



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

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

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<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 9.10am**  
(Please note site visit timings are approximate)

## A G E N D A

1. Apologies and Substitutions

[oral]

2. **Declarations of Interest**  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**
  
3. **Minutes**  
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 7<sup>th</sup> November 2018
  
4. **Chairman's Announcements** **[oral]**
  
5. **17/01838/ESF**  
  
Hybrid planning application (part outline, part full) for demolition, alteration and extension of blocks B,C and D, falling within Use Class B1 offices/laboratory, outline planning permission sought for the erection of an Amenities Block/Incubator Hub, Use Classes A1,A3 and D2 offices/laboratory, Use Class B1 offices/laboratory, Mid Tech Buildings 1 and 2, Use Classes B2 and B8, with associated site access, circulation, car parking, sub stations, landscaping and site assembly works (including retaining walls).  
  
LGC Limited, Newmarket Road, Fordham  
  
Applicant: Hermes Property Unit Trust  
  
Site Visit: 11.25am
  
6. **18/00059/FUM**  
  
Erection of 80 residential dwellings together with associated new public open space.  
  
Land Rear of 55 to 69 Fordham Road, Soham  
  
Applicant: Hopkins Homes Limited  
  
Site Visit: 10.00am
  
7. **18/00634/FUL**  
  
Construction of four detached houses with two new accesses.  
  
Land Northwest of 15 Pound Lane, Isleham  
  
Applicant: Mrs Wendy Davies  
  
Site Visit: 10.25am

8. **18/00833/FUL**  
Erection of a single detached family home.  
Site between 117 & 119 Duchess Drive, Newmarket, CB8 9HB  
Applicant: Mr John Simmons  
Site Visit: 11.55am
9. **18/01071/VAR**  
Vary condition 4 (Use Class) of the decision dated 19/09/2018 of previously approved 08/00746/FUL to allow for up to 12 days in a year as an events venue.  
Rose Barn, Ely Road, Sutton  
Applicant: Sid Bibby Turf and Landscaping Limited  
Site Visit: **NO VISIT**
10. **18/01134/FUL**  
Construction of two storey detached dwelling and garage.  
Plot 1, Land Opposite Barley Cottage, Barcham Road, Soham  
Applicant: Mr & Mrs Matt Gray  
Site Visit: 12.40pm
11. **18/01216/FUL**  
Erection of detached dwelling with garage and associated parking.  
Land South of 1 to 7 Old School Lane, Upware  
Applicant: Mr M Cannon  
Site Visit: 9.25am
12. **18/01268/OUT**  
Proposed two storey residential dwelling, garaging, parking, access and associated site works.  
Land Adjacent 18 Great Fen Road, Soham  
Applicant: Mr & Mrs Gudgeon  
Site Visit: 12.25pm

13. **18/01284/OUT**

Proposed four bed barn style dwelling, garaging, parking, access and associated site works.

Land Adjacent Second Breed Farm, Stretham Road, Wicken

Applicant: Mrs Susan Hall

Site Visit: 9.40am

14. **18/01291/OUT**

Proposed single storey dwelling, garaging, parking, access and associated site works.

Site South West of Old Ness Farm, Ness Road, Burwell

Applicant: Mr & Mrs R Webb

Site Visit: 11.10am

15. **Planning Performance Report – October 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@eastcambbs.gov.uk">translate@eastcambbs.gov.uk</a></p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."</p>



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Wednesday, 7<sup>th</sup> November 2018  
at 2.00pm

### **P R E S E N T**

Councillor Joshua Schumann (Chairman)  
Councillor Christine Ambrose Smith  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Mark Goldsack  
Councillor Bill Hunt  
Councillor Mike Rouse  
Councillor Stuart Smith

### **OFFICERS**

Maggie Camp – Legal Services Manager  
Richard Fitzjohn – Senior Planning Officer  
Toni Hylton – Planning Officer  
Anne James – Planning Consultant  
Catherine Looper – Planning Officer  
Janis Murfet – Democratic Services Officer  
Andrew Phillips – Planning Team Leader  
Rebecca Saunt – Planning Manager  
Dan Smith – Planning Consultant

### **ALSO IN ATTENDANCE**

Councillor Peter Cresswell (Agenda Item No. 6)  
Councillor Lorna Dupré (Agenda Item No 11)  
Councillor Lis Every  
Councillor Julia Huffer (Agenda Item No 5)  
Approximately 16 members of the public

#### **77. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Sue Austen and Derrick Beckett.

There were no substitutions.

#### **78. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**79. MINUTES**

It was resolved:

That the Minutes of the meetings of the Planning Committee held on 24th September and 3<sup>rd</sup> October 2018 be confirmed as a correct record and signed by the Chairman.

**80. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- On behalf of Members, the Chairman welcomed Dan Smith, Planning Consultant, to his first meeting of the Planning Committee;
- In a change to the published order of business, Agenda Item No. 6 would be taken first, in order to allow Councillor Cresswell to address the Committee before leaving to fulfil a civic engagement;
- A new Planning Officer, Emma Barrel, would be taking up post on Monday, 12<sup>th</sup> November.

**81. 18/00681/FUL – LAND REAR OF 92 DUCHESS DRIVE, NEWMARKET**

Richard Fitzjohn, Senior Planning Officer, presented a report (reference T122, previously circulated) which sought permission for the erection of a detached dwelling and associated vehicular access. The application site would be accessed via a Public Right of Way (Footpath No.11 Cheveley) which also formed the approved access for 3 dwellings (yet to be constructed) approved by planning permission 15/01102/OUT.

Amended plans had been received during the course of the application involving re-siting of the proposed dwelling, in addition to amendments to the required Public Right of Way access alteration details so that they matched the details approved by planning permission 15/01102/OUT.

The application site comprised grassland to the rear of 92 Duchess Drive, with a Public Right of Way (Footpath 11 Cheveley) located adjacent to the south-east boundary of the site. There were some protected (TPO) trees located along the north-west edge of the Public Right of Way towards the end of Meadow Lane; the Public Right of Way connected Meadow Lane to Duchess Drive. There were existing dwellings located to the north-east of the site, a dwelling (yet to be constructed) had been approved by planning permission 16/00304/FUL within the rear garden of 92 Duchess Drive to the south-west of the site and 3 dwellings (yet to be constructed) had been approved by planning permission 15/01102/OUT to the south-east of the

site.

It was noted that the application had been called in to Planning Committee by Councillor Peter Cresswell as he had serious concerns regarding the application, centring on the access to the site via Meadow Lane, which was a public footpath.

A number of illustrations were displayed at the meeting, including a map, an aerial image, a site plan and the proposed elevations.

The main considerations in the determination of the application were:

- Principle of development;
- Character and appearance of the area;
- Residential amenity; and
- Highway/pedestrian safety and the Public Right of Way.

The Senior Planning Officer reminded Members that the Council was currently unable to demonstrate an adequate 5 year supply of land for housing and therefore housing applications should be assessed in terms of the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF). This meant that housing proposals should be approved unless any adverse effects significantly and demonstrably outweighed the benefits of the scheme.

In terms of the principle of development, the proposal was in a sustainable location within the development framework.

With regard to the character and appearance of the proposal, it was noted that the application site was enclosed by high level fencing and did not make a positive contribution to visual amenity or views within the area. The proposed dwelling would be of a simple and traditional design and its scale would be in keeping with the surroundings. The materials had not yet been agreed and would be secured by condition at a later date. A Tree Survey and Tree Protection Plan had been submitted, and the Council's Trees Officer had confirmed that the removal of the indicated Hawthorn tree was acceptable. However, it was considered that a separate Tree Protection Plan should be agreed with the Local Planning Authority (LPA) to ensure protection during construction of the ancient hedgerow adjacent to the Public Right of Way.

An amended plan had been submitted which moved the proposed dwelling further away from the neighbouring boundary with No. 39 Meadow Lane. It would now be located almost 7 metres away from this neighbouring boundary, providing a sufficient separation gap and layout to prevent it from being overbearing or causing a significant loss of light or outlook to this neighbouring property.

The Committee was reminded that the site would be accessed via the Public Right of Way (PRoW) from Meadow Lane and while it would directly



bring additional traffic, planning permission had previously been granted for 3 dwellings (yet to be constructed) on the land opposite under application reference 15/01102/OUT. The provision of elephant gates had already been secured through the S106 Agreement to that approval, but a draft S106 had been submitted with the current application to ensure that one set of gates were installed along the PRow, depending on which development commenced first. Although additional traffic weighed against the application, it was considered that there would be no significant harm to the amenity or safety of the PRow from 1 additional dwelling. There had been no objections from County Highways or Public Rights of Way departments. Members were informed that the applicant owned both the access and the PRow.

On balance, it was considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits, and the application was therefore recommended for approval.

At the invitation of the Chairman, Councillor Peter Cresswell, a Ward Member for Cheveley, addressed the Committee and read from the following prepared statement:

*'By way of introduction, I would like the Committee to be aware that I was heavily involved, as ward member, in the planning process when Duchess Park, was developed, albeit over 10 years ago. As a result understandably I have taken a close interest in all additional applications on that development.*

*In dealing with the application before you, reference must be made to the outline permission granted for 3 detached dwellings, on the site opposite to the one you will be determining this afternoon.*

*From the outset I was vehemently against concreting over the public footpath leading to the site. I made my views known to the Senior Planning Officer on a number of occasions. There were various amendments to this application, resulting in delays. You will note from the report that the original application was lodged in 2015, but not approved until July 2017. Without having the courtesy of consulting me, this application was determined under delegated powers. Had I known that was to be the case, I would certainly have called it in.*

*At the time I was assured by the Senior Planning Officer that no other applications would be acceptable on this development. Whether that was to pacify me, I will leave you to decide. Yet this afternoon you have another one before you recommended for approval which highlights in my eyes the inconsistency of the Planning Team. You will have read through the responses from consultees and the lengthy list of conditions that would apply. Surely they highlight that this application should be refused.*

*This morning you will have seen for yourselves how narrow the public footpath is, leading to the site. This footpath between Centre Drive and Duchess Drive, has been used by local residents for generations. It is far too narrow for construction vehicles to gain access to the site. I submit that to suggest that a public footpath should be widened for the benefit of housing development of this nature, is totally unacceptable. I urge the Committee to*

*refuse this application, or defer a decision, in order to undertake an investigation as to why outline planning permission was granted to erect 3 dwellings on the opposite site and concrete over the public footpath, in contravention to the strong objections made at the time.'*

Councillor Goldsack asked Councillor Cresswell if he had not thought of calling in the other application. Councillor Cresswell replied that it could be said that he had missed a chance, but he had not been consulted and told of the situation; if he had, he would have called it in.

Councillor Hunt wished to know if the County Council owned Footpath No. 11. The Senior Planning Officer said that he had spoken to the applicant; they owned all the land within the application site, which was the majority of the PRow and the Lane. He could not consider land ownership issues, he had to go with what he had been told and the merits of the application.

The Chairman reiterated that land ownership was not a material planning consideration and could not be considered. Councillor Hunt responded by saying that he felt it was a matter to be recorded in the Minutes. If the application was granted permission, the County Council should be made aware because if it was their property, there could be some uplift.

The Planning Manager stated that the Senior Planning Officer had telephoned the applicant after the site visit to clarify the situation. The applicant stated that he owned the land and had signed Certificate A.

Councillor Goldsack felt it was a perfectly good application as there was an extant permission for 3 dwellings. However, Councillor Cresswell had raised some good points and he wondered whether determination should be deferred to allow for further investigation of the planning permission for the 3 dwellings located opposite (reference 15/01102/OUT).

The Chairman questioned the basis for further discussion of the planning permission 15/01102/OUT and the Planning Manager added that it could be very difficult in the light of previous discussions and planning permission already having been approved for it. Councillor Cresswell could have called in the previous application, but the relevant S106 Agreement had been signed and she could see no reason to revoke the decision for those 3 dwellings.

Councillor Ambrose Smith made the point that the previous application would have appeared on the Weekly List, and it was unfortunate if it had been missed. Councillor Cox thought that the approval for the 3 dwellings gave the go ahead for this application and he said he would support the Officer's recommendation.

The Chairman commented that he had noticed how low density Meadow Lane was, and he found it disappointing that the extra space was being used. However, the precedent had been set and the Committee was looking at 1 dwelling.

It was proposed by Councillor Cox and seconded by Councillor Schumann, that the Officer's recommendation for approval be supported. When put to the vote the motion was carried, there being 6 votes for and 2 votes against.

It was resolved:

That planning application reference 18/00681/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

**82. 17/02031/FUM – LAND REAR OF 12 TO 58 STATION ROAD, KENNETT**

Anne James, Planning Consultant, presented a report (reference T121, previously circulated) which sought consent for the re-development of the Hanson Depot site and the erection of 76 dwellings, 40% of which would be for affordable housing, with associated access, open space and surface water drainage systems.

The site comprised an irregular shaped area of land located to the south of Kennett village. To the west of the site was a disused commercial depot with land to the east comprising mature woods and mixed open fields. The River Kennett abutted the eastern boundary with the A14 running along the northern extent. To the south of the site lay Kentford and the boundary with Suffolk.

It was noted that the application was being considered by the Planning Committee in view of the number of dwellings proposed which exceeded the 50 dwelling threshold as set out in the Council's Constitution.

A number of illustrations were displayed at the meeting. They included photographs relating to visual and residential amenity, the design and layout of the site, a photograph and plan of the access, and the application site in relation to the flood zones.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual amenity;
- Residential amenity;
- Highway safety;
- Drainage & flood risk; and
- Biodiversity & ecology.

Members were reminded that the Council could not currently demonstrate a 5 year supply of land for housing, and therefore all planning applications for housing were to be considered on the basis of a presumption in favour of sustainable development.

The site lay outside of the development envelope for Kennett and it had not been allocated in either the Local Plan 2015 or the Submitted Local Plan 2018. No justification had been received as to whether the existing use was still viable to continue in employment use and this factor weighed negatively in the planning balance.

Whilst the layout of the new housing was innovative, it was dictated by the curves of the road design and had no regard to its setting and no clear hierarchy of spaces. It was unlikely to naturally assimilate between the residential and rural landscaping areas and failed to take reference from the prevailing linear pattern of development in the area. It was considered that the scheme would extend the urban edge of the village and not be policy compliant.

Speaking of residential amenity, the Planning Consultant said that the proposal fell short of some of the spatial requirements set out in the East Cambridgeshire Design Guide. As a result, future occupiers of those properties detailed in her report would not be provided with a satisfactory living environment in terms of privacy, outlook, sunlight/daylight penetration and visual intrusion. There was also a concern that the new dwellings located adjacent to the A14 to the north of the site would be subjected to noise and poor air quality. On balance, it was considered that the scheme would result in an overdevelopment of the site resulting in a sub-standard, cramped and contrived environment.

It was noted that the application did not contain sufficient information to allow the Transport Assessment Team to adequately assess the impact of the proposed development on the surrounding highway network. No visibility splay information had been provided and the splays had not been correctly indicated on the drawings. No tracking drawings indicating HGV's or service vehicles entering and leaving the junction had been provided. Furthermore, the junction arrangement did not appear to be wide enough to accommodate the proposed intensification and type of use.

The internal road layout would not be to an adoptable standard, and as such the Local Highways Authority would not offer to adopt any part of the development. It was also noted that although there would be 2.3 parking spaces per dwelling, there would be no provision for visitor parking and this would likely result in additional on-street parking.

The application site was located with Flood Zones 2 and 3 and was prone to flooding. The Environment Agency was maintaining its objection to the scheme on the basis that the Flood Risk Assessment did not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular it failed to demonstrate that the scheme would not increase flood risk elsewhere.

The Local Lead Flood Authority had also objected citing that if fluvial flooding occurred, the attenuation basin would likely be inundated and the surface water drainage on site would not function. It was therefore considered that the scheme did not satisfactorily deal with either fluvial or surface water drainage and would not constitute sustainable development.

With regard to other matters, the application was not supported by any justification for the loss of the employment site and therefore it was not known whether the site was still viable for continued use in promoting economic growth.

The applicant had not been required to submit additional ecology and biodiversity reports as the application was recommended for refusal.

It was noted that an area of public open space was proposed within the north-western area of the site, but it was an isolated corner which was not overlooked by housing. It was not clear what form the area would take or how it would be managed and maintained in the future. Because the internal road layout had not been designed to an adoptable standard, the Council's Parks department might not adopt the area. The applicants had not indicated who would be responsible for the public open space or whether the Parish Council had been contacted, and so it was uncertain how the area would be delivered.

The Planning Consultant concluded by drawing Members' attention to the slide which set out the planning balance; it showed that the adverse impacts outweighed the benefits and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Philip Kratz, agent, addressed the Committee and made the following points:

- He had not been involved in the formulation of the application;
- The Council could not demonstrate a 5 year supply of land for housing, therefore current policies were considered to be out of date and the tilted balance applied;
- The principle of development was potentially acceptable and a full survey had been undertaken with the Community Land Trust (CLT);
- Part of the site had been developed. A former depot had been there and there was an historic right for it to be used for employment;
- Removing HGV traffic had to be weighed in the balance;
- In the last few days he had spoken to the applicant's advisors and all the reasons for refusal could be overcome with ongoing discussions or planning conditions;
- Highways had said that the scheme could be made acceptable;
- The CLT's aspirations to the north would be questionable if this was no good. This proposal would help the needs of both the District and Parish Councils by offering 40% affordable housing;
- There would be a cash flow benefit to the developer but they would take a hit on the affordable housing;

- He could understand the Environment Agency's and Highway's points of view regarding insufficient information and commended deferral of the application to allow technical issues to be resolved.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham Villages, addressed the Committee with a prepared statement on behalf of Kennett Parish Council:

*'Kennett Parish Council recently objected to the proposed development on the Tilbrook land opposite Kennett School, as well as the proposed development on Longstones Stud. We stated as reasons their unsustainability as demonstrated by the pressure on infrastructure and in particular the over use of the B1085 (currently 4,500 vehicles per 24 hour period – Kennett speed camera figures). The proposed 500 houses on Tilbrooks is a disproportionate increase in the number of houses for a village of Kennett's size (165 dwellings).*

*There has been (and continues to be) a very large increase in the size of neighbouring villages, which will lead to an estimated increase of 1,000 uses per day of the local roads from all of these proposed developments. A further development of 76 dwellings on the newly proposed site would add another estimated 300 car uses per day on the B1085 and additional infrastructure pressure over and above those of concern above.*

*Kennett Village CLT has recently voted in favour of the development of 500 houses on the Tilbrook land, this was on the acceptance that some increase in housing in the area is needed and importantly on the understanding that this would be the only major development in the village during the course of the East Cambridgeshire Local Plan, taking us up to the year 2036. To accept this additional development would go against all the understanding that has been built up over the past 2 years. It would also leave ECDC open to appeal from all other landowners in Kennett who have had their proposed developments turned down.*

*The majority of the proposed development is outside the Kennett Village Development Area, as such it is totally unacceptable. To make matters worse it is a proposal for 'back land development' which has never been accepted in Kennett in the past. All Kennett organisations (Parish Council, CLT and Kennett Action Group) are canvassing for a reduction in the number of houses planned in the Tilbrook development, to add a further development on top would go against nearly every Kennett residents' wishes and serve to exacerbate the current situation.*

*This proposed development, along with the proposed Tilbrook development together would (if accepted) increase the size of the village by nearly 350%. This is not acceptable. No other town or village in England would be expected to take this increase in housing over such a short period of time.*

*It borders the River Kennett's flood plain so closely that a severe flood would affect the development area. It does not offer any significant benefits to the village or villagers e.g. village shop, school, parking for station, area for light industry (jobs) or other amenities; this has already been offered by the proposed Tilbrook development.*

*This site has proven Mineral Rights, which must be safeguarded.*

*Councillors are also concerned about the vehicular access to the proposed development site and the provision of adequate resident's vehicle parking within the site. In particular, whilst allowing site access for service and emergency vehicles and maintaining the safety of pedestrians and vehicle users on Station Road.*

*Overall, Kennett Parish Council object to and oppose this development on the grounds of its sustainability as outlined above.'*

In response to a question from Councillor Hunt, the Planning Consultant stated that the drawings showed there would be tandem parking on the development. The Chairman added that the detailed plan indicated that there could be as much as 30-40% tandem parking. Councillor Hunt wanted to know if the roads would be built to adoptable standard and he was advised that they would not. The Planning Consultant continued, saying that this application had been received in December 2017. Officers had been in dialogue since then to obtain more information but none had been received to overcome the issues. The line had now been drawn.

Councillor Smith asked if there would be street lighting if the roads were not adopted; the Planning Consultant replied that she was unable to answer, as no information had been provided.

The Chairman noted that deferral had been suggested. If the issues could not be overcome, then he saw little point in deferring determination of the application, but if it was just technical issues, then deferral was a possibility.

Councillor Hunt said he echoed Councillor Huffer's comments and he duly proposed that the Officer's recommendation for refusal be supported. The application showed tandem parking and as this was covered in the Submitted Local Plan, it should carry some weight. The Planning Manager reminded Members that tandem parking could only be given limited weight but agreed that a reference to it could be included in reason for refusal No. 6.

The Chairman remarked that he found it disappointing that this major development was located so close to a major road, and the Planning Inspectorate was of the same opinion. People should strive for better developments because they were homes for people, and he would keep emphasising the point.

Councillor Cox believed that the proposed bunding would be hopelessly inadequate.

Councillor Goldsack seconded the motion for refusal, and when put to the vote,

It was resolved unanimously:

That planning application reference 17/02031/FUM be REFUSED for the reasons given in the Officer's report, with Reason 6 being amended to include a reference to tandem parking.

**83. 18/00820/OUM – LAND PARCEL SOUTH OF A142 COMMON ROAD, WITCHFORD**

Andrew Phillips, Planning Team Leader, presented a report (reference T123, previously circulated) which sought outline consent with details of access to be agreed for the erection of up to 116 dwellings alongside associated landscape, public open space and infrastructure works. Appearance, landscaping, layout and scale would need to be agreed at a reserved matters stage.

To the north of the site was the A142, with Common Road defining the western boundary and Manor Road defining the southern and eastern boundaries. There were residential properties and agricultural buildings in the southwest corner of the site and Witchford Village College was located to the east of the site on the opposite side of the road. There was a copse located to the northwest and adjacent to the site, and allotments were located to the northeast of the site.

The application had been brought to Planning Committee, due to the size of the proposal and the Council's scheme of delegation.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, an indicative layout, and indicative bund/noise barrier details.

The main considerations in the determination of the application were:

- Principle of development;
- Residential Amenity;
- Visual Impact;
- Highways; and
- Contributions.

The Planning Team Leader reiterated that the Council could not currently demonstrate a 5 year supply of land for housing, and therefore all planning applications for housing were to be considered on the basis of a presumption in favour of sustainable development unless there was significant and demonstrable harm that outweighed the benefits. The application needed to be considered on the basis of a tilted balance in accordance with paragraph 11 of the National Planning Policy Framework.

Members noted that the site had been allocated under Policy Witchford 5 in the Proposed Local Plan 2018 and the application for 116 dwellings was therefore considered to be acceptable in principle.

In terms of residential amenity, the main source of noise pollution on the site came from traffic using the A142 and there was concern regarding people being able to sleep during night time hours and relaxing in their



homes/gardens outside of typical work hours. Paragraph 7.12 of the Officer's report set out the Planning Inspector's comments on the nearby scheme (16/01019/RMM) at Land North of Field End, Witchford.

The developer was proposing a noise barrier along the northern boundary (set adjacent to the A142) and along the eastern boundary. Both bunds would be separated from the proposed dwellings, but with the developer's indicative layout it could still lead to 9 properties requiring either alternative ventilation or smart design.

It was considered that the noise barrier was of a high quality and that there was no reason why a suitably designed scheme for 116 dwellings could not come forward. A condition requiring a Construction Environmental Management Plan (CEMP) would be added to ensure that there was no contamination on site and to ensure that construction work took place during sociable hours. The impact on views of the Cathedral would be minimal.

The proposal sought to provide two vehicular accesses, one onto Common Road and the other onto Manor Road. A circular cycle/pedestrian route was indicated to be placed around the proposed residential development. It was known that the roundabouts were already over capacity and that Main Street/Witchford Road was often used as the bypass in morning rush hour.

The developer was offering to pay £109,200 towards improving the Lancaster Way/A142/Witchford Road roundabout. This had been agreed by the County Council, but the S106 Agreement had yet to be signed.

Witchford Parish Council had requested the creation of a junction directly opposite the school entrance. However, this would create a highway danger and it was not what was proposed by the developer. It was noted that the Highways Authority did not accept cross junctions.

Speaking next of the main contributions, the Planning Team Leader reminded Members that the scheme proposed 30% affordable housing, with 70% being rented and 30% being shared ownership. There would also be 5% self-build and the developer would be required to pay Community Infrastructure Levy (CIL).

It was considered that on balance, the proposal was acceptable for up to 116 dwellings, subject to the recommended conditions and the completion of a S106 Agreement and was therefore recommended for delegated approval.

At the invitation of the Chairman, Mr John Londesborough, agent, addressed the Committee and made the following comments:

- There had been consultation with all parties;
- It was a sustainable location and had been identified for housing in the Emerging Local Plan;
- The development would help to meet local housing needs and would contribute to the District's 5 year housing supply;

- The site was a logical location;
- The tilted balance, as in paragraph 11 of the NPPF, was engaged;
- All the technical issues had been addressed to the satisfaction of all the consultees;
- There was capacity to accommodate the development, a clear framework and contributions would be made;
- The scheme would complement existing dwellings and deliver 30% affordable housing;
- It would bring economic benefits and help the Parish Council improve linkages including a foot/cycle path;
- There would be new green infrastructure and the bund would be landscaped.

The Chairman asked what was intended for the area between the northern bund and the boundary landscaping. Mr Londesborough replied that it was to be left as green open land because there was an element of surface water.

In response to a question from Councillor Goldsack regarding the timescale for delivery of the development, Mr Londesborough said that they would be looking to sell the land to a house builder as soon as possible. This would likely be within 12 – 18 months and delivery would be within 2- 3 years.

Councillor Smith said he would like to see the roundabout upgraded before any housing was built. The Planning Team Leader replied that a County Council study had showed that the roundabout required significant improvement, but the contributions would not pay for all the improvements needed. He, amongst others, had been pushing for something to be done for the last 2 years. Whilst he fully took on board what Councillor Smith was saying, the development could not be held up for this one roundabout.

Councillor Rouse expressed his full support for the proposal, saying that it was a really good site for development.

Councillor Hunt concurred, adding that it was a relief to see an application that was within the Emerging Local Plan and had been put forward by the Parish Council. He believed it showed a way forward by working together.

Councillor Goldsack said Members were seeing the benefit of ongoing consultation between Officers and the applicant. He thanked the applicant for working with the planning department to produce a fully policy compliant proposal.

The Chairman noted how pleasing it was to consider an application that was fully compliant with our planning policies and good to see an applicant that worked well with our Planning Officers.

It was proposed by Councillor Hunt and seconded by Councillor Goldsack that the Officer's recommendation for delegated approval be supported. When put to the vote,

It was resolved unanimously:

That the Planning Manager be given delegated authority to approve planning application reference 18/00820/OUM, subject to the recommended conditions as set out in the Officer's report (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement.

**84. 18/00934/OUT – 8 MALTING LANE, ISLEHAM, CB7 5RZ**

Toni Hylton, Planning Officer, presented a report (reference T124, previously circulated) which sought outline permission for the erection of a dwelling to include access, layout and scale. The proposed dwelling was to be situated in the rear garden of the host dwelling with access shown from Croft Road. It would be sited in the middle of the overall plot of the host dwelling, but set to the northern end of the site with the garden concentrated to the south.

The site was within the development for Isleham but outside of the Conservation Area for the village. It was within an established residential area which was predominantly semi-detached or two storey dwellings. Each dwelling had a front and rear garden with parking limited to the front or side of each plot.

It was noted that the application had been called in to Planning Committee by Councillor Derrick Beckett for the reasons set out in paragraph 2.6 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout and elevations of the proposal and photographs relating to residential and visual amenity.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual impact;
- Highway safety and parking; and
- Flood risk and drainage.

The Planning Officer reminded Members of the Council's current inability to demonstrate an adequate 5 year supply of land for housing. The presumption should therefore be in favour of sustainable development unless any adverse impacts of the scheme significantly and demonstrably outweighed the benefits.

The site was located within the development envelope of Isleham. The village had a number of services and a daily bus service to Newmarket and Cambridge during the week. On this basis a dwelling in this location was considered to be acceptable.

It was noted that the host dwelling, No. 8 Malting Lane and 1 Croft Road were the main dwellings that would be affected by the proposal.

A dwelling could be built on the site with no windows facing 6 Malting Lane, and while there might be some impact, it was unlikely to cause significant harm by overlooking, loss of light or by being overbearing.

The boundary of 1 Croft Road was approximately 8 metres from the proposed dwelling and it was considered that this separation distance was unlikely to cause harm to the residential amenity of this neighbour.

The Committee was reminded that in 2017 planning permission was granted for a two storey rear extension at 8 Malting Lane. Whilst this had not been implemented, the proposal would reduce the garden space to under the 50 metres stated within the Design Guide. If implemented, the extension and the proposed dwelling would be approximately 6 metres apart; this in itself would be an overbearing form of development. Even without the extension the proposal was overbearing on the adjoining host property. It was considered that it was contrary to Policy ENV2 of the Local Plan 2015 and the Submitted Local Plan 2017.

Turning next to visual amenity, the Planning Officer said that while the proposal was in outline, the plan clearly showed that there would be limited space between the dwellings, particularly if the extension was implemented.

It was considered that the proposal would cause significant harm to the character of the street scene and the visual appearance of the area by introducing a cramped and contrived form of development. It would create significantly detrimental impacts on the residential amenity of neighbouring properties by virtue of its scale and position in close proximity to the boundaries of the site and overbearing impacts on neighbouring occupiers. The application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Philip Kratz, agent, addressed the Committee and made the following remarks:

- Nobody had registered to speak in objection today;
- The application for Mill House in Soham had been approved despite not complying with the Design Guide and Officers recommending it for refusal, adding another dwelling to the District's housing stock;
- The Council could not demonstrate a 5 year supply of land for housing and therefore the NPPF's tilted balance was engaged;
- Where policies were considered to be out of date, applications should be granted approval unless the adverse impacts outweighed the benefits;

- The Ward Member had said that this would be an opportunity to provide another small dwelling;
- In terms of the principle of good neighbourliness, there would be no overlooking, no loss of privacy and an adequate means of access;
- It met the requirements of both the host and new dwelling in relation to the Design Guide;
- To refuse the application, Members must feel that there would be significant and demonstrable harm caused;
- This dwelling was benign and would not cause harm to anyone.

Councillor Smith asked the Planning Officer how much weight Policy LP22 carried in the new Local Plan and was advised that it could be given limited weight, but it reflected other policies in the adopted Local Plan.

In proposing that the Officer's recommendation for refusal be supported, Councillor Hunt declared the application to be 'dreadful' and woefully inadequate because there would be tandem parking on the site. He requested that some wording be added to the reasons for refusal to reflect this.

Councillor Rouse said he would abstain from voting as he had not attended the site visit.

Councillor Ambrose Smith commented that she had found the site to feel truly oppressive.

The Chairman made reference to the Design Guide, saying that in the past he had been in favour of small units. However, he felt this scheme to be cramped as the plot size was nearly half of that set out in the Design Guide. He duly seconded the motion for refusal.

Councillor Goldsack believed that there would be tandem parking on Croft Road, especially with parents coming to pick up children from the school. As such, this application completely backed up the Council's policies. The Chairman agreed that there should be acknowledgement that cars would be reversing out of the site onto the road.

The Committee returned to the motion for refusal. When put to the vote, it was declared carried, there being 7 votes for and 1 abstention. Whereupon,

It was resolved:

That planning application reference 18/00934/OUT be REFUSED for the reasons given in the Officer's report, with Reason 1 being amended to read '*and a contrived layout due to its scale **being 180 square metres, tandem parking and proximity...***'

*There followed a short break between 3.42pm and 3.50pm.*

**85. 18/00986/OUT – LAND REAR OF 9 WEST END, WILBURTON**

Richard Fitzjohn, Senior Planning Officer, presented a report (reference T125, previously circulated) which sought outline consent for the erection of 7 dwellings, with access to be considered. Matters relating to appearance, landscaping, layout and scale were reserved. The proposal included the provision of a new 1.8 metre public footway connecting the application site and the existing footway further to the east of the site.

The application site comprised an agricultural field on the south side of West End, towards the western end of Wilburton and outside of, but adjacent to the development framework. Trees located along the northern boundary provided a good level of screening to the site, which gently sloped up in a north to south direction away from the public highway.

It was noted that the application had been called in to Planning Committee by Councillor Charles Roberts for the reasons set out in paragraph 2.3 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, and an outline of the layout.

The main considerations in the determination of the application were:

- Principle of development;
- Character and appearance of the area;
- Residential amenity;
- Highway safety; and
- Drainage.

Speaking of the principle of development, the Senior Planning Officer reminded Members that the Council was currently unable to demonstrate a 5 year supply of land for housing. Housing applications should therefore be assessed in terms of the presumption in favour of sustainable development.

The site was located outside of, but adjacent to the established development framework for Wilburton. The proposed development would provide a new 1.8 metre public footpath connection between the application site and the existing footpath located further east along West End. The scheme would therefore provide a safe pedestrian route into the village. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site was considered to be in a sustainable location.

The Committee noted that the scheme would not appear isolated as there was residential built form to the north, east and west of the application site. There were no significant or important views across the site and the Conservation Officer did not have any concerns that the development would affect the Conservation Area. It was proposed that the existing trees would be retained and those along the northern boundary of the site would aid assimilation of the proposed dwellings into the surrounding landscape and help to soften the visual impact. It was therefore considered that the site

could accommodate 7 dwellings without harming the character and appearance of the area and nearby Conservation Area.

The indicative layout demonstrated that 7 dwellings could be accommodated within the site with sufficient distancing from neighbouring properties to prevent any significant detrimental impact upon residential amenity. The indicative plans also showed that a private garden could be provided to the rear of the dwellings which exceeded the Design Guide requirement of a minimum of 50 square metres for private rear amenity space.

It was noted that the Local Highways Authority (LHA) had originally requested a holding objection on the application due to inadequate pedestrian access to serve the proposed development and the width of the junction. However, this had been addressed by the submission of a revised plan, following the receipt of which the LHA had stated that they had no further objections, subject to recommended conditions requiring the implementation of the new footway and the access to be constructed in accordance with the submitted drawing. It was therefore considered that the proposed development would not create any significant harm to highway safety.

The application site was located in Flood Zone 1 and Anglian Water had confirmed that the foul drainage from the development was in the catchment of the Wilburton Water Recycling Centre, which would have available capacity for these flows. Foul and surface water disposal schemes would be agreed by planning condition and it was considered that subject to those conditions the proposed development would not cause any significant detrimental impacts.

On balance, it was considered that the proposed development could be achieved without creating any adverse impacts that would significantly and demonstrably outweigh the benefits.

At the invitation of the Chairman, Mr Adam Tuck, agent, addressed the Committee.

He said he had worked closely with Officers on the application and he wished to thank the Senior Planning Officer for all his hard work. There had been no objections from any of the statutory consultees and he hoped that Members would support approval of the scheme.

Councillor Hunt said he was very familiar with the site and was aware that speeding was more prevalent going up the hill. Having noted that 45 metre visibility splays were proposed, he asked if the applicant would be prepared to increase the length by another 10 metres. Mr Tuck replied that there had been no objections from the LHA, but this could be considered.

Councillor Hunt next asked if the turning head would be to an adoptable standard and Mr Tuck said that it would be so for the first 10 metres and the rest would depend on drainage and if the road surface was permeable. There would be bin collections off the main road and the Council would be indemnified for refuse lorries.

In response to a question from Councillor Cox, Mr Tuck confirmed that it would not be necessary for any of the occupants of the 7 houses to take their refuse bins up to the kerbside.

Councillor Hunt proposed that the Officer's recommendation for approval be supported. In doing so he requested that the length of the visibility splays to be increased to 55 metres and that HGV/delivery vehicle access be restricted to between the hours of 09:00 and 16:00.

The Planning Manager stated that the hours of access had to be reasonable, reiterating that sometimes deliveries were outside of the applicant's control. The Chairman suggested that just HGV's be restricted, and that if Members were so minded, approval of the conditions be delegated to the Planning Manager in consultation with himself.

Councillor Rouse believed the site to be very good and duly seconded the motion for approval. When put to the vote the motion was declared carried, there being 7 votes for and 1 abstention.

It was resolved:

That the Planning Manager, in consultation with the Chairman of the Planning Committee, be given delegated authority to approve planning application reference 18/00986/OUT subject to the recommended conditions as set out in the Officer's report, an amendment to increase the length of the visibility splay and with the addition of a condition restricting access for HGV's to between 09:00 and 16:00 hours.

**86. 18/01008/FUM – IFORCE LTD, ELEAN BUSINESS PARK, SUTTON, CB6 2QE**

Dan Smith, Planning Consultant, presented a report (reference T126, previously circulated) which sought permission for the erection of an extension to an existing warehouse for the purpose of storage and distribution of goods (B8 Use) as well as the assembly of mixed goods and their distribution. The warehouse extension would comprise 1,079 square metres of additional floor area located on the north side of one of the existing buildings on what was currently a hardstanding service yard between two of the applicant's buildings.

The application site was located on the Elean Business Park on the east side of Sutton; it was outside of the defined development envelope of the village but within the confines of the existing Business Park. To the immediate south of the site was the building which was proposed to be extended and to the north was a similar building which served the same business. To the west was the Elean Power Station and open land, and to the east was open countryside which separated the Business Park from the western fringe of Witcham.

It was noted that the application had been referred to the Planning Committee as it was a full application which fell within the category of major employment use (floor space of 1,000 square metres or more).



A number of illustrations were displayed at the meeting. They included a map, an aerial image, a photograph relating to visual amenity, and an aerial image with an overlay showing the distance of the proposal from residential neighbours.

The main considerations in the determination of the application were:

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

The Elean Business Park was allocated employment land in the Adopted Local Plan 2015, and it was a Strategic Employment Allocation within the Submitted Local Plan 2018. The development was considered to accord with current adopted policy regarding employment uses and the allocation of employment land and with the aspiration of emerging policy to see a greater use of the Business Park.

It was noted that the extension to the warehouse would be located fully within the confines of the Business Park on hardstanding, and the only wider public views would be distant views of the site from the south east. The scale and materials would be in keeping with the existing building and set in from either end. It was considered that the proposal would not result in any significant harm to the visual amenity of the area or impact adversely on the character and appearance of the countryside.

The lighting would be mounted on the building and would not need to be any greater than at present. On that basis, the proposed development was considered to be acceptable and a condition regarding lighting was considered to be unnecessary.

With regard to residential amenity, Members noted that the proposed development was approximately 500 metres from the nearest residential dwellings. Given the spatial separation and the nature of the proposed use of the building, it was not considered that there would be any significant impact on the nearest neighbouring properties.

The site would continue to be accessed via the existing internal Business Park road. The plans submitted showed that sufficient space would be retained on site to allow HGV's to access the loading bays and turn on site. It was considered that the proposal was unlikely to generate significant additional parking demand and that adequate car parking was already provided on site. It was not felt that further parking provision was required and the proposed development was therefore considered to be acceptable in terms of its impact on highways and its parking provision.

The Committee was reminded that the application site was within the outer limit of the Impact Zone for the Hundred Foot Washes Site of Special Scientific Interest. Natural England had been consulted and responded by saying that the proposal would not have any significant adverse impacts on

statutorily protected sites or landscapes. Given the existing nature of the site, its potential for biodiversity interest was extremely low and the development of the site was not considered to harm ecological interests either on or off site.

In terms of the planning balance, the proposed development was in accordance with adopted and emerging policies for the location of warehousing uses on the established Business Park. It was considered to be sustainable and was therefore recommended for approval, subject to conditions.

It was proposed by Councillor Goldsack and seconded by Councillor Cox that the Officer's recommendation for approval be supported. When put to the vote,

It was resolved unanimously:

That planning application reference 18/01008/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

**87. 18/01053/OUM – LAND REAR OF GARDEN CLOSE, SUTTON**

Anne James, Planning Consultant, presented a report (reference T127, previously circulated) which sought outline planning permission for up to 53 dwellings, 30% of which would be affordable, together with associated development including open space as well as a nature reserve. Access was to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.

Members were asked to note the following points of housekeeping:

- 1) Equality Act 2010, s 149 – Members' attention was drawn to the Equality Act 2010 and the duty placed on all public bodies to have regard to persons who shared relevant protected characteristics.

During the evaluation of this application the Planning Consultant had had a number of conversations with Mr Wood, who with his wife and son, owned 10 Oates Lane, and this property abutted the site to the north. Mr and Mrs Wood had an extant permission for a lifetime home for their son at this site, however, this permission had not yet been implemented.

Due regard had been had to the personal circumstances of this family and this was reflected in paragraphs 7.2.4 and 7.2.5 of her report. Mr and Mrs Wood were unable to attend the meeting as they were taking respite at the moment. However, a letter from Richard Buxton, Solicitors, dated 1st November 2018 had been circulated to the applicant and Members, the contents of which should be noted. Mr and Mrs Wood had requested that should planning permission be approved, that the impact on their son should be addressed at the outline planning stage rather than at the reserved matters stage.

The proposal currently under consideration sought an 'in principle' decision that the site could support up to 53 dwellings as well as public open

space and that access into the site was agreed. The other matters concerning scale, external appearance, layout and landscaping were to be discussed as 'reserved matters' where a further planning application would be submitted. A list of the proposed conditions were also appended at Appendix 1.

A number of conditions had been proposed in the solicitor's letter suggesting that details of the layout, scale and an appropriate buffer, as well as the extent of the development along the northern boundary abutting 10 Oates Lane be imposed on the outline consent.

Members may wish to consider, whilst having due regard to the Equality Act, whether the imposition of these additional conditions would meet the 'six tests' as set out in paragraph 206 of the National Planning Policy Framework (NPPF) in that they were

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Were enforceable;
- Precise; and
- Reasonable in all other respects.

Members may also wish that the Reserved Matters application be re-considered by the Committee.

The indicative Masterplan illustrated that a landscape buffer had been proposed on the northern boundary and that the closest dwelling, a bungalow, faced this boundary treatment across the access road into the bungalow.

Also of pertinence to the application was the extant permission for 10 Oates Lane. The plans indicated that a new chestnut paling fence, reinforced with native species hedgerow was proposed along the southern boundary and Condition 8 of the 2017 consent specified that '*The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the approved plans. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter.*'

It was considered that the Council in both its discussions with Mr Wood and the report, Committee had satisfactorily discharged its duty under the Equality Act 2010 and due regard had been had to persons who share relevant protected characteristics .

- 2) Members were aware that an application was refused in January 2018 and that there was an appeal currently in progress. As yet no decision had been provided.

- 3) Within her report at point 5.1, she had reproduced comments from the Sutton Ward Councillor and should have added that they were from Councillor Lorna Dupré.

The site was located outside the established development envelope of Sutton and adjoined the settlement boundary to the north and west, which marked the edge of the built form of the village. There was modern residential development in Garden Close and a more historic pattern of development along Station Road. A number of ponds and water features were located in the south-eastern corner of the site and the site was bounded by hedgerow and woodland to the south and open land to the east. The Sutton Conservation Area adjoined the northern boundary of the site and there were a number of listed buildings on Station Road and within close proximity to the site.

It was noted that the application had been called in to Planning Committee in accordance with the Council's Constitution as the proposal was for over 50 dwellings.

A number of illustrations were displayed at the meeting. These included a map, an aerial image, an indicative layout showing where views would be protected and trees to be retained, and access points to the development.

The Committee noted that the main considerations in the determination of this application were:

- Principle of Development;
- Visual amenity;
- Historic environment;
- Residential amenity;
- Highway safety;
- Drainage & flood risk; and
- Biodiversity & ecology.

The Planning Consultant reiterated that the Council no longer had a five year supply of land and therefore policies concerning the supply of housing could not be considered up to date. All planning applications for housing were now considered on the basis of the presumption in favour of sustainable development.

An Inspector's decision was awaited on the appeal lodged against the previously refused scheme 17/01445/OUM.

It was noted that the applicants had taken on board comments raised by the Council, statutory consultees and the local community and had improved the layout of the proposed scheme to provide views of the Sutton Conservation Area. The proposed nature reserve would act as a buffer.

The application site lay to the south of the Conservation Area and was in close proximity to a number of listed buildings. Rathmore, and Rectory Farmhouse were both Grade II listed and the closest, being some 30 metres from the northern boundary of the site. The Grade I listed Church of St Andrew was on higher ground on the northern side of Station Road. A Heritage Statement submitted with the application acknowledged that the proposed development would result in a change to a small part of the Conservation Area's setting. The scheme had drawn sightlines to ensure the most significant views looking south were retained. This had been achieved by realigning the internal layout and increasing the amount of landscaped areas to the north; the imposition of a condition was recommended to protect the sightlines.

It was considered that the public benefits of the scheme, including the provision of up to 53 dwellings (including 17 affordable dwellings), open space and the nature reserve would outweigh any harm caused and would not bring the proposal into conflict with the policies of the current Local Plan or that of the Submitted Local Plan 2018.

Turning next to residential amenity, the Planning Consultant said there was sufficient space to ensure that future residents would have a satisfactory level of amenity. A number of concerns had been raised by residents of Garden Close regarding a potential loss of light and privacy if dwellings were located along the western boundary. The development block would be located approximately 16 metres from the boundary to provide a sufficient separation distance, subject to appropriate design, in accordance with the East Cambs Design Guide SPD.

Detailed representations had been received from the owners of 10 Oates Lane, due to the special needs of their son. They had an extant planning permission to construct a dwelling designed to meet his very specific needs and it was considered by them to be a 'lifetime home' as their son would require constant care for his entire life. Mr and Mrs Wood were concerned that the introduction of two storey dwellings in close proximity to their boundary would have an impact on their privacy and their son's future needs.

The illustrative Masterplan indicated that only one bungalow was proposed adjacent to the north-west boundary and it would be some distance from the boundary with 10 Oates Lane. On the basis that this was only an illustrative plan, it was considered that the future layout of the development could take into account the special requirements of the owners of 10 Oates Lane and that refusal of the application on residential amenity grounds at this stage could not be justified. An acceptable development could be designed at the reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site.

The LHA was satisfied that access to the site via Garden Close could be achieved and that the scheme as a whole would not be to the detriment of highway safety. It was considered that the local highway network could safely accommodate the traffic generated by the development.

The applicant had presented a satisfactory scheme to address surface water drainage, and it was considered that this could be adequately addressed at the reserved matters stage and through the imposition of planning conditions.

In connection with biodiversity and ecology, the proposal would result in the loss of some amenity grassland, improved grassland and some species-poor intact hedgerow. However, the applicant had put forward a scheme of mitigation, including the creation of a nature reserve to enhance and protect the local Great Crested Newt population.

Members were reminded that matters in relation to residential amenity, visual amenity and highway safety were not raised as concerns by Committee in January 2018 and therefore it would be unreasonable to introduce them now. Further details could be considered at the reserved matters stage or by condition.

The scheme was considered to represent sustainable development and the benefits would not be significantly and demonstrably outweighed by the adverse impacts. The application was therefore recommended for delegated approval, subject to the recommended conditions and the satisfactory completion of the S106 Agreement.

At this point, the Chairman asked Maggie Camp, Legal Services Manager to address the Committee and she made the following points:

- The Planning Consultant had already covered a lot of what she was going to say;
- Section 149 of the Equality Act 2010 placed a duty on all public bodies (including councils making planning permissions) to have “due regard” to persons who share “relevant protected characteristics” when exercising their functions. This was known as the Public Sector Equality Duty. This meant having due regard to the impact of the decision on persons who shared protected characteristics, in this case Mr and Mrs Woods’ disabled son;
- Members were reminded that the duty did not require the decision maker to do or not to do anything. It was important that Members were aware of, and had due regard to, the duty in making the decision and this applied at all stages of a planning application, both at outline stage and at reserved matters stage.
- Members should also consider whether, without hearing Mr and Mrs Woods today (although it was understood that Cllr Dupre would be reading a statement from them), that they had enough information to be able to consider the potential impact of the development on Mr and Mrs Wood’s son as a disabled person.
- Members should note that they needed to consider whether the approach suggested by the Planning Consultant in giving her report that, namely if in granting outline permission as recommended, they should require the reserved matters to be determined by the

Committee, was likely to adequately address the concerns expressed in the letter from Richard Buxton.

The Chairman announced that he was exercising his discretion to allow the registered speakers 10 minutes each in which to address the Committee.

At the invitation of the Chairman, Mr Duncan Jenkins, applicant, addressed the Committee and made the following remarks:

- The majority of the site was allocated in the Submitted Local Plan;
- The illustrative layout showed how the development would round off the village;
- There were no technical reasons to refuse the application and the affordable housing should be given substantial weight;
- The tilted balance applied and recent appeal decisions supported approval of the scheme;
- There was a small question of the County Council requests in relation to the S106 about education to ensure that this was CIL compliant;
- He thought it appropriate that Officers should have delegated authority to approve the application;
- SuDS and the nature reserve maintenance would be dealt with in the S106 Agreement;
- This was an opportunity for Members to make a local decision.

The Chairman asked Mr Jenkins if there were any reasons why he would find the additional conditions unreasonable. Mr Jenkins replied that the Committee should focus on the principle, as the detailed issues could be dealt with at the reserved matters stage. He outlined that in having 'due regard' to the needs of Mr and Mrs Wood's son, the applicant needed to adopt a reasonable and proportional approach. He felt the separation distances stated in the Richard Buxton letter seemed to be excessive, and he thought they were covered by conditions 1 and 2. If it was considered appropriate, a boundary treatment could be added to condition 2 to create a balance for both sets of future residents.

At the invitation of the Chairman, Councillor Lorna Dupré addressed the Committee, first in her capacity as a Ward Member for Sutton, and secondly as advocate for Mr and Mrs Wood's son. She made the following points:

Ward Councillor:

- She was asking the Committee to refuse the application;
- The principle of development on part of the site was accepted and it was also recognised in the Sutton Neighbourhood Plan, which was

almost at the point of referendum. The original vision was for a development of 25 retirement bungalows, which the community could accept and which would have been appropriate in this context;

- The area was ancient meadow land that had not been ploughed in living memory. It supported a wide diversity of flora and fauna in an ecosystem that had grown up over many years. Once destroyed, it would be impossible to replace;
- Planning Committee considered and refused an outline application in January 2018. It was identical to today's application, apart from a revised illustrative layout for the site;
- The Committee's refusal was currently the subject of an appeal, which had yet to be determined and this application should be deferred until the decision was received on the appeal;
- There was a risk that, if today's application was approved, the Council could find itself in the position of winning the appeal against refusal of its exact duplicate;
- The proposal extended outside the development envelope and outside the site SUT.H2 in the Submitted Local Plan.;
- 2½ storey dwellings would sit badly in the surrounding landscape and it would not be possible to remedy the effect on the landscape and wildlife;
- The area was prone to serious water management issues. Highways had been working with the Lead Local Flood Authority to address drainage problems in Red Lion Lane and resolve flooding at Link Lane. Residents were worried that further infill south of the High Street would make the problem even worse;
- Standing water was frequently seen in the area, even in summer. If the development was built to the proposed density, there would be substantial areas of hard surface driveways and impermeable gardens that would increase runoff;
- There was no guarantee that management of the ditches would be carried out in the future;
- A development of 2 and 2½ storey dwellings in this part of the village would be totally out of keeping;
- If the Committee felt that there was no option but to approve the application, conditions should be imposed today. Otherwise it should be refused and the applicant asked to return with a full application to ensure the development was in context with the surrounding area.

Advocate:



- Mr and Mrs Wood were unable to attend because they were taking a long planned respite break which could not be rescheduled because of the complexities in arranging full time care for their son;
- Members had received a copy of a letter from Mr and Mrs Wood's solicitor, outlining their case and their requests in respect of their decision today;
- The Woods bought the site at 10 Oates Lane with the intention of building a lifetime home where they could care for their son and meet his needs for the rest of their life together. Those needs were recognised when they were granted permission for their new home (17/00756/FUL), and they were requesting that those needs continue to be recognised today;
- They were asking the Committee to take account of their son's needs under S149 of the Equality Act 2010 and impose conditions today which would address the distance of the closest dwellings and gardens from the boundary with 10 Oates Lane, limit the height of those dwellings, and create a buffer zone to restrict access to the boundary with 10 Oates Lane;
- It was not possible for Mr and Mrs Wood to achieve their needs for their son anywhere else. It had been suggested that they move to a remote rural location, but this would mean isolation, lack of access to services and facilities, and it would be difficult to recruit and retain carers;
- Their current home was within range of the centre of the community, so their son would be able to access local facilities and keep in contact with friends. His carers would be able to travel on public transport to look after him;
- Mr and Mrs Wood were fully committed to the site and building would start next month. They now wanted a decision that would enable them to use their future home in the way it was designed, to give their son the privacy and seclusion he needed;
- They were mindful of the amenity of future neighbours and did not want to find themselves being banned from using their garden space;
- If these matters were not determined at this stage, they would have to address the issue again with the developers at the reserved matters stage and this would further compromise their son's privacy;
- They were asking the Committee to create a privacy boundary by imposing the following conditions at this stage:
  - Minimum of 25 metres from the boundary of 10 Oates Lane to the end of any garden, with any dwelling at least 35 metres away;
  - Such dwellings to be single storey, or if not, all windows facing 10 Oates Lane to be non-opening and obscure glazed; and

- The intervening land not to be accessible.
- Mr and Mrs Wood believed there were compelling reasons to limit the developable part of the site to the northern boundary of SUT.H2.

The Chairman asked the Planning Manager if the Committee was able to call in the reserved matters application; she replied that it would be completely reasonable to do so as it had been done on other applications.

Councillor Goldsack felt that Members had fulfilled the obligation to have due regard to the request made by Mr and Mrs Wood in respect of their son. The Chairman reiterated that the Committee did not have to make a decision one way or the other, just to have due regard.

Councillor Hunt commented that as the previous refusal was under appeal, Members should wait before determining this application. The Chairman interjected to say that it was very usual to twin track and applications had to be determined in a timely fashion.

In response to a question from Councillor Hunt, the Legal Services Manager confirmed that Members should take account of the letter from Richard Buxton, Solicitor, but they were under no obligation to act on it.

Councillor Rouse thought the site to be very developable and said he was satisfied that due consideration had been given to the Public Sector Equality Duty; this was a good scheme in a good setting.

The Chairman reminded the Committee that they could not acknowledge the revised plans because they were only indicative. He urged Members to be consistent, as in January 2018 they had thought the site to be good, but refused the application for one reason, namely the site was unsustainable because it was outside the development envelope.

In proposing that the Officer's recommendation for delegated authority be supported, Councillor Hunt asked for the application to come back to Planning Committee at the reserved matters stage so that it could be fully discussed having regard for the Public Sector Equality Duty.

The motion was seconded by Councillor Rouse, and when put to the vote;

It was resolved unanimously:

That the Planning Manager be given delegated authority to APPROVE planning application reference 18/01053/OUM subject to the completion of a S106 Agreement and the draft conditions (with any revisions to the conditions delegated to the Planning Manager) as set out in the Officer's report.

It was further resolved:

That the Reserved Matters application be brought back before the Planning Committee.

**88. 18/01241/OUT - LAND ADJACENT TO CASTLE FARM, HASSE ROAD, SOHAM**

Catherine Looper, Planning Officer, presented a report (reference T128, previously circulated) which sought outline planning permission for a single dwelling. Scale and access formed part of the application with appearance, landscaping and layout to remain reserved matters.

The table in paragraph 2.5 of the Officer's report showed the differences between this proposal and application reference 17/01279/OUT, which had been refused by the Planning Committee on 5<sup>th</sup> October 2017.

On a point of housekeeping, Members were asked to note that the agent had submitted a plan on 6<sup>th</sup> November 2018 showing the position of trees on the site which had been reviewed by the Senior Trees Officer. This was in order to overcome Reason 4 of the refusal recommendation which related to insufficient information being submitted to assess the impact on trees at the site. The Senior Trees Officer advised that this information was not complete and that a Method Statement was required in relation to the construction of the access as there were two trees at the front of the site. In the light of this, the Planning Officer proposed inserting additional wording within Reason for Refusal 4 stating '*without a tree survey and method statement ...*'

The site was located within in Flood Zone 3, approximately 1.65 miles from the edge of Soham's development framework and a further mile from the main facilities and services in the town centre. As a result the application site was considered to be in a countryside location.

It was noted that the application had been called in to Planning Committee by Councillor Carol Sennitt for the reasons set out in paragraph 2.2 of the Officer's report.

A number of illustrations were displayed at the meeting. These included a map, an aerial image and the layout of the proposal.

A similar application was refused in October 2017. The current application had increased the site's red line, and the scale of the dwelling had also been increased.

The Committee noted that the key issues for consideration in the determination of this application were:

- Principle of Development;
- Flood Risk;
- Visual Amenity;
- Residential Amenity;
- Highway Safety; and
- Other Matters.

The Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so.

The application site was located approximately 1.65 miles from Soham, and was outside of the defined development boundary in an isolated location with only a few sporadic dwellings in the locality. It was therefore considered to be an unsustainable location for the erection of a new dwelling, similar to the conclusions of the Inspector in a recent appeal decision.

It was noted that the application site was located in Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed was classified as 'more vulnerable' and the NPPF made it clear that this type of development was not compatible with this flood zone and should not be permitted unless the development was necessary.

A Flood Risk Sequential Test had not been submitted by the applicant. The LPA had therefore considered the requirements of the Sequential Test and identified that there were a number of allocated sites for housing within the Parish of Soham. The proposed additional dwelling was not necessary in this location as there were other available sites located outside of the flood zone.

With regard to visual amenity, it was considered that the development would result in a hardening of the landscape, as there would be views of the proposed dwelling and garage from the highway due to their height and scale. The introduction of a dwelling in this location would be harmful to the rural character and appearance of the area and would create an urbanizing impact which would erode the predominantly undeveloped and agricultural nature of the area.

The application did not include sufficient information to show that the proposal would not be harmful to trees at the site and therefore the LPA was unable to determine whether the proposal is acceptable.

Members noted that the location of the proposal was not considered to create significantly detrimental impacts on neighbouring occupiers. The full impact on residential amenity would be assessed at the reserved matters stage.

The LHA did not object to the principle of the application but had requested a number of conditions which could be attached to any approval. As such, the application was considered to comply with policy in relation to safe and convenient access to the public highway.

A scheme to deal with foul and surface water, contamination, and biodiversity enhancements could all be addressed by means of conditions.

On balance, the proposal was not considered to impact on the residential amenity of nearby occupiers, but the site was in an unsustainable location at risk of flooding, and would create significant and demonstrable

harm to the character of the countryside. Insufficient information had been submitted regarding the impact on trees at the site. The application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following remarks:

- A similar application had come to Committee in October 2017. One of the reasons for refusal was because the site was considered to be too small;
- The current proposal was a larger site in a section of paddock;
- It was similar to pre-October applications granted permission in Great Fen Road and Hasse Road;
- The area was known locally as the Great Fen and had been discussed many times;
- The proposal supported the three objectives to achieving sustainable development, as set out in the NPPF;
- It should be remembered that not everyone wanted to live in towns, and some people worked from home;
- The proposal would be very well screened and planting could be secured by condition;
- The trips generated from the dwelling would be minimal;
- The site was in a defended flood zone and the dwelling was to be constructed to a particular height;
- The applicants had lived in Soham for 25 years, they had family in Soham and had been foster parents to able bodied and disabled children;
- The application was supported by their local Member;
- The Council could not demonstrate a 5 year supply of land for housing, therefore the presumption should be in favour of sustainable development;
- A Method Statement could be conditioned in respect of the trees.

Councillor Goldsack said that having been on the site visit, he did not think the proposal was harmful or unsustainable; in his opinion, the reasons for refusal were not acceptable.

The Chairman remarked that if Members were minded to grant approval, the trees could be conditioned.

Councillor Rouse said that they tended to do things differently in Soham Fen and he could see no substantial reason to not allow the

applicant to have his house where he wanted it. He believed the application should be granted approval.

The Chairman disagreed with the views put forward by Councillors Rouse and Goldsack. The nature of the fen was unusual in that there was open countryside and then clusters of houses. This scheme would not be part of a cluster, it would be very remote and isolated. Consideration should be given to the significant and demonstrable harm it would cause. The site had increased in size, but the fundamentals had not changed.

Councillor Cox said he could not see why the application should be refused because flooding could be mitigated; he did not think the dwelling would do any harm and should be approved. Councillor Ambrose Smith agreed, saying that the school bus transported children and Royal Mail delivered in the area, so the site was sustainable.

Councillor Hunt supported the Chairman's comments. The site was totally in the countryside and the roads were not viable. It was an unsustainable location and the proposal would be out of keeping with the character of the locality.

Councillor Smith commented that if the application was approved then members were not being consistent.

Councillor Goldsack felt that they were not looking at the whole picture regarding local housing. There were several properties along Hasse Road that had large gardens, and this proposal was for a much larger, substantial dwelling.

It was duly proposed by Councillor Goldsack and seconded by Councillor Rouse that the Officer's recommendation for refusal be rejected, and the application be granted planning permission. When put to the vote the motion was declared carried, there being 5 votes for and 3 against.

It was resolved:

That planning application reference 18/01241/OUT be APPROVED for the following reasons:

- Members do not believe the proposal will have an adverse impact on the open countryside;
- They consider the location to be sustainable;
- They do not believe the proposal will have a significant impact on residential amenity;
- The proposed design can overcome issues with flood risk; and
- The impact on trees can be mitigated.

**89. PLANNING PERFORMANCE REPORT – SEPTEMBER 2018**

The Planning Manager presented a report (T129, previously circulated) which summarised the planning performance figures for September 2018.

The Department had received a total of 174 applications during September which was a 22% decrease on September 2017 (222) and a 7% increase from August 2018 (163).

Officers were continuing to hit their targets, but there had been a sudden increase in the number of applications coming in with an average of 490 on the books at any one time.

The Agency Workers were continuing to provide valuable support and a new Planning Officer, Emma Barral, would be taking up post on 12<sup>th</sup> November.

A couple of other offers of employment had been made and the Planning Manager asked Members to bear with her while the Team was brought back up to complement.

The report would continue to give details of appeals, along with other relevant items.

Members noted that Cathy White, Senior Trees Officer, had worked with Neil Horsewell (former Trees Officer) and Catherine Loper, Planning Officer to produce the Council's Tree Strategy 2018-2028. A competition for schools had been held to submit photographs of trees to go in the document and the winners (Littleport Community Primary and Robert Arkenstall Primary Schools) would be given trees to plant in their school grounds during National Tree Planting Week at the end of November. The Chairman expressed his delight at hearing about this, and asked that his thanks be passed on to all members of the Planning Team.

It was resolved:

That the Planning Performance Report for August 2018 be noted.

The meeting closed at 5.25pm.

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**MAIN CASE**

**Reference No:** 17/01838/ESF

**Proposal:** Hybrid planning application (part outline part full) for demolition, alteration and extension of blocks B, C and D, falling within Use Class B1 offices/laboratory, outline planning permission sought for the erection of an Amenities Block/Incubator Hub, Use Classes A1, A3 and D2 offices/laboratory, Use Class B1 a Gateway Building, Use Class B1 offices/Laboratory, Mid Tech Buildings 1 and 2, Use Classes B2 and B8, with associated site access, circulation, car parking, sub stations, landscaping and site assembly works (including retaining walls)

**Site Address:** LGC Limited Newmarket Road Fordham Ely Cambridgeshire CB7 5WW

**Applicant:** Hermes Property Unit Trust

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

**Parish:** Fordham

**Ward:** Fordham Villages  
Ward Councillor/s: Councillor Joshua Schumann  
Councillor Julia Huffer

**Date Received:** 11 October 2017      **Expiry Date:** 7 December 2018

[T145]

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**1.0 RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

1.2 The S106 agreement will secure the following;

- Provision of two bus stops on Newmarket Road prior to completion of Phase 1.
- Improvements to the A142/Snailwell Rd roundabout prior to completion of phase 3
- Financial contribution of £150,000 towards improvements to junction 37 of the A14.



### 1.3 Conditions:

- 1 Approved plans
- 2 Time limit full
- 3 Phasing
- 4 Archaeology
- 5 Contamination
- 6 Contamination Remediation Strategy
- 7 Surface Water Drainage Scheme
- 8 Infiltration of Surface Water
- 9 Piling and Boreholes
- 10 Foul Water Drainage Scheme
- 11 Materials Management Plan
- 12 Travel Plan
- 13 Junction Modification
- 14 Car park
- 15 Fire Hydrants
- 16 Construction Environmental Management Plan (CEMP)
- 17 Tree Protection
- 18 Soft Landscaping
- 19 Maintenance of Soft Landscaping
- 20 Landscape and Environment Management Plan
- 21 External Lighting
- 22 Ecology Mitigation
- 23 Construction and delivery times
- 24 Plant and Machinery
- 25 Times of Use
- 26 Materials
- 27 BREEAM
- 28 Hard Landscaping

### **OUTLINE**

- 29 Reserved matters
- 30 Time Limit outline
- 31 Phasing
- 32 Archaeology
- 33 Contamination
- 34 Contamination Remediation Strategy
- 35 Surface Water Drainage Scheme
- 36 Infiltration of Surface Water
- 37 Piling and Boreholes
- 38 Foul Water Drainage Scheme
- 39 Materials Management Plan
- 40 Travel Plan
- 41 Car park
- 42 Fire Hydrants
- 43 Construction Environmental Management Plan (CEMP)
- 44 Tree Protection
- 45 Soft Landscaping
- 46 Maintenance of Soft Landscaping
- 47 Landscape and Environment Management Plan

48	External Lighting
49	Ecology Mitigation
50	Construction and delivery times
51	Plant and Machinery
52	Times of Use
53	BREEAM

## **2.0 SUMMARY OF APPLICATION**

- 2.1 This is a Hybrid planning application (part outline, part full) for demolition, alteration and extension of Blocks B, C and D, falling within Use Class B1 offices/laboratory (submitted in full), outline planning permission sought for the erection of an Amenities Block/Incubator Hub, Use Classes A1 and/or A3 and/or D2, offices/laboratory, Use Class B1, a Gateway Building, Use Class B1 offices/laboratory, and Mid Tech Buildings 1 and 2, Use Classes B2 and/or B8, with associated site access, circulation, car parking, sub stations, landscaping and site assembly works (including retaining walls).
- 2.2 Phases 1 and 2 are submitted in full and comprise a total of 4,680 sq m gross new B1 floorspace, for office and laboratory use, together with, a total of 157 car parking spaces to the north western part of the site in accordance with the Council's standards.
- 2.3 As part of Phase 1, it is proposed to ban the right turn out of the site and amend the existing traffic island at the site access junction to provide a physical restriction requiring all vehicles to turn left out of the Site.
- 2.4 Phase 3, submitted in outline, will comprise a Gateway building of 4,728 sq m for B1 use and an amenities block of 1,116 sq m gross, incubator hub (1,116 sq m) and offices B1a (584 sq m). This Phase will also provide for an additional 214 parking spaces. Completion anticipated Aug 2020 to Oct 2021.
- 2.5 Phase 4, in outline, will comprise the Mid Tech 1 building to be a flexible space for use as B2 and /or B8 and providing for a maximum of 6,556 sq m gross floorspace. 131 car parking spaces will accompany this building construction. Completion anticipated May 2021 to March 2022.
- 2.6 Phase 5, in outline, will comprise the Mid Tech 2 building with potential to provide three buildings within industrial or storage use B1/B8, providing a maximum of 13,087 sq m gross floorspace. 262 car parking spaces will accompany this building construction. Completion anticipated Nov 2021 to Sept 2022.
- 2.7 A total of 764 car parking spaces are proposed for the five phases of development, which includes 38 disabled car parking spaces.
- 2.8 In addition, a total of 133 cycle spaces which will be delivered proportionally and commensurate with each phase of development.

- 2.9 When all phases are complete and operational, the development will provide for 918 full time equivalent jobs with an estimated Gross Value Added for the economy of £53 million, of which £31.4 million could be local to East Cambridgeshire.
- 2.10 The application is accompanied by an Environmental Impact Assessment.
- 2.11 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.12 The application has been called to Planning Committee by Councillor Schunmann due to the scale of the growth as it could result in a significant impact on local infrastructure and road networks.

### **3.0 PLANNING HISTORY**

#### 3.1

16/00974/FUM	Construction of new office building and covered link with associated car parking and landscaping	Approved	21.09.2016
16/01657/FUL	Temporary permission for three years for a two storey portakabin for use as offices and packaging for LGC	Approved	19.01.2017
17/00942/FUL	Temporary permission for three years for a two storey modular building for use as an office for LGC	Approved	26.07.2017
17/00516/SCOPE	Scoping opinion setting out the scope and content of an Environmental Statement for this hybrid planning application	Issued	10.05.2017

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

- 4.1 The LGC site is just over 1 mile south of Fordham and 3.5 miles north of Newmarket on the A142. Cambridge is approx 15 miles to the south west and accessed south of the site at Junction onto the A14. The site is approx 14.22 ha or 35.14 acres. To the west of the site is the large warehouse site at Turners and DS Smith packaging and further south the Snailwell Industrial estate, The Pines industrial estate and Lynx Business Park. To the east, north and immediately south of the site is open land and the River Snail and a number of sites of SSSI's. The site itself is occupied by LGC Ltd, a company specialising in life sciences measurement and testing, with the site having historical connections with horseracing forensic testing, which is highlighted by the layout and configuration of

the Site, comprising as it does, a mixture of building blocks associated with LGC's current operations, including Blocks A, B, C and D, all of which are clustered to the centre of the northern part of the Site. These blocks are in use as a mixture of laboratory, industrial and office, falling within B1 business and B2 General Industrial Use and total 7,377 sq m of floorspace (GEA).

4.2 To the north west of the Site entrance are residential dwellings.

## **5.0 RESPONSES FROM CONSULTEES**

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

### **5.2 Design Out Crime Officers**

This office has previously consulted with Scott Brownrigg and submitted a Breeam Security Needs Assessment which is noted in the Breeam Report within this application. I have no further comment at this time and support this application.

### **5.3 Parish**

23 November 2017 - Fordham Parish Council totally support this application - it is hoped that the Lay-bys and Bus Stops will be provided in phase 1 and 2.

5.4 **Parish** - Newmarket Town Council raise no objections.

### **5.5 Ward Councillors**

Councillor Schunmann wishes to call the application to planning committee due to the scale of the growth, as it could result in a significant impact on local infrastructure.

### **5.6 Planning Casework Unit**

No comments to make on the environmental statement

### **5.7 Highways England**

#### **5.7.1 24 November 2017**

Notice is hereby given that Highways England formal recommendation is that we offer no objection.

#### **5.7.2 30 October 2018**

Notice is hereby given that Highways England formal recommendation is that we offer no objection. With this hybrid planning application, for the proposed demotion, alternation, extension works: and with the proposed associated site access, circulation, car parking, sub stations, landscaping and site assembly works (including retaining walls), would not have any traffic impact on our strategic road network.

5.8 **Highways Transport Team**

5.8.1 13/11/17 - The document reviewed is the transport assessment dated September 2017, to accompany a planning application for A1, A3, B1, B2, B8, D2 uses.

1.3

It is acknowledged that the existing building GEA is 7377sqm and has 202 parking spaces.

1.7

The TA indicated that the proposed development fully constructed by 2022.

2.12

Study Area

Junction 1 – Soham Road with B1102 mini roundabout

Junction 2 – A142 with Newmarket Road roundabout

Junction 3 – Site access

Junction 4 – A142 with Landwade Road / Snailwell Road roundabout

Junction 5 – A142 with A14 junction

2.25

Currently there are 14 cycle parking spaces on site.

2.27

Currently there are no bus stops within vicinity of site, the nearest bus stop is 1.8 km away to the north.

2.30

Nearest train station is a 20 minute bus journey away, plus to 25 minute walk to the bus stop.

2.32

It is acknowledged that the site has very limited public transport opportunities.

The Highway Authority does not take financial contributions to deliver bus stops/crossings. These should be directly delivered by the applicant at its own cost and in accordance with a specification to be approved by the County Council (in consultation with the bus operator) to mitigate development impacts. Note that a commuted sum will be required for the maintenance of the bus stop infrastructure. Confirmation would also need to be provided from the bus operator that they would use these stops prior to approval being given.

Car Parking

It is proposed to provide 764 car parking spaces in total.

5.21

Currently 340 employees.

Proposed 488 employees with phase 1 and 2 (extra 148).

5.26

438 employees phase 3

129 employees phase 4

258 employees phase 5  
Total employees 1313

It is proposed to provide a total of 133 cycle parking spaces, this is acceptable. The provision of the cycle parking would be phased with the build.

#### Conclusion

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

CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

#### 5.8.2 7 June 2018

The modelling work which has been undertaken to support the planning application shows that the proposed development will have a severe impact on the A142 / Landwade Road / Snailwell Road roundabout. Therefore the proposed development needs to provide a mitigation scheme at the roundabout to deal with its impact.

An improvement scheme has been proposed at the roundabout and this has been subject to a safety audit, undertaken by the Cambridge County Council Road Safety Audit Team. The safety audit raised a number of safety concerns regarding the proposed alterations at the roundabout, which the applicant has failed to satisfactorily address.

The applicant has offered to pay a contribution, of unknown amount, to the County Council to mitigate its impact at the roundabout. The Highway Authority cannot accept this as it does not have a scheme to increase capacity at the roundabout, it will be up to developments as they come forward to deal with their impact on the highway network.

#### Conclusion

The Highway Authority wish to object to the planning application for the following reason:

1. The proposal as submitted would have a severe impact on safety and capacity of the highway network to the detriment of highway users.

#### 5.8.3 24 September 2018 - Document reference WIE10174.100.R.14.1.1.CCC Response has been produced to deal with the safety audit comments and overcome the highways object to the planning application.

The Cambridge County Council safety audit team has reviewed the document and have requested a slight amendment to one of the plans. The amendment has been undertaken and resubmitted for review. The safety audit team have confirmed they are happy with the amendment and the proposed scheme as a whole.

The Highway Authority does not wish to object to the planning application subject to the following -

1. Prior to first occupation of the new unit the proposed roundabout alterations as shown in principle on drawing “proposed roundabout improvements revision A03 dated July 2018 shall be provided. Details to be agreed in writing with the Local Planning Authority.
2. Prior to first occupation of the new unit the site access junction shall be modified as shown in principle on drawing “junction 3 proposed site access junction improvements” revision A05, dated May 2017. Details to be agreed in writing with the Local Planning Authority.
3. Prior to first occupation of the new unit the two new bus stops on Newmarket Road shall be provided as shown in principle on drawing “bus stop layout” revision A04, dated Feb 2018. The works shall include but not be limited to refuge island, new footway, drop kerbs crossings, shelter, raised kerbs, flag, pole, time table and RTPI. Detailed to be agreed in writing with the Local Planning Authority.
4. Prior to first occupation of the new unit, the Developer shall be responsible for the provision and implementation of a travel plan to be agreed in writing with the Local Planning Authority. Such travel plan shall include the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

## 5.9 **County Highways Authority**

### 5.9.1 1 December 2017

The highways authority requests a holding objection be placed on this application for the following reason:

The application is not supported by sufficient highways or transport information to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway or highway safety

Any new or altered road layout requires that a Road Safety Audit to be completed. This road safety audit must be completed by OR reviewed by the CCC RSA team. The cost of this must be met by the applicant and this must be completed prior to the determination of this application. This audit must include but not be limited to the Bus Stops, laybys, pedestrian crossing facilities, the banning of the right turn, the roundabout alterations and the Transport Assessment information.

The proposal seeks to stop right turn of vehicles in to the site from Newmarket Road. This will require a Traffic Regulation Order which in turn requires a public consultation. The outcome of this public consultation cannot be pre-determined and will also require a Grampian Condition. Should the TRO application be unsuccessful this would result in the banning of right turn lane not being able to be completed and therefore any planning approval would be unable to be delivered.

Unless or until such time as the RSA has been completed or reviewed I am unable to comment further or determine this application.

5.9.2 8 October 2018

The proposed access arrangement, bus stop and roundabout improvements have undergone a Road Safety Audit Stage 1, which was completed by CCC RSA team and commissioned by the applicant. I can confirm that the highways authority are satisfied that these alterations to the highway to facilitate this development can be achieved and are acceptable.

Recommended Conditions

The highways improvements to the Snailwell Roundabout will be laid out as per the approved drawing and constructed to CCC specifications

The Bus Stop will be laid out as per the approved drawings and constructed to CCC specifications

Prior to first occupation the access arrangement will be constructed to CCC Specifications

5.10 **Suffolk County Council**

5.10.1 12 January 2018

We do have some provisional costings available for a similar J37 improvement project, and these will be useful in assessing the overall costs of the proposed project. With regard to the specific site impacts on this junction, it looks as if we will need to be guided by CCC, as they are awaiting clarification on the traffic modelling.

Once we have confirmation from CCC that the modelling is fit for purpose we can consider the impacts arising from this site at this junction against the context of the background data, and then start the discussion on what would be a proportionate contribution to the overall scheme.

As this junction design is similar to one we have seen previously, it is broadly acceptable, with the caveats that we would need to consult HE (as their road and highway land is impacted) and we would need to review any Road Safety Audit produced to support the design process. I have just contacted HE's engineer, David Abbott, to get his views on the scheme, I'm aware that they offered no significant comments to the consultation process.

5.10.2 21 November 2018

Thank you for the technical report from Waterman covering the A14/A142 junction. I have reviewed the Technical Notes in conjunction with the Volume 4 of the Environmental Statement, covering the Transport Impacts from the scheme. I am content that the Section 106 contribution proposed, £150,000 split 50/50 over detailed design and a contribution to the works cost, would be sufficient to mitigate the proportional impacts of the proposed development scheme in Suffolk. The scheme proposed is shown in the indicative plan reference WIE-10174-SA-95-0005-A01. A range of potential improvement options exist for this junction, and the final scheme to be implemented will be determined with reference to traffic growth on the A14 and future growth in Forest Heath and East Cambridgeshire, and the related traffic impacts.



I have spoken to David Abbott at Highways England and he is content with this approach too.

However I would also comment that the 5 year payback period currently proposed is insufficient, as this is a relatively small contribution to the overall costs of the project. My view is that at least 10 years will be required to collect sufficient contributions to fund the remainder of the scheme. I also agree that the trigger for the works payment will need to be worded in an unambiguous way in the Section 106 agreement. Subject to this revision I will be happy to accept the proposal included in the Waterman Briefing Note – ‘Highway Works Financial Contributions’.

## 5.11 **Environmental Health**

### 5.11.1 27 November 2017

Volume 5 appendix 9.2 regarding baseline noise monitoring survey; appendix 9.3 Construction Noise Assessment. It shows SR A, B and C. A and B are ok with mitigation but C is still over. Claire has also assessed Appendix 9.4 regarding Road Traffic Noise Assessment Calculations as well as the Acoustic Report entitled LGC Site Newmarket Road, Fordham CB7 reference number 7998/AAR and dated 24<sup>th</sup> August 2017.

SR C with mitigation is still 5 or 6 dB above threshold in the region of 70/71 dBA. This is considered an adverse effect of moderate significance and likely to be tolerable. However ES Vol 1 S.9.20 states that the BS 5228:2009 predicted noise levels are based on assumptions made for the number and type of plant, their location and operating arrangements. It is also based on the assumption that standard good construction practise measures will be applied and that the source noise data is based upon well maintained equipment. Some of the information will remain uncertain even after commencement of the works, is there any information that can be clarified?

The baseline noise survey states monitoring was completed from 4th to 9th May 2017 but the Noise report states 24th to 25th May 2017. Is there an explanation for this?

The Acoustic report relates to phases 1 and 2 of the development (full permission being sought). Section 4 on page 3 specifies the criteria that the cumulative noise emission of plant need to meet.

Section 5.1 on page 4 specifies the plant that the assessment has been based upon. Consideration should therefore be given to utilise a planning condition to restrict the plant to that specified. If alternatives are intended to be used the applicants will need to demonstrate that they will and it is considered reasonable to condition the plant to these proposed. If alternative plant is required this should either be agreed with the LPA or wording utilised to ensure that the criteria is not exceeded.

Section 5.3 states that the plant should only operate within the hours of 08:00 – 20:00, I would ask that this be conditioned.

The conclusion in section 7 states that the plant is within the criteria required providing suitable mitigation measures are employed, I am assuming these are the plant enclosures as nothing else has been highlighted. Would it be possible to confirm that this is the case?

The noise report relates to phases 1 and 2 of the development (full permission being sought). A further noise impact assessment would be required for the outline development at the reserved matters stage to indicate the potential impact and proposed mitigation to ensure no adverse impact is caused (as these also include industrial).

You may wish to limit all development to hours of use (08:00 -20:00). There is a high background impact from the main road so consider it is acceptable but other phases will require more information.

We would want to know where the canteen and additional parking for later phases will be.

Section 5 in the Environmental Statement non-technical summary mentions low level lighting. We would require details of the lighting to be submitted to be approved in writing prior to installation.

Section 6 we agree to the proposed hours of construction and would advise a condition requiring these to be adhered to. We also agree with the CEMP requirement to cover aspects such as dust, noise, lighting, vibration etc.

Section 9 clarifies that phase 3 has the possibility of causing a noise issue during construction and that mitigation will be utilised. Residents work at the site and have links, however a CEMP with further mitigation proposals such as use of plant, location of plant, appropriate measures to be undertaken etc is required prior to this stage of the proposed development. Peter Chisnall agrees with this, particularly as some of the mitigating measures for phase 2, i.e. screening by existing buildings may not occur for phase 3 as those screening buildings may have been demolished.

On viewing the phasing plan in the ES Nontechnical summary I am pleased to see that phase 4 and 5 re industrial/warehouse uses etc are further away from the residential properties. Although we will need a noise impact assessment and this should also cover the property at roundabout.

Finally, Peter Ord will contact you separately (if he has not already done so) regarding the Air Quality Assessment and any contaminated land issues.

#### 5.11.2 05 February 2018

The applicant's latest response does clarify some of their queries raised, however there are still some outstanding from Claire Braybrook's original response, Turley has indicated that these are not related to the RBA plant noise assessment, these are detailed below. Claire notes that she has read Volume 5 appendix 9.2 regarding baseline noise monitoring survey; appendix 9.3 Construction Noise assessment. It shows SR A, B and C. A and B are ok with mitigation but C is still over. Claire has also assessed Appendix 9.4 regarding Road Traffic Noise

assessment calculations as well as the Acoustic Report entitled LGC Site Newmarket Road, Fordham CB7 reference number 7998/AAR and dated 24<sup>th</sup> August 2017.

**5.12 Environmental Health Scientific Officer**

30 November 2017

I have read the Preliminary Environmental Risk Assessment and Chapters 10 and 12 of the Environmental Statement prepared by Waterman dated September 2017 which relate to Air Quality and Contamination and I accept the findings. The reports find that the impacts on air quality are likely to be negligible assuming a CEMP is prepared and adhered to and mitigation measures are put in place. I recommend that conditions relating to air quality are not required for any grant of permission. The report finds that widespread ground contamination is unlikely but recommends a targeted intrusive investigation to establish the extent of any contamination. I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of permission.

**5.13 HSE (Planning Advice Team)**

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**5.14 Natural England**

15 November 2017

Statutory nature conservation sites – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Subject to implementation of construction mitigation measures identified in the Environmental Statement prepared by Waterman (September, 2017) we are satisfied that the proposed development is unlikely to have any significant adverse effect on designated sites. Mitigation measures should be secured through appropriately worded planning conditions.

**5.15 Senior Trees Officer**

23 November 2018

This proposal is for a commercial development within an existing commercial site. There are a number of trees internally and on the site boundaries potentially affected. A number of trees are to be removed primarily from tree groups within the site. A full Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted to support the application.

I support this application. The indicative landscaping proposal is sufficient to address any concerns I have regarding the impact upon existing trees at the site.

Also the most significant individual trees are to be retained. In consideration of the existing site use I do not perceive any overall negative impact to the landscape.

If the application is to be approved, the Tree Protection Plan within the Arboricultural Impact Assessment and Arboricultural Method Statement dated 26th September 2017 will be required to be implemented under condition of planning approval, to ensure the successful retention of trees at the site (Condition TR9A).

The landscape masterplan is supported although, I advise you refer the assessment of this and the potential landscape impact of the proposal to a relevant consultee. The details within the landscape masterplan are relevant however a final detailed landscaping proposal including precise planting details and establishment procedures are not provided.

## 5.16 **Lead Local Flood Authority**

### 5.16.1 21 November 2017

The site currently relies on pumps to dispose of surface water and it is proposed to maintain this arrangement following development. Pumping of surface water is generally an unsustainable drainage method as pumps require ongoing maintenance and can fail during a storm event. Within the surface water strategy it is acknowledged that there have already been some issues relating to silting up of the pump in Ditch 1, which has required the ditch to be enlarged to increase capacity. It is for this reason that a detailed management plan will need to be provided to demonstrate what maintenance activities will be undertaken and at what frequency. It is absolutely essential that this plan (once approved) is adhered to, to reduce the risk of flooding. Furthermore, we would require that the residual risk of flooding due to the failure of the pumps be investigated. We would require that the flood level be determined under the following conditions:

- The pumps were to fail; and
- The attenuation storage was full; and
- A design storm occurred

A back up system (such as a twin-pump arrangement) will need to be provided to ensure water can continue to discharge in the event of pump failure.

### 5.16.2 12 January 2018

Since our initial letter dated 21 November 2017 we have received clarification over the pump arrangements for the proposed site. The applicant has confirmed that the existing pumping station will be replaced with a new pumping station containing two pumps. This will help ensure that should one pump fail, the other is still available to evacuate water from the site. Given this we can now **remove our objection**.

We recommend a condition.

## 5.17 **Historic England**

### 5.17.1 15 November 2017

On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### Summary

The proposed development is located in an area of high archaeological potential, adjacent to a Roman villa, which is designated as a scheduled monument. Historic England considers that insufficient information has been provided to assess the impact of the proposal on the historic environment, including its impact on the setting of the scheduled monument. We advise that the application be withdrawn until the required assessments have been completed, in accordance with the requirements of the NPPF paragraph 128.

### Historic England Advice

The proposed development is located in proximity to the site of a Roman villa, south of Snailwell Farm, which is designated as a scheduled monument (National Heritage List ref 1006868). The scheduled monument is significant for its buried archaeological remains relating to Roman occupation and associated activity. The villa is located on a slight topographic rise above the River Snail. Despite the industrial development to the south of the scheduled monument, the rural setting of Roman villa is appreciable in open views towards Snailwell Fen on the north and east, and this setting contributes to its significance. The hybrid application concerns full permission for the demolition, alteration and extension of blocks B,C and D and outline permission for the erection of a amenities block, gateway building, offices/laboratory and mid tech buildings 1 and 2 and associated site access, car parking and landscaping. The proposed mid tech buildings, which have an elevation some 24-28m in height, are located 140m to the north of the scheduled Roman villa, and will be prominent and urbanising additions within the setting of the scheduled monument.

The proposal is also located in an area of high archaeological potential, on the fenedge and in proximity to the scheduled Roman villa. The full extent of the Roman villa is not known and there is high potential for significant archaeological remains to be located in the development area, which will be damaged or destroyed by the construction works.

The NPPF states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”  
(para 128).

Paragraph 132 of NPPF states ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’. When

considering harm (Para 134) the NPPF notes that ‘harm should be weighed against the public benefits of the proposal’.

At the time of application the Archaeology chapter in the Environmental Statement had not been completed, and no assessment of the impact of the proposal on undesignated archaeological remains or the setting of the scheduled villa has been provided. Historic England considers that the proposed development will have an intrusive and urbanising impact on the setting of the scheduled monument, and are concerned this may result in loss of significance. In the absence of an archaeological evaluation, we are also concerned that the development may result in unjustified harm to significant buried archaeological remains.

#### Recommendation

Historic England objects to the application on heritage grounds. Insufficient information has been provided to assess the impact of the proposal on the historic environment, including its impact on the adjacent Scheduled Roman villa. We advise that the application be withdrawn until the required assessments have been completed, in accordance with the requirements of the NPPF paragraph 128. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

#### 5.17.2 22 May 2018

Thank you for your letter of 2 May 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Paragraph 132 of NPPF states ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’. When considering harm (Para 134) the NPPF notes that ‘harm should be weighed against the public benefits of the proposal’.

Additional information has been provided in the form of an updated Archaeology chapter of the Environmental Statement, which has been informed by a geophysical survey and trial trench evaluation. The evaluation identified archaeological remains in the southern part of the development area, including an early Roman crouched burial located in a natural hollow and floodplain deposits containing late Neolithic or Early Bronze Age flint. We concur with the Environmental Statement that the impact of the development on these remains can be effectively mitigated through a further scheme of archaeological investigation.

However, we do not consider that the Environmental Statement has provided an adequate assessment on the impact of the proposal on the setting of the scheduled Roman villa (chapter 14, para 14.26 - 28). In our previous advice we advised that a fully settings assessment should be undertaken, to understand the contribution that setting makes to the significance of the scheduled monument, and how this setting

will be impacted by the proposed development. The ES concludes, without any supporting evidence or narrative and on the basis of the proposed outline maximum parameters of the development and, that there will be a ‘permanent, local effect of moderate adverse significance on the setting of Scheduled Monument’ (chapter 14, para 14.53). The scheduled Roman villa is located on a slight topographic rise with views over surrounding countryside to the north and east, and this rural setting contributes to its significance. While the mature vegetation along part of the southern boundary will help partially screen the development in views from the south, the new units will be prominent in views from the scheduled villa, and will have any urbanising impact on the setting of the scheduled monument.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. We are concerned that the proposed development will be an intrusive addition within the setting of the scheduled Roman villa and may result in harm to its significance. We advise that your authority should satisfy itself that the public benefit of the scheme outweighs the harm to designated assets, and that any permission granted should be conditional on securing a further scheme of archaeological work and landscaping mitigation to screen the development in views from the south. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

### **5.18 Cambridgeshire Archaeology**

#### **5.18.1 30 April 2018**

The application area has previously been subject to an archaeological evaluation (Cambridgeshire Historic Environment Record reference ECB5202) for which a report of results has been received. The northern three fields (1-3) contained limited archaeological remains and were much disturbed by later activity, however along the southern edge of Field 4 two Late Bronze Age pits and an early Roman crouched burial positioned within a natural hollow were identified in the evaluation trenches. Trenches excavated in the south-eastern part of the development area (Field 5) revealed floodplain deposits from which worked flint, dating mostly to the Late Neolithic or Early Bronze Age, was recovered. The edge of the peat deposits was marked by a boundary ditch dug into the sand and gravel deposits that remained dry during its lifetime and contained only animal bone. Given the location of the burial at the floodplain edge and its possible 1<sup>st</sup> C. AD date the results link into local and regional research questions on patterns of early Roman burial practice and the continuation of burial practices within the same area within prehistory.

In light of the results we therefore recommend an additional programme of mitigating works to be carried out within these areas of interest identified during the evaluation in order to off-set the loss of the proven archaeological resource due to development, and consider that this can be secured by condition of planning permission, such as the example condition approved by DCLG:

No demolition/development shall take place until a written scheme of investigation (WSI) for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. For land that is included within

the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. *This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme. A brief for the archaeological works can be obtained from this office upon request.

## **5.19 Cambridgeshire Fire & Rescue**

### **5.19.1 10 January 2018**

With regard to the above application, should the planning authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. The position of fire hydrants are generally agreed upon when the Water Authority submits plans to the Waste & Planning Manager. Where a Section 106 or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer. The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the 'National Guidance Document on the provision of Water for Fire Fighting' 3<sup>rd</sup> edition published January 2007. Access and facilities for the fire Service should also be provided in accordance with Building Regulations Approved Document B5, Section 16. If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then Ariel (high reach) appliance access is required, the details of which can be found in the attached document.

## **5.20 Asset Information Definitive Map Team**

No Comments Received

## **5.21 Minerals And Waste Development Control Team**

No Comments Received

## **5.22 Conservation Officer**

No Comments Received

## **5.23 Economic Development**

No Comments Received



**5.24 Forest Heath**  
No Comments Received

**5.25 Anglian Water Services Ltd**

5.25.1 4 November 2018

The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for the proposed flows of 2.6l/s for phases 1 and 2. The remaining phases will lead to an unacceptable risk of flooding downstream. Anglian Water is responsible for off-site mitigation and we will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request conditions requiring an on-site drainage strategy and a phasing plan.

5.25.2 14 February 2018

Anglian Water notes your concerns with capacity at Soham Water Recycling Centre. Currently Soham WRC has capacity to serve the proposed foul flows from the proposed development 17/01838/ESF.

Anglian Water made formal comments on this application on the 26 January 2018 stating in section 2:

“The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows”

Anglian Water has a statutory duty to ensure that sufficient sewage treatment capacity is made available to all sites with the benefit of planning permission. We carry out an assessment on planning applications to assess the impact a particular development would have on both the sewerage network and the receiving WRC. If capacity issues are identified at the WRC it is Anglian Waters responsibility to ensure that sufficient capacity is made, not the developers.

In conclusion, there is currently capacity at Soham WRC and Anglian Water have no concerns in relation to the WRC and flows from the proposed development.

In regards to the foul drainage strategy for the remainder of the phase, Anglian Water has advised the Developer that further hydraulic modelling would be required to accommodate proposed flow rates for the site and we are now waiting to hear how they wish to proceed. We can then provide a further timescale and costing for the foul drainage strategy accordingly

5.25.3 26 January 2018

The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for the proposed flows of 2.6l/s for phases 1 and 2, however for the remaining phases a drainage strategy will be required so we have suggested a foul condition to reflect this.

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

**5.27 Environment Agency**

5.27.1 14 November 2017

The site is located within a groundwater source protection zone (SPZ), namely SPZ3 (total catchment). According to the preliminary environmental risk assessment (Waterman, 2017) and flood risk assessment (Waterman, 2017), groundwater in the river terrace deposits and alluvium beneath the site is shallow, lying within 5 metres (m) of ground level. The River Snail, located adjacent to the eastern boundary of the site, flows from south to north. In addition, a series of drains are interspersed across the site. Groundwater within the superficial deposits is likely to be in hydraulic continuity with the River Snail and the drains. A significant part of the site is described as greenfield land. However, potentially contaminative activities have been undertaken at the site, including the storage of solvents (in a waste store) and diesel (in above ground fuel tanks) and the presence of electrical sub-stations, a workshop, a forensic laboratory and infilled drains (made ground). There is also a light industrial site and a transport haulage depot located adjacent to the western site boundary. We consider the site to be environmentally sensitive with respect to controlled waters.

Environment Agency Position

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. We welcome the proposed measures, as outlined in Chapter 12 of the environmental statement, to mitigate against the risks of leakages and subsequent potential leaching to controlled waters from the additional contamination sources (fuels, oils, chemicals) that will be introduced and stored on site during the construction works. Piling or any other foundation designs can increase the risks of groundwater contamination by mobilising contamination and creating preferential pathways, which should be recognised in any future works. We therefore welcome the recommendation to undertake a foundation works risks assessment (FWRA). Please confirm the preferred founding technique for the site and whether piling is proposed. Infiltration drainage is proposed as part of the development which could provide a pathway to the underlying groundwater, or mobilise any potential pre-existing contamination. In principle, the proposed surface water drainage scheme as outlined in Chapter 11 of the environmental statement, is acceptable. However, given that groundwater beneath the site is known to be shallow, the use of infiltration drainage would only be acceptable if a risk assessment demonstrates the presence of no significant contamination at the site. Therefore, we will require information to confirm that the design of the surface water drainage system, including the depth and location of any soakaways, satisfies our requirements as outlined in appendix 2.

We understand, from Chapter 12 of the environmental statement and the preliminary environmental risk assessment (Waterman, 2017), that excavated

materials will be reused at the site to adjust ground levels. We welcome the proposed approach to undertake these activities in accordance with the Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Development Industry Code of Practice (DoWCoP) and Waste and Resources Action Plan (WRAP) Quality Protocol. Furthermore and to prevent cross-site contamination we recommend the implementation of a materials management plan.

### FLOOD RISK

#### National Planning Policy Framework Flood Risk Sequential Test

The site is within Flood Zone 3 of our flood map for planning. In accordance with the National Planning Policy Framework (NPPF) paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test. Review of Flood Risk Assessment (FRA)

We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (WIE10174-100-R-5-1-3-FRA) are adhered to.

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

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authority to formally consider the emergency planning and rescue implications of new development in making their decisions.

### WASTE:

In the initial response in 2012 it was stated:

The applicant has addressed the issues of waste management from the construction to the operational phases. In addressing waste management the applicant will undertake Site Waste Management Plans for the construction phase and in doing so will adhere to the principles of the waste hierarchy.

This should still stand before construction takes place.

### WATER QUALITY/WASTEWATER:

This site does appear to have been assessed, reference site 11/19, in the last (draft) East Cambridgeshire Water Cycle Study. Section 5.2.3 shows the 'RAG' assessment for the site was 'Amber' for Foul Network Capacity – which indicates that “Infrastructure and/or treatment upgrades required to serve proposed growth or diversion of assets may be required”.

Section 11, 'Foul Drainage', of the application form submitted states that foul sewage is to be disposed of via mains sewer, and that details of foul water proposals are included in the Flood Risk Assessment. We could not find any reference to foul water in the FRA document.

Given the location of this site at the very extremity of the Newmarket WRC sewer network, and the WCS assessment, we would expect to see confirmation from Anglian Water that there is sufficient capacity within the system; or that capacity can be made available to accommodate any extra flows generated by this proposed development.

## **5.28 Neighbours**

A site notice was posted and advertisement placed in the Cambridge Evening News. Forty-nine neighbouring properties were notified and one response was received citing neutrality as they live and work on the site. The comment can be read in full the ECDC website.

## **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
FRD 6	Employment allocation, land north of Turners
EMP 1	Retention of existing employment sites and allocations
EMP 2	Extensions to existing businesses in the countryside
EMP 6	Development affecting the horse racing industry
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
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**

## Cambridgeshire Flood and Water

### 6.3 National Planning Policy Framework 2018

- 6 Building a strong, competitive economy
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

### 6.4 Submitted Local Plan 2018

- LP1 A presumption in favour of sustainable development
- LP2 Level and distribution of growth
- LP3 The settlement hierarchy and the countryside
- LP8 Delivering prosperity and jobs
- LP10 Development affecting the Horse Racing Industry
- LP16 Infrastructure to support growth
- LP17 Creating a Sustainable Transport Network
- LP18 Improving cycle provision
- LP20 Delivering green infrastructure, trees and woodland
- LP22 Achieving Design Excellence
- LP25 Managing water resource 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
- Fordham 6 Employment Cluster, South of Fordham

### 6.5 Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

- 7.1 An Environmental Impact Assessment (EIA) has been undertaken by the applicant to consider the likely significant environmental effects of the proposal and an Environmental Statement (ES) has been submitted. The ES has been informed by a formal scoping opinion from the Council and is compliant with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.2 The ES addresses the likely environmental effects of the proposal each of which will be covered in this report.
- 7.3 The main issues to consider in determining this application are, the principle of development, visual impact, access, parking and impact on the transport network, impact on residential amenity, impact on heritage assets and archaeology, flood risk, impact on ecology, trees and landscaping, socio-economics, vibration, air quality, contamination, cumulative impacts and BREEAM.

## **The proposal**

- 7.4 In addition to providing additional floorspace for LGC Limited requirements, this hybrid application seeks to secure consent for a wider business park, set within the allocated employment area, to provide a range of business floorspace, including start up accommodation.
- 7.5 This hybrid planning application therefore comprises the following elements, broken down into five anticipated development phases. Phases 1 and 2 are the full elements of the application.
- 7.6 The outline elements of this phase will be governed by parameter plans that set the minimum and maximum extent of development in terms of height, layout and footprint, the maximum quantum of floorspace per use class proposed and the internal vehicular access and proposed strategic landscaping for the Site.
- 7.7 These parameters are fully tested by the Environmental Statement submitted in support of this proposed development.
- 7.8 **Phase 1: LGC Expansion (Use Classes B1)**  
This element of the proposed development is submitted in full and will form part of Phase 1 of the development.
- 7.9 **Phase 2: LGC Expansion (Use Classes B1 and B2)**  
This element of the scheme is submitted in full but developed as Phase 2.
- 7.10 **Phase 3: Gateway Building (Use Class B1), Amenities Building and Incubator Hub (Use Classes A1, B1 and D1)**  
This element of the proposed development is submitted in outline (with all matters reserved with the exception of access and strategic planting) and will form Phase 3.
- 7.11 **Phase 4: Mid Tech 1 building (Use Classes B2 and B8)**  
This phase of the proposed development is submitted in outline (with all matters reserved with the exception of access and strategic planting) and will form Phase 4.
- 7.12 **Phase 5: Mid Tech 2 buildings (Use Classes B2 and B8)**  
This element of the proposed development is submitted in outline (with all matters reserved with the exception of access and strategic planting) and will form Phase 5.
- Full Planning Application - Phases 1 and 2**
- 7.13 Phases 1 and 2 are submitted in order to fulfil the current and future requirements of LGC Limited, including the company's desire to rationalise some of their national accommodation to the Site. A series of temporary permissions have been granted by the Council (16/01657/FUL & 17/00942/FUL) to allow LGC Limited to construct temporary structures on site to accommodate their required growth in the short term.
- 7.14 Full planning permission is therefore sought to provide permanent accommodation through partial demolition, alteration and extension of existing Blocks B.C, B.B and B.D to provide new Blocks C East, B West and D South.

7.15 These new Blocks will provide a total of 4,680 sq m (GEA) of new B1 floorspace for office and laboratory use.

## **Outline Planning Application – Phases 3, 4 and 5**

### **Phase 3**

#### **The ‘Gateway’ Building**

- 7.16 The built form of the site sits a distance back from the A142, Newmarket Road frontage, screened as it is by mature planting.
- 7.17 In order to maximise the legibility of the site, historical consents (16/00974/REM, granted on 21st October 2016) have been secured for the construction of an additional building and associated landscaping at the main site access to pronounce the site’s entrance and provide increased legibility.
- 7.18 Phase 3 of the proposed development, seeks to mirror this historical approach by proposing a ‘Gateway’ building towards the main access point to the A142, Newmarket Road.
- 7.19 The Gateway building has been designed to provide modern and flexible accommodation falling within Use Class B1, and will offer 18m deep floor plates and measure approximately 4,728 sq m (GEA).
- 7.20 The design of the Gateway building will harmonise with the existing structures on site and will be set within landscaping, planting and associated car parking (214 spaces).

#### **Amenities Block, Incubator Hub and Offices**

- 7.21 A further three Blocks are proposed in outline form within Phase 3 of the proposed development.
- 7.22 Given the growth of LGC Limited and the proposed additional business floorspace on the Site, an Amenities Block (Use Classes A1 and/or A3 and/or D2) is proposed to provide facilities for current and future employees on the site. These facilities may include a canteen and gym and basic convenience facilities for the site. The Incubator Hub (Use Class B1) is proposed as a flexible building capable of use as a research laboratory, office or start up facility for up and coming research companies.
- 7.23 It is proposed that both the Amenities Block and Incubator Hub can either form one block adjacent to the existing LGC campus to the north east or two standalone blocks, within the limits set by Parameter Plans, including, Footprint, Height, Land Use, Layout, Vehicular Access and Strategic Planting.
- 7.24 In terms of proposed floorspace per Use Class, it is proposed that a maximum of 1,116 sq m (GEA) can be provided, split between Use Class A1, A3 or D2, or a combination of these uses.
- 7.25 The Incubator Hub, can provide a maximum of 1,116 sq m (GEA) of Use Class B1 floorspace.
- 7.26 A further Block is proposed to the north east of the Amenities Block/Incubator Hub as offices, falling within Use Class B1a and measuring approximately 584 sq m



(GEA). The intention of this accommodation is to provide space for growth for both LGC and other start-up companies on site.

7.27 Although proposed in outline form, these buildings will be designed to harmonise with the existing buildings on site, whilst ensuring maximum flexibility in terms of floorplate.

7.28 A total of 214 car parking spaces is proposed for Phase 3 in accordance with the Council's standards.

**Phase 4 - Mid Tech 1**

7.29 Also submitted in outline form with all matters reserved apart from access, is the Mid Tech 1 building as either industrial, storage and distribution, falling within Use Classes B2 and/or B8 and providing a maximum of 6,556 sq m (GEA) of floorspace. The height, scale, footprint, layout and quantum of floorspace are governed by the minimum and maximum parameters and maximum floorspace as set out in the Parameter Plan Report (Appendix 1 of the Design and Access Statement).

7.30 A total of 131 car parking spaces is proposed for Phase 4 in accordance with the Council's standards.

**Phase 5 - Mid Tech 2**

7.31 Similar to the Mid Tech 1 building, the Mid Tech 2 buildings are submitted in outline form, providing the potential to provide three buildings falling within industrial or storage and distribution uses (Use Classes B2 and/or B8), providing a maximum of 13,087 sq m (GEA) floorspace. The height, scale, footprint, layout and quantum of floorspace are governed by the minimum and maximum parameters and maximum floorspace as set out in the Parameter Plan Report.

7.32 Although appearance is reserved for future consideration, an example of the anticipated design of the proposed buildings is set out in the Design and Access Statement.

7.33 A total of 262 car parking spaces is proposed for Phase 5 in accordance with the Council's standards.

**Principle of development**

7.34 The NPPF states that planning decisions should "help create the conditions in which businesses can invest, expand and adapt". And that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." (para 80).

7.35 In terms of promoting a successful and competitive economy, the NPPF sets out the Government's commitment to ensuring that the planning system does everything it can to support economic growth, and that planning decisions should recognise and address the specific locational requirement of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations. (para 82).

- 7.36 Policy GROWTH 1 encourages the creation of further employment opportunities within the District including making provision for a deliverable supply of at least 179ha of B1/B2/B8 employment land. Employment uses comprised under B1/B2 and B8 play an important role in the Council's growth strategy and therefore the Council will seek to protect these land uses. Policy EMP2 aims to protect the existing character, scale and amenities of an area where existing businesses are being extended in the countryside. The visual impact will be discussed later in this report but the proposal is considered to comply with the requirements of this Policy.
- 7.37 Policy EMP 6 and emerging Policy LP10 relates to development affecting the horse racing industry, stating that any development which is likely to have an adverse impact on the operational use of an existing site within the horse racing industry, or which would threaten the long term viability of the horse racing industry as a whole will not be permitted. The proposed development will complement the existing use business on the site and enable its further expansion.
- 7.38 The site is allocated in the Local Plan as an Employment Location under Policy FRD 6 for B1 and B2 uses, offering potential for further on-site expansion of the laboratories plus the development of other employment uses on the site. Emerging Policy Fordham 6 incorporates the same provisions for the site.
- 7.39 Adjacent to the site, the Local Plan identifies five other employment allocations, FRD4 (Land south of Snailwell Road), FRD5 (land north of Snailwell Road), FRD7 (land north of Turners) and FRD8 (land south of Landwade Road) all identified for B1/B2/B8 and these provisions are carried forward into Emerging Policy Fordham 6.
- 7.40 The site benefits from extant consent to provide additional office accommodation towards the A142 frontage of the site and there are two temporary consents for additional office accommodation to serve the LGC.
- 7.41 The employment allocation only allows for B1/B2 uses on this site as it is considered that B8 uses can be better accommodated within the other surrounding allocations. It is considered however that the provision of an element of B8 use on this site would not result in material harm in planning terms given the proposals for expansion around it and in the context of existing uses and would complement the character of the employment cluster within which the site sits. The proposal comprises mainly expansion to the LGC business on site and the element of B8 would be included within the Mid tech buildings in Phases 4 and 5 and are designed for flexible use of the space with an element of B2 industrial use.
- 7.42 In addition, and when considered against the Government's aims for securing economic development, and to be flexible enough to accommodate needs not anticipated in the plan, the proposals are considered to fully endorse these aims, through the provision of an investment in excess of £54 million during construction, including the provision of 918 Full Time Equivalent jobs when all phases are complete and operational, with an estimated Gross Value Added created for the economy of £53 million, of which £31.4 million could be to East Cambridgeshire once the development is operational.

- 7.43 Given the above, the principle of the proposed development is considered acceptable, including its contribution to the strategic provision of employment land within the District.
- 7.44 Also of relevance in determining the principle of this development is the impact it would have on the nearby European and internationally designated sites. Policy FRD 6 of the Local Plan requires a Habitats Regulations Assessment screening to be undertaken. Where this identifies a likely significant effect an Appropriate Assessment must be undertaken by the Council under the Habitats Regulation Assessment process to ensure there is no adverse effect on European sites.
- 7.45 The site itself does not have any statutory designations, however there are three statutory designated sites located within 2km of the site. Chippenham Fen (Ramsar, National nature Reserve (NNR) and Site of Special Scientific Interest (SSSI) is located immediately adjacent to the east of the site. Brackland Rough SSSI is located immediately adjacent to the north of the site and Snailwell Meadows SSSI is located approx 500m south of the site. The Environmental Statement accompanying the application assesses the likely impact of the development on the designated sites both during construction stage and upon completion of the development. The Report states that construction works are unlikely to have a direct effect on any of the designated sites within 2km of the site. Indirect effects such as dust or pollution through ground water run-off may occur during this phase of development on a small percentage of the adjacent designated site Chippenham Fen SSSI/NNR and Brackland Rough SSSI. The effects of this would be temporary only. The construction works noise increase and increase in footfall would be likely to temporarily disturb certain bird species (for which the Chippenham Fen SSSI/NNR site is designated), and so it is considered there would be a temporary, local, adverse effect of minor significance to these designated sites.
- 7.46 The Report states that the completed development is considered to have no direct impact on any of the designated sites within 2km of the site. In the absence of mitigation indirect effects in the form of light spill from new buildings and parking lots have the potential to be a permanent impact upon a small percentage of the Chippenham Fen SSSI/NNR. It is not anticipated that increase light levels at the completed development would have any direct impacts on Brackland Rough SSSI due to its distance from the site. It is therefore considered that in the absence of mitigation measures, the completed development would have a permanent, local adverse impact of minor significance on one of the designated sites. The CEMP would mitigate impacts from noise, dust, vibration, lighting and surface run-off. A lighting strategy will be implemented as part of the final detailed design of the development. All external lighting would be directional and faced away from the designated sites. Lighting on timers would be implemented across the site so that areas are only lit as and when required. This will mean the impact on the sites would be negligible.
- 7.47 Natural England's Scoping Response requested that the Environmental Statement should identify how the developments effects on the natural environment would be influenced by climate change. The assessment of potential ecological effects presented in this chapter predicts a range of negligible and beneficial effects as a result of the operation of the proposed development. No significant alterations to the operation of the proposed development due to climate change are foreseen.

- 7.48 Natural England accepts these conclusions. Policy FRD 6 requires a Habitats Regulation Assessment screening. Given the above it is considered that an Appropriate Assessment under the Birds or Habitats Directives is not required.
- 7.49 Given the sites allocation for employment use and the clear support within the NPPF for economic growth, the principle of this development is considered acceptable.

### **Visual impact**

- 7.50 Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 stress the desire to protect important views into and out of settlements, space between settlements and their wider landscape setting, visually sensitive natural and man-made skylines, hillsides and geological features and views of key landmark buildings. This reflects the Government's objectives in terms of protection of the countryside and landscapes more generally, set out in paragraph 170 of the NPPF, which states that the planning system "*should contribute to and enhance the natural and local environment*". The need to recognise "*the intrinsic character and beauty of the countryside*" is also enshrined as a core planning principle in paragraph 170 of the NPPF.
- 7.51 There is no published guidance establishing a threshold beyond which visual impacts should be deemed unacceptable, and it is for the decision maker in each case to determine how much weight landscape and visual effects should attract in the planning balance.
- 7.52 A Landscape and Visual Impact Assessment (LVIA) has been undertaken and submitted as part of the ES. The LVIA addresses the landscape effects of the proposal that are caused by physical changes to the landscape and the changes in visual amenity that would arise from, any change in the nature of views experienced. A study area of approximately 2km radius from the site has been adopted. The site consists of a series of vacant grass fields and the surroundings of a mixture of one and two storey, late 20<sup>th</sup> century buildings with associated car parking. The buildings are situated in the centre of the northern area of the Site. There are two residential properties associated with the facility located to the northwest of the site.
- 7.53 Biggin Farm is sited to the west and to the south two properties face the site from the other side of the roundabout. Further south along Snailwell Road is a further residential property at Number 115.
- 7.54 Phases 1, 2 and 3 are all set within and around the confines of the existing LGC building complex. The most visible building will be the Gateway building to the front of the existing buildings where permission already exists for a modest office building rising to some 8.6 metres in height. The existing LGC collection of buildings sits well within the landscape setting of the site and are barely visible from the road frontage which has the benefit of substantial mature hedging. The proposed gateway building will sit on higher land to the front of the site although use will be made of the change in ground levels to set the building within this sloping ground.

- 7.55 The design of the extensions in Phases 1 and 2 would take into account the existing buildings on the site. The lower storey would be clad in Eternit or similar fibre concrete rain screen panels. The upper storey would be clad with a slatted timber or high pressure laminate lattice over the rain screen. The buildings would be 7.83 m above ground level with the plant enclosure on the roof to a height of 10.8 metres.
- 7.56 The designs and scale of the buildings in Phases 3, 4 and 5 will be determined at reserved matters stage. The proposed Gateway building would be located near the entrance of the site in front of the existing buildings. The site vision is for it to be a landmark building for the site providing a max of 4,728 sq m of B1 flexible office/laboratory space. The parameter plans for the site show that the height of this building would be between 11.6m and 13.5m above ground level. Although scale is not being considered a building of this height would serve as a statement building upon entry to the site.
- 7.57 The other elements of Phase 3 are situated at the rear of the site and in principle are acceptable at an indicative height of a maximum of 11.2 metres above ground level.
- 7.58 The applicant has shown provision for fairly large scale buildings in the indicative masterplan for the site, with the Mid Tech buildings being some 30 – 40 metres wide with a common delivery yard and carpark. The indicative heights are 14 metres but not under consideration as part of this planning application. The applicant has provided a parameters plan and report stating what the respective heights of the buildings are likely to be in comparison to the existing buildings.
- 7.59 The Mid Tech 1 and 2 buildings will be constructed on land which will be levelled with cut and fill. This means that the overall height of the Mid Tech 1 building will be some 6 metres higher (AOD), than existing Building D on the site and Mid Tech 2 will be some 4 metres higher (AOD). It is accepted that buildings of the indicative size proposed will be prominent when viewed from the Snailwell Road and on approaching the site from the south. The applicant proposes to keep the existing vegetation along the southern boundaries and to enhance this with additional boundary planting as the boundary is very open in places. Views of the new development from the south will be the most prominent as the vast majority of the development will be screened by the existing site frontage vegetation.
- 7.60 The Landscape and Visual Impact Assessment acknowledges that the impact of the development from the A142, Snailwell Road and 115 Snailwel Road, will have the greatest impact having a moderate adverse effect during construction and the first year of operation. During the fifteenth year of operation, this reduces to moderate to minor, following establishment of the landscape masterplan to mitigate the visual impact and introduce a greater species diversity.
- 7.61 The LVIA states “Overall, the Site and Development would be well contained in the wider landscape. In views from the key visual receptors, due to the scale and massing of the built form and with; the presence of existing industrial development within surrounding views; the retention of existing mature vegetation; and, the carefully positioned mitigation planting, the visual prominence of the development is limited. The proposed development will be set within a mature landscape

framework that softens views of the built form and responds to or enhances features of the existing landscape”.

- 7.62 The LVIA states that the site is currently visible for a small number of residential properties and commercial premises, public highways and local public rights of way. Otherwise views to the site are prevented by dense woodland blocks and the cumulative effect of surrounding field hedgerows. This is also set against the context of surrounding industrial development and the large scale impact of the Turners site.

### **Construction effect**

- 7.63 During the construction phase of the development associated plant and cranes will be brought into the area, clearance and land regrading will occur and site hoarding will be erected. To accommodate the development a small amount of existing vegetation will also be removed. The construction plant will be an incongruous feature in the landscape and it is considered that the hoarding and potential cranes used for the construction of the development are likely to be visible within a number of the identified visual receptor's views and this is likely to create a temporary, direct, adverse significance of effect that will range from major to moderate to negligible, subject to the visibility.

- 7.64 In considering the landscape and visual effects of the proposed development it is important to take into account any measures that mitigate the scale of the effects. These measures can, if sufficient, reduce or improve the predicted effect. Mitigation measures are an integral part of the development and therefore 'designed in'. For the purposes of the assessment, those items which would be considered 'mitigation' are described below.

- Existing vegetation will be retained and protected in accordance with BS5837:2012.
- New areas of native and ornamental planting within the development to provide a mature setting to the built form and infrastructure as set out in the Landscape Parameter Plan and Landscape Masterplan.
- The design of the new building elevations, materials, roof profiles and colour to reflect the existing buildings within the Site and to reduce the massing of built form when viewed in the wider landscape as set out in the detailed design for phases 1-2 and the principles and parameters for phases 3-5 as provided in the Design and Access Statement.

- 7.65 The measures identified have been identified as representing industry best practice. No negative effects as a result of the mitigation are identified.

### **Construction mitigation**

- 7.66 Effects will be mitigated within the development during demolition and construction through site hoardings which will mask many construction operations. The potential use of cranes, associated with construction will be visible, but these are temporary.

### **Operational effects – once completed**

- 7.67 With the construction of the development complete, the LVIA states it would have a local, direct, permanent, moderate magnitude of change on the Landscape Character of the 'Medium to Large Agricultural Fields', leading to a moderate adverse significance of effect. This is due to the change in land use which will affect a restricted extent of the overall Landscape Character area and the loss of some vegetation with the mitigation planting not yet matured. However, it is noted that the change in land use from vacant fields to employment uses reflects the allocation of the site within the East Cambridgeshire Local Plan and the development follows suggested guideline associated with this allocation. Due to the scale of the Mid-Tech buildings there will be an indirect effect on the wider extent of the LCA due to the presence of a greater amount of large scale built form in views.
- 7.68 The LVIA states that from the south facing windows of properties associated with Biggin Farm the Gateway Building and the Mid Tech 1 building (phases 3 and 4) are likely to be visible. Views of the associated car parks and vehicles parking in these immediate areas will also be possible. The mature vegetation located to the south of these properties and associated with the existing LGC Ltd laboratories and office buildings will provide some screening to the new built form and infrastructure. It is recognised that the planting proposed to soften the views of the Mid Tech 1 building and car park, will have yet to mature. The built form will however be seen in context with the existing laboratories and office blocks.
- 7.69 The LVIA does acknowledge that a greater extent of visibility, which varies in relation to the intactness of the roadside hedgerow, will be possible from Snailwell Road as it leads southeast from the roundabout. In these views, the Mid Tech 1 and Mid Tech 2 buildings (phases 4-5) will be visible above and behind the existing boundary vegetation. Views of the southern part of the development are likely to be possible from 115 Snailwell Road and the Industrial and Business Park. The upper levels of the Mid Tech 1 building also likely to be glimpsed from the upper storey windows of the Industrial Park to the west during winter.
- 7.70 At year 1, the LVIA accepts that the Mid Tech buildings would be a prominent urbanising feature in the views from the south. However, the new built form will be seen in context with the existing industrial and business parks in the local area and which will be developed in the future employment allocations directly adjoining this site along its southern boundary and beyond to the west, between Snailwell road and the A142. In the long term it will therefore become part of a much larger employment area.
- 7.71 In addition, where the topography rises to the southeast, there would be glimpsed views towards the development from Chippenham Road and public right of way 204/5 where the Mid Tech 2 buildings; the roofline of extensions to Buildings C, B and D; Amenities building; and, Incubator Hub will be seen the amongst intervening vegetation. Public right of way 204/1 running parallel to this will also have limited glimpsed views of the Development roofline, although, the existing dense vegetation largely screens the development. These views of the development are likely to increase in winter months where the intervening vegetation will provide less of a screen. Available views of the development from these receptors to the east will

predominantly be set within the existing mature tree line and at a lower level to the existing industrial buildings that are glimpsed and more distant within the views.

- 7.72 In winter, limited views of the extended car park to the northeast of the development and the extension to Building C would be glimpsed through the existing vegetation associated with the River Snail and Chippenham Fen from public rights of way 92/16 and 49/3. However, due to this intervening vegetation, the difference between the existing and new built form would be barely discernible. Glimpsed views of the Development's built form are also expected from Phantom Cottages and Park Farm but views will be screened from Hare Hall. From these receptors, the discernible glimpses of built form will be seen in context with the existing Site features and the surrounding industrial buildings to the west and south of the Site.

### **Completed development mitigation**

- 7.73 Effects on identified landscape and visual receptors have been mitigated through the design and materials of the development, as outlined in the material submitted for approval and illustrated for the detailed design in the Design and Access Statement. This new built form and infrastructure takes into account the scale and form of existing offices and laboratories within the site and within the wider context. The details of the design for the outline aspects of the development would be secured through the agreement of reserved matters with this assessment based on the submitted parameters plans.

- 7.74 In regard to planting, the majority of the mitigation measures will be associated with the boundary of the development and these measures have been considered as part of the Landscape Masterplan and are set out in Parameter Plan 7. Within the development, trees will also be planted using a range of sizes from small to medium-sized specimens to provide amenity benefits for workers. On the basis of other similar developments it is considered that the trees planted as standards along the boundary would grow to approximately 8-10m in height after 15 years growth (with optimal planting conditions and regular maintenance) and soften the visual effect of the proposed development. The Landscape Masterplan and additional native tree, shrub and meadow grass planting would bring additional benefits through enhancing external social and recreation opportunities and increasing the habitat value of the Site through increasing species diversity and management.

### **Long term effects – 15th year**

- 7.75 In the long term, following fifteen years of operation, the implementation of the Development will have a minor beneficial effect on account of: the new built form that reflects the existing character of buildings within the site; the increase species diversity of planting; and the enhanced facilities and areas of communal open space for employees. There would be a moderate to minor adverse effect on views from Snailwell Road and 115 Snailwell Road. The development is considered to have minor adverse or minor adverse to negligible or no effect on the remaining residential properties, commercial farms, public highways and public rights of way visual receptors and the identified Landscape Character Areas due to the overall containment of the Site in the wider landscape by mature vegetation and large scale built form, and the existing and future industrial context of the wider area.



- 7.76 The Landscape Masterplan considers the careful retention and enhancement of the boundary planting, mature trees within the site, drainage ditches and the River Snail corridor. The new buildings have been considered in terms of materials and form to respect existing site characteristics and reduce the visual prominence in views from the wider landscape.
- 7.77 The proposed new tree planting to the southern and eastern boundaries would break up the facades of the large scale warehouses and soften their appearance. The Landscape Masterplan has been carefully designed to ensure the new planting responds to the local character and enhances the ecological value of the landscape framework. Following establishment, this structure will provide a mature setting to the development helping to integrate it into the immediate surroundings.

### **Monitoring**

- 7.78 Monitoring of the development will seek to ensure that the design achieves the highest quality and minimises the landscape and visual effects. Monitoring of the landscape elements will fall within the remit of the management team of the employment facility relating to the soft landscaping in particular the boundary planting. The long term maintenance will be secured by condition.
- 7.79 Overall the visual impact of the buildings proposed as part of the full application are considered acceptable and the scale of the elements proposed in outline will be assessed at reserved matters stage. However the sites sensitive southern boundary aspect must be noted and any future built form in the MID Tech buildings must incorporate clever design solutions to satisfactorily assimilate buildings of this indicative scale, into the surroundings, so as not to harm the landscape and visual character of the area. This is acknowledged within the LVIA.
- 7.80 Historic England have raised concerns that the proposed mid tech buildings 1 and 2 will have an urbanising intrusive addition within the setting of the Scheduled Monument, which is situated 140 metres to the south of the site. The designated Scheduled Monument is the site of a Roman villa. They do not consider that the Environmental Statement has provided an adequate assessment on the impact of the proposal on the setting of the scheduled Roman villa and request a full settings assessment be undertaken, to understand the contribution that setting makes to the significance of the scheduled monument, and how this setting will be impacted by the proposed development. They state “The ES concludes, without any supporting evidence or narrative and on the basis of the proposed outline maximum parameters of the development and, that there will be a ‘permanent, local effect of moderate adverse significance on the setting of Scheduled Monument”.
- 7.81 Historic England are of the view that the development may result in harm to its significance. They advise that we should be satisfied that the public benefit of the scheme outweighs the harm to designated assets, and that any permission granted should be conditional on securing a further scheme of archaeological work and landscaping mitigation to screen the development in views from the south.
- 7.82 In response to this the applicant states;

*“This section makes clear that the assessment is based on the maximum parameters of the proposed Mid-Tech Buildings, as these buildings are being applied for in outline. In line with EIA best practice, we must assess the maximum parameters being applied for in order to provide a robust and defensible assessment and to provide regulators with the confidence that a ‘worst-case’ assessment has been undertaken. The assessment reported in this section also takes no account of any possible mitigation measures at this stage. The potential magnitude of change is explained at paragraph 14.42, i.e. moderate adverse, and again notes that this is based on an assessment of maximum parameters.*

*A moderate adverse magnitude of change is defined as: “The proposed changes will negatively alter the setting or overall character of the heritage asset. It will likely disturb key features and detract from the overall heritage significance. Change of this magnitude should be avoided where possible, but can be minimised or neutralised through positive mitigation.”*

*“.....due to the distance separating the Scheduled Monument from the proposed Mid Tech Buildings, a substantial adverse effect would not be reasonable, hence a conclusion of “permanent, local, adverse effects of moderate significance”.*

*“.....the assessment has considered the maximum parameters of the proposed Mid Tech Buildings. Given the relatively early stage of the design process for these buildings there are no mitigation measures in the form of detailed design of the buildings that can be considered at this stage. Careful consideration of mitigation on the future detailed design of the Mid-Tech Buildings ... may afford the opportunity to reduce the potential adverse effects to the setting of this asset”.*

- 7.83 Given that the assessment was based on worst case scenario, this matter can be reviewed at reserved matters stage, however it is necessary to be confident that the principle of large scale buildings on the site will not harm the significance of the heritage asset. Whilst the applicant has advised that any harm can be mitigated, it is unlikely that this can be achieved to any great degree in this case given the sheer size of the buildings proposed. The scale of the development is such that it would not be possible to screen the built-form in its entirety.
- 7.84 Innovative design can go some way to reducing the appearance of bulk but weight must also be given to the fact that the land immediately to the south which lies between the site and the boundary of the Scheduled Monument is allocated within the Local Plan FRD5 and the Submitted Local Plan, for further employment development FRD.E1(E). The expectation is therefore that further development will take place in even closer proximity to the Monument.
- 7.85 Paragraph 132 of NPPF states ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’. When considering harm (Para 134) the NPPF notes that ‘harm should be weighed against the public benefits of the proposal’.

- 7.86 Taking into account the LVIA statement that the harm to the heritage asset should be avoided where possible, the fact that the site itself is allocated, as is the site closer to the monument, and weighing this harm against the public benefits, it is considered that the public benefits are significant in the delivery of large scale employment and some 750 to 867 jobs to the benefit of the local economy.
- 7.87 In conclusion, the proposed development would result in less than substantial harm being caused to the significance of the heritage asset and the public benefits of this employment development would outweigh this harm as required by Chapter 16 of the NPPF relating to heritage assets. As such, the proposed development would not comply with the NPPF, Policy ENV11 of the Local Plan and LP27 of the 2018 Submitted Local Plan.

### **Access, parking and impact on the transport network**

- 7.88 The proposed development will use the existing vehicular access. Before occupation of Phase 1, anticipated in 2019, this access will be improved and a ban placed on right hand turns out of the site. This will be secured by condition.
- 7.89 To enhance the use of public transport links and in accordance with Policy FRD 6, the applicant also proposes to provide two bus stops with shelters, lay-bys and a pedestrian crossing on Newmarket Road, north of the Fordham roundabout. This will be delivered to completion of Phase 1 to be secured by s106 agreement.
- 7.90 Prior to occupation of a Phase 3 building, alterations will be made to improve the roundabout to the south of the site, at the junction with Snailwell Road. This will involve the introduction of two traffic lanes on the approach and exit arms of the roundabout. This will be secured by S106 legal agreement to be delivered when needed prior to the completion of Phase 3.
- 7.91 Also secured by S106 agreement is a financial contribution of £ 150,000 towards junction improvement at the A14 junction 37, half will be provided upon commencement of the development at the site to fund a detailed study into an acceptable scheme. The remainder to be paid on award of a contract for the highway works. It is currently envisaged that a new dumbbell roundabout design would be constructed with two roundabouts provided on the A142 either side of the A14. Suffolk CC are satisfied that this contribution is commensurate the impact that this development would have on the junction, following a costing exercise for the improvement works required.
- 7.92 These improvements are to mitigate the likely transport impacts of the predicted increase in traffic flows as a result of the proposed development to be delivered by financial contributions and secured by S106 obligation. The applicant has agreed to the Suffolk CC request that any unspent money is returned to the applicant after 10 years. Suffolk CC have also advised that if the works are not completed in time to mitigate the impacts of Phase 3 onwards, then this contribution would be used to fund a relatively low cost solution to mitigate the impacts of this development.
- 7.93 Suffolk CC have raised no objections and advise that “The risk will be on SCC and HE if there is some short term localised traffic impacts on this junction, before a more comprehensive junction improvement is funded from other sources. At the

moment there are a lot of unknowns, but in the next few months we will get a much clearer picture of what is going to happen here.”

- 7.94 The proposed development would provide a total of 764 new parking spaces over the five phases, linked to each phase, in addition to the 202 spaces currently provided on site. A total of 133 new cycle spaces will also be provided. This accords with the Councils parking standards.
- 7.95 During construction, a CEMP would be implemented to control construction traffic movements and reduce potential adverse environmental effects. Nevertheless, occasional disruption to the local road network and to pedestrians and cyclists using the footway and cycleway adjacent to the local road network cannot be ruled out. There would be insignificant effects to off-road pedestrian and cycle routes during construction.
- 7.96 It is considered that subject to conditions and S106 agreement the development would not have an adverse impact on highway safety and complies with Policy.

### **Residential amenity**

- 7.97 There are residential properties within the site which are site properties. The only other residential property near the site is immediately to the north west, Biggen Stud Farmhouse which is Grade II Listed. It is considered that no demonstrable harm to the residential amenity will occur as a result of this development. The site will experience a greater level of activity but not of such a level to likely cause harm to residential amenity. The nature of fixed building services plant will be controlled by condition and the proposed B2 uses are in the Mid Tech buildings to the other end of the site.
- 7.98 Noise monitoring was undertaken within the site and the dominant noise source at present is road traffic noise. The proposed development is predicted to result in increases of less than three decibels on all modelled road links once it is complete and operational. This would give rise to imperceptible impacts. Measures to control construction noise and vibration effects would be incorporated into the CEMP by way of condition. No adverse effects are predicted at the two on site residential properties in the west of the site during the construction phase of Phases 1, 2, 4 or 5. However relatively high levels of construction noise are likely during construction of the Gateway building. Mitigation measures are proposed to alleviate this noise impact and consideration should be given to the fact that both residences are occupied by employees of the current on site operations. The Environmental Health Officer is satisfied with the proposal subject to conditions and further noise survey work for the outline proposals.

### **Impact on heritage assets and archaeology**

- 7.99 The ES states that the proposed development would indirectly affect the heritage significance of the Listed Building Biggen Stud Farm located immediately to the north of the site. The heritage significance of this designated asset and the contribution of its setting to that significance has been assessed.

- 7.100 It is accepted that there would be a permanent change to the character and appearance of part of the wider setting of the Listed Building in particular the introduction of additional built form of a larger scale. Mitigation in the form of the integration of a new and comprehensive landscape design and planting would be an important feature. This would serve to soften the intervention of additional built form on the site. There would be no direct impact on the heritage significance of the farmstead. The existing prominence of the farmhouse would be maintained. The site itself does not contribute positively to the significance of the farmstead, and the established character of its setting to the south and west is defined to a significant degree by the urbanising features of major road infrastructure and grouping of large scale commercial/industrial buildings.
- 7.101 To the south of the site the impact on the Roman Villa Scheduled Ancient Monument has been discussed in detail elsewhere in this report.
- 7.102 It is considered that the development would result in less than substantial harm being caused to the significance of both these heritage assets and the public benefits of this employment development would outweigh this harm as required by Chapter 16 of the NPPF relating to heritage assets. As such, the proposed development would comply with the NPPF, Policy ENV11 of the Local Plan and LP27 of the 2018 Submitted Local Plan.
- 7.103 Archaeology - Trial trenching has recently been completed. The Cambridgeshire Historic Environment team do not object to development from proceeding in this location but consider that the site should be subject to a further programme of archaeological investigation secured through condition.

### **Flood risk and drainage**

- 7.104 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.
- 7.105 A Flood Risk Assessment and Drainage Strategy has been prepared and consultation taken place with Environment Agency as the River Snail is located adjacent to the site and the site is located within Flood Zones 1,2 and 3. However the site benefits from a flood defence (earth bund). The Environment Agency are satisfied with the development proposals subject to various conditions and adherence to the mitigation measures proposed within the FRA dated Sept 2017. As the site is an allocation the sequential test has already been completed.
- 7.106 The ES demonstrates that the development also meets the exceptions test, the site is allocated for employment use and will be safe for its lifetime.
- 7.107 The site currently relies on pumps to dispose of surface water and it is proposed to maintain this arrangement following development. The applicant has confirmed that the existing pumping station will be replaced with a new pumping station containing two pumps. This will help ensure that should one pump fail, the other is still

available to evacuate water from the site. The Lead Local Flood Authority are therefore satisfied subject to a condition.

- 7.108 The foul water drainage will be dealt with via the public sewer and Anglian Water have confirmed there is capacity in the existing network at present. The sewerage system at present has available capacity for the proposed flows of 2.6l/s for phases 1 and 2. They advise that the remaining phases will lead to an unacceptable risk of flooding downstream and that off-site mitigation will need to be provided. They are therefore satisfied with the proposal subject to a condition.
- 7.109 The ES states that during the construction works, the CEMP should include temporary measures to control surface water runoff from the Site. Such measures would include the provision of adequate drainage to manage surface water runoff. The CEMP should also set out measures to ensure that the existing sewers and ditches are adequately protected and / or disconnected and altered in line with best practice.
- 7.110 It is considered that the impact of the development on water quality/resources would not significantly alter from that which currently occurs on the site and that the imposition of conditions would adequately address these matters.
- 7.111 The proposal therefore complies with Policy ENV 8 of the Local plan and Policy LP25 of the Submitted Local Plan.

#### **Ecology, biodiversity and archaeology**

- 7.112 Policy ENV 7 of the Local Plan, seeks to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken.
- 7.113 Impacts on ecology has been assessed within the Environmental Statement, informed by a Preliminary Ecological Appraisal, Protected Species Surveys and a Botanical Survey.
- 7.114 Given that the application site lies within a close proximity of a number of International / European designated sites, a detailed assessment of these sites (including any underpinning sites of national importance) has been undertaken and the conclusions have been drawn elsewhere in this report. This assessment concluded that, subject to the adoption of appropriate mitigation and avoidance measures, no significant adverse impacts would result on these sites, either as a result of the development proposals alone, or in combination with any other plans or projects.
- 7.115 The surveys recommended a number of measures to enhance biodiversity to include retention of existing vegetation and planting principles, the use of peat free composts and avoidance of pesticides. Much of the existing perimeter vegetation and as much as possible of the vegetation within the site will be retained thus ensuring less disturbance to habitats. The site also supports a number of plants species which are uncommon or declining in two groups and areas for which mitigation is proposed. With the implementation of the mitigation measures contained within the Environmental Statement the following residual effects are expected:

- 7.116 During site preparation and construction works, the implementation of a CEMP would reduce the risk of pollution, including dust, noise, vibration and lighting. Minimising night working would reduce disturbance to bats and otters and the inclusion of buffer zones around ditch D3 and trees with bat potential would reduce disturbance to these species. These measures would result in negligible effects to designated site, bats and otters and water voles. The inclusion of bat boxes as part of mitigation to destroy the bat roosts during this phase would have a permanent, local, effect of minor beneficial significance for bats.
- 7.117 Once completed, the development would incorporate bat boxes which would provide alternate roosting features to bats and would replace bat roosts. The lighting strategy would prevent light spill on to habitats suitable for bats and otters and a Landscape Environment Management Plan would significantly increase the value of the habitats on site for notable flora, bats and water voles. The inclusion of this mitigation would have a permanent, local, effect of minor beneficial significance on bats and water voles. There would be negligible effects to otters and designated sites.
- 7.118 In conclusion, on the evidence of the ecological surveys undertaken it is considered that the proposal complies with Policy ENV 7 of the Local Plan.
- 7.119 Policies ENV14 of the adopted Local Plan 2015 and LP27 of the Submitted Local Plan 2018 require all new development to have regard to their impacts upon the historic environment and protect, enhance and heritage assets and their settings.
- 7.120 The archaeological characteristics of the site have been established via a number of assessments with the geophysical survey of parts of the site with the highest archaeological potential. A number of archaeological remains were identified. However, as the site has been subject to varying degrees of disturbance, a number of scattered artefacts were found but were not considered to be of archaeological significance. That said the location of the Snailwell Roman Villa to the south of the site is a significant designated heritage asset. A watching brief over ground intrusive works is to be agreed with the County Archaeologist along with associated hard and soft landscaping to the setting of the buried Roman Villa. It is considered that provided the mitigation measures proposed are followed that there would be no significant harm to the setting of this significant designated heritage asset.
- 7.121 On balance the scheme would provide adequate protection to both the archaeology and cultural heritage assets present on the site and their setting which is in compliance with both national and local planning policies. A further programme of archaeological investigation will be secured through condition.

### **Trees and landscaping**

- 7.122 An Arboricultural impact assessment and method statement has been submitted. Whilst the vast majority of the existing boundary screening will be retained, pockets of tree loss will be necessary to accommodate the development and the Trees Officer has advised that the losses proposed are acceptable and is supportive of the overall landscape strategy for the site, which will be delivered with each phase of development. For the outline proposal full details will be considered at reserved

matters stage but the Landscape and Visual Impact Assessment makes it clear that substantial screen planting is proposed around the perimeter of the site.

- 7.123 Alongside the Gateway building the group of mature trees are to be retained and trees and underplanting is proposed to form part of the treatment to the road boundaries and building peripheries and specimen lime tree planting is proposed to the approach to Biggen farm to enhance the character of the setting of the Listed Building and provide additional visual separation. At the Mid Tech buildings given the site levels, the surrounding ground will bank down and the planting on the southern boundary would be slightly elevated on a gentle bank. Hedges will be retained to the southern and western boundaries with additional native planting providing additional screening from Snailwell Road.
- 7.124 For the full elements of the application, the landscaping will enhance the existing position within the main campus through the provision of tree planting to divide and soften the appearance of the proposed parking zones and to highlight a central pedestrian route that leads from the building complex to the running track and embankment and river. A new courtyard will be created.
- 7.125 Additional landscaping will also help to achieve a net gain in biodiversity.

### **Socio-Economics**

- 7.126 Policy EMP2 of the adopted Local Plan 2015 and Policy LP8 of the Submitted Local Plan supports future economic growth in the district which uses land in the right locations. The availability of local employment opportunities is particularly important given the high levels of out-commuting from the district. As mentioned earlier in the report, the site is an allocated employment site in both the adopted Local Plan 2015 (FRD6) and the Submitted Local Plan (FRD.E1) refers.
- 7.127 According to the Environmental Statement submitted with the application, the applicants estimate that the construction of the scheme would support the equivalent of around 28 permanent construction jobs during the 4-5 year construction programme, creating GVA to the economy of around £19.2m. Once completed, the development is predicted to generate between 750 and 867 net additional full time jobs generating GVA to the local economy of between £40.3 - £46.6m annually.
- 7.128 Given that the site is already allocated for employment purposes in both the adopted Local Plan 2015 and the Submitted Local Plan 2018, it is considered the scheme would not significantly alter the balance of uses already agreed within both development plans and therefore in terms of socio-economic impacts these would not necessarily be affected by the proposal.

### **Vibration**

- 7.129 In terms of vibration, the site is in a rural location adjacent to a main road where noise from the road is dominant. Control measures to mitigate the impact of construction noise and vibration effects would be incorporated in the CEMP and construction vibration limits would be set to ensure compliance with national



standards. Again these limits would be mitigated through the implementation of the CEMP.

### **Air Quality**

- 7.130 Policy ENV9 of the adopted Local Plan 2015 requires that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, and ensure no deterioration in air and water quality. In terms of air quality the main likely effect on local air quality during construction would occur from dust. Mitigation measures to minimise or prevent dust generated from construction activities would be incorporated in the CEMP and implemented throughout the works. Emission from construction vehicles and plant is anticipated to be small in comparison to the existing emissions emanating from the main road adjacent to the site.
- 7.131 The applicants have modelled the likely changes in local air quality after completion of the development for sensitive receptors surrounding the site. These changes relate to the effect of future traffic related exhaust emissions which are predicted to have an insignificant effect on concentrations of nitrogen dioxide and particulate matter with the overall effect of the development on air quality considered to be insignificant.
- 7.132 The Environmental Health Officer is satisfied that the impacts on air quality are likely to be negligible assuming a CEMP is prepared and adhered to and mitigation measures are put in place. A CEMP will be secured by condition.

### **Ground Conditions and contamination**

- 7.133 Policy ENV9 of the adopted Local Plan 2015 requires that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, and ensure no deterioration in air and water quality. Policy LP26 of the Submitted Local Plan 2018 requires that all development proposals must contain sufficient information to assess the potential hazards and impact especially relating to land quality.
- 7.134 A desk based assessment for the site has been undertaken to identify the likely effects from ground contamination to identified receptors. However, an intrusive ground investigation would need to be undertaken to determine the current contamination levels at the site and where there may be significant quantities of ground gas and vapour present.
- 7.135 The scheme would incorporate a higher proportion of hardstanding, thus reducing rain water infiltration through potentially contaminated soil. The removal of unforeseen contamination and reduction in soil mobilisation once the development is completed would also have a beneficial effect on ecological receptors.
- 7.136 It is acknowledged that the overall contamination risk was no greater than moderate/low and further intrusive investigations to help determine the contamination status at the site is recommended. These findings are accepted by the Environmental health Officer who has recommended conditions.

### **Cumulative effects**

- 7.137 Two types of cumulative effects have been identified as a result of the development and these relate to:
- 1) The interaction of the individual effects during construction upon a set of defined sensitive receptors, ie noise, traffic and visual intrusion; and
  - 2) The combined effects arising from other reasonably foreseeable schemes
- 7.138 In terms of Type 1 effects, these have been dealt with in other sections of the report to Committee and the applicant has provided a programme of mitigation measures which would adequately alleviate the temporary cumulative effects during construction of the development.
- 7.139 Turning to the Type 2 effects, four foreseeable schemes were considered as part of the assessment, these relate to schemes on land adj to 67 Milenhall Road, Fordham, land rear of 98 to 118 Mildenhall Road, Fordham, the Scotsdale Garden Centre and the New Sake brewery.
- 7.140 The ES concludes that due to the large distances and lack of inter-visibility or interconnection between the site and each of the four cumulative schemes there are very few identified Type 2 cumulative effects.
- 7.141 Again, appropriate mitigation measures be covered by the CEMP and other controls imposed by conditions of the consent.

### **BREEAM**

- 7.142 Policy ENV 4 requires all new development to aim for reduced or zero carbon in accordance with the zero carbon hierarchy. The applicant is aware of the need to reduce the ongoing impact of the development on equivalent carbon emissions through well designed, well-constructed and thermally efficient buildings as well as through good site practices through construction.
- 7.143 The applicant has submitted a BREEAM report which states that the aim is to meet a Very Good rating. The strategy outlined in the report shows that this will be met. A condition will be attached to the permission to ensure that this is achieved.

### **Planning Balance**

- 7.144 The matter of assessing the benefits of a proposal against the harm caused is one for the decision maker and there are no set limits or thresholds, which must be met or passed in order for a decision to be made either in favour of or against a proposal. Where a proposal comes into conflict with the Development Plan and government policy, in the form of the NPPF, this must weigh significantly against the development when reaching a planning judgement.
- 7.145 The conclusions within the Environmental Statement are agreed. Recommended conditions will secure mitigation measures and are set out within this report.

- 7.146 Policy ENV1 requires landscape and settlement character to be protected, conserved and where possible enhanced. The proposed development is significant and will have an impact on the character and appearance of the area. The LVIA concludes that with mitigation the impact of the development will be moderate adverse upon completion reducing to minor adverse after 15 years and will sit within the context of existing large scale industrial development. It will not be possible to entirely screen the development within the landscape but the additional planting proposed will go some way to soften views of the development.
- 7.147 The proposal has been thoroughly assessed in relation to its traffic and transportation effects. The County Highway Authority, Transport Planning Team and Suffolk County Highways raise no objection to the proposal, subject to appropriate financial contributions and other mitigation measures to mitigate the impacts of the development. The proposal is therefore considered to comply with Policies COM7 and COM8 in relation to traffic and transportation (including parking provision) and any impacts from the development will be suitably mitigated.
- 7.148 Policies ENV12 and ENV14 seek to protect Scheduled Ancient Monuments, Listed Buildings and their setting, together with sites of archaeological interest. The applicant has demonstrated that no significant harm will be caused to the setting of any heritage assets and a suitably worded planning condition can be imposed requiring an archaeological investigation to be carried out. It is considered that the historic environment will be adequately preserved and that any minor adverse effect attracts limited weight against the proposal.
- 7.149 There are limited opportunities to locate the proposed development at areas at low risk of flooding and it is considered that the sequential and exceptions test has been passed. The applicant has demonstrated that flood risk can be minimised and that the development will operate alongside the existing flood defences. Subject to a condition requiring a detailed surface water drainage strategy to be imposed it is considered that the proposal complies with Policy ENV8 in relation to flood risk. Similarly, subject to the recommended mitigation measures, the proposal adequately addresses ecology and biodiversity and is in accordance with Policy ENV7. Further contamination investigation will be carried out prior to development commencing, in accordance with Policy ENV9. The noise assessment submitted demonstrates that any perceptible noise will not be significant and the necessary mitigation can be secured by condition. As these matters can be adequately addressed by condition it is considered that they carry very limited weight against the proposal.
- 7.150 The applicant has outlined the significant benefits to the economy through delivery of this development which weighs heavily in its favour.
- 7.151 The proposed development will provide for employment development on an existing allocation for employment use and although it will include some B8 uses, which is not allowed for in the Policy, it is considered that there would be no material harm in planning terms, given the existing site context and the extent of the surrounding allocations. As such the proposal is considered to largely comply with the development plan and there are no other material planning considerations which would cause demonstrable harm in planning terms which would warrant the refusal of planning permission.

7.152 There are not considered to be any significant effects on the environment.

## **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 site is allocated in both the local Plan 2015 and the Submitted Local Plan 2018 for employment use.

## **9.0 APPENDICES**

9.1 Appendix 1 - Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/01838/ESF	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Senior Planning Officer
16/00974/FUM	Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1

**FULL PLANNING PERMISSION FOR DEMOLITION, ALTERATION AND EXTENSION OF BLOCKS B,C AND D, WITHIN USE CLASS B1 OFFICES/LABORATORY.**

Approved plans

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

<b>Plan Reference</b>	<b>Version No</b>	<b>Date Received</b>
10174 0003	A05	11th October 2018
10174 0004	A03	11th October 2018
10174 0006	A04	11th October 2018
WATERMAN RESPONSE TO CCC COMMENTS		9th October 2018
BREEAM REPORT		11th October 2017
10174 SA 04 0004	A03	11th October 2018
10174 0006	A04	11th October 2018
10174 SA 95 0003	A05	11th October 2018
TP012	Parameter Plan 3 Height	16th February 2018
ECONOMIC IMPACT STATEMENT		11th October 2017
STATEMENT OF COMMUNITY ENGAGEMENT		11th October 2017
ENERGY STRATEGY REPORT		11th October 2017
ACOUSTIC REPORT		11th October 2017
RIBA 2 REPORT FOR BUILDING SERVICE		11th October 2017
17413-TLP-PA05	Section CC	11th October 2017
17413-TLP-PA04	Section BB	11th October 2017
17413-TLP-PA03	Section AA	11th October 2017
17413-TLP-PA02	Layout Phase 1 and 2	11th October 2017
17413-TLP-601	Tree Survey	11th October 2017
17413-TLP-602	Tree Protection	11th October 2017
TP(10) 303 REV 4	Building D	11th October 2017
TP(10) 302 REV 4	Building D	11th October 2017
TP(12) 301 REV 5	Building D	11th October 2017
TP(11) 301 REV 6	Building D	11th October 2017
TP(10)301 REV 4	Building D	11th October 2017
TP(10) 203 REV 4	Building C	11th October 2017
TP(12)201 REV 4	Building C	11th October 2017
TP(11) 201 REV 5	Building C	11th October 2017
TP(10) 201 REV 3	Building C	11th October 2017
TP(10) 202 REV 3	Building C	11th October 2017
TP(10) 103 REV 4	Building B	11th October 2017
TP(12) 101 REV 4	Building B	11th October 2017
TP(11) 101 REV 5	Building B	11th October 2017
TP(10) 101 REV 3	Building B	11th October 2017
TP(10) 102 REV 3	Building B	11th October 2017
TP(50) 001 REV B	Health and safety site plan	11th October 2017

TP(00) 003 REV 3		11th October 2017
82001 P05		11th October 2017
82002 P05		11th October 2017
75002 P03		11th October 2017
75001 P03		11th October 2017
71004 P02		11th October 2017
71003 P02		11th October 2017
71002 P02		11th October 2017
71001 P02		11th October 2017
70004 P04		11th October 2017
70003 P04		11th October 2017
70002 P04		11th October 2017
70001 P04		11th October 2017
SK 111 REV 2		11th October 2017
SK 112 REV 1		11th October 2017
SK 113 REV 2	P7	11th October 2017
SK 111 REV 2	D	11th October 2017
SK 100 REV 4		11th October 2017
SK 112 REV 1	D	11th October 2017
SK 101 REV 2	A	11th October 2017
SK 113 REV 2	D	11th October 2017
SK 102 REV 3	A	11th October 2017
APPENDICES	ES V5 part 2	11th October 2017
CHAPTER 2		14th March 2018
TRIAL TRENCH		14th March 2018
GEOPHYSICAL SURVEY		14th March 2018
CHAPTER 14		14th March 2018
HISTORIC ENVIRONMENT		14th March 2018
BASELINE		
NON TECHNICAL SUMMARY		14th March 2018
DESIGN & ACCESS		14th March 2018
LANDSCAPE AND VISUAL IMPACT	ES V3 Appendix 1	11th October 2017
PLANNING STATEMENT		11th October 2017
ABORICULTURAL IMPACT		11th October 2017
ASSESSMENT		
NON TECHNICAL SUMMARY	ES	11th October 2017
LANDSCAPE AND VISUAL IMPACT	ES V3	11th October 2017
FIGURES	ES V2	11th October 2017
MAIN TEXT	ES V1	11th October 2017
TRANSPORT ASSESSMENT	ES V4	11th October 2017
APPENDICES	ES V5	11th October 2017

- 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 Development hereby permitted shall be carried out in accordance with the Phasing Plan (Appendix 3 Phasing Plan), unless otherwise agreed in writing with the Local Planning Authority.
- 3 Reason: To accord with the terms of the planning permission.
- 4 No demolition/development shall take place until a written scheme of investigation (WSI) for a programme of archaeological works has been submitted to and approved by the Local Planning Authority in writing for the relevant phase of development. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) the statement of significance and research objectives;
  - b) the programme and methodology of site investigation and recording and the nomination of a competent person (s) or organisation to undertake the agreed works;
  - c) the programme for post excavation assessment and subsequent analysis, publication and dissemination, and disposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 4 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 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 No development approved by this planning permission for each phase or group of phases of development shall take place until a remediation strategy for the relevant phase of development, that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority.
1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site
  2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
  3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018. The condition is pre-

commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 6 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 6 Reason; To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 7 No development shall take place for each phase or group of phases, 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. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before development in that phase is completed.

The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Waterman Infrastructure & Environment *Ltd* (ref: *WIE10174-100-R-9-1-3-DMP*) dated September 2017 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 above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements, 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;
- f) Full details of the maintenance/adoption of the surface water drainage system including a back-up system for pump failure;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- h) A timetable for implementation

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

- 7 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 2018. 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.

- 8 No drainage systems for infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 8 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 2018.
- 9 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 9 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 2018.
- 10 No development shall commence for each phase or group of phases of development until a scheme for on-site foul water drainage works, to include connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. No buildings on that phase shall be occupied until the works have been carried out in accordance with the foul water strategy approved unless otherwise approved in writing by the Local Planning Authority.
- 10 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. 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 Prior to the commencement of each phase or group of phases of development approved by this planning permission (or such other date or stage agreed in writing with the Local Planning Authority), a Materials Management Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The plan will include:
  1. An inspection and sampling strategy for the testing of excavation formations;
  2. A procedure for screening contamination discovered in the development phase to be screened against criteria outlined in the remediation strategy;
  3. A stockpile validation strategy;
  4. Detailed material re-use criteria;
  5. Details of arisings processing; and
  6. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in a) to e) are complete and identifying any

requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 11 Reason: To prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF and policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. 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.
- 12 Prior to first occupation of a phase 1 building, the Developer shall be responsible for the provision and implementation of a travel plan to be agreed in writing with the Local Planning Authority. Such travel plan shall include the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 12 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 2018.
- 13 Prior to the first occupation of a phase 1 building the site access junction shall be modified as shown in principle on drawing "junction 3 proposed site access junction improvements" revision A05, dated May 2017. Details to be agreed in writing with the Local Planning Authority.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 14 Prior to first occupation of Phase 1, space shall be laid out within the site for 157 cars to park. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 15 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 15 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust, vibration and lighting during the construction phase. These shall include, but not be limited to, other aspects such

as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

- 16 Reason: 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 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 The tree protection measures as shown within the Arboricultural Impact Assessment and Arboricultural Method Statement dated 26th September 2017 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.
- 17 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 2018.
- 18 Notwithstanding the Landscape Masterplan, prior to first occupation of Phase 1, a full schedule of all soft landscape works, to include the mitigation measures identified within the Ecology reports and to accord with the Landscape and Environment Management Plan, (to be agreed), shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting, 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.
- 18 Reason: To assimilate the development into its surroundings and to safeguard the heritage assets, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2018.
- 19 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping for a minimum period of 10 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;

- ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements.
- 19 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 2018.
- 20 Notwithstanding the Landscape Masterplan, prior to first occupation, a Landscape and Environment Management Plan, to include the mitigation required within the preliminary Ecological Appraisal, April 2017, Protected Species Report, September 2017, shall be submitted to and approved in writing by the Local Planning Authority, to accord with the recommendations of the Environmental Statement. The approved Plan shall be implemented in accordance with the recommendations of the Plan.
20. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 21 Prior to occupation of any Phase 1 building, an external lighting plan shall be submitted to and agreed in writing with the LPA, to take account of any requirements of protect species and ecology. This shall include, but not be limited to, details of external lighting specifications, locations, proposed times of use (i.e if any security lighting) and a lighting plan to show light levels off and on site. (For information we would expect the design to comply with the Institute of Lighting Professionals guidance notes for the reduction of obtrusive light available at: <https://www.theilp.org.uk/documents/obtrusive-light/>).
- 21 Reason: To safeguard the character and appearance of the area, residential amenity and ecology in accordance with policy ENV2, ENV7 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22, LP26 and LP30 of the Submitted Local Plan 2018.
- 22 The ecology mitigation measures as specified in the recommendations/mitigation measures within the Protected Species Report September 2017 and the Invertebrate Survey July 2017 shall be adhered to before, during and after construction. Any post construction mitigation shall be implemented in accordance with the recommendations of the reports or prior to the occupation of any building in Phase 1.
- 22 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 2018.
- 23 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 to 18:00 each day Monday-Friday, 07:30 to 13:00 Saturdays and none on Sundays or Bank/Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
- 23 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 2018.

- 24 No external plant or machinery shall be brought onto the site other than that expressly authorised by this permission, as detailed within Section 5.1, page 4 of the acoustic Report, prepared 24 August 2017. No additional plant shall be installed without the written agreement of the Local Planning Authority. Plant and machinery operation shall be limited to between the hours of 08:00 to 20:00.
- 24 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 2018.
- 25 Times of use of the site shall be limited to within the following hours:  
07:00 - 19:00 each day Monday to Saturday  
None on Sundays, Bank Holidays or Public Holidays.

For the avoidance of doubt this means no working on site, including (but not limited to) operation of plant, machinery, deliveries or maintenance activities etc outside of these times.

- 25 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 2018.
- 26 The materials to be used in the construction of the external surfaces, including walls and roofs, shall be as specified in the application. All works shall be carried out in accordance with the approved details.
- 26 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 2018.
- 27 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

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

- 27 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 2018.
- 28 Prior to first occupation of each phase, full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials. 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.

- 28 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 2018.

**OUTLINE PLANNING PERMISSION FOR THE ERECTION OF AN AMENITIES BLOCK/INCUBATOR HUB, USE CLASSES A1,A3 AND D2 OFFICES/LABORATORY, USE CLASS B1, A GATEWAY BUILDING,USE CLASS B1, OFFICES/LABORATORY, MID TECH BUILDINGS 1 AND 2, USE CLASSES B2 AND B8, WITH ASSOCIATED SITE ACCESS, CIRCULATION,CAR PARKING, SUB STATIONS, LANDSCAPING AND SITE ASSEMBLY WORKS INCLUDING (RETAINING WALLS).**

- 29 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 29 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.
- 30 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 30 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 31 The Development hereby permitted shall be carried out in accordance with the Phasing Plan (Appendix 3 Phasing Plan), unless otherwise agreed in writing with the Local Planning Authority.
- 31 Reason: To accord with the terms of the planning permission.
- 32 No demolition/development shall take place within each phase, until a written scheme of investigation (WSI) for a programme of archaeological works has been submitted to and approved by the Local Planning Authority in writing for the relevant phase of development. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) the statement of significance and research objectives;
  - b) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - c) the programme for post excavation assessment and subsequent analysis, publication and dissemination, and disposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

- 32 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.
- 33 No development approved by this planning permission, for each phase or group of phases of development, shall take place until a remediation strategy for the relevant phase of development that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority.
1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site
  2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
  3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
- 33 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 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 34 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 34 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 2018.
- 35 No development shall take place for each phase or group of phases, 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. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk

to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before development in that phase is completed.

The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Waterman Infrastructure & Environment *Ltd* (ref: *WIE10174-100-R-9-1-3-DMP*) dated September 2017 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 above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements, 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;
- f) Full details of the maintenance/adoption of the surface water drainage system including a back-up system for pump failure;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- h) A timetable for implementation

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

- 35 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 2018. 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.
- 36 No drainage systems for infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 36 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 2018.
- 37 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.



- 37 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 2018.
- 38 No development shall commence for each phase or group of phases of development, until a scheme for on-site foul water drainage works, to include connection point and discharge rate, has been submitted to and approved in writing by the Local Planning Authority. No buildings on that phase 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.
- 38 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 2018. 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.
- 39 Prior to the commencement of each phase or group of phases of development, approved by this planning permission (or such other date or stage agreed in writing with the Local Planning Authority), a Materials Management Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The plan will include:
1. An inspection and sampling strategy for the testing of excavation formations;
  2. A procedure for screening contamination discovered in the development phase to be screened against criteria outlined in the remediation strategy;
  3. A stockpile validation strategy;
  4. Detailed material re-use criteria;
  5. Details of arisings processing; and
  6. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in a) to e) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 39 Reason: To prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF and policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. 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.
- 40 Prior to first occupation of a building, within each phase, the Developer shall be responsible for the provision and implementation of a travel plan to be agreed in writing with the Local Planning Authority. Such travel plan shall include the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 40 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 2018.

- 41 Prior to first occupation of each Phase, space shall be laid out within the site for the required number of car parking spaces for that Phase as specified within the Phasing arrangements within the application. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 41 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 2018.
- 42 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 42 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 of the East Cambridgeshire Local Plan 2015.
- 43 Prior to any work commencing on each Phase a Construction Environmental Management Plan (CEMP), for that Phase, shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust, vibration 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.
- 43 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 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 44 The tree protection measures as shown within the Arboricultural Impact Assessment and Arboricultural Method Statement dated 26th September 2017 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.
- 44 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 2018.
- 45 Notwithstanding the Landscape Masterplan and pursuant of Condition 28, a full schedule of all soft landscape works, to include the mitigation measures identified

within the Ecology reports and to accord with the Landscape and Environment Management Plan, (to be agreed), shall be submitted as part of the reserved matters. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting, 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.

- 45 Reason: To assimilate the development into its surroundings and to safeguard the heritage assets, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2018.
- 46 Prior to any occupation of each development, a scheme for the maintenance of the soft landscaping for a minimum period of 10 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation;
  - iv) details of any phasing arrangements.
- 46 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 2018.
- 47 Notwithstanding the Landscape Masterplan, prior to first occupation of each Phase, a Landscape and Environment Management Plan, to include the mitigation required within the preliminary Ecological Appraisal, April 2017, Protected Species Report, September 2017, shall be submitted to and approved in writing by the Local Planning Authority, to accord with the recommendations of the Environmental Statement. The approved Plan shall be implemented in accordance with the recommendations of the Plan.
- 47 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 2018.
- 48 Prior to occupation of a building in each Phase, an external lighting plan shall be submitted to and agreed in writing with the LPA, to take account of any requirements of protect species and ecology. This shall include, but not be limited to, details of external lighting specifications, locations, proposed times of use (i.e if any security lighting) and a lighting plan to show light levels off and on site. (For information we would expect the design to comply with the Institute of Lighting Professionals guidance

notes for the reduction of obtrusive light available at: <https://www.theilp.org.uk/documents/obtrusive-light/>).

- 48 Reason: To safeguard the character and appearance of the area, residential amenity and ecology in accordance with policy ENV2, ENV7 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22, LP26 and LP30 of the Submitted Local Plan 2018.
- 49 The ecology mitigation measures as specified in the recommendations/mitigation measures within the Protected Species Report September 2017 and the Invertebrate Survey July 2017 shall be adhered to before, during and after construction. Any post construction mitigation shall be implemented in accordance with the recommendations of the reports or prior to the occupation of any building in each Phase.
- 49 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 2018.
- 50 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 to 18:00 each day Monday-Friday, 07:30 to 13:00 Saturdays and none on Sundays or Bank/Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
- 50 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 2018.
- 51 As part of any reserved matters application or prior to commencement of each Phase, details of any external plant and machinery shall be submitted to and approved in writing by the Local Planning Authority, to include a noise impact assessment. No additional plant shall be installed without the written agreement of the Local Planning Authority. Plant and machinery operation shall be limited to between the hours of 08:00 to 20:00.
- 51 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 2018.
- 52 Times of use of the buildings within each Phase shall be limited to within the following hours:
- 07:00 - 19:00 each day Monday to Saturday
- None on Sundays, Bank Holidays or Public Holidays.

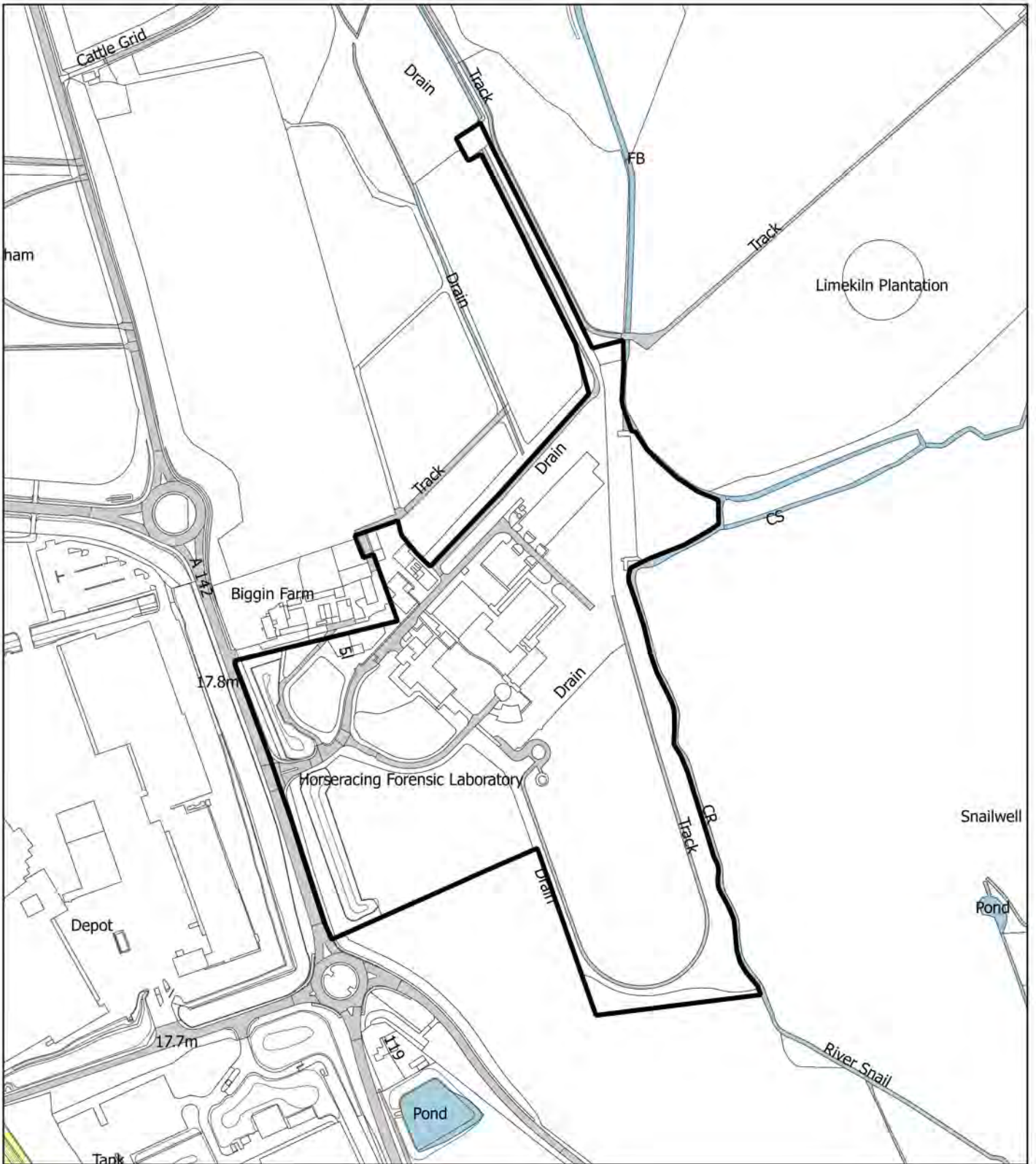
For the avoidance of doubt this means no working on site, including (but not limited to) operation of plant, machinery, deliveries or maintenance activities etc outside of these times.

52 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 2018.

53 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

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

53 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 2018.



17/01838/ESF

LGC Limited  
 Newmarket Road  
 Fordham



East Cambridgeshire  
 District Council

Date: 21/11/2018  
 Scale: 1:5,000



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**MAIN CASE**

**Reference No:** 18/00059/FUM

**Proposal:** Erection of 80 residential dwellings together with associated new public open space.

**Site Address:** Land Rear Of 55 To 69 Fordham Road Soham  
Cambridgeshire

**Applicant:** Hopkins Homes Limited

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

**Parish:** Soham

**Ward:** Soham South  
Ward Councillor/s: Councillor Hamish Ross  
Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 24 January 2018      **Expiry Date:** 7 December 2018  
[T146]

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
- 1.2 The S106 agreement will secure the following;
- 30% affordable housing.
  - Financial contribution of £105,600 towards the mitigation required at the A142/Fordham Rd/A1123 roundabout.
  - Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these areas.
  - Education and libraries contribution of £585,698.
  - Financial contribution of £8,000 towards the upkeep of the Commons.
  - Contribution for wheelie bins

Conditions;

- 1 Approved plans
- 2 Time Limit Full
- 3 Contamination
- 4 Unexpected contamination
- 5 Construction Environmental Management Plan
- 6 Waste Management plan
- 7 Construction times
- 8 Materials
- 9 Surface water drainage
- 10 Foul water drainage
- 11 Standard estate road construction
- 12 Adoptable standards
- 13 Visibility splays
- 14 Run –off restriction
- 15 Bollards
- 16 Charging plug- ins
- 17 Soft landscaping
- 18 Hard landscape works
- 19 Boundary treatments
- 20 Arboricultural Method Statement
- 21 Obscured glazing
- 22 Tree protection
- 23 Landscape maintenance
- 24 PROW scheme
- 25 PROW defined
- 26 Fire hydrants
- 27 Ecology mitigation

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks permission on a site of 3.85 hectares (9.51 acres), for the erection of 80 dwellings of which 24 (30%) will be affordable housing. The application is a full application with access onto Fordham Road together with the retention and enhancement of the existing Public Right of Way of Clipsall Lane through the site.
- 2.2 Two new areas of public open space are proposed within the development totalling approximately 6000 square metres.
- 2.3 The 24 affordable dwellings comprise the following mix;

### Rented tenure

- 4 x 1 bed flats
- 3 x 2 bed flats
- 6 x 2 bed houses
- 3 x 3 bed houses

### Shared ownership

- 1 X 2 bed flat
- 3 x 2 bed houses



4 x 3 bed houses

The 56 market dwellings comprise;

7 x 2 bed dwellings

39 x 3 bed dwellings

10 x 4 bed dwellings

2.4 The application is accompanied by, an archaeological trial trench evaluation, geotechnical report, sustainability statement, Noise Assessment, Phase 1 Habitat Survey and Designated sites assessment, Tree Survey, Transport Assessment and Flood Risk Assessment. 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/>.

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

2.6 This application has come to planning committee in line with the Councils constitution.

### **3.0 PLANNING HISTORY**

3.1

00/00338/OUT	Outline application - erection of one dwelling house, garage and associated works	Refused	06.07.2000
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### **4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The site lies approximately 1 km south-east of the town centre, north-east of the Fordham Road, opposite existing residential development and between frontage development along Fordham Road. The site forms three adjoining irregular-shaped parcels of vacant agricultural land totalling approximately 3.85 Hectares (9.51 acres) in area, located within the settlement boundary of Soham and comprises Housing allocation SOH4.

4.2 To the north and east, the overall site borders further parcels of undeveloped, vacant agricultural land, with the land to the north strongly enclosed by a mature deciduous woodland belt. On the north-western, Fordham Road frontage, immediately to the north of the site boundary, a pair of two-storey semi-detached dwellings, numbers 51-53, together with their respective residential curtilages, abut the existing public right of way of Clipsall Lane, which runs broadly eastwards from site frontage, diagonally across the site. This Lane continues eastwards beyond the site, crossing the A142 bypass and on into open countryside

### **5.0 RESPONSES FROM CONSULTEES**

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

### 5.1.1 **Cambridgeshire Archaeology**

The site has been subject to an archaeological evaluation (HER ECB5216). Sparse archaeological features were identified within the site and included a dump of pottery of Roman date. This is most likely a result of secondary deposition of domestic waste within field boundaries and indicates the presence of contemporary settlement in the vicinity, possibly the settlement known from excavations in advance of the Celandine View development to the north-west. It is however unlikely that further investigation would add significantly to our understanding of this landscape and we do not consider further archaeological work to be necessary in relation to this application.

### 5.1.2 **Asset Information Definitive Map Team**

22 Feb 2018 - Please note Public Byway No. 92, Soham and Public Footpath No. 96, Soham are affected by this development.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware that further consent may be required from Cambridgeshire County Council, as Local Highway Authority for any changes, or 'enhancements' as quoted within the Design and Access Statement, proposed to Clipsall Road. As such, it would be beneficial that a condition be applied to any permission granted to protect Clipsall Road and Footpath No. 96 and allow any scheme of enhancements to be agreed with relevant parties.

Furthermore, the applicant should be aware of the legal alignment and recorded width of the Public Rights of Way (which may differ from what is physically available on the ground) as well as the County Council's guidance on boundary fences and planting. This guidance ensures that boundary fences do not result in the path becoming narrow and uninviting whilst guidance on planting ensures that the future growth of planting does not obstruct the right of way.

To ensure the Public Rights of Way are protected as part of the development, the County Council's Definitive Map Team requests the following conditions be applied to any permission granted.

- Prior to the commencement of development, an access scheme shall be submitted to and approved by the LPA. Such scheme shall include provision for:
  - i. the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision
- Prior to the commencement of development, the definitive line of the public right of way shall be marked out on site.
- No fencing shall be erected on or within 1m of the current or any proposed public rights of way.
- No planting shall be erected on or within 2m of the current or any proposed public rights of way.

Most of the length of paths in the residents petition do not form part of the recorded public Rights of Way network. If the residents believe that they have used the route for

20 years or more without force, secrecy and permission then they may be able to claim that a public right of way has come into existence. If the evidence within an application was strong enough then we would make an Order to record a Public Right of Way, regardless of whether the development has taken place or not.

30 April 2018 - Most of the length of paths referred to in the residents petition do not form part of the recorded Public Rights of Way network. They are not recorded on the legal records here at CCC.

However, that is not to say that they are not a Public Right of Way, just that it isn't recorded. If the residents believe that they have used the route for 20 years or more without force, secrecy and permission then they may be able to claim that a Public Right of Way has come into existence.

If an application was received to record these routes, then CCC would investigate the matter accordingly. If the evidence was strong enough then we would make an Order to record a Public Right of Way. This would happen regardless of whether the development has taken place or not.

Therefore, one outcome (out of many potential) that may occur is that a Public Footpath is recorded in five years' time on an alignment that is now occupied by dwellings.

The developer should be made aware that this is a possibility. Although without receiving an application it is very difficult to advise on the likelihood of any application being successful.

In terms of surfacing, I would have to talk to the local rights of way officer, however we would usually want to keep it as green as possible. So loose type 1 material laid into low spots and vehicle ruts may be sufficient. Any damage to the Byway during construction will obviously need to be rectified.

17 October 2018 - The Definitive Map Team notes the amendments to the site layout. With respect to the additional pathway adjacent to Plots 68 and 75, further details are required as to whether this section of path is to be offered for adoption, form part of a Public Path Order proposal or remain private. Either way, I echo the comments made by my colleague Geoff Ellwood that bollards would be required if the pathway was to be constructed as proposed (approx. 3 metres wide?). These details can be dealt with via an appropriate condition and I refer to my original response dated 22<sup>nd</sup> February 2018 for a suggested condition.

The Definitive Map Team does not have any further comments to make other than those already made in my responses dated 22<sup>nd</sup> February and 30<sup>th</sup> April 2018.

5.1.3 **Cambridgeshire Fire And Rescue Service**  
Wish to see adequate provision of fire hydrants.

5.1.4 **Local Highways Authority**  
7 March 2018 - The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. In summary;

Servicing provision cannot be agreed until such a time as Drawing 1705-005-ST002 has been submitted for review.

Trip rates utilised within application 15/01491/FUM have been used within this assessment and full TRICS outputs provided. The County Council do not accept data that is over 3 years old. Vehicle distributions within the trip distribution diagrams do not correctly add up. In addition, diagrams T7 and T8 do not coincide with the projected trip rates highlighted in Table 6.1. This should be clarified.

Junction capacity assessments have been utilised for the following junctions:

- Proposed Site Access/Fordham Road
- A142/Fordham Road/A1123 roundabout

The capacity assessment should be revised to incorporate the additional committed development.

The junction capacity assessment for the A142/Fordham Road/A1123 roundabout is unacceptable. The 2017 base model for this junction does not show any issues, yet the Highway Authority knows from its local knowledge there is an existing capacity issue. Therefore, the current model is incorrect and does not reflect what is happening on the ground now. In addition, such outputs differ significantly to the approved assessment conducted by application 17/01572/OUM which demonstrates much higher RFC values. The capacity assessment should therefore be revised and incorporate up-to-date trip rates and the additional committed development. Furthermore, the A142/Fordham Road/A1123 roundabout junction is expected to operate over capacity in future scenarios. Whilst it is noted that the capacity issues at the junction exist without the proposed development, vehicles from the proposed development will essentially add to the issue, which in turn will have a negative impact on the junction. The development should contribute a proportionate sum towards mitigation of the roundabout in order to mitigate the development.

11 October 2018 - After a review of the latest layout drawing I have no further objections subject to conditions.

The new and additional footpath adjacent to plots 68, 75 is wide for pedestrian only use. I would recommend that the CCC RoW team are consulted on this aspect. To the best of my knowledge this is not byway or a shared use cycle/footpath area. Should this remain this width bollards will need to be installed to stop vehicles entering this area.

### 5.1.5 **CCC Transport Team**

25 September 2018 - It was identified by the Highway Authority that the proposed development is likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout.

To address this capacity issue, the County Council request a contribution towards the improvement scheme set out for the junction. The junction improvement scheme has an in principle total cost of £1.2 million. The total contribution sum and subsequent calculation methodology as set out within the Technical Note 02 dated September 2018 has been accepted by the Highway Authority.

The Highway Authority does not object to the proposals subject to the following -

#### Condition

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

S106

- Prior to first occupation, the applicant shall provide a contribution of £74,160 towards improvements to increase the capacity of the A142/Fordham Road/A1123 roundabout.

### 5.1.6 **CCC Education**

Contributions sought are; early years, £83,079, primary, £222,858 and secondary, £271,337. Libraries and lifelong learning - £8,424 sought.

### 5.1.7 **Lead Local Flood Authority**

21 March 2018 – object as limited infiltration referenced in the FRA, the site investigations demonstrate poor conditions for infiltration, information relating to topography is unclear, private soakaways cross property boundaries and no maintenance plan for the SuDs.

27 September 2018 - Thank you for your re-consultation which we received on 24th September 2018. We have reviewed the revised documents and would comment as follows.

1. Our initial objection stated, 'There is limited infiltration testing referenced within the Flood Risk Assessment (FRA) and it has not been wholly carried out with BRE 365 requirements. The report detailing the infiltration test results has not been provided and the FRA states that two out of the three test results have been estimated. Furthermore, the drainage calculations use an infiltration rate of 0.054 m/h which appears unrelated to those values stated within the FRA'.

The updated Flood Risk Assessment contains new infiltration testing undertaken at two locations across the site. These have been undertaken in accordance with

BRE 365. The calculations have subsequently been updated to reflect the results. This aspect of our objection can therefore be removed.

2. Our initial objection stated, 'The FRA suggests that the site will be drained purely by infiltration, however, the Site Investigations demonstrates that groundwater is only 0.5m below ground level. This indicates poor conditions for infiltration. It also suggests that there may be a risk of groundwater flooding. This has not been discussed within the FRA'.

It is acknowledged in the updated FRA that groundwater depths were between 1.5m – 2.89m below ground level. The risk of groundwater flooding has now also been discussed and is considered by the report to be low. This aspect of our objection can therefore be removed.

3. Our initial objection stated, 'The information provided in relation to the topography of the site is not clear and there is no topographic survey or map attached to the FRA.'

The revised FRA now contains a topographic survey. This aspect of our objection can therefore be removed.

4. Our initial objection stated, 'Private soakaways have been designed to be shared across property boundaries, which we do not support. This is due to maintenance concerns'.

The revised FRA still contains shared soakaways. They have also been drawn onto the plans using very unusual shapes which is unlikely to be practical in terms of construction. This aspect of our objection therefore remains.

5. Our initial objection stated, 'No maintenance plan has been submitted with the application. The maintenance of the highways swales has been mentioned but we would expect a plan for the maintenance of all sustainable drainage features to be set out or an agreement between adoption bodies'.

A maintenance and management plan has now been submitted. This confirms that the infiltration trenches will be maintained by East Cambridgeshire District Council and all remaining private features will be maintained by householders. This aspect of our objection can therefore be removed.

Based on the above, whilst most aspects have been dealt with, there is still one remaining aspect of our objection that has not been satisfactorily addressed.

8 October 2018 - We feel that the last remaining aspect of our objection (soakaway design) can be dealt with by way of an appropriate condition.

We therefore remove our objection subject to a condition.

15 November 2018 – The latest drainage plan Rev F does not appear to make changes that materially affect the proposed surface water scheme. No additional comments to make.

## 5.1.8 Minerals And Waste Development Control Team

### CS26 Mineral Safeguarding Areas

The northern part of the application site lies within a Mineral Safeguarding Area for sand and gravel as shown on page 145 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan - Proposals Map C: Minerals Safeguarding Areas (July 2011). Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy states, inter-alia, that development will only be permitted where it has been demonstrated to the Mineral Planning Authority that, 1. The mineral concerned is no longer of any economic value or potential value, or 2. The mineral can be extracted prior to the development taking place, or 3. The development will not inhibit extraction if required in the future, or 4. There is overriding need for the development and prior extraction cannot be reasonably undertaken, or 5. The development is not incompatible.

I note that the area which is likely to have reserves is limited to part of the site and there are dwellings close to the western boundary. Consequently, I am of the view that even if sand and gravel of suitable quality is located within the site, it is unlikely to be viable to extract the mineral prior to development. I would ask that the following informative be included on any planning permission, should it be granted.

*Part of the application site lies within a Mineral Safeguarding Area for sand and gravel as shown on page 145 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan - Proposals Map C: Minerals Safeguarding Areas (July 2011). Whilst it is the view of the Minerals Planning Authority that full extraction is unlikely to be possible prior to development, the developer is encouraged to explore the possibilities of making best use of any sand and gravel that is extracted incidentally as part of construction. This should be detailed as part of the Waste Management Audit and Strategy.*

### Policy CS28 Waste Minimisation, Re-use, and Resource Recovery

I note in the Sustainability Statement that it states that “during the construction phase a site management plan will be produced. This will include measures for identifying, sorting and separating construction and demolition materials for re-use and recycling.

The plan will also identify effective methods for minimizing construction waste.” To ensure compliance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy I would ask that the following condition be imposed, should permission be granted:

*Prior to the commencement of development a completed Waste Management Audit and Strategy must be submitted to and approved by the local planning authority. The Audit and Strategy shall detail:*

- a) the quantity of anticipated waste and the measures put in place to maximise waste minimisation, sorting, re-use and recovery of waste*
- b) how any sand and gravel incidentally extracted will be handled and where practicable made available for use. It shall be implemented in full prior to the first property being occupied.*

*Reason: Compliance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.*

5.1.9 **Environmental Health (Technical)**

13 Feb 2018 - Conditions recommended for construction times, Construction Management Plan and traffic noise.

The Acoustic consultant SRL indicates that suitable noise levels can be achieved internally with special acoustic trickle ventilators. This would be with windows closed.

ECDC Planning require windows to be openable and still achieve suitable noise levels.

I would advise the following condition:

The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows open do not exceed an LAeq(16hrs) of 35 dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

From our point of view if the applicants consider windows need to remain closed for internal noise guidelines to be met there will be a need for an alternative ventilation system which can achieve air changes comparable to an open window. I am aware that the LPA do not consider trickle ventilation to be sufficient for summer cooling etc, therefore some form of mechanical ventilation would be required. The occupants of all habitable rooms will require a suitable ventilation system which achieves 2 - 4 Air Changes per Hour, and we would need information regarding this and any noise levels associated with it.

I think it is important to highlight that the LPA have previously raised concerns (from a residential amenity point of view) with other rural sites where windows have to remain closed to ensure recommended noise levels are not breached. It is important that the design and layout is considered carefully to try to avoid the need for keeping windows closed, for example, distance, screening, trying to locate non-sensitive rooms (kitchens, landings, bathrooms etc.) on noisier facades and if this is not possible, utilising additional windows on quieter facades so residents in noise sensitive rooms have the option of opening alternative windows.

A suitable MVHR system, possibly with additional in duct attenuation to prevent atmospheric noise getting in as well as reducing noise from the unit is a more controllable way of achieving the ventilation required. This does not preclude windows from being opened if the occupier requires it, however the suggested noise levels above may be exceeded if the windows are left open for prolonged periods.

The position of the external intake and discharge grilles can also be positioned to face away from external noise sources.

12 November 2018 – I can't see any update on the noise assessment. Nothing to add.

5.1.10 **Environmental Health (Scientific)**

20 Feb 2018 - I have read the Site Investigation Report prepared by Harrison Environmental dated August 2017 and accept the findings. The report recommends further site investigation to delineate the extent of asbestos and TPH contamination.



As this application is for a sensitive end use (residential) I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of permission.

The issue of air quality has not been considered in the application. The NPPF 2012 recommends that new developments should incorporate facilities for charging plug-in and other ultra-low emission vehicles. The government published its national air quality strategy in 2017 in which it further encouraged the adoption ULEVs and announced that sales of conventional cars and vans would end by 2040.

Policy LP22 of the emerging East Cambridgeshire Local Plan states that:

*New development should where appropriate...Provide parking.....which incorporates facilities for electric plug-in and other ultra-low emission vehicles.*

Although air quality is currently good in Soham there are plans for large expansion of the town which may impact air quality. Therefore, I recommend that the applicant undertakes an air quality assessment and makes provision for electric vehicle charging in their development proposals.

**5.1.11 Parks And Open Space**

No Comments Received

**5.1.12 Waste Strategy (ECDC)**

30 January 2018 - RECAP, the maximum distance a resident should have to take a wheeled bin to the collection point is 30metres. Units 16, 27 to 29, 44 to 51, 65 to 71, 72 will all be required to bring their bins/bags to the adopted highway and the bin store for Plots 23 to 26 would need to be placed adjacent to the road.

**5.1.13 NHS England**

Do not wish to object providing funding is secured via CIL to deliver primary healthcare provision at the Staploe Medical centre as it does not have sufficient capacity for the additional growth and the cumulative growth in the area.

**5.1.14 Anglian Water Services Ltd**

1 March 2018 - The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

8 October 2018 - The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows

The sewerage system at present does not have capacity for these flows; development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with development.

We therefore request a condition requiring an on-site drainage strategy.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

12 November 2018 - Following legislative change Anglian Water now applies a Zonal Charge to each new property connecting to the public sewer. This is a cost per residential property (or flow equivalent for non-residential) connection charge payable by the developer when an application is made to connect to the public sewer and/or for potable water.

Funds raised by this charge will be used for network upgrades across the Anglian Water region.

Previously developers contributed to any off-site mitigation required for a development site. The new charges now mean Anglian Water is fully responsible for any off-site, or any on-site mitigation that is required. This mitigation will be funded through the zonal charge payments. This change enables Anglian Water to plan strategically for growth, looking at strategic investment schemes, as well as individual site solutions for water and wastewater in our region.

To enable us to make informed investment decisions we require customers to engage with us throughout the planning and build process. Anglian Water now requests planning conditions, where relevant, which require details on phasing and build rates as well as an on-site drainage strategy. These conditions ensure that we can plan and deliver any required infrastructure investment in a timely manner in line with the development build.

In relation to this application Anglian Water is working closely with the applicant and will continue to do so throughout the planning process and construction. It is anticipated that mitigation will be delivered on-site with additional storage at the proposed pumping station. As stated above, funding this mitigation is entirely the responsibility of Anglian Water. The sewerage system at present does not have capacity for these flows; development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development,

if permission is granted. We are currently working with the applicant on a suitable on-site drainage strategy and will continue this engagement to ensure any infrastructure improvements are delivered in line with development.

We therefore request a condition requiring an on-site drainage strategy.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted

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

No Comments

**5.1.16 Environment Agency**

No objection but make advisory comments including that Anglian Water are satisfied sufficient capacity exist to accommodate the additional flows.

**5.1.17 Design Out Crime Officers**

I note that there is no specific crime prevention or security section within the documents. While the layout provides for some surveillance from the front of houses and many of the rear gardens are back to back I do have some concerns particularly in light of the above figures: -

- The parking court areas, the floor plans and elevations indicate that there is little natural surveillance over the parking spaces from active rooms. (Living rooms & kitchens). This is the same for the FOG's – two of which have car ports so they are open.
- I would like to see that there is sufficient lighting in all adopted, un-adopted roads and parking areas to BS5489:1-2013 – perhaps this could be conditioned.
- Footpaths at the side/rear of houses and gardens – some consideration has been given to correct gating and self-closing, there may need to be some more trellis topping to assist the surveillance over parking areas.
- Landscaping maintenance plan – to ensure that there is surveillance over the open spaces and LEAP without conflict from planting.

**5.1.18 Cambridge Ramblers Association**

No Comments Received

**5.1.19 Consultee For Other Wards In Parish**

No Comments Received

5.1.20 **Parish**

Wished to see the level of affordable housing delivered. Who would be responsible for maintaining the open space? More information required regarding drainage and sewage as AW is objecting. If the drainage has to be changed the plan will have to be revised.

5.1.21 **Ward Councillors**

No Comments Received

5.1.22 **Senior Trees Officer**

15 March 2018 - This proposal is for a moderate size development upon existing disused land. Internally the site has few trees of substantial value. There are trees on or outside the site boundaries of landscape value. A small Sycamore woodland stands to the North of the site offering a considerable landscape feature. A full Arboricultural report has been submitted to support the application.

I do not object to the proposal as the potential impact upon trees in and around the site appears appropriately considered.

The main issue of potential contention is the Sycamore woodland, this feature is highly observable within the landscape and offers a clear differentiation between the built environment and the wider landscape. There is a potential conflict with the neighbouring housing in the long term, as residents may consider the woodland trees to present a hazard if they are left unmanaged. I consider this will be mitigated with good woodland management. The woodland trees do not pose a substantial shading issue by virtue of the position in relation to the housing therefore, I do not consider this a negative concern. In conclusion I consider the relationship between the development and the woodland acceptable.

I support the layout design of the proposal as I consider the retention of the footpath a pleasing feature, while the provision of open space is commensurate with the overall layout. This gives an opportunity for tree planting throughout the site offering a potentially attractive and pleasant living environment.

I would like to ensure no damage is caused to the trees 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. Also landscape conditions required to include maintenance.

The landscape strategy also receives my broad support.

26 October 2018 - The Arboricultural Impact Assessment is acceptable. A Method Statement showing the Engineering solution and 'No-dig' construction close to trees will be required, as recommended in the AIA.

My comments regarding the Landscape Proposals is as follows

The design concept of the Landscape Strategy is rather suburban in nature. Particularly in this wooded setting. The greater use of native species or cultivars of

native trees/plants would blend the development better with its surroundings. A minimum of 70% the Highlight trees and medium ornamental trees should, therefore be natives.

The use of native hedging mixes should be applied to the Fordham Road and western boundaries. They would also function as wildlife corridors. To extend this theme some hedging to the individual plots should be naturalistic planting, such as beech, hornbeam, holly or native privet hedging.

#### 5.1.23 **County Wildlife Trust**

8 May 2018 - The Wildlife Trust have the following comments to make, which relate to the site layout, the biodiversity assessment report and associated mitigation proposals.

1. The application includes a biodiversity assessment which acknowledges the potential for recreational impacts (mainly from dog walkers) on Soham Wet Horse Fen SSSI and suggests a range of mitigation measures. These include the provision of 0.6 Ha of green space within the development and the use of signage to explain the value of the SSSI and to direct dog walkers on alternative routes away from the SSSI. These measures must be implemented.
2. Paragraph 5.13 of the biodiversity assessment recognises that the nearby East Fen Common will become the “de-facto” recreational greenspace (for dog walkers) for many of the new developments at the southern end of Soham, and that East Fen Common should be enhanced (in line with Policy Soham13 of the Local Plan).
3. The Wildlife Trust co-ordinated production of the Soham Commons Biodiversity and Access Enhancement Study which identified a range of mitigation and enhancement measures required on the Soham Commons to facilitate the increased levels of access from the proposed new developments. It is essential that all of the new developments that will be using the Soham Commons as “de-facto” open space make a proportionate contribution to the delivery of these measures.
4. The Wildlife Trust therefore requests that East Cambs DC negotiate a financial contribution from this development to deliver agreed elements of the Soham Commons Biodiversity and Access Enhancement Study, in addition to the other commitments made in the Design and Access Statement.

## 5.1.24 **Natural England**

17 May 2018 - NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application could have an adverse effect on the integrity of Soham Wet Horse Fen Site of Special Scientific Interest (SSSI);

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Contribution to delivery of mitigation measures identified in the Soham Commons Biodiversity and Access Enhancement Study to address the effects of recreational pressure.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure mitigation measures.

Natural England's advice on other natural environment issues is set out below.

### Further advice on mitigation

The Extended Phase 1 Habitat Survey and Designated Sites Assessment (Southern Ecological Solutions, November 2017) concludes that, with mitigation measures, the proposed development is unlikely to have any adverse impact on Soham Wet Horse Fen SSSI through cat predation, changes in water levels/pollution and increased recreational pressure. Natural England generally supports these conclusions and the mitigation measures detailed in section 5.10 – 5.17 of the report. However, we agree with comments from the Wildlife Trust that the effects of recreational pressure associated with residential development in Soham should be addressed through delivery of measures identified in the 'Soham Commons Biodiversity and Access Enhancement Study', recently prepared by Footprint Ecology.

This 'strategy' for the Commons is alluded to in Policy Soham13 of the emerging Local Plan. It identifies measures, to be implemented through residential development, to ensure that increased visitor pressure from people and dogs will not have an adverse impact on the Commons and Soham Wet Horse Fen SSSI. Natural England advises that the applicant be requested to provide a proportionate financial contribution to enable delivery of these measures, to ensure that the effects of increased recreational pressure on nationally and locally designated wildlife sites are appropriately mitigated. The ecological assessment report will need to be revised accordingly.

Natural England advises that all mitigation measures will need to be secured through an appropriate planning condition or obligation.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of

21 days before the operation can commence.

Natural England offers the following additional advice:

#### Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

#### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

#### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be

retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement are listed.

#### 5.1.25 **Strategic Housing Officer**

14 May 2018 - Policy HOU 3 of the current East Cambridgeshire Local Plan seeks 30% (in the north of the district) or 40% (in the south of the district) of the total number of dwellings provided on sites of 10 or more to be for affordable housing provision.

The viability assessment prepared for the Proposed Submission indicates that the level of affordable housing in the current Local Plan is not viable. Therefore if this planning application is determined in light of the Proposed Submission, the affordable housing requirement is as set out below.

Development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%.

The application provides for the following mix of affordable homes;

4 x 1 bedroom flats - rented  
2 x 2 bedroom flats - rented  
7 x 2 bedroom houses - rented  
3 x 3 bedroom houses – rented

4 x 2 bedroom houses – shared ownership  
4 x 3 bedroom houses – shared ownership

This housing mix is appropriate and does reflect housing need.

#### 5.1.26 **The Society for the Protection of Ancient Buildings (Mills section)**

25 September 2018 - The SPAB Mills Section is concerned that the proposed development of 80 houses to the north of Soham Downfield windmill might affect the Grade II\* listed mill in two ways: by affecting the wind available to the mill and by restricting views the mill.

To evaluate potential wind loss, we looked at a wind rose from a nearby weather station – in this case from RAF Mildenhall. The rose shows the distribution of wind by direction and therefore its availability to the mill if there were no local obstructions. We then looked at the current environs of the mill using Google Earth, and can estimate how much loss has already taken place due to surrounding houses and trees. Finally, we can estimate any additional loss that would be caused by the proposed development and what percentage of milling time would be lost to the mill as a consequence.

The red lines on this view show the extremes of the wind directions which would be affected by the proposed development and, as can be seen from the wind rose, these directions constitute a very small proportion of the total wind available (which mostly



blows from the SW direction). In all directions from the mill there are nearby bungalows which will already have reduced the wind available by a modest amount, and these will dominate over the proposed housing even where the new plots are closest to the mill. Therefore, we do not believe that any significant harm will be done to the mill in this respect.

However, it is proposed in the development plans to plant trees, particularly in the direction shown in blue in the above view (i.e. along the SE boundary of the area). These trees will affect the wind to a greater degree than the houses if they grow higher than the ridge height and would overtop the existing bungalows. They will also obstruct views of the mill from the A142 coming south from Ely (extended blue area) and this is not considered to be advisable as mills rely heavily on such views to attract passers-by and hence custom as visitors or potential buyers of produce.

We would therefore recommend that height restrictions of less than 8m should be placed on these trees in particular, and other tree plantings in general, within the development in order to maintain the views of the historic building and minimize wind disturbance

10 October 2018 – The amendments affect the area which was highlighted in that the arrangements of both the houses and the tree planting in the relevant area have been altered. The houses have been moved – this is not likely to change the impact which they will have on either the wind to the mill or the views from the A142.

The tree planting has been reduced in density and size. Both changes would be beneficial to the mill and are therefore welcomed. The trees remain a concern in so far as their size is unlikely to be controlled after the development is built and we would ask that conditions should be applied to them as part of the granting of permission. The species chosen should be limited to ones that generally do not grow in the long term to heights greater than 7 -8 m and similar with any re-planting.

5.2 **Neighbours** – A site notice was posted and advertisement placed in the Cambridge Evening News 41 neighbouring properties were notified and responses received from 4 residents which includes a petition with 16 signatures. These are summarised below. A full copy of the responses are available on the Council's website.

- Noise from the pumping station
- Odours from the pumping station
- Landscaping to the pumping station
- Flooding from the pumping station
- Overlooking
- Overshadowing
- Concerns regarding the public footpaths which are regularly used and have been omitted from the plans. Two additional footpaths have been in use for over 60 years.
- Impact on the Grade II\*Downfields windmill in terms of wind loss or turbulence and visual impact. Heights of buildings and trees should be limited. Views of the Mill from the A142 should be protected. Amendments showing removal of some trees will improve the sight lines of the Mill from the A142 so encourage visitors.

## **6.0 The Planning Policy Context**

### **6.1 East Cambridgeshire Local Plan 2015**

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy 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
SOH 4	Housing allocation, land off Fordham Road

### **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**

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

### **6.4 Submitted Local Plan 2018**

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth

LP22	Achieving Design Excellence
LP23	Water Efficiency
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
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
Soham 13	Green Lanes and Commons
Soham 4	Site SOH.H4 - Land off Fordham Road

## 6.5 Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

7.1 The main issues to consider to the determination of this applications are

- The principle of development
- Visual impact
- Noise and residential amenity
- Housing mix and layout
- Public open space
- Highway safety and transport impact
- Flood risk and drainage
- Trees
- Ecology and biodiversity

## 7.2 **Principle of Development**

7.2.1 The site is 3.85 hectares (9.5 acres), located within the settlement boundary of Soham and has been identified within Policy SOH 4 of the East Cambridgeshire Local plan and SOH.H4 of the Submitted Local Plan, as a housing allocation for development of up to 90 dwellings. The principle of residential development on this site is therefore acceptable, subject to certain criteria and the other material planning considerations.

7.2.2 The site is located within the established development framework of Soham, 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.

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

7.2.4 The benefits of this application are considered to be: the provision of 80 additional dwellings including 24 affordable homes, built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short and

the long term through construction work and the contribution of future occupiers to the local economy.

### **7.3 Visual impact**

- 7.3.1 The site has an irregular shape with some substantial boundary planting to the north where its location adjacent to the south eastern corner of the town is well related to the existing built form and is reasonably well visually contained. This means the development of the site for residential will be relatively self-contained within the wider landscape. To the eastern rear edge of the site, the site boundaries are visually open, with only low post and rail timber fencing delineating these boundaries with open fields beyond. This open boundary means that views of the new development will be possible from the A142, although set some distance away from it, at some 95 metres away at the closest point. This boundary will therefore need careful consideration given its impact on the rural setting of the town and the scheme proposes to replace the existing post and rail fencing along this boundary and retain any existing vegetation. In accordance with Policy SOH 4 it is also proposed to provide a planting belt along this boundary to provide for a soft edge to the development and to retain and enhance the rights of way within and alongside the site.
- 7.3.2 The design concept of the development as a whole is focussed upon the proposed open space, with play area, which itself will act as a visual and social centre to both the development and the surrounding area, creating a new focal point for this part of the town. Such a concept will enable new residents to feel part of a local community.
- 7.3.3 In achieving the layout the developer has had due regard to the constraints of the site and the desire to retain as many of the existing landscape features surrounding the site as possible. This has meant that to achieve an acceptable layout and density, the proposal is for 80 dwellings rather than the 90 proposed in the allocation. The public right of way of Clipsall Lane, which runs diagonally through the site, has formed a key element necessary to integrate into the development layout, whilst discussions with the Highway Authority and the resultant need to achieve safe access to and from the site for both vehicles and pedestrians have essentially dictated the location of the access into the site from the Fordham Road frontage. The desire to retain as many of the existing landscape features surrounding the site, together with additional planting to enhance this, along with the creation of pedestrian connections through the development with the retention of Clipsall Lane a key feature within the site, has similarly formed key parameters which have dictated the layout.
- 7.3.4 Following comments from the SPAB, the layout was also amended to ensure no adverse impacts on views of the Mill.
- 7.3.5 Whilst limited in number, the layout pays due regard to the desire to ensure that the existing residential amenities of the occupants of the neighbouring residential dwellings fronting Fordham Road are adequately respected and maintained. This has also been a key consideration in the formulation of the development layout together with landscaping and sensitive boundary treatments along the interface with the surrounding countryside.
- 7.3.6 The layout provides for an attractive residential development, with two large areas of green open space to either side of the site linked via the widened, central 'Clipsall

Lane' public right of way, with the aim of providing a central green corridor through the development.

- 7.3.7 The overall scale, massing, height, site coverage and detailing of the built form proposed has been carefully considered so as to respond positively to the physical characteristics of the site, whilst minimising the impacts on existing amenities enjoyed by the occupants of neighbouring properties and complying with the Design Guide SPD.
- 7.3.8 The elevational drawings submitted with this application show a built form of a scale commensurate with local character. The character of the surrounding area is obviously of a mixed nature. The development comprises primarily traditional two-storey built forms, with some two-and-half-storey scale built-form within the more central area of the site, which is appropriate.
- 7.3.9 The built form of the dwellings proposed would sit comfortably within their wider surroundings.
- 7.3.10 Detailed scales of the residential dwellings range from two-storey dwellings with eaves heights of approximately 4.95 metres and ridge heights up to 8.9 metres to two-and-a-half-storey dwellings with eaves heights of 6 metres and ridge heights of 9.3 metres. Lesser scaled associated single-storey garages are also proposed, together with a single-storey building to house the electricity sub-station and a similarly scaled foul water pumping station in the north-western corner of the site.
- 7.3.11 The proposed density, of 20 dwellings per hectare (8.4/acre), with provision of open spaces, allows for a development which does not appear overdeveloped in the context of its surroundings and is appropriate for this edge of settlement location.
- 7.3.12 Overall, it is considered that given the separation distance from the A142, the new housing can be successfully integrated into the towns setting with limited adverse effects on visual amenity. There will be an appropriate transition between the wider countryside setting and the built form of the town. The development of this site for 80 dwellings can be achieved without causing significant harm to the character and appearance of the area and as such complies with Policies ENV 1, ENV 2 and SOH 4 of the Local Plan, Policies LP28 of the Submitted Local Plan 2018 and Design Guide SPD.

#### **7.4 Noise and residential amenity**

- 7.4.1 The applicant submitted a noise assessment with the application which concluded that there are no noise issues for future residents from the A142 but elevated levels would be experienced by the future residents along Fordham Road (14 dwellings). The applicant has amended the internal layout to provide for secondary windows to bedrooms where possible and to ensure that few habitable rooms are affected by road noise. The developer has shown good acoustic design by locating habitable rooms to the rear. The affected dwellings will also be fitted with acoustic ventilators. Overall it is considered that an acceptable level of residential amenity will be experienced by future occupiers.

- 7.4.2 The residents impacted by the development are along Fordham Road which generally have generous rear gardens meaning that the new built form will not be overbearing or cause excessive levels of overlooking by providing for distances of at least 10 metres from the site boundary with any existing boundary vegetation retained in accordance with the Design Guide SPD.
- 7.4.3 The detailed design and layout of the proposed development looks to respect existing boundaries and pay regard to any potential amenity impacts.
- 7.4.4 Suitable separation distances and boundary treatments are proposed to ensure the residential amenity of the adjoining residents are not unduly compromised and the proposed pumping station is sited outside of the required 15 metre cordon sanitaire. It is considered that the proposal accords with Policy ENV 2 and LP22 in this regard.
- 7.4.5 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings and the requirements of the Design Guide SPD.
- 7.4.6 Overall the proposal provides for a development with acceptable living conditions and residential amenity for proposed occupiers and existing residents.

## **7.5 Housing mix and layout**

- 7.5.1 The application proposes 80 dwellings, 24 of which are affordable housing. This equates to 30% and accords with Policy HOU 3 and SOH 4, in relation to the level of provision. The precise mix of tenure and size is acceptable and reflects the current need for dwellings on the Housing Register as advised by the Senior Housing Strategy and Enabling Officer.
- 7.5.2 The amount and mix of affordable housing will be secured by way of a S106 legal agreement.
- 7.5.3 The mix of market housing is as follows, 7 two bed units, 39 three bed units, and 10 four bed units. The mixes are considered to be acceptable for this location and accords with the requirements of Policy SOH 4 to provide for a mix of dwelling types and sizes to reflect current need within Soham. It does not accord with the guidelines for housing mix identified for Policy HOU 1 of the Local Plan, by providing for a higher proportion of 3 bed than 4 bed houses. However, it is accepted that this is reflective of market demand.
- 7.5.4 The obvious desire to retain as much of the existing landscape features within and surrounding the site, together with the creation of pedestrian linkages, both advocated by Policy SOH 4, have formed key parameters which have dictated the layout concept, as has the need for sympathetic treatment of the eastern boundary. In addition, the desire to ensure existing amenities of residents are retained has also formed a key factor on the layout masterplan.
- 7.5.5 The scheme as a whole provides an interesting mix of dwelling types including flats above garages, 1.5 storey, 2 storey and 2.5 storey which are sited to give variety and an interesting streetscape, with two main areas of public open space. The entrance is characterised by frontage two storey dwellings which complement the existing

7.5.6 streetscene. The developers have incorporated interesting feature dwellings upon entry to the site with boundary feature walls, providing an attractive gateway to the site entrance. The layout is characterised by frontage development and dwellings fronting the public open space and Clipsall Road byway. To the southern end of the site the public rights of way are retained. The affordable homes on the site are located to the south and north eastern ends of the site and are tenure blind. The designs incorporate a range of materials to add variety, but include red and buff brick with some render, some use of weatherboarding and a mix of black and red pantiles and slate.

## **7.6 Public open space**

7.6.1 The amount of public open space provision at 0.6 ha accords with the requirements within Policy SOH 4. This will incorporate a Local Equipped Area of Play within the centre of the site, alongside the existing public right of way. A second area is provided around the site entrance which assists in providing an attractive entrance feature to the site.

7.6.2 These areas will be landscaped in accordance with a scheme to be agreed by condition and will include a scheme for the whole development including supplementary planting along the eastern boundary, the site frontage and along Clipsall Lane to retain it as a green corridor across the site. These open space areas will be provided and transferred to the Council by way of a S106 agreement for future maintenance with the payment of a commuted sum.

## **7.7 Highway safety and transport impact**

7.7.1 The main access to the site is from Fordham Road, which will form the main estate road for the development in the form of a spine road serving private drives and courtyards. Pedestrian access to the site will also be provided along the existing byway to be retained and enhanced and leading directly to the plat area.

7.7.2 Additional access points are proposed onto Fordham Road to serve a group of six and 8 dwellings.

7.7.3 The access arrangements have been examined by the County Highway Authority and are considered to be adequate in regard to their width, layout and visibility and conditions are recommended. The access location in regard to accessibility and permeability have also been assessed and deemed acceptable by the County Council Transport Planning team. The Transport Statement has been substantially amended since its original submission to overcome various concerns raised by the Transport Planning team. The team are of the view that the proposed development is likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout and have requested a financial contribution of £74,160 to mitigate this impact, together with a Travel plan. This will be secured by S106 agreement and travel plan condition.

7.7.4 The proposed car parking provision indicates an average of in excess of two off-road car parking spaces for each dwelling across the site. This is considered to provide the correct balance between encouraging the use of the public transport facilities available locally, whilst ensuring that any development of the site does not exacerbate the potential for on-street car-parking within the area. Secure cycle storage for the all of

the proposed dwellings is also provided, either within the curtilages or within associated garaging.

7.7.5 In addition to the provision of two car parking spaces per dwelling, on the site overall a total of 21 visitors spaces have been provided, which is in line with the Council's standard. The developer has been encouraged to limit the use of tandem parking as much of the parking provision is in tandem, (50%). However the developer is of the view that this would result in a wholly unacceptable scheme in many regards, including density, design and car dominance. They also state that it would reduce the number of dwellings on the site to 50 and significantly reduce the number of homes delivered in the District. The Highway Authority is satisfied that the spaces are usable.

7.7.6 Based on the consultation response it is considered that the layout demonstrates a safe and accessible environment has been created, allowing sufficient parking, manoeuvring and visitors parking provision. The proposal also provides for a network of routes for pedestrians and cyclists and safeguards access to the adjoining footpaths. The Architectural Liaison Officer for the Crime Prevention design team has recommended appropriate lighting. They acknowledge that the design and layout allows good natural surveillance. The proposal complies with Policies COM 7 and COM 8.

## **7.8 Flood risk and drainage**

7.8.1 The original Flood Risk Assessment submitted with the application was inadequate and the Lead Local Flood Authority therefore objected. Fundamentally, it did not demonstrate that infiltration would work on the site.

7.8.2 Following submission of additional information the surface water drainage scheme is acceptable and comprises soakaways for gardens and swales within the public open spaces to drain the adopted roads. The Lead Local Flood authority are now satisfied that the scheme is acceptable and complies with the Flood and Water SPD and Policies ENV8 and LP25.

## **7.9 Trees, ecology and biodiversity**

7.9.1 The vast majority of the vegetation and trees on the site will remain. The tree Officer is satisfied with the submitted Arboricultural Impact Assessment and the proposal subject to recommended conditions.

7.9.2 An ecology report, produced by Southern Ecological Solutions Nov 2017, accompanies the application. This assesses the impact on designated sites, but particularly on Soham Wet Horse Fen SSSI, the nearest nationally designated site, located approx. 100m north of the site across the A142.

7.9.3 Unit 2 of the SSSI is closest to the site, 102m to the north. This 1.18ha unit is separated from the rest of the SSSI by the A142 highway. There is no public access to this unit. The closest part of the rest of the SSSI is Unit 4, 139m north-east. A public footpath bisects the site, but the land is private, and access is not allowed beyond the path.



- 7.9.4 A designated sites assessment for a similar, nearby proposed development of 126 residential dwellings located 160m from Soham Wet Horse Fen SSSI was undertaken recently (SES, 2016). This considered all likely effects including:
- the increase in domestic cat numbers;
  - potential water level changes; and
  - increased recreational disturbance.
- 7.9.5 The report reviewed each of these effects and the results included in this assessment. It is considered that the potential impacts of the proposed development on the SSSI are likely to include an increase in local cat numbers, changes in water level and pollution levels, and an increase in recreational pressure.
- 7.9.6 *Domestic Cats*  
Local increases in cat populations may result in increased predation on breeding birds. SSSI Unit 2 is the only unit located close to the site and was considered unlikely to support breeding snipe given the lack of wet grassland habitats (SES, 2016), and as such, any increase in cat population is not considered to affect the SSSI or its qualifying features.
- 7.9.7 *Water level Changes*  
Suitable measures will be adopted to ensure delivery of water and wastewater services without water level or pollution impacts to the SSSI. There is potential for the development to disrupt water flows and increase water-borne pollution and sediment loads to the SSSI during the construction phase. This will be mitigated fully through the implementation of the Construction Environment Management Plan.
- 7.9.8 *Recreational Pressure*  
Given the habitat types within the SSSI (meadows with footpath), potential increased recreational pressure will likely include walkers and dog walkers. The 2011 census provides average household sizes in East Cambridgeshire District of 2.4 people. Using this average, the proposed development would result in an increased population of 199 people. Natural England offsetting guidance recommends 8ha of Suitable Alternative Natural Green Space (SANGS) on or nearby site per 1,000 people to offset the indirect recreational effects of development on nearby designated sites. With an increase of 199 people, around 1.6ha of SANGS would be considered sufficient to offset the indirect recreational pressures on Soham Wet Horse Fen.
- 7.9.9 *Proposed Mitigation*  
The site is 3.85ha and includes 0.6ha of greenspace. This is 37.5% of the SANGS requirement. Hence it is expected that a proportion of dog walkers and other recreational walkers will walk from the site on the local public footpath network.
- 7.9.10 The closest unit of Soham Wet Horse Fen SSSI to the site is Unit 2 located 100m to the north; this is unavailable to the public but does have a public right of way adjacent to the north-eastern boundary. Unit 4 is the nearest unit on the far side of the A142 and with a public right of way along the south-eastern boundary. This public right of way continues to the Clipsall Road running in a north-east direction. The expectation is that dog walkers and others will walk along this track before returning or use other routes along the network. There is therefore no public access within any of the SSSI units and the adjacent access is in both cases well fenced. Additionally, the SSSI has

no associated parking; and the units to the north of the A124 may only be accessed from the site via the footpath that runs beneath the A124.

- 7.9.11 In summary, the development site is well integrated into the current public footpath network that in two locations runs adjacent to two compartments but does not enter any of the SSSI compartments. Hence the increased use of the network by dog walkers and others will not lead to increased recreational pressure or related impacts such as disturbance to breeding birds within the SSSI. This protection may be enhanced by the use of signage at the edge of the site to explain the value of the nearby SSSI units and the sensitive habitats and species that occur there.
- 7.9.12 Several large areas of SANGS exist close to the site accessible via the public footpath network in the form of public open space; the closest existing area being East Fen Common (23ha), 0.9km north. The EDCD Adopted Local Plan (2015) encourages the improvement of public access to these areas.
- 7.9.13 Given the lack of accessibility by the public to the SSSI, the large amounts of public green space nearby, and the green space provision on site, it is considered that any increased recreational pressure arising from the proposed development will not significantly affect Soham Wet Horse Fen SSSI or any of its qualifying features.
- 7.9.14 With the implementation of the required mitigation measures, this assessment concludes that there will be no Likely Significant Adverse Effects in-isolation or in-combination with other plans or projects, and therefore obviates any need for further mitigation measures. These findings are accepted by Natural England who have raised no objection subject to financial contributions towards the delivery of measures identified in the 'Soham Commons Biodiversity and Access Enhancement Study', recently prepared by Footprint Ecology, and contained within Policy Soham13 of the Submitted Local Plan. The purpose is to ensure that increased visitor pressure from people and dogs will not have an adverse impact on the Commons and Soham Wet Horse Fen SSSI. A contribution will be secured by the s106 legal agreement and landscaping, biodiversity improvements on the development will be secured by condition.

## **7.10 Other Material Matters**

- 7.10.1 Education – CCC have asked for the following financial contributions towards education, which the developer has agreed to pay and this will be secured by S106 agreement. £83,079 for early years, £222,858 for primary, £271,337 for secondary and £ 8,424 for libraries/lifelong learning.
- 7.10.2 Cambridgeshire archaeology have advised that archaeological investigations are not required.
- 7.10.3 In accordance with Policy ENV 4 of the Local Plan, the developer has submitted a sustainability statement which details key measures to be incorporated in the development. The homes and overall development will be environmentally assessed in accordance with the requirements of the appropriate legislation at the time of the development commencing e.g. currently The Code for Sustainable Homes. In addition to this each home will be sold with Energy Performance Certificate (EPC) to demonstrate their effectiveness in this regard. The built forms of the homes meet and exceed current standards of insulation and incorporate measures to minimise energy

use. Both the design of the homes and the development layout together with the selection of materials is of key importance to the energy efficiency of the new properties.

## **7.11 Planning Balance**

7.11.1 The residential development of this site would enable economic and social improvements to the local environment, to the benefit of existing local residents, whilst providing much needed additional residential dwellings and affordable homes, of mixed tenures, to maintain and add to the existing dwelling stock within the town. The site is well located in relation to existing services and facilities, with public transport links to the town centre and beyond available from Fordham Road adjacent. The site is also an allocation and although provides for less dwellings has due regard to the constraints of the site. There is no adverse impacts on residential amenity, flood risk, biodiversity or highway safety. These benefits weigh significantly in favour of the proposal.

7.11.2 On balance it is considered that there will be no adverse impacts that would weigh against the proposal and it is therefore recommended for approval.

## **8.0 COSTS**

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

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

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

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

This is an allocated site for housing development within the settlement boundary of Soham.

No objections from statutory consultees.

## **9.0 APPENDICES**

9.1 Draft conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00059/FUM	Barbara Greengrass Room No. 011	Barbara Greengrass Senior Planning Officer
00/00338/OUT	The Grange Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00059/FUM Conditions

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

Plan Reference	Version No	Date Received
Suds Strategy		10th September 2018
FRA	Rev A	10th September 2018
301	B	6th September 2018
300	B	6th September 2018
302	B	6th September 2018
303	B	6th September 2018
140	A	19th September 2018
141	A	19th September 2018
137	B	19th September 2018
138	B	19th September 2018
139	A	13th July 2018
135	A	13th July 2018
136	A	13th July 2018
112	A	6th September 2018
113	A	6th September 2018
122	B	6th September 2018
123	B	6th September 2018
206	A	13th July 2018
207	A	13th July 2018
209	A	6th September 2018
201	A	13th September 2018
200	A	13th July 2018
212	A	6th September 2018
213	A	6th September 2018
214	A	6th September 2018
204	B	6th September 2018
205	B	6th September 2018
100	A	6th September 2018
101	A	6th September 2018
218	B	19th September 2018
219	B	19th September 2018
220	A	6th September 2018
221	B	19th September 2018
156		6th September 2018
157	A	19th September 2018
153		13th July 2018
154		13th July 2018
155		13th July 2018
151	A	6th September 2018
152	B	19th September 2018
148	A	19th September 2018
149	A	19th September 2018
150	A	19th September 2018
222		13th July 2018
223		13th July 2018

146	A	6th September 2018
147	A	6th September 2018
144	A	6th September 2018
145	A	6th September 2018
S106 contributions		29th October 2018
001	F	29th October 2018
Transport Assessment Technical note 1		22nd June 2018
004	F	9th November 2018
002	G	9th November 2018
003	G	9th November 2018
125		15th January 2018
124		15th January 2018
126		15th January 2018
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215		15th January 2018
216		15th January 2018
217		15th January 2018
304		15th January 2018
305		15th January 2018
TREE SURVEY		15th January 2018
ECOLOGICAL SITES ASSESSMENT		15th January 2018
SITE INVESTIGATION REPORT		15th January 2018
SUSTAINABILITY STATEMENT		15th January 2018
NOISE ASSESSMENT		15th January 2018
ARCHAEOLOGICAL EVALUATION		15th January 2018
102		15th January 2018
105		15th January 2018
104		15th January 2018
103		15th January 2018
6227-D		15th January 2018
001		15th January 2018
106		15th January 2018
107		15th January 2018
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118		15th January 2018
119		15th January 2018
121		15th January 2018
132		15th January 2018
17-05005-001	F	29 <sup>th</sup> October 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to the commencement of development a completed Waste Management Audit and Strategy must be submitted to and approved by the local planning authority. The Audit and Strategy shall detail: a) the quantity of anticipated waste and the measures put in place to maximise waste minimisation, sorting, re-use and recovery of waste b) how any sand and gravel incidentally extracted will be handled and where practicable made available for use. It shall be implemented in full prior to the first property being occupied.
- 6 Reason: To comply with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 7.30 to 18.00 each day Monday-Friday, 7.30 to 13.00 Saturdays and none on Sundays, Public or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 8 The materials to be used in the construction of the external surfaces, including walls and roofs shall be as specified on the materials plan 004 Rev F dated 9 november 2018. All works shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 9 No development shall take place 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 as a minimum:



- 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/disposal measures;
  - e) Temporary storage facilities if the development is to be phased;
  - f) A timetable for implementation if the development is to be phased;
  - 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
- 9 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 2018. 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.
- 10 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 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 2018.
- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing number 003 Rev G.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 12 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.
- 12 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 2018.

- 13 Prior to first use of the access visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted layout plan 003 rev G. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.
- 15 Upon completion of the right of way alongside Plots 14 and 17, bollards shall be erected at either end to prevent vehicular access and retained thereafter.
- 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 2018.
- 16 Prior to first occupation of any dwelling a scheme for the provision of facilities for charging plug-in and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 16 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes.
- 17 Prior to first occupation of any dwelling 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.
- 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 2018.
- 18 No above ground construction 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: play equipment, and bollards. 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.

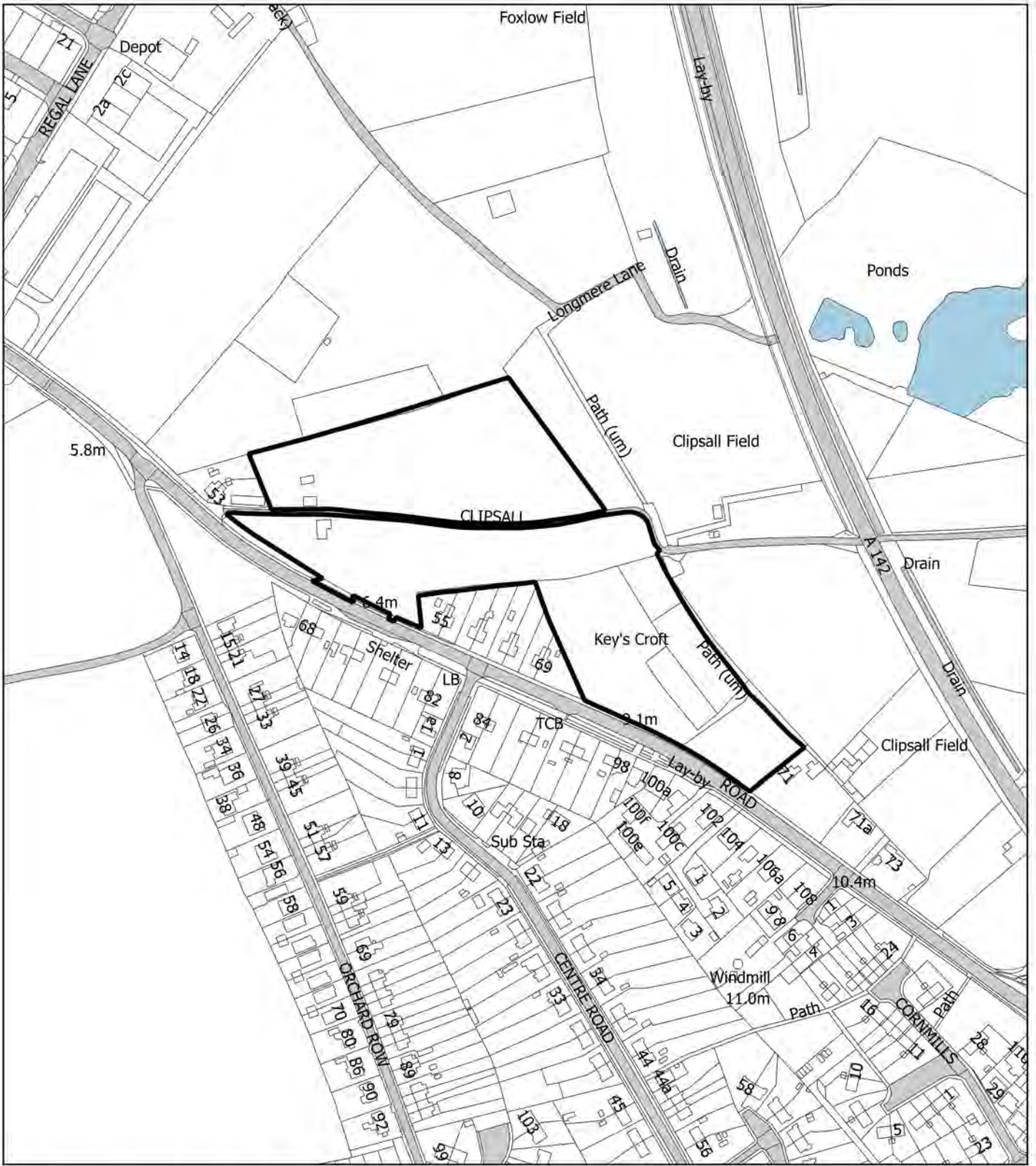
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 19 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the external works drawing number 002 Rev G. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling to which it relates. All works shall be carried out in accordance with the approved details and retained thereafter.
- 19 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 2018.
- 20 No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 20 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 2018. 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.
- 21 All bathroom and cloakroom windows shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 21 Reason: To safeguard the residential amenity of the occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 22 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.

- 22 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 2018. 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.
- 23 Prior to any occupation of the development, a scheme for the maintenance of the hard and soft landscaping for a minimum period of 10 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 23 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 2018.
- 24 Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include provision for:
- i. the design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 24 Reason: To safeguard the PROW and 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 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 25 Prior to the commencement of development, the definitive line of the public rights of way shall be marked out on site.
- 25 Reason: To safeguard the PROW and 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 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 26 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 26 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 27 The development shall be carried out in accordance with the mitigation and precautionary methods contained within sections 5 and 6 of the Habitat Survey and Designated sites assessment report dated 6 November 2017.
- 27 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 2018.
- 28 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.
- 28 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 2018.
- 29 All development shall be carried out in accordance with the submitted sustainability statement dated 15 January 2018.
- 29 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 2018.
- 30 Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator and cycle vouchers. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 30 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 2018





18/00059/FUM

Land rear of  
55 to 69 Fordham Road  
Soham



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:3,500



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**MAIN CASE**

**Reference No:** 18/00634/FUL

**Proposal:** Construction of four detached houses with two new accesses

**Site Address:** Land Northwest Of 15 Pound Lane Isleham Cambridgeshire

**Applicant:** Mrs Wendy Davies

**Case Officer:** Toni Hylton, Planning Officer

**Parish:** Isleham

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

**Date Received:** 10 May 2018  
**Expiry Date:** 8<sup>th</sup> December 2018

[T147]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reason shown below:

1.The proposed development due to its bulk, scale, layout and design would be visually discordant with and constitute an overdevelopment of the site such that it would cause demonstrable harm to the character of the area and the setting of the St Margaret's Priory Scheduled Ancient Monument, contrary to the requirements of Policies ENV 1, 2,11 and 14 of the East Cambridgeshire Local Plan 2015, LP1, LP2, LP22, LP27 and LP28 of the Submitted Local Plan 2018 and the aims of paragraph 11 and chapter 16 of the National Planning Policy Framework.

2.0 **SUMMARY OF APPLICATION**

2.1 The application is made in full for the erection of 4 detached dwellings with the creation of 2 accesses from Pound Lane. Each plot has 2 parking spaces with adequate turning areas to enable vehicles to leave in a forward gear. The proposal also includes additional planting. The existing wall at the front would be taken down and rebuilt to enable the creation of a footpath.

2.2 The proposal comprises of 2 designs, although these are handed. Each dwelling is approximately 6.8 metres in height comprising of 2 floors with the first floor within



the roof space. Each dwelling comprises of 3 bedrooms, bathroom, ensuite at first floor with dining room, kitchen, living room, utility and WC at ground floor.

- 2.3 The materials have been suggested as a Breckland black plain tile, dark buff brick, oak stained soft wood boarding and white UPVc windows.
- 2.4 The application has been amended from the original submission, the amendments have been primarily to the external appearance of the dwellings in order to reduce the impact on the heritage assets.
- 2.5 The application is brought to the Planning Committee at the request of Councillor Beckett. In discussing the application with Councillor Beckett he was of the opinion that the application had generated interest within the village and would benefit from a debate with the Planning Committee.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

### 3.0 PLANNING HISTORY

16/00216/FUL	Proposed six houses with cart lodges	Refused	17.03.2017
17/01043/FUL	Construction of 6 dwellings	Refused	04.08.2017

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located within Isleham Conservation Area and comprises a 0.2ha paddock on the western side of Pound Lane. The site is 100m north of the Isleham Priory (a scheduled ancient monument). The site is located inside of the development envelope for Isleham with a footway running along the opposite side of Pound Lane providing a link to the main services and facilities of Isleham. The site is bounded to the south by housing and to the north by an open piece of land. To the west lies the open grounds comprising the earthworks of the Scheduled Ancient Monument.

### 5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority – Their comments are copied below for information:

“The highways authority has no objections in principal to this application **subject** to the full width of the footway on private land as shown on drawing number 765/15/24B being conditioned to being dedicated to the highways.

The footway must be under the control of the highways authority to ensure that this remains open to the public at all times. If this is not possible to be conditioned I must object as the footway width and visibility splays would be below current standards and would likely be detrimental to highways safety.”

Conditions are proposed relating to turning, parking, pedestrian visibility splays and access arrangements.

Asset Information Definitive Map Team – The comments are copied below for information:

“Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width as well as the County Council guidance on boundary fences and planting. This guidance ensures that boundary fences do not result in the path becoming narrow and uninviting whilst guidance on planting ensures that the future growth of planting does not obstruct the footpath.”

Conditions are recommended to prevent boundary fencing and planting encroaching onto the public footpath

CCC Growth & Development - No Comments Received

Trees Officer (Consultant) – No objection to the proposal, following the submission of additional information relating to trees.

Environmental Health - No objection to the proposal but would recommend conditions relating to contamination, restrict working hours, lighting and no burning of waste materials.

Waste Strategy (ECDC) – No objection on the basis of payment towards the provision of bins.

Historic England – The final comments of Historic England are shown below:

“On the basis of this information, we confirm that the amendments do not address our objections. As such, the advice contained in our letter of the 8 June 2018 stands, although we note that although the site was allocated for development in the adopted local plan in 2015, it is not allocation in the emerging draft local plan.”

The comments made by Historic England on 8<sup>th</sup> June 2018 are copied below:

“Historic England advise that the proposed development will harm the significance of the designated heritage assets. The NPPF stresses that any harm to designated assets should require clear and convincing justification, Since the rationale for the number of units allocated in the local plan was to minimize the impacts of the development on the setting of the scheduled monument, we advise that the

application does not meet the aims and aspirations of the Framework or the Local Plan, and should be refused.”

Cambridge Ramblers Association – No comments on the proposal other than any development should not interrupt the use of the public right of way.

Cambridgeshire Archaeology - The comments are copied below for information: “Furthermore, it disregards ‘Policy ISL 4 : Housing allocation, land west of Pound Lane’, which indicates that this 0.33 hectares of land is allocated for residential development of approximately 3 dwellings: 4 are now proposed. Reviewing the current application’s layout proposal against that of the 2017 application (itself a version of the 2016 proposal) it is clear that the same number of residential units have been maintained by the applicant: 4 blocks, 2 as semi-detached and 2 as detached units with only wider distances between the house blocks. This constitutes neither a material change in terms of development scale thereby continuing to obscure the ancient scheduled site to the rear of the land plot from Pound Lane, nor attempts made to keep the tangible historic environment of the village within sight by the reduction of the number of appropriately scaled houses to that required in the Local Plan policy for this rural site.”

In discussion with the County Archaeologist should planning permission be granted a condition requiring a Written Scheme of Investigation would be required.

Conservation Officer – The Conservation Officer has fundamental concerns with regard to the proposal and the inter visibility between the Priory and the Baptist Church opposite the site and the proposed heights would impact on this. It is considered that the scheme would be detrimental on the Listed Buildings and Conservation Area.

Ward Councillors - The application is brought to the Planning Committee at the request of Councillor Beckett. In discussing the application with Councillor Beckett he was of the opinion that the application had generated interest within the village and would benefit from a debate from the Planning Committee.

Parish - The Parish Council have raised objections throughout the life of the application and these are summarised below:

- The size and nature of the dwellings is out of keeping with the character of the area;
- Would detract from the view of the Priory;
- Concerned with highway visibility and provision of accesses;
- Much of the existing infrastructure is at capacity and lack of public transport.

5.2 Neighbours – 9 neighbouring properties were notified and 7 responses were received are summarised below. A full copy of the responses are available on the Council’s website. The application was also advertised in the Cambridge Evening News and a site notice was erected on the lamp post opposite the site.

- The proposal will increase traffic in this location;

- Loss of the wall to the front;
- The access may obstruct the highway;
- The height of the dwellings is out of keeping;
- There is evidence of ecology;
- Loss of light and overshadowing;
- Needs to be sympathetic to the historic setting;
- There is not enough parking;
- Impact on the Conservation Area;
- Impact on trees;
- Impact on the landscape;

1 letter of support was received for the proposal as it will improve the aesthetics of the area.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ISL 4	Housing allocation, land west of Pound Lane
COM 7	Transport impact
COM 8	Parking 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 11	Conservation Areas
ENV 12	Listed Buildings
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  
 12 Achieving well-designed places

- 5 Delivering a sufficient supply of homes
- 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 2018

LP1A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP22 Achieving Design Excellence

LP24 Renewable and Low Carbon Energy Development

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

LP27 Conserving and Enhancing Heritage Assets

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

LP30 Conserving and Enhancing Biodiversity and Geodiversity

#### 7.0 PLANNING COMMENTS

##### 7.1 Principle of Development

- 7.1.1 In terms of the principle of development, the site is located within the settlement boundary of Isleham and within the Conservation Area and is allocated for housing within Policy ISL 4 of the East Cambridgeshire Local Plan 2015. The principle of housing on this site is therefore acceptable. However Policy ISL 4 allows for the development of approx 3 dwellings on the whole allocation, of which this site forms only part of. The Policy recognises the sensitive nature of the site and restricts the number of dwellings on the whole allocation to approximately 3. The Policy recognises the need for development to have regard to site layout, building height, massing and soft landscaping to minimise the visual impact from Pound Lane, the Scheduled Monument and its wider setting and the need to protect views of the Scheduled Monument.
- 7.1.2 In the Emerging Local Plan this area of land is no longer allocated for residential development, however it is seen to be within the development envelope for Isleham. On this basis the overall principle for residential development in this location is considered acceptable. However, it does not have the same restrictions although the planning constraints remain the same and would need to be considered in the determination of the application.
- 7.1.3 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore any policies controlling 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.

- 7.1.4 This application is for 4 additional dwellings that would be added to the District's Housing Stock and make a contribution towards the shortfall in housing land supply. The provision of any additional dwellings attracts significant weight in the planning balance. The benefits of this development are therefore the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.
- 7.1.5 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.6 The site is also in close proximity to a Grade II Listed Building (Baptist Chapel), Grade I Listed Building (St Margaret's Priory) and a Scheduled Ancient Monument (earthworks to the rear of the site connected with the Priory) all of which are significant heritage assets, whereby Paragraph 11, Note 6 states that if the Local Planning Authority does not have an up to date plan, but the proposal would cause harm to a heritage asset then the lack of 5 year housing land supply does not apply. On this basis it is considered that the proposal would cause harm to the heritage assets then the lack of a 5 year housing land supply of paragraph 11 is not engaged. Therefore whilst the Local Planning Authority cannot consider the application as being of a public benefit as the harm caused to the heritage assets take precedence over this and it outweighs the need for 4 additional dwellings.
- 7.1.7 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.
- 7.1.8 On this basis the proposal in principle is not considered acceptable, however other issues need to be considered and will have a bearing on the final determination of the application.
- 7.2 Historic Environment
- 7.2.1 The site is set in a context of heritage importance. Immediately opposite the site is a Grade II Listed Building which is a Baptist Chapel. As a Grade II Listed Building this is considered to have local importance. Immediately to the rear of the site is a Schedule Ancient Monument, which are the earthworks relating to the Priory and how it operated in the past. To the west of the site is the Grade I Listed Building which is St Margaret's Priory, and as such is considered to be of national importance. These buildings are rare and as such is considered to be as important as Ely Cathedral or Westminster Abbey. The preservation of both the fabric and setting of this building is therefore fundamental.

- 7.2.2 The proposal has been modestly amended in terms of the external appearance of the dwellings and consists of the same number of dwellings. The concerns raised by Historic England, the level of development is considered to be harmful to the setting of St Margaret's Priory Scheduled Ancient Monument, and is therefore contrary to Policies ISL 4, ENV2 and ENV 11 of the Local Plan and LP27 and LP28 of the Emerging Local Plan. The views of Historic England informed the original allocation of the site for residential development but the numbers were limited due to the important contribution the site makes to the setting of the Scheduled Ancient Monument and the sensitivity of any development on this site.
- 7.2.3 The Conservation Officer is also of the view that the supporting documentation does not clearly show how the applicant has understood the significance of the designated heritage assets, nor does it illustrate how the applicant believes the proposal will not cause harm to the significance of the wider setting of the Scheduled Monument. The Conservation Officer has also discussed the visible links between the Priory and the Baptist Church and how this development would impede these views. In Conservation terms these inter visibility connections are an important part of the character of the area and for these not to have been considered are to the detriment of the setting of these buildings.
- 7.2.4 The comments of Historic England do have to be given significant weight in determining this application especially given the stance in the NPPF to the conservation of Ancient Monuments and their setting. The views of Historic England are also supported by the County Archaeologist, who reiterates the comments as well as concerns that the proposal does not allow for views of the earthworks associated with the Priory.
- 7.2.5 The conservation of heritage assets is one of the core planning principles of the National Planning Policy Framework, which emphasizes the importance of conserving heritage assets, in a manner appropriate to their significance. The Framework goes on to state in paragraph 195, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification. The harm to the heritage asset needs to be weighed against the public benefits of the proposal.
- 7.2.6 Taking all of the consultation responses into consideration a judgement on each of the heritage assets and how these are impacted by the proposal needs to be undertaken and concluded using the provisions within the NPPF.
- 7.2.7 The Baptist Church opposite the site is a Grade II Listed Building and whilst in isolation the proposal may be considered to cause less than substantial harm, on the basis the proposal is set back from the street scene and would not directly affect the setting of the building. However, when you introduce the inter visibility between the Baptist Church and the Priory the views between the 2 heritage assets are impeded by the siting of 4 dwellings in a linear form. On this basis the proposal is considered to cause harm to the setting of the Listed Building and as such does not meet the criteria set out within chapter 15 of the NPPF which states that "Where

proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm” On this basis it is considered that the proposal would cause substantial harm to the setting and the public benefit of 4 additional dwellings that could not be located elsewhere in the village or district is not considered to outweigh that harm, then planning permission should be refused.

- 7.2.8 The Scheduled Ancient Monument to the rear of the site is a collection of earthworks which relate to the historic operation of the Priory. Currently there are limited views of the earthworks due to the site being overgrown, however if the site had been maintained, views of the earthworks may well have been seen. However in visiting the site the earthworks are essentially mounds and a view of these are really only gained from actually entering the Priory site. As such it has been considered that the proposals impact on the setting of earthworks would cause less than substantial harm and therefore the public benefits of the proposal need to be considered. The proposal would provide 4 additional dwellings to add to the Council’s housing stock at a time when the Council cannot demonstrate a 5 year housing land supply. With regard to archaeology any development of this site would require the submission of a Written Scheme of Investigation, to determine whether there were any archaeological finds within the boundaries of the site.
- 7.2.9 St Margaret’s Priory is a Grade I Listed Building and as such is of national importance. The proposal is considered to cause substantial harm to the setting of the Priory and as such paragraph 195, chapter 15 of the NPPF is applied. On this basis the proposal would cause substantial harm to its setting and the public benefit of 4 additional dwellings is not considered to outweigh the harm to this building of national importance, then planning permission should be refused.
- 7.2.10 It is considered that the proposal would cause substantial harm to the setting of the heritage assets and as such it outweighs any public benefit which may be provided by this development, even the benefit of the provision of additional housing to meet the Councils housing shortfall. It is considered that the proposal will cause significant harm to the setting of the Listed Buildings and as such cannot be considered acceptable, contrary to the criteria within the NPPF, policies ENV12, ENV14 of the Local Plan and LP27 and LP28 of the Emerging Local Plan.
- 7.3 Residential Amenity
- 7.3.1 The site is in close proximity to other residential properties. To the north is a site subject to a planning permission for a single dwelling and the nearest plot would be plot 4. However the dwelling is approximately 4 metres from the boundary and then there is the public footpath which is clear boundary between the plots. It is considered that the distances involved are likely to cause harm to this adjoining neighbour.
- 7.3.2 To the south is Number 15 Pound Lane which is a two storey traditional dwelling set close to the road. Plot 1 would be the nearest dwelling with 6 metres to the boundary, and further 8 metres to the existing dwelling. It is considered that the distances involved would not be detrimental to the neighbour’s amenity.



- 7.3.3 Opposite the site are a mix of single storey dwellings and two storey dwellings. The plots have been set back approximately 13 metres into the site and would over look Pound Lane and the front gardens of the dwellings opposite. It is considered that this would likely cause harm to the neighbours amenities.
- 7.3.4 The size of the plots and the relationship between the proposed dwellings is considered to be acceptable and meet the criteria set within the Design Guide and policies ENV2 and LP22.
- 7.3.5 On this basis the proposal is considered to maintain the amenities of the adjoining neighbours and as such meets the criteria within policies ENV2 of the Local Plan and LP22 of the Emerging Local Plan.
- 7.4 Visual Amenity
- 7.4.1 The site is within the Conservation Area where development should seek to enhance and or preserve the character of the area. The overall design of the dwellings has been amended to try and improve the inter visibility between the heritage assets, however this has not been achieved successfully. The design of the dwellings has been improved and would not be out of keeping with the character of the area. On this basis the design of the dwellings is not considered to be visually at odds with its surroundings and as such complies with policies ENV2 of the Local Plan and LP22 of the Emerging Local Plan.
- 7.4.2 However when the proposal is assessed against the impact of the inter visibility between heritage assets the visual impact is of significant concern. The height and location of the proposed dwellings would impede on the inter visibility between the heritage assets and as such is important to consideration in the character of the Conservation Area. Taking this into consideration the proposal would impede on these visual links between heritage assets and as such is contrary to policies ENV12 of the Local Plan and LP27 and LP28 of the Emerging Local Plan.
- 7.5 Highways
- 7.4.1 In consultation with the Highways Officer the proposal is considered to be acceptable on the basis of conditions are attached to ensure the provision of a footpath along Pound Lane to be adopted by the Highways Authority. Each plot can provide a minimum of 2 parking spaces which is in line with the criteria within the Local Plan and Emerging Local Plan. Conditions are required for turning and parking, access points and visibility. On this basis the proposal is considered to comply with policies COM7 and COM8 of the Local Plan and LP17 of the Emerging Local Plan.
- 7.6 Ecology
- 7.6.1 The Ecology Appraisal concludes that provided certain mitigation and precautionary measure are implemented to address the presence of nesting birds, the development proposals could proceed without the need for further surveys while ensuring no harm to protected species especially nesting birds. On this basis the

proposal is considered to meet the objectives of policies ENV7 of the Local Plan and LP30 of the Emerging Local Plan.

7.7 Flood Risk and Drainage

7.7.1 The site is within Flood Zone 1 where you would expect vulnerable development such as dwellings to be located. It is considered that any drainage issues can be dealt with by way of condition. On this basis the proposal is considered to comply with policies ENV8 of the Local Plan and LP25 of the Emerging Local Plan.

7.8 Planning Balance

7.8.1 Whilst the amenities of the neighbours can be maintained and the proposal can meet the requirements of the Highways Authority, the overall proposal is not considered to maintain or enhance the setting of the Conservation Area nor the nearby Heritage Assets. The proposal fails to consider the visual relationship between the Heritage Assets which in terms of Conservation are an important factor. The proposal will also restrict views of the Priory but also of the earthworks to the rear. On this basis due to the significant harm caused to the setting of these Heritage Assets the proposal is considered to be contrary to provisions of the Local Plan, emerging Local Plan and the NPPF.

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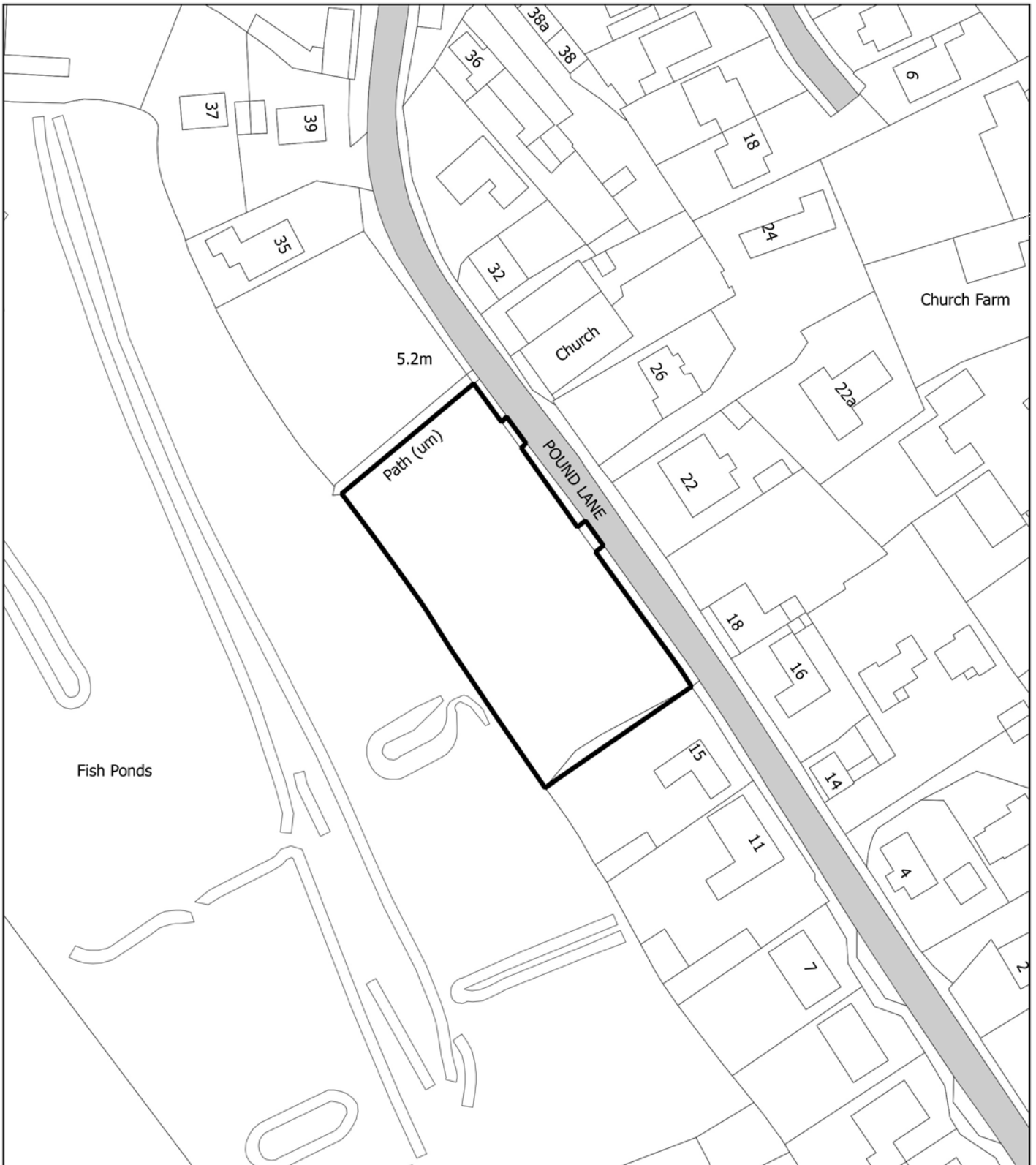
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00634/FUL 17/01043/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/00634/FUL

Land Northwest of  
15 Pound Lane  
Isleham



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 18/00833/FUL

**Proposal:** Erection of single detached family home

**Site Address:** Site Between 117 & 119 Duchess Drive Newmarket CB8 9HB

**Applicant:** Mr John Simmons

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

**Parish:** Cheveley

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

**Date Received:** 16 July 2018      **Expiry Date:** 28/09/2018

[T148]

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1.0 **RECOMMENDATION**

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

1. Policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017 require proposals to minimise harm to or loss of environmental features such as hedgerows and trees. Policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017 also require new development to ensure that it can provide positive, complementary relationships with existing development, and protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as woodland trees. The proposed dwelling and associated works would prevent the statutory requirement upon the applicant to replant a TPO woodland (E/03/06). The TPO woodland provided a key and defining landscape feature between Newmarket and the countryside and its replacement with a dwelling would cause a significantly detrimental harm to the character of the area contrary to policies ENV1 and ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2017.
2. Policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017 require proposals to protect biodiversity and geological value of land and buildings. The application has not been supported by an Ecological Appraisal of the site, and it is considered that prior to the TPO woodland being removed the site would have supported a high

level of biodiversity. The application therefore fails to demonstrate it would not have a detrimental impact on biodiversity contrary to policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.

3. The application would prevent the replanting of the TPO woodland and is considered to cause significant and demonstrable harm to the character of the area contrary to policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017. The site acts as a defining boundary separating the residential built form from the countryside. The introduction of development on this site, in particular the scale proposed, would cause significant and demonstrable harm to the character and appearance of the area. It would create an unacceptable hardening urbanisation of the landscape and prevent the replanting of replacement woodland, on a site that previously acted as a defining and characterising boundary.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of a single dwelling with a maximum height of 8.5m, frontage of 13m and depth of 12.7m. The dwelling would be set back from the public highway with a driveway and parking spaces occupying the front of the site. This is a resubmission of the previously refused application 17/01355/FUL.
- 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 has been called into Planning Committee by Councillor J Shumann as there have been a number of issues with the site and significant local interest.

## 3.0 PLANNING HISTORY

3.1	04/00124/FUL	Create new access	Refused	26.03.2004
	17/01355/FUL	Construction of 4 bedroom detached dwelling	Refused	20.09.2017
	89/01349/OUT	ERECTION OF HOUSE	Refused	22.01.1990

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the established development framework for Cheveley, but adjacent to it with the boundary running along the northern boundary. The site

is covered by TPO's and was previously densely vegetated prior to clearance in January 2017. The site viewed on visit had been mostly cleared with trees remaining around the boundary. To the west of the site is the highway, north a neighbouring occupier, and south the Jarman centre which is a community facility.

## 5.0 RESPONSES FROM CONSULTEES

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

**Parish** - The parish Council objects to this application for the following reasons:

- The proposed dwelling is outside the development envelope.
- Access is onto a 40mph stretch of the highway with inadequate visibility splays. Residents of the proposed dwelling would be dependant on the motor vehicle given the site's location and distance from local services and facilities.

It was also noted that a significant number of trees which had been removed had still not been replaced and this work should be carried out as soon as possible. The trees were removed without permission and contrary to Policy ENV: 7 Biodiversity & Ecology. The site is also protected under a Woodland Tree Preservation Order.

**Ward Councillors** - No Comments Received

**Senior Trees Officer** - This proposal is for permission to build a new 4 bedroom single detached family home on a site situated within a larger existing woodland that is covered by the TPO E/03/06, served and confirmed on 14/08/06.

This site was subject to a previous planning application in 2004, where a large number of trees were cleared prior to the application being submitted, following the sale of this woodland plot, once part of The Jarman centre site at 119 Duchess Drive. Unfortunately the site was sold and the trees removed before the Council had the opportunity to formally serve a TPO to protect the densely wooded site at The Jarman Centre.

Since the TPO was served in 2006, the site was sold again. Following the removal of woodland trees in or around 2004, natural regeneration of the trees began, especially of the Sycamore, restoring the woodland canopy. An aerial photograph of the site in 2009 shows the trees' canopies covering over approximately a third of this site.

The current application is supported by an arboricultural report dated 24.07.17 and an arboricultural plan No. 5938-D dated 21/07/17, showing very little woodland cover existing on the site. This was not the case up until 28<sup>th</sup> January 2017, when the site was virtually cleared of trees and vegetation, including the removal of several trees on the County Council Highways verge at the front of the site on Duchess Drive. This arboricultural report is the same one submitted to support a previous application 17/01355/FUL (refused on 19<sup>th</sup> September 2017) and this plan

shows the footprint of the previous proposed 5 bedroom dwelling, and not that of the current application's proposed dwelling.

There is currently a statutory requirement for the owner to plant replacement woodland on this site.

I therefore recommend the application is refused because of the impact on the TPO Woodland.

**Local Highways Authority** - The Highway Authority has no objections in principal to this application. Drawing Number 001 (Visibility Spay Analysis) demonstrates the visibility splays are entirely within the highway and correct for the posted speed limit of 40mph.

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

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

5.2 A site notice was posted on 7<sup>th</sup> August 2018 and three neighbours have been notified by post. Two responses have been received raising the following concerns. A full copy of the responses are available on the Council's website.

- Impact on the Jarman Centre, including day to day running and the amenity of users.
- Concerns regarding the woodland Tree Preservation Order and the replacement planting.
- The Tree Survey recommends works to trees outside of the applicants ownership.
- There are bats and badgers in the woodland and no ecology report has been submitted.
- The Jarman Centre has unrestricted hours which could impact on the amenity of future occupiers.
- The site is not level, but it has stated that it is level in the Design and Access Statement.
- Concerns regarding surface water drainage impacting on the Jarman Centre.
- The design is inconsistent with the edge of settlement and rural woodland grain of the area.
- The dwelling would overlook the Jarman Centre.
- The site is in an unsustainable location.
- The use of the Jarman Centre is not compatible with residential use nearby, and may threaten the existence of the community facility.
- The benefits of providing a dwelling do not outweigh the harm caused.
- The proposal creates overlooking to the neighbouring dwelling at Beech Lodge.
- The proposal would require root pruning to a tree (T006) under the ownership of Beech Lodge. This trees roots may have already been damaged. Further pruning may impact the stability of the tree and there may be pressure to remove the tree in the future.

- The site is not appropriate for development.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

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

### 6.2 Supplementary Planning Documents

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

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

### 6.4 Submitted Local Plan 2018

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity

## 7.0 PLANNING COMMENTS

7.0.1 The main considerations of this application are: principle of development, highways safety, trees, visual amenity, residential amenity and other matters.

### **7.1 Principle of Development**

7.1.1 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local



Plan (GROWTH 2) and the 2017 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

- 7.1.2 The site is located outside of, but adjacent to, the established development framework. Given the proximity of the site to the framework, the site is considered to be in a sustainable location and the principle acceptable subject to satisfying all other material considerations.

## **7.2 Residential Amenity**

- 7.2.1 Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 state that proposals must ensure they do not result in a significantly detrimental harm to the residential amenity of neighbouring or future occupiers as a result of the proposal. Given the location of the proposed dwelling and separation distances, the dwelling is not considered to have a detrimental harm on the amenity of neighbouring occupiers through being overbearing, causing a loss of light or by being overlooking.
- 7.2.2 The proposed dwellings would have sufficient amenity space to comply with the requirements of the Design Guide SPD. The proposed dwelling has one first floor side window which serves an ensuite. It can be conditioned that this is obscure glazed to prevent overlooking of nearby occupiers. As a result the application is considered to comply with policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 in this regard.
- 7.2.3 Concerns have also been raised regarding the noise impact for future occupiers from the activities taking place at The Jarman Centre. While it is acknowledged there may be some disturbances as a result it is not considered they would be significant that would warrant refusal. It is not considered that the proposed dwelling would cause a significant impact on the functioning or use of The Jarman Centre. The application is therefore considered to comply with policy ENV2 in this regard.

## **7.3 Visual Amenity**

- 7.3.1 Under Local Plan policy ENV1 this application should ensure that it provides 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 this application to ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area.
- 7.3.2 As previously highlighted, the application would prevent the replanting of the TPO woodland and is considered to have a significantly detrimental harm to the character of the area contrary to policy ENV1. The site acts as a defining boundary separating the residential built form from the countryside. While there is built form found within the adjacent woodland, this is a community facility situated within the

woodland. It is considered that this proposal would cause significant and demonstrable harm to the character and appearance of the area. It would create an unacceptable hardening urbanisation of the landscape which is exacerbated by the 8.5m ridge height. The proposal prevents the replanting of replacement woodland, on a site that previously acted as a defining and characterising end of settlement boundary.

- 7.3.3 The visual harm weighs against the proposal to the extent that it would significantly and demonstrably outweigh the benefits of new housing provision, contrary to policies GROWTH2 and ENV1 of the Local Plan 2015, policies LP3 and LP28 of the Submitted Local Plan 2015, and the NPPF.

## **7.4 Trees**

- 7.4.1 Under policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017, there is a requirement to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. Policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017 also requires this application to ensure that it can provide positive, complementary relationships with existing development, and protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as woodland trees.

- 7.4.2 The site was designated as a TPO woodland in 2006 (E/03/06). However, the site was significantly cleared in January 2017. As the Tree Officer has noted there is a statutory requirement on the owner to plant replacement woodland on this site. Internet street mapping shows images of the site from 2010, and demonstrate how the site provided a significant landscape feature which defined this edge of settlement location. The removal of the TPO woodland has significantly altered the character of the area and has a significant impact on the street scene. This is considered to have had a detrimental impact on this defining edge of settlement location. A notice has been served on the land owner under section 207 of the Town and Country Planning Act 1990 (“the Act”) to replace the planting. This notice has not been appealed or challenged. The Trees Officer objects to this application as it would prevent the correct replanting as required on the site. It is for these reasons the application is considered to be contrary to policies ENV1 and ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2015.

## **7.5 Access and Parking**

- 7.5.1 Under policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017 this application should ensure that it can provide safe and convenient access to the public highway. The Local Highways Authority have not objected to the proposed scheme providing a number of conditions are attached to any granting of permission which are considered to be acceptable.
- 7.5.2 Policy COM8 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 set out the parking policies for the District. The dwelling would provide two bedrooms and is therefore required to provide a minimum of two spaces per dwelling. The applicant has provided the sufficient parking to meet this policy.

## 7.6 Other Material Matters

- 7.6.1 No ecological information has been submitted. The site was previously cleared of a large extent of vegetation and comments from neighbouring occupiers has confirmed the presence of a number of habitats being found on the site. The applicant has provided no supporting information regarding ecology, and in allowing a dwelling to be built it would prevent the replanting of TPO woodland which would be at detriment to biodiversity. The application is therefore considered to be contrary to policy ENV7 of the Local Plan 2015 and LP30 of the Submitted Local Plan 2017.
- 7.6.2 Surface water drainage is a matter that can be secured by way of planning condition.

## 7.7 Planning Balance

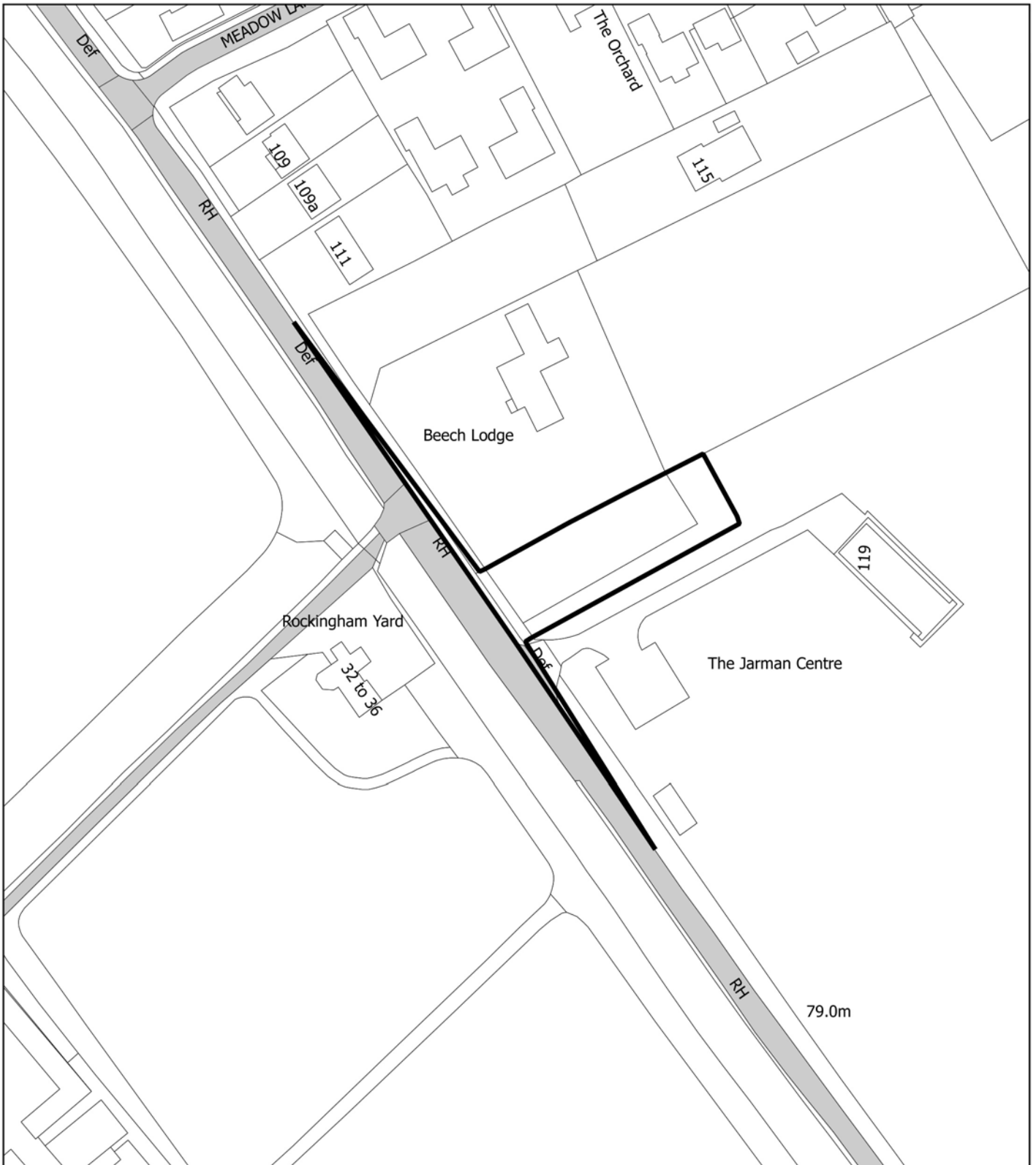
- 7.7.1 It is considered that the benefit of the provision of one dwelling would be outweighed by the significant and demonstrable harm which would be caused to the rural end of settlement character and appearance of the area through the introduction of a large and urbanising dwelling. Insufficient information has been submitted to demonstrate that the proposal is not harmful to biodiversity. The proposal would prevent the replanting of woodland trees at the site, which would create a detrimental impact to the rural edge of settlement character. The visual harm weighs against the proposal to the extent that it would significantly and demonstrably outweigh the benefits of new housing provision.
- 7.7.2 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>
18/00833/FUL 04/00124/FUL 17/01355/FUL 89/01349/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

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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>



18/00833/FUL

Site between  
117 & 119 Duchess Drive  
Newmarket



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:1,421



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**MAIN CASE**

**Reference No:** 18/01071/VAR

**Proposal:** Vary condition 4 (Use Class) of the decision dated 19/09/2008 of previously approved 08/00746/FUL to allow for up to 12 days in a year as an events venue.

**Site Address:** Rose Barn Ely Road Sutton Ely Cambridgeshire CB6 2AB

**Applicant:** Sid Bibby Turf And Landscaping Limited

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

**Parish:** Witcham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 9 August 2018      **Expiry Date:** 4<sup>th</sup> October 2018  
[T149]

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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 Specified Use Class
  - 3 Number and frequency of events
  - 4 No external music or amplified PA
  - 5 Indoor amplified music and PA time restriction
  - 6 Noise Management Plan
  - 7 Indoor use only
  - 8 Hours of use
  - 9 Restriction on No. of attendees
  - 10 Parking
  - 11 Access improvements

2.0 **SUMMARY OF APPLICATION**

- 2.1 The site has a long-standing lawful use as a turfing and landscaping contractors. Planning permission for the office and showroom building on the site was granted in 2008, subject to a condition restricting its use to purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987, as amended, and for

no other use. Class B1(a) relates to an office use. This condition (condition 4) states the following:

- 2.2 *“The building hereby permission shall be used for purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other use.”*
- 2.3 The current application seeks to vary condition 4 (use class) of planning permission 08/00746/FUL to allow for up to 12 days in a year as an events venue. The application seeks use of part of an existing office and showroom building for indoor events only, limited to up to 12 events per year. This would include up to 6 evening events (defined as falling within the hours of 6pm-midnight) per year. The events would only take place Friday-Sunday and guest numbers would be limited to 55 people per event. The proposal also excludes wedding reception events taking place.
- 2.4 A planning application, for a change of use to mixed use comprising landscaping contractors and events venue, was refused on this site by the Planning Committee in September 2016 (ref: 16/00718/FUL). Planning application 16/00718/FUL was refused for the following reasons:
- 1. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority or the Local Highway Authority. The continued use of the site as an events venue will result in the uncontrolled parking of vehicles and coaches on the private access road fronting the site and the A142 to the detriment of highway safety. The proposal therefore fails to comply with Policy COM8 of the East Cambridgeshire Local Plan 2015, which requires development proposals to make provision for parking broadly in accordance with the Council’s parking standards.*
  - 2. The continued use of the site as an events venue will intensify the use of the existing accesses to the east and west of the site, on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. There is already some degree of conflict and interference to the passage of through vehicles from the existing accesses, and the intensification of that interference that this proposal would engender would lead to the deterioration in the efficiency of the road as a traffic carrier, and be detrimental to highway safety. The proposal therefore fails to comply with Policy COM7 of the East Cambridgeshire Local Plan 2015, which requires development proposals to provide safe and convenient access to the highway network and be capable of accommodating the level and type of traffic generated without detriment to the local highway network.*
  - 3. The continued use of the mixed use site as a landscaping contractors and events venue will generate a significant number of traffic movements leading to noise and disturbance being caused to the occupiers of the two residential dwellings at the adjacent Amberlea Country Kennels and Cattery, due to their close proximity to the site and access road. It is also considered that the use of the outdoor entertaining and cooking area cannot be adequately controlled by condition or mitigated against and that the noise, disturbance and odours generated are likely to have a significantly detrimental effect on the residential amenity of the adjacent occupiers. The proposal is therefore contrary to Policies ENV2 and ENV9 of the*

*East Cambridgeshire Local Plan 2015, which requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and to minimise noise pollution from developments.*

- 2.5 Planning application 16/00718/FUL was subsequently appealed to the Planning Inspectorate (ref: APP/V0510/W/16/3162856), however the appeal was dismissed. The appeal decision by the Planning Inspectorate determined that the proposal was acceptable in respect of highway safety and parking subject to access improvements, however it would have an unacceptable effect on the living conditions of neighbouring occupiers with regard to noise and disturbance. A fully copy of the appeal decision can be viewed in Appendix 2 attached to this report.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.s.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.7 The application has been called-in to Planning Committee by Councillor Joshua Schumann as the application is of a sensitive nature and was previously discussed at planning committee with the previous application 16/00718/FUL.

3.0 PLANNING HISTORY

3.1

07/00204/CLE	Certificate of lawfulness - existing use of land for turfing and landscape business.	Approved	18.04.2007
07/01010/FUL	Erection of new offices & associated works	Refused	19.10.2007
07/01433/FUL	Erection of new offices & staff facilities plus staff and customer parking area.	Refused	27.02.2008
08/00746/FUL	New offices and staff facilities, staff and customer parking,	Approved	18.09.2008
15/01477/FUL	Retrospective application for part change of use of existing offices/showrooms/garden area and ancillary parking to events venue	Withdrawn	03.05.2016

16/00718/FUL	Change of use to mixed use. Landscaping contractors and events venue	Refused	07.09.2016
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Appeal decision:

APP/V0510/W/16/3162856	Change of use to mixed use. Landscaping contractors and events venue.	Dismissed	19.07.2017
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#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the north of the A142 and is accessed via a private lay-by, which runs adjacent to the A142. The existing landscaping business is concentrated on land to the north of the site and also utilises the office and showroom building that has been constructed in recent years. The site is partially screened from the A142 by a dense, mature hedgerow. The Chestnuts, a modern detached dwelling is located to the east of the site and to the west of the site is Amberlea Kennels. The site is located in the countryside, outside the established settlement boundaries of Witcham and Sutton.

#### 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 Chairman of the Planning Committee (Councillor Joshua Schumann) – Has called-in the application to Planning Committee as the application is of a sensitive nature and was previously discussed at planning committee with the previous application 16/00718/FUL.

5.3 Witcham Ward Councillor – No Comments Received.

5.4 Witcham Parish Council - Object to the proposal and the amendment on the basis that the proposal will:

- Increase traffic on the A142 and at the junction
- Increase this accident spot for those using the A142
- Inadequate parking provision for the number of visitors and the possibility of using the private road for overspill car parking
- Loss of residential amenity of those living nearby
- Impact on animals at the kennel and cattery business operating to the application site
- Using the site for events will increase noise and disturbance and potentially smells and fumes, particularly increasing issues in respect of animals nearby.

5.5 Sutton Parish Council - No objections to the proposal.



5.6 Local Highways Authority – In principal the LHA has no objections to the proposal, on the basis that conditions are attached to any planning permission granted to include the access specification, parking and turning to be laid out as shown on the plans submitted. The LHA have justified their position which is copied below for information:

*“A planning application (16/00718/FUL) for the change of use to a mixed landscaping contractors and events venue was refused on this site at appeal in July 2017 (APP/V0510/W/16/3162856). However the mitigations put forward to overcome the highways authority’s objections were accessed by the planning inspector and were found to be adequate for that change in use of this development site ONLY (Section 22).*

*These mitigations have also been proposed with this development (see drawing number 4). This application proposes to increase the current number of venues per annum but limit these to 14 days and also reduce the overall number of guests in attendance. As such this proposal would have a reduced impact of highways safety compared to the previously refused application and as the inspector has already deemed the mitigation measure and parking to be acceptable for the other use this reduced proposal is acceptable to the highways authority.”*

5.7 Enforcement Section - No Comments Received

5.8 Environmental Health – Note that the applicants are solely looking to vary the use for the indoor space. Section 3.3 of the Planning Statement suggests conditioning the number of guests to 85 and the hours of use to a midnight finish save for some exceptions (Christmas and New Year’s Eve). Environmental Health would agree with this, but would wish to limit the exception to one event a year which will cease no later than 01:00.

No objections have been raised by the EHO on the basis that the previous application submitted a Noise Management Plan. The plan stated the following:

Environmental Health recommend an amended version of the Noise Management Plan, which was submitted with the previous planning application on the site, is submitted for the current application. Their recommended amended details include:

- Hours of use/times of operation limited to between 11am until midnight, with the exception of 1 event per year until 01.30am. Music to be off by midnight.
- Doors nearest the speakers shall be kept shut and used as a fire exit only.
- The front door are entrance doors and to be used for access to a smoking area.
- Contact details should there be noise issues.
- Speaker locations and directions.
- Noise monitored by members of staff.
- Training of staff members and visitors.
- Noise will be reviewed annually.

On looking at other similar sites and taking distances to the nearest noise sensitive receptors into account, as well as the commercial use of the area, advise the following:

- Amplified music shall be limited to the hours of 11:00 to midnight on any day, with the exception of one event per year when amplified music shall cease no later than 01:00 hours (for example New Year's Eve/Day).
- Events with amplified music to be allowed only once in a calendar week.
- No fireworks.
- A Noise Management Plan shall be adhered to at all times.

If a Noise Management Plan can be agreed and there are conditions in place to limit the hours of use and the number of attendees, Environmental Health would have no objections to this variation.

Environmental Health also state that the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

In response to re-consultation on amendments to the proposal, reducing the number of events and attendees and restricting the type of events to exclude wedding receptions, Environmental Health has stated they have no issues to raise the amendments.

5.9 Waste Strategy (ECDC) - No Comments Received.

5.10 Neighbours – 4 neighbouring properties were notified and 1 representation has been received from the proprietor of Amberlea Country Kennels. The comments included within this representation are summarised below. A full copy of the responses are available on the Council's website. A site notice was displayed on 28<sup>th</sup> August 2018.

- Does this proposal work with the existing uses on the site;
- Clarification on highway matters is required;
- The operation of the proposal is vague;
- Concern about the occasional use;
- Lack of identified need for the proposal;
- How does this work with the existing uses on site?
- How does this proposal meet the tests of the NPPF?
- Parking provision can only be achieved when the landscape business is closed;
- Accident information provided is not accurate;
- Fails to demonstrate any changes from the previous applications;
- Fails to address residential amenity.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside
EMP 3	New employment development in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 9	Pollution

COM 7            Transport impact  
COM 8            Parking provision

## 6.2        National Planning Policy Framework 2018

6            Building a strong competitive economy  
15          Conserving and enhancing the natural environment

## 6.3        Submitted Local Plan 2018

LP1        A presumption in Favour of Sustainable Development  
LP3        The Settlement Hierarchy and the Countryside  
LP8        Delivering prosperity and Jobs  
LP17      Creating a Sustainable, Efficient and Resilient Transport Network  
LP22      Achieving Design Excellence  
LP26      Pollution and Land Contamination  
LP28      Landscape, Treescape and Built Environment Character, including  
            Cathedral Views

## 7.0        PLANNING COMMENTS

The main issues to consider in the determination of the application are the principle of development, highway safety, residential amenity and the impact of the proposal on the adjacent business.

### 7.1        Principle of development

7.1.1      The building in which events have been taking place was constructed following the granting of planning permission in 2008 for new offices and staff facilities, staff and customer parking. The building was described in that application as providing offices, meeting rooms and staff welfare facilities for the existing landscape and turfing business that is currently operated from land immediately to the north of the current application site. A planning condition was imposed requiring the building to be used in such a way as the application had been considered on that basis and the countryside location was such that alternative uses may not be acceptable. Reference is made in the case officer's report for that application that additional uses such as retail would not be appropriate for this location.

7.1.2      The applicant has confirmed that the area shown as 'offices' on the submitted drawings is used in connection with the landscape and turfing business that continues to operate and that not all of the building is used in connection with the events business.

7.1.3      Local Plan Policy EMP2 allows for extensions to existing businesses in the countryside. Such proposals will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality;
- The proposal is in scale with the location and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated;
- The extension is for the purpose of the existing business; and

- Any intensification of use will not detract from residential amenity. Full justification for the proposals is required to be submitted with a planning application.

7.1.4 The proposal is for a change of use and does not include external alterations. Therefore, the proposal does not harm the character and appearance of any existing buildings or the locality.

7.1.5 The application documents state that the majority of events would take place on a Saturday when the landscaping business is closed and it is accepted that the events venue business could operate alongside the landscaping business without impacting its viability. However, the introduction of an events venue onto the site would not be directly connected to the lawful use of the site as a turfing and landscaping business and therefore the proposal does not comply with the third point of policy EMP2. Although the proposal does not constitute an extension to an existing business in the countryside and therefore does not fully accord with policy EMP2 which attracts some weight against the proposal, this was considered by the case officer and Members when determining the previous application on the site (ref: 16/00718/FUL) and was not considered a significant enough reason to warrant refusal of planning permission on this basis.

7.1.6 Policy EMP3 relates to new employment development in the countryside. This policy specifically relates to new development for small scale business in B1, B2 or B8 uses. The use of the site as an events venue does not fall into any of these use classes. The policy also requires applicants to demonstrate that there is a lack of buildings within a settlement in which the use could take place or that there is a lack of suitable buildings to re-use or replace in the countryside. The applicant has not demonstrated that any alternative sites were considered prior to commencing the use or that there are no alternative sites that could be utilised now.

7.1.7 The impact of the proposal on the amount and nature of traffic generated and residential amenity is addressed below.

## 7.2 Highway safety and parking provision

7.2.1 Policy EMP2 requires extensions to existing businesses to be in scale with its location and not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated. Policy COM7 also requires development proposals to provide safe and convenient access to the public highway and Policy COM8 requires adequate levels of car and cycle parking to be provided.

7.2.2 Attached to Policy COM8 are details of the Council's adopted parking standards. At the appeal hearing relating to the recent planning appeal on the site (reference APP/V0510/W/16/3162856) it was confirmed by the Council that the relevant parking standard for an events venue as required by policy COM8 is one car parking space per 5 people. During the course of the application, the applicant's agent has advised that the applicant would reduce the number of attendees at events to a maximum of 55 people. In respect of parking provision, this number of attendees would result in a requirement of 11 car parking spaces. A plan has been submitted with the application demonstrating that 34 car parking spaces are already in place within the site. This

level of car parking provision far exceeds the levels required by the Council's parking standards in Policy COM8 and is therefore considered acceptable.

- 7.2.3 It should also be noted that, as part of the recent planning appeal on the site (ref: APP/V0510/W/16/3162856), the Planning Inspectorate determined that the proposal, which sought to hold events for 80-100 guests, would provide adequate parking facilities.
- 7.2.4 The submitted Transport and Access Statement states that coaches are a rare occurrence and that large HGV vehicles already enter the site to serve the turfing and landscaping business.
- 7.2.5 As part of the recent planning appeal on the site (ref: APP/V0510/W/16/3162856), the Planning Inspectorate also determined that the proposal would have acceptable highway safety impacts subject to highway improvements including increasing the width of the two access points. This was agreed with the Local Planning Authority and Local Highway Authority. The same highway improvements are proposed with the current application which would also likely result in less vehicle trips. These highway improvements could be conditioned if planning permission was to be approved, resulting in acceptable impacts in respect of highway safety and the amount and nature of traffic generated.
- 7.2.6 It is therefore considered that the proposal would not result in any significant adverse impacts in terms of the amount and nature of traffic generated, highway safety or parking, in accordance with policies EMP2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP8, LP17 and LP22 of the Submitted Local Plan 2018.
- 7.3 Residential amenity and impact on Amberlea Country Kennels and Cattery
- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 requires development proposals to ensure that they do not have a significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.3.2 The closest residential dwellings are The Chestnuts (approximately 65m to the west of the office/showroom building), the main residence at Amberlea (approximately 40m from the eastern boundary of the site) and a manager's residence within the curtilage of Amberlea (approximately 15m from the eastern boundary of the site). These would be the properties most affected by the proposal.
- 7.3.3 **Recent appeal decision on the site (ref: APP/V0510/W/16/3162856)**
- 7.3.4 As part of the recent planning appeal on the site (ref: APP/V0510/W/16/3162856), the Planning Inspectorate, the Planning Inspector stated the following when considering the impacts of the previous proposal on residential amenity:
- 7.3.5 *"The key issue is whether sufficient mitigation measures can be put in place to address the adverse effects. In terms of noise and disturbance arising from people*

*and vehicles leaving at the end of an event, the formal layout of parking areas as proposed, and the location of these areas and the Rose Barn entrance away from the adjoining residential properties, would limit adverse effects. Depending on the events and its attendees, there may be a staggered departure helping to spread out any effects.*

7.3.6 *I agree with the main parties that prohibiting external cooking would help to address the negative effects on living conditions relating to odour and smoke, and could be controlled by planning condition. A noise management plan could cover a number of matters including the opening of doors and windows on Rose Barn and the use of fireworks. It would also allow for the monitoring of effects. Restricting amplified music to within Rose Barn with no external music or amplified talking would help to reduce overall noise levels.*

7.3.7 *However, it would not be easy to control other noises in the outdoor space particularly in terms of voices which could be loud and concentrated. The appellant is prepared to limit the number of people attending events to 80, but this would still allow for a considerable number of people focused in the outdoor space near to the shared boundary. The appellant is also prepared to have no more than 20 events per calendar year, limited to Saturdays and Sundays, with only one per calendar week and no more than two per month. However, this would still amount to a significant and regular number of events focused on a number of weekends throughout the year. Restricting the timing of events to around midnight with one exception (for example New Year's Eve/Day) would avoid the most sensitive night-time hours when noise levels are expected to be low, but there would still be overlap with the initial sleeping hours of late evening. I have also had regard to the animals that board at the kennels and cattery and the likelihood that they would be disturbed by a gathering of up to 80 people in the outdoor space.*

7.3.8 *I recognise that that established events venues elsewhere might have a similar proximity and relationship to nearby residential properties. However, I am dealing with a change of use where historically such a use has not occurred and where occupiers of the properties at Amberlea have not previously experienced such a use. Given the proximity of the outdoor space to the shared boundary, there would be significant adverse effects on the living conditions of neighbouring occupiers in terms of noise and disturbance that could not be adequately address by planning conditions. ”*

7.3.9 The Planning Inspector concluded that the appeal proposal would have an unacceptable effect on the living conditions of neighbouring occupiers in terms of noise and disturbance, and the appeal was dismissed on this basis. Although the appeal was dismissed due to the proposal having an unacceptable effect on the living conditions of neighbouring occupiers with regard to noise and disturbance, the issues pertaining to this in the Planning Inspectorate's appeal decision related to noise impacts emanating from use of the outdoor space during events which would not be easy to control, such as voices of large gatherings of people which could be loud and concentrated.

7.3.10 **The current application (ref: 18/01071/VAR)**

7.3.11 However, the current application being considered has removed and reduced certain aspects from the previous appeal proposal which were considered by the Planning

Inspector to be the main factors that would cause detrimental impacts to the neighbouring properties. One of the main differences with the current application is that the proposal seeks permission for 'indoor' use of the barn only for events. During the course of this application, amendments have been made to the details of this proposal which would further limit the potential impacts to the residential amenity of neighbouring properties and Amberlea Country Kennels. This includes the following:

- A reduction in the number of days per year to be used as an events venue from 14 to 12, with no more than 6 of these events being evening events (taking place Friday-Sunday).
- Number of attendees limited to 55 people rather than 85 people.
- Restricting the type of events to exclude wedding receptions.

7.3.12 The 'indoor' use only can be controlled by planning condition to ensure that events are only held within the building of Rose Barn and not in the outdoor areas. However, the level of noise and disturbance which could potentially emanate from the outdoor areas, such as that caused by people going outside of the building to smoke during events and attendees entering and leaving the building before and after events, are more difficult to control. The Council's Environmental Health department has advised that, if a Noise Management Plan can be agreed and there are conditions in place to limit the hours of use and the number of attendees, they would have no objections to the proposal. Environmental Health also advise that planning permission does not confer immunity from action under statutory nuisance, either by local authority or a private individual. If planning permission was to be approved, a planning condition could be appended requiring a detailed management plan to be agreed with the Local Planning Authority, setting out how events would be planned and managed on the day of the event. This could include the location of a designated smoking area and details of how people using any outdoor areas of the site would be managed during events. This would help to mitigate noise and disturbance to neighbouring occupiers and business.

7.3.13 In addition, the Local Planning Authority can control the number and frequency of events, the hours of use, the number of attendees and the control of music by planning conditions.

7.3.14 The events venue would result in additional traffic movements leading to noise and disturbance being caused to the occupiers of the two residential dwellings at the adjacent Amberlea Country Kennels and Cattery, due to their close proximity to the site and access road. Although a noise management plan could mitigate adverse impacts on amenity, the applicants will have limited control over noise and disturbance generated from people going outdoors to smoke during events and people leaving the premises late at night. However, the proposal seeks permission for only up to 12 events per year (with up to 6 of these being evening events) and the use would be primarily internal within the building further reducing the impact on the animals at the adjacent business. It is considered that, due to the indoor use and frequency of events, this would not result in significant occurrences of noise and disturbance to the neighbouring properties and business to an extent which would have a significant detrimental impact to their amenity.

7.3.15 East Cambridgeshire District Council and the Local Planning Authority seek to support new and expanded businesses wherever possible and consideration must be given to the fact that the approval of an application to expand one business may have a detrimental effect on another. Due to the close proximity of the site to Amberlea Country Kennels and Cattery, the impact of the events venue on the wellbeing of the animals staying at the kennels has been considered. If animals are returned to their owners in a distressed or out of character state this may deter customers from using the facility again and, new customers may be deterred from using the facility at all. In turn this could have a negative impact on a well established and successful business. However, the Local Planning Authority has not been provided with any evidence to demonstrate that this has been the case so far and in the absence of any specific evidence the weight to be given to this issue in the planning balance must be limited accordingly.

On balance, it is considered that any adverse impacts created by the 'indoor' use of the barn only for events could be adequately controlled by condition and the proposal therefore would not have a significant detrimental impact on the amenity of nearby occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2018.

#### 7.4 Planning balance

7.4.1 The building in which the events are held was granted planning permission on the basis it was required in connection with the adjacent landscaping and turfing business and a condition to this effect was imposed. The events use is entirely separate from the landscaping business and the proposal does not constitute an extension to an existing business in the countryside and therefore fails to accord with Policy EMP2. This attracts some weight against the proposal.

7.4.2 With consideration given to the recent appeal decision on the site, it is considered that the proposal demonstrates adequate parking and highway safety measures can be secured by planning condition. The proposal therefore accords with policies COM7, COM8, LP17 and LP22.

7.4.3 It is acknowledged that the amenity of residents living close-by, in particular at the adjacent kennels and cattery, would be impacted by the proposal to some extent. However, it is considered that any adverse impacts created by the 'indoor' use of the barn only for events could be adequately controlled by condition and the proposal therefore would not have a significant detrimental impact on the amenity of nearby occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2018.

7.4.4 In the absence of any specific evidence that the proposal would have a detrimental effect on the operation of the adjacent well established business, the issue in relation to the impact on the business attracts limited weight.

7.4.5 The proposal will involve some limited employment benefits and from the numbers of events held previously there appears to be a demand for such venues.

7.4.6 On balance, it is considered that the proposal would not result in any significant detrimental harm in respect of highway safety, residential amenity and the impact of



the proposal on the adjacent business, subject to the conditions set out within this report. The application is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – Recommended conditions

8.2 Appendix 2 – Appeal decision APP/V0510/W/16/3162856

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01071/VAR	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
07/00204/CLE		
07/01010/FUL		
07/01433/FUL		
08/00746/FUL		
15/01477/FUL		
16/00718/FUL		
APP/V0510/W/16/3162856		

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 - 18/01071/VAR Conditions

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

Plan Reference	Version No	Date Received
Transport and Access Statement		1st August 2018
Planning Statement		1st August 2018
10	Site Layout	1st August 2018
11	LAY-BY IMPROVEMENTS	1st August 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The building hereby permitted shall be used for purposes falling within Class B1(a) and Class D2 of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other use.
- 2 Reason: The application has been considered on this basis; the countryside location is such that alternative uses may not be acceptable.
- 3 Events shall only take place Friday-Sunday and no more than one event shall be held during any calendar week (Monday to Sunday), unless otherwise agreed in writing with the Local Planning Authority. No more than 12 events may be held in any calendar year, which shall include no more than 6 evening events (defined as falling within the hours of 6pm-midnight) and shall exclude wedding reception events. A management log shall be kept by the site owner/manager, recording the details of the dates and times of each event held and the number of attendees. This log shall be made available to the Local Planning Authority within 3 working days of any request to view it.
- 3 Reason: On the basis of the information submitted with the application by the applicant's agent and to safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 4 No music or amplified PA system shall be played outside the building currently known as Rose Barn.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 5 Amplified music and PA systems within the building known as Rose Barn shall be limited to the hours of 11:00 to 00:00 hours on any day, with the exception of one event per year when amplified music shall cease no later than 01:00 hours (for example New Years Eve/Day). Events with amplified music shall be limited to one per calendar week (Monday to Sunday).
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.

- 6 Prior to any event being held in Rose Barn a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Noise Management Plan shall be implemented for every event held on the site. A management log shall be kept by the site owner/manager, recording the checks that have been made to ensure compliance with the Noise Management Plan for each event held, together with the time and date of these checks. This log shall be made available to the Local Planning Authority within 3 working days of any request to view it.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 7 Events shall only take place within the building currently known as Rose Barn. Any use of external areas by guests shall be restricted to locations and activities to be agreed within the Noise Management Plan required by Condition 7 of this planning permission.
- 7 Reason: On the basis of the information submitted with the application by the applicant's agent and to safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 8 The D2 use hereby permitted shall take place only between the hours of 11am-midnight on the same day, with the exception of one event per year which can take place between the hours of 11am and 01.00am on the following day. There shall be no members of the public on the site for the purposes of attending an event between the hours of 12.30am-10.59am on the day following an event, with the exception of one event per year where no member of the public shall be on the site for the purposes of attending an event between the hours of 01:30am-10.59am on the day following an event.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 9 There shall be a maximum of 55 people attending any event held at Rose Barn.
- 9 Reason: On the basis of the information submitted with the application by the applicant's agent and to safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 10 Prior to any event being held, the parking shown on Drawing No. 10 (as shown within the Statement relating to Traffic, Parking and Access, prepared by SLR) shall be laid out, demarcated, levelled surfaced and drained and thereafter retained for that specific use.
- 10 Reason: To ensure adequate on-site parking and in the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018.

- 11 Prior to any event being held, the highways improvement works as shown on Drawing No. 11 (as shown within the Statement relating to Traffic, Parking and Access, prepared by SLR) shall be constructed to Cambridgeshire County Council Specifications.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018.



**The Planning  
Inspectorate**

Room 3E  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 444 5209  
Customer Services:  
0303 444 5000  
Email: [teame1@pins.gsi.gov.uk](mailto:teame1@pins.gsi.gov.uk)

[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Your Ref: 16/00718/FUL  
Our Ref: APP/V0510/W/16/3162856

Lucy Flintham/Denise Ison  
East Cambridgeshire District Council  
The Grange  
Nutholt Lane  
Ely  
Cambridgeshire  
CB7 4EE

19 July 2017

Dear Lucy Flintham/Denise Ison,

**Town and Country Planning Act 1990**  
**Appeal by Sid Bibby Turf and Landscaping Limited**  
**Site Address: Rose Barn, Ely Road, Sutton, ELY, Cambridgeshire, CB6 2AB**

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

[https://www.surveymonkey.co.uk/r/Planning\\_inspectorate\\_customer\\_survey](https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey)

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

*Opirim Agala*

Opirim Agala

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*



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## Appeal Decision

Hearing held on 20 June 2017

Site visit made on 20 June 2017

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 July 2017**

---

**Appeal Ref: APP/V0510/W/16/3162856**  
**Rose Barn, Ely Road, Sutton, Ely CB6 2AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Sid Bibby against the decision of East Cambridgeshire District Council.
  - The application Ref 16/00718/FUL, dated 11 May 2016, was refused by notice dated 8 September 2016.
  - The development proposed is change of use of site to mixed use as landscaping contractors and events venue.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application form describes the proposal as 'part retrospective' in recognition that the change of use of the site has already occurred. The Council consider the landscaping contractors use to be a long-standing lawful use of the site. In contrast, the use of part of the building known as Rose Barn and adjacent outdoor space for events has occurred without the benefit of planning permission, with a number of events having been carried out. An enforcement notice was served by the Council and was appealed by the appellant. However, the notice was withdrawn due to procedural errors and the enforcement appeals stopped. The original application and this appeal seek to regularise the change of use.

### Main Issues

3. The main issues are the effect of the development on (a) the living conditions of occupiers of neighbouring properties with regards to noise, disturbance and odour and (b) highway safety.

### Reasons

#### *Living conditions*

4. Rose Barn is an L shaped building split between the landscaping contractors' office and the events venue. The southern portion of Rose Barn is a large open plan space intended for events. It opens out onto timber decking that covers an area up to the northern and eastern extents of Rose Barn and allows for a

marquee to be erected for events. Beyond the decking is open outdoor space used in part as a display garden for the landscaping contractors and in part for the events venue. An external cooking area is currently sited next to the shared side boundary with Amberlea Kennels and Cattery. The appellant has indicated that Rose Barn can accommodate up to 100 people.

5. The Amberlea site contains two residential properties as well as a number of dogs and cats. The property nearest to the side boundary with the appeal site, described as the manager's dwelling, has planning permission for residential use according to decision notices and plans provided by the Council at the hearing. From what I saw at the site visit, dogs are kept in kennels that have outdoor as well as indoor space, with a number of kennels close to the shared side boundary.
6. Complaints have been made about noise, disturbance and odour that have arisen as part of previous events held at Rose Barn. These have affected neighbouring occupiers as well as the animals at the Amberlea site. Given the proximity of the appeal site to Amberlea and events of potentially up to 100 people continuing until late evening, this is not unexpected. Although events have been infrequent so far, the concentration of noise and disturbance over a number of hours is likely to have had significant adverse effects on the living conditions of neighbouring occupiers.
7. The key issue is whether sufficient mitigation measures can be put in place to address the adverse effects. In terms of noise and disturbance arising from people and vehicles leaving at the end of the event, the formal layout of parking areas as proposed, and the location of these areas and the Rose Barn entrance away from the adjoining residential properties, would limit adverse effects. Depending on the event and its attendees, there may be a staggered departure helping to spread out any effects.
8. I agree with the main parties that prohibiting external cooking would help to address the negative effects on living conditions relating to odour and smoke, and could be controlled by planning condition. A noise management plan could cover a number of matters including the opening of doors and windows on Rose Barn and the use of fireworks. It would also allow for the monitoring of effects. Restricting amplified music to within Rose Barn with no external music or amplified talking would help to reduce overall noise levels.
9. However, it would not be easy to control other noises in the outdoor space particularly in terms of voices which could be loud and concentrated. The appellant is prepared to limit the number of people attending events to 80, but this would still allow for a considerable number of people focused in the outdoor space near to the shared boundary. The appellant is also prepared to have no more than 20 events per calendar year, limited to Saturdays and Sundays, with only one per calendar week and no more than two per month. However, this would still amount to a significant and regular number of events focused on a number of weekends throughout the year. Restricting the timing of events to around midnight with one exception (for example New Year's Eve/Day) would avoid the most sensitive night-time hours when noise levels are expected to be low, but there would still be overlap with the initial sleeping hours of late evening. I have also had regard to the animals that board at the kennels and cattery and the likelihood that they would be disturbed by a gathering of up to 80 people in the outdoor space.



10. I recognise that established events venues elsewhere might have a similar proximity and relationship to nearby residential properties. However, I am dealing with a change of use where historically such a use has not occurred and where occupiers of the properties at Amberlea have not previously experienced such a use. Given the proximity of the outdoor space to the shared boundary, there would be significant adverse effects on the living conditions of neighbouring occupiers in terms of noise and disturbance that could not be adequately addressed by planning conditions.
11. Concluding on this main issue, the development would have an unacceptable effect on the living conditions of neighbouring occupiers in terms of noise and disturbance. Therefore, it would not accord with Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 ('the Local Plan'). Amongst other things, these policies seek to avoid significant detrimental effects on the residential amenity of nearby occupiers and minimise noise pollution. The development would also conflict with paragraphs 17 and 123 of the National Planning Policy Framework (NPPF) which seek to achieve a good standard of amenity for all existing and future occupants of land and buildings and avoid noise giving rise to significant adverse effects on health and quality of life.

#### *Highway safety*

12. The appeal site is accessed via a private road off the A142 between Sutton and Ely. The site contains a formal parking area in front of Rose Barn and spaces to the rear, including a number that are currently segregated from the yard area of the landscaping contractors use by temporary fencing. The private road also provides access to residential properties either side of the appeal site and Amberlea Kennels and Cattery immediately to the east.
13. The A142 is a busy road with vehicles, including frequent numbers of lorries, travelling at the national speed limit past this point. The private road is relatively wide reflecting its former roles as the old A142 and then subsequently a layby before a formal stopping up order. At the time of my site visit, there were few vehicle movements or vehicles parked along the road. Signage and traffic calming measures have been installed to prevent the private road being used as a rat run by A142 vehicles. The local highway authority highlight that a number of accidents have occurred along this stretch of the A142 in the last five years, including two fatal incidents.
14. The private road has two access points onto the A142, both of which can be used by the appellant. Visibility onto the A142 is reasonable in both directions at both access points, although turning across the flow of traffic is difficult due to the speed and frequency of traffic. The accesses are relatively narrow making it difficult for vehicles to simultaneously enter and leave the A142.
15. The trip statement produced by the appellant demonstrates how the use of the site as an events venue would affect traffic movements and the number of vehicles accessing the site. It is based on events being held at the weekend only. On that basis, traffic movements would avoid the busiest times reducing the risk of conflict between vehicles entering and leaving the A142. Nevertheless, the current widths of the two access points and the intensification of their use at specific times in connection with the events venue does pose a risk to highway safety in terms of the free flow of traffic on and off the A142.

16. As part of the appeal documentation, the appellant has provided drawings indicating improvements to the two access points to increase the width and allow the free flow of two way traffic. The Council and the local highways authority have confirmed that these improvements would resolve the existing limitations with the accesses and would overcome the second reason for refusal. I agree that the improvements would help to mitigate some of the negative effects the development would have on the safety of the highway network. They could be secured by planning condition, where detailed designs could help to address any related effects on flooding and drainage arising from the works. Notwithstanding the evidently dangerous nature of the A142, the improved accesses would reduce the risk to highway safety.
17. The representative from the Amberlea Kennels and Cattery argued at the hearing for only the western access to be used by the appeal site to prevent vehicles passing his site. However, the appeal site is roughly equidistant between the two accesses and traffic can approach and leave the site in either direction. This helps to spread the impact of traffic leaving or entering the A142 and so it is not necessary to limit access to the western point only.
18. In terms of concerns regarding parking and manoeuvring facilities, an excessive number of vehicles parked on the private road would have a negative effect on the free flow of traffic and pose a risk to highway safety. Vehicles reversing out of the appeal site would present a similar risk. At the hearing, it was confirmed by the Council that the relevant parking standard for an events venue as required by Policy COM8 of the Local Plan is one space per 5 people.
19. There was some debate during the hearing about the maximum number of attendees at any one event. The original application sought 100 attendees, but at the hearing the appellant was happy to accept a maximum of 80. In terms of parking provision, these two figures would require 20 and 16 spaces respectively.
20. As part of the appeal documentation, the appellant has provided a scaled drawing indicating 34 parking spaces, utilising the areas to the front and rear of Rose Barn already in place on the site. These spaces would significantly exceed the Council's parking standards and provide adequate turning and manoeuvring facilities to ensure that vehicles leave the site in forward gear. Based on this drawing, the Council and local highways authority have confirmed that it would overcome the first reason for refusal. I concur that it would provide adequate parking facilities for the development and could be secured by planning condition.
21. The parking arrangements do not allow for coaches to park and manoeuvre within the site, which would lead to such vehicles parking on the private road. This would not be ideal, but the private road is relatively quiet and coaches are not likely to be used for every event. Moreover, the access improvements would allow for the free flow of a coach or similar sized vehicles onto and off the A142. Thus, the likelihood of negative effects on highway safety arising from coaches would be low.
22. Concluding on this main issue, the development would have an acceptable effect on highway safety both in terms of access and parking provision. Therefore, it would accord with Policies COM7 and COM8 of the Local Plan which, amongst other things, seek safe access to the highway network and

adequate levels of car parking. There would also be no conflict with the NPPF in terms of providing safe and suitable access to the site.

**Other Matters**

23. The events venue would help to support the rural economy and allow for the diversification of an existing rural business, both matters that the NPPF encourages. However, the social and economic benefits arising from the events venue would be moderate at best and not outweigh the harm I have identified in terms of the effects on living conditions.

**Conclusion**

24. While the development would have an acceptable effect on highway safety, it would have an unacceptable effect on the living conditions of neighbouring occupiers with regard to noise and disturbance. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Tom Gilbert-Wooldridge*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

Philip Kratz BA (Hons) Solicitor LMRTPI	Birketts LLP
Don Proctor	Don Proctor Ltd
Sid Bibby Junior	Appellant
Sid Bibby Senior	Appellant's father

FOR THE LOCAL PLANNING AUTHORITY:

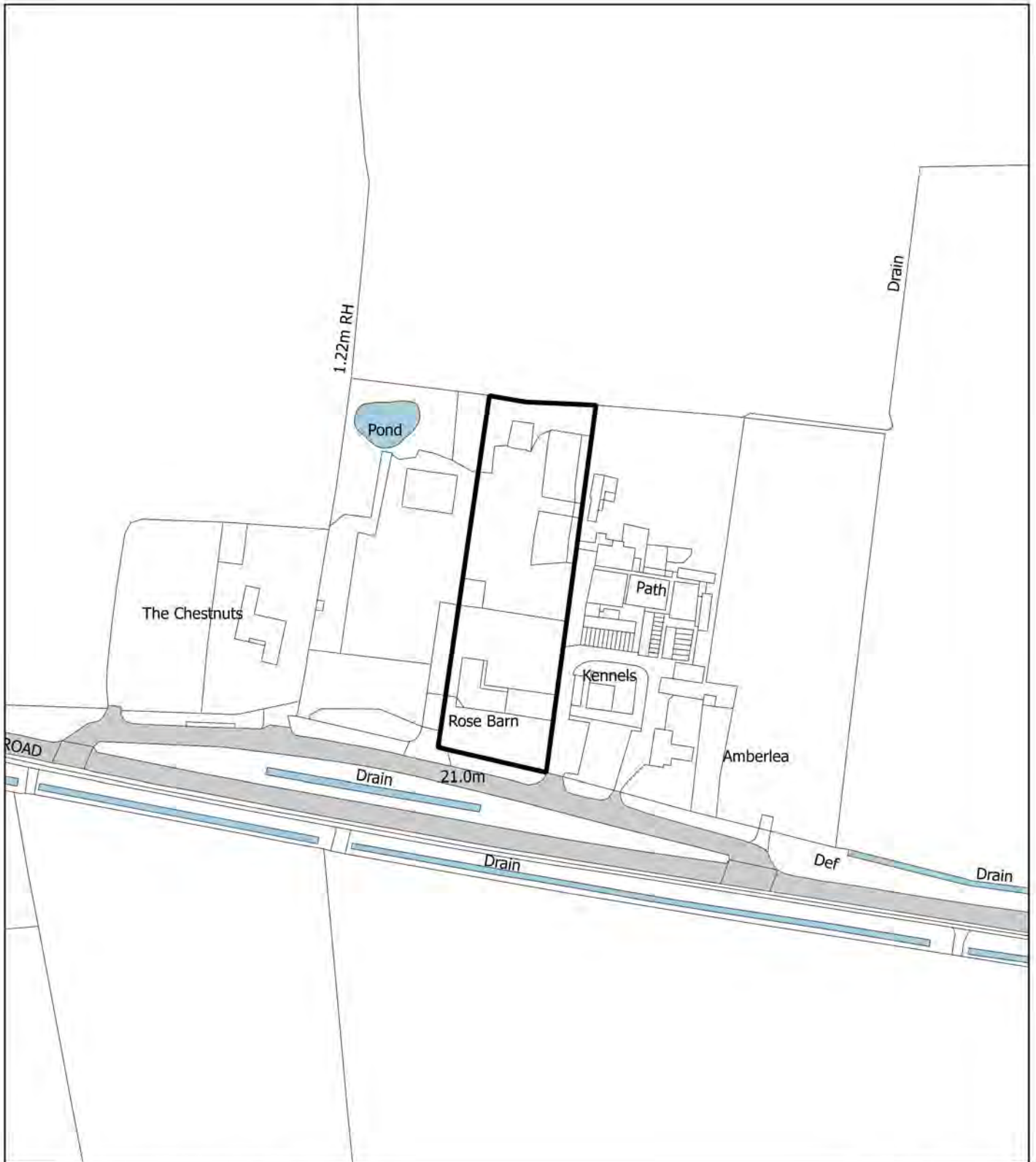
Julie Barrow MRTPI	East Cambridgeshire District Council
Rebecca Saunt MRTPI	East Cambridgeshire District Council

INTERESTED PARTIES WHO SPOKE AT HEARING:

W.G. Bridges	Amberlea Kennels and Cattery
Councillor Mike Bradley	East Cambridgeshire District Council
Ian Dyer	Cambridgeshire County Council
Geoffrey Ellwood	Cambridgeshire County Council

**DOCUMENTS SUBMITTED AT THE HEARING**

1. Letter and plan from Cambridgeshire County Council showing the extent of the highway outside Rose Barn maintainable at public expense, submitted by the appellant.
2. Signed and dated Statement of Common Ground between the appellant and the local planning authority, submitted by the appellant.
3. Copy of planning permission Ref 16/00226/FUL and ground floor plan relating to a proposed change of use from a staff facility/office to permanent residence at Amberlea Kennels and Cattery, submitted by the local planning authority.
4. Copy of planning permission Ref 16/01538/FUL and ground floor plan relating to a proposed demolition of part and extension to existing building to provide a new and permanent reception, office and sales area and an additional bedroom within the domestic accommodation at Amberlea Kennels and Cattery, submitted by the local planning authority.



18/01071/VAR

Rose Barn  
Ely Road  
Sutton



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:2,000



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**MAIN CASE**

**Reference No:** 18/01134/FUL

**Proposal:** Construction of two storey detached dwelling and garage

**Site Address:** Plot 1 Land Opposite Barley Cottage Barcham Road Soham  
Cambridgeshire

**Applicant:** Mr & Mrs Matt Gray

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

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Councillor Mark Goldsack  
Councillor Carol Sennitt

**Date Received:** 28 August 2018      **Expiry Date:** 7<sup>th</sup> December 2018  
[T150]

---

1.0 **RECOMMENDATION**

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

1.2

1. By virtue of their height, scale and massing, the proposed dwelling and garage would appear visually dominant within the surrounding rural landscape to an extent which would cause significant visual harm to the character and appearance of the area. This visual harm would be significant due to the visual prominence of the dwelling and garage from the A142. The proposed development is therefore considered to be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

Furthermore, there are extant planning permission (refs: 17/00087/OUT and 17/01923/RMA) for a smaller dwelling and garage on part of the current application site which would have a lesser visual impact than the dwelling and garage proposed by this application. Therefore, it is considered that the proposed development does not provide any additional benefits beyond that which would be provided by the extant planning permissions. As a result of this, it is considered that the adverse visual impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2. Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Policy ENV1 of the East Cambridgeshire Local Plan 2015 advises that development proposals should demonstrate that they create positive, complementary relationships, respecting the pattern of distinctive historic and traditional landscape features and the settlement edge. Additional supporting information states that there should be a clear distinction between gardens and farmland, that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted.

The proposed development would increase the size of the associated residential curtilage further towards the A142, beyond that which has already been approved by the extant planning permissions (refs: 17/00087/OUT and 17/01923/RMA). This resultant change of use of additional land from agricultural to residential would allow domestic paraphernalia to be sited within it which would detract from the rural character and appearance of the area. This extension of amenity space into the countryside would not provide any additional benefits beyond that which would be provided by the extant planning permissions. Instead, the proposed development would erode the surrounding countryside character and set a precedent for similar changes of use of neighbouring land. As a result of this, it is considered that the resultant change of use of additional agricultural land to residential amenity space would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in this Framework taken as a whole.

## 2.0 SUMMARY OF APPLICATION

- 2.1 This applications seeks full planning permission for 1No. dwelling and garage. This application follows outline and reserved matters planning permissions being approved for a dwelling on part of the application site.
- 2.2 A Façade Noise Assessment has been submitted with the application.
- 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.**
- 2.4 As officers were minded to refuse the application and the committee gave an original approval for a dwelling, Councillor Mike Rouse (Vice-Chairman of the Planning Committee) stated that his initial reaction is to bring it back to committee and requested the case officer consulted with the local member/s for their views. Councillor Joshua Schumann (Chairman of the Planning Committee) concurred with Councillor Rouse and also requested that this was checked with local Members first.
- 2.5 Soham North Ward Councillor Mark Goldsack stated that, under the circumstances, he felt that the application should go to Committee again. Soham Ward Councillor Carol Sennitt also agreed that the application should to go to Committee again.

### 3.0 PLANNING HISTORY

#### 3.1

17/00087/OUT	Proposed two 2 storey dwellings, garage, parking, access and associated site works.	Approved	10.04.2017
17/01923/RMA	Reserved matters for 2no. two storey dwellings.	Approved	08.05.2018
18/01261/FUL	Creation of earth bund in association with approved dwelling (retrospective).	Pending consideration	
18/01262/FUL	Temporary change of use of land and hardstanding for siting of mobile home (retrospective)	Pending consideration	

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located between the A142 and Barcham Road on the northern edge of Soham and outside of the established development framework. Barcham Road is a single car-width road with no pedestrian footpaths. Dwellings and rural businesses are regularly spaced along Barcham Road, including a recently constructed large two-storey dwelling immediately opposite the site to the east (ref: 16/01606/FUL) and an approved outline planning permission for a dwelling adjacent to north of the site (ref: 17/00087/OUT). There is an area of woodland and a pond located further to the north, two pairs of semi-detached dwellings within close proximity to the south-west and the A142 to the west.

4.2 The applications site is currently laid to temporary hardstanding in parts and is enclosed by temporary fencing, with a mobile home sited within it, all of which is currently subject to 2 separate planning applications.

### 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 Soham Town Council – Raise concerns due to the site being located outside of the established development framework.

5.3 Soham North Ward Councillor Mark Goldsack - Stated that, under the circumstances, he felt that the application should go to Committee again.

5.4 Soham Ward Councillor Carol Sennitt - Agreed with Councillor Goldsack's view that the application should go to Committee again.

5.5 Consultee For Other Wards In Parish - No Comments Received.



- 5.6 Local Highways Authority - No objections in principle. Recommended Conditions:
- Gates located as per approved drawing number 18:040-01
  - Access arrangement to be as per drawing number 18:040-01
- 5.7 CCC Growth & Development - No Comments Received.
- 5.8 Waste Strategy (ECDC) -
- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
  - Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
  - Each new property requires two bins; this contribution is currently set at £43 per property.
  - Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.
- 5.9 Middle Fen and Mere Internal Drainage Board – No objections in principle to the application, provided the following conditions are met:
- The applicant will need the prior approval of the Board for the surface and foul water discharge from the site. The Board acknowledges that the Agent has identified this on a drawing. The applicant will need to satisfy themselves that the receiving watercourse has the capacity to take the proposed flow.
  - The Board’s consent will also be required for the proposed ditch crossing to form the access.
- 5.10 Neighbours – A site notice was displayed and 6 neighbouring properties were notified. However, no neighbour responses have been received.
- 5.11 A full copy of the consultation responses are available on the Council’s website.
- 6.0 The Planning Policy Context
- 6.1 East Cambridgeshire Local Plan 2015
- |          |                             |
|----------|-----------------------------|
| GROWTH 2 | Locational strategy         |
| GROWTH 3 | Infrastructure requirements |

GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

## 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

4 Decision-making

5 Delivering a sufficient supply of homes

11 Making effective use of land

12 Achieving well-designed places

15 Conserving and enhancing the natural environment

## 6.4 Submitted Local Plan 2018

LP1 A 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

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 considerations in relation to this application are the character and appearance of the area and residential amenity and noise impacts.

## 7.2 Principle of development

- 7.2.1 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).
- 7.2.2 The 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.
- 7.2.3 This application follows outline and reserved matters planning permissions (17/00087/OUT and 17/01923/RMA) being approved for a dwelling on part of the application site. The principle of development for a dwelling on part of the site has therefore already been established.
- 7.2.4 However, the application site for the previous application was smaller and did not extend as far in depth towards the A142 as the current application site. Generally speaking the loss of agricultural land is not supported by the Local Planning Authority. Local Plan policy GROWTH2 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Local Plan policy ENV1 advises that there should be a clear distinction between gardens and farmland; that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted. The proposal is contrary to this, further extending amenity space into the countryside and blurring this key relationship, eroding the surrounding countryside character and setting a precedent for similar changes of use of neighbouring land. The proposal is therefore contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015.
- 7.2.5 The proposed dwelling would result in a zero net increase of dwellings to the district's housing supply due to the extant planning permissions for a dwelling on the site. In addition, the proposed extension of this garden land is not considered necessary to improve the residential amenity of the future occupiers under Policy ENV2 of the East Cambridgeshire Local Plan 2015. Therefore, the principle of development relating to the resultant change of use of additional agricultural land to residential amenity space is not supported.

## 7.3 Character and appearance of the area

### 7.3.1 ***Impact of the proposed dwelling and garage***

- 7.3.2 Reserved Matters planning permission (ref: 17/01923/RMA) has been approved on part of the site for:
- a dwelling which would be 16.7m wide and 11.8m deep, with a ridge height of 6.5m and an eaves height of 3.2m.

- a garage which would be 9m wide and 6.7m deep, with a ridge height of 4.8m and an eaves height of 2.6m.

The current application being considered comprises the following:

- a dwelling which would be 19m and 16.5m deep, with a ridge height of 7.4m and an eaves height of 2.5m.
- a garage which would be 10.9m wide and 7.3m deep, with a ridge height of 6.9m and an eaves height of 3m.

7.3.3 The current proposal would therefore increase the height, depth and ridge height of the proposed dwelling and garage significantly beyond the dimensions of the dwelling and garage already approved on the site by planning permission 17/01923/RMA.

7.3.4 By virtue of the additional height, scale and massing of the proposed dwelling and garage beyond that of the dwelling and garage already approved on part of the site, the proposed development would appear visually dominant within the surrounding rural landscape to an extent which would cause significant visual harm to the character and appearance of the area. This visual harm would be significant due to the visual prominence of the dwelling from the A142.

7.3.5 The proposed development is therefore considered to be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

7.3.6 Furthermore, the extant planning permission for a smaller dwelling on part of the application site would have a lesser visual impact than the dwelling proposed by this application. Therefore, it is considered that the proposed development does not provide any additional benefits beyond that which would be provided by the extant planning permissions. As a result of this, it is considered that the adverse visual impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3.7 ***Impact of the additional land changing use from agricultural to residential***

7.3.8 Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Policy ENV1 of the East Cambridgeshire Local Plan 2015 advises that development proposals should demonstrate that they create positive, complementary relationships, respecting the pattern of distinctive historic and traditional landscape features and the settlement edge. Additional supporting information states that there should be a clear distinction between gardens and farmland, that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted.

7.3.9 The proposed development would increase the size of the associated residential curtilage further towards the A142, beyond that which has already been approved by the extant planning permissions (refs: 17/00087/OUT and 17/01923/RMA). This resultant change of use of additional land from agricultural to residential would allow

domestic paraphernalia to be sited within it which would detract from the rural character and appearance of the area. This extension of amenity space into the countryside would not provide any additional benefits beyond that which would be provided by the extant planning permissions. Instead, the proposed development would erode the surrounding countryside character and set a precedent for similar changes of use of neighbouring land. As a result of this, it is considered that the resultant change of use of additional agricultural land to residential amenity space would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in this Framework taken as a whole.

#### 7.4 Residential amenity and noise impacts

7.4.1 The proposed dwelling and garage would be distanced sufficiently from any neighbouring residential properties, to prevent any significant adverse impacts in respect of residential amenity.

7.4.2 Due to the proximity of the site to the A142 road, a condition was appended to the outline planning permission (ref: 17/00087/OUT) requiring a Noise Assessment to be carried out prior to above ground construction being carried out. The proposed dwelling provides the same design solution as was accepted by the Council's Environmental Health department on the extant reserved matters planning permission (ref: 17/01923/RMA). It is therefore considered that the proposed dwellings would provide a satisfactory level of amenity for future occupiers of the dwellings in respect of noise impacts. The site also has sufficient space to accommodate the proposed dwellings with an acceptable level of amenity as set out in the SPD Design Guide.

7.4.3 It is therefore considered that the proposal accords with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 in respect of residential amenity.

#### 7.5 Other matters

7.5.1 The site is not of any particular ecological importance and any ecological improvements could be secured by a planning condition if planning permission was to be approved.

7.5.2 Drainage and contamination risks could be controlled by a planning condition if planning permission was to be approved.

#### 7.6 Planning balance

7.6.1 The principle of development for a dwelling has already been established on part of this site by the extant outline and reserved matters planning permissions (refs: 17/00087/OUT and 17/01923/RMA). With consideration given to the planning history on the site, it is considered that the proposed development will not deliver any additional benefits beyond that which the extant planning permissions would provide. As a result of this, it is considered that the adverse visual impacts of the proposed development on the character and appearance of the area and the unjustified change of use of additional agricultural land to residential amenity space

would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in this Framework taken as a whole.

7.6.2 The application is therefore recommended for refusal.

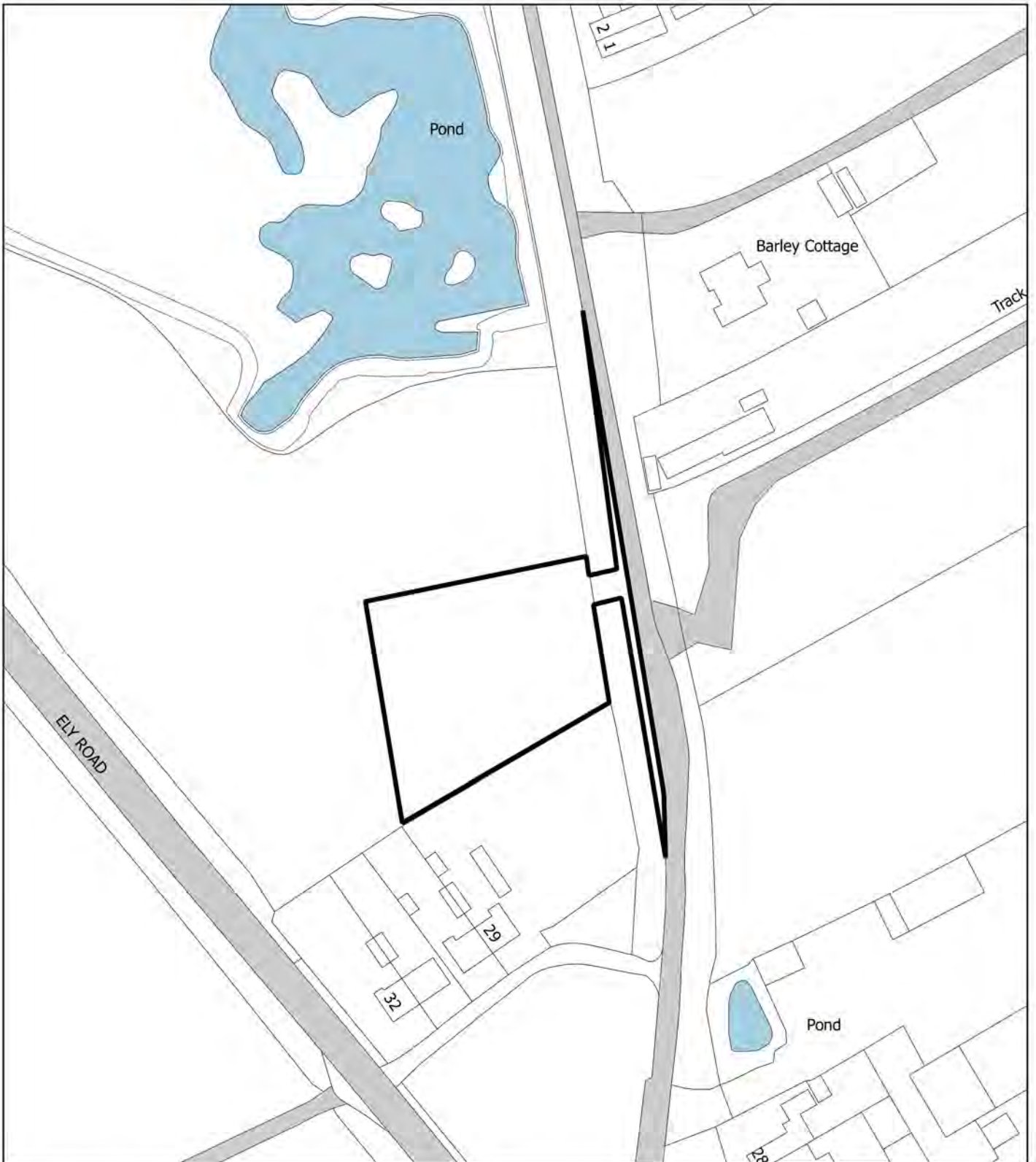
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01134/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Senior Planning Officer
17/00087/OUT	Ely	01353 665555
17/01923/RMA		richard.fitzjohn@ea
18/01261/FUL		stcambs.gov.uk
18/01262/FUL		

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>



18/01134/FUL

Plot 1  
Land opposite Barley Cottage  
Barcham Road  
Soham



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:1,200



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**MAIN CASE**

**Reference No:** 18/01216/FUL

**Proposal:** Erection of detached dwelling with garage and associated parking.

**Site Address:** Land South Of 1 To 7 Old School Lane Upware  
Cambridgeshire

**Applicant:** Mr M Cannon

**Case Officer:** Toni Hylton, Planning Officer

**Parish:** Wicken

**Ward:** Soham South  
Ward Councillor/s: Councillor Hamish Ross  
Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 20 September 2018      **Expiry Date:** 7<sup>th</sup> December 2018

[T151]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reason shown below:

1. The site is in the open countryside within the rural hamlet of Upware. School Road where the site is located opposite an established form of linear development, the dwellings are a mix of single storey and two storey dwellings, with simple designs. To the rear of the site is open countryside and the River Cam running beyond. It is considered that the dwelling proposed which is shown to be 10.4 metres in height with 3 floors of residential accommodation is not in keeping with the character of the area. Its overall height, mass and scale are disproportionate to its immediate surroundings, causing demonstrable harm to the setting and the character of the area. The design of the dwelling is out of keeping with the simple styled dwellings of Upware and on this basis the proposal is considered to be contrary to policies ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
2. Insufficient evidence has been provided which secures the public open space (approved under application reference 15/00482/OUT) to the north of the site. As



such the proposal is contrary to policy COM3 of the East Cambridgeshire Local Plan 2015 and LP19 of the Submitted Local Plan 2018.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application is made in full for the erection of a single dwelling. The site is part of a previous application (15/00482/OUT) for an outline development of 4 dwellings incorporating land to the north and south of the site and land to be made available for public open space. This proposal combines plots 2 and 3 of the outline permission, to provide one plot. The plot has a frontage of 50 metres extending 55 metres to the rear, incorporating land not part of the original outline planning permission.
- 2.2 The single dwelling proposed is approximately 10.1 metres reducing to 5.1 metres in height with a frontage of approximately 30 metres including the integral garage. The scheme also includes the provision of a SuDs scheme, public footpath and a landscaping scheme.
- 2.3 The design of the dwelling appears to be a mix of architecture references, including mock Georgian for the main building. This comprises brick construction with quoins on the corners, with white painted aluminium clad timber sash windows declining in size as the building extends upwards. The single storey element has been designed in farmhouse style using flint and render as the exterior dressing with both having a natural slate roof.
- 2.4 The dwelling comprises of entrance hall, WC, study, dining room, drawing room, music room, family room, kitchen diner, double garage, pantry, utility, gym, plant room and double garage at ground floor. At first floor 4 bedrooms are proposed, 2 with ensuite, bathroom and balcony. At second floor a further 2 bedrooms are proposed with a bathroom and attic storage.
- 2.5 The application is brought to Planning Committee at the request of Councillor Bovingdon for the reason shown below:
- “I have seen a great deal of correspondence on this matter and feel that it should be decided by the planning committee for a final decision. There appears to be have been conflicting advice /views given on the matter from different planning officers and for transparency and a fully democratic and consistent decision I want to call this in please.”*
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

### 3.0 PLANNING HISTORY

#### 3.1

94/00831/OUT	Two New Detached Houses	Refused	07.12.1994
97/00384/OUT	2 detached houses and double garages	Refused	19.08.1997
15/00482/OUT	Outline Application for Proposed Residential Development Comprising Four Two Storey Dwellings, with Associated Garages, Parking, Access and Site Works and public open space.	Approved	04.08.2016
16/01307/OUT	Outline application for two storey dwelling along with associated parking, access & site works.	Approved	28.11.2016
17/00003/OUT	Outline Application for 4no. two storey dwellings off new private access road & repositioning of 2no. two storey dwellings to frontage (approved under previous application) to allow access road through to rear.	Refused	02.08.2017

### 4.0 THE SITE AND ITS ENVIRONMENT

#### 4.1

The site is located outside of but adjacent to the established development framework of Upware. The site comprises an open field, bounded on the north by the rear of dwellings on Old School Lane. At present there is no boundary treatment to the west and south. The eastern boundary with Upware Road is marked by a post and rail fence with a number of mature trees, conifers and shrub along the boundary. There are two storey detached dwelling opposite the site with an area of open land adjoining an Environment Agency site to the south. Upware itself is a small village in the Parish of Wicken. The area has the character of a rural hamlet with the settlement surrounded by open countryside. The 'Five Miles from Anywhere' public house is located to the north-west of the site.

## 5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - The Highways Officer offers no objection to the proposal on the basis that conditions are attached to any planning permission granted to include the provision of a new footpath, no access gates where they join the highway, access to be constructed as per the drawings submitted, pedestrian visibility and access drainage.

CCC Growth & Development - No Comments Received

Trees Officer (Consultant) – The comments of the Tree Officer are copied below:

*“It would cause significant harm to the character and appearance of the area by reason of its detrimental impact on the character and rural setting of the village, and the intrinsic beauty of the surrounding countryside. The proposed dwelling does not preserve or enhance local distinctiveness, or the landscape character of the village.*

*The proposed dwelling, by virtue of its size, and close to the boundaries, necessitating a significant amount of hardstanding to provide access and car parking, would result in a substantial mass of development, having an urbanising effect.”*

Environmental Health – No objections with regard to the application other than to send out the Environmental Notes with regard to construction.

Environmental Health (Scientific Officer) No comments have been received. The previous application (15/00482/OUT) the Scientific Officer considered the information submitted, which is the same as the information submitted with this application was acceptable and did not require further surveys, however a condition reporting any unknown contamination should be applied to any planning permission granted.

Waste Strategy (ECDC) – No objection subject to payment towards the provision of the waste bins.

Consultee For Other Wards In Parish - No Comments Received

The Ely Group Of Internal Drainage Board – No objections on the basis that no water is discharged into the existing drainage system without first getting consent.

Parish - No Comments Received

Ward Councillors – Councillor Ian Bovingdon has requested that the application is presented to the Planning Committee;

*“I have seen a great deal of correspondence on this matter and feel that it should be decided by the planning committee for a final decision. There appears to be have been conflicting advice /views given on the matter from different planning officers and for transparency and a fully democratic and consistent decision I want to call this in please.”*

5.2 Neighbours – 4 neighbouring properties were notified and 1 response was received and is summarised below. A full copy of the responses are available on the Council’s website.

- The proposal does not fit with the character of the area due to its size;
- The road will need to be widened and there have been flooding issues in the past.

5.3 A site notice was posted opposite the site. The proposal was also advertised in the Cambridge Evening News as a potential departure from the Development Plan.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

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

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2018

- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes

- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment

#### 6.4 Submitted Local Plan 2018

LP1A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP16 Infrastructure to support growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP19 Maintaining and Improving community facilities

LP21 Open space, sport and recreational facilities

LP22 Achieving Design Excellence

LP24 Renewable and Low Carbon Energy Development

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

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

LP30 Conserving and Enhancing Biodiversity and Geodiversity

#### 7.0 PLANNING COMMENTS

##### 7.1 Principle of Development

7.1.1 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore any policies controlling 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.

7.1.2 This application is for 1 dwelling that would be added to the District's Housing Stock and make a contribution towards the shortfall in housing land supply. However the proposed dwelling takes in land that was allocated for 2 plots and as such this means there is a net loss of 1 dwelling. The provision of any additional dwellings attracts significant weight in the planning balance.

7.1.3 The site is located outside the established development framework of Upware, however, the site adjoins the settlement boundary in places. The site is therefore considered to be well connected to the settlement, alongside a number of residential dwellings and within close proximity to any facilities and services on offer in the village. Whilst it is acknowledged that there are limited facilities and services in the village it is considered that some growth of hamlets such as Upware is needed in order to boost the population and encourage the provision of goods and services.

7.1.4 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however

restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.

- 7.1.5 For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the proximity of the site to the settlement boundary is considered to be sufficient to consider the site as being in a sustainable location.
- 7.1.6 On the basis that the principle of development was previously agreed on this site through the approval of an outline planning permission for 4 dwellings it is considered that the principle of a residential dwelling in this location is considered acceptable.
- 7.1.7 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

## 7.2 Loss of Public Open Space

- 7.2.1 The previous application which was approved as an outline application secured land to the north of the site for public open space, which was fundamental public benefit to the approved scheme. A S106 agreement was signed which stated that before the commencement of development the owner of the land will with the Parish Council transfer the land over. There were time limits set out as to when the transfer can happen and the time it took in transferring the land over to the Parish Council. Within this proposed application no reference in detail is made to the transfer of the land to the Parish Council. This has been brought to the attention of the agent and the response has been that this issue is being dealt with by the vendor of the land.
- 7.2.2 There is concern that there is no definitive evidence that any of the agreement has been implemented and that in issuing a planning permission this would negate the need for the public open space to be implemented, without evidence or a revised S106 agreement. On this basis a precautionary view is taken and that this proposal would instigate the loss of public open space and as such would be contrary to policies COM3 of the Local Plan and LP16 and LP19 of the Emerging Local Plan. These policies seek to retain public and community facilities such as public open space and this proposal may lead to its loss.

## 7.3 Residential Amenity

- 7.3.1 The site is separated from the rear of dwellings on Old School Lane by an allocated area of public open space. This allocated area is to be laid to grass and as part of the previous approval this is to be given over to Wicken Parish Council as part of a S106 agreement to be used as public open space. In consultation with the applicant it has been confirmed that this is being addressed by the vendor of the plots. At present the site could be used for agricultural purposes with any activity up against the northern boundary. It is considered that the use of the open space by local people would not have a significantly detrimental impact on the residential amenity

of the occupiers on Old School Lane and the parish council intends to actively manage the area.

7.3.2 There is sufficient separation distance between the proposed dwelling and the dwellings on Old School Lane to ensure that the proposed dwelling is not overbearing and will not cause a significant loss of light. The layout shows the proposed dwelling approximately 40 metres from these dwellings and 35 metres from the dwellings on the opposite side of Upware Road. Again, at this distance the proposed dwellings would not lead to a loss of privacy or significant loss of light to existing dwellings. The loss of views over the site is not a material planning consideration.

7.3.3 Either side of the proposed site are plots that were part of the outline planning permission, there are no designs for these proposals, and therefore the impact of the proposed dwellings on these adjoining plots is not so easy to assess. The plot to the north is approximately 10 metres from the proposed dwelling, which has a window to the side elevation to a bedroom, in order to protect amenity a tree has been proposed, however there is still a chance of overlooking into the rear garden of the northern plot. This side window to the proposal is not the main window to bedroom 3 and therefore the window would need to be obscure glazed in order to address this issue. Any planning permission issued should consider the possibility of requesting this window is fitted with obscured glazing to ensure the amenities of the neighbours are protected from the perception of overlooking.

7.3.4 The proposal is therefore considered to comply with Policies ENV2 and LP22 in relation to residential amenity subject to fitting the window to bedroom 3 on the side elevation with obscured glazing to limit the potential for overlooking.

#### 7.4 Visual Amenity

7.4.1 The original application for the 4 dwellings which was approved as an outline, which included scale. The application stated that the dwellings would be 2 storey in height, however this proposal indicates the overall height would be 10.1 metres. Combine the height with the overall frontage of the proposal of 31.1 metres with a depth of 21.5 metres it makes the appearance of the dwelling imposing and out of character with its immediate surroundings.

7.4.2 When a comparison of the immediate neighbours is undertaken the proposal is considerably larger, and whilst the Local Planning Authority is not adverse to large dwellings they need to be assessed within the context of their setting. The neighbouring property opposite, Number 7 is a detached 2 storey dwelling, set back from the road set on a substantial site. Whilst number 7 has smaller frontage it does have space around all of the dwelling and has a simple design. Fenleigh, is a single storey dwelling although it would appear to have some rooms within the roof space, it sits on a substantial plot. Further along Upware Road are single storey dwellings as well semi detached dwellings 2 storey in height.

7.4.3 On the corner of Old School Lane there is a dwelling which is a 2 storey dwelling and appears to have accommodation within the roof space using roof lights as a

way to get light into the rooms. However there are no dormer windows and is of a similar height to the adjoining buildings on Old School Lane.

- 7.4.4 In assessing the adjoining dwellings the proposal is out of keeping with the character of the area by way of being of substantial size which would be cause significant demonstrable harm on the character of the area. The original permission did allow for 2 storey dwellings however this goes over and beyond what was considered acceptable. On this basis the proposal is considered to be contrary to policies ENV1, ENV2, The Design Guide and LP22.
- 7.4.5 The design of the dwelling is in part mock Georgian which is the largest part of the dwelling and then the single storey element is shown to be more of a farmhouse approach. These two styles are clearly at odds not only with each other but also in the immediate surroundings of the site. Whilst many of the existing dwellings are simple, modest and they are what you would expect to find in a rural area. It is accepted that there are large dwellings in the rural area and some are of a historic nature where you see how the building has developed in an organic manner. This proposal is not an organic development over time and is not in keeping with the character of the area nor does it enhance upon it. On this basis the proposal is considered to be contrary to policies ENV1, ENV2, The Design Guide and LP22.
- 7.5 Highways
- 7.5.1 Policies COM7 and LP17 requires development proposals to ensure that safe and convenient access to the highway network can be provided. The Local Highway Authority has examined the proposal and is satisfied that this policy objective is met. A number of conditions in relation to the provision of visibility splays and the construction of the driveways are recommended and these can be incorporated into any approval. The Local Highway Authority has not recommended that any improvements are made to Upware Road other than ensuring the provision of a footpath and it is considered that the highway network has the capacity to safely accommodate an additional four dwellings. The previous application made in outline the Highways Officer did require a condition relating to the management of construction traffic, however this has not been requested as part of this application.
- 7.5.2 There is sufficient space within the site for several cars to park and a double garage is proposed. The proposal therefore complies with Policies COM8 and LP17 in relation to parking provision.
- 7.6 Ecology
- 7.6.1 An Ecology Appraisal has been submitted with the application, which was also submitted with the Outline Planning Application. In discussion with the Wildlife Trust it was concluded that the original recommendations that were made within the report should be implemented. It is recommended that a reptile survey is undertaken prior to the clearance of the site and that the potential for nesting birds and badgers to be using the site should also be considered during the construction phase. There is negligible roosting habitat on sites for bats and there are no



suitable breeding ponds for great crested newts within close proximity of the development. It is therefore considered that subject to a condition requiring the development to be carried out in accordance with the Ecology Appraisal that the proposal complies with Policies ENV7 and LP30 in relation to ecology and biodiversity.

- 7.6.2 Natural England have not been consulted on this application as the conclusion with the previous application as shown below was that the proposal would not cause harm to the SSSI on the basis that the recommendations within the Ecology Report are implemented. It is considered the situation has not changed as the built form is still to the front of the site.

*“Natural England – This application is in close proximity to the Cam Washes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. The Authority is therefore advised that this SSSI does not represent a constraint in determining this application.*

*Natural England advises that the applicant submits sufficient information to demonstrate that foul and surface water drainage will not have any adverse impact on the natural environment.*

*This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.”*

## 7.5 Flood Risk and Drainage

- 7.5.1 The site is located within Flood Zone 1 as detailed on the Environment Agency Flood Map. A representation has however been received stating that the site is prone to flooding. The majority of the site will remain undeveloped and a condition can be imposed requiring a detailed surface water drainage strategy to be submitted. Refusal of the application on flood risk grounds could not therefore be justified.

## 7.6 Other Material Matters

- 7.6.1 In the reasoning for why the application is brought to the Planning Committee, Councillor Bovingdon stated that some pre application advice had been given by another officer prior to the submission of the planning application. However the application did not include any elevational details and in their response did state that this could not be commented upon. Clearly, this application includes the elevational details and as such this has been the determining factor in the determination of the planning application.

7.7 Planning Balance

- 7.7.1 It is considered that the proposal is of significant mass and scale to be detrimental to the character of the area. The design is at odds with the character of the area and the imposing nature of the dwelling is considered to be contrary to policies ENV1, ENV2 and LP22.
- 7.7.2 The proposal has failed to provide evidence that would ensure the public open space is implemented as required by the previous outline consent. As such the proposal is considered to be contrary to policies COM3, LP16 and LP19.
- 7.7.3 Whilst it is not a reason for refusal the proposal does lead to an overall net loss of 1 dwelling. Whilst the Local Plan does not restrict the loss of dwellings it is something to consider in the assessment of the application.
- 7.7.4 On balance the proposal based on its design, mass, scale and lack of information relating to the provision of public open space is not considered to meet the requirements of the policies within the Adopted and Emerging Local Plans and is therefore recommended for refusal.

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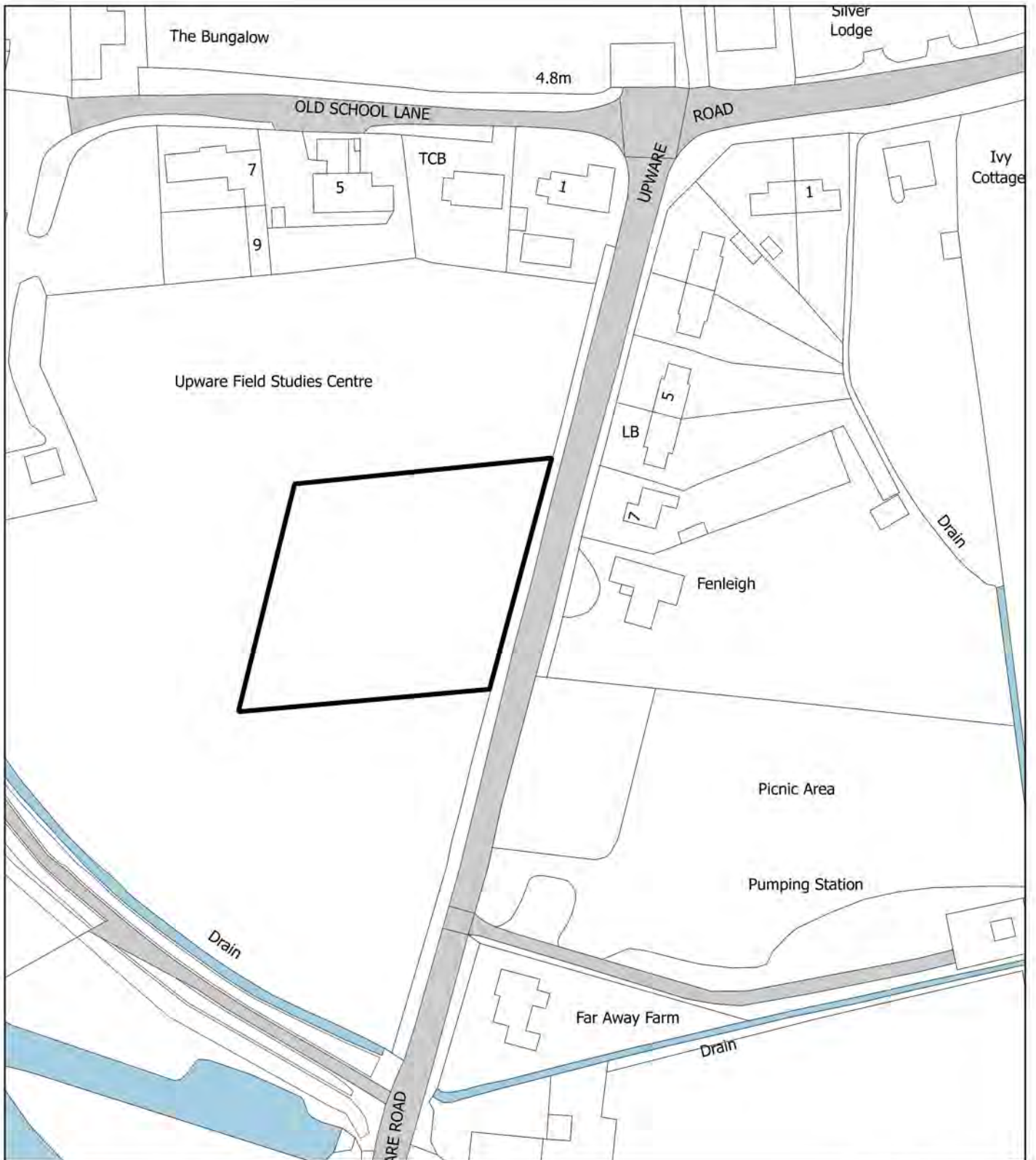
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01216/FUL	Toni Hylton Room No. 011 The Grange	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastcambs.gov.uk
94/00831/OUT	Ely	
97/00384/OUT		
15/00482/OUT		
16/01307/OUT		
17/00003/OUT		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/01216/FUL

Land South of  
1 to 7 Old School Lane  
Upware



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:1,200



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PARISH COUNCIL RESPONSE

Planning Services  
The Grange  
Nutholt Lane  
Ely  
Cambs  
CB7 4PL

Parish:	Wicken
Application reference:	18/01216/FUL
Proposed development:	Erection of detached dwelling with garage and associated parking
Location:	Land South of 1 to 7 Old School Lane, Upware, Cambs
Applicant:	Mr M Cannon
Case officer:	None given
Current decision level:	None given

Comments

Does the Parish Council have any concerns about the application?	<b>Yes</b>
Can these concerns be addressed by;	
a. amendments to the scheme	<b>Yes</b>
b. conditions to be applied to any permission	<b>Yes</b>
c. outright refusal of permission	<b>Yes</b>
If the answer is 'Yes' to either a or b please state your concerns and how they could be addressed. If you would like the application refused, please give your reason(s) below.	
The Council did not support this application. The proposed dwelling, which is three storeys in height and encompasses two building plots, is wholly out of keeping with the street scene, of a scale and size too dominant for the location and completely out of proportion to the surrounding area.	
The Council are also concerned that the proposed scale of the property strongly suggests it may be used for business purposes.	

Susan Woodroffe  
Wicken Parish Clerk

Date: 15<sup>th</sup> October 2018

## **18/01216/FUL**

Erection of detached dwelling with garage and associated parking.  
Land South Of 1 To 7 Old School Lane Upware Cambridgeshire

# Supporting Materials for Planning Committee

This proposal is for a single, detached dwelling, replacing the proposed two smaller detached dwellings that have outline approval (ref 15/00482/OUT).

When compared to those two approved dwellings (see enclosed), this proposed dwelling:

- Is set further back from the road
- Appears shorter from the road
- Has a smaller frontage
- Is less bulky, with significantly more open space at the boundaries
- Has a smaller footprint

We therefore believe that the proposed dwelling should be considered smaller with less impact on the street scene than those already granted outline approval, a view that was shared by the planning officer at pre-application.

We also believe that there is no specific design precedent within Upware, with the existing properties a varied mix of sizes and styles. Furthermore, one of the closest buildings to the site shares many design features with the proposal.

We therefore submit to the committee that there should be no grounds for refusal on the basis of scale or style and we trust that they will share our view.

Matt & Martha Cannon  
Applicants

Enc:

- Design Precedent (2 pages)
- Apparent Height (1 page)
- Frontage & Bulk (1 page)
- Footprint (1 page)

**18/01216/FUL**

Erection of detached dwelling with garage and associated parking.  
Land South Of 1 To 7 Old School Lane Upware Cambridgeshire

# Design Precedent

There appears to be no specific design precedent set in Upware as the following photographs show.

Upware is a small village; every property could be considered to be within the immediate vicinity of the proposed dwelling. Within 200 metres you have detached and semi-detached, one, two and three storey dwellings, all of varying styles.



**18/01216/FUL**

Erection of detached dwelling with garage and associated parking.  
Land South Of 1 To 7 Old School Lane Upware Cambridgeshire

# Design Precedent

One of the closest properties to the proposed dwelling, 1 Old School Lane, shares many design features with the proposed dwelling, as shown below.

This is a large, detached, 2.5 storey house.



- 2.5 storey
- Parapet gables
- Natural slates
- Black guttering/downpipes
- Red brick
- Attached single storey garage



# 18/01216/FUL

Erection of detached dwelling with garage and associated parking.  
Land South Of 1 To 7 Old School Lane Upware Cambridgeshire

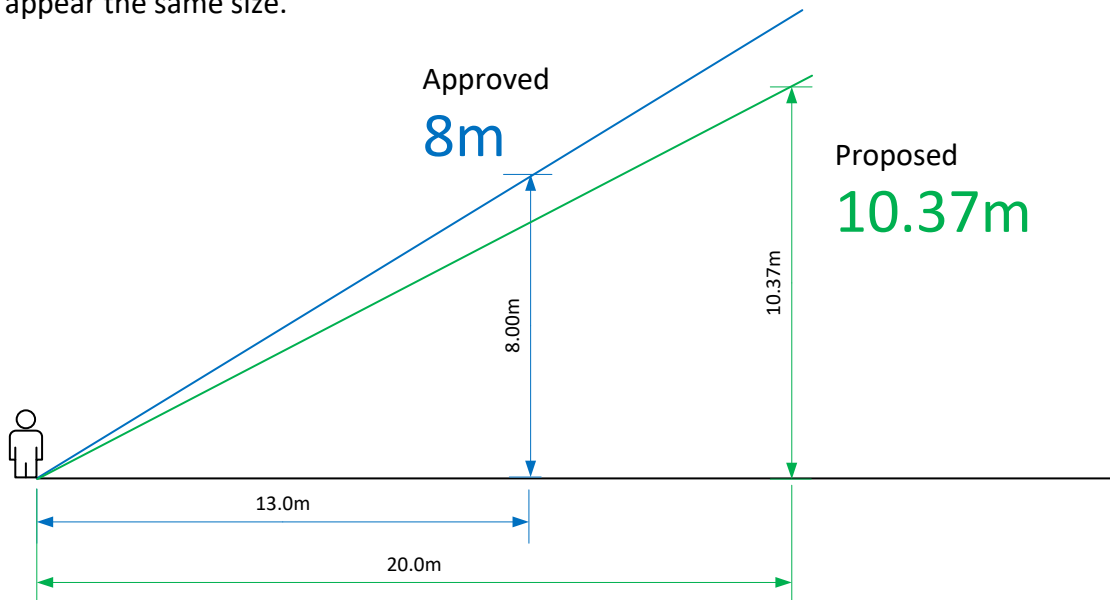
## Apparent Height

Comparison of the proposed dwelling to the dwellings already approved at outline planning (15/00482/OUT)

The proposed dwelling **will not appear to be any higher from the road than those already approved in the outline permission.**

Assuming the dwellings approved at outline planning would have a ridge height of 8m, the diagram below shows how this compares to the perceived ridge height of the proposed dwelling given that this is set further back from the road. As illustrated, the proposed dwelling will **appear shorter** from the road side.

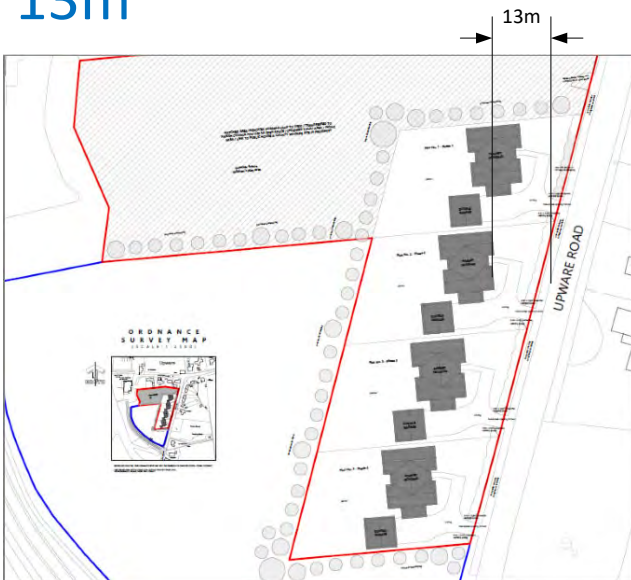
If the central ridge line is used from the outline plans rather than the closer gable end the dwellings would appear the same size.



### Minimum distance from ridge line to road:

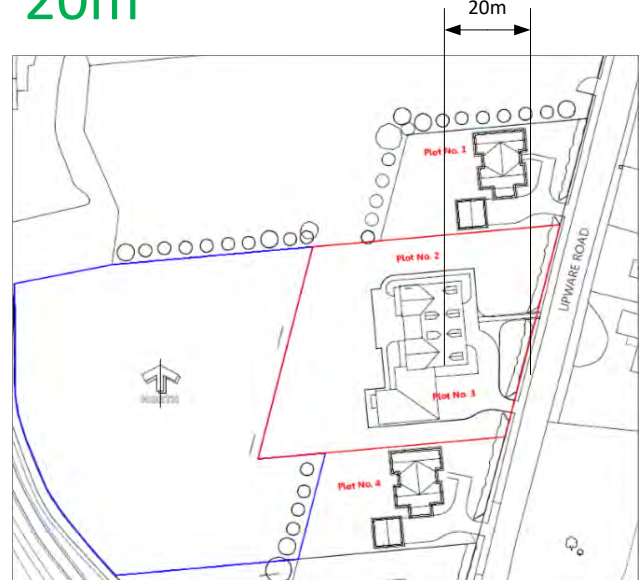
Approved, plot 2

13m



Proposed

20m



Note: Above images are for demonstration purposes. Actual dimensions taken from correctly scaled plans as submitted.



# 18/01216/FUL

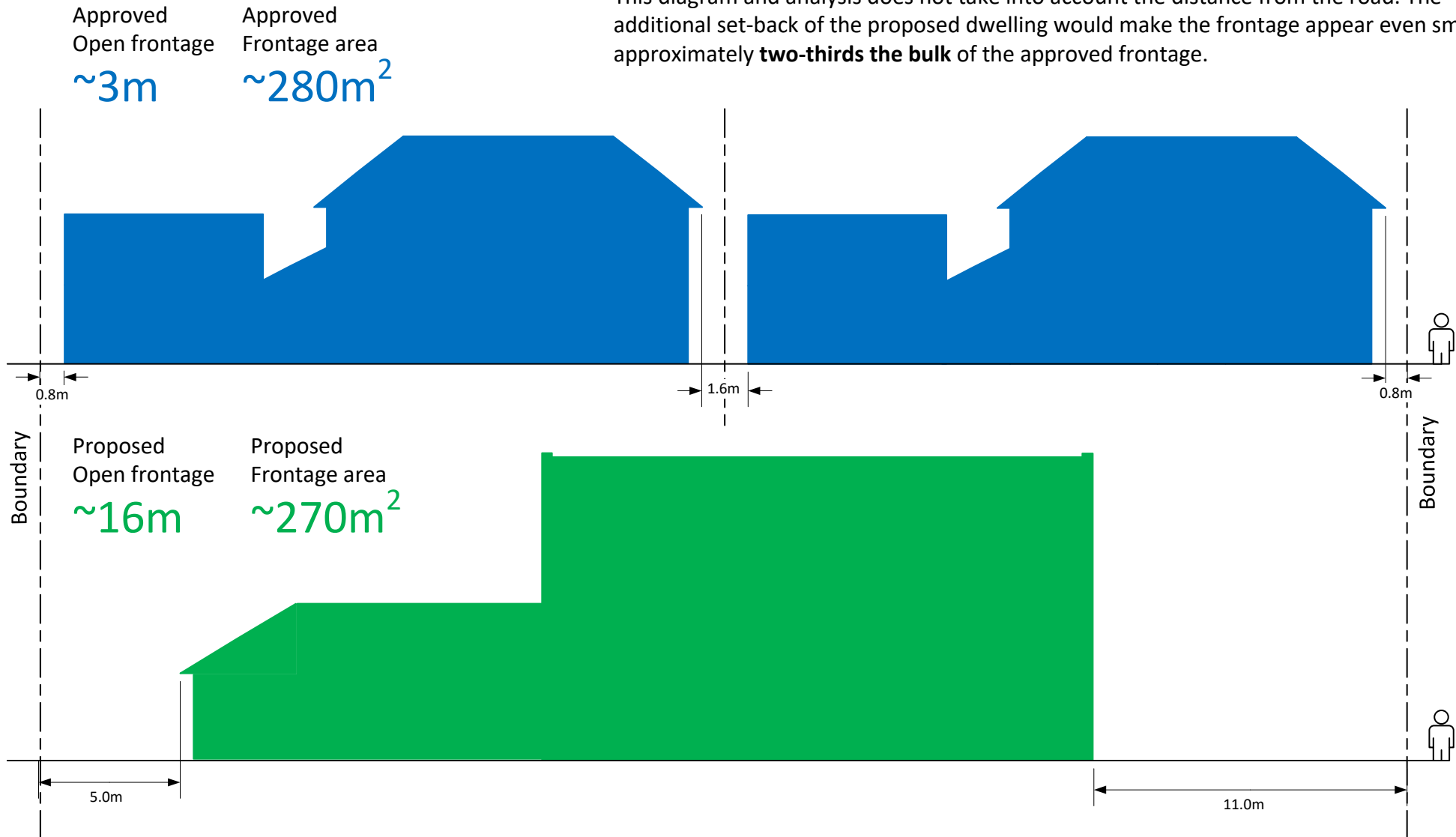
Erection of detached dwelling with garage and associated parking.  
Land South Of 1 To 7 Old School Lane Upware Cambridgeshire

*Comparison of the proposed dwelling to the dwellings already approved at outline planning (15/00482/OUT)*

## Frontage & Bulk

The diagram below shows that although the proposed dwelling is bigger, it presents a **smaller frontage with more open space than the two approved dwellings it replaces.**

This diagram and analysis does not take into account the distance from the road. The additional set-back of the proposed dwelling would make the frontage appear even smaller; approximately **two-thirds the bulk** of the approved frontage.



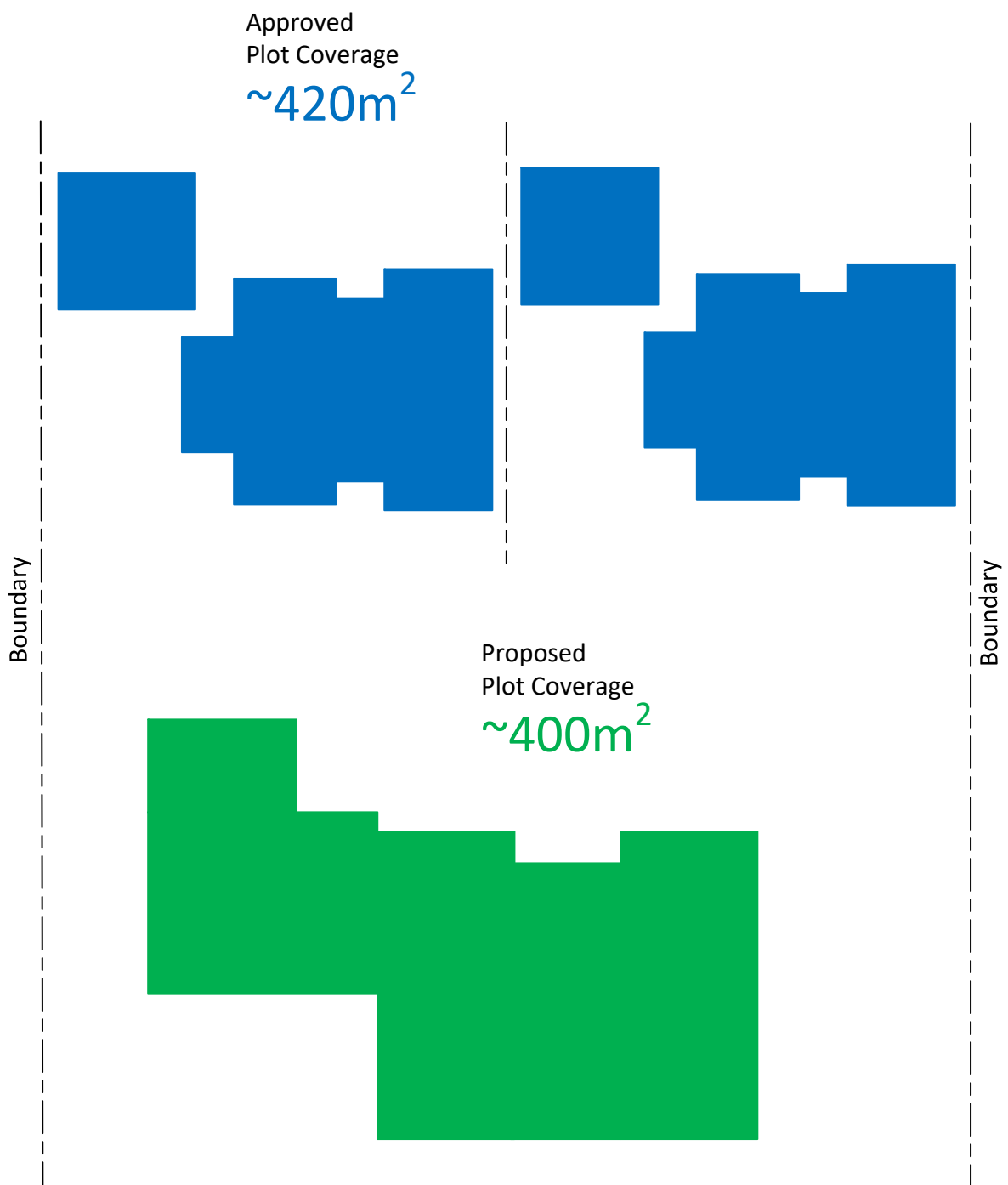
## 18/01216/FUL

Erection of detached dwelling with garage and associated parking.  
Land South Of 1 To 7 Old School Lane Upware Cambridgeshire

# Footprint

*Comparison of the proposed dwelling to the dwellings already approved at outline planning (15/00482/OUT)*

The diagram below shows that although the proposed dwelling is bigger, it has a **smaller footprint on the plot than the two approved dwellings it replaces.**



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**MAIN CASE**

**Reference No:** 18/01268/OUT

**Proposal:** Proposed two storey residential dwelling, garaging, parking, access and associated site works

**Site Address:** Land Adjacent 18 Great Fen Road Soham Ely  
Cambridgeshire CB7 5UQ

**Applicant:** Mr & Mrs Gudgeon

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

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Councillor Mark Goldsack  
Councillor Carol Sennitt

**Date Received:** 13 September 2018      **Expiry Date:** 07/12/2018

[T152]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reasons.

1. The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Soham, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework. The proposal fails to comply with the policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1 and LP17 of the Submitted Local Plan 2018, and Paragraphs 11 and 79 of the National Planning Policy Framework, as it fails to promote sustainable development.

2. The proposed dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Soham with a lower probability of flooding and is therefore contrary to policy ENV 8 of the East Cambridgeshire Local Plan, policy LP25 of the Submitted Local Plan 2018 the Cambridgeshire Flood and Water SPD, the provisions of the

Planning Practice Guidance on Flooding and Coastal Change and the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline consent for the erection of a dwelling along Great Fen Road in Soham. The matters to be considered under the outline consent are access and scale. All other matters would be considered as part of a reserved matters application.

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 was called in to Planning Committee by Councillor Goldsack.

## 3.0 PLANNING HISTORY

3.1 There is no relevant planning history.

## 4.0 THE SITE AND ITS ENVIRONMENT

The site is located to the north of Soham and is outside of the defined development envelope. The site is within Flood Zone 3 and comprises an open agricultural field. This area of Great Fen Road is characterised by sporadic dwellings within an agricultural landscape.

## 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.

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

**Environment Agency** – The site is situated within Flood Zone 3 (high risk) of the Environment Agency's Flood Map. In the absence of an acceptable Flood Risk Assessment (FRA) we object to the granting of planning permission and recommend refusal on this basis for the following reasons:

- The Flood Risk information submitted does not comply with the requirements set out in paragraph 160 to 163 of the National Planning Policy Framework. Therefore, the Flood Risk information does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular:
- The information submitted does not take into account the fact that the site is within the area of the Fenland Hazard Mapping.

**Environmental Health** – From reviewing the Envirosearch report dated 11<sup>th</sup> September 2018, Environmental Health accept the findings. The site appears to be at very low risk of land contamination and no further work is required. Due to the

proposed sensitive end use of the site (residential) Environmental Health recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

**Local Highways Authority** – The Local Authority has no objections in principle to this application.

**Parish** – Outside development envelope and therefore in breach of Policy LP32.

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

**Ward Councillors (Councillor Goldsack 17/10/2018)** - After our conversation this morning I would like to call the above application before committee. The applicants contacted me early this summer to show me the plot, the plans and their ideas. I could see already how it would sit with the dining property, how it would fit in the landscape, and actually how it would fit for road access. In light of recent applications acceptable along Hasse & Great Fen Road, I advised them to make an application as based on what I visited and saw, it looked like a suitable one. Subject to the revised plans, which I agree with, for this being a chalet design, I understand that you have to refuse this on the grounds on unsustainable living. Whilst I appreciate that you have to follow the rules I am aghast that I now have to call this before planners, and we the council have to carry the costs involved of this now being decided at committee.

I reserve my final judgement for committee, but feel that should no further evidence or reason come to light other than unsustainable living position, then this is once again a waste of costs and effort on behalf of all involved. I have copied Cllr Schumann and Rebecca on this in the hope that we can review similar future applications and find an acceptable, lower cost method of passing totally acceptable applications.

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

**Waste Strategy (E CDC)** – No objections raised and standard in formatives recommended.

5.2 **Neighbours** – one neighbouring property was notified and a site notice posted. An advert was also placed in the Cambridge Evening News. No responses have been received.

## 6.0 The Planning Policy Context

### East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 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

### *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

### *National Planning Policy Framework 2018*

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

### *Submitted Local Plan 2018*

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP20	Delivering Green Infrastructure, Trees and Woodland
LP22	Achieving Design Excellence
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
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

7.0.1 The main issues to consider when determining this application relate to the principle of development, flood risk, the impact upon character and appearance of the area, residential amenity, highways safety and ecology.

### 7.1 Principle of Development

7.1.1 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) and the 2018 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land.

7.1.2 In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. However, it is considered that the tilted balance is not engaged in this application as the NPPF at footnote 6 of Paragraph 11 d(i) indicates that where development plan policies are out of date, permission should be granted unless the application of policies in the NPPF that protect areas (including areas at risk of flooding or coastal change) or assets of particular importance provide a clear reason for refusing development.

7.1.3 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.1.4 With regard to the existing dwellings in the vicinity, these are historic properties and remain isolated within the agricultural landscape. The application site is located approximately 2 miles to the north of Soham. Public transport links are poor and this would mean that future occupiers of the proposed dwelling would rely on the use of a car to access basic services which is contrary to policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018. The public highway between the site and Soham does not benefit from pedestrian footpaths or street lighting, and therefore any person choosing to walk between the site and the nearby town would have little choice but to walk on the public highway.

7.1.5 This site is considered to be unsustainable, as there are a number of sites locally within Soham as well as other nearby settlements within the district that are considered to be much more sustainable in terms of their suitability for residential development.

### 7.2 Visual Amenity

7.2.1 In terms of visual amenity, Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2018 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The full details of the visual appearance have not been

included within the application and would need to be assessed at reserved matters stage. The dwelling is positioned on a plot which can accommodate suitable boundary treatments, and therefore it is considered that a dwelling could be adequately screened to reduce the level of visibility of the proposal. There are other residential dwellings at sporadic points along Great Fen Road and therefore the introduction of one dwelling would not be significantly harmful to the rural character and appearance of the area.

7.2.2 The applicant has included scale as one of the matters to be determined. The plans show an acceptable footprint measuring 12.5m in depth and 16.5m in width across the frontage. The height of the proposed dwelling would be 7m. It is considered that this scale would be suitable for the rural location and modest dwellings in the vicinity of the site.

7.2.3 For these reasons the proposal is contrary to policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP31 of the Submitted Local Plan 2018.

### 7.3 **Residential Amenity**

7.3.1 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 states that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There is approximately 22m between the indicative footprint of the proposed dwelling and the neighbouring property at Number 18, and approximately 32m between the proposed dwelling and the neighbouring property of Number 16 to the south. These distances are considered sufficient to prevent overlooking, overbearing and overshadowing impacts to neighbouring occupiers and it has been demonstrated that there is sufficient room within the plot to achieve an acceptable layout. The full impact of the proposed dwelling on the residential amenity of nearby occupiers would be assessed at reserved matters stage once all of the details are submitted.

7.3.2 The proposed plot size, rear amenity space and building size comply with the requirements of the Design Guide SPD.

### 7.4 **Highways**

7.4.1 The proposed access is 4m in width for the first 8m and is accessed from a 60mph public highway. The Local Highways Authority has been consulted regarding the application and has confirmed that they have no objections in principal to this application. The Local Highways Authority has recommended that conditions are appended to any grant of approval in order to ensure highway safety. The indicative layout suggests that there is sufficient room on site for the manoeuvring and parking of two vehicles, and this is considered to comply with Policy COM8 of the Local Plan 2015.

### 7.5 **Flood Risk and Drainage**

7.5.1 Paragraph 11 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and



demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Paragraphs 155-159 of the NPPF state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

- 7.5.2 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.
- 7.5.3 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Table 3 of the NPPF Planning Practice Guidance makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted unless the development is necessary.
- 7.5.4 Paragraph 158 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding.
- 7.5.5 Policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2018 state that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites within the Parish of Soham suitable for the erection of a single dwelling which are outside of Flood Zone 3.
- 7.5.6 A Flood Risk Sequential Test has not been submitted and the applicant states that "The Sequential Test and Exception Test will require to be applied by the Local Planning Authority". In respect of the Sequential Test, there are a number of allocated sites for housing within the Parish of Soham, as specified within the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018. In addition, a number of planning applications for new dwellings have recently been approved in more sustainable locations within the Parish of Soham and windfall sites not within Flood Zone 3 are also available. It is therefore considered that there are a number of other reasonably available sites for the erection of a single dwelling within the Parish of Soham which are at a lower probability of flooding. Therefore, the proposed additional dwelling is not necessary in this location and the application fails the Sequential Test for this reason.
- 7.5.7 It should also be noted that the Cambridgeshire Flood and Water SPD advises that applications for sites in Flood Zone 2 and 3 where there is no Sequential Test information provided will be deemed to have failed the Sequential test.

- 7.5.8 Had the Sequential Test been passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.5.9 The exception test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared.
- 7.5.10 A site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall flood risk, Both elements need to be passed for development to be allocated or permitted under paragraphs 159-161 of the NPPF.
- 7.5.12 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place a dwelling in an area at significant risk of flooding, contrary to policy ENV8 of the East Cambridgeshire Local Plan 2015, policy LP25 of the Submitted Local Plan 2018, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.
- 7.5.13 **Other Material Matters**
- 7.5.14 The site is farmed agricultural land and therefore the proposal is not considered to impact biodiversity in the area. It is considered appropriate to seek biodiversity improvements as part of the application, and this can be secured by condition. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements. The hard and soft landscaping details for the site can be secured by condition.
- 7.6 **Planning Balance**
- 7.6.1 The proposal fails to comply with planning policy by siting an additional dwelling in an unsustainable location. Further harm is caused by the increased risks as a result of an additional dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere with a lower probability of flooding. There is clear policy advice within the NPPF that development should not be permitted where there are reasonably available sites elsewhere with a lower probability of flooding. The benefits claimed by the applicant in regard to the sustainability of the proposal and lack of five year housing land supply do not outweigh the requirement to steer new development to areas at lower probability of flooding as set out in paragraphs 158 – 161 of the NPPF.
- 7.6.2 The application is therefore considered to be contrary to policies GROWTH5, ENV1, ENV2, ENV7, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1, LP17, LP22, LP25 and LP30 of the Submitted Local Plan 2018, the NPPF and the Cambridgeshire Flood and Water SPD.

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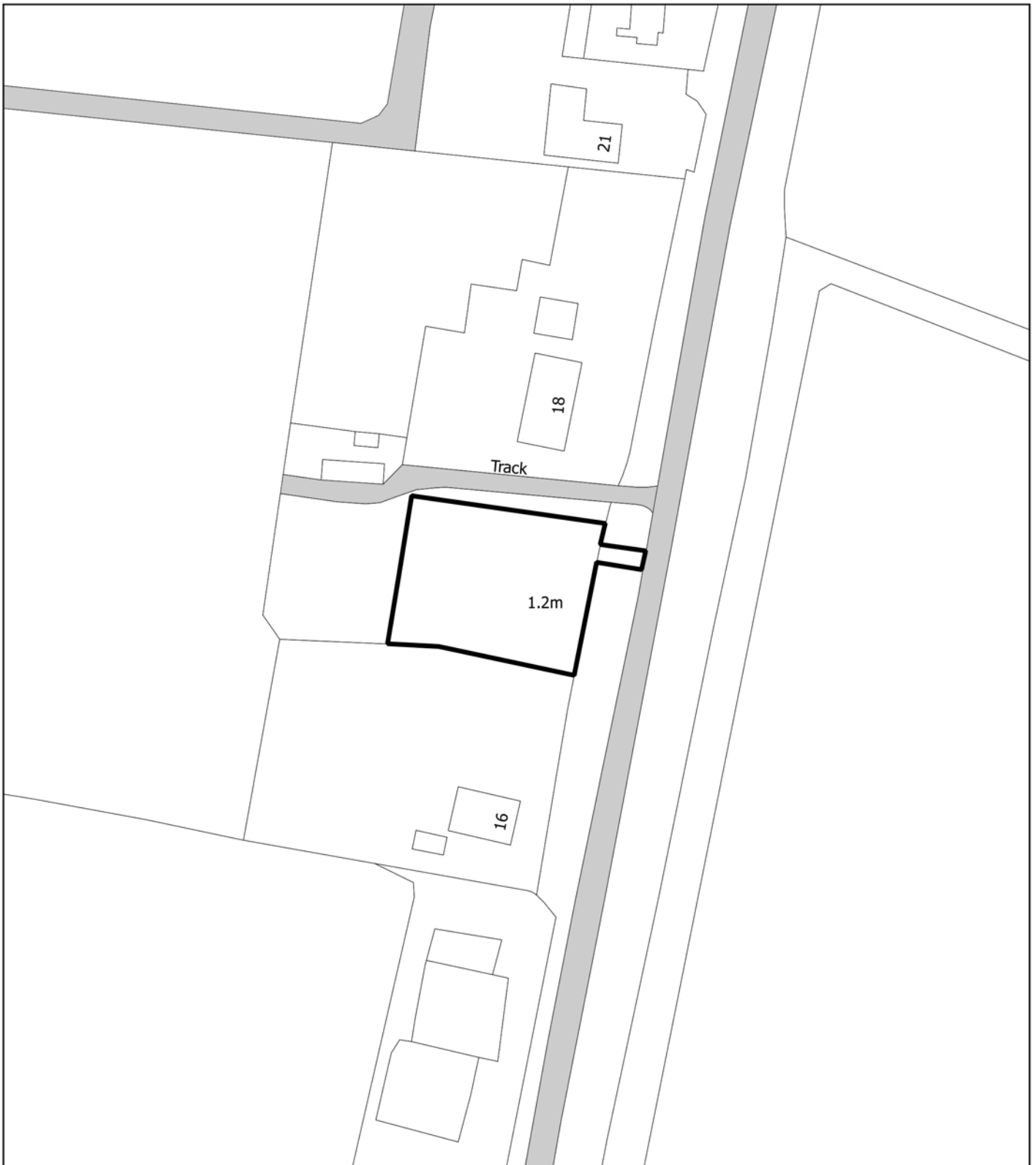
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01268/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/01268/OUT

Land adjacent  
18 Great Fen Road  
Soham



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:1,000



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**MAIN CASE**

<b>Reference No:</b>	<b>18/01284/OUT</b>		
<b>Proposal:</b>	<b>Proposed four bed barn style dwelling, garaging, parking, access &amp; associated site works</b>		
<b>Site Address:</b>	<b>Land Adjacent Second Breed Farm Stretham Road Wicken Cambridgeshire</b>		
<b>Applicant:</b>	<b>Mrs Susan Hall</b>		
<b>Case Officer:</b>	<b>Richard Fitzjohn, Senior Planning Officer</b>		
<b>Parish:</b>	<b>Wicken</b>		
<b>Ward:</b>	<b>Soham South</b>		
	Ward Councillor/s:	Councillor Hamish Ross	
		Councillor Ian Bovingdon	
		Councillor Dan Schumann	
<b>Date Received:</b>	<b>17 September 2018</b>	<b>Expiry Date:</b>	<b>12<sup>th</sup> December 2018</b>
			<b>[T153]</b>

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

1. The proposed development, by virtue of its location and scale, would amount to a visually intrusive form of development in this countryside location, such that it would cause significant and demonstrable harm to the character and appearance of the countryside and the setting of the surrounding area to an extent which would significantly and demonstrably outweigh the limited benefits of the proposal. As such it is contrary to policies ENV1 and ENV 2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2018 and paragraph 11 of the National Planning Policy Framework.

**2.0 SUMMARY OF APPLICATION**

**2.1** The application seeks outline planning permission for 1No. dwelling, with garaging, parking, access and associated works. Matters of access and scale are being considered as part of this application. Matters of appearance, landscaping and layout are reserved.

**2.2** The proposal includes the provision of a public footway connection between the application site and the existing public footway further along Stretham Road to the south-east.

- 2.3 The submitted plans indicate that the scale of the dwelling would be 14m wide, 9m deep and 7.3m high, and the scale of the garage would be 8.1m wide, 6.5m deep a 5.5m high.
- 2.4 Indicative elevations of the dwelling and garage have been submitted with the application, however these are illustrative only.
- 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.eastcambbs.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 Planning Committee refused an application for full planning permission for 1 new dwelling on this site in May 2017 for the following reasons:
1. The proposal for one dwelling is remote from local services and facilities and would result in future occupiers having to cross Stretham Road to access a footpath, conflicting with the aims of sustainable development, the need to minimize travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance of the private car as expected in local and national policy. The site is in an unsustainable location and the benefits of the proposal would not outweigh the identified harm and the proposal is contrary to Policies GROWTH 2, GROWTH 5 and COM 7 of the East Cambridgeshire Local Plan 2015 and the aims of the National Planning Policy Framework.
  2. The proposal by virtue of its location would amount to a visually intrusive form of development in this countryside location, such that it would cause significant demonstrable harm to the character and appearance of the countryside and the setting of the surrounding area. As such it is contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan and paragraphs 14, 17 and 56-68 of the National Planning Policy Framework.
- 2.7 Councillor Mike Rouse (Vice-Chairman of the Planning Committee) requested the case officer consulted with the local Members for their views as to whether to take the application to Committee.
- 2.8 This application has been called-in to Planning Committee by Councillor Ian Bovingdon. Councillor Bovingdon states that the previous refusal reason regarding sustainability has been addressed, but the impact on the character and appearance of the area is a subjective matter. Councillor Bovingdon has also stated that he has looked at the site and personally does not consider one dwelling would cause significant and demonstrable harm to the character and appearance of the countryside and the setting of the surrounding area. In light of other planning permissions given in similar countryside locations, Councillor Bovingdon feels that the application should be given further consideration by the committee for fairness and consistency.
- 2.9 Councillor Hamish Ross agrees that the application should go to committee to create a consistent precedent that can then be acted upon in future by planning officers.

### 3.0 PLANNING HISTORY

3.1

17/00121/FUL	Proposed dwelling, carport access, parking and associated site works	Refused	05.05.2017
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a crop storage pad and agricultural field, located to the north-west of the village of Wicken. The site is located approximately 150m to the north-west of the village envelope. A number of residential properties are located to the north-east side of Stretham Road within close proximity to the site. Residential properties are also located to the south-east of the application site.

4.2 The application site and the adjacent land to the north and west has a very open and rural character. The site is located on the south-west side of Stretham Road and is not served by a public footway. A footpath is located on the north-east side of Stretham Road opposite the site and further along Stretham Road to the south-west but not connected to 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 Wicken Parish Council – The Parish Council were unable to meet a majority decision on this matter.

5.3 Ward Councillor Ian Bovingdon - Considers that the previous refusal reason regarding sustainability has been addressed, but the impact on the character and appearance of the area is a subjective matter. Councillor Bovingdon has also stated that he has looked at the site and personally does not consider one dwelling would cause significant and demonstrable harm to the character and appearance of the countryside and the setting of the surrounding area. In light of other planning permissions given in similar countryside locations, Councillor Bovingdon feels that the application should be given further consideration by the committee for fairness and consistency.

5.4 Ward Councillor Hamish Ross - Agrees with Councillor Bovingdon's view that the application should go to committee to create a consistent precedent that can then be acted upon in future by planning officers.

5.5 Local Highways Authority - The highways authority has no objection in principal to this application. The Highway Authority do not consider that the proposed footway is required to facilitate this development as an uncontrolled pedestrian crossing, for this single residential dwelling, would be adequate in this location (30mph speed limit, with good visibility in either direction). However they request that, should the planning authority wish to include this measure, it is conditioned appropriately to ensure it is in line with Cambridgeshire County Council (CCC) standards.

Local Highway Authority Recommended Conditions:

A footway shall be installed along Stretham Road from the development to The Crescent and be a min of 1.8m in width and be constructed to CCC specifications.

- No gates to be erected across the vehicle access with the highway within 6m of the carriageway edge
- Access to be as per drawing number 16;135-10
- Turning and parking

5.6 CCC Growth & Development - No Comments Received.

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 detailing the payment amount and the planning reference number.

5.8 Neighbours – A site notice was displayed on 4<sup>th</sup> October 2018 and 5 neighbouring properties were notified. In addition, a press advert was published in the Cambridge Evening News on 4<sup>th</sup> October 2018. However, no neighbour responses have been received.

5.9 A full copy of the consultation responses are available on the Council’s website.



6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

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

6.4 Submitted Local Plan 2018

LP1	A 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
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 determining this application relate to the principle of development, visual amenity, residential amenity and highway safety.

### 7.2 Principle of development

7.2.1 The site lies outside the defined settlement boundary for Wicken. The development of the site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new housing development within defined settlement boundaries. However as the Council cannot currently demonstrate a 5 year supply of housing land, Policy GROWTH 2 cannot be considered up to date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.2.2 Paragraph 79 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. There are other dwellings close to the site and it is not far from the village and in this sense the proposal would not be overtly isolated. The social role of sustainable development seeks to ensure amongst other matters the creation of a high quality built environment with accessible local services. However, given that paragraph 79 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities, it is considered that the degree of accessibility of the proposal to services and facilities is also relevant.

7.2.3 The proposal would make a positive, albeit modest, contribution towards the provision of housing in the area and its construction would provide some short term economic benefits. With regard to availability and deliverability, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. The proposal therefore supports the economic dimension to sustainable development which weighs in favour of the proposal

7.2.4 The services that are provided within Wicken are not easily and safely accessible from the site by public footway at present, as pedestrians would have to cross the main road into Wicken, approximately 110m from a 60mph to 30mph speed limit change. However, the proposal includes the provision of a new public footway connection between the application site and the existing public footway into the village on the southern side of Stretham Road. As the site is located within close proximity to the village, it is considered that the proposed footpath connection would allow a safe pedestrian access into the village.

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

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

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

### 7.3 Character and appearance of the area

7.3.1 The application site comprises a small parcel of a much larger open agricultural field, located within a sensitive edge of the village location. The very open and rural character and appearance of the application site at present provides a positive contribution to the wider rural surroundings. In addition, the open and rural character and appearance of the site contributes to views over the open fields, into and out of the village and towards Wicken Fen Nature Reserve, including important vistas from the junction of Hawes Lane which contribute positively to the character and appearance of the area.

7.3.2 By virtue of its location and scale, the proposed development would extend residential built form into the countryside in a manner that would cause significant and demonstrable harm to the open and rural local landscape character and visual amenity of the area. The resultant encroachment would increase the sense of suburbanisation of the countryside to the detriment of local visual amenity and would also result in the loss of important open views of the countryside, views into and out of the village, and views towards Wicken Fen.

7.3.4 It is therefore considered that the proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, Policies LP22 and LP28 of the Submitted Local Plan 2018 and Central Government advice contained in the National Planning Policy Framework 2018. Furthermore, the proposal is not considered to constitute sustainable development in principle as the harm to the local rural landscape character and visual amenity of the area would significantly and demonstrably outweigh the benefits of the proposed development, contrary to the National Planning Policy Framework 2018.

### 7.4 Residential amenity

7.4.1 Due to the separation distance from neighbouring properties, it is considered that the proposed development could be accommodated within the site without causing significant detrimental impact to any neighbouring properties. Furthermore, future occupiers of the proposed dwelling would likely enjoy a high standard of amenity.

7.4.2 It is therefore considered that the proposal could be designed to ensure that it would not create any significantly detrimental impacts upon the residential amenity of the neighbouring and future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP28 of the Submitted Local Plan 2018.

## 7.5 Highway safety

- 7.5.1 The application shows that an existing access from the highway would be retained. Ample car parking would also be located within the curtilage of the dwelling.
- 7.5.2 The Highways Authority have no objections to the scheme. Subject to conditions, the access arrangements and parking arrangements within the site are considered acceptable.
- 7.5.3 The Highway Authority do not consider that the proposed footway is required to facilitate this development as an uncontrolled pedestrian crossing, for this single residential dwelling, would be adequate in this location (30mph speed limit, with good visibility in either direction). However, the Local Planning Authority consider that the proposed footway is required to make the development sustainable in respect of pedestrian access into the village and therefore has not requested that this is removed from the proposal.
- 7.5.4 The development is therefore considered to accord with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018.

## 7.6 Biodiversity

- 7.6.1 The application site is not considered to be of any significant value in relation to biodiversity. Biodiversity improvements could be secured by planning condition if the application was to be approved. It is considered that the proposal would comply with policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018 in relation to biodiversity.

## 7.7 Drainage

- 7.7.1 Foul and surface water drainage details could be secured by planning condition if the application was to be approved. It is considered that the proposal would comply with policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2018 in relation to drainage.

## 7.8 Planning balance

- 7.8.1 In order for a development proposal to be genuinely sustainable, it must satisfy the three strands of "sustainable development" defined in the NPPF. The proposed development will deliver a very limited number of economic and social benefits. However, the NPPF makes it clear that sustainable development will only be attained where all three elements are secured jointly and simultaneously. All have equal status and where one or more is achieved at the expense of the others then the development should not be considered sustainable.
- 7.8.2 By virtue of its location and scale, the proposed development would lead to harmful encroachment into the countryside which would erode the open and rural character and appearance, causing significant and demonstrable harm to the character, appearance and views of the rural area, including the sensitive settlement edge.

7.8.3 In this case, the environmental role of sustainable development would not be realised. The degree of harm caused to the countryside on the edge of the settlement could not be resolved through mitigation and the development therefore would cause environmental harm, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2018.

7.8.4 As a consequence, the adverse impacts of the proposed development would significantly and demonstrably outweigh the limited economic and social benefits of the scheme. For these reasons, the proposed development does not constitute sustainable development and the application is recommended for refusal.

8.0 APPENDICES

8.1 Committee report relating to the previous planning application on the site (ref: 17/00121/FUL) refused by Planning Committee on 3rd May 2017.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01284/OUT	Richard Fitzjohn Room No. 011	Richard Fitzjohn Senior Planning Officer
17/00121/FUL	The Grange 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>

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### MAIN CASE

**Reference No:** 17/00121/FUL

**Proposal:** Proposed dwelling, carport access, parking and associated site works

**Site Address:** Land Opposite Hawes Lane Wicken Ely Cambridgeshire CB7 5XH

**Applicant:** Mr & Mrs Barry Hall

**Case Officer:** David Gibson, Planning Officer

**Parish:** Wicken

**Ward:** Soham South  
Ward Councillor/s: Councillor Hamish Ross  
Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 26 January 2017      **Expiry Date:** 10 April 2017

[R276]

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### 1.0 RECOMMENDATION

1.1 Members are requested to REFUSE planning permission for the following reasons:

1. The proposal for one dwelling is remote from local services and facilities and would result in future occupiers having to cross Stretham Road to access a footpath, conflicting with the aims of sustainable development, the need to minimize travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance of the private car as expected in local and national policy. The site is in an unsustainable location and the benefits of the proposal would not outweigh the identified harm and the proposal is contrary to Policies GROWTH 2, GROWTH 5 and COM 7 of the East Cambridgeshire Local Plan 2015 and the aims of the National Planning Policy Framework

2. The proposal by virtue of its location would amount to a visually intrusive form of development in this countryside location, such that it would cause significant demonstrable harm to the character and appearance of the countryside and the setting of the surrounding area. As such it is contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan and paragraphs 14, 17 and 56-68 of the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

2.1 Planning permission is sought for the erection of a two storey dwelling and a detached double car port. The dwelling would access Hawes Lane from an existing field access that would be widened to 4 metres. The dwelling would be finished in buff brickwork and Spanish slate roof tiles. The ground floor would provide space for a kitchen, a dining room, a study and a sitting room. At first floor level the dwelling would benefit from 4no. bedrooms. Windows would be placed in all four elevations at ground and first floor. The car port would have a pyramidal roof. It would be open to the front and partially open to both sides. It would be closed to the rear.

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.**

2.1 This application was called in on 10<sup>th</sup> April 2017 by Cllr. Ian Bovingdon in order to expedite a decision rather than have a series of planning applications on the site.

## 3.0 PLANNING HISTORY

3.1 16/01574/FUL – Proposed dwelling, carport access, parking and associated site works – Withdrawn

3.2 Off site planning history – 9 Stretham Road – 15/00888/FUL – REFUSED - Extension of three bedroom farmhouse to create six bedroom detached property – This dwelling is located to the south of the application site on the same side of the road. The proposed large rear extensions were considered to be poor design. The extensions were considered to be bulky and uncharacteristic of the area. The front porch was also considered to be too large and disproportionate. The large balcony to the rear was also considered to be an incongruous feature and unacceptable in this rural location. The decision to refuse the application was challenged on appeal by the applicant. The appeal was dismissed and the Planning Inspector agreed with the decision of the Local Planning Authority. Enforcement action to improve the appearance of the dwelling has been carried out.

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the north west of the village of Wicken. The site is located approximately 150m to the northwest of the village envelope. A number of residential properties are located to the north of the site on the opposite side of Stretham Road. Further dwellings are located to the south and south east of the application site

4.2 The site is relatively open especially when viewed from the north and west. The site is located on the western side of Stretham Road. The western side of Stretham Road does not benefit from a footpath. A footpath is located on the eastern side of Stretham Road. Stretham Road becomes a 30 miles an hour road to the west of the application site.

## 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees, Town Council, Local Highways Authority and Waste Strategy and these are summarised below. The full responses are available on the Council's web site.

Parish Council – No objections to the development

Ward Councillors – Councillor Bovingdon requested that the application be determined by Planning Committee in order to expedite a decision rather than have a series of planning applications on the site.

CCC Growth & Development - No Comments Received

Local Highways Authority – No objections to the development but has requested conditions on any approval.

Waste Strategy (ECDC) – No objections to the development.

5.2 Neighbours – a site notice was erected adjacent to the site and 5 neighbouring properties were notified directly. No objections or comments were received.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV9	Pollution
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
Design Guide

### 6.3 National Planning Policy Framework 2012

- 1 Building a strong, competitive economy
- 6 Delivering a wide choice of high quality homes



- 7 Requiring good design
- 8 Promoting healthy communities
- 11 Conserving and enhancing the natural environment

#### 6.4 Planning Practice Guidance

#### 7.0 PLANNING COMMENTS

The main issues to consider when determining this application relate to the principle of development, visual amenity, residential amenity and highway safety.

##### 7.1 Principle of development

The site lies outside the defined settlement boundary for Wicken. The development of the site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new housing development within defined settlement boundaries. However as the Council cannot currently demonstrate a 5 year supply of housing land, Policy GROWTH 2 cannot be considered up to date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.2 Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. There are other dwellings close to the site and it is not far from the village and in this sense the proposal would not be overtly isolated. The social role of sustainable development seeks to ensure amongst other matters the creation of a high quality built environment with accessible local services. However, given that paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities, it is considered that the degree of accessibility of the proposal to services and facilities is also relevant.

7.3 The proposal would make a positive, albeit modest, contribution towards the provision of housing in the area and its construction would provide some short term economic benefits. With regard to availability and deliverability, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. The proposal therefore supports the economic dimension to sustainable development which weighs in favour of the proposal

7.4 The services that are provided within Wicken are not necessarily easily accessible from the site by public footpath as the future residents of any dwelling approved on this site would have to cross the main road into Wicken to make use of the footpath to the eastern side of Stretham Road. This road is 30mph at the point of the proposed development with the change of speed limit from 60mph to 30mph located approximately 100 metres to the north west. It is considered that this is an unattractive and inadequate environment for pedestrians and is likely to mean that future residents will access the village services and wider towns and facilities by car, which means the

site is poorly connected to services and facilities, inconsistent with the social and environmental dimensions of sustainable development. The proposal is therefore not considered to be sustainable development. It is therefore contrary to Policies GROWTH 5 and COM 7 of the East Cambridgeshire Local Plan and the NPPF.

7.5 Visual amenity

Policy ENV1 of the Local Plan states that development proposals should demonstrate that their location, scale, form, design and materials will create positive, complementary relationships with existing development and will protect, conserve and where possible enhance landscape features and the settlement edge.

7.6 The environmental role of sustainable development seeks to in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a developments impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development, as is design. In addition Policy GROWTH 2 seeks to ensure that all new housing developments protect the countryside and the setting of villages. Policy ENV 1 seeks to protect landscape and settlement character and in particular, respect views into and out of settlements. These aims are reiterated in paragraph 17 of the NPPF which seeks to protect the intrinsic character and beauty of the countryside.

7.7 The site is relatively open and has a rural feel to it unlike the northern side of Stretham Road which has a much more developed appearance which includes numerous dwellings and a caravan park. The openness of the site helps to contribute to the open and rural character of the immediate area to the west of Stretham Road north of the village envelope, typical of what one would expect to see in this locality. As stated above, the site is extremely open when viewed from the north and west. The applicant proposes to plant native hedging along the northern boundary to counteract this. Whilst additional landscaping could soften the appearance of the dwelling in the long term, any planting would take a number of years to mature so in the short and medium term a proposed dwelling would have a significant detrimental impact on the immediate. Any proposed landscaping could be removed in the longer term, thereby resulting in an unsatisfactory form of development in this rural location outside of the village envelope.

7.8 Furthermore, as stated above in the 'off site history' section, the Council has refused retrospective works, successfully defended on appeal and carried out enforcement action against a neighbouring property on the western side of Stretham Road, to the south of the application site. The delegated report for application 15/00888/FUL stated

—  
*“The form of the extensions to the front and the rear, including the roof form and first floor balcony extension, comprise poor design that is not subservient in scale or form and represents an alien, incongruous and contrived form of development that is contrary to national and local plan policy.*

*The dwelling is located in the countryside and sits within an open landscape in a relatively isolated prominent position, where views of the dwelling are apparent as you approach and leave Wicken village. “*

- 7.9 It is considered a large detached dwelling with a large detached cart lodge would look similarly out of place in the open countryside.
- 7.10 For the reasons provided above, it is considered that the sites rural appearance provides a valuable contribution to the surrounding countryside and the site connects strongly with and contributes to the value and character of the surrounding open landscape, particularly on the western side of Stretham Road. The incursion of new development into the countryside would significantly change its rural character and appearance and which would also be materially detrimental to the character and appearance of the wider area. The proposal would therefore be contrary to Policy ENV 1 and ENV 2.
- 7.11 Residential amenity  
Detailed plans and elevations have been submitted as part of the application. The plans show a two storey dwelling with windows in all elevations. As stated above, the dwelling would be situated well within the plot and would benefit from ample amenity space. Policy ENV2 aims to ensure that development would not have an adverse impact on the amenity of the neighbouring residents.
- 7.12 Given the size of the plot, the distance of the adjacent properties to the site boundary and the drawings that have been submitted, it is considered that the scheme has been designed in such a way as to ensure that it would not have an adverse impact on the amenity of the neighbouring properties. The scheme would not lead to a loss of privacy or the creation of an overbearing impact on the neighbouring properties.
- 7.13 It is therefore considered that the proposal could be designed to ensure that it would not create any significantly detrimental impacts upon the residential amenity of the neighbouring and future occupiers, in accordance with Policy ENV2 of the Local Plan 2015.
- 7.14 Highway safety  
The application shows that an existing field access would be retained and widened to 4 metres. Ample car parking would also be located within the curtilage of the dwelling. Policies COM7 and COM8 seek to ensure that new development would not have an adverse impact on highway safety and would provide sufficient car parking so as not to increase the potential for off street car parking.
- 7.15 The Highways Authority has not objected to the scheme. Subject to conditions, the access arrangements and parking arrangements within the site are considered acceptable. The development is therefore considered to accord with Policies COM7 and COM8.
- 7.16 Biodiversity  
The application site is not considered to be of any significant value in relation to biodiversity. Details of bird and bat boxes have been submitted with the application. It is considered that the proposal would comply with policy ENV7 in relation to biodiversity.

7.17 Drainage

In order to ensure that adequate surface drainage measures are incorporated into the scheme it is recommended that a surface water drainage strategy condition is appended to any grant of planning permission.

7.18 A condition could be appended to any grant of planning permission requiring that a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to occupation of the dwellings.

7.19 Planning balance

The proposal would increase the built form within the countryside. It would be a dwelling located outside of the village envelope. As stated above, the Council cannot demonstrate a 5 year housing land supply. On balance, the proposal is not considered to be sustainable development and therefore conflicts with Policy GROWTH 5 due to its location. The village services of Wicken are not safely accessible, and the nearest full range of services is located in Soham, hence car dependency will be high, contrary to the social dimension of sustainable development. The development will be visually intrusive in this countryside location such that it will materially and significantly harm the character of the countryside. These aspects of the proposal are not consistent with the environmental dimension of sustainable development.

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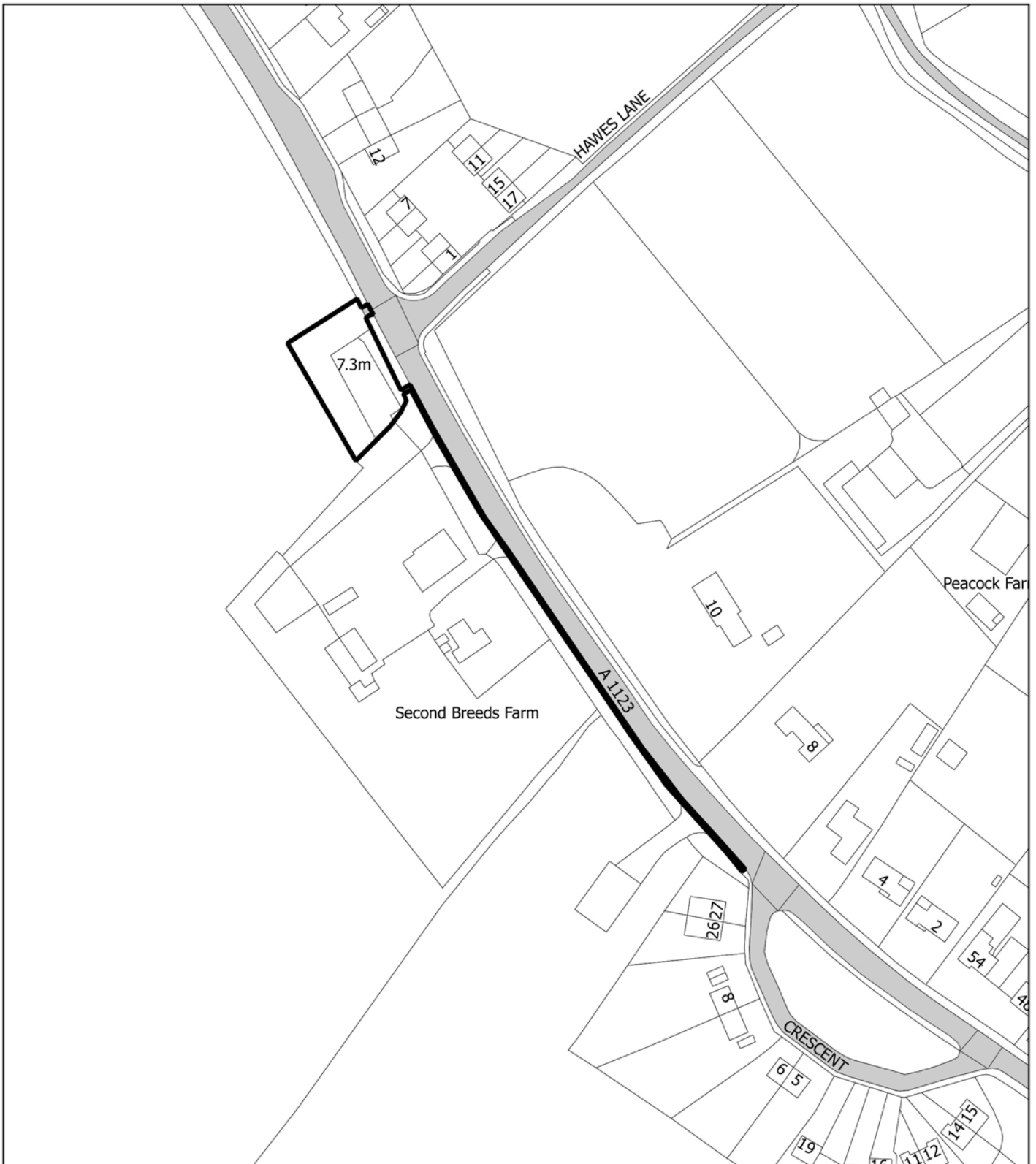
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00121/FUL	David Gibson Room No. 011 The Grange Ely	David Gibson Planning Officer 01353 665555 David.Gibson@east cambs.gov.uk

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>



18/01284/OUT

Land adjacent  
Second Breed Farm  
Stretham Road  
Wicken



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:1,750



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**MAIN CASE**

**Reference No:** 18/01291/OUT

**Proposal:** Proposed single storey dwelling, garaging, parking, access and associated site works

**Site Address:** Site South West Of Old Ness Farm Ness Road Burwell

**Applicant:** Mr & Mrs R Webb

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

**Parish:** Burwell

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

**Date Received:** 17 September 2018    **Expiry Date:** 07/12/2018

[T154]

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
1. The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Burwell, is considered to be in an isolated and unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework. The proposal fails to comply with the policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1 and LP17 of the Submitted Local Plan 2018, and Paragraphs 11 and 79 of the National Planning Policy Framework, as it fails to promote sustainable development.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks outline consent for the construction of a single storey dwelling. The matters to be considered at this stage are access and scale. All other matters would be dealt with as part of a reserved matters application.
- 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 has been called in Planning Committee by Councillor Michael Allan.

### 3.0 PLANNING HISTORY

3.1 No relevant planning history.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located approximately 1.3 miles to the north of Burwell and is outside of the defined settlement boundary. The site comprises maintained grassland and Nesslands Boarding Kennels lies to the west. There are some sporadic dwellings in the vicinity. The site is accessed via junction with the public highway and is part of a private road leading to other properties.

### 5.0 RESPONSES FROM CONSULTEES

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

**Parish** – No objections raised.

**Ward Councillors (Councillor Allan)**- This is to confirm that I am calling in the application: Site South West of Old Ness Farm - Ness Road – Burwell - as I agree totally with the decision of Burwell Parish Council on this matter – No Objection.

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

**Local Highways Authority** - The Highway Authority has no objections in principal to this application. The access / access road to this development benefits from an existing junction with the highway. However the approach road leading to the vehicle access is not adopted highway. The extent of the highway only comprises of the junction and the verge abutting Ness Road.

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

**Environmental Health (Scientific)** - I have read the Envirosearch report dated 14<sup>th</sup> September 2018 and accept the findings. The site appears to be at low risk of land contamination and I recommend that a condition requiring further work is not required. As this application is for a sensitive end use (residential) I recommend that

contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

**Environmental Health (Domestic)** - I note that the proposed site is relatively close to Nessland Boarding Kennels to the west. On checking our records it does not appear as though we have ever received a complaint regarding noise from the kennels despite there being existing residential properties unconnected to the kennels being in closer proximity than the proposed site. For this reason I do not feel it appropriate to ask for a noise impact assessment and I have no objections to raise.

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

5.2 **Neighbours** – One neighbouring property was notified and a site notice was posted in the Cambridge Evening News. No responses have been received.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

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

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2018

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

### 6.4 Submitted Local Plan 2018

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP5	Community-led development
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP25	Managing Water Resources and Flood Risk



LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 The main issues to consider when determining this application relate to the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and other matters.

7.2 **Principle of Development**

7.3 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) and the 2018 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land.

7.4 In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.5 The proposed dwelling would make a small but positive contribution to the local housing supply in the form of one dwelling and would be beneficial to the economy in the short term due to the construction stage, although this holds limited weight in the determination of the application.

7.6 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.7 With regard to the existing dwellings in the vicinity, these are historic properties and remain isolated within the agricultural landscape. The application site is located approximately 1.3 miles to the north of Burwell. Public transport links are poor and this would mean that future occupiers of the proposed dwelling would rely on the use of a car to access basic services which is contrary to policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018. The public highway between the site and Burwell does not benefit from pedestrian footpaths or street lighting, and therefore any person choosing to walk between the site and the nearby town would have little choice but to walk on the public highway.

7.8 The Local Planning Authority considers this site to be unsustainable, as there are a number of sites locally within Burwell as well as other nearby settlements within the district that are considered to be much more sustainable in terms of their suitability for residential development.

## **7.9 Visual Amenity**

7.10 In terms of visual amenity, Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2018 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The full details of the visual appearance have not been included within the application and would need to be assessed at reserved matters stage. The dwelling is positioned on a plot which is already well screened and which can accommodate additional planting. It is considered that a dwelling would be satisfactorily accommodated on the site without being visually intrusive. There are other residential dwellings at sporadic points along Ness Road and therefore the introduction of one dwelling would not be significantly harmful to the rural character and appearance of the area.

7.11 The applicant has included scale as one of the matters to be determined. The plans show an acceptable footprint measuring 7.1m in depth and 5.1m in width across the frontage. The height of the proposed dwelling at 5m is considered appropriate.

## **7.12 Residential Amenity**

7.13 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 states that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There is more than sufficient distance between the indicative footprint of the proposed dwelling and the neighbouring properties to the north-east and south-west. These distances are considered sufficient to prevent overlooking or overshadowing impacts to neighbouring occupiers and it has been demonstrated that there is sufficient room within the plot to achieve an acceptable layout. The full impact of the proposed dwelling on the residential amenity of nearby occupiers would be assessed at reserved matters stage once all of the details are submitted.

7.14 Nesslands Boarding Kennels is located to the west of the site, however Environmental Health have reviewed the proposals and have advised that no complaints have been received about noise from other residential properties which are unrelated to the kennels, and therefore they do not feel it is appropriate to request a noise assessment and raise no objection.

7.15 The proposed plot size, rear amenity space and building size comply with the requirements of the Design Guide SPD.

## **7.16 Highways**

7.17 The Local Highways Authority has been consulted regarding the application and has confirmed that they have no objections in principal to this application. The indicative layout suggests that there is sufficient room on site for the manoeuvring

and parking of two vehicles, and this is considered to comply with Policy COM8 of the Local Plan 2015.

## **7.18 Ecology**

7.19 The site is maintained grass land and therefore the proposal is not considered to impact biodiversity in the area. It is considered appropriate to seek biodiversity improvements as part of the application, and this can be secured by condition. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously undeveloped land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements. The hard and soft landscaping details for the site can be secured by condition.

## **7.20 Flood Risk and Drainage**

7.21 The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. A scheme for the disposal of foul and surface water drainage can be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects 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 2018.

## **7.22 Planning Balance**

7.23 The proposal would provide the following benefits- the provision of an additional residential dwelling to the district's housing stock which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

7.24 However, it is considered that these benefits would be outweighed by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to gain access to services and facilities. For these reasons the application is recommended for refusal.

## **8.0 APPENDICES**

None

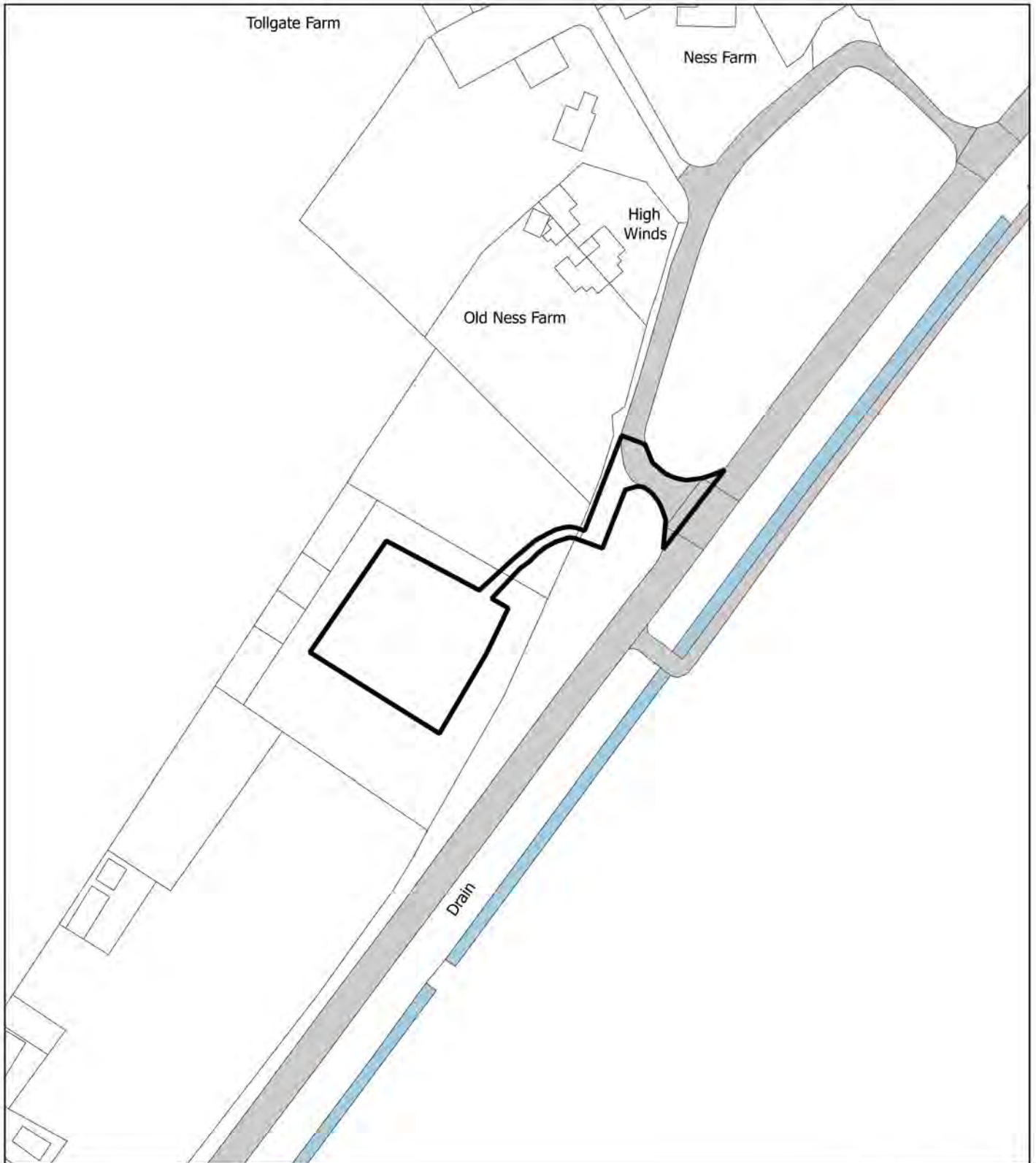
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01291/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcamb.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/01291/OUT

Site South West of  
Old Ness Farm  
Ness Road  
Burwell



East Cambridgeshire  
District Council

Date: 21/11/2018  
Scale: 1:1,250



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## **Planning Performance – October 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>200</b>	<b>5</b>	<b>54</b>	<b>44</b>	<b>25</b>	<b>19</b>	<b>53</b>
<b>Determinations</b>	<b>132</b>	<b>6</b>	<b>31</b>	<b>32</b>	<b>16</b>	<b>12</b>	<b>35</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>94%</b> (80% within 8 weeks)	<b>97%</b> (90% within 8 weeks)	<b>88%</b> (90% within 8 weeks)	<b>50%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>116</b>	<b>4</b>	<b>22</b>	<b>30</b>	<b>13</b>	<b>12</b>	<b>35</b>
<b>Refused</b>	<b>16</b>	<b>2</b>	<b>9</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>

<b>Open Cases by Team</b>							
<b>Team 1 (3.5 FTE)</b>	<b>176</b>	<b>14</b>	<b>60</b>	<b>15</b>	<b>11</b>	<b>76</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>141</b>	<b>8</b>	<b>24</b>	<b>47</b>	<b>22</b>	<b>40</b>	<b>0</b>
<b>Team 3 (0 FTE)</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>0</b>
<b>No Team (6 FTE)</b>	<b>167</b>	<b>16</b>	<b>54</b>	<b>3</b>	<b>9</b>	<b>27</b>	<b>58</b>

### **No Team includes – Planning Manager, Trees Officer and Agency Workers (x4)**

The Planning department received a total of 233 applications during October which is a 25% increase on October 2017 (187) and 34% increase from September 2018 (174).

### **Valid Appeals received – 3**

Land South Of Main Street Witchford – Delegated Decision

19 Hillside Meadow Fordham Ely – Delegated Decision

Land At Bury Lane Haddenham Cambridgeshire – Committee Decision

### **Appeals decided – 1**

Land North Of 22 Marroway Lane Witchford – Committee Decision – Dismissed – 25/10/2018

### **Enforcement**

New Complaints registered – 39 (7 Proactive)

Cases closed – 19 (4 Proactive)

Open cases/officer (2FTE) – 233 /2 = 116.5 per FTE (55 Proactive)

**Notices served – 0**

**Other Information**

17/000893/FUM - Blackberry Lane Soham Appeal Inquiry date has been set for 11/12/2018. It will be held in the Council Chamber and will run for 3 days.

17/01371/OUM & 17/01732/OUM – Land North of 17-45 Toyse Lane & Land North of Ness Road, Burwell. Appeal Inquiry date has been set for 29/01/2019. It will be held at Mandeville House, Burwell and will run for 4 days.