the adopted Local Plan 2015 requires that all developments and re-developments should contribute to an overall flood risk reduction. All applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. Policy LP25 of the Submitted Local Plan 2017 requires all development proposals to be considered against the NPPF.

7.7.2 The site is located within Flood Zone 1 and as such has a low probability of flooding. The application is accompanied by a Flood Risk Assessment [Pick Everard dated 23<sup>rd</sup> February 2018]. The FRA refers to the initial planning application for the phased housing development where a drainage strategy was undertaken to accommodate all parts of the wider site, including this development.

7.7.3 The Local Lead Flood Authority, however, requested further information to demonstrate that surface water from the proposed development could be managed through the use of a surface water sewer system draining water into a balancing

lagoon before discharging to a drain. A Drainage Design Philosophy Statement (Pick Everard dated July 2006) was submitted as well as the Lagoon Calculations and these indicate that surface water discharge can be restricted to 28 l/s which is now acceptable.

7.7.4 Anglian Water have commented that provided the surface water hierarchy has been followed they consider these matters can be dealt with by condition and the information submitted at a later stage.

7.7.5 On balance the proposal has adequately demonstrated that it would be able to attenuate the additional surface water created by this development and as a result this is weighed neutrally in the planning balance. The proposal would comply with Policies ENV8 of the adopted Local Plan 2015 and Policy LP25 of the Submitted Local Plan 2017.

## 7.7 Ecology and Biodiversity

7.8.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings. LP 28 of the submitted Local Plan 2017.

7.8.2 A Preliminary Ecological Appraisal has accompanied the application [Ecology Consultancy dated 5<sup>th</sup> September 2018] and makes the following recommendations:

- That the boundary trees are thought to qualify as a hedgerow;
- That there are habitats suitable for foraging, commuting and roosting bats which are present on site. Measures must be taken to avoid impacts from artificial lighting;
- That there are habitats suitable for reptiles and that further survey works should be undertaken;
- That there are habitats suitable for breeding birds and measures must be taken to avoid killing birds or destroying their nests;
- That there are habitats suitable for brown hare and hedgehogs and measures should be taken to continue accommodating these species on site post development;

7.8.3 A Reptile Survey has now been undertaken [Ecology Consultancy dated 15<sup>th</sup> May 2018] and the findings revealed that no reptiles had been recorded on the site and that no further survey work would be required.

7.8.4 An Arboricultural Impact Assessment and Method Statement has also been submitted with the application [Hayden's Arboricultural Consultants dated 2<sup>nd</sup> March 2018] and this report has identified thirteen individual trees, three groups of trees and one area of trees. Two Common Ash Trees would need to be felled and replaced with those of a similar size and species.

7.8.5 The Council's Senior Tree Officer has considered the AIA which is a fair account of the health and vitality of the existing trees on site. However, a number of concerns have been raised regarding the general degree of landscaping, in particular, the lack of provision of trees within the adoptable highway as well as poor connectivity

with the neighbouring sites. In addition, as the application is not sufficiently clear with regard to the future management and maintenance responsibilities of this land then this may impact on the living environment impacting on future occupants of the proposed dwellings. As such, further clarification would need to be sought when dealing with the landscaping strategy and landscape management plan at the reserved matters stage.

7.8.6 Whilst development on this site would be fairly constrained, there would be opportunities to explore gaining further detail on the landscaping of this site at the detailed design stage and as such could result in a net environment gain on site. Such that these matter are afforded moderate positive weight in the planning balance. The scheme therefore complies with Policies ENV7 of the adopted Local Plan 2015 and LP30 of the Submitted Local Plan 2017.

## 7.9 Other Material Matters

7.9.1 An Environmental Investigation Report [Pick Everard dated 24 March 2004] has been submitted with the application which covered the wider area of the Highfield Farm site and this has been examined by the Council's Scientific Officer who considered that as the report was now 14 years old it would be somewhat out of date in terms of the assessment criteria used. As a result a Phase 2 Ground Investigation [Pick Everard dated 22<sup>nd</sup> June 2018] has been undertaken, the findings of which state that as no significant contamination was encountered at the site no remedial measures would be required. The Council's Scientific Officer has agreed with the findings of the Phase 2 report and suggests that a condition is imposed to safeguard against any unsuspected contamination being encountered on site. It is considered that any pollution or ground contamination can be dealt with at the detailed design stage and therefore this factor is attributed neutral weight in the planning balance. The scheme therefore complies with Policies ENV9 of the adopted Local Plan and LP26 of the Submitted Local Plan 2017.

7.9.2 In terms of archaeology, the Historic Environment Team at Cambridgeshire County Council have considered the information submitted with the application [Archaeological Evaluation], and as trial trenching took place as a result of the 1998 application, this particular block of land was considered to have low archaeological potential. This factor is weighed neutrally in the planning balance.

7.9.3 Cambridgeshire Fire and Rescue Service has requested that adequate provision be made for fire hydrants and this can be dealt with by way of a planning condition.

7.9.4 The indicative layout takes the RECAP Waste Management Design Guide SPD into account, however, concerns have been identified by the Council's Waste Strategy Team that 28 of the properties have no direct collection point on the public highway that is accessible by waste freighters. However, the final layout, to be determined at the reserved matters stage, should take account of the comments raised by the Waste Strategy Team and any impact on waste collection should therefore be minimised.

- 7.9.5 There have been a number of issues identified within a letter of representation concerning the inaccuracies of some of the information submitted with the application and the applicants have been requested to comment. With regard to the location of the existing drainage ditch, the applicants have confirmed that this lies outside of their boundary and therefore they would not be responsible for it. Bearing in mind that they have provided sufficient information to the satisfaction of all relevant water body authorities then it is considered the applicants have addressed concerns relating to flooding and surface water drainage.
- 7.9.6 With regard to the concerns expressed by a resident that there were factual inaccuracies in information submitted, a meeting with the resident took place and matters were discussed regarding the boundary treatment and boundary line that the development would take. As these matters would be dealt with during the detailed design stage, then it is not considered the applicants have provided factually incorrect information in support of their application.
- 7.9.7 A concern has been raised in the letters of representation regarding accessibility for disabled people, buses and easy connectivity. The Council would ensure that a proportion of new housing built as part of major housing development is suitable, or easily adaptable for occupation by the elderly or people with disabilities to lifetime homes standards or equivalent. The scheme has also been considered by the Plan Vetting Panel of the East Cambridgeshire Access Group who have provided feedback in the form of step free access to the footpath, sufficient turning spaces for wheelchair access with Yeomans Way benefitting for a footpath both sides.
- 7.9.8 With regard to the concern that the bus service in Littleport is poor both this development and other sites within the Highfield Estate would be contributing towards a bus service which serves this site.
- 7.9.9 Turning to the concerns raised regarding the overpopulated area, Littleport has been identified as a growth area and the Government in their re-issue of the NPPF (2018) recommends higher density development.
- 7.9.10 In terms of permeability, it is proposed to connect the development with footpath/cyclepaths throughout the site and connecting to the rest of Littleport.
- 7.9.11 A Renewable Energy and Water Consumption Statement has been submitted with the application and this document incorporates a holistic strategy to contribute to key climate change themes, promoting a fabric first approach will be taken to energy efficiency, including green infrastructure, water efficiency, sustainable construction practices and waste management controls.
- 7.10 Contributions
- 7.10.1 The site is allocated under the adopted Local Plan and therefore education would be covered by CIL. Littleport Schools are specified on the Regulation 123 list.
- 7.10.2 The County Education department have however requested a contribution towards library provision – This development is expected to accommodate around 286 new residents. Littleport Library is the local provider of library services for this



development and the Council is seeking a s106 contribution of £28.92 per new resident (around £8,271.12 depending on final development mix). Trigger for s106 agreement would be 100% prior to 50% occupation of the development. Monitoring – A fee of £150 to monitor the agreement would be payable and association contribution based on the Developer Contributions SPD.

- 7.10.3 The 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.
- 7.10.4 Open Space – the provision of an appropriate amount of open space will be negotiated with the Council. The open space will be subject to an appropriate management regime.
- 7.10.5 Out-door Sport Provision: the provision of an off-site contribution in the form of a commuted sum towards improving outdoor sport facilities in Littleport.
- 7.10.6 Playspace – the provision of an off-site contribution in the form of a commuted sum towards play facilities in the village, in lieu of the requirement to provide an on-site Local Area of Play.
- 7.10.7 Transport and Infrastructure there is a potential financial contribution requirement towards a bus service through the Highfields development and the roundabout at A10/A142/Witchford Road.

#### 7.11 Planning Balance

In view of the fact that the district is unable to demonstrate a five year housing land supply, the proposal to build up to 126 dwellings, 26 of which would be affordable housing, within the development envelope of Littleport is seen as a benefit to which significant positive weight should be given. The NPPF seeks the delivery of a wide choice of high quality homes and there is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which significant weight should be given.

The impact of the development on the visual amenities and character of the area are considered to be acceptable and as a consequence this matter is weighed neutrally in the planning balance.

In terms of residential amenity the dwellings are located at a distance to ensure acceptable levels of privacy, sunlight and daylight are observed and further details would be required at the detailed design stage to ensure residential amenity was not affected. As such these matters should also be afforded neutral weight in the planning balance.

The construction of affordable and market dwellings would have economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme are afforded moderate weight. There would also be an impact on the local economy, which in Littleport's case supports a number of services and facilities within the town and the development through the increase in population, would continue to serve

this as well as support future services through increased local spending. This benefit would be afforded moderate weight in the overall planning balance due to the number of dwellings such that it would be afforded moderate positive weight.

Littleport is sufficiently locationally sustainable taking into account the facilities and amenities available within Littleport, however, until the wider site is developed, there may be an over reliance on the private car to access wider services and facilities. It is recognised that sufficient parking and cycle provision could be provided within the site and the impact on access and highway safety has been assessed and would not be detrimentally affected. Neutral weight is therefore afforded to this proposal.

In terms of public open space, biodiversity and ecology the redevelopment of this site would result in a net environmental gain which is seen as a moderate positive benefit.

With regard to archaeology; pollution; ground contamination; flood risk and drainage, these are weighed neutrally in the planning balance.

In applying the tilted balancing exercise as set out in para 11 of the NPPF, the benefits of the scheme significantly and demonstrably outweigh any adverse impacts and therefore the proposal is recommended for approval.

## CONCLUSION

This application has been evaluated against the extant Development Plan which is the starting point for all decision making and is considered to represent sustainable development. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2017.

The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.

### 8.0 COSTS

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

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

- This site has been allocated in the adopted Local Plan 2015;
- No objections from statutory consultees.

9 APPENDICES

9.1 Appendix 1 – Conditions.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00393/OUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc amb.s.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX ONE – CONDITIONS

### PLANS REF: 18/00393/OUM – LAND SOUTH OF CHAMBERLAIN FIELDS, LITTLEPORT

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

P17-1636\_011

P17-1636\_08 v.E

RENEWABLE ENERGY AND WATER CONSUMPTION STATEMENT

ABORICULTURAL IMPACT ASSESSMENT

BIODIVERSITY ASSESSMENT

PLANNING STATEMENT

ARCHAEOLOGICAL EVALUATION

DESIGN & ACCESS STATEMENT

TRANSPORT ASSESSMENT

010417/C/7026 A

REPTILE SURVEY

010417-426 E

DRAINAGE DESIGN PHILOSOPHY STATEMENT, PICK EVERARD,  
NAT/MPC/MSS/010417/N012, JULY 2006

LAGOON CALCULATIONS 1 IN 100 YEAR EVENT, PICK EVERARD.

010417/C/407A Drainage Area Layout Plan

010417/C/720Z Balancing Lagoon Details

010417/C/785Z Turning Circle Longsection

010417/C/785Z Hydrobrake Chamber

010417/C/Hydrobrake to Headwall Details

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.

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.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

4. The proposal is for up to 126 dwellings.

Reason: To allow for a design led approach in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

5. Prior to the commencement of development details of the provision of fire hydrants, or equivalent, for the development shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Fire and Rescue Authority. The hydrants or equivalent shall be installed and completed in accordance with the approved details prior to the occupation of any part of the phase or in accordance with alternative details of provision approved by the Local Planning Authority.

Reason: to ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with Policies Growth 3 and ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement to ensure that the appropriate infrastructure is incorporated into the below ground works.

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

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.

7. 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 on Saturdays

none on Sundays or Bank Holidays or Public Holidays

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. 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.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of 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 development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

10. Prior to occupation of any dwelling a Biodiversity Mitigation Plan shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements hereby approved shall thereafter be maintained in perpetuity.

Reason: To protect and enhance species in accordance with Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP30 of the Submitted Local Plan 2017.

11. Prior to first occupation the form and content of Welcome Travel Packs to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.

Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.

12. Prior to the commencement of development or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

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. This condition is pre-commencement as some of the measures may be below ground level.

13. Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard the residential amenity of neighbouring occupiers, in accordance with Policies ENV2 and COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as the details of the plan need to be agreed before work commences on site.

14. No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities;
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- h) Full details of the maintenance/adoption of the surface water drainage system;

- i) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- j) A timetable for implementation.

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

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

15. 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.

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.

16. The scheme approved under Condition **15** of this permission shall be implemented (within the timescale agreed in the approved drainage scheme) including the setting up or transference of the scheme, and thereafter managed and maintained in accordance with the approved details.

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.

17. Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on Drawing P17-1636\_008 in writing by the Local Planning Authority.



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

18. 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.

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.

19. 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).

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.

## INFORMATIVES

1. East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take sacks/bins to the public highways boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over loose gravel/shingle driveways.

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

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

Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-18, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

2. East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to complete the CIL Additional information Requirement Form – [https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/2](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2)

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

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

3. This decision notice should be read in conjunction with the Section 106 Obligation dated xxxxxx and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.
4. Anglian Water - Recommends that a Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

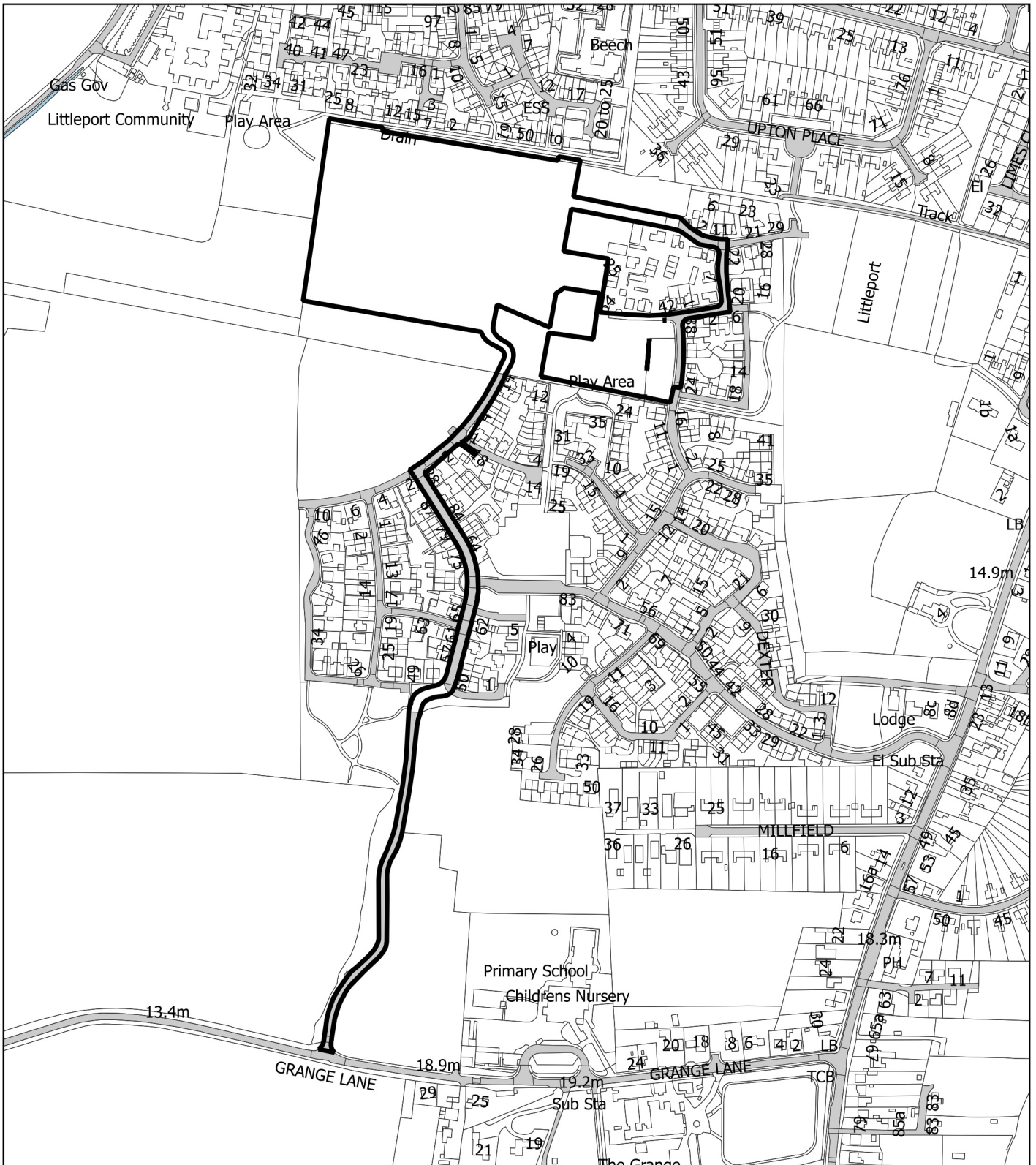
If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

5. Consent from Littleport and Downham Internal Drainage Board (IDB) should be gained to discharge additional surface water flows to the balancing lagoon. This is stated in the Byelaw Consent subparagraph d (No. LD.01.04.05) from Littleport and Downham IDB dated 8 April 2005.

Woodfen Road Catchwater Drain site falls within the Littleport and Downham IDB district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required. The submitted calculations for the balancing lagoon show the hydrobrake discharging at 38.8 l/s, however, it was agreed with Littleport and Downham IDB that the site will discharge at 38 l/s.

This should be amended so that this is calculated off the previously agreed discharge rate to the IDB drain.

6. 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.



18/00393/OUM

Land South of  
Chamberlain Fields  
Littleport



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:5,000



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**MAIN CASE**

**Reference No:** 18/00549/FUL

**Proposal:** Proposed outbuilding (gym/pool room)

**Site Address:** 63 High Street Wilburton Ely Cambridgeshire CB6 3RA

**Applicant:** Mr R Upton

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

**Parish:** Wilburton

**Ward:** Stretham  
Ward Councillor/s: Councillor Bill Hunt  
Councillor Charles Roberts

**Date Received:** 23 April 2018      **Expiry Date:** 10<sup>th</sup> August 2018

[T81]

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1.0 **RECOMMENDATION**

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

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 External materials
- 4 Use restriction
- 5 Replacement boundary treatment

2.0 **SUMMARY OF APPLICATION**

2.1 Planning permission is being sought to demolish an existing brick and timber outbuilding and erect a replacement outbuilding comprising a pool room, gymnasium and bathroom. The proposed outbuilding would be constructed of a pitched roof design, measuring 6.5m wide and 12.7m deep, with a ridge height of 5.6m and an eaves height 2.4m. The proposed outbuilding would be finished externally with stained timber featheredge boarding and 'Farmhouse Red' Fenland pantiles.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>.

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

2.3 This application has been called in to Planning Committee by Councillor Bill Hunt for the reasons set out in paragraph 5.3 of this report.

3.0 **PLANNING HISTORY**

3.1

16/01089/FUL	Resubmission of previously approved 15/01459/FUL .Proposed garage/gym to rear (existing derelict shed to be demolished )	Approved	10.10.2016
15/01459/FUL	Proposed garage/gym to rear (existing derelict shed to be demolished)	Approved	25.02.2016
05/01219/FUL	Replacing outbuildings for 2No. holiday cottages	Refused	18.01.2006
04/00189/FUL	Relocation of vehicular access from one side to the other	Approved	14.04.2004

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is located on the south side of High Street, within the village development envelope and within the Wilburton Conservation Area. The site comprises a dwelling fronting the public highway with a driveway to the west side and garden to the rear screened by a high gate. There was an existing outbuilding sited immediately adjacent to, and forming part of the boundary with, the neighbouring property No.65 High Street. Construction has began on replacing this outbuilding with a new outbuilding approved by planning permissions 15/01459/FUL and 16/01089/FUL). The previous outbuilding was constructed primarily of timber on a brick plinth, served by a pitched roof with a ridge height of 3.8m and an eaves height of 2.4m. The approved outbuilding, if fully constructed, would be 6.5m wide and 12.7m deep, with a ridge height of 4.1m and an eaves height of 2.4m.

5.0 **RESPONSES FROM CONSULTEES**

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

5.2 Wilburton Parish Council – Objection as follows:

- New drawing considerably higher building and no valid reason for it.
- New windows in the side of the building with no valid reason for them being there - original drawing had roof light. This side of the building is very close to

the neighbour and therefore would intrude on their privacy and is not suitable for windows on this side.

The Parish Council planning committee had serious reservations about the proposed use of this building as it is strongly looking like it could become a dwelling with the facilities and windows etc in it.

5.3 Ward Councillor Bill Hunt – Has the following concerns:

1. Is advised that the existing barn which formed part of the border between 65 High Street has already been demolished and that only some of the timber of the old building acts as a boundary marker between numbers 65 and 63.
2. Notes that the existing building was 3.8m high and the proposed building is a substantial 5.6m high. Calculates that the height difference is therefore 5.9 Feet [1.8 metres]. This is a large increase and of considerable concern as the new building is planned only 0.5m away from the boundary. This would in Councillor Hunt's view be overbearing.
3. Notes that two windows are planned in the west wall of the Gymnasium/Pool room. Unless preventative provision is made, these windows could cause loss of amenity to next door. Notes that no windows are proposed in the north gable end.

Councillor Hunt advises that, if a brick wall was erected by the applicant along the length of the new building at the gutter height of the new Gymnasium/Pool Room, there would be no overlooking (by the two suggested windows). Councillor Hunt suggests a "new build" with a maximum ridge height of under 4.5m would be much less overbearing and much less damaging to the amenity of number 65 and their enjoyment of their garden.

Councillor Hunt has stated that, since there has a variety of views expressed and after consideration, he believes that this is one of those cases best dealt with by the Planning Committee and the wider debate that is afforded. Must consider that this application is within the Conservation Area of Wilburton and this fact carries great weight.

5.4 Conservation Officer - The proposed new outbuilding is considered acceptable. Number 65 High Street which is identified as a building of local interest will not be affected. The proposed materials are considered in keeping with the character of the conservation area and will not have a detrimental impact. The new outbuilding should not be used as a separate dwelling and should only be used in association with 63 High Street. For the reasons state above the current proposal is acceptable and would not have a detrimental impact on the character and appearance of the conservation area or other nearby heritage assets. No objection is raised on that basis and the proposals would satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1900 and as support be the aims of Section 16 of the NPPF.

5.5 Enforcement Section - No Comments Received.

5.6 Neighbours – 2 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

### 5.6.1 Neighbour comments from the occupier of No.63 High Street

- Disappointed that planning permission was approved retrospectively for a separate garage built in the field at the rear of the application site. There will now be two substantial buildings at the rear of No.63 High Street.
- Do not have an issue with the old barn being re-built and used for a gym/garage/office/store or pool room, however does have issues with the building becoming any kind of residential property in the future.
- It has always been clear that you do not put a bathroom in a gym/garage or gym/pool room without the future intention of this becoming a residential property.
- The patio doors in the design of the previously approved planning application are now two single windows to each side of a door facing east, the patio doors have been moved to the gable end facing south, and now there are two high level windows proposed facing west. The design has the appearance of a bungalow.
- There is no requirement for additional windows on this side of the building for its proposed use, unless it is to allow changes to the building for residential use in the future. One of the windows is located in the proposed bathroom.
- It is quite clearly going to be a residential property which is not appropriate at this end of the village, where most of the properties along this section of High Street have long and large gardens which is an important characteristic of the village.
- The now demolished barn formed an integral boundary with No.63 High Street and there has never been any proposal for what the boundary would be replaced with. The applicant has currently left the side of the barn in situ, protecting the privacy of No.63 High Street. Occupant of No.63 is happy with this temporarily but not as a permanent solution. This is a temporary measure which will need to be replaced. Occupant of No.63 states that a wall would be the only satisfactory solution to protect their privacy and to provide a more maintenance free boundary since the building is only 0.5m from the boundary. Occupant of No.63 states a fence is not acceptable, particularly as the proposal includes windows facing this boundary.
- Any kind of residential property should not be built in this location, irrespective of whether it could be considered an annexe. An annexe is a building which is joined to a larger main building and this clearly is not.
- Do not see how the planning department is going to stop internal walls being erected to turn the outbuilding into a bungalow. Allowing the applicant to replace the window and patio door configuration proposed by this planning application would aid conversion to a residential property.
- The applicant will change the use to residential without planning permission, as no-one will be able to witness what is going on once the external walls are built.
- Cannot find information regarding the ridge height in the plans. Concerned that a further room, or rooms, could be built within the roof.
- Objects to the changes until assurances are given regarding the intended use of the building and objects particularly to the high level windows in the western elevation overlooking No.63 High Street.



6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 11 Conservation Areas
- ENV12 Listed buildings
- ENV 13 Local Register of buildings and structures

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2018

- 12 Achieving well-designed places
- 16 Conserving & 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 when determining this application relate to the impacts of the proposed development upon local heritage assets and residential amenity.

7.2 Impact upon local heritage assets, including the conservation area

7.2.1 The proposed outbuilding would be sited to the rear of the dwelling within the site, set back more than 20m from the public highway and partly screened by the side access gates to the rear garden. The proposed outbuilding would therefore not be read as part of the street scene and would not be prominently visible within the Conservation Area from most aspect, significantly screened by the dwellings fronting onto High Street. Although larger in height and scale than the demolished garage, the proposed outbuilding would be sited within a similar position to the previous garage and its scale would be proportionate to the overall plot. There are extant planning permissions for an outbuilding in this position and with the same footprint. Due to its significant separation distance from the public highway and nearby listed buildings, in addition to the significant screening of the proposed outbuilding which is provided by nearby dwellings, the increased height of the current proposed outbuilding would not create any significant harm to the character and appearance of the conservation area or the setting of any nearby listed buildings. The external materials are sympathetic to its location with a conservation area.

7.2.2 The Council's Conservation Officer has been consulted on the application and has commented that the current proposal is acceptable and would not have detrimental

impact on the character of the conservation area or other nearby heritage assets, including 65 High Street which has been identified as a building of local interest.

7.2.3 It is therefore considered that the proposed outbuilding would not create any significant detrimental impacts to the character and appearance of the conservation area and would not cause harm to the setting of the adjacent Building of Local Interest or nearby listed buildings, in accordance with policies ENV2, ENV11, ENV12 and ENV13 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP27 of the Submitted Local Plan 2017.

### 7.3 Residential amenity

7.3.1 The proposed outbuilding would have the same eaves height and a similar depth to the previous outbuilding which was sited directly on the neighbouring boundary with No.65 High Street. The proposed outbuilding would be set approximately 0.5m away from this boundary. The proposed outbuilding would be sited to the rear of the neighbouring dwelling, adjacent to the neighbouring garden. Although the proposed outbuilding would have a ridge height of 5.6m, which is taller than the previous outbuilding and previously approved outbuildings, the pitched roof of the proposed outbuilding would slope away from the neighbouring boundary with No.65 High Street and the ridge would be located 3.6m from the boundary. Given its modest eaves height of 2.4m located 0.5m from the boundary and its 5.6m ridge height 3.6m from the boundary, in addition to its distance of more than 10m to the neighbouring dwelling of No.65 High Street, it is considered that the proposed outbuilding would not create a significant overbearing impact, loss of outlook or loss of light to the neighbouring garden or dwelling of No.65 High Street or any other neighbouring dwellings.

7.3.2 The submitted site plan shows a 1.9m high wall located along the boundary between the application site and No.65 High Street. The proposed outbuilding would likely result in the removal of part of the existing boundary wall along this boundary which would result in a detrimental loss of privacy to No.65 High Street unless replaced with a solid screen boundary treatment of a similar height. The proposed outbuilding also includes 2 high level windows within the west elevation of the outbuilding, located 0.5m from the neighbouring boundary with No.65 High Street.

7.3.3 In order to protect the residential amenity of No.65 High Street, it is therefore considered reasonable to append a condition to any grant of planning permission requiring a solid screen boundary treatment with a minimum height of 1.8m to be erected along the western boundary of the property, in the gap left by any demolition of the existing garage/boundary wall, prior to first use of the proposed outbuilding. The purpose of a solid screen boundary treatment with a minimum height of 1.8m is to protect the existing privacy of No.65 High Street. As this section of the existing boundary treatment could be replaced without the requirement for planning permission, it is considered unreasonable for the materials of the replacement boundary treatment (i.e. fence or wall) to be conditioned.

7.3.4 Concerns have been raised regarding the applicants intentions for the use of the outbuilding. The application has been assessed based on the proposal submitted and, due to the nature of the proposal, it is considered appropriate that a planning

condition should be appended to the grant of permission restricting the use of the outbuilding to a manner that is incidental to the enjoyment of the residential use of the main dwelling within the application site.

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

#### 7.4 Other matters

7.4.1 A separate outbuilding was granted retrospective planning permission within the application site, however this building does not have any significant material impacts on the proposed outbuilding being considered by this application.

#### 7.5 Summary

7.5.1 It is considered that the proposal accords with Policies ENV2, ENV11, ENV12 and ENV13 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP27 of the Submitted Local Plan 2017 and relevant guidance within the National Planning Policy Framework.

#### 8.0 APPENDICES

8.1 Appendix 1 - Recommended conditions.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00549/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Senior Planning Officer
16/01089/FUL	Ely	01353 665555
15/01459/FUL		richard.fitzjohn@ea
05/01219/FUL		stcambs.gov.uk
04/00189/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 -

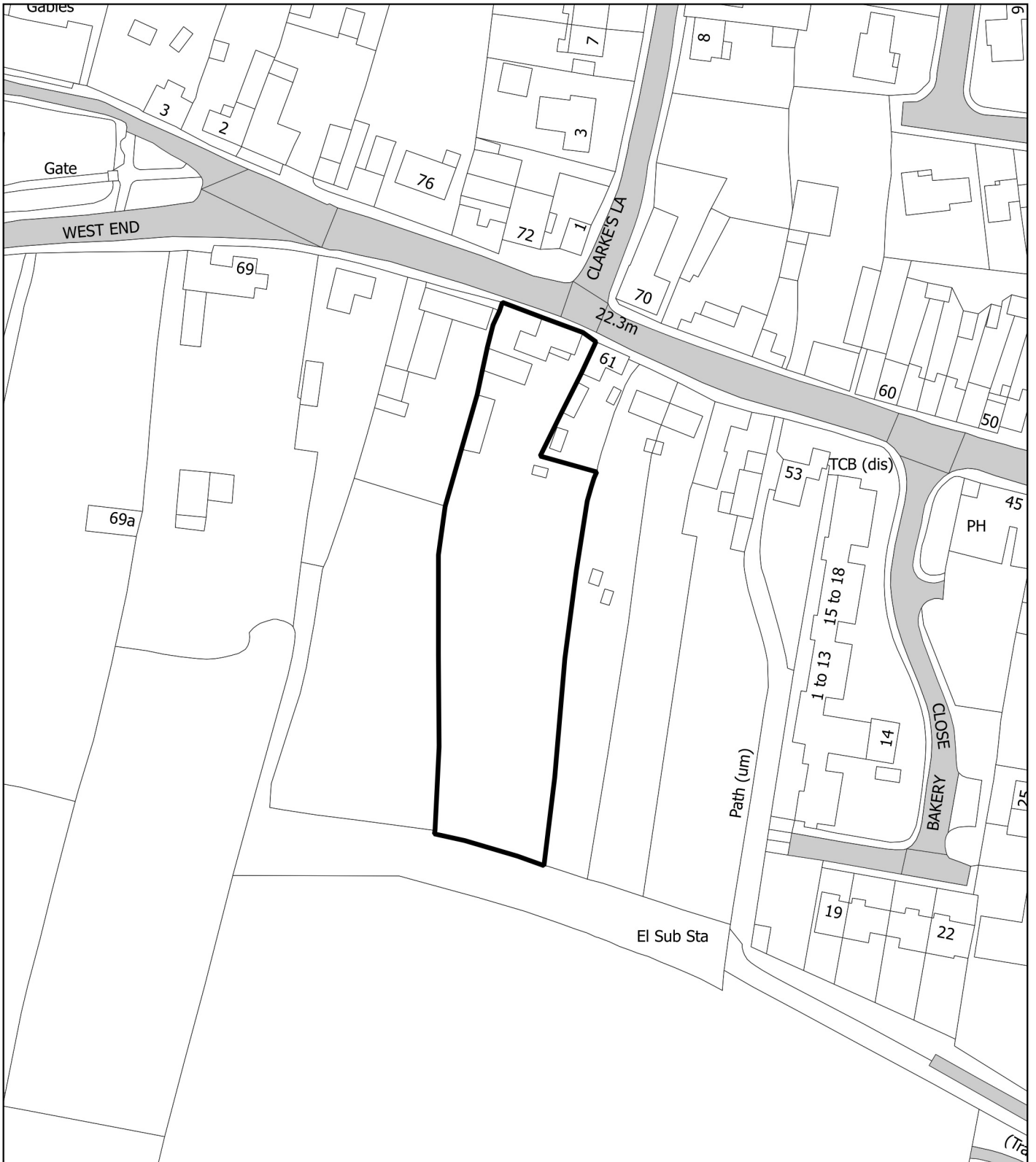
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

#### APPENDIX 1 - 18/00549/FUL Conditions

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

Plan Reference	Version No	Date Received
05/UPTON/15		23rd April 2018
04/UPTON/15		23rd April 2018
01/UPTON/15		23rd April 2018
02/UPTON/18		23rd April 2018
03/UPTON/18		23rd April 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 specified on drawing no. 03/UPTON/18 and the application form. All 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 and the setting of the adjacent Building of Local Interest, in accordance with policies ENV2, ENV11 and ENV13 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2017.
- 4 The outbuilding hereby permitted shall be used in a manner that is incidental to the enjoyment of the residential use of the main dwelling known as No.63 High Street and shall not be occupied as an independent unit of accommodation at any time.
- 4 Reason: The application has been assessed as acceptable and complying with policy on this basis.
- 5 Prior to first use of the outbuilding hereby approved, a solid screen boundary treatment with a minimum height of 1.8m from ground level shall be erected along the western boundary of the property in the gap left by any demolition of the existing garage/boundary wall.
- 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.



18/00549/FUL

63 High Street  
Wilburton



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:1,250



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**MAIN CASE**

**Reference No:** 18/00716/FUL

**Proposal:** Full Refurbishment plus extensions to the existing Mill to create a theatre and cultural/community hub, multi use auditorium/ event space, bar/cafe/social area and stage area, with associated works and parking. Also change of use from B2 to D1, D2 and A3 uses.

**Site Address:** Spencer Mill Mereside Soham Ely Cambridgeshire CB7 5EE

**Applicant:** Mr Daniel Schumann

**Case Officer:** Oli Haydon, Planning Officer

**Parish:** Soham

**Ward:** Soham South

Ward Councillor/s:

Councillor Hamish Ross

Councillor Ian Bovingdon

Councillor Dan Schumann

**Date Received:** 29 May 2018

**Expiry Date:** 7<sup>th</sup> September 2018

[T82]

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1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Archaeological Investigation
- 5 Biodiversity Enhancements
- 6 Foul and Surface water drainage
- 7 Highway Works
- 8 Construction Environmental Management Plan
- 9 Reporting of unexpected contamination
- 10 Tree Protection Measures
- 11 Construction Hours
- 12 Burning of Waste
- 13 Security Lighting
- 14 Travel Plan
- 15 Parking Layout

- 16 Soft Landscaping
- 17 Hard Landscaping
- 18 Hours of Use

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent to refurbish and extend the currently derelict Spencer Mill in Soham to provide a theatre and community hub. The new facility is to feature a multi-use event space, bar/café area, stage, dressing rooms, toilets, amenity areas and communal foyer. The application would result in a change of use from B2 to D1/D2/A3 mixed use.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application is being discussed at Planning Committee as the application has been made on behalf of Cllr Daniel and Joshua Schumann, Trustees of the Viva Arts and Community Group.

## 3.0 PLANNING HISTORY

### 3.1

11/00732/FUL	Conversion & refurbishment of former Mill (B2 use) to offices (B1 Use) with parking & improved access, & reconstruction of single storey annex.	Approved	02.12.2011
08/00268/FUL	Refurbishment of existing mill and construction of new B1 use, office light industrial and research and development units	Withdrawn	15.04.2008

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 Spencer Mill is a large 1920s mill located to the rear of the Ashley Industrial Estate within the development envelope for Soham. The site is accessed via Spencer Drove, a metalled track connecting Mereside with a railway crossing leading to agricultural land beyond.
- 4.2 The building itself is in a state of deterioration and sits within a larger plot approximately 0.2ha in size. Beyond the site to the north and south are vacant plots of land behind the dwellings on Mereside, to the east is the aforementioned industrial estate and to the west are agricultural fields and Soham Lode.

## 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.

**Technical Officer Access** – “Accessible parking should be laid out to Part M. The car park should be firm, level and slip resistant (not gravel) as should the route to the principal entrance. We note in the Access Statement that all levels will be step free. Ramps should be incorporated into the building and not portable, including access to the balcony. The lift should conform to British Standards (min internal measurement 1100mm x 1400mm). The plans seem to indicate that the lift is too small. Handrails on both sides are required for the staircase. As there is only one accessible toilet in the building, consider converting the toilets on the 2nd floor to a unisex accessible toilet. The auditorium ‘wheelchair and carer’ flexible seating should not be positioned solely in the front row. Consider a variety of positions in the seating. Also consider legroom throughout for those with mobility restrictions. The balcony should also have step free access, as should the orchestra area and the stage. Good signage and lighting, internally and externally, required, also colour contrast decoration and hearing loops. We welcome this facility if all the above are to be implemented.”

**CCC Archaeology** – No concerns raised subject to a condition requiring the submission of a written scheme of archaeological investigation.

**Soham Town Council** – The Town Council Noted: Insufficient/inadequate allocated parking when auditorium event is at full capacity. Concerns regarding general traffic access to the proposed building and insufficient turning space for emergency vehicles. Consider a possible resolution to emergency access should be provided through Ashley Industrial Estate. With the exception of the above concerns, the Planning Committee supports in principle this proposal and application as providing additional community amenity within Soham.

**Ward Councillors** – Cllr Bovingdon stated “I am writing to you as both Councillor and resident of Soham to confirm my total support for the above-mentioned planning application, regarding the proposed VIVA Mill project for Soham. It is a much-needed facility and will be a wonderful new resource for the town, providing jobs and learning/training for many young people in the area. I urge the planning committee and officers to support the application and give Viva permission to proceed”.

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

**Local Highways Authority** – “The proposed amended layout to Spencer Drove to facilitate this development, as shown on drawing number 18;027-1 Rev D is acceptable. The provision of vehicle passing bays and the inclusion of the pedestrian footway would make this road to suitable minimum standard to serve a development of this nature and size.

Parking is a matter for the Local Planning Authority (LPA). Whilst it is recognised that the LPA has parking standards, the accumulation assessment clearly shows that there will be additional demand over and above the maximum standard on performance evenings. The risk of under provision is overspill on the surrounding streets during these times.



No objections to the proposals from a Transport Assessment perspective, on the basis that that conditions previously recommended are attached.”

**Senior Trees Officer** – “This application is for refurbishment with parking at a site of a disused mill. The site is currently derelict and overgrown with self-set vegetation. There are a number of trees at the site and along Spencer Drove potentially affected. An Arboricultural report with a Tree Constraints Plan has been submitted to support the application.

I do not object to this proposal as no significant trees are negatively affected. I am also of the view that the site would benefit from development within this landscape which is naturalising with minimal public benefit.

The current Arboricultural report does not provide tree protection information relating to the proposal therefore, I would like to ensure no damage is caused to the trees to be retained during development, with a condition identifying no development shall take place until a scheme for the protection during construction of the trees on the site, 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).”

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

**Environmental Health** – “The applicant’s noise consultant has reviewed the EH Department concerns regarding late night traffic movements and vehicle noise and has come to the conclusion that the vehicle noise is within acceptable limits for both day and night time. The methodology they use is sound and cannot be faulted” therefore Environmental Health Domestic has no objection in principle to this application subject to conditions relating to construction times, construction management and waste.

**Waste Strategy (ECDC)** – “East Cambs does not provide a trade waste service, therefore all waste produced would need to be disposed of through a registered commercial waste company. The property layout should take into account the need to either enter and turn or reverse in with a standard 26T waste freighter to access bins for servicing, or a suitable stopping space outside the venue to allow the crew to collect, empty and return commercial waste bins.”

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

**Environment Agency** – “The site is underlain by Gault Clay Formation Unproductive Strata that has low permeability. There are drains adjacent to the southern site boundary and within 50 metres of the northern and western site boundaries. There is a possibility that the site may be contaminated by its previous use as a flour mill. Furthermore, information in an application form which we reviewed for a previous planning application (reference: 11/00732/FUL) for this same site indicated that the site was previously used for metal cleaning, which is listed as a potentially contaminative use in the Department of the Environment (DoE) Industry Profiles. Therefore, contaminant linkages to controlled waters may be present. Based on the information provided, we do not consider this proposal to be high priority.

Although we would normally be minded to object to an application where contamination was known or suspected to be present on site and no preliminary risk assessment had been submitted, we are aware that we did not previously object to two similar applications at this site (08/00268/FUL and 11/00732/FUL). Furthermore, the site is not located over a principle aquifer and therefore the risk of groundwater pollution is likely to be low. We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application”.

**Natural England** - No Comments Received

**Cambridge Ramblers Association** - No Comments Received

**Cambs Wildlife Trust** - No Comments Received

**Design Out Crime Officers** – “Thank you for the opportunity to comment on this application which I have viewed with regard to community safety, crime, disorder and the fear of crime. I have completed a crime search for this policing area covering the last 12 months and consider it to be one of low risk to the vulnerability to crime. There have however been reports of commercial burglary and theft from motor vehicles which may be relevant to this application.

There is not a section in the Design and Access statement in relation to community safety and crime prevention but there is mention of security in relation to doors, locks and fencing. While this appears to be an acceptable layout in terms of Crime Prevention and Community Safety – I would like to see the proposed external lighting plan which also covers the parking spaces, boundary treatments and cycle security for staff and visitors. This office would be happy to consult with the applicant regarding Secured by Design and security measures to reduce the vulnerability to crime”.

**National Grid** – “Please note the presence of an Intermediate Pressure Gas Pipeline that is in close proximity to the proposal. To conform with current gas policy and legislation no buildings are permitted to be sited closer than 3m to the pipeline. Cadent Gas will object to any building that is sited within 3m of the pipeline, this includes building footings and overhangs. Trial holes will be required to confirm location of pipeline before the setting out of new extensions, Cadent Gas will need to be on site to monitor the trial hole works. Landscaping above and in close proximity to the pipeline is restricted, formal written approval from Cadent Gas must be obtained before commencing any works”.

**Network Rail** - No Comments Received

**Conservation Officer** - No concerns raised.

5.2 **Neighbours** – 14 neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and the 65 responses received are summarised below. A full copy of the responses are available on the Council’s website.

Objects (4 letters received):

- Overcrowding from traffic
- Anti-social behaviour
- Will lead to parking in the Industrial Estate
- Parking issues and lack of passing places
- Unsupervised children walking around the railway line
- Danger for pedestrians crossing Mereside
- Network Rail require constant access to the railway line
- Land is contaminated
- Noise issues
- Access to 65 Mereside is via Spencer Drove and will be compromised
- Toilet and sewerage issues should be considered
- Dykes exist on either side of Spencer Drove, posing a further safety risk
- Horn noise from passing trains.
- The Mill should only be used for industrial uses.

Supports (61 letters received):

- Will make a vital contribution to the community and wider district
- Bring training and employment opportunities
- Greatly enhance an unattractive part of town and an unused building
- Viva is an important community venue
- The new facility would be an asset
- Attract newcomers to take part in local projects
- Will be a new attractions for the town
- Will improve Mereside in terms of amenities in the area
- Proposal is sympathetic and supportive of the historic nature
- Will provide previously unseen views onto Soham Mere
- Will engage young people to develop in their community

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
ENV 7	Biodiversity and geology
ENV 8	Flood risk
COM 3	Retaining community facilities
EMP 7	Tourist facilities and visitor attractions

COM 4 New community facilities

6.2 Supplementary Planning Documents

Design Guide

Developer Contributions and Planning Obligations

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

Flood and Water

6.3 National Planning Policy Framework 2018

11 Making effective use of land

12 Achieving well-designed places

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

11 Making effective use of land

8 Promoting healthy and safe communities

7 Ensuring the vitality of town centres

6.4 Submitted Local Plan 2017

LP22 Achieving Design Excellence

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP26 Pollution and Land Contamination

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

LP8 Delivering prosperity and Jobs

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP11 Tourist Facilities and Visitor Attractions

LP19 Maintaining and Improving Community Facilities

**7.0 PLANNING COMMENTS**

7.0.1 The main considerations with the proposal are the principle of the change of use and the proposed extensions, highway safety, visual impact, residential amenity and ecology.

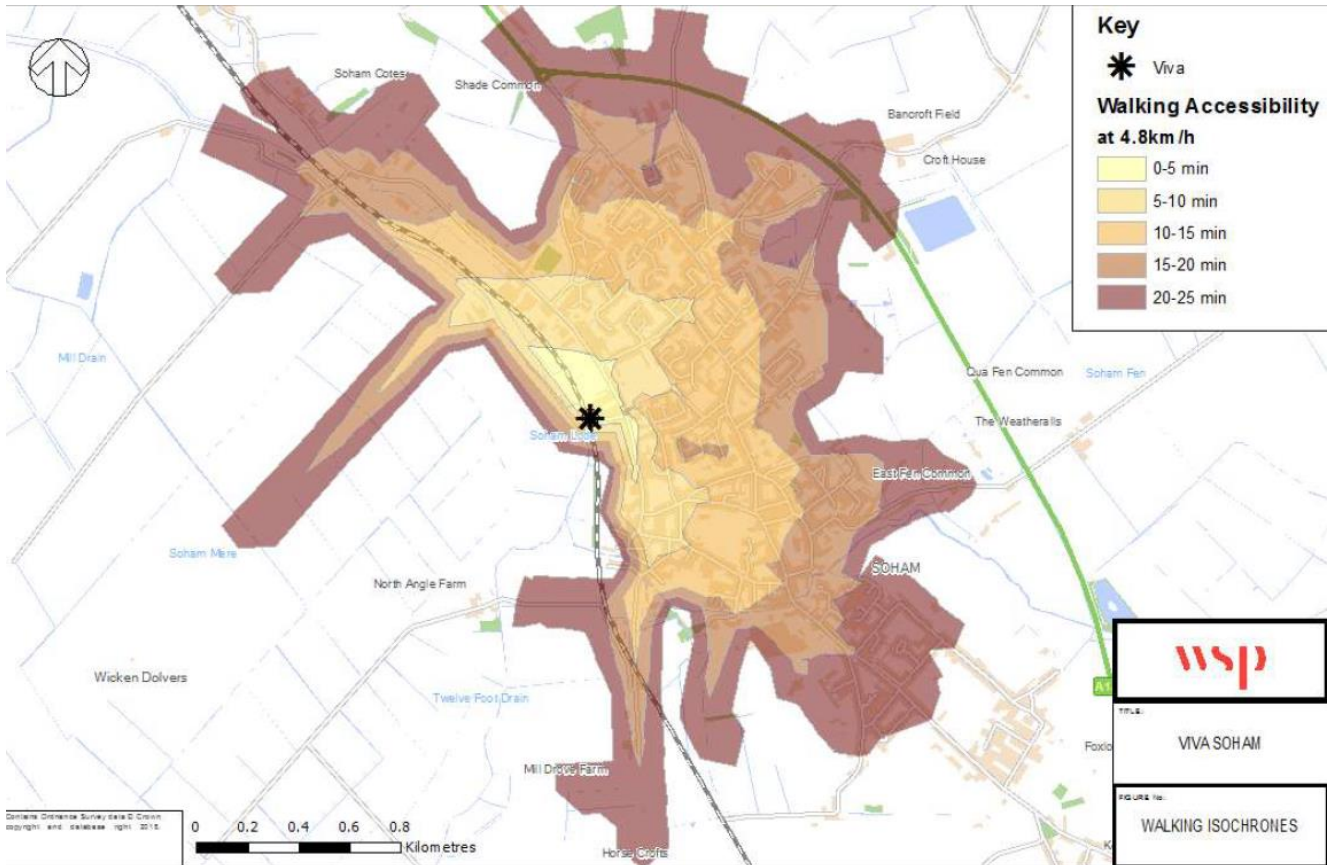
**7.1 Principle of Development**

7.1.1 The proposal seeks consent to change the use of the derelict Spencer Mill off Spencer Drove in Soham to a multi-use entertainment venue including event space, bar/café area, stage, dressing rooms, toilets, amenity areas and communal foyer. The converted mill is to be extended to allow for the provision of these facilities and will be occupied by the Viva Arts & Community group. The group will be vacating their current performance and rehearsal premises on Brook Street and Churchgate Street respectively, with Spencer Mill designed to consolidate these two facilities.

7.1.2 Spencer Mill is currently derelict with parts in need of repair; the Council will support improvements to existing community facilities and the development of new ones where there is a local need. Such facilities will be directed towards existing town and village centres, depending on their scale and the area served, and to new residential developments. The design of new facilities should have regard to the desirability of having shared usage, and allowing easy future adaptation to alternative community uses. Local Plan 2015 Policy COM4 states that proposal for new community facilities should be located within settlement boundaries wherever possible and should:

- Be well located and accessible to its catchment population (including by foot and cycle).
- Not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated.
- Not have a significant adverse impact on the character of the locality, or the amenity of nearby properties.
- Demonstrate that opportunities to maximise shared use have been explored
- Be designed to facilitate future adaptation for alternative community uses or shared use.

7.1.3 The Mill would be located in a similar proximity to the centre of Soham as the existing performance venue on Brook Street. It is considered that the Mill is in adequate walking/cycling distance from most parts of the town and the Transport Assessment submitted with the proposal supports this statement by demonstrating that the site is within a 15-20 minutes' walk from most residential areas of Soham (Figure 4 of the WSP Transport Assessment shown below).



7.1.4 The nature and scale of traffic generated will be discussed in Section 7.4 of this report as will the visual and residential amenity impacts of the scheme. The proposal has demonstrated an adequate maximisation of shared use opportunities for the venue, with a meeting and social area, roof terrace and large auditorium with stage and associated backstage facilities being provided. The second floor social area and servery also demonstrates a potential to facilitate future adaptation and shared use.

7.1.5 The proposal has received a substantial amount of support from local residents and the community benefits of the proposal have been demonstrated in the responses received. It is considered that the principle of the scheme is acceptable as it would sustainably and sensitively provide a new community facility within the settlement of Soham. The scheme meets the aims of NPPF Chapter 8 (Promoting healthy and safe communities) by positively planning for the provision of meeting places and cultural buildings to enhance the sustainability of communities and residential environments. The principle of the proposal is therefore considered acceptable.

## 7.2 Visual Amenity

7.2.1 The proposed change of use would involve the construction of three new extensions off the northern, southern and western elevations. These extensions would provide additional floorspace for the stage area, kitchens, roof terrace and lift/stairwell. The southern extension would be 5.2m long, 6.1m wide and 6.5m in height on the existing 14.5m long, 6.8m wide and 11.4m high mill. The northern extension would be 13.5m long, 13m wide and 7m in height. The rear (western) extension will be

7.5m wide, 3m deep and 11.2m high. The mill itself will be fully retained and renovated to be brought up to modern and safe standards. Whilst the proposed extensions are large in size, their design and materials palette will not compete visually with the historic fabric of the mill. The juxtaposition of modern and historic design complements both elements of the site well and the subservience of the extensions is considered acceptable considering that they provide several key elements that are key to the viability of the facility itself.

- 7.2.2 The site is currently obscured from view from the street-scene of Mereside, albeit briefly visible amongst the industrial buildings in Ashley Industrial Estate. The proposed works will secure the future of Spencer Mill and retain much of the buildings current visual contribution to the wider area. To ensure a high-quality of extension, the materials to be used will be secured by condition.
- 7.2.3 The site surrounding Spencer Mill is currently a mix of poorly maintained hardstanding and vacant grassland and this area is to be formalised to provide access and parking for the facility. The visual impact of this is likely to be acceptable and the features proposed will appear cohesive with the associated works to Spencer Mill.

### **7.3 Residential Amenity**

- 7.3.1 The main considerations with regards to residential amenity are those of vehicular movements and noise emanating from the venue. Immediately adjacent to the site are the industrial units of Ashley Industrial Estate and the railway line. The nearest residential properties likely to be impacted by the proposal are at 65 and 61 Mereside, 100m from Spencer Mill.
- 7.3.2 A noise assessment was submitted with the proposal along with a transport assessment. The noise assessment concluded that vehicle noise from movements to and from the venue is within acceptable limits for both day and night time. The Environmental Health Officer (Domestic) considered that “the methodology they use is sound and cannot be faulted” and thus no objections were raised to the proposal, subject to conditions restricting construction works, burning of waste, lighting and construction management.
- 7.3.3 It is considered that the impact of the proposal on the residential amenity of nearby occupiers would be acceptable. The current performance and rehearsal spaces are located in the town centre with no recent noise complaints (past five years) currently registered with Environmental Health. The proposed facility would be located adjacent to a railway line and operational large industrial estate. Whilst the vehicular movements to and from the site are likely to lead to an element of harm to the amenity of several occupiers on Mereside, the disturbance would not be constant and the LPA would seek to control the hours of use, furthermore the Environmental Health dept. have considered the noise assessment submitted and acknowledges the findings as acceptable.
- 7.3.4 Several concerns have been raised with regards to anti-social behaviour emanating from the new facility. The applicant has provided a response to these concerns which states that:

- Arts, sport and leisure facilities play an important role in preventing anti-social behaviour.
- The site would benefit from the redevelopment to become a licensed, managed and controlled venue as opposed to the unused site at present.
- The private hire element of the facility will be secondary to the main function and would be unlikely to lead to a disturbance in anti-social behaviour.

7.3.5 On balance, considering the lack of constant noise disturbance, the distance between Spencer Mill and the nearest dwellings and the lack of any directly overlooking, the residential amenity impacts arising from the proposal would be minimal. Furthermore, the site is currently unused and the scheme would seek to improve the overall appearance and formalise the use of the site and conditions will be utilised to further protect amenity.

## 7.4 Highways

7.4.1 The venue would be accessed via Spencer Drove, a metalled track leading to the railway crossing beyond the site. The proposal seeks to improve this access road by providing a 1.5m wide public footway and two passing bays. The vast majority of visitors to the centre are likely to be pedestrians and within the site there is a provision for 51 parking spaces including 4 disabled bays. The parking area also provides 24 cycle spaces and a turning head for emergency vehicles. A Transport Assessment was submitted with the proposal and no objections were raised by Cambridgeshire County Council with the access arrangement and internal layout of the site.

7.4.2 The East Cambs parking standards within Local Plan Policy (2015) COM8 recommend 1 car space per 22sqm for a D2 use (unless cinema/conference facility); this results in the scheme requiring 24 car parking spaces. The proposed parking provision (51 spaces) has been derived for a performance with a capacity audience, based on observations of the existing facility; therefore, it is considered that on a typical day it would comfortably meet demand and the risk of informal overspill parking is minimal. A maximum capacity show with a 99 person audience capacity would require 54 vehicles spaces, a shortfall in the provision of 3. It is considered reasonable to state that the shortfall in provision can be counteracted by the number of visitors to Spencer Mill that will be on foot/cycle.

7.4.3 The applicant has provided supplementary information relating to the ratio of parking spaces to people. Soham Town Rangers FC provides one space for every 2.9 people, The Brook provides one space for every 2.3 people and the Soham Comrades Club provides one space for every 5 people. The proposed venue at Spencer Mill provides a space for every 1.9 people, the lowest of the venues in the area in terms of parking provision in relation to capacity.

7.4.4 The operation of community arts facility will be such that the vast majority of its operations will be during the evening, after the period of PM peak traffic. Performances will always begin following this period to allow spectators and performers who may be working during the daytime, to attend. A Travel Plan will be



secured by condition to ensure that residents are made aware of the variety of methods to access the site.

- 7.4.5 Policy requirements for cycle parking provision for the proposed use would be 1 cycle space per 30sqm and 1 space per 15 spectator seats. 12 Sheffield-type cycle stands have been proposed, accommodating 24 sheltered cycle spaces, meeting ECDC recommended standards.
- 7.4.6 At least 6% of public car park capacity should be allocated to disabled parking provision. In this case, as 4 disabled spaces have been provided in the 51 space car park, policy requirements relating to the provision of disabled parking spaces have also been met.
- 7.4.7 In light of the lack of objection from the County Highway Authority regarding the access arrangement, and the sufficient parking provision on the site, the proposal is deemed acceptable in terms of its highway impact.

## **7.5 Ecology**

- 7.5.1 The proposal will involve the renovation of the existing mill building. An ecology survey and bat report were submitted with the proposal.
- 7.5.2 No bats were observed emerging/entering the building during the survey although the activity survey showed a high level of foraging and commuting activity around the site by common pipistrelles (262 passes) and soprano pipistrelles (14 passes). Bats were mainly using western boundary hedgerow along the railway, and the tree line along the southern boundary of the site. These vegetation features are proposed to remain under the development plans, maintain existing bat commuting and foraging routes.
- 7.5.3 With regards to the wider ecology survey, no significant ecological constraints were identified that would adversely affect the proposed development at the site. Both reports recommended a range of mitigation and enhancement strategies that will be secured by condition.

## **7.6 Other Material Matters**

- 7.6.1 The Environment Agency have raised no objections to the proposal, subject to conditions relating to contamination and drainage.
- 7.6.2 The Trees Officer is of the view that the site would benefit from development within this landscape but that there are a number of trees at the site and along Spencer Drove potentially affected. An Arboricultural report with a Tree Constraints Plan has been submitted to support the application and the Trees Officer accepts the findings. They have recommended that a Tree Protection Plan be secured by condition to ensure no harm to any affected trees during construction.

## 7.7 Planning Balance

- 7.7.1 The proposal seeks consent for the conversion, extension and change of use of the Spencer Mill. The entertainment and meeting facility will provide a much-needed venue for local residents to utilise and would constitute a new community facility within the settlement boundary of Soham. No objections have been raised from the Highways Authority, Environmental Health, the Trees Officer or Environmental Health and the proposal has received overwhelming support from local Elected Members and residents. The scheme provides substantial public benefits in the form of this provision and this is considered sufficient to outweigh the minimal harm arising from the proposal in terms of parking deficit, visual impact and residential amenity.
- 7.7.2 The proposal is deemed compliant with the relevant local and national policies referred to above and is recommended for approval, subject to conditions.

## 8.0 APPENDICES

- 8.1 List of Recommended Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00716/FUL	Oli Haydon Room No. 011	Oli Haydon Planning Officer
11/00732/FUL	The Grange Ely	01353 665555 oli.haydon@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 - 18/00716/FUL Conditions

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

Plan Reference	Version No	Date Received
1801 - 01		29th May 2018
1801 - 02		29th May 2018
1801 - 03		29th May 2018
1801 - 04		29th May 2018

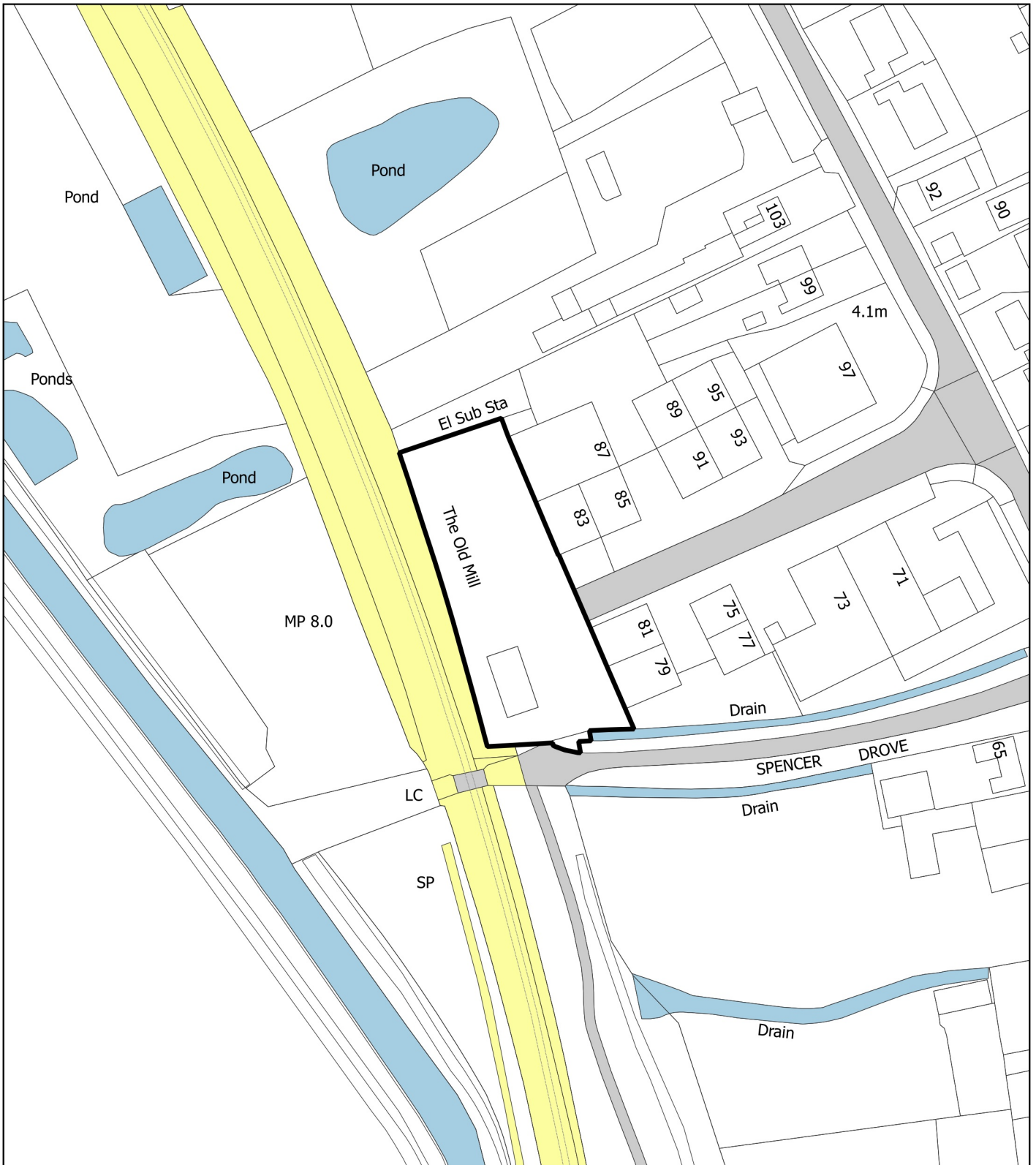
- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 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 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 hereby approved, the biodiversity improvements listed in Section 7 of the Bat Survey Report (prepared by Greenlight) and Section 8 of the Preliminary Ecological Appraisal (prepared by Greenlight) shall be installed and thereafter maintained in perpetuity.
- 5 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.
- 6 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to commencement of use

- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 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 and the details need to be agreed before construction begins..
- 7 Prior to first public use the highways works as shown on drawing number 18;027-1 Rev D shall be completed and remain in perpetuity.
- 7 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 8 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 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 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 9 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 10 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.

- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 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.
- 11 The site demolition, 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.
- 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 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.
- 12 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.
- 13 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.
- 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.
- 14 Prior to commencement of use, a travel plan shall be submitted to and approved in writing by the Local Planning Authority.
- 14 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.
- 15 Prior to commencement of use the proposed on-site vehicle and cycle parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 1801-02 and thereafter retained for that specific use.

- 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 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.
- 16 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. 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 full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: means of enclosure, car parking, layouts, hard surfacing. 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.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 18 The use hereby permitted shall take place only between the hours of 08:00 to 23:30 each day Monday to Thursday, 08:00 to 01:00 Fridays and Saturdays and 08:00 to 23:00 on Sundays, Public and Bank Holidays.
- 18 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.



18/00716/FUL

Spencer Mill  
 Mereside  
 Soham



East Cambridgeshire  
 District Council

Date: 17/08/2018  
 Scale: 1:1,250



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**MAIN CASE**

**Reference No:** 18/00782/RMM

**Proposal:** Reserved matters for 128 dwellings.

**Site Address:** Land North Of Field End Witchford Cambridgeshire

**Applicant:** Bovis Homes Ltd

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

**Parish:** Witchford

**Ward:** Haddenham

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

**Date Received:** 8 June 2018

**Expiry Date:** 7 September 2018

[T83]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to grant delegated approval to the Planning Manager for this application subject to the completion of a S106 and the following conditions with any minor changes delegated to the Planning Manager in consultation with the Chair of Planning Committee (which can be read in full within Appendix 1):

- 1 Approved Plans
- 2 Time Limit - OUT/OUM/RMA/RMM
- 3 External lighting
- 4 Brickwork details
- 5 Tree Protection
- 6 Windows to be fixed shut (plots 49 – 50)
- 7 Renewable energy
- 8 Balancing pond upgrade
- 9 Landscaping approved plans
- 10 Substation
- 11 Ecology (holes in fences)
- 12 Highway construction to binder course
- 13 Highway built to adoptable standards
- 14 Highway drainage



## 2.0 SUMMARY OF APPLICATION

- 2.1 The relevant outline application for this proposal is 15/01100/VARM that covered the principles of development and the access. This proposal seeks reserved matters permission for 128 dwellings (90 market houses and 38 affordable houses), as well as roads and public open space/buffer area along the northern boundary. The application has been amended in order to overcome concerns relating primarily to surface water flooding, design of dwellings, road safety and noise pollution.
- 2.2 The proposal has been brought to Planning Committee as the previous application was refused by members and the recommendation on this application is to approve.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

### 3.1

16/01019/RMM	Reserved matters in relation to 15/01100/VARM of previously approved 14/00248/OUM for 128 residential dwellings with all matters reserved apart from access.	Refused	10.04.2017
	Appearance - Plans, elevations and materials pallet Landscape - Detailed Planting Plan and Maintenance Plan Layout - Layout Plan Scale - Plans and Elevations		
18/00786/FUL	Engineering works to increase the capacity of the existing attenuation pond in order to drain the adjoining site for 128 dwellings along with the associated infrastructure including headwalls, inlets, outlets and pipe runs.	Still being determined	

18/00778/OUM	Outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.	Still being determined	
15/01100/VARM	Variation of condition No7. (Sustainable homes) of previously approved 14/00248/OUM for 128 residential dwellings with all matters reserved apart from means for access	Approved	26.01.2016

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is an open field between Field End to the south and the A142 to the north. To the east of the site is industrial units that form part of the 'Greys of Ely' business. Beyond these industrial units is Common Road, which is the very likely route that construction vehicles would take if reserved matters approval was given and the relevant condition discharged.
- 4.2 An awarded drain, maintained by the Council, runs along the southern boundary. A mixture of hedges and trees define the boundaries of the site.
- 4.3 Many of the village services are located to the south of the site but the village college is located to the east. These are all within a short distance that can be reached by foot.

5.0 RESPONSES FROM CONSULTEES

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

Witchford Parish Council – (5 July 2018) It is very concerned that the sewerage pipe that is intended to run under the existing award drain is constructed to ensure no risk of contamination to surface water drainage.

It seeks a metaled cycle way is provided along the whole of the southern edge of the site and disagrees with the safety arguments to not providing this.

It has concerns on the ongoing maintenance costs of fencing along the noise bund and seeks to ensure the management company will look after this.

It is still very concerned that the layout of the site still includes housing north of the developer's own line and all dwellings should be located south of this line.

The development is not providing any SuDS on this site and these should be sought to the benefit of both residents and biodiversity.

Easy and inviting access needs to be made to connect the site to the public open space at Field End/Orton Drove.

Ample street lighting should be provided but should not glare into people's properties.

Design of dwellings should be in keeping with the local area with no three storey buildings, no excessively large dormer windows and bungalows should be provided.

Sufficient fire hydrants should be supplied within the development.

Seeks construction traffic accessing the site from the A142 rather than from Field End.

(21 August 2018) States

"The Parish Council notes that no account has been taken of its concerns contained in its previous response dated 5th July 2018. It remains very concerned that there remains a potential to contaminate the drain from the sewage system. The Parish Council again requests that the design proposal is thoroughly assessed to ensure public safety.

The Parish Council again draws attention to its objective of providing a through cycle route around the north of Witchford from Marroway Lane to Witchford Village College. The Parish Council therefore requests that a metalled cycleway is provided along the award drain maintenance strip running along the whole of the south of the site (as previously requested). At a meeting with the Parish Council on 16th May 2018 Bovis Homes indicated their agreement to provide this cycleway. The Parish Council considers the cycleway provided by the developer along the northern open space to be of no particular advantage as it does not contribute towards the Parish Council's through cycleway objective, whereas a cycleway provided along the public drain maintenance strip would. The Parish Council notes that the proposed cycleway links cyclists onto the A142 and considers this an unsafe proposal bringing cyclists into direct conflict with motor vehicles travelling at speed.

The Parish Council remains very concerned that the layout of the site continues to include housing within the developer's own 60metre offset building line to the detriment of the residents of 21 dwellings (18 of which are affordable housing). Furthermore 3 of the affected dwellings face a gap in the bund and so presumably will suffer from higher levels of noise pollution.

The Parish Council notes that there remains no provision for SUDS within the site. It considers that there should be SWALES, balancing ponds and attenuation throughout the site, to the benefit of both residents and biodiversity.

The Parish Council notes that cycleway access has been provided at the south-west corner of the site but considers this should be more direct instead of being hidden away, thus making it less likely to be used.

The Parish Council notes that some mitigation of noise pollution has been proposed, however it remains concerned that mechanical ventilation is proposed for some of the dwellings and considers this proposal as unacceptable.

The Parish Council notes that the Highways Authority has proposed that all construction traffic accesses the site via Field End. It considers this detrimental to the amenity of the existing residents of dwellings adjacent to the site and again requests that construction traffic accesses the site from an existing access off the A142. This could be achieved by the temporary installation of traffic control measures.

The Parish Council does not feel that the cycle route along part of the northern section of the site has any useful purpose as it doesn't appear to connect to any cycling infrastructure outside the site.”

Environmental Health – (12 July 2018) Raises concern over plots 15, 49, 50, 73 – 76 in regards to potential levels of noise pollution.

Design Out Crime Officer (Police) – (20 June 2018) Considers the area to be at low vulnerability to the risk of crime at present.

States that the layout appears to be very acceptable that provides high levels of natural surveillance.

Permeability on the whole has been limited to essential areas/routes only.

However, is not happy with footpaths to the rear of the dwellings but the risk has been reduced with security gates as near to the front building line as possible.

Seeks to see external lighting when possible.

If correct products were used the scheme should meet Secured by Design accreditation.

Lead Local Flood Authority – (29 June 2018) Is unable to support the application at present as the discharge rate for the site has been set too high and would result in an increase in flows during lower return periods.

(20 August 2018) – States:

“The applicant’s drainage consultant has clarified the method used to calculate runoff rates and attenuation storage and we are now satisfied with what is proposed.”

Anglian Water – (28 June 2018) Developer has not adequately assessed the impact of surface water drainage that might result in increased risk of flooding in the public surface network.

(22 August 2018) states:

“Our Engineer requested a condition on the basis that infiltration logs have yet to be provided in accordance with the Building Regulations, Part H and the proposed discharge rate exceeding the calculated Greenfield rate for a development of 5.1HA.

We can also confirm that we have yet to receive a S104 or S106 application for this development and no further consultation with the developer has taken place at this time.”

Littleport and Downham Internal Drainage Board – (27 June 2018) Surface water will discharge into an East Cambs Award Ditch, which outflows into the Board’s Catchwater system. This Catchwater is at full capacity and cannot accept any increase in flows.

The Lead Local Flood Authority must approve of the drainage scheme and the long term maintenance of the scheme must be secured.

Environment Agency – (05 July 2018) States:

“Thank you for referring the above application which was received on 18th June 2018. We have reviewed the information provided and have no objection to the proposed development but wish to make the following comments.

**Wastewater Advice to Planning Authority**

The latest measured flow data we have received from Anglian Water suggests that the foul flows through Witchford WRC (Water Recycling Centre) are approximately 80-85% of the maximum permitted by the current discharge permit.

Our estimate (not confirmed by Anglian Water) is that there may be sufficient capacity to accommodate in the region of 280 new domestic properties before a breach of permit conditions, and a resultant threat of deterioration of river quality occurs. Any deterioration would be in breach of Water Framework Directive obligations.

There is currently capacity at Witchford WRC to accommodate some additional foul flows from new development, and this application, in isolation, may not be a cause of concern. We are aware, however, that foul drainage from other new development sites is also expected to connect into Witchford WRC, and the full quantum of development proposed for all sites in combination cannot be accommodated within the current discharge permit.

A Water Cycle Study (WCS) has recently been completed that assesses the potential impact of the full quantum of growth proposed. The WCS demonstrated that development can be serviced alongside others in the vicinity without causing a breach of environmental legislation provided that the current discharge permit is amended to tighten the effluent quality permit limits in line with the increase in discharge flow. It also suggests that upgrades to the WRC will likely be required. “

It also recommends:

“we recommend that the applicant give further consideration to construction waste

that would be generated on site and the municipal waste arising's associated with the operational phase.

We recommend that the applicant give consideration to the waste hierarchy and the promotion of waste prevention measures, opportunities for waste minimisation, reuse and recycling should be realised at the earliest stage.”

(20 August 2018) It states:

“With regard to foul water drainage and surface water drainage, we support proposals within sections 6 & 7 of the Flood Risk Assessment & Drainage Strategy by Barter Hill, May 2018.

In the event of the applicant proposing not to connect foul water drainage to the main sewer, we would wish to be reconsulted.”

Waste Strategy – (18 June 2018) Refuse collection points for units 15, 16, 43 to 49, 83 to 89 and 91 to 95 are not directly adjacent to the public highway and therefore not acceptable to the waste team. These need to be moved so they are directly adjacent the adopted highway.

In all locations where bin store is provided any improper use within the store is the responsibility of the residents/managing agent to correct.

Seeks confirmation that the roadway for units 1 to 16 will be fully adopted to the suitable standard.

Local Highways Authority – (3 July 2018) The junction and access from Field End was granted planning permission under a previous application and therefore does not provide comments on this aspect.

The numerous blocked paved areas are not to County Council standards and do not form a holistic speed reduction scheme or help in pedestrian permeability.

Some access points and vehicle crossovers do not have pedestrian visibility splays and/or they appear to have trees planted within the splays.

Should the noise bund adjacent to the A142 be planted within 5m of the highway, root protection and where applicable tree pits must be used and a maintenance strategy will be required in order to prevent damage to the highway.

It does not adopt trees within the highway but if permitted must be adopted by the Local Authority. It does accept tree pits to facilitate these features, if they positioned correctly.

It only accepts visitor parking spaces where they serve a highways function.

It cannot adopt SuDS but these must be adopted by a public body for it to be able to adopt the roads.

(17 August 2018) States:

“After a review of amended layout shown on drawing 1807/P/10.02 Rev C I have no objections in principal to this application

### **Additional highways comments**

Highways Surface Water drainage – Should Anglian water adopt the sites surface water drainage system, and allowing the highways authority to connect to this, it would be possible for us to adopt the internal roads.

Highways materials and construction details must be as per CCC Housing Estate Road Construction Specification April 2018. We will not be able to adopt none standard materials OR roads not constructed to our standards OR accept constructions that are not within line of the aforementioned document e.g. tree pits, carriageway, kerbs etc...

### **Recommended Conditions**

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

HW3A – The highway shall be built to CCC Housing Estate Road Construction Specification

HW22A – no private surface water shall be discharged on to the adopted highway

HW23A – No development shall commence until details of the proposed future maintenance are submitted to the Local Authority

### **Informatives**

*No construction or permeant access other than the emergency access on to the A142 will be permitted.”*

Tree Officer – (19 July 2018) Raises concerns that the current proposal is likely to lead to the loss of the protected ash trees along the western boundary in the long term. This is due to the long term pressure to remove these trees caused by placing car parking and gardens near them.

However, does not formally object as supports the Arboricultural reports conclusion that these trees have a limit to their useful life expectancy and will be retained as part of this scheme.

Suggests a Landscape Architect is consulted on this proposal but does make the following points:

- A wider buffer adjacent the A142 represents an improvement since the last application.
- A wider buffer is in keeping with the landscape schemes through the West of Ely that should be emulated.
- A retaining wall is not consistent with the rural landscape and potentially visually intrusive.
- With no street trees, the trees along the road will be maintained by private residents that raises viability concerns.

- All the public open space is placed in the buffer zone.
- High specification planting schemes will be essential if the features trees proposed are to be successful.

(21 August 2018) States:

“Having looked at the information I can confirm that these plans are of a high standard in terms of information and specification details regarding the planting scheme.

I do advise you consider consulting with a qualified landscape consultant for a full assessment.

Considering the constraints of the site and agreed layout, I consider the design of the scheme acceptable in terms of tree selection and position.”

Housing Strategy & Enabling Manager - (22 August 2018) States:

“The proposed mix of affordable house-types is

20 x 2 bedroom properties

15 x 3 bedroom properties

3 x 4 bedroom properties

Analysis of the East Cambs Housing Register indicates that these properties will be in demand.”

Ward Councillors - No Comments Received

Parks and Open Space - No Comments Received

5.2 Neighbours – 30 neighbouring properties were notified, a site notice put up on the 2 July 2018 and a notice put in the press on the 28 June 2018. The responses received are summarised below. A full copy of the responses are available on the Council’s website.

33 Granary End – (2 July 2018) Occupant raises the following comments:

- Bovis and the Gladman site are connected with a tight bend close to dwellings.
- Construction traffic will impact Field End.
- Will Bovis agree to Gladman connecting through their site.
- Will refuse vehicles be able to get into the Gladman site.
- The A142 has been resurfaced which will affect the road noise levels.

(10 August 2018) States:

“We have no objections to the new layout particularly as the access from the proposed Marroway Lane site appears to have been deleted from the present layout drawing. This should enhance the living conditions for those living on the Bovis site.”

6.0 The Planning Policy Context



6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 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
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 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Code

Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2018

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

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
LP8	Delivering prosperity and Jobs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
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
LP31	Development in the Countryside
Witchford 1	Proposals in Witchford
Witchford 2	Infrastructure and Community Facilities
Witchford 3	Allocated Sites
Witchford 4	Land north of Field End

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

7.2 The proposal is a reserved matters application. The principle of development has already been established by the outline consent and this application therefore is acceptable in principle.

7.3 This application seeks permission for appearance, landscaping, layout and scale.

### 7.4 Housing Mix

7.5 Policy HOU1 of the Adopted Local Plan seeks (as a guide) between 3 – 5% 1 bedroom properties, 13 – 23% two bedroom properties, 22 – 39% three bedroom properties, 26 – 47% four bedroom properties and 7 – 14% five bedroom properties.

7.6 The proposed market housing mix is:

- 17 two bedroom dwellings
- 36 three bedroom dwellings
- 22 four bedroom dwellings
- 15 five bedroom dwellings

7.7 The proposed affordable housing mix is:

- 20 two bedroom flats
- 15 three bedroom dwellings
- 3 four bedroom dwellings

7.8 The proposed housing mix is considered to be suitable to cater for a wide variety of people. It is supported that the mix of housing is weighted towards 2 and 3 bedroom dwellings rather than 4 and 5 bedroom properties. While some one bedroom dwellings or bungalows would have been preferred in order to provide some starter homes/greater social mix this is not considered to detrimentally harm the social sustainability of the site.

- 7.9 Self build plots were not required as part of the outline permission and it would be unreasonable to require them on this reserved matters application.
- 7.10 The proposal is considered to comply with policy HOU1 of the adopted Local Plan and LP6 of the Submitted Local Plan.
- 7.11 Residential Amenity
- 7.12 The developer has carefully designed a layout that takes fully into consideration the impact of the A142. The maisonettes that are within the area that will be detrimentally impacted by road noise have been designed with windows that also face onto quieter elevations, thus giving the possibility to naturally ventilate the habitable rooms. While some of these windows will face directly onto a brick wall, they are secondary windows needed for ventilation purposes not for outlook. The developers design, therefore, overcomes noise pollution through design without causing detrimental overbearing. This is the merit of the proposal.
- 7.13 It is understood from the Environmental Health experts that properties 49 and 50 could be detrimentally affected from noise pollution from the adjacent industrial estate to the east of the site. The rear windows will need to be fixed shut in order to prevent future complaints against the businesses; while the developer has provided side windows (one facing the A142) to allow daytime natural ventilation it is very likely that these units will require alternative forms of ventilation for these back bedrooms. The Local Planning Authority has a responsibility to not put unreasonable burdens on existing businesses.
- 7.14 The fact that so few properties will require alternative/mechanical ventilation demonstrates how carefully the developer has designed their scheme in order to provide suitable living standards in regards to noise pollution from the A142 and the business park located to the east of the site.
- 7.15 The design of the development also meets back to back distances as defined by the Council's Design Guide SPD, though it is noted that some plots only just meet the requirements of 10m back wall to rear boundary line and 20m back to back distance. This element of the proposal is considered to be acceptable.
- 7.16 The proposed side windows will overlook driveways that add to the overall security of the site without causing detrimental loss of privacy.
- 7.17 The proposed garden sizes for the houses are considered to be of a good size and the proposed maisonettes have easy access to public open space. The proposal is considered to comply with the principles set out in the Design Guide SPD.
- 7.18 The potential access to the Gladman site to the west past units 125 – 128 is not considered to cause detrimental harm to these units, as they are no closer to the potential road than for instance plots 123 – 124 are to the currently proposed road layout. It is not uncommon for dwellings to be situated very close to the edge of the public highway.

- 7.19 The proposal by virtue of its layout will not cause any detrimental harm to existing residents, as it has placed rear gardens and a 5m wide maintenance strip (plus ditch) between proposed dwellings and existing dwellings on Field End.
- 7.20 The proposal is considered to comply with the Design Guide SPD, policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017
- 7.21 Visual Impact/Public Open Space
- 7.22 The NPPF requires:
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”
- 7.23 Large scale house builders often struggle to provide varied high quality developments that either take on fully the local character or enhance upon it, due to their limited number of house types where only materials and fenestration are generally updated. However, it is noted that the developer in this circumstance has updated its designs to follow advice provided by the Case Officer that has overcome many concerns raised to the quality of the design. The changes the developer has provided includes reducing the size of dormers, provided more suitable window style/proportions and improving porch details. These changes have made the development acceptable in design terms.
- 7.24 The developer is providing 2 and 2 ½ storey dwellings which are considered to be acceptable, though it should be noted the development to the south of Field End is predominantly 2 storey with no 2 ½ storey buildings seen by the Case Officer. This is one of the reasons it was important to ensure the dormers proposed in the roofs were relatively small as mentioned above to ensure the development is more in keeping.
- 7.25 The developer is only providing three wall materials (two bricks and one render) and only a single roof material. While this adds to the uniformity of the site it reduces the visual interest of the development. On the other side the developer is showing interesting brickwork on many of its house types that will add to the visual interest and quality of the proposal. The precise details of this brickwork will be conditioned to ensure it is not reduced once construction begins, this will need to include bond types in particular on focal buildings that will enhance the traditional design the developer is striving for.
- 7.26 The developer has sought to avoid tandem parking, but this has left large areas relying on private landscaping in order to prevent the streetscene being defined by

parked vehicles. With the landscaping only controlled for five years, it is likely that many streets in the future will be defined by sub-standard urban design as residents slowly remove trees. It is noted that at the time the developer was designing its proposal the Local Highways Authority were not adopting street trees. The developer, therefore, had little option in where to place street trees. It would be unreasonable to refuse the design when the developer has sought to work with the constraints at the time of submission and at the time they made their amendments. While the developer could redesign its layout, this is considered to cause an unreasonable delay in the determination of this application. If the developer wanted to provide street trees later it could submit a new application at a later date.

- 7.27 The developer is providing the vast majority of its open space along the northern boundary, with some of this being potentially lost in the future to allow access into the Gladman site to the west. This space can be clearly used by the public, as it provides both space for play and an attractive walking route.
- 7.28 The second public open space the developer is providing is in the southwest corner that seeks to provide an attractive entrance into the neighbouring Gladman application site and to provide a long term link into Orton Drive Public Open Space. This is counted as public open space, as it seeks to expand both the existing public open space at Orton Drive and the potential open space on the Gladman site.
- 7.29 The third public open space is along the southeast corner and this is considered to struggle to be considered to be public open space, as it is unlikely people will use it for recreational purposes. It is noted that with limited opportunities for street planting, this will provide an attractive edge to the balancing pond. However, it is extremely unlikely that this space will be used for recreation.
- 7.30 The developer then suggested that the maintenance strip for the awarded ditch could be used as public open space. However, with this space not being overlooked this would require reconsultation with the police and might require substantial amount of artificial lighting to ensure safety that might cause harm to nearby existing/future residents.
- 7.31 On this basis the developer will need to vary its outline application S106, as it does not provide the required amount of public open space for its housing mix. While a reduction in public open space is acceptable (though weighs against the application), the developer will need to provide a contribution to upgrade public open space(s) elsewhere within the village.
- 7.32 The required amount of public open space is 9, 239 sqm and the developer is only providing 8, 411 sqm of usable public open space with an additional 921 sqm of landscaped area along the southeast boundary.
- 7.33 The submitted landscape details are considered to be of a high quality, as confirmed by the Council's Tree Officer, given the constraints of the site and should positively contribute to the overall character of the area.
- 7.34 The Inspectorate on the appeal on the previous reserved matters (16/01019/RMM) accepted a boundary treatment of 2.7m in height adjacent to the boundary with the A142 and stated:

“From my site visit I saw that the bund itself would be largely screened from the A142 by the existing landscaping but would be visible from within the development. Whilst I accept that there is no guarantee that the highway landscaping would remain, it would nevertheless provide a suitable level of screening for the acoustic bund together with the landscape coverage on the bund itself.

In addition to the above, I acknowledge that the bund would also be partially visible from within the appeal site. However, whilst I have already concluded that it would contribute to unsatisfactory living conditions to the future occupants of the dwellings adjacent to the A142 it would not result in significant harm to the character and appearance of the area.”

- 7.35 The concern raised in relation to living conditions was due to the rear gardens abutting the bund. This proposal has been designed to ensure no rear gardens are adjacent to the fencing.
- 7.36 The developer in this application is proposing a 3.2m barrier (made up of a gabion wall and an acoustic fence). While this is unusual for this rural district, it is not considered to be detrimentally harmful as it is set behind landscape that will help it to blend in and it is not much taller than what the Inspectorate were considering acceptable on the previous reserved matters appeal. If a gentle bund was provided of the same height, more public open space would be lost on the site to provide this feature.
- 7.37 There is no detail of the electric substation that might be built, but this can be covered by a suitable condition to ensure that it is in keeping with the area.
- 7.38 The proposal is considered to be in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 7.39 Historic Environment
- 7.40 The proposal is not considered to have any detrimental impact upon the historic environment, as the site is not located near listed buildings, conservation areas and the archaeological investigation has been covered in the outline permission.
- 7.41 The proposal is considered to comply with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017.
- 7.42 Highways
- 7.43 The outline approval set the number of dwellings and the amount of traffic on local roads and for this reason traffic movements is not being considered as part of this reserved matters. The number of vehicles using the local road network is, therefore, immaterial in the determination of this application.
- 7.44 It is noted that the Parish Council wants construction vehicles to enter onto the A142, which raises significant concerns over highway safety. The creation of a temporary access onto a 60mph road would require major road calming/control measures in order to reduce speed significantly in order to prevent a substantial

risk to life. It must be noted that the Local Highways Authority would not accept a road junction on the A142, which would make any condition unenforceable.

- 7.45 How the proposal will be constructed is covered under the Construction Environmental Management Plan condition on the outline consent (condition 13 on 15/01100/VARM), which the developer will need to discharge.
- 7.46 Condition 18 under the outline consent (15/01100/VARM) required the developer to provide full details of the road layout. At this stage the developer has not confirmed that the roads/footpaths will be built to at least binder course, that it will be constructed to County Council standards and that residential water will not drain onto the highway; this can all be controlled via suitable conditions at this stage in order to provide clarity. The requested condition by the Local Highways Authority regarding maintenance of the roads is considered unreasonable, as this potentially involves a substantial cost and should have been sought at the outline stage.
- 7.47 It is noted that the amendments the developer has made has overcome the concerns of the Local Highways Authority. The new layout from a highway safety point of view is considered to be acceptable and complies with COM7 of the adopted Local Plan and policies LP17 and LP22 of the submitted Local Plan.
- 7.48 Footpath/Cycle link connections
- 7.49 It is noted that the developer has provided two cycle links onto the A142 along the northern boundary that adds to the long term accessibility of the site if future cycle links are ever provided along this stretch of the A142. The developer is also showing a cycle/footpath connection in the southwest corner of the site that will provide long term accessibility to the Orton Drive Public Open Space.
- 7.50 The 5m ditch access strip along the southern boundary is for maintenance purposes only and opening up to the general public would create an area that is not overlooked and could lead to safety concerns, which is why the space has been gated either end. With the roads being designed to limit speeds to 20mph, it will be relatively safe for cyclists to cycle along the roads provided.
- 7.51 If the adjacent development to the west is approved and developed this would provide pedestrian and cycle access from Field End to Marroway Lane via the two developments that would greatly benefit the permeability of the local area for non-motorised transport. This complies with COM7 of the adopted Local Plan and policies LP17 and LP22 of the submitted Local Plan.
- 7.52 Parking Provision
- 7.53 It should be noted that the parking requirements under the Submitted Local Plan hold very little weight due to the fact the plan is still being considered by the Inspectorate and the number of objections in regards to the Council's emerging parking standards. Policy COM8 of the Adopted Local Plan is considered to be the most relevant policy in regards to parking provision on this site.

- 7.54 The significant majority of the dwellings have two parking spaces, with some plots exceeding this due to longer driveways and garages that may or may not be used for parking.
- 7.55 The maisonette blocks (two bedroom units) only have 1 parking space per dwelling, though do provide between 2 – 3 visitor spaces (with primarily 2 visitor spaces provided, this is 1 space per two units). This weighs against the application, as the rural nature of the village means it very likely that two parking spaces will be required in accordance with parking standards.
- 7.56 The developer has been limited with the number of parking spaces it can provide, as the Local Highways Authority only seeks to adopt a minimal amount of visitor spaces due to these spaces not serving a public highway function. The developer is providing 16 visitor spaces (1 space per 8 properties) along roads designed for adoption. The adopted Local Plan requires 1 space per 4 properties, so the proposal will not meet with this requirement. A balance has to be made in ensuring sufficient visitor spaces and ensuring that the roads are built to an adoptable standard, the Case Officer is of the view that the developer has met this balancing act and for this reason the under provision of visitor parking spaces does not weigh against the proposal.
- 7.57 Ecology
- 7.58 The requirements of biodiversity improvements are covered under condition 8 of planning application 15/01100/VARM.
- 7.59 A condition will be required to ensure that all boundary treatments have holes that will allow for hedgehogs to be able to travel through the development, as required by the outline application.
- 7.60 Flood Risk and Drainage
- 7.61 The requirements of surface water drainage is covered under condition 10 of planning application 15/01100/VARM and this will require discharging outside of this application.
- 7.62 While the final details will need to be discharged on the outline consent it is important to ensure that the water drainage details would practically work, especially when the only SuDS feature proposed is off site (see planning application 18/00786/FUL). In addition with the management of 18/00786/FUL covered by a private management company, the S106 on the outline will need to be varied or a new S106 required for the balancing pond application, before it would be possible to discharge this condition as future residents on this site would need to contribute towards the balancing ponds maintenance. To further tie this development to the adjacent balancing pond improvements, a pre-occupation condition should also be added on this proposal to link the two developments together.
- 7.63 The adjacent balancing pond (18/00786/FUL) is awaiting an ecology report and will need to be determined at a later date. While it is likely that the proposal will be acceptable, this cannot be guaranteed at this stage. However, if the balancing



pond turned out to be unworkable then surface water can be dealt with in other sustainable measures; for instance rainwater harvesting tanks for each dwelling to hold water on plot.

- 7.64 The developer is seeking to provide underground surface water sewer system under the public highway in order to hold a substantial amount of water on site, as well as upgrading the adjacent balancing pond to meet the greenfield run off rate requirements. With the Lead Local Flood Authority signing this off, this is considered to be an acceptable way forward. Anglian Water have raised no objections but is seeking more information that can be secured in the outline condition in regards to surface water drainage.
- 7.65 It is considered that the proposal subject to S106 and conditions will comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7.66 If Anglian Water in the end refuse to adopt the surface water system under the public highway, the Local Highways Authority will refuse to adopt the roads. However, all indications at present are that there are ongoing discussions between Anglian Water and the developer to adopt the surface water sewer system.
- 7.67 Other Material Matters
- 7.68 The RECAP Waste Management Design Guide allows a maximum of 30m for residents to move bins and bags to the collection point and not 20m as the Waste Strategy Team has stated. The RECAP guidance also requires the Council's refuse/recycle collection to travel up to a maximum of 25m from collection point to vehicle. The comments of the Waste Strategy Team on the 17 August 2016 does not comply with approved planning policy. The vast majority of dwellings comply with the RECAP guidance and the few plots that do not quite meet this standard is not considered to be a reason to refuse the application.
- 7.69 It is not possible or reasonable to add a condition requiring fire hydrants or requiring this through a new S106, the Fire Service should have requested this at the outline stage. It is now the Fire Service's responsibility to liaise with the developer to ensure that suitable fire hydrants are provided, this may now need to be at its own expense as this is not a cost the developer has signed up to.
- 7.70 Planning Balance
- 7.71 The principles of this development were considered at the outline stage and should not be reconsidered at this reserved matters stage.
- 7.72 In order to deal with the significant noise issue of the A142, the fact that the Local Highways Authority was (until recently) refusing to adopt street trees, the need to place a substantial amount of public space along the northern boundary, the developers contractual requirement to allow Gladman access onto Field End, the desire of the Submitted Local Plan to avoid tandem parking and the developer still seeking to provide 128 dwellings has led to an acceptable design but one defined more by constraints than opportunities.

- 7.73 With the need to provide a substantial amount of housing in the district in sustainable locations will nearly always lead to a fine balancing act between the positives and the negatives of a proposal being carefully weighed. If this was a full application a much lower density scheme would have been sought but this is a reserved matters application where many principles have already been agreed.
- 7.74 The positives of the proposal is considered that the layout, design and landscaping are all acceptable and most importantly have overcome the significant noise concerns previously raised by significantly reducing the need for mechanical/alternative ventilation as the previous application proposed.
- 7.75 The main negatives are that due to pushing the housing as far south as possible on the site, has led to SuDS being located off site (though adjacent to the site) and that a large area of the developer's public open space is unlikely to be used for recreation.
- 7.76 The positives of the application are considered to just outweigh the negatives in this application.
- 7.77 The application is, therefore, recommended by officers for delegated approval subject to the recommended conditions and the completion of a S106 Agreement.
- 7.78 While this application is recommended for approval; this is on balance, in order to provide much needed housing and that the developer has worked hard to overcome the constraints of the site.

## 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 appeal decision on 16/01019/RMM
  - No objections from statutory consultees

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00782/RMM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
16/01019/RMM	Ely	01353 665555
18/00786/FUL		andrew.phillips@ea
18/00778/OUM		stcambs.gov.uk
15/01100/VARM		

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 - 18/00782/RMM Conditions

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

Plan Reference	Version No	Date Received
1807/P/30.12		8th June 2018
1807/P/20.26		8th June 2018
1807/P/50.01		8th June 2018
1807/P/10.02	C	6th August 2018
1807/P/20.212	A	2nd August 2018
1807/P/20.211	A	2nd August 2018
1807/P/20.62	A	2nd August 2018
1807/P/20.61	A	2nd August 2018
1807/P/20.52	A	2nd August 2018
1807/P/20.51	A	2nd August 2018
1807/P/20.32	A	2nd August 2018
1807/P/20.31	A	2nd August 2018
1807/P/20.12	B	2nd August 2018
1807/P/20.11	B	2nd August 2018
1807/P/20.02	A	2nd August 2018
1807/P/20.01	A	2nd August 2018
18-069-06		3rd August 2018
6467-C-SK04	P2	3rd August 2018
1807/P/20.222		6th August 2018
1807/P/20.221		6th August 2018
1807/P/20.92	A	6th August 2018
1807/P/20.91	A	6th August 2018
1807/9/20.202	B	6th August 2018
1807/9/20.201	B	6th August 2018
1807/P/30.11	A Plots 39-42	20th June 2018
1807/P/30.21	A Plots 125-128	20th June 2018
1807/P/30.23	Plots 125-128	20th June 2018
1807/P/30.33	Plots 51-54	20th June 2018
1807/P/30.03	Plots 32-35 & 68-71	20th June 2018
1807/P/30.13	Plots 39-42	20th June 2018
1807/P/20.25		8th June 2018
1807/P/20.41		8th June 2018
1807/P/20.42		8th June 2018
1807/P/20.63		8th June 2018
1807/P/20.71		8th June 2018
1807/P/20.72		8th June 2018
1807/P/20.82		8th June 2018
1807/P/20.83		8th June 2018
1807/P/20.101		8th June 2018
1807/P/20.102		8th June 2018
1807/P/20.103		8th June 2018
1807/P/30.01		8th June 2018
1807/P/30.02		8th June 2018
1807/P/30.22		8th June 2018
1807/P/30.31		8th June 2018

1807/P/30.32		8th June 2018
1807/P/50.02		8th June 2018
1807/P/50/03		8th June 2018
1807/P/50.04		8th June 2018
1807/P/50.05		8th June 2018
1807/P/50.06		8th June 2018
1807/P/50.07		8th June 2018
1807/P/10.05	Rev C	6 <sup>th</sup> August 2018
1807/P/10.03	Rev C	6 <sup>th</sup> August 2018
1807/P/10.06	Rev D	17 <sup>th</sup> August 2018
1807/P/10.04	Rev C	6 <sup>th</sup> August 2018
6467-C-Sk03	P3	10th August 2018
6467-C-SK01	P3	10th August 2018
6467-C-SK02	P2	10th August 2018
1807/P/10.08	Rev B	2 <sup>nd</sup> August 2018

- 1 Reason: To define the scope and extent of this permission.
  
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
  
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
  
- 3 No above ground construction shall commence until details of external lighting have been submitted to and agreed in writing with the Local Planning Authority. The lighting details shall be in situ and operational in accordance with the approved details prior to the first occupation.
  
- 3 Reason: To safeguard the residential amenity and protect against crime, 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 commence until details of all brickwork (including bond) and mortar types have been submitted to and agreed in writing with the Local Planning Authority. The agreed brickwork/mortar details shall be in situ in accordance with the approved details prior to the first occupation of each relevant dwelling.
  
- 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 The tree protection measures as shown on JBA 18/069 TP01 Rev B 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

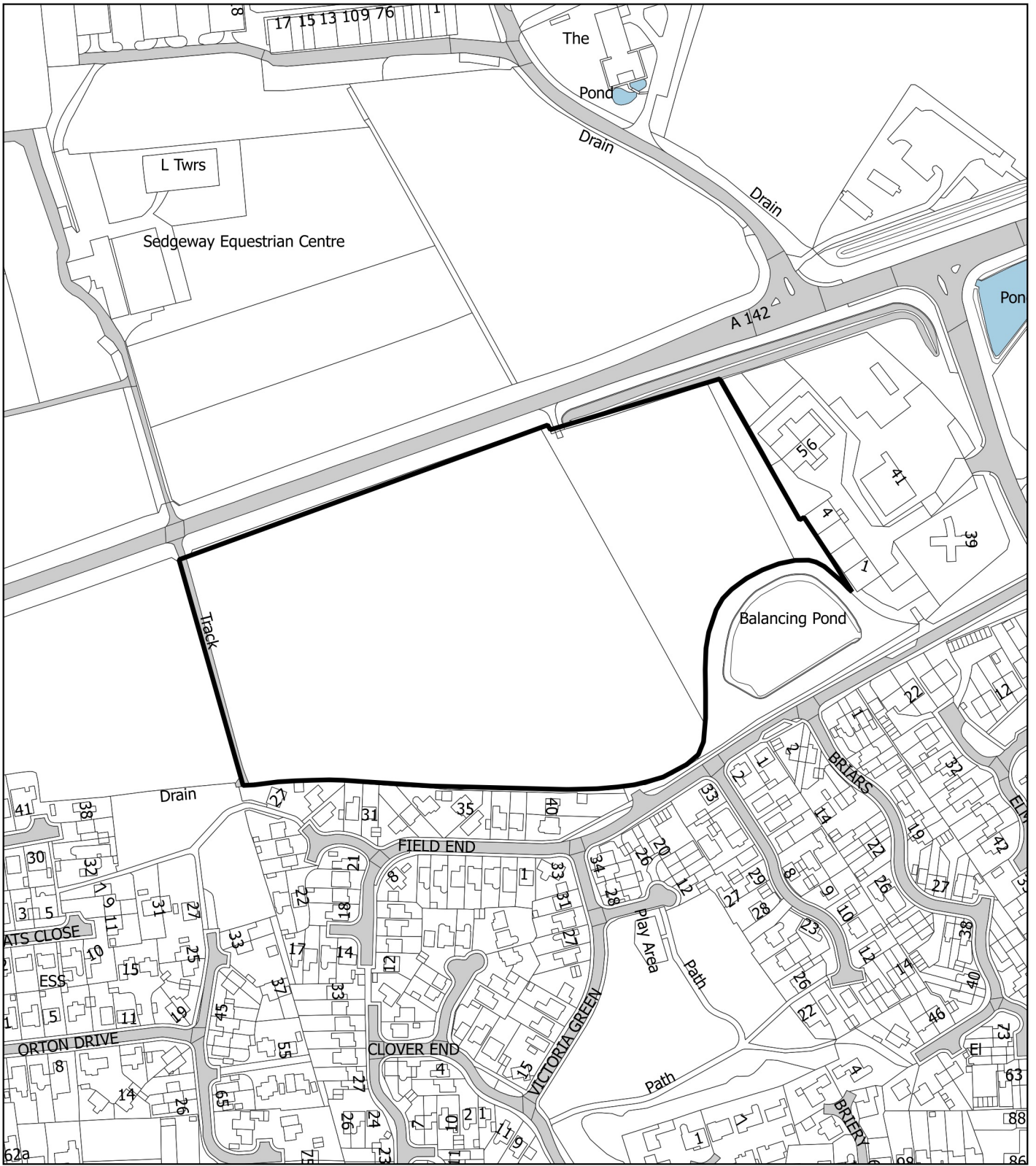
are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 5 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.
- 6 The rear 1st floor windows to plots 49-50 shall be fixed shut in perpetuity.
- 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 The development shall comply with 'On site renewable energy technology and energy efficiency measures' dated 26<sup>th</sup> July 2016.
- 7 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.
- 8 Prior to the occupation of any dwelling the approved works under planning application 18/00786/FUL for the increase in capacity of the balancing pond shall be completed and operational.
- 8 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. This is a Grampian Condition as the work is on the adjacent land.

**Please note condition 8 requires the above application (18/00786/FUL) to be permitted and any change dependant on that application will be reflected by this condition.**

- 9 All landscaping works (drawings JBA 18/969-01 Rev D, JBA 18/069-02 Rev B, JBA 18/069 – 03 B, JBA 18/069-04 Rev B, JBA 18/069-05 Rev C shall be carried out in accordance with the approved details . The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To 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.

- 10 Prior to any above ground work, design details of the electrical substation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to first use.
- 10 Reason: Details were not submitted as part of this reserved matters application and are required to ensure proposal is of an acceptable appearance in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP 22 of the Submitted Local Plan 2017.
- 11 All residential boundary treatments shall include at least one hole of at least 13cm x 13cm, which shall be in situ prior to first occupation of the dwelling that boundary treatment serves.
- 11 Reason: To ensure the proposal complies with Ecological Appraisal (dated February 2014) as required within the outline application and in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP22, LP28 and LP30 of the Submitted Local Plan 2017.
- 12 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing number 6467-C-SK03 Rev P3 in writing by the Local Planning Authority.
- 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 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.
- 13 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.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.



18/00782/RMM

Land North of  
Field End  
Witchford



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:3,000



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**MAIN CASE**

**Reference No:** 18/00778/OUM

**Proposal:** Outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.

**Site Address:** Land North Of 22 Marroway Lane Witchford Cambridgeshire

**Applicant:** Gladman Developments

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

**Parish:** Witchford

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

**Date Received:** 8 June 2018      **Expiry Date:** 7 September 2018  
[T84]

**RECOMMENDATION**

1.1 Members are recommended to delegate approval of this application to the Planning Manager subject to the recommended conditions below that can read in full within Appendix 1 (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement:

- 1 Approved Plans
- 2 Outline Permission
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Sustainable development -General Outline
- 5 Biodiversity Improvements
- 6 Archaeological Investigation
- 7 Fire Hydrants
- 8 Construction Environmental Management Plan (CEMP)
- 9 Construction times/deliveries
- 10 Surface water drainage scheme
- 11 Potential Contamination Investigation
- 12 Unexpected contamination
- 13 Noise mitigation
- 14 Travel Plan
- 15 Footpath link
- 16 Foul Water

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal is an outline application with all matters reserved for up to 40 dwellings, though the details submitted demonstrate that an access onto Field End is desired. The previous application (16/01136/OUM), which will be heard at an appeal hearing on 18 September 2018, was for up to 55 dwellings.
- 2.2 The application is brought before Planning Committee, as the previous application was determined (refused) by members and this application is recommended for approval.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1
- |              |   |                        |            |
|--------------|---|------------------------|------------|
| 16/01136/OUM | Outline planning permission for demolition of existing dilapidated farm buildings and erection of up to 55 residential dwellings (including 30% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water attenuation and associated ancillary works. All matters to be reserved. | Refused (at appeal)    | 07.07.2017 |
| 18/00782/RMM | Reserved matters for 128 dwellings.   | Still being determined |            |

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The main section of the site is located between Granta Close/Orton Drove public open space (to the south) and the A142 (to the north). The western boundary is the Public Right of Way that links onto Marrowway Lane and to the east is the boundary with the outline consent (which the access runs through) of 15/01100/VARM. A mixture of trees and other vegetation are located on all the boundaries, though the biggest gaps are along the northern boundary.

## 5.0 RESPONSES FROM CONSULTEES

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

Witchford Parish Council – (11 July 2018) It does not object but seeks amendments to make it acceptable.

East Cambridgeshire District Council must ensure best practice is maintained in regards to noise and air pollution (including housing design).

Questions if road traffic increase on the A142 is accurate and why does air pollution forecast only go to 2023?

It questions why the noise assessment was not measured during the hours of 9:30 – 14:00?

Planning conditions will need to make it clear who is responsible for the future maintenance of the noise mitigation measures.

It supports the line of the proposed footpath/cycle link shown connecting the south west corner.

It seeks to retain the permissive path along the southern edge of the site.

It objects to any proposal to elevate the site on the following grounds:

- Overlooking and adversely affecting existing neighbours.
- Detrimental impact on noise mitigation measures.
- Detrimental impact of increased lorry movements.

Requests that this is dealt with by condition.

Cambridgeshire Fire and Rescue Service – (13 July 2018) Seeks a condition or S106 to provide fire hydrants.

Transport Assessment Team – (29 June 2018) It does not object subject that prior to first occupation a footway connection is provided from the site to the existing footway between Granta Close and Field End, as well as a condition to require Residential Welcome Pack (including six one day travel vouchers for relevant local public transport).

East Cambridgeshire Access Group – (27 June 2018) Seeks

“A firm, level and slip resistant path would be required through the woodland/bund area.”

Seeks to comment when more information is provided.

Campaign to Protect Rural England – (9 July 2018) It objects to the proposal on the grounds of:

- Outside of the village envelope.
- Seeks to maintain the green wedge between village and by-pass.
- Development should be focused in Ely, Littleport and Soham.
- Loss of good agricultural land.
- Concern that the proposed dwellings will suffer from air pollution caused by vehicles along the A142. The UK Government has been prosecuted three times for failing to control air pollution nationally and highlights recent reports into this matter.

- Noise report is out of date, as the road is now topped with 'chip and tar' and is therefore concerned with noise pollution from the road.
- Does not believe the reduction from up to 55 to up to 40 will overcome the issues of air and noise pollution.
- Application should be assessed on its own merits, despite approval of 128 dwellings being approved adjacent to the site.

Crime Prevention Design Team (Estates) – (28 June 2018) The Police Force considers this area to be at low vulnerability to the risk of crime.

Will seek to comment on the reserved matters application in order to provide a full assessment and is happy to discuss the proposal with the developer.

Littleport and Downham Internal Drainage Board – (28 June 2018) States:

“Surface water from this site will discharge into East Cambs District Council Award Ditch, which outfalls into the Board’s Catchwater system. This Catchwater is at full capacity and cannot accept any increase in flows.”

With SuDS on site it has no objection as long as it is approved by the Lead Local Flood Authority. In addition long term maintenance must be secured.

Lead Local Flood Authority – (11 July 2018) It objects to the proposal as the developer has not demonstrated greenfield run off and 5 liters per second is double the allowed drainage rate.

(25 July 2018) Since previous response it has been in discussion with the developer and confirms that have no objection in principle in regards to the report 'Flood Risk Assessment and Outline Drainage Strategy, Ref: FRA 15 1109, The LK consult Ltd Dated May 2018.

It requests a surface water drainage condition

Cambridgeshire Archaeology (Historic Environment Team) – (4 July 2018) Provides detailed explanation that the area is in area of high archaeological potential and requests a recommencement condition.

Cambridgeshire County Council Growth and Development – (13 July 2018) Comments that the education system in the area is at capacity or very near capacity. Seeks £204,350 towards Early Years, £653,920 towards Primary, £246, 670 towards Secondary and £2,892 towards Libraries.

(15 August 2018) County states it cannot justify Early Years or Primary, but is still seeking Secondary and libraries.

Tree Officer – (19 July 2018) Does not formally object as the protected trees have a limit to their useful life expectancy. Support is based upon securing a successful landscaping provision to mitigate the impact upon existing trees.

Recommends a Landscape Architect is consulted but makes the following points:

- A wider buffer between proposed houses and A142 represent an improvement from the previous proposal.

- A wider buffer is in keeping with the landscape schemes through West of Ely, which should be emulated.
- Indicative layout offers minimal provision of space adjacent to Ash Trees (TPO) and may prove unsuccessful.
- Minimal opportunity for viable open space within the residential areas of the development.

Waste Strategy (ECDC) – (22 June 2018) East Cambs will not enter private property to collect waste/recycling and it is for residents to bring these to the public highway. Proposal should be designed in accordance with RECAP Waste Management Design Guide.

Provides standard information on the provision of bins.

Environmental Health – (24 July 2018) States:

- That the Planning Inspectorate on the adjacent site agreed that windows should not have to be closed to achieve reasonable internal noise levels.
- To overcome the Inspector's concern the developer has moved the dwellings always from the A142 to form a greater buffer zone and providing a 3.1m high bund/fence.
- With the resurfacing of the road the developer may want the acoustic consultant to re check the noise measurements.
- Daytime noise levels internally and externally are just acceptable. With 8 properties on the borderline of acceptability.
- These 8 properties will not meet the night time noise requirements and not comply with the result of the adjacent appeal. These properties will either need alternative ventilation or design changes made.
- Seeks a condition requiring a Construction Environmental Management Plan.

(16 August 2018) The developer has confirmed that they made an error in their report. Further states:

“Therefore, the correct interpretation that the acoustic consultant has now confirmed is that there will be no bedrooms on the facades where noise levels exceed 45dB LAeq or 60 dB LA max,f.

This removes my concern as my response was exactly that and the extension of the buffer zone and re-orientation of the 8 dwellings affected will not now be required.

The other point I raised is with regard to re-assessing the noise from the A142 due to the recent application of surface dressing, a resident's anecdotal evidence was that noise had increased. The acoustic consultant has indicated that they are willing to do this.”

Parks and Open Space - No comments received on this application but has been in discussion about the footpath to connect to the Orton Drove Public Open Space as part of the appeal application.

Asset Information Definitive Map Team - No Comments Received

## Cambridge Ramblers Association - No Comments Received

## Anglian Water Services Ltd - No Comments Received

5.2 Neighbours – 85 neighbouring properties were notified and the responses received are summarised below. A notice was put in the local paper on the 28 June 2018 and a site notice put up on the 2 July 2018. A full copy of the responses are available on the Council's website.

### 33 Granary End – (2 July 2018) Provides the following comments:

- With Bovis and Gladman sites the traffic onto Field End will be significantly increased.
- Where the two sites connect looks a tight bend next to Bovis houses.
- Construction traffic to the two sites impact on Field End.
- Will refuse vehicles be able to get into the Gladman site.
- The new surface on the A142 has increased noise level since the developer's noise survey.

### 39 Granta Close – (11 July 2018) Raises concerns over:

- Overlooking of their property.
- Seeks to ensure the drain is kept open.
- Footpath along the drain should remain.
- Seeks additional trees to the rear of their property.
- Loss of biodiversity on the site.
- Highway safety will be impacted on A142 and proposal will add to congestion.
- Value of their property.
- Services/facilities will not be able to cope with additional growth.
- Bus service has been cut back.

### 27 Orton Drive – (13 July 2018) Raises concerns in regards to:

- Their property is already detrimentally affected by road noise, it is perceived the noise levels for the new dwellings will be overwhelming.
- Surface water on the site seems inadequate.
- Seeks more landscaping on the site to provide protection from noise and surface water flooding.

17 Marroway Lane – (13 July 2018) Marroway Lane is virtually a cul-de-sac and cannot support any more traffic.

## 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

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents  
 Design Guide  
 Contamination  
 Developer Contributions  
 Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2018

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

6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP4	Green Belt
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
LP31	Development in the Countryside
Witchford 1	Proposals in Witchford
Witchford 2	Infrastructure and Community Facilities
Witchford 3	Allocated Sites

7.0 PLANNING COMMENTS

7.1 Principle of Development

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

7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.

7.4 With the Council not having a five year land supply and the Submitted Local Plan still going through public examination limited weight should be given to both this plan and any policy with the adopted Local Plan that limits housing development. The application needs to be considered on the basis of a tilted balance in accordance with paragraph 11 of the NPPF. It is not considered that the site is a 'protected area or asset of particular importance' as defined by NPPF Para 11 di.

7.5 With the Council having very little brownfield, the vast majority of development is needing to be located on the edges of settlements. It is also considered better to be building on greenfield sites at this stage rather than reducing the Greenbelt in order to build closer to Cambridge. The small loss of agricultural land is not considered to be detrimental, it is unlikely that this size of land will be used due to modern agricultural practices.

7.6 Witchford is described in the Submitted Local Plan 2017 as:

“7.47.1 Witchford is a large village located one mile west of the City of Ely, neighbouring the Lancaster Way Business Park (the district’s flagship Enterprise Zone) and benefits from good connectivity, being located close to both the A10 and A142. Witchford is therefore well-placed to access wider employment, education, retail, services and facilities.

7.47.2 The village itself offers a good range of services, including a shop with post office, churches, village hall and primary and secondary schools. Within the village there are a number of significant areas of open space, including common land. Pedestrian and cycle routes provide links to Ely, Lancaster Way Business Park, and neighbouring villages and the countryside.

7.47.3 Witchford is therefore suitably placed to accommodate significant growth.”

7.7 The site is allocated for residential development under the Submitted Local Plan  
**“Witchford4: Site WFD.H1 - Land north of Field End**



The following special considerations and requirements apply to site WFD.H1:

- a. Development of a residential scheme, providing up to 128 dwellings for the whole site;
- b. Establishment of a significant landscape and noise buffer along the northern boundary of the site, adjoining the A142 (see LP26);
- c. Pedestrian and cycle access should be provided to the Public Right of Way north of Marroway Lane;
- d. Vehicular access to Marroway Lane will not be permitted;
- e. If the consented scheme 14/00248/OUM is implemented, utilising the full allowance of 128 dwellings, the area outside of that consented area will then be treated as falling within 'the countryside', and policies of this plan applied accordingly. The development envelope boundary has purposely been drawn to enforce this requirement."

7.8 The site is located on the edge of the village with easy access to all services and facilities that the village provides, as well as having relatively easy access into Ely. The site is, therefore, considered to be sustainable in principle. While the outline on the adjacent site (originally approved 14/00248/OUM) is currently using all 128 dwellings, village framework lines hold very limited weight while the Council is not able to demonstrate a five year housing supply. With the site being allocated for development it adds weight that the site is sustainable in principle. The application is, therefore, considered to be acceptable in principle.

7.9 The remainder of the material considerations are detailed below.

7.10 Residential Amenity

7.11 The Inspector on the adjacent scheme (16/01019/RMM) stated:

"The proposed development includes an acoustic bund which would be in the region of 2.7 metres tall and would be formed using a Tensar Earth Retaining System as the sides of the bund would be angled at 70 degrees. There would also be 2.7 metres high acoustic fences to plots 57, 88 and 89.

The proposed bund would be located in the region of nine metres away from the rear of several of the proposed dwellings which back onto the A142. The plans indicate that the land levels of the rear gardens would be raised so that the noise bund would be in the region of 2.2 metres above the ground level on the side of the proposed dwellings. Notwithstanding that, given the height and steepness of the structure, and the relative size of some of the garden areas, it would be a dominant feature when viewed from the ground floor of the proposed dwellings which back onto the bund and when the future occupiers utilise their rear garden areas. To my mind, this would result in an unacceptably dominant structure and would contribute to a poor standard of living conditions for the future occupiers of the development.

It is noted that the acoustic bund was as a result of discussions between the Appellant and the Council during the course of the consideration of the application, with the original proposal being a 2.7 metre high acoustic fence. The Appellant has indicated that they would be happy to revert back to this fence as an alternative to the bund. Whilst I consider that the fence would be a significant improvement over the appearance of the bund, given the relatively small garden depths the acoustic fence would still be a significant structure which would be dominant to the future occupants

of the proposed dwellings. I am also unclear how the regarding of the land for the rear gardens would be affected by this change in the proposal.

It is clear that without any mitigation, the occupants of the properties would be subjected to unacceptable levels of noise. The Planning Practice Guidance (PPG) states at paragraph: 008 Reference ID: 30-008-20140306 that 'for noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development'.

The Council have acknowledged that the mitigation put forward by the Appellant provides a technical solution to the issue of noise and I have no reason to disagree.

Whilst the noise bund would provide mitigation to the outdoor amenity areas and the ground floor of the properties, the Appellants evidence indicates that the noise bund would not deflect noise at the first floor level of the affected properties as the 'deflected noise' line is shown as being below the eaves level of the properties. To that end, the mitigation required to achieve the required internal noise level for the first floor accommodation is reliant on the noise reduction properties of the buildings themselves and the acoustic glazing.

The mitigation put forward by the Appellant also relies on the first floor windows being closed throughout the night. In order to achieve ventilation in the bedrooms facing the A142, it is proposed that there is a ventilation system which would draw air from a non-noise sensitive elevation through an intake fan.

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 Inspector concludes with:

"in this case, I consider that the harm which would result from the unsuitable living conditions of the future occupants of the dwellings significantly and demonstrably outweighs the benefits of allowing the scheme."

- 7.12 The Case Officer in the previous application for this site believed that around 30 dwellings could fit on site without needing either a barrier that will be detrimentally to the rural character or requiring a substantial amount of homes to require alternative ventilation. It is noted that the developer has clarified their report to state that there will be no properties in their layout that will be affected detrimentally by road noise that the

Council's Environmental Health Officer has agreed with. The correction in the developer's work does raise some concern over the quality of the report and the reserved matters will need to demonstrate that future residents will not be detrimentally affected. The change in material may well have changed road level noise and it is positive that the developer is relooking at this, but the road surface could be changed back to tarmac in the foreseeable future. The change in road material does not raise significant noise concerns.

- 7.13 With the proposal being up to 40, it would be expected that a developer at reserved matters will seek to achieve close to this number. While this would likely mean that some properties would need to be designed with 1<sup>st</sup> floor habitable windows facing southwards (away from A142) or be designed with alternative ventilation, the number of these properties is considered to be low enough to prevent the scheme from being detrimentally harmful to residential amenity.
- 7.14 The developer would in its reserved matters (if application is approved) need to show that it first sought to reduce the number of dwellings, then sought to design out bedrooms facing the A142 and only then relied on alternative ventilation. This may well reduce the number of dwellings that are achievable on site. Unlike the previous scheme on site the difference between asked for numbers and deliverable numbers are now much closer; the developer is no longer seeking to provide a scheme that is overly dense at the expense of residential amenity.
- 7.15 A proposal for 40 dwellings would have a gross density of 17 dwellings per hectare (7 dwellings per acre). This is a fairly low density, which will allow public open space and ensure that proposed dwellings are set suitably away from existing and future residents in order to prevent detrimental harm to residential amenity. The density is also suitable for an edge of village site.
- 7.16 Paragraph 180 of the NPPF states:
- 7.17 "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:  
mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"
- 7.18 The paragraph that relates to density in the NPPF (para 123) states:  
"as long as the resulting scheme would provide acceptable living standards".
- 7.19 It is considered that the proposal provides a balance between optimising the land without leading to detrimental living standards for future residents.
- 7.20 It is considered reasonable to add conditions in regards to the need for a Construction Environmental Management Plan (CEMP), to ensure that no contamination is on site and to ensure construction work takes place during sociable hours. A condition requiring fire hydrants should also be added to minimise the risk to life in the future.

- 7.21 To ensure that a suitable noise mitigation measure is brought forward, these details will need to be agreed as part of the first reserved matters submission; this can be achieved by way of a condition.
- 7.22 On balance the proposal is considered to comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The proposal might not be considered to fully comply with policy LP26 of the Submitted Local Plan and the requirements of the NPPF, this weighs slightly against the application.
- 7.23 Visual Impact
- 7.24 The proposal seeks to develop a field that is located between the edge of the built form of Witchford and the A142. The A142 is considered to be a defining boundary to the village and the loss of this relatively minor green space is not considered to be detrimental to the character of the village, though it would be expected that any proposal provides suitable public open space and appropriate landscaping.
- 7.25 The existing dwellings in this area of Witchford are modern properties but are not of any specific architectural merit. The nearest properties to the site on Marroway Lane are single storey; Granta Close is also dominated by single storey properties while Orton Drive and Field End are predominantly two storey. It is considered that if a reserved matter scheme came forward a mix of single to two storey properties should be proposed to be in keeping with the local area.
- 7.26 The provision of single storey properties would add to the land take of these individual properties and might make it harder to achieve 40 dwellings on site.
- 7.27 In regards to design, there is no concern that suitably designed properties could be achieved on this site.
- 7.28 The developer is suggesting that the main public open space will be along the northern boundary (that will include shallow swales and a 10m landscape buffer) with a balancing pond in the southeast corner adjacent to the public open space on Orton Drive. The dwellings would be placed in approximately the southern half of the site. It should be noted that these details are only indicative and would not form part of an approval. The reserved matters application(s) would need to demonstrate a suitable design.
- 7.29 It is considered possible to propose a scheme that protects the vast majority of existing trees (though likely to add to the long term pressure on the Tree Preservation Order trees along the eastern boundary), as well as adding additional planting along the northern boundary as part of the landscape reserved matters. The placement of a proportion of public open space/Sustainable Drainage System (SuDS) in the southeast corner will allow for a much larger open space to be created with the existing open space to the south and potential open space to the east; the creation of a village pond could well add to the aesthetic of the area.
- 7.30 The proposal is still likely to retain a green buffer with the A142 but will be reduced in size by approximately two thirds. While this does create some harm to the rural edge, it is not considered to be detrimental and is certainly outweighed by the need for additional housing within the district.

- 7.31 This green buffer will allow a suitable 3.1m barrier (likely involving a fence) behind planting, which will prevent detrimental harm to this rural edge. With the fence being needed for residential amenity it is likely that the long term maintenance of this will be the responsibility of the residents/private management company, as it would be an unreasonable burden on the public purse if given to a public body as it does serve the wider public. It should be noted that the Inspector on the adjacent site (16/01019/RMM) for a similar height barrier stated:
- “whilst I have already concluded that it would contribute to unsatisfactory living conditions to the future occupants of the dwellings adjacent to the A142 it would not result in significant harm to the character and appearance of the area. In this respect, I consider that this is not a determinative factor.”
- 7.32 There are no concerns over the impact of the proposal over the visual appearance of the local area. However, it would need to be demonstrated that a suitable landscaped buffer along the northern edge could be provided for the reasons given above and that existing trees are given space to survive in the long term where reasonably possible.
- 7.33 The proposal is considered to comply with policies ENV1 and ENV2 of the Adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2017.
- 7.34 Historic Environment
- 7.35 With the site not being located near the Conservation Area or Listed Buildings, the only likely historical impact will be on archaeology. This can be mitigated against via a pre-commencement condition to ensure a suitable investigation is undertaken in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017.
- 7.36 Highways
- 7.37 The developer is not seeking access to be agreed at this stage. While the developer could technically seek a highway access onto Marroway Lane, this would very likely be refused as it would unlikely be able to cope with additional traffic from 40 dwellings. However, it is expected a footpath/cycle link to Marroway Lane would be provided, which could also form an emergency vehicle entrance to the site. A condition/S106 will be required in order to provide a footpath connection in the southeast corner to the path that runs through the Orton Drive public open space.
- 7.38 It is expected that a highway access will be via the Bovis development (18/00782/RMM) that will allow this site to access onto Field End. No objection has been raised by this by the Local Highways Authority. With the access already designed for a 128 dwellings, it is understood why an additional 40 is unlikely to put the access under undue pressure.
- 7.39 The requirements of a Travel Plan can be secured by way of a condition to ensure that the sustainable transport is promoted on site.
- 7.40 With the low density of the scheme it is considered possible to achieve two parking spaces per dwelling and space for secure covered storage of cycles. It is also expected that visitor spaces will be able to be accommodated on site in accordance with policy.

- 7.41 RECAP Guidance allows for waste/recycle collectors to enter private land in order to collect bins. The proposed design will, therefore, not be required to provide collection points for bins on the adopted road if private shared driveways/roads are required as long as it still meets with RECAP Guidance.
- 7.42 The proposal is considered to comply with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.43 Ecology
- 7.44 The Ecology Report submitted by the developer (dated May 2018) has stated that the proposal will not have any detrimental impact on protected species. The report suggests biodiversity should be enhanced by:
- Soft landscaping that is primarily native species.
  - Sustainable drainage systems designed to hold water all year round.
  - Meadow planting.
  - Planting fruit trees.
  - Bird and bat boxes
  - Holes in the fence suitable for hedgehogs
- 7.45 It is considered that the proposal will have minimal impact on existing biodiversity on the site and the proposed enhancement measures could be secured via conditions and at the reserved matters stage. The proposal is considered to be 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.
- 7.46 Flood Risk and Drainage
- 7.47 The Lead Local Flood Authority stated on 25 July 2018 that the drainage proposal of the developer is acceptable in principle. With no final layout being proposed, the final drainage strategy will be secured at reserved matters stage and via a specifically worded condition.
- 7.48 The maintenance of the drainage strategy will need to be within the S106 Agreement, with priority being given to it being adopted by a public body. The design of the proposal will also need to allow maintenance of the awarded ditch that defines the southern boundary of the site.
- 7.49 The proposal is considered to be in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7.50 Housing Mix
- 7.51 With the application being outline with all matters reserved, the overall housing mix would need to be agreed at a reserved matters stage if approval was given to this outline. However, it is noted that the developer is providing policy compliant 30% affordable housing and this will need to be secured as part of a S106 Agreement.
- 7.52 Other Material Matters

- 7.53 In regards to education it is accepted that the County Council was not justified in asking for contributions for early years or primary provision. In regards to secondary school provision negotiation will need to be had over the final sum. It is accepted that technically the developer is paying for education provision within CIL; while Littleport, Ely and Littleport catchment areas are being reworked.
- 7.54 However, it should be noted that when the appeal proposal for up to 55 dwellings was being sought County Council was not seeking any education contributions (due to CIL wording/requirements at the time).
- 7.55 Planning Balance
- 7.56 The Local Planning Authority is unable to demonstrate a continuous five year land supply and on this basis must determine applications in regards to paragraph 11 of the NPPF.
- 7.57 The benefits of this proposal is that it will provide up to 40 dwellings (including 30% affordable housing). The provision of public open space and SuDS is considered to be neutral, as in the long term this will mitigate against the development's own impact.
- 7.58 It is noted that the site was allocated for dwellings in the Submitted Plan (though this applications currently exceeds the suggested number by 40 units) that demonstrates that the site is in a sustainable location. This weighs in favour of the application.
- 7.59 It is noted that some dwellings might need to be designed taking road noise into account. This weighs slightly against approval being given for up to 40, but is not detrimental in its own right. It is still the Case Officers opinion that if more than 40 units were sought then on balance it would be recommended for refusal, due to seeking too many houses in areas where alternative ventilation would very likely be required.
- 7.60 It is considered that the proposal on balance is acceptable for up to 40 dwellings, subject to the recommended conditions and the completion of a S106 Agreement.
- 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 Inspectorate on the adjacent site agreed with the Council in regards to noise pollution and that alternative ventilation creates a poor level of residential amenity. However, there was no concern over air pollution and that an acoustic fence behind landscaping was an acceptable design solution in theory.
- The Council is not currently able to demonstrate a continuous five year housing supply.
- No statutory consultees have objected.

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00778/OUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
16/01136/OUM 18/00782/RMM	Ely	01353 665555 andrew.phillips@ea stcamb.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>



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

Plan Reference	Version No	Date Received
7054-L-01	F	8 June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 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 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 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. This condition is pre-commencement as some of the measures may be below ground level.
- 5 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.
- 5 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.
- 6 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.

- 6 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.
- 7 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.
- 7 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. 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.
- 8 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 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 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 or Bank Holidays/Public Holidays.
- 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 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Outline Drainage Strategy, Ref: FRA 15 1108 prepared by The LK consult Ltd dated May 2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
- b) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;

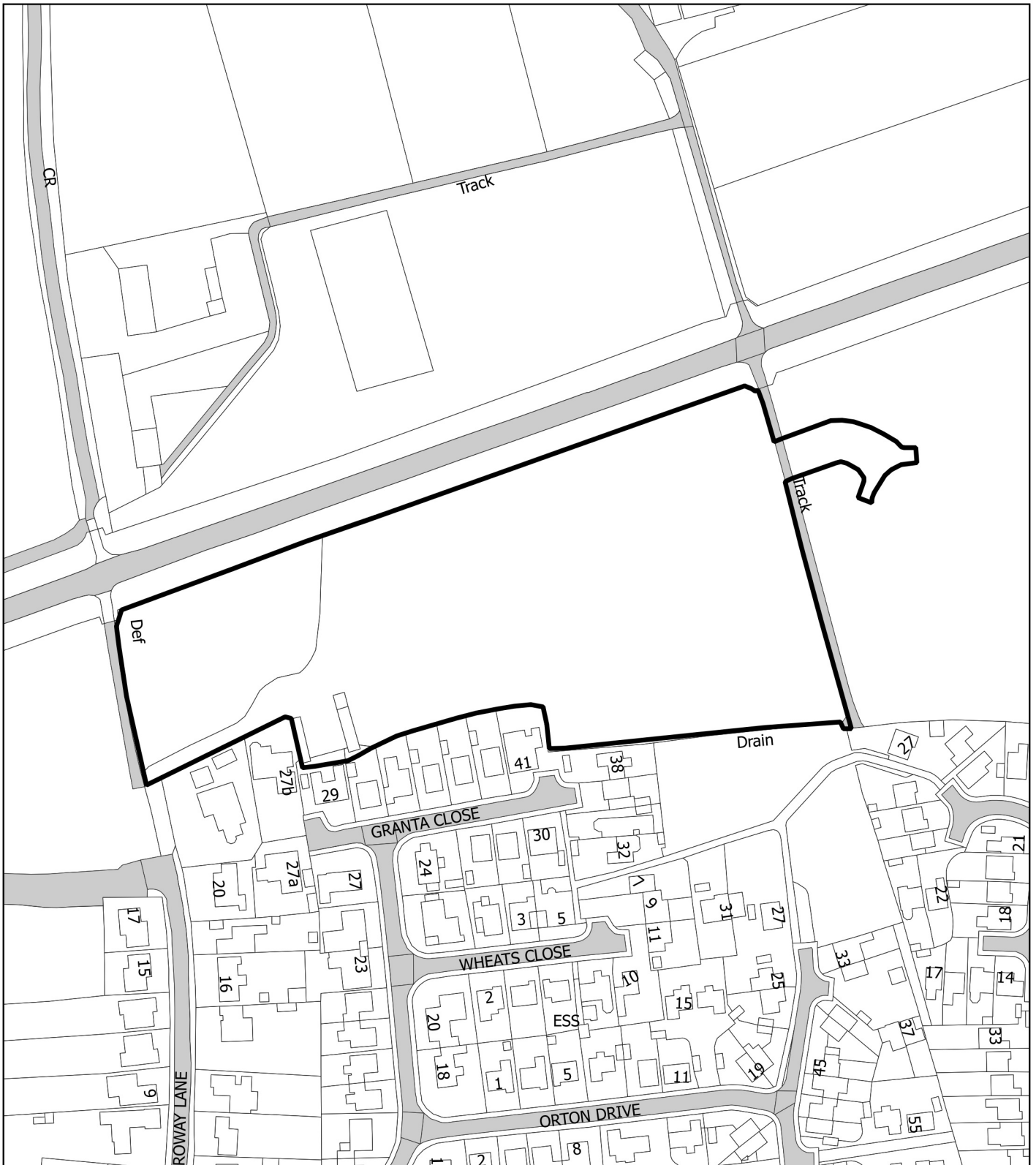
The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

- 10 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 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 and the details need to be agreed before construction begins.
- 11 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.
- 11 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.
- 12 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.

- 12 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.
- 13 With the first reserved matters application a scheme for the mitigation of noise shall be submitted to and approved in writing by the local planning authority. The scheme of mitigation shall ensure that noise levels do not exceed the noise criteria based on the current figures by the World Health Organisation Community Noise Guidelines Values/BS8233 as below:
- i. Living/dwellings rooms in daytime: 35dB LAeq, 16 hours;
  - ii. Outdoor living areas in daytime: 50dB LAeq, 16 hours;
  - iii. Inside bedrooms at night-time: 30dB LAeq, 8 hours (45dB LAmax).
- The development shall be carried out in accordance with the approved scheme and no dwellings shall be occupied prior to its implementation and shall be retained as agreed thereafter.
- 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.
- 14 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport to be agreed in writing by the Local Planning Authority. This Residential Welcome Pack shall include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.
- 14 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 As part of the first reserved matters application, details of the internal footpath network, including the provision of a footpath connection to the southern boundary of the site adjacent to the existing area of public open space off Orton Drive, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to first occupation.
- 15 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 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.
- 16 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 it would be unreasonable to require applicants to undertake this work

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





18/00778/OUM

Land North of  
22 Marroway Lane  
Witchford



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:2,000



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**MAIN CASE**

**Reference No:** 18/00819/FUL

**Proposal:** Erect two dwellings with attached garages and external works.

**Site Address:** Site North Of Houghtons Lane Isleham Cambridgeshire

**Applicant:** Victoria Stanley Ltd

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

**Parish:** Isleham

**Ward:** Isleham  
Ward Councillor/s: Councillor Derrick Beckett

**Date Received:** 14 June 2018      **Expiry Date:** 12<sup>th</sup> September 2018  
[T85]

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1.0 **RECOMMENDATION**

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

1. Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires that development proposals should demonstrate that their location, scale, form and design will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance the settlement edge. Furthermore, Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017 require proposals for new development to ensure that location, layout, scale, form and massing relate sympathetically to the surrounding area and each other. The existing built form and the extant planning permission for 3No.dwellings on the north side of Houghtons Lane all comprise single-storey bungalows with modest footprints which relate sympathetically with each other. By contrast, the proposed dwellings would be of a larger scale, and a significantly taller two-storey height and design, which are not in keeping with the character and appearance of the area to the north side of Houghton's Lane. By virtue of the height, scale and design of the proposed dwellings, which do not relate sympathetically to the character and appearance of the other dwellings and extant planning permissions for dwellings to the north of Houghtons Lane, it is considered that the proposed development would result in significant and demonstrable adverse harm being created to the character and appearance of the area. The benefits of the proposed development would be outweighed by the significant and demonstrable adverse harm which would be created to the character and appearance of the area, contrary to policies ENV1 and ENV2 of the East



Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 11, 79, 127 and 170 of the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

2.1 Full planning permission is being sought for the erection of 2No. detached two-storey dwelling with integral garages. The proposed dwellings would measure 15m wide and 18.1m deep, with a maximum ridge height of 6.9m and a maximum eaves height of 3.8m.

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

2.3 This application is being taken to Planning Committee, due to the Chairman of the Parish Council and Ward Member having a pecuniary interest in the application.

## 3.0 PLANNING HISTORY

### 3.1 Off site history

#### Adjacent to the west boundary of the application site

17/01247/FUL	Development of 3 No. three bedroom bungalows	Approved	19.09.2017
17/00222/FUL	Development of 3No. three bedroom bungalows	Refused	13.06.2017

#### Land south of East Fen Road, to the north of the application site

18/00824/FUL	Erect two 4 bedroom bungalows	Pending consideration	
17/02020/FUL	Development of 2No. three bedroom bungalows	Approved	09.02.2018
17/00223/FUL	Development of 2 No. three bedroom bungalows.	Approved	05.05.2017

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located outside of, but within close proximity to, the established development framework for Isleham. The site is located on the north side of Houghtons Lane, which comprises a single-track lane predominantly surrounded by open agricultural fields to the north, east and south.

- 4.2 There are two detached single-storey bungalows (No.4 East Fen Road and No.2 Houghtons Lane) located near to the vehicle junction with Sheldrick's Road, on the north side of Houghtons Lane. There is also a 1.5 storey farm dwelling (Willow Cottage, No.4 Houghtons Lane) located on the north side of Houghtons Lane, to the eastern end of the single-track road. There is an extant planning permission (ref: 17/01247/FUL) for 3No. single storey bungalows on land immediately adjacent to the west boundary of the application site.
- 4.3 There is a single-storey clunch barn, a two-storey farm dwelling (Appleyard Farm, No.1 Houghtons Lane) and agricultural buildings located on the south side of Houghtons Lane. There are also extant planning permissions (17/00550/OUT and 17/02147/FUL) for 3No. two storey dwellings on land to the east of Appleyard Farm which are not yet built. The single two-storey dwelling approved by 17/02147/FUL is located directly south of the application site. There is a garden to No.1 Sheldrick's Road which is located on the south side of Houghtons Lane, near to the vehicular junction with Sheldrick's Road.
- 4.4 The application site itself comprises part of an open, agricultural field with hedging and a ditch adjacent to the southern boundary along Houghtons Lane. The north and east boundaries of the site are open to the agricultural field.

## 5.0 RESPONSES FROM CONSULTEES

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

### 5.2 Isleham Parish Council –

- Located outside of development framework.
- If approved, the total number of additional houses created by the proposal in addition to other sites identified within the Council's emerging Local Plan would result in a 64% increase on the current number of houses in the village.
- Outside of Local Plan allocations, the Council has approved 100 dwellings in Isleham within the last 6 years, including over 40 within the last year.
- There remains significant matters (planning conditions) to be resolved over the recently approved application 17/00223/FUL, particularly relating to highways and drainage. Any approval of this application would further compound existing problems.
- Despite the ongoing development of two additional sites on Houghtons Lane, Houghtons Lane remains no more than a simple, single track, agricultural farm roadway. It is already in a very poor condition, does not include any street lighting and is therefore simply not fit for the additional traffic resulting from this proposed development.
- Village infrastructure, utilities and services are inadequate or at capacity.
- This proposed development doesn't protect the amenities and services of the neighbouring properties. The development would overlook new houses to the south and therefore result in a loss of privacy.
- Detrimental affect the biodiversity of this area of the village.

- There has been no previous building on this site and the plot is on open countryside.
- The proposed development does not meet current housing demands. There are sufficient houses within this style and price bracket already for sale within the village.
- This is the second such application in recent months from the landowner. There is clearly an expectation from him to continue to build on the remainder of this land. The piecemeal nature of these applications is clearly a deliberate attempt to avoid building affordable housing.

5.3 Ward Councillors - No Comments Received.

5.4 Cambridgeshire Archaeology – “Records indicate that the site lies in an area of high archaeological potential, situated on the eastern edge of the historic village of Isleham. Recent excavations to the immediate west of the application area (planning ref. 17/01247/FUL) indicate that the village originally extended further east and would have been larger in the Saxon and Medieval periods than it is today (ECB5371, in progress - not yet deposited into the Cambridgeshire Historic Environment Record). Gullies and pits, and an assemblage of jars, bowls, jugs, animal bone and oyster shell were encountered within the evaluation, all of which are indicative of settlement activity. In addition, recent excavations to the north of the application area (planning ref. 17/02020/FUL) also revealed evidence of Medieval activity and as well as a series of 18th century clunch pits (ECB5372, in progress -not yet deposited into the Cambridgeshire Historic Environment Record). This is significant as it could enhance our understanding of the origins of the village of Isleham.

Archaeological investigations to the west at Ellwoods Close revealed evidence of significant Saxon, medieval and post-medieval occupation as well as artefact evidence which suggest the location of a high status Roman building in the vicinity (ECB4634). Investigations at Church Lane revealed significant evidence of Prehistoric, Roman, medieval and post-medieval occupation (ECB4610). With archaeological investigations at Priory Gardens (CB15283) and Beck Road revealing further evidence of medieval and post-medieval occupation (MCB18442). In addition, to the north of the application area is Neolithic settlement site (11281).

To the west is the scheduled earthwork remains of fish ponds, hollowed lanes and platforms that were part of the Isleham priory (Scheduled Monument number 27101): an alien Benedictine priory 100m west of St Andrew's Church (Historic Environment Record reference DCB221). One of over 150 Benedictine monasteries founded in England, Benedictine monasticism had its roots in the rule written about AD 530 by St Benedict of Nursia for his own abbey at Monte Cassino but the earliest attempts to develop an order came only in 1216. The only remaining standing priory building at Isleham is the Chapel of St Margaret of Antioch (a Grade I Listed Building) to the north of which lie the buried foundations of the conventional buildings and the earthwork remains of the associated agricultural complex (07528).”

Does not object to the proposed development but considers that the site should be subject to a programme of archaeological investigation secured by planning condition due to a high probability of architectural finds in this location.

5.5 Local Highways Authority – “The Highways Authority objects to this application for the following reasons:

1. Houghtons Lane is considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing places and substandard construction. If permitted this would also likely result in the stopping and manoeuvring of vehicles on the highway to the detriment of highways safety.

Houghtons Lane is not wide enough for two vehicles to pass and the carriageway surface is in poor repair and any intensification would further determinate this surface potentially giving rise to a cost the highways authority and future maintenance liability.

Drawing number TAB321-02 shows a grassed verge where the carriageway widening should be.

This objection could be overcome if the carriageway is widened to the dimensions shown on drawing TAB321-02 and the width of the carriageway is resurfaced to CCC standard and all of the conditions attached to previously approved 17/01247/FUL are attached to any planning permission.”

5.6 Waste Strategy (ECDC) –

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

- 5.7 CCC Growth & Development - No Comments Received.
- 5.8 Environmental Health - Accepts the findings of the Phase1 Desk Study and Preliminary Risk Assessment report dated 1st February 2017 prepared by Geosphere Environmental. The report recommends a limited soils investigation and soil gas testing. Therefore, as this application is for a sensitive end use (residential), Environmental Health recommend that standard contaminated land conditions are attached to any grant of permission. Notes that the proposed site is adjacent to previously approved 17/01247/FUL and previous comments below remain the same:  
"I note that the proposed site is in close proximity to East End Farm to the south where there are four large agricultural buildings. It is not clear what these buildings are used for but as we haven't received any complaints about this site and there are existing residential properties of a similar distance to the proposed dwellings I have no concerns to raise at this time."  
No other issues to raise but please send out the environmental notes.
- 5.9 Trees Officer - No objection to this proposal as no trees of any significance are impacted. Although, 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). Advises that affective boundary treatment will be essential to assimilate this proposal within the landscape if the application is approved.
- 5.10 UK Power Networks – "High voltage overhead cables exists on the site area that you are intending to commence work on and may present a serious risk to life if approached or contacted. It is important that all proposed works should comply with the requirements of Health & Safety Executive Document GS6 "Avoidance of danger from overhead electric lines." For your information Health & Safety Documents are available from Her Majesty's Stationery Office and local offices of the HSE. It may be necessary for the above to be diverted to enable your works to proceed."
- 5.11 Neighbours – A site notice was displayed near the application site on 23.07.2018 and a press advert was published in the Cambridge Evening News on 05.07.2018. 6 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

#### No. 1 Sheldrick's Road – Objection

- The application is outside of the development envelope of the village plan
- Extreme inaccuracy in the site location plan
- Road and junction is primarily for agricultural use and not fit/safe for the proposed additional traffic, and is prone to localised flooding, and soakaways not suitable for area.
- The development is beyond the end of the public highway
- Application 17/01247/FUL, road widening and surface water drainage conditions have not yet been discharged
- Removal of a established and wildlife field margin
- Effect on our property, lifestyle choices and privacy

- The proposed site is situated directly below and adjacent to electricity pylons and transformers, potential health risks and EMF risks
- There is no street lighting at the proposed site, security and safety risk as family homes
- The proposed housing does not meet the current demand for houses as there are already a large number of 4 bed properties for sale in Isleham.
- Would also like it to be noted that we have been given to understand the owner of properties Applewood Farm and 2 Houghtons lane, as listed on the consultee list, have a financial interest in this planning application.

#### No. 4 Houghtons Lane - Objection

- Safety and access concerns
- Inconsistency/Inaccuracy in the application documents
- Isleham has in effective, no public bus service. There is no rail station and there are no designated cycle routes to or from the village, which is served only by poor rural 'B' roads."
- Beyond number 1 Houghtons Lane, there is no mains sewage provision in the Lane. Not one of the many applications made for expansion of the Lane describe the installation / extension of the mains sewage system. It does not seem reasonable to approve applications based on speculative strategies which by their own admission are incomplete.

#### No.67 Hall Barn Road - Support

- The perimeter of the development is aligned with the recently permitted 5 bed detached chalet plot (17/02147/FUL) opposite and therefore does not extend past the current approved development boundary.
- The main outlook from the property is to the north overlooking the building's garden/fields and not towards other dwellings.
- The size and style of property is very similar to development approved by 17/02147/FUL.
- The widening of Houghtons Lane, introduction of new pathway and improved drainage forming part of this application will benefit the recently approved dwellings and existing dwellings.
- Location will provide personal benefits to the family.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

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

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

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

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

6.4 Submitted Local Plan 2017

- LP1A presumption in Favour of Sustainable Development
- 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
- 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 are the principle of development, the character and appearance of the area, residential amenity, highway safety, ecology, archaeology and flood risk.

7.2 Principle of Development

7.2.1 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out

in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.2.2 The benefits of this application are considered to be:- the positive contribution of the provision of an additional 2 dwellings to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwellings.

7.2.3 Part Two of the Local Plan 'Village/Town Visions' identifies Isleham as having a wide range of services available locally including several shops; a primary school, three churches; sports facilities and good bus connections to Newmarket. The application site is located outside of, but within close proximity to, the established development framework for Isleham. Houghtons Lane is a 30mph speed limit road which is very lightly trafficked. The proposed development would provide a new footpath adjacent to the front of the application site which would connect to the existing footpath located along a small section of Houghtons Lane. The proposed development would therefore provide a safe pedestrian route into the centre of Isleham. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is considered to be in a sustainable location.

7.2.4 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application. The main considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development.

7.3 Character and appearance of the area

7.3.1 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires that development proposals should demonstrate that their location, scale, form and design will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance the settlement edge. Furthermore, Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017 require proposals for new development to ensure that location, layout, scale, form and massing relate sympathetically to the surrounding area and each other.

7.3.2 The existing built form and the extant planning permission for 3No. dwellings on the north side of Houghtons Lane all comprise single-storey bungalows with modest footprints which relate sympathetically with each other. By contrast, the proposed dwellings would be of a larger scale, and a significantly taller two-storey height and design, which are not in keeping with the character and appearance of the area to the north side of Houghton's Lane.

7.3.3 By virtue of the height, scale and design of the proposed dwellings, which do not relate sympathetically to the character and appearance of the other dwellings and extant planning permissions for dwellings to the north of Houghtons Lane, it is considered that the proposed development would result in significant and



demonstrable adverse harm being created to the character and appearance of the area.

7.3.4 It is therefore considered that the proposed development would create significant and demonstrable harm to the character and appearance to the area, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 11, 79, 127 and 170 of the National Planning Policy Framework.

#### 7.4 Residential Amenity

7.4.1 The application site is located immediately adjacent to the east boundary of a site where planning permission has recently been approved for 3 single-storey bungalows (approved under planning permission reference: 17/01247/FUL). The proposed development would be adequately distanced from existing neighbouring dwellings to prevent any significant residential amenity impacts on them. The proposed dwellings would be closer to the dwellings approved adjacent to the west, and south. However, due to separation distances, layout and physical relationships with the dwellings which could be constructed under the extant planning permissions on nearby sites, the proposed dwellings would not cause any significant detrimental impacts to the residential amenity of neighbouring properties. Bedroom 5 of the proposed dwellings would only have an outlook from a roof light, however this issue alone is not considered to be a significant reason to refuse the application on residential amenity grounds.

7.4.2 It is therefore considered that the proposed development could adequately protect the residential amenity of neighbouring properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

7.4.3 The sizes of the plots and amenity space for each proposed dwelling accords with the guidelines of the East Cambridgeshire Design Guide and is adequate to ensure that the future occupiers will enjoy high standards of amenity.

7.4.4 A letter of support includes personal benefits that the proposed development would provide. However, these are not a material planning consideration which the application can be assessed against.

#### 7.5 Highway safety

7.5.1 The proposed development would create 2 new vehicular accesses off the north side of Houghtons Lane, also providing an extension to the existing public footpath on the north side of Houghtons Lane and road widening. Houghtons Lane is a 30mph speed limit road with minimal traffic.

7.5.2 The Highway Authority has objected to the application as they consider Houghtons Lane to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing places and substandard construction. Furthermore, the Local Highway Authority states that Houghtons Lane is not wide enough for two vehicles to pass and the carriageway surface is in poor repair and any intensification would further determinate this surface potentially giving rise to a

cost the highways authority and future maintenance liability. However, the Local Highway Authority has stated that this objection could be overcome if the carriageway is widened to the dimensions shown on drawing TAB321-02 and the width of the carriageway is resurfaced to CCC standard and all of the conditions attached to previously approved 17/01247/FUL are attached to any planning permission.

- 7.5.3 The agent has confirmed by email that the proposal includes an extension to the public footpath and widening of the road to the front of the site, which will both be provided along with those works to be carried out as part of planning permission 17/01247/FUL. These works could be secured by Grampian condition should Members be minded to approve the application. The agent has also agreed to resurface the carriageway as per the Local Highway Authority's comments. The Local Highway Authority's objection will therefore be addressed through these measures and conditions attached to previously approved 17/01247/FUL are attached to any planning permission. These conditions relate to access drainage and installation of the new footway. These recommended highway conditions are considered reasonable and could be appended to any grant of planning permission should Members be minded to approve the application.
- 7.5.4 It is therefore considered that the proposed development would not create a detrimental impact in respect of highway safety, in accordance with Policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017.
- 7.5.5 The proposed development would accommodate two vehicle parking spaces within each plot, in accordance with policy COM8 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017, and without creating tandem parking.
- 7.6 Ecology
- 7.6.1 The application site does not display characteristics which provide a significant ecological habitat. Conditions could be appended to any grant of planning permission requiring the provision of biodiversity enhancements, in addition to soft landscaping, which could provide ecology enhancements.
- 7.6.2 It is therefore considered that the proposal accords with policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.
- 7.7 Archaeology
- 7.7.1 Cambridgeshire County Council Archaeology has recommended that a condition is appended to any grant of planning permission requiring a programme of archaeological work to be undertaken in accordance with a written scheme of investigation to be agreed by the LPA. Due to the site lying within an area of archaeological potential, this recommended condition is considered to be reasonable.
- 7.8 Flood Risk
- 7.8.1 The application site is located within Flood Zone 1 which is defined within Planning Practice Guidance as land with a low probability of flooding. In respect of flood risk,

Planning Practice Guidance makes it clear that development is appropriate within Flood Zone 1. In addition, Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that new development should normally be located in Flood Risk Zone 1.

- 7.8.2 Concerns have been raised from neighbouring occupiers regarding flood risk and drainage issues. However, the proposed dwellings would be located within an appropriate flood zone for development and the Local Planning Authority does not hold any evidence which would suggest the proposed development would be unacceptable in respect of flood risk. The application form states that surface water would be disposed of via soakaways. No details of the proposed soakaways have been submitted with the application, however drainage measures (including foul drainage measures) could be secured by planning condition should Members be minded to approve the application.
- 7.8.3 It is therefore considered that the proposal would not create any detrimental impacts in respect of flooding, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2017.
- 7.9 Other matters
- 7.9.1 Due to the size of the development, affordable housing provision is not required individually or cumulatively.
- 7.10 Planning Balance
- 7.10.1 The benefits of the proposal are the provision of 2 additional dwellings to the district's housing stock, in addition to the associated economic benefits from the construction process and continuing contribution to the local economy by future occupiers.
- 7.10.2 However, on balance, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be created to the character and appearance of the surrounding area and rural landscape due to the height, scale and design of the proposed dwellings. In conclusion, this proposal is in conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 11, 79, 127 and 170 of the National Planning Policy Framework.
- 7.10.3 The application is therefore recommended for REFUSAL.

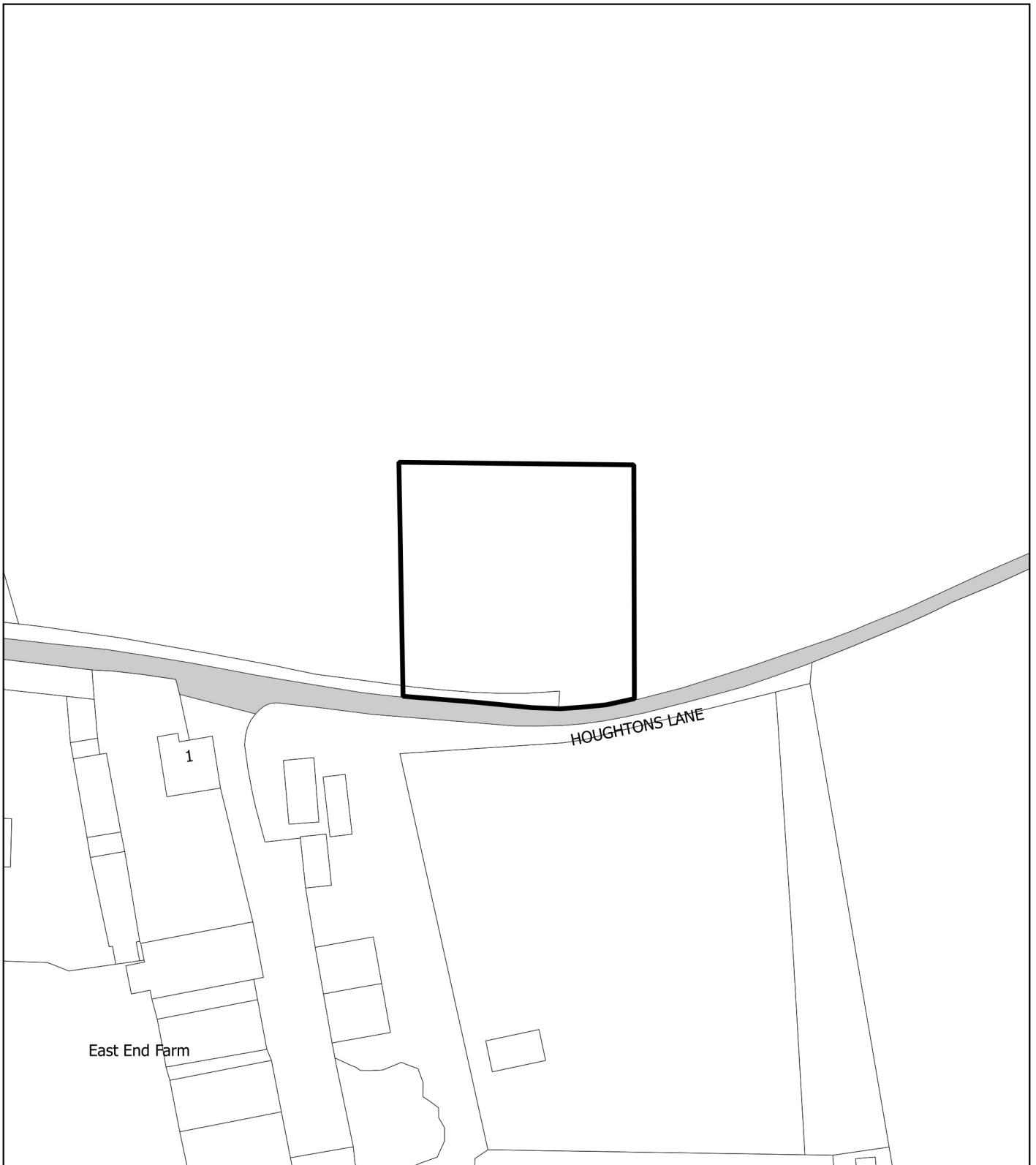
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00819/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
17/01247/FUL		
17/00222/FUL		
18/00824/FUL		
17/02020/FUL		
17/00223/FUL		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/00819/FUL

Site between  
Houghtons Lane and East Fen  
Road  
Isleham



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 18/00824/FUL

**Proposal:** Erect two 4 bedroom bungalows

**Site Address:** Site South Of East Fen Road Isleham Cambridgeshire

**Applicant:** Victoria Stanley Ltd

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

**Parish:** Isleham

**Ward:** Isleham  
Ward Councillor/s: Councillor Derrick Beckett

**Date Received:** 15 June 2018      **Expiry Date:** 12<sup>th</sup> September 2018  
[T86]

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1.0 **RECOMMENDATION**

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

1. The proposed development would extend residential built form further east than the residential built form on the opposite side of East Fen Road and beyond the speed limit change of the public highway which both form a clearly defined edge to the village in this location. The erection of dwellings within this location, which comprises a predominantly open and rural setting on the edge of the village, would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village. The benefits of the proposed development would be outweighed by the significant and demonstrable adverse harm which would be created to the character and appearance to the area, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 11, 79, 127 and 170 of the National Planning Policy Framework.

2.0 **SUMMARY OF APPLICATION**

2.1 Full planning permission is being sought for the erection of 2No. detached bungalows and garages. The proposed dwellings would measure 16.1m wide and 13m deep, with a ridge height of 5.1m and an eaves height of 2.6m. The proposed garages would measure 6.4m wide and 7.3m deep, with a ridge height of 4.6m and

an eaves height of 2.6m. The proposed development would be finished with brickwork and cement black timber boards to the walls and pantiles to the roof.

- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 This application is being taken to Planning Committee, due to the Chairman of the Parish Council and Ward Member having a pecuniary interest in the application.

### 3.0 PLANNING HISTORY

#### 3.1 Off-site history

##### Adjacent to the west boundary of the application site

17/00223/FUL	Development of 2 No. three bedroom bungalows.	Approved	05.05.2017
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17/02020/FUL	Development of 2 No. three bedroom bungalows.	Approved	09.02.2018
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##### Land north of Houghtons Lane, to the south of the application site

17/00222/FUL	Development of 3 No. three bedroom bungalows	Refused	13.06.2017
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17/01247/FUL	Development of 3 No. three bedroom bungalows	Approved	19.09.2017
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18/00819/FUL	Erect two dwellings with attached garages and external works	Pending consideration	
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### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located outside of, but within close proximity to, the established development framework for Isleham. The site is located on the south side of East Fen Road, predominantly surrounded by open agricultural fields to the north, east and south, with extensive residential built form to the west which is within the established development framework. The application site itself comprises part of an open, agricultural field.
- 4.2 There are two-storey semi-detached and terraced dwellings (No's 61-71 East Fen Road) located on the opposite side of East Fen Road, to the north-west of the site. Development has commenced on 2No. single storey bungalows immediately adjacent to the west of the application site, whilst further to the west there is a mix of detached 2-storey, 1.5-storey and single-storey dwellings.

4.3 There is a vehicular access to a field on the opposite side of East Fen Road, directly opposite the site on the north side of East Fen Road. An agricultural building stands alone in the field on the north side of East Fen Road, distanced approximately 45m from the site.

## 5.0 RESPONSES FROM CONSULTEES

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

5.2 Isleham Parish Council –

- If approved, the total number of additional houses created by the proposal in addition to other sites identified within the Council's emerging Local Plan would result in a 64% increase on the current number of houses in the village.
- Outside of Local Plan allocations, the Council has approved 100 dwellings in Isleham within the last 6 years, including over 40 within the last year.
- Despite the ongoing development of an additional site on East Fen Rd (17/00222/FUL), the infrastructure including highways on East Fen road is already above capacity. This road remains little more than a simple agricultural farm roadway, already in a very poor condition, and is therefore not fit for the additional traffic resulting from this proposed development.
- Village infrastructure, utilities and services are inadequate or at capacity.
- This proposed development doesn't protect the amenities and services of the neighbouring properties. The development would overlook new houses to the south and therefore result in a loss of privacy.
- Detrimental affect the biodiversity of this area of the village.
- There has been no previous building on this site and the plot is on open countryside.
- The proposed development does not meet current housing demands. There are sufficient houses within this style and price bracket already for sale within the village.
- This is the second such application in recent months from the landowner. There is clearly an expectation from him to continue to build on the remainder of this land. The piecemeal nature of these applications is clearly a deliberate attempt to avoid building affordable housing.

5.3 Ward Councillors - No Comments Received.

5.4 Local Highways Authority - No objections in principle to this application. Recommend conditions relating to parking and turning and a gates restriction.

5.5 CCC Growth & Development - No Comments Received.

5.6 Environmental Health – Accepts the findings of the Phase1 Desk Study and Preliminary Risk Assessment report dated 1st February 2017 prepared by Geosphere Environmental. The report recommends a limited soils investigation and soil gas testing. Therefore, as this application is for a sensitive end use (residential), Environmental Health recommend that standard contaminated land conditions are attached to any grant of permission.



## 5.7 Waste Strategy (ECDC) –

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

5.8 Cambridgeshire Archaeology – Our records indicate that the site lies in an area of high archaeological potential, situated on the eastern edge of the historic village of Isleham. Recent excavations to the immediate west of and to the south west of the application area (planning references 17/02020/FUL and 17/01247/FUL, CHER ECB5372 and CHER ECB5371 respectively), indicate that the village originally extended further east and would have been larger in the Saxon and Medieval periods than it is today. To the immediate west of the application area, a pair of intercutting ditches and a series of 18th century clunch pits were identified which indicates that by the 18th century the village had started to decrease in size and small scale quarrying was occurring just outside the village boundary. This is significant as it enhances our understanding of the origins of and later shrinkage of the village of Isleham.

Archaeological investigations to the west at Ellwoods Close revealed evidence of significant Saxon, medieval and post-medieval occupation as well as artefact evidence which suggest the location of a high status Roman building in the vicinity (ECB4634). Investigations at Church Lane revealed significant evidence of Prehistoric, Roman, medieval and post-medieval occupation (ECB4610). With archaeological investigations at Priory Gardens (CB15283) and Beck Road revealing further evidence of medieval and post-medieval occupation (MCB18442). In addition, to the north of the application area is Neolithic settlement site (11281).

To the west is the scheduled earthwork remains of fish ponds, hollowed lanes and platforms that were part of the Isleham priory (Scheduled Monument number 27101): an alien Benedictine priory 100m west of St Andrew's Church (Historic Environment Record reference DCB221). One of over 150 Benedictine monasteries founded in England, Benedictine monasticism had its roots in the rule written about AD 530 by St Benedict of Nursia for his own abbey at Monte Cassino but the earliest attempts to develop an order came only in 1216. The only remaining standing priory building at Isleham is the Chapel of St Margaret of Antioch (a Grade I Listed Building) to the north of which lie the buried foundations of the conventional buildings and the earthwork remains of the associated agricultural complex (07528).

Cambridgeshire Archaeology does not object to the proposed development but considers that the site should be subject to a programme of archaeological investigation secured by planning condition due to a high probability of architectural finds in this location.

5.9 Neighbours – A site notice was displayed near the application site on 23.07.2018 and a press advert was published in the Cambridge Evening News on 05.07.2018. 8 neighbouring properties were notified and 1 response was received. The response is summarised below. A full copy of the responses are available on the Council's website.

5.9.1 Comments on behalf of the occupiers of 63 East Fen Road and 71 East Fen Road

East Fen Road is a "rural" road which peters out into unmade road and agricultural fields. The road is narrow in places and is already awash with stationary vehicles because several residents can only park on the road. The road is heavily used by agricultural traffic and vehicles regularly have to be moved to allow such traffic, which nowadays is very large, to pass. East Fen Road simply cannot cope with the congestion which would be caused by the development of further homes.

In addition the field on which the development is proposed has been used for agricultural purposes for many many years. When it was sold recently it was for arable use. It was obviously the intention of the seller that this field continue to be used for agricultural purposes. The history and position of the field, beside other agricultural fields, means that it is best suited for agricultural purposes and it is not appropriate for residential homes. If these sites are converted from arable land to building land it appears to be blatant profiteering. This should not be contemplated by the planning authorities, never mind allowed.

The field is only just about viable for agricultural purposes as it is at the moment, in these days of farmers using large machinery and therefore needing large fields. Two units have recently been approved for building along East Fen Road adjacent to the current plans. This would, in my opinion, make the remaining field no longer viable for agricultural purposes. It is quite obvious that, sooner or later, if these latest plots are approved for building, in addition to the approvals already made, then further applications will be made for the rest of the field. This would completely ruin the nature of the area.

Isleham needs starter homes. I appreciate that development is planned for other parts of the village, but these bungalows would be large homes completely out of

the reach of starters. People who currently live in Isleham and want to stay should be given the opportunity to have homes that they can afford. With regard to the presence of 2 detached 4-bedroom bungalows at the end of East Fen Road, these would be totally out of character with nearby properties. The proposed properties are beyond the “30mph” sign and it is therefore clear that building beyond this limit was never intended. The road, at this point, is also single-track – another indication that no building was intended in this area.

Comments have been made that Isleham is well served by public transport. This is completely incorrect. Isleham is nowhere near to a working train station and, due to by the planning authorities, never mind allowed.

People want to live in the countryside because of the environment. If building work is allowed to take place just about anywhere, particularly on land which for many years has only been used for agricultural purposes, it ceases to be countryside.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
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
COM 7	Transport impact
COM 8	Parking provision
ENV 14	Sites of archaeological interest

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2018

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

## 6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development

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

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 are the principle of development, the character and appearance of the area, residential amenity, highway safety, ecology, archaeology, and flood risk and drainage.

### 7.2 Principle of Development

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

7.2.2 The benefits of this application are considered to be:- the positive contribution of the provision of an additional 2 dwellings to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwellings.

7.2.3 Part Two of the Local Plan 'Village/Town Visions' identifies Isleham as having a wide range of services available locally including several shops; a primary school, three churches; sports facilities and good bus connections to Newmarket. The application site is located outside of, but within close proximity to, the established development framework for Isleham. The application site is located off a 60mph speed limit road, just past the 30mph speed limit sign where the speed limit changes. Although it is located off a 60mph section of road, the road does not provide a through-route and is very lightly trafficked making it safe for pedestrians to access the nearby public footpath on the north side of East Fen Road. The existing

footpath on the north side of East Fen Road is well connected to other footpaths and there are some street lights along East Fen Road. The proposed development would therefore benefit from a safe pedestrian route into the centre of Isleham. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the location of the site is considered to be sustainable.

7.2.4 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application. The main considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development.

7.2.5 Comments received on behalf of 2 occupiers of nearby residential properties state that starter homes are required in Isleham and the proposed dwellings would be out of reach of starters. However, the application has not been submitted for Starter Homes and there is no policy requirement that requires the proposed development to provide starter homes.

7.3 Character and appearance of the area

7.3.1 Policy ENV1 of the East Cambridgeshire Local Plan 2015 states that development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance:

- The pattern of distinctive historic and traditional landscape features.
- The settlement edge, space between settlements, and their wider landscape setting.
- Key views into and out of settlements.
- The unspoilt nature and tranquility of the area.

7.3.2 Although planning permission for 2 single-storey bungalows has recently been approved on land adjacent to the west of the application site (planning permission references: 17/00223/FUL and 17/02020/FUL), the impacts of those bungalows upon the character and appearance of the area was considered to be acceptable due to them being located directly opposite existing residential built form and within the village 30mph zone which both form a clearly defined edge to the village in this location.

7.3.3 By contrast, although the proposed bungalows would be of a design which is in keeping with the bungalow approved directly to the west, the proposed development would extend residential built form further east than the residential built form on the opposite side of East Fen Road and beyond the speed limit change of the public highway which both form a clearly defined edge to the village in this location. Further incremental residential development along this road, and particularly in the location of the application site which comprises a predominantly open and rural setting on the edge of the village, would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village.

7.3.4 For the reasons set out above, it is considered that the proposed development would cause significant and demonstrable harm to the character and appearance of the area, particularly the sensitive settlement edge, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 11, 79, 127 and 170 of the National Planning Policy Framework.

#### 7.4 Residential Amenity

7.4.1 The application site is located immediately adjacent to the east boundary of a site where planning permission has recently been approved for 2 bungalows (approved under planning permission references: 17/00223/FUL and 17/02020/FUL). The proposed development would be adequately distanced from existing neighbouring dwellings to prevent any significant residential amenity impacts on them. The proposed bungalows and garages would be closer to the dwellings approved to the west which have commenced development, with 1m separation distance between the closest proposed garage and 5m separation distance between the closest proposed dwelling. The proposed bungalows would be single-storey, with modest heights of 5.1m at the ridge and 2.6m at the eaves. The proposed garages would also have modest heights of 4.6 and 2.6m. Due to the modest heights and single-storey nature of the proposed bungalows and garages, in addition to their distances from existing residential properties and approved dwellings on the adjacent site, the proposed development would not create a significant overbearing impact, a significant loss of light or create an unacceptable level of overlooking upon the neighbouring properties.

7.4.2 It is therefore considered that the proposed development could adequately protect the residential amenity of neighbouring properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

7.4.3 The sizes of the plots and amenity space for each proposed dwelling accords with the guidelines of the East Cambridgeshire Design Guide and is adequate to ensure that the future occupiers will enjoy high standards of amenity.

#### 7.5 Highways and parking

7.5.1 The proposed development would create 2 separate new vehicular accesses off the south side of East Fen Road. The proposed vehicular accesses would be located within the 60mph speed limit section of East Fen Road which does not provide a through-route and generates minimal traffic. The Local Highway Authority has no objections to the application, but recommend conditions are appended to any grant of planning permission in relation to the provision of parking and turning, in addition to a gates restriction. The proposed development demonstrates adequate parking could be provided for a minimum of 2 cars per plot, in accordance with the Council's adopted parking standards and without creating tandem parking.

7.5.2 It is therefore considered that the proposed development would not create a detrimental impact in respect of highway safety and would provide adequate parking provision, 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.

## 7.6 Ecology

7.6.1 The application site does not display characteristics which provide a significant ecological habitat. Conditions could be appended to any grant of planning permission requiring the provision of biodiversity enhancements, in addition to soft landscaping which could provide ecology enhancements.

7.6.2 It is therefore considered that the proposal accords with policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.

## 7.7 Archaeology

7.7.1 Cambridgeshire County Council Archaeology has recommended that a condition is appended to any grant of planning permission requiring a programme of archaeological work to be undertaken in accordance with a written scheme of investigation to be agreed by the LPA. Due to the site lying within an area of archaeological potential, this is considered to be a reasonable request.

## 7.8 Flood Risk and Drainage

7.8.1 The application site is located within Flood Zone 1 which is defined within Planning Practice Guidance as land with a low probability of flooding. In respect of flood risk, Planning Practice Guidance makes it clear that development is appropriate within Flood Zone 1. In addition, Policies ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2017 state that new development should normally be located in Flood Risk Zone 1.

7.8.2 The proposed dwelling would be located within an appropriate flood zone for development and the Local Planning Authority does not hold any evidence which would suggest the proposed development would be unacceptable in respect of flood risk or drainage issues. The application form states that surface water would be disposed of via soakaways which would provide an acceptable means of surface water drainage. This could be secured by planning condition if Members are minded to approve the application.

7.8.3 It is therefore considered that the proposal would not create any detrimental impacts in respect of flood risk or drainage, in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2017.

## 7.9 Other matters

7.9.1 Due to the size of the development, affordable housing provision is not required individually or cumulatively.

## 7.10 Planning Balance

7.10.1 The benefits of the proposal are the provision of 2 additional dwellings to the district's housing stock, in addition to the associated economic benefits from the

construction process and continuing contribution to the local economy by future occupiers.

7.10.2 However, on balance, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by the detrimental urbanising impact that the proposed development would cause to the character and appearance of the surrounding rural landscape. In conclusion, this proposal is in conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 11, 79, 127 and 170 of the National Planning Policy Framework.

7.10.3 The application is therefore recommended for REFUSAL.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00824/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Senior Planning Officer
17/02020/FUL 17/00223/FUL	Ely	01353 665555 richard.fitzjohn@ea stcambs.gov.uk

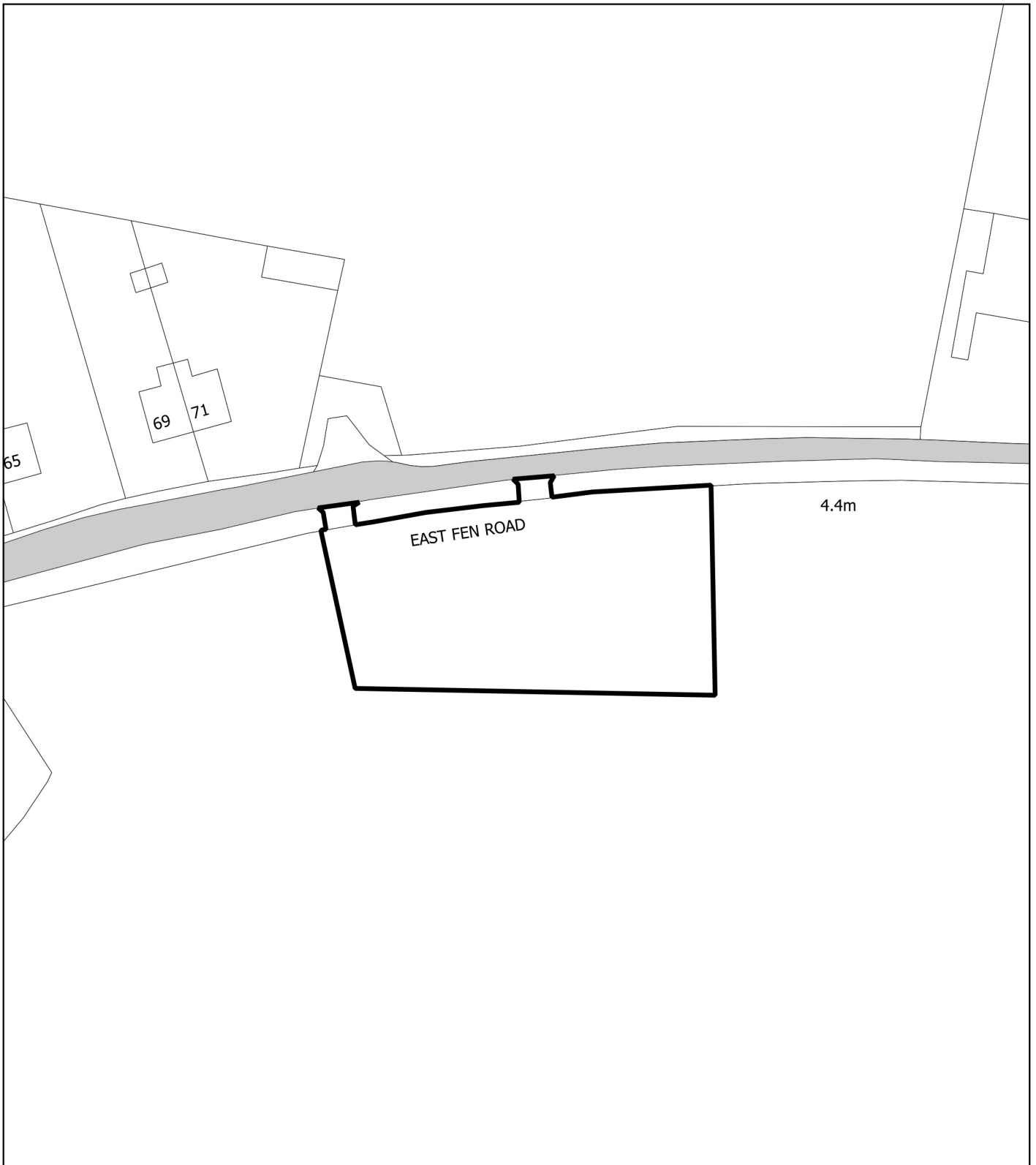
National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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





18/00824/FUL

Site between  
Houghtons Lane and East Fen  
Road  
Isleham



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:750



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## **Planning Performance – July 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>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>175</b>	<b>8</b>	<b>49</b>	<b>35</b>	<b>22</b>	<b>25</b>	<b>36</b>
<b>Determinations</b>	<b>152</b>	<b>3</b>	<b>33</b>	<b>49</b>	<b>10</b>	<b>21</b>	<b>36</b>
<b>Determined on time (%)</b>		<b>100%</b> (70% within 13 weeks)	<b>94%</b> (75% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>62%</b> (90% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>137</b>	<b>3</b>	<b>26</b>	<b>46</b>	<b>8</b>	<b>19</b>	<b>35</b>
<b>Refused</b>	<b>15</b>	<b>0</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>

<b>Open Cases by Team</b>							
<b>Team 1 (3.5 FTE)</b>	<b>166</b>	<b>13</b>	<b>55</b>	<b>13</b>	<b>15</b>	<b>70</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>139</b>	<b>12</b>	<b>21</b>	<b>54</b>	<b>25</b>	<b>27</b>	<b>0</b>
<b>Team 3 (1 FTE)</b>	<b>70</b>	<b>5</b>	<b>27</b>	<b>0</b>	<b>7</b>	<b>30</b>	<b>0</b>
<b>No Team (4 FTE)</b>	<b>52</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>10</b>	<b>29</b>

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

The Planning department received a total of 207 applications during July which is a 26% decrease on July 2017 (233) and 22% increase from June 2018 (185).

### **Valid Appeals received – 4**

7 St Ovins Green Ely – Delegated Decision  
32 Main Street Littleport Ely – Committee Decision  
Land Adjacent 9 Main Street Wardy Hill Ely – Delegated Decision  
Site To Rear Of 32 - 33 Manor Close Witchford – Delegated Decision

### **Appeals decided – 0**

Land Rear of 98- 118 Mildenhall Road, Fordham – Committee Decision - Allowed – 29/05/2018  
(Was omitted from July Report)

### **Enforcement**

New Complaints registered – 25 (1 Proactive)  
Cases closed – 34 (4 Proactive)  
Open cases/officer (2FTE) – 181 /2 = 90.5 per FTE (37 Proactive)

### **Notices served – 0**

**Other Information**

16/01136/OUM – Marroway Lane, Witchford Appeal Hearing date has been set for 18/09/2018. It will be held at the Museum and will run for 1 day.

17/01572/OUM – Soham Road, Fordham Appeal Hearing date has been set for 16/10/2018. It will be held in the Council Chamber and will run for 1 day.