



# 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, 7<sup>th</sup> August 2019

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

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### **Membership:**

#### **Conservative Members**

Bill Hunt (Chairman)  
Christine Ambrose Smith  
David Brown  
Lavinia Edwards  
Josh Schumann  
Lisa Stubbs (Vice Chair)

#### **Liberal Democrat Members**

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

#### **Substitutes:**

David Ambrose Smith  
Lis Every  
Julia Huffer

#### **Substitutes:**

Christine Whelan  
Charlotte Cane  
Simon Harries

#### **Lead Officer:**

Rebecca Saunt, Planning Manager

**Quorum:** 5 Members

**PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9:15am**  
(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 meetings held on 12<sup>th</sup> June 2019
  
4. Chairman's Announcements **[oral]**
  
5. **18/01303/FUL**  
Demolition of existing cottage and outbuildings and the erection of 6no. dwellings with 2no. crossovers, shared surface access road and associated works.  
  
Gosling Cottage, 165 The Street, Kirtling  
Applicant: Hamilton Developments (Newmarket) Ltd  
  
Site Visit: 10:10am
  
6. **18/01435/OUM**  
Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways.  
  
Site East of Clare House Stables, Stetchworth Road, Dullingham  
Applicant: White Crown Stables Limited  
  
Site Visit: 11:25am

7. **18/01704/FUM**

Demolition of existing dwelling (No. 28 High Street) and construction of 10 dwellings together with vehicular access, surface water drainage, landscaping and associated infrastructure.

Site West of 22 to 30 High Street, Ashley

Applicant: Arbora Homes Ltd

Site Visit: 9:45am

8. **19/00479/FUL**

Construction of 1no. four bedrooms, detached dwelling, detached double garage, parking, access and associated site works.

Plot 1 Land to Rear of 17 Short Road, Stretham

Applicant: Mr & Mrs Carl Cox

Site Visit: 12:25pm

9. **19/00708/OUT**

Five single storey dwellings with detached garages.

Site to West of 10 – 20 Sheriffs Court, Burrough Green

Applicant: Mr F Peers

Site Visit: 10:40am

10. **Planning Performance Report – May 2019**

11. **Planning Performance Report – June 2019**

## NOTES:

1. Members of the public are welcome to attend this meeting. 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.

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 30 seated people and 20 standing.

2. Fire instructions for meetings:
  - 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.
  - The fire assembly point is in the front staff car park by the exit barrier.
  - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
  - The Committee Officer will sweep the area to ensure that everyone is out of this area.
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 12<sup>th</sup> June 2019 at 2.00pm.

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

Cllr Bill Hunt (Chairman)  
Cllr Christine Ambrose-Smith  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matt Downey  
Cllr Lavinia Edwards  
Cllr Alec Jones  
Cllr Josh Schumann  
Cllr Lisa Stubbs (Vice Chair)  
Cllr John Trapp  
Cllr Gareth Wilson

## **OFFICERS**

Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager  
Barbara Greengrass – Planning Team Leader  
Toni Hylton – Planning Officer  
Anne James – Planning Consultant  
Janis Murfet – Democratic Services Officer  
Rebecca Saunt – Planning Manager  
Dan Smith – Planning Consultant  
Andrew Phillips – Planning Team Leader

## **IN ATTENDANCE**

Cllr Julia Huffer (Agenda Item No. 7 & 13)  
Approximately 25 members of the public

### **3. APOLOGIES AND SUBSTITUTIONS**

There were no apologies given or substitutions made.

### **4. DECLARATIONS OF INTEREST**

The Planning Manager declared a personal interest in Agenda Item 13 (19/00371/FUL, 16 Duck Lane, Haddenham, CB6 3UE) as the applicant was known to her. She wished it to be clear that she had not had any involvement in the application and had not read the Case Officer's report.

Cllr Schumann declared a personal and prejudicial interest in Agenda Item 9 (19/00036/FUL, 5A White Hart Lane, Soham, CB7 5JQ) as he lived in White Hart Lane.

Cllr Austen declared a personal interest in Agenda Item 8 (18/01607/OUT, Land West of 51 Hillrow, Haddenham) as the applicant was known to her.

## **5. MINUTES**

It was resolved:

That the Minutes of the meetings held on 24<sup>th</sup> April and 30<sup>th</sup> May 2019 be confirmed as a correct record and signed by the Chairman.

Councillor Schumann wished to have it placed on record that he did not consider himself to have been demoted as he was no longer Chairman of the Planning Committee. He believed that there should be a change of Chairman after a certain period, and he had therefore been pleased to propose Cllr Hunt.

## **6. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- He welcomed the new Members of the Committee;
- He stressed the importance of the planning bus, saying that the site visits were valuable and he urged Members to attend them;
- Members were reminded that Planning was a quasi-judicial Committee and not political. It was essential to keep an open mind when considering applications;
- This Authority allowed the use of electronic devices to look at agenda papers during meetings. He did however, expect Members to give their full attention at all times;
- New Members should not worry about asking what they thought were 'silly questions' because it was very likely that others had the same queries;

The Chairman concluded by saying that he was new to the role, but it was his wish to facilitate rather than dominate the meetings.

**7. 18/00059/FUM & 19/00272/FUM – LAND REAR OF 55 TO 69 FORDHAM ROAD, SOHAM**

Barbara Greengrass, Planning Team Leader informed the Committee that as Agenda Items 5 and 6 were for exactly the same site and proposal, it had been agreed that they would be considered together.

The reports (reference U8 and U9, previously circulated) sought permission for the erection of 78 dwellings, of which 23 (29%) would be affordable. The main access would be onto Fordham Road together with four additional access points to serve small groups of dwellings. Clipsall Lane, the existing Public Right of Way through the site, would be retained and enhanced and two new areas of public open space would be provided within the development.

It was noted that application reference 18/00059/FUM had come to Committee on 5<sup>th</sup> December 2018 and was deferred to allow the applicant to work with Officers to address the points made by the Planning Committee in relation to making provision for less tandem parking and drainage.

Application reference 19/00272/FUM was a duplicate, the rationale being that if 18/00059/FUM was refused permission, any issues arising in this application could be addressed.

Tabled at the meeting was a paper which set out the following matters arising to both applications:

- 1) Removal of Condition 20 on both applications as it is no longer required as an Arboricultural Method Statement has now been submitted and is acceptable to the Council's Trees Officer;
- 2) Amendment to Condition 9 of both applications to delete reference to the 'pipe reference number' at part (c) and 'maintenance/adoption' at part (h);
- 3) The latter will be included within the Section 106 legal agreement to allow for transfer of the Suds areas to the Council together with financial contributions for the long term maintenance of these areas;
- 4) Amendment to drawing numbers in relevant conditions to reflect amended plan received since the Officer Report was written.

Members noted that the site lay approximately 1 kilometre 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 was located within the settlement boundary of Soham and comprised most of the land allocated within housing allocation SOH4.

The application had been brought to Planning Committee in accordance with the Council's Constitution, as it was for over 50 dwellings.

A number of illustrations were displayed at the meeting, including a map, aerial view, proposed site layout, housing mix, elevations and the siting of the affordable housing.

The main considerations in the determination of the applications were:

- Principle of Development;
- Visual Impact, Layout & Mix;
- Residential Amenity;
- Highway Safety & Transport Impact;
- Flood Risk & Drainage; and
- Trees & Ecology.

As the Authority was currently unable to demonstrate a 5 year supply of land for housing, local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The site was located within the established development framework of Soham and in 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 meant that it was considered to be in a sustainable location.

With regard to visual impact, the location of the site adjacent to the south eastern corner of the town was well related to the existing built form and was reasonably well contained. The boundary to the eastern rear edge of the site was visually open and would need careful treatment as views of the new development would be possible from the A142. The scheme proposed to replace the existing post and rail fencing along this boundary and retain any existing vegetation. It was also proposed to provide a landscaped buffer which would give a soft edge to the development and to retain and enhance the rights of way within and alongside the site.

The layout of the scheme would ensure that the existing residential amenities of the occupants of the neighbouring dwellings fronting Fordham Road would be adequately respected and maintained. It would provide for an attractive residential development, with two large areas of green public open space to either side of the site linked via the widened Clipsall Lane Public Right of Way, creating a central green corridor through the development.

Overall, it was considered that the new housing could be successfully integrated into the town's setting with limited adverse effects on visual amenity. There would be an appropriate transition between the wider countryside setting and the built form of the town and the development of 78 dwellings could be achieved without causing significant harm to the character and appearance of the area.



The submitted noise assessment concluded that there would be no impact from the A142. The applicant had amended the internal layout to provide for secondary windows to bedrooms where possible and to ensure that few habitable rooms were affected by road noise. The developer had located habitable rooms to the rear and affected dwellings would also be fitted with acoustic ventilators.

Suitable separation distances and boundary treatments were proposed to ensure the residential amenity of the adjoining residents were not unduly compromised and the proposed pumping station was sited outside of the required 15 metre cordon sanitaire. It was considered that the proposal provided for a development with acceptable living conditions and residential amenity for proposed occupiers and existing residents.

The main access to the site was from Fordham Road and would 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 would also be provided along the existing byway to be retained and enhanced and leading directly to the play area.

It was noted that the County Council Transport Planning Team were of the view that the proposed development was likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout. A financial contribution of £74,160 had been requested to mitigate this impact, together with a Travel Plan; this would be secured by S106 Agreement and Travel Plan condition.

The proposed car parking provision accorded with planning application 18/00059/FUM. The plans proposed 78 dwellings with a total of 185 car parking spaces, including visitor spaces; a total of 31 dwellings would now have parking spaces that were not tandem.

Speaking of flood risk and drainage, the Planning Team Leader said that the infiltration features designed across the site generally took the form of shallow crates and swales. In the northern section of the site from Plots 3 to 26, there would be an infiltration basin with bunded sides. The surface water from adjacent plots would be collected using filter drains which fed into the basin. This arrangement was acceptable to the Lead Local Flood Authority.

Foul water would be dealt with by means of a pumping station on site which would store and then pump when the system had capacity. Members noted that the applicant had engaged with Anglian Water at an early stage to design a solution that would be acceptable and absorb capacity within the wider network. Anglia Water were satisfied with the solutions put forward.

The vast majority of the vegetation and trees on the site would remain, and the Trees Officer was satisfied with the submitted Arboricultural Impact Assessment and Tree Protection Plan subject to recommended conditions. There would be no adverse impact on nearby SSSI's or East Fen Common, subject to mitigation.

In connection with other material matters, it was noted that education contributions would be secured by S106 Agreement, and no archaeological investigations required.

The Planning Team leader concluded her presentation by saying that both 18/00059/FUM and 19/00272/FUM were recommended for approval with authority being delegated to the Planning Manager, subject to the conditions in the report, the amendments in the matters arising & a S106 legal agreement.

At the invitation of the Chairman, Mr Chris Smith, on behalf of the applicant, addressed the Committee and made the following points:

- Since the previous application, the layout had been amended in respect of car parking and drainage;
- All true tandem parking spaces had been removed;
- There had been ground water testing and surface water would be addressed by means of a drainage pond;
- The scheme would deliver 78 dwellings, of which 23 would be affordable homes. There would also be public open space and a children's play area;
- The contributions in respect of S106 and Community Infrastructure Levy (CIL) would be in excess of £1 million;
- The County Council was now happy with the scheme and he hoped that Members would concur with the Officer's recommendation.

Councillor Edwards was pleased to see that the issue of tandem parking had been addressed but wished to know if work on the A142 roundabout would be carried out before work on the site. Mr Smith replied that the developer would make the financial contribution and then it would be over to Highways to do the work.

Councillor Wilson asked why two applications had been submitted. Mr Smith said it was a technical proposal based on the rationale that if the first application was refused, then the second application could be amended to overcome any issues.

In response to a question from Councillor Trapp regarding who would have financial responsibility for the disposal of foul water, Mr Smith said that the scheme for the wider network would be fully adopted by Anglian Water.

Councillor Schumann asked Mr Smith if, in his opinion, the new parking arrangements diminished the design of the site. Mr Smith replied that he had tried to take a careful balance. The size of some properties had been reduced and the mix was not now as wide, but the development would be more accessible.

Councillor Brown took issue with the view that the development would be well served by public transport because in his opinion, nowhere in the District was well served. He also said that the Heads of Terms should be amended to state 29% affordable housing.

In proposing that the Officer's recommendation for approval in respect of planning application 18/00059/FUM be supported, Councillor Schumann said that this was a good example of an applicant coming back to Committee with a better scheme. It met most of the policy requirements and the applicant had gone a long way to meet those requirements.

Councillor Ambrose Smith seconded the motion for approval, and when put to the vote,

It was resolved unanimously:

- 1) That planning application reference 18/00059/FUM be APPROVED subject to the signing of the S106 Agreement and the recommended draft conditions, including the amendments tabled at the meeting in the matters arising, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission;
- 2) The S106 will secure the following:
  - 29% affordable housing;
  - Financial contribution of £74,160 towards the mitigation required at the A142/Fordham Road/A1123 roundabout;
  - Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these area;
  - Education and libraries contribution of £769,837;
  - Financial contribution of £8,000 towards the upkeep of the Commons;
  - Contributions for wheelie bins.

It was proposed by Councillor Schumann and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval in respect of planning application 19/00272/FUM be supported. When put to the vote,

It was resolved unanimously:

- 1) That planning application reference 19/00272/FUM be APPROVED subject to the signing of the S106 Agreement and the recommended draft conditions, including the amendments tabled at the meeting in the matters arising, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission;
- 2) The S106 will secure the following:

- 29% affordable housing;
- Financial contribution of £74,160 towards the mitigation required at the A142/Fordham Road/A1123 roundabout;
- Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these area;
- Education and libraries contribution of £769,837;
- Financial contribution of £8,000 towards the upkeep of the Commons;
- Contributions for wheelie bins.

**8. 18/01375/FUL – PATTERSONS STORES, 11 MILL STREET, ISLEHAM**

Toni Hylton, Planning Officer, presented a report (reference U10, previously circulated) from which Members were asked to consider the proposed demolition of a store building to the front and 3 barns to the rear of the site and replace the buildings with 6 dwellings with associated access.

The Committee was asked to note that letters from occupants of Mill Street, Limestone Close, the Parish Council, former Councillor Mark Goldsack, and the agent, had been received since the publication of the Case Officer's report. The letters from neighbours reiterated their concerns from previous correspondence; the loss of the building due to neglect (deliberate) was contrary to planning policy. The Parish Council reiterated their comments, regarding retaining the buildings, changes in levels, views of the Conservation Area and highway safety. Cllr Goldsack said that Members needed to see the site, and the loss of the building needed to be questioned. The applicant was required to pay Council Tax but since the applicant had owned the site (2016), no one had been living there.

The site was within the development envelope for Isleham, in a central location in Mill Street. It was also within the Conservation Area, with a Listed Building opposite and views of the Listed church. The site had been vacant since 2008, according to the application, and had not been maintained in that time and parts of the building were in a poor state of repair.

It was noted that the application had been called in to Committee by former Councillor Derrick Beckett due to the prominence of the site in a central village location, its impact on the street scene, and public interest. He wished it to be considered by the Planning Committee.

A number of illustrations were displayed at the meeting, including a map, aerial view, proposed layout, housing mix, elevations and floor plans, and photographs of the location.

The main considerations in the determination of the applications were:

- Principle of development;

- Residential amenity;
- Visual amenity;
- Historic environment;
- Highways;
- Ecology;
- Flood Risk; and
- Energy & sustainability.

The Authority was currently unable to demonstrate a 5 year supply of land for housing and therefore local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The proposed scheme would result in the loss of a commercial unit, but the application was supported by a marketing report which identified that the site had been marketed for 12 months without attracting any interest and had been empty for approximately 11 years. A number of concerns had been raised regarding the loss of a retail unit in the village but there were existing facilities in Isleham which had been meeting the needs of the local community. It was considered that a building such as this did not meet modern standards and would therefore have limited interest to most retailers. The Marketing Report was considered acceptable and the loss of a retail outlet was accepted; in principle the proposal met the criteria of Policy COM3.

The Planning Officer drew Members' attention to the three photographs relating to the issue of residential amenity, saying that the application site would be 4.8 metres higher than the dwellings in Limestone Close. However, it was considered that the proposal had addressed the concerns of the potential for overlooking and being overbearing and as such was compliant with policy.

In terms of visual amenity, the proposal was in a central location in the village and had simple elevations. The scheme would not appear intrusive and the design had been kept simple with low roofs so as not to compete with adjoining properties or detract from the character of the area. The site could easily accommodate 6 dwellings at a reasonable density and each plot would have a minimum of 2 parking spaces and space around the dwellings so as not to appear cramped. The height of the dwellings had been kept low to minimise the impact of the proposal on the locality.

Turning next to the historic environment, the Planning Officer stated that in consultation with the Conservation Officer following the submission of the amended plans, it was considered that the original concerns raised had been addressed. The design of the dwellings having been made simpler and the reduction in height assisted in reducing the overall impact of the development on the area.

In discussion with the Conservation Officer, the loss of the buildings was not considered to be a reason to refuse the application, as their retention was not thought to be of historic importance. None of the buildings were worthy of being Listed in their own right, and for the most part they were in a poor state of repair. The application was supported by a Structural Report which concluded that the main building to the front was virtually beyond repair and not financially viable. The balanced view was that the loss of the buildings was considered to be acceptable, but only on the basis of a comprehensive and well-designed scheme.

The Historic Team (Archaeology) considered the scheme to be acceptable, but would require a pre-commencement condition relating to a Written Scheme of Investigation.

The Planning Officer reiterated that the Local Planning Authority could not determine whether a building had been deliberately neglected.

In connection with highways, it was noted that access was from Mill Street and parking was provided for all of the dwellings to the rear of the site. The Highways Officer considered the proposal to be acceptable on the basis of conditions being attached to ensure the provision of visibility splays, and access to be 5 metres wide for a minimum of 10 metres, with parking and turning. However, the road into the site would not be to an adoptable standard.

Members noted that the application was supported by an updated Ecological Report, which concluded that the site had limited scope for protected species. However, in order to have a net biodiversity gain, there should be an attempt to plant native species and include other measures such as bird and bat boxes; this could be achieved by condition.

The application site was located within Flood Zone 1 and it was considered that any drainage issues could be dealt with by conditions.

While no energy or sustainability measures had been proposed as part of the submitted application, this could be addressed by way of conditions.

The Planning Officer concluded her presentation by saying that on balance the proposal was considered to be acceptable. It would create public benefits such as additional housing and a contribution towards the economy and would result in less than substantial harm to the heritage assets; it was therefore recommended for approval.

At the invitation of the Chairman, Mr Kelvin Morgan spoke in objection to the application and made the following points:

- He was the owner of 28 Limestone Close, and while he did not object to development as such, he did object to this proposal because it was unsympathetic;
- Limestone was a reoccurring feature in the area and demolition of the buildings would detract from the locale;

- The proposal was unneighbourly because Plot 6 would be only 1 metre away from his property and overbearing in terms of the amenity of his home;
- He disagreed that demolition was the only financially viable option and questioned that £215k would be insufficient to restore the building;
- The loss of Pattersons would be detrimental to the street scene and the village.

Councillor Schumann asked Mr Morgan if he was aware of the property having been left intentionally vulnerable and Mr Morgan replied that he was. Roof tiles had been removed and there had been no upkeep.

Councillor Wilson having noted that Mr Morgan said he was happy to have development but did not want the house or barns to be demolished, asked him what he thought could be done on the site. Mr Morgan said it should be something sympathetic, ideally with the store being refurbished and made good.

Councillor Trapp asked Mr Morgan how he viewed the clunch wall to the left of the frontage and Mr Morgan responded that he would like to see it maintained, as the clunch walls 'made' Isleham.

Referring to Mr Morgan's comment about the property having been deliberately ignored, Councillor Jones asked when the neglect had started. Mr Morgan replied that it was difficult to pinpoint it, but it would have been about 5 years ago when tiles were being removed.

Councillor Downey remarked that the property was in a pretty bad state. While the developers had said that it would not be cost effective to restore it, he wondered whether it would be preferable to have the proposed development or leave the property in its current state.

At the invitation of the Chairman, Mrs Linda Walker, agent, addressed the Committee and made the following comments:

- The site had been marketed with vacant possession and there had been 18 viewings. Nobody came forward, they were most likely put off by the potential expense of renovating the buildings;
- Mr Sleightholme purchased the site with a development option to possibly restore the building and develop the rest of the site;
- The building was not viable, as confirmed by the Structural Engineering Report, and it was in a dangerous state of repair. The clunch barn was also in a dangerous state and beyond economic repair;
- With regard to the allegations of the building being left in disrepair, an application had been submitted in 2017 but there had been concerns regarding the proposal and this was subsequently withdrawn;

- The applicant had worked closely with Officers and there had been a plenary enquiry. The design had been negotiated with the Conservation Officer and the application considered very carefully;
- The proposal tried to follow the traditional built form, with an amended location for the frontage and the listed buildings being safeguarded;
- The clunch wall could be kept if it did not interfere with the highway;
- Neighbour amenity had been addressed throughout the site so that there would be no overlooking.

Councillor Schumann had a number of questions for Mrs Walker. He noted that there was nothing in the recommended conditions to prevent removal of a fence and Mrs Walker replied that this could be conditioned. He next asked if the applicant was aware of windows being left open and roof tiles being removed. Mrs Walker said that tiles had been removed from the outbuildings because they were slipping but she could not comment on the open windows. Councillor Schumann replied that it would be more sensible to replace rather than remove the tiles.

Councillor Stubbs commented that one window was left fully open during the recent bad weather and this was evident on the Committee's site visit and she asked when the property had last been checked; Mrs Walker was unable to give an answer. Councillor Stubbs next asked about the property being occupied and Council Tax being paid and Mrs Walker said that something came forward that the building was occupied, but this was incorrect.

Speaking of amenity, Councillor Jones asked if consideration had been given to using render; Mrs Walker said the conditions would address materials, but her client would not be adverse to render.

The Chairman said he had been surprised to find that Members were unable to access the site and view it from various points and he wished to know why access was not available. Mrs Walker apologised, saying that the site was secured. Had she been made aware that Members were visiting the site, she could have arranged access.

At the invitation of the Chairman, Parish Councillor Derrick Beckett, Isleham Parish Council, addressed the Committee and made the following remarks:

- Isleham was an edge of fen village. It had small shops and numerous examples of shops that had been sympathetically converted to homes, so it had not lost its character;
- Pattersons Stores was very prominent in the village and the Parish Council wished to see it saved. It was in the Conservation Area and part of the village's heritage;



- The building had deteriorated since last being occupied;
- Isleham was characterised by clunch and demolishing the buildings would cause demonstrable harm. Disturbance to the clunch pits could crumble walls;
- The proposed density of 10 dwellings per acre was too high for the rest of the site and the level of overshadowing would be unacceptable;
- He asked that the application be refused and a better proposal brought back to Committee.

In response to a question from Councillor Downey regarding what he thought would be ideal, Councillor Beckett said the site should be viewed objectively because it was an integral part of the village. The scheme should be something more favourable in terms of density and the height of the proposed dwellings.

Councillor Trapp asked if the village wished to retain the clunch wall and Councillor Beckett replied that there were builders who could rebuild it if retention was possible.

Councillor Downey wondered what Councillor Beckett found particularly unsympathetic about the development and the latter said that replacing the shop front, the clunch building and the 3 tile buildings would result in something that was not much different to any other development.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham & Isleham, addressed the Committee and made the following points:

- She struggled with the concept of buying a building and leaving it vulnerable and then replacing it with something unsuitable and out of keeping;
- People were far too quick to knock down buildings;
- The applicant should listen to the views of the village.

Councillor Trapp enquired whether all should be restored, or just the frontage of the store; Councillor Huffer said it should be the frontage. She thought it strange that Members could not access the site, as the Police, having been called there several times, had been able to do so. It appeared to her that access was selectively available.

Councillor Schumann asked the Case Officer to explain how she came to the conclusion that neglect could not be proven. She said that one could see the state of the building, but she could not comment; it was a case of making a balanced judgement.

The Chairman interjected to say that with the building being in the Conservation Area, there would have to be a proven benefit to the community in allowing it to be demolished. He also felt that there was confusion regarding occupancy and Council Tax.

Councillor Ambrose Smith said that she had heard the arguments for retention of the building and in her own community she had seen commercial properties turned to dwellings. The clunch wall was very attractive but she wondered how the back of the site could be successfully developed. She was doubtful about the number of properties that would be available.

Councillor Wilson was doubtful that it would be practical to do anything with the building. The proposal offered new buildings of a simple design in the Conservation Area. He believed that Plot 6 would be too tall and therefore impracticable for the neighbours. He would prefer the application to be refused on the grounds of design and the applicant to come back to Committee.

Councillor Schumann said the same window was open when he had passed the property last week. He believed there was evidence to suggest deliberate neglect and reminded Members that therefore it did not comply with the NPPF and Policy ENV11 of the Local Plan due to the deliberate neglect. It was not the Committee's problem if it was not viable to restore the building. He also agreed with Councillor Wilson about overshadowing having a detrimental impact. This proposal was overdevelopment of the site, it was not in keeping and did not reflect the street scene.

Councillor Downey did not feel that the allegations of neglect, the talk of antisocial behaviour or Members being unable to access the site could be laid at the feet of the developer. Some buildings at the rear of the site were in such a state of disrepair that a few missing tiles was not an issue. There was understandable concern that the High Street was losing its 'feel', but without development, people would not come to the village. It was questionable that the proposal flew in the face of the character of the village and it would not be the end of the world if Isleham had new buildings. There was a choice between having this development and leaving the site in a state of disrepair, and he could not find any convincing arguments against the scheme.

Councillor Edwards believed the density of the site was too high and said she would like to see the applicant come back to Committee with something else.

Councillor Brown agreed saying that the benefit of additional housing did not outweigh the harm to the character of the village.

It was proposed by Councillor Schumann and seconded by Councillor Wilson that the Officer's recommendation for approval be rejected and the application be refused. When put to the vote the motion was carried, there being 10 votes for and 1 against.

It was resolved:

That planning application reference 18/01375/FUL be REFUSED for the following reasons:

- Overshadowing and impact on residential amenity caused by Plot 6 on property in Limestone Close;
- Overlooking potential from a window on Plot 6;
- Overdevelopment of the site in a sensitive location;
- The design is not in keeping with the street scene and built form;
- Deliberate neglect is demonstrable and therefore the proposal is contrary to the National Planning Policy Framework and Policy ENV 11.

**9. 18/01607/OUT – LAND WEST OF 51 HILLROW, HADDENHAM**

Dan Smith, Planning Consultant presented a report (reference U11, previously circulated) which sought outline permission for the erection of up to two dwellings. Approval for the detailed matter of scale was being sought while access, appearance, landscaping and layout were reserved for future consideration.

The application site was an undeveloped parcel of land to the south of Hillrow. It was located outside but immediately adjacent to the development envelope for Haddenham which extended to the eastern side boundary of the site. The site was not within the Conservation Area, but the boundary ran along the front of the site and included buildings on the north side of the road.

It was noted that the application had been called in to Committee by former Councillors Steve Cheetham and Stuart Smith to allow a wider debate, given the local concerns regarding the application.

A number of illustrations were displayed at the meeting, including a map, aerial view and an indicative layout of the proposal.

The main considerations in the determination of the applications were:

- Principle of development;
- Sustainability of the site;
- Highway safety and parking;
- Residential amenity;
- Visual impact and historic environment; and
- Biodiversity.

The Committee was reminded that as the site was outside the development envelope, it was contrary to policy Growth 2 of the Local Plan which sought to direct development to sites within development envelopes. However, the Council could not currently demonstrate a 5 year supply of

available housing land and in those circumstances the NPPF required that applications for housing be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits derived from the development. A balancing exercise therefore needs to be carried out, weighing the benefits of the scheme against any adverse impacts.

The site was accessible via a paved footpath from the centre of Haddenham via a footpath on the north side of Hillrow. Haddenham provided a good range of services and facilities for residents, as well as opportunities for employment and public transport links further afield.

On the basis of its proximity to the development envelope and the accessibility of the site from the centre of Hillrow, the site was considered to provide future occupants with sustainable transport options and with access to a good range of services and facilities. It was therefore considered that the site was sustainable for residential development.

With regard to highway safety and parking, the detailed arrangements were reserved for future consideration and the application only needed to demonstrate the potential for the site to be safely accessed. A drawing demonstrated that the required visibility splays of 120m in both directions could be achieved. There was adequate space on site to provide parking and turning for two domestic vehicles per property.

The existing dwellings on the south side of Hillrow did not benefit from footpath access along the south side of the street, and the Local Highways Authority highlighted the lack of footpath link and the potential for highway safety impact in respect of pedestrians. However, it was considered that the risks were very limited and could adequately be mitigated by the provision of a new crossing point to the south side of the road. This would not be a formal traffic crossing point, but would likely take the form of a short area of footpath to the south side of the road on the site frontage providing a safe place for pedestrians to cross to and from.

The site was currently a gap site between the existing ribbon development on the south side of Hillrow to the east of the site and the old church rooms to the west. The proposed dwellings would be on land at a lower level than that of the road. The development of the site was not considered to cause harm to the visual amenity of the area or to the setting of the Conservation Area opposite and it was not considered to harm the setting of the listed buildings in the vicinity.

The detailed matters of layout and appearance were reserved for future consideration, but given the width of the site and the limited height of the dwellings proposed, it was considered that two dwellings could be accommodated on site without any significant loss of light, visual intrusion or overshadowing to the residential dwellings to either side or those opposite the site. It was also considered that a window arrangement could be designed to ensure that there would be no significant loss of privacy for neighbouring dwellings. Noise and disturbance during construction at unsociable hours would be mitigated by controlling the hours of construction.

A Preliminary Ecological Appraisal was undertaken for the site and it concluded that there was no roosting opportunity for bats, there was some ground cover for birds and it would not impact on Great Crested Newts. The site was assessed as being suitable in some parts for reptiles. A follow up survey was conducted and found evidence of a single grass snake under a refuge within the site, but no other reptiles were found.

Mitigation measures would be addressed by way of conditions and a scheme of biodiversity enhancement was proposed to ensure the development complied with national and local policy.

In connection with other material matters, it was noted that the Council's Environmental Health Officer considered that an investigation of contamination would be required prior to development and this would be addressed by a condition.

The site was located in Flood Zone 1 and was therefore considered to be acceptable in terms of its susceptibility to and impact on flood risk and drainage.

No adverse impacts had been identified and therefore no harm existed that would significantly and demonstrably outweigh the benefits associated with the provision of the additional dwellings. As such, the consideration of the scheme on the tilted balance indicated that the proposed development should be approved.

At the invitation of the Chairman, Mrs Jane Howell spoke in objection to the application and made the following remarks:

- She lived in the Old Church Room and her garden faced south, giving her breathtaking views;
- It was a real sanctuary for wildlife and when she first moved there, it was an area of best landscape. It was sad to see Hillrow losing its rural historic and agricultural feel and character;
- Cutting into the grass verges had diminished the character of the area and traffic had increased, making the road dangerous. There was a hazardous section of road where the bend was obscured and she was worried that the traffic problems were not being recognised;
- How does the pedestrian crossing make the proposal sustainable;
- The extraordinary setting at the Porch House was being destroyed and she urged Members to refuse the application.

At the invitation of the Chairman, Mr Ben Pridgeon, agent, addressed the Committee and made the following comments:

- In terms of scale, the height and footprint of the proposal was based on dwellings to the east;

- The site was infill and did not have any protected species on it. There would be no adverse impact on ecology;
- It was a sustainable site with sufficient visibility to the left and right and visibility of 120 metres could be achieved;
- No concerns had been raised by any of the statutory consultees;
- The delivery of the dwellings would be within 5 years;
- The principle of infill dwellings was acceptable and he commended the scheme to the Committee.

Councillor Brown asked why access had not been included in today's application when Mr Pridgeon had said that the work had already been done on it. Mr Pridgeon replied that the Case Officer had said he should show the splays, in order to demonstrate that they were safe.

Councillor Wilson enquired whether the dwellings would share an access or if each would have its own, and he was advised that this would be dealt with at the reserved matters stage.

Councillor Trapp, having noted that the site was part of a larger field, wished to know how the access to the field was to be arranged. Mr Pridgeon replied that this would be agreed when the site was sold.

At the invitation of the Chairman, Mr Alan James, Chairman of the Cambs & Peterborough branch of CPRE, addressed the Committee and made the following points:

- It was unusual for CPRE to be called to a site. He had a personal interest as he lived in Haddenham and he apologised for not being able to get somebody from another branch to come and address Members;
- The site was not sustainable and with limited employment opportunities in Haddenham, it was becoming a dormitory village;
- There was an ancient landscape pattern around Haddenham, the 'Haddenham Bowl';
- This development would have an unacceptable effect and infill would be a coalescing process;
- Ribbon development was changing the nature of the village and needed to be stopped – the gaps should be maintained;
- The proposal was outside the development envelope and not included in the Local Plan, therefore it was not consistent with Policies ENV1 and ENV2;

- Construction would negatively affect the listed buildings and careful thought should be given to the historic landscape;
- CPRE was concerned that high land would be in short supply by the end of the century, because of a loss of land due to flooding;
- The Parish Council strongly objected to the application;
- The road was not safe and there had recently been a serious road traffic accident.

Councillor Ambrose Smith thought it insulting that Mr James was implying that people should be expected to live somewhere, but not in Haddenham. Mr James replied that this was not what he was saying; it was more that there should be consideration of the commensurate employment space.

On a point of information, Councillor Schumann commented that the driver involved in the accident had been found to be using his mobile phone.

The Planning Consultant reminded Members that access was a reserved matter; today's meeting was looking at the principle of safe access and this had been demonstrated.

Councillor Wilson said he knew the road very well and it carried a great deal of traffic. The development to the north was against the hillside whereas the south side was not particularly developed. There was no pedestrian crossing provision and anyone coming back from Haddenham would be at danger from the traffic.

Having visited the site the previous day, Councillor Schumann agreed that the traffic was heavy. The application would fill a gap in the built form, the Council did not have a 5 year supply of housing land and he had seen dozens of such applications over the last few years. He had sympathy with Councillor Wilson's views but this was an outline application and that was what Members were being asked to consider today. Looking at the planning reasons, if access could not be delivered then the application could be refused, but Members should be mindful of the costs associated with an appeal.

Councillor Schumann said he agreed with the Officer's recommendation for approval, and the Chairman also expressed his support.

It was proposed by Councillor Brown and seconded by Councillor Downey that the Officer's recommendation for approval be supported. When put to the vote, the motion was carried, there being 9 votes for and 2 votes against. Whereupon,

It was resolved:

That planning application reference 18/01607/OUT be APPROVED subject to the recommended conditions as set out in the Officer's report.

*There followed a short comfort break between 4.15pm and 4.25pm.*

*Councillor Schumann left the Council Chamber at this point.*

**10. 19/00036/FUL – 5A WHITE HART LANE, SOHAM, CB7 5JQ**

Anne James, Planning Consultant, presented a report (reference U12, previously circulated) which sought planning consent for a development comprising 7 dwellings.

The application site comprised an irregular shaped area of land located on the northern side of White Hart Lane within the Soham Conservation Area. It was just outside of the town centre boundary but within the development envelope and the prevalent character of development here was mixed use.

It was noted that the application had been called in to Committee by former Councillor Hamish Ross due to issues concerning an overdevelopment of the site, potential traffic congestion and lack of parking for residents and visitors.

A number of illustrations were displayed at the meeting, including a site plan, aerial view, photographs of the street scene and surroundings, the proposal and elevations and floor plans.

The main considerations in the determination of the applications were:

- Principle of development;
- Previous reasons for refusal,
- Soham Conservation Area;
- highway and pedestrian safety/parking;
- Residential amenity; and
- Impact on trees.

Speaking of the previous reasons for refusal, the Planning Consultant said that the number of units on the site had been reduced from 9 to 7 and as a consequence, there was now additional parking, an appropriate turning area, pockets of communal landscaping and the retention of a number of the significant trees plus opportunities for tree planting. Some alterations had been made to the design, to be more in keeping with the special character of the Soham Conservation Area.

Given the Council's inability to demonstrate a 5 year supply of land for housing, it was considered that the resubmitted scheme had addressed the previous reasons for refusal and the presumption in favour of sustainable development applied.

With regard to visual amenity, the site currently supported a detached bungalow and detached garage which had no architectural, historic or visual significance. The proposed scheme represented the scale and informal



character of the type of service buildings found in this location and the 'mews' style was more in keeping with the type of development found within the historic core of Soham.

It was noted that the scheme would meet the requirements of the East Cambridgeshire Design Guide in relation to its spatial relationship with existing dwellings and it would provide an acceptable living environment for future occupiers of the development. General disturbance during construction could be mitigated by imposing conditions.

The site was in close proximity to services, facilities and a number of modes of public transport and was therefore considered to be locationally sustainable. There was an existing access in White Hart Lane and it was proposed that this would become a permanent shared use area. With the resubmitted scheme, vehicles would be able to enter, turn around and egress the site in a forward gear and sufficient allocated and visitor parking has been provided.

With the site being in an area of high archaeological potential in the historic core of the town, the County Archaeologist had requested that a Written Scheme of Investigation report be required as part of any consent. It was considered that the impact of the development could be comprehensively considered at a later date.

In terms of ecology, whilst a number of trees would be lost within the site, the proposal presented an opportunity to provide a net environment gain and further information could be submitted by way of a condition on the consent to enhance the ecology of the site.

With regard to other matters, ground contamination, flooding and drainage, waste and energy efficiency could all be dealt with by condition.

The Planning Consultant concluded her presentation by saying that it was considered that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits, and the proposal was therefore recommended for approval, subject to conditions.

At the invitation of the Chairman, Ms Gemma Dudley spoke in objection to the application and made the following comments:

- She worked for Hewitsons and was speaking on behalf of Mr Hugh Scurrah, who owned properties to the east of the site;
- Mr Scurrah strongly objected to the proposal, believing it to be overdevelopment and that it would not protect the amenity of nearby occupiers;
- With 7 separate units, there would be a noticeable increase in noise and disturbance and there would also be considerable overlooking;

- It was clear that the existing parking spaces were inadequate because they were tandem. Vehicles had to reverse in and out and this was an issue of highway safety;
- Where would the displaced vehicles park, because there was no guarantee that the spaces would only be used by residents;
- The parking was not integrated with the development and it would dominate the views. It failed to provide safe access to the highways network;
- There was on-street parking on the narrow streets, which caused a nuisance and inconvenience;
- This overdevelopment would cause an unacceptable impact on amenity.

At the invitation of the Chairman, Messrs Paul Cunningham and David Dawkins addressed the Committee and made the following comments:

Mr Cunningham:

- They had worked with Officers to adapt the scheme and with Highways to ensure the scheme met their requirements;
- With regard to Mr Scurrah, the scale of the development had been amended to reduce the number of properties;
- He thought the development would deliver improvements to access and enhance parking on site, with 2 spaces per house;
- He believed it met the requirements of, and contributed to the Conservation Area and to the Council's 5 year housing supply;
- The issues relating to distance had been addressed;
- The boundary treatments would be beneficial;
- With regard to concerns about highway safety, the Churchgate Street access had been used as an access for 50 years;
- This would be a high quality development. The houses would be sustainable with photo cell roofs and air source heat pumps.

Mr Dawkins:

- He lived at 2 – 4 Churchgate Street; both his wife and son were disabled;
- The Churchgate access had been used for 100 years and cars would be able to use it;

- It was intended to demolish a small timber structure to increase the parking capacity.

In response to a question from Councillor Downey, Mr Dawkins gave the background to the proposal. He explained that Andrew Phillips, Planning Team Leader, had given them pre-application advice. There were subsequent discussions with the Conservation Officer and they were eventually asked to reduce the number of dwellings down to 7. They were planning to invest in Soham and this development was to be their flagship.

Councillor Jones asked Mr Dawkins if he was happy for the application to be subjected to 'green' standards and the latter replied that he would stand by his word. The Planning Manager added that Condition 12 would address this and the standard was acceptable at this level.

Councillor Trapp asked if there was a reason for all the properties being 3 bedroomed. Mr Dawkins replied that he believed it to be the appropriate choice for the town centre. Thinking of the 'Cambridge Effect', the development would likely be attractive to professionals and couples with young children. It would also promote the local economy.

Councillor Schumann said that having declared an interest in this item, he would exercise his right to speak and then leave the Chamber.

Members needed to consider Policies ENV2 and ENV11 and whether the proposal would preserve or enhance the locality. It would tidy up the area but there would be some amassing and with it being sited close to businesses there could be complaints about odour nuisance. The retention of the trees was very important. The previous application had been brought back to Committee and amended, and he believed that this was a better way to deal with it than refusing permission.

*At this point, Councillor Schumann left the Chamber.*

The Planning Consultant responded to the comment about odour nuisance by referring Members to paragraph 7.4.4 of her report, adding that occupiers of the properties would make their own choice.

Councillor Ambrose Smith felt the site needed tidying up. While the scheme would provide homes in the town centre, she had some concerns about the smell from the fish shop, but she was happy to support the proposal.

Councillor Wilson concurred, adding that there would be plenty of room and the parking provision was good.

Councillor Jones said he had some reservations regarding traffic, but he believed the development would be an asset for Soham.

The Chairman said that people had different needs and that was why some chose to live in the countryside and others preferred to be in a town

centre. He thought the scheme would be a clever use of a restricted area and acknowledged the commercial environment in Market Street. The Town Council supported the application and he too was in favour of the scheme.

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

It was resolved unanimously:

That planning application reference 19/00036/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

*At this point, Councillor Schumann returned to the Chamber.*

#### **11. 19/00042/FUL – 14A THE COTES, SOHAM, CB7 5EP**

Dan Smith, Planning Consultant, presented a report (reference U13, previously circulated) which sought full planning permission for the conversion of an existing storage building to a dwelling.

The application site was located on a parcel of land between The Cotes and Blackberry Lane, immediately to the north east of 14A The Cotes. It was outside of the established development envelope of Soham, approximately 600 metres from the nearest point of the envelope and over 1.5 kilometres from the centre of Soham.

It was noted that the application had been referred to Planning Committee at the request of former Councillor Mark Goldsack as he considered the Committee to be the appropriate place to make a decision and as previous applications on the site had been determined at Committee.

A number of illustrations were displayed at the meeting, including a map, aerial view and the elevations and layout of the proposal.

The main considerations in the determination of the applications were:

- Principle of development;
- Sustainability of the site;
- Planning history;
- Highway safety and parking; and
- Residential amenity.

The Planning Consultant reminded Members that Policy GROWTH 2 of the adopted Local Plan stated that outside of defined development envelopes, the only housing development that would be permitted was affordable housing exception schemes where those schemes had no significant adverse impact

on the character of the countryside or other Local Plan policies. The current scheme did not meet that definition.

However, as the Council could not currently demonstrate a 5 year supply of available housing land the NPPF required that applications for housing be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits derived from the development. A balancing exercise therefore needed to be carried out, weighing the benefits of the scheme and any adverse impacts.

In terms of sustainability, the site was over 1.5 kilometres from the town centre. There was no paved footpath or public transport and so occupants would rely almost exclusively on private motor vehicles to access facilities and services in the wider area.

Planning Inspectors had previously considered the issue of the sustainability of the site in respect of an independent dwelling (15/01138/FUL – Appendix 1) and an annexe to the existing dwelling (16/01536/FUL – Appendix 2). They had come to the same conclusions regarding the isolation from community services and facilities and the over-reliance on the private motor vehicle and had concluded that this was contrary to the social and economic dimensions of sustainable development.

The two appeals were refused and both were material considerations in the determination of this application, given that the circumstances on site and the situation with the lack of a 5 year housing land supply remained the same.

The Local Highways Authority had raised no objections. Parking could be provided for at least 2 domestic vehicles and given the lightly trafficked nature of the access, it was not considered that the proposed change of use would cause any significant impact on highway safety.

With regard to residential amenity, the building was existing and would not cause any harm to the occupiers of neighbouring dwellings as a result of its built form.

Speaking of other material matters, the Planning Consultant informed Members that the site was of a low biodiversity value and there would be limited opportunities for enhancement. A change of use would not significantly impact on the appearance of the building or its impact on the area. The site was located in Flood Zone 1 and it would not significantly impact on drainage arrangements.

Turning to the planning balance, the benefits of the scheme were considered to be relatively limited. The adverse impact identified was the harm caused by the unsustainable location of the site and the conflict with the social and environmental objectives of sustainable development. This was considered to be so significant that it significantly and demonstrably outweighed the provision of the dwelling.

The tilted balance indicated that the proposed development should be refused and this conclusion was consistent with two previous appeal decisions for the site.

At the invitation of the Chairman, Mr Henry Doble, agent, addressed the Committee and made the following points:

- The ancillary building for storage was no longer needed so the applicant wanted to convert it to a stand-alone dwelling and would be in accordance with the NPPF as it was a subdivision of an existing dwelling;
- The scheme would have a minimal environmental impact and unsustainability was the only issue;
- The dwelling was clearly deliverable and as the building was already there it would have a minimal impact and the single storey bungalow would be suitable for an elderly or disabled occupant;
- The distance from the town centre was walkable in 15 – 20 minutes, therefore the proposal was acceptable and demonstrably sustainable;
- Application 18/01463/FUL (27 The Cotes) had been approved at Officer level. Recommending this application for refusal showed disparity and inconsistency;
- The Council could not demonstrate a 5 year supply of land for housing and so the application was supported by policy.

Councillor Brown asked when the building was constructed, and Mr Doble replied that he was not sure, but he thought it was within the last 2 years.

Councillor Jones enquired about the reason for the substantial change of use when the building had been intended for storage. Mr Doble advised there had been a change in circumstances. Continuing on this point, Councillor Wilson interjected to ask why there was a brick wall between the two properties and why it was '14B The Bungalow' when it was supposed to be used for storage. Mr Doble replied that he was not aware of this.

Councillor Ambrose Smith felt that reality was being pushed too far and said that it must be very embarrassing for Mr Doble to argue that the bungalow was actually a shed/barn. She also asked about the necessity of having so many windows in the building and he replied that there was no specification regarding the number of windows.

Councillor Schumann asked Mr Doble to explain what had changed that the Committee should change its stance regarding the recommendation to refuse the application. Mr Doble replied that the case should be decided on its own merits, and besides which, the Council did not have a 5 year supply of

housing land. Councillor Schumann responded by saying that the Authority did not have a 5 year supply when the previous application was determined.

Councillor Stubbs wished to know why there was no linkage to the main house and Mr Doble replied that he had not been involved in the previous applications, so he could not comment.

Councillor Wilson said it was irritating when rules were flouted and enforcement action should be taken. The Planning Manager assured him that having been brought to Officers' attention, the appropriate action would be taken depending on today's decision.

It was proposed by Councillor Jones and seconded by Councillor Edwards that the Officer's recommendation for refusal be supported. When put to the vote,

It was resolved unanimously:

That planning application 19/00042/FUL be REFUSED for the reason given in the Officer's report.

## **12. 19/00299/MPO – LAND NORTH OF CAM DRIVE, ELY**

Angela Briggs, Planning Team Leader, presented a report (reference U14, previously circulated) which sought to vary the original S106 Agreement for the development to address the following specific areas under Schedule 4 and appendix 9:

- Bring forward the delivery of the Extra Care Home facility which forms part of the overall affordable housing provision (Phase 2b); and
- Revise the specifications of the Cricket Pitch Facility and the Trim Trail (to be delivered as part of Phase 2).

The site was located at the northern fringes of the City and formed part of the Isle of Ely rising gently above the surrounding fens. It was bounded by Cam Drive to the south, the A10 to the west, and by Chettisham village and open fields to the north. To the east the site boundary enclosed King Edgar Close and Lily House and grounds and was bounded by Lynn Road and residential dwellings fronting onto that road. The south of the site was approximately 1 kilometre from the City centre, with Lynn Road being the direct linking route.

It was noted that the application was being brought before the Planning Committee because it was Members' wish for the Extra Care Home to be delivered in a timely manner, and to agree any changes to the S106 obligation as part of this strategic development.

A number of illustrations were displayed at the meeting, including a site location plan, phasing plan, an extract from the Ely Masterplan and details of the sports pitch and relocation of the children's play area.

Approving the variation would facilitate delivery of the Extra Care Home in a timely manner without the potential delays of being considered as part of a larger application and provide a much needed facility in the local area.

The Cricket pitch changes and the re-location of the children's play area would ensure that the appropriate provisions were delivered in keeping with the spirit of the original S106 agreement.

The proposals were considered to be acceptable and the application was therefore recommended for approval.

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

- He was the Project Director for the development;
- There were two aspects to the variation: the delivery of the care facility and the sports pitches, securing everything in the S106 Agreement;
- He wished to thank the Members of the City of Ely Council and ECDC's Infrastructure & Strategy Manager, Sally Bonnett, for all their help;
- He was happy to answer any questions.

Councillor Brown sought clarification regarding the children's play facility. Mr Jenkins said it was originally planned to be included within the site for the sports pitches, but due to the size and requirements for the pitches, this provision had been moved off-site within the Long Fen Country Park Area. It was known as the 'Trim Trail' and would include sufficient play equipment provision to meet the needs of the community

Councillor Trapp asked where the cricket pitch was in relation to the Trim Trail and Mr Jenkins replied the Trim Trail was to the west, and the cricket pitch in the middle.

Councillor Wilson asked if provision would include nets for practice and Mr Jenkins confirmed that this had been agreed with the City of Ely Cricket Club.

There being no further comments or questions, it was proposed by Councillor Schumann and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported.

When put to the vote, the motion was declared carried, there being 10 votes for and 1 vote against.

It was resolved:

To APPROVE the Deed of Variation to vary the original S106 agreement to include a new paragraph to be inserted in Schedule 4 in relation to the delivery of the Extra Care Home, and a revised appendix 9 relating to



the specifications for the Cricket Facility Scheme (replacing the original agreement at Appendix 9).

*At this point Councillor Schumann offered apologies, saying that he had to leave the meeting. He explained that his Vice Chairman of another meeting had been taken ill and he would therefore have to attend it.*

**13. 19/00329/OUT – 3 MAIN STREET, WENTWORTH, CB6 3QG**

Toni Hylton, Planning Officer, presented a report (reference U15, previously circulated) which sought permission for up to 2 dwellings, with access from Main Street along the boundary with No. 3 Main Street.

The application was made in outline with all matters reserved apart from access. Appearance, landscaping, layout and scale had not been provided and did not form part of the application. The application stated that the proposal would be for self-build plots as opposed to a developer or market housing.

In January 2019 an application for the same site, proposing 3 houses, was recommended for refusal and supported by Members. This scheme was exactly the same as the previous application, the only difference being a reduction in the number of units from 3 to 2.

The site was located to the rear of two pairs of semi-detached 2 storey dwellings on Main Street. It sat slightly higher than the road and was open on the remaining sides to the rural area, with no built form. It was not within the development envelope or a Conservation Area.

It was noted that the application had been called in to Planning Committee by Councillor Lorna Dupré, as she believed that it should be considered in the context of recent consents for other back land development in close proximity on Main Street, notably 15/01567/FUL and 17/00786/FUL, and also 18/00840/OUT on the other side of the road opposite the application site.

A number of illustrations were displayed at the meeting, including a location plan, aerial view, the proposal and an indicative block plan.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual amenity;
- Highways;
- Ecology; and

- Flood Risk.

The Planning Officer reminded Members that the Authority was currently unable to demonstrate a 5 year supply of land for housing and therefore local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

Although located outside the established development of Wentworth, the proximity of the site to the settlement boundary was considered to be sufficient to consider it as being in a sustainable location.

In terms of residential amenity, it was considered that the site could be designed to ensure that the neighbours' amenities could be maintained using the distances between the existing and proposed dwellings in accordance with the Design Guide SPD. This could be achieved through the final design of the dwellings and landscaping.

The site was to the rear of semi-detached dwellings and visually would have limited impact when viewed from the front of the existing dwellings. However it would be prominent when viewed from the playground and Main Street where there was a gap in the residential development.

The street was characterised by linear development and the development would be out of keeping with the character of the area. It was considered that the provision of 2 dwellings in this rural location, where the land sits higher, would be detrimental to the visual character and amenity of the area, as it would protrude into the open countryside. The significant harm of the proposal was considered to outweigh the provision of two dwellings.

Speaking of ecology, the Planning Officer said that the site was unlikely to be of a sensitive nature for protected species. It was not overgrown and was used for grazing horses. On this basis the proposal was unlikely to cause harm to protected species. If granted planning permission, the approval would require a condition for biodiversity measures in the final build of the proposal.

The site was within Flood Zone 1 and a scheme for foul and surface water drainage could be secured by condition.

Turning next to whether the previous approvals were comparable, the Planning Officer said that the site for application reference 15/01567/FUL was within the residential curtilage of 'Sunnyacre' and not an open field as with this proposal.

In 2017 planning permission was granted for 17/00786/FUL on the basis of previous approvals for a dwelling on the site. The proposal was for a detached, sustainable, low energy dwelling, garage and associated works; it had always been made clear that a dwelling on the site should comply with those criteria.

It was considered that the circumstances around these applications were different to those of the proposal before Members. No two sites had the same context and relationship, and each application should be judged on its own merits.

The proposal was not considered to be an acceptable form of development and would have a harmful impact on the open character of the area and was therefore recommended for refusal.

At the invitation of the Chairman, Mrs Ruth Gunton, agent, addressed the Committee and made the following comments:

- Following refusal of the previous application in January 2019, the applicant had listened to the concerns raised and made improvements to the scheme by reducing it to 2 dwellings;
- There would be additional planting and screening and removal of garages which could be secured at reserved matters;
- She disputed that the site was in open countryside and the extent of the built form had been substantially reduced. The development would not extend further into the countryside
- Single storey dwellings were appropriate and a bin store would now be provided;
- There had been a significant positive response to the application from the neighbours;
- In terms of residential amenity, the land to the north could still be accessed;
- There would be no harm to the character of the area and the dwellings would contribute to the District's housing stock;
- Members should support the application.

At the invitation of the Chairman, Councillor Lorna Dupré addressed the Committee and made the following points:

- She wished to draw attention to the way in which the site fitted into the location;
- It sat in the middle of a moderately developed village street and the backland development would extend no further than that of the already approved dwellings further along the street;
- The scheme seemed to be a proportionate development established by the other approved dwellings;

- There was a high level of support from the population and she encouraged Members to grant permission.

The Planning Officer reiterated that the bin storage and landscaping would be reserved matters and whether or not the dwellings were single storey was not part of this application.

Councillor Wilson asked whether it would be reasonable to impose a condition regarding scale. The Planning Manager reminded the Committee that today they were being asked to consider if they were happy with the access to the site and the principle of two dwellings. If Members were so minded to approve, future reserved matter applications could come back to Committee. In response to a query from Councillor Trapp, she confirmed that if the outline application was granted permission, it could still be refused at the reserved matters stage.

The Chairman, having noted that an application for 3 houses had been refused in January 2019, asked the Case Officer if her recommendation would be the same regardless of the number of dwellings proposed. She replied that it would, in keeping with the previous applications.

Councillor Wilson believed the application should be approved. He did not think the site was in open countryside, it was not visually intrusive or against the character of the area and backland development had already been allowed in Wentworth for various reasons.

Councillor Brown disagreed, saying that he could see nothing exceptional about the proposal. Councillor Stubbs concurred, adding that this had been to Committee before and apart from the reduction in the number of dwellings, the facts remained the same.

Councillor Downey said he struggled to see how anyone could object to the application when it was outline. Other houses had been granted permission with specifics and he therefore supported the application.

In proposing that the Officer's recommendation for refusal be supported, the Chairman said that the application site was in the open countryside and the proposal would damage the character of the area. Furthermore, the eco-house was of an exceptional design.

The motion for refusal was seconded by Councillor Brown, and when put to the vote, was declared carried, there being 6 votes for and 4 votes against. Whereupon,

It was resolved:

That planning application reference 19/00329/OUT be REFUSED for the reasons given in the Officer's report.

**14. 19/00371/FUL – 16 DUCK LANE, HADDENHAM, CB6 3UE**

Andrew Phillips, Planning Team Leader, presented a report (U16, previously circulated) on behalf of the Case Officer; the application sought permission for a two storey side extension and a single storey rear extension.

The application site was occupied by a semi-detached two storey dwelling located on a corner plot. It was located on the southern side of Duck Lane and Cherry Orchard, within the development envelope of Haddenham in an established residential area. The property was set back slightly from the road and benefitted from a rear, side and front garden, with a boundary hedge to the front and wooden close boarded fencing to the side and rear.

This part of Duck Lane consisted of a uniform building form of similar style, size and designed semi-detached dwellings, with a mixture of brick and rendered exteriors. The properties in nearby Cherry Orchard were slightly more modern, but also had a very uniform building form of similar style, size and designed semi-detached dwellings.

It was noted that the application was called in to Planning Committee by former Councillor Stuart Smith for wider discussion.

A number of illustrations were displayed at the meeting, including a location plan, aerial view, the elevations and floorplan and photographs of the street scene.

The main considerations in the determination of the application were:

- Residential Amenity;
- Visual Amenity; and
- Highway Safety.

Speaking of the principle of development, the Planning Team Leader said there appeared to be sufficient distance to prevent any significantly harmful impacts on amenity and there was not considered to be any harm to neighbour amenity.

In connection with visual amenity, there was a strong building line both on Duck Lane and Cherry Orchard which the original dwellings fronted and the side elevation followed. The proposed extension would extend beyond the established building line of Cherry Orchard to the south and it was considered to result in an unacceptable degree of harm to the character and appearance of the dwelling, surrounding area and street scene. The proposed extension would therefore appear overly prominent given the corner plot location and would result in development that would be visually intrusive within the street scene.

The Committee noted that under planning reference 18/00072/FUL a two storey side extension was originally proposed, but this was removed on Officer's advice during the course of the application. This was reduced to a single storey side extension given concerns in relation to the projection beyond the building line of Cherry Orchard.

The Committee was shown photographs of the street scene and also of the two storey side extensions at 13 Duck Lane (03/00576/FUL) and 49 Cherry Orchard (15/00566/FUL). The Planning Team Leader reiterated that the application before them today should be judged on its own merits, but Members should also take into consideration the previous planning history.

It was noted that at the time of the site visit the dropped kerb and driveway, as granted under planning reference 18/00791/FUL, had been implemented on site. No objection had been received from the Highway Authority and there would be sufficient space on site for parking and manoeuvring.

The applicant had confirmed that if the scheme was granted approval, he would be content to agree that no further work be carried out in respect of the original rear extension approval (reference 18/00072/FUL). While he would prefer this to be secured by condition, he would if necessary, be prepared to sign a S106 Agreement.

The Planning Team Leader concluded his presentation by saying that the proposed side extension did not have a detrimental impact on car parking for the site or cause unacceptable harm to the residential amenity of the neighbouring occupiers. However, it was considered that this was outweighed by the proposal causing significant and demonstrable harm to the visual amenity of the host building and character of the surrounding area, which failed to visually protect or enhance the street scene by protruding beyond the established building line of Cherry Orchard to the south. The application was therefore recommended for refusal.

The Planning Team leader stated that in Officers' opinion if Members were to grant approval, a S106 Agreement would not be necessary, as even if the previous approved two storey extension was built as well, it would cause no additional detrimental harm.

At the invitation of the Chairman, Mr Ben Page, applicant, addressed the Committee and made the following comments:

- He owned, and lived at 16 Duck Lane with his partner and child and wanted more space for his family;
- The porch had been built from the original permission but the rear extension approved was not practical as it would take up too much of the rear garden space;
- The previous approved development was not ideal for their needs;

- Duck Lane was diverse and he could not agree that the proposal was out of character or would cause harm;
- 13 Duck Lane, opposite, had a two storey side extension;
- The Design Guide SPD allows adoption to dwellings via extensions;
- The work done so far showed his commitment to achieving a high quality build and he believed the scheme would enhance the area;
- The building lines in the locale were stepped and angled;
- 49 Cherry Orchard was granted permission for a two storey side extension in 2015;
- A two storey side extension would be visible, but it would reflect the changing character of the street scene and the approved two storey rear extension would be visible anyway;
- It would not cause significant harm. There had been no technical, neighbour or Parish Council objections;
- In response to a question from Councillor Jones, he confirmed the front would be rendered

At the invitation of the Chairman, Councillor Julia Huffer said she was speaking on behalf of former Councillor Stuart Smith who had called in the application. She read from a prepared statement:

*'Thank you Chair and members of the Planning Committee for allowing me to speak on behalf of this application. Haddenham is a wonderful village with many beautiful houses and Duck Lane is no exception. However, it is also a place of many types of housing and Duck Lane is no exception. I'm sure you noticed on your visit to Duck Lane this morning all sorts of houses bungalows, detached and semi-detached, extended, original with porches and without and old houses mixed with new, in fact an enormous variety of housing. So I ask you what real harm this extension will do to the area. To say that it will be visually intrusive or appear overly dominant seems to be stretching a point when planning permission has been granted for a three bedroomed dwelling on the site of the garage of the house opposite. To say it will affect the building line when clearly there has been an extension of a similar size on Cherry Orchard less than 500 yards away seems to be unfair. I understand there are also plans for houses to be built in the car park of the old pub just a few doors down from this site which will also breach the building line. It seems to me that this is not sufficient reason to refuse permission.*

*The original planning permission was for an extension of a similar size but was not what the applicant wanted but suggested to them as a compromise by the Planning Department. Who hasn't agreed to something suggested by someone else and then realised it was suggested by someone who would never have to either live in it or with it. This is the case here, the applicant has*

*come to realise the loss of their back garden is too high a price to pay when there is dead space at the side of the house which is begging to be used. With young children the space in the garden is every bit as important as space in the house.*

*So I ask you as a Committee to overturn the Planning Officer's decision and grant this permission, after all I believe this falls into what the Planning Inspectorate would call the 'so what harm would be caused' category.'*

Councillor Brown asked the Planning Team Leader if a S106 would be needed to remove the previous permission; the Planning Team Leader confirmed this to be the case.

Councillor Wilson believed that Councillor Huffer had made a very clear case in support of the application and he duly proposed that the Officer's recommendation for refusal be rejected. He did not think the scheme would cause demonstrable harm and besides which, the neighbours and Parish Council were in favour. This was what the applicant wanted and it would be nonsensical to refuse the application because of the building line; the application should be approved.

In seconding the motion for approval, Councillor Trapp said he had found the site visit to be very illustrative and the only intrusion would be for numbers 19 and 21; others would see nothing.

Councillor Brown agreed, adding that he could not see what difference the proposal would make to the building line, but sought a materials condition.

The Chairman commented that these days there was enormous pressure for families with children to extend their homes rather than move.

When put to the vote,

It was resolved unanimously:

That planning application reference 19/00371/FUL be APPROVED for the following reasons:

- The extension will not cause significant or demonstrable harm to the host dwelling or the character of the surrounding area;
- The extension would not be intrusive.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions and to draw up a S106 Agreement.



## 15. PLANNING PERFORMANCE REPORTS – MARCH & APRIL 2019

The Planning Manager presented two reports (U17 and U18, previously circulated) which summarised the planning performance figures for March and April 2019.

She explained that Members would normally receive only one report each month, but as this was the first meeting of Committee since the elections, they were being provided with information for March and April.

The report set out statistical information on the types of applications received and the numbers determined on time.

It was noted that the Department had received a total of 198 applications during March 2019, which was a 17% increase on March 2018 (170) and a 22% increase from February 2019 (162). A total of 207 applications were received during April 2019, which was a 3% increase on April 2018 (201) and a 5% increase from March 2019.

The monthly report gave details of the number of valid appeals received and those that had been decided. It also listed the number of new complaints received by Enforcement, those cases that had been closed, and the open cases per Officer. Details of forthcoming public enquiries would be included so that everyone could be kept up to date.

The Planning Manager asked Members to let her know if they wished anything about the report to be changed, or additional information to be included.

Councillor Brown asked why the enforcement section made reference to 'Proactive' cases and the Planning Manager replied that this was where the team had worked in Littleport, Ely and Soham actively looking for breaches rather than waiting for them to be reported.

The Chairman informed Members that the Authority received approximately 2,000 – 2,500 planning applications each year, and of these, about 100 came to Committee. Bearing in mind that it cost £600 - £1,000 to call in an application, he asked that Members think twice before calling in. Any Councillor could call in any application, but it was not really etiquette to call in an application for a Ward other than their own. The local Member would have the knowledge, so it would be better to co-operate by speaking to them first.

Whereupon,

It was resolved:

That the Planning Performance Reports for March and April 2019 be noted.

The meeting closed at 6.35pm.



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**MAIN CASE**

**Reference No:** 18/01303/FUL

**Proposal:** Demolition of existing cottage and outbuildings and the erection of 6no dwellings with 2no crossovers, shared surface access road and associated works

**Site Address:** Gosling Cottage, 165 The Street, Kirtling, Newmarket

**Applicant:** Hamilton Developments (Newmarket) Ltd

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

**Parish:** Kirtling

**Ward:** Woodditton

Ward Councillor/s: Alan Sharp  
Amy Starkey

**Date Received:** 1 October 2018      **Expiry Date:** 9<sup>th</sup> August 2019

[U44]

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**1.0 RECOMMENDATION**

1.1 Members are recommended to **APPROVE** subject to the recommended conditions as set out in APPENDIX ONE of the report.

1.2 A summary of the conditions is detailed below:

1. Approved Plans
2. Time Limit
3. Parking and turning
4. Vehicle Access
5. Written Scheme of Investigation
6. CEMP
7. Hours of Construction and Deliveries
8. Design of Bin Store
9. Boundary Treatment
10. Foul and Surface Water
11. Site characterisation
12. Unsuspected contamination
13. Fire Hydrants
14. Soft Landscaping
15. Hard Landscaping
16. Details of Materials

- 17. Arboricultural Impact Assessment
- 18. Arboricultural Method Statement
- 19. Bird Breeding
- 20. Biodiversity
- 21. External Lighting
- 22. Energy and Sustainability
- 23. Badger Survey

**2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks consent to demolish the existing cottage and outbuildings and erect 6 dwellings together with associated cartlodge/outbuildings, parking and access points on land at 165 The Street.
- 2.2 Two of the detached dwellings would front on to The Street with a set-back from the footpath of approximately 20m. A new vehicular crossover is proposed to serve one of the dwellings (Plot 1) which lies adjacent to the southern boundary. Access to the 5 other plots would be from the existing entrance which it is proposed to widen in order to accommodate two vehicles.
- 2.3 A number of amendments have been made to the scheme during the course of the application, reducing the number of dwellings from 10 to 6. The mix of accommodation therefore comprises:

Dwelling No:	Accommodation	Height	Footprint
1	5 Bedrooms	9m	13m x 6-14m
2	5 Bedrooms	9.2m	8m x 14m
3	4 Bedrooms	8m	14m x 8-12m
4	4 Bedrooms	8m	14m x 8-12m
5	5 Bedrooms	7-9.5m	20m x 12m
6	6 Bedrooms	10.2m	14m x 8-14m.

- 2.4 All dwellings have a combination of single and 2 storey elements ranging in height from 4m - 10m. A variety of material types are proposed including natural slate or red tiles, variegated buff brickwork and black painted weatherboard cladding.
- 2.5 The application has been accompanied by the following documents:  
Phase I Geo-environmental Desk Study Report [agb Environmental] dated 3<sup>rd</sup> May 2019  
Design and Access Statement [MDS Design Associates]  
Arboricultural Impact Assessment [agb Environmental] dated 18<sup>th</sup> April 2019  
Ecological Assessment [agb Environmental] dated 25<sup>th</sup> April 2019
- 2.6 The application has been called in by Councillor Creswell for consideration by Committee.

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

### 3.0 **PLANNING HISTORY**

3.1 No relevant planning history. Pre-application advice has been sought in 2017.

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

4.1 The application site comprises an irregular strip of land measuring approximately 1.08ha (2.67 acres), which is located to the south west of Kirtling village in the south of the district. The site currently supports a centrally located detached two storey cottage with a vehicular entrance located adjacent to the northern boundary. There are 7 outbuildings located to the rear of the site which are in a dilapidated state and are due to be demolished.

4.2 This is a long and narrow site measuring approximately 310m deep and benefitting from a 52m wide street frontage although this reduces in width further into the site.

4.3 The topography across the site and the immediately surrounding area slopes gently towards the north-east. The site is enclosed by trees and hedging on all its common boundaries with an established linear row of housing to the north-east. The first 62m in depth of the site lies within the development envelope of Kirtling.

4.4 There is a Public Right of Way (PROW No 25) which runs in part, parallel along the southern boundary much of the entire depth of the site. A Grade II Listed building (162 The Street) opposes the site to the north.

### 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 – Objects

#### *Comments on Amended Scheme – 21<sup>st</sup> May 2019*

- Contrary to the Local Plan 2015 falling outside of the development envelope of the village.
- Out of keeping with its surroundings and out of character and appearance of the area and linear arrangement. Would introduce a significant side road creating backland development;
- Properties too large for local demand;
- Smaller affordable dwellings preferred;
- Kirtling has limited facilities;

- Added pressure on existing services;
- Impact on biodiversity;
- Creation of three vehicular access points close to a bend and the increase in vehicular movement;
- Detrimental impact on neighbouring bungalow and listed building opposite;
- ECDC have not allocated land in Kirtling due to lack of facilities/services/infrastructure;
- TPOs

*Previous comments 31<sup>st</sup> October 2018 -*

Objects for the following reasons:

- The application is contrary to the Local Plan which is close to adoption;
- Out of keeping with its surroundings, adversely affecting the character and appearance of the linear nature and creating backland development;
- Four of the 10 proposes houses are outside the village envelope;
- Detached houses are too large and would be the biggest single development of a group of houses in the village with buyers commuting to work which is unsustainable;
- Too few facilities in Kirtling to support a significant population growth;
- Inadequate research undertaken to demonstrate sufficient capacity exists with regard to water, sewage, electricity, broadband etc;
- Change of agricultural land to residential use would have a negative effect on biodiversity;
- Creation of three vehicular access points near a bend have been criticized by Highways as too narrow;
- Detrimental impact on neighbouring bungalow and The Beehive Inn which is opposite.

Ward Councillors – Cllr Cresswell dated 23<sup>rd</sup> October 2018

I attended the monthly meeting of Kirtling & Upend Parish Council last evening. A number of local residents were present. There was widespread opposition to the application. You will receive letters/emails from the Parish Council and residents, outlining their objections to the application, if you have not already done so.

If you are minded to approve the application, I will wish to call it in for determination by the Planning Committee. If your decision is to refuse it, my call-in request will not apply. This has the full support of my Cheveley Ward colleague, Councillor Mathew Shuter.

Technical Officer Access –

*Amended Scheme* - No comments have been received.

*Previous comments: 17<sup>th</sup> October 2018* - A number of issues have been identified with regard to making the site layout and dwellings more accessible.

Anglian Water Services Ltd – No objection, subject to planning conditions.

AW have assets close to or crossing the site. Development will also lead to an unacceptable risk of flooding downstream. AW will need to plan effectively for the proposed development. Approval of notification of intention to connect to the public sewer will be required by AW.

The preferred method of surface water disposal would be a SUDS with connection to sewer seen as the last option.

County Archaeologist - no objection subject to conditions

County Asset Information Definitive Map Team – no objection.

*Comments on Amended Scheme* – Amended boundary treatment to post and rail fencing providing a width of 2.5m with no planting proposed within 2m of the footpath which is considered satisfactory.

*Previous comments 6<sup>th</sup> November 2018* – The introduction of boundary treatments along the southern side of the site will have a significant detrimental impact on the footpath.

Cambridgeshire Fire And Rescue Service – No objection subject to adequate provision being made for the provision of fire hydrants.

Local Highways Authority – no objection subject to conditions

*Comments on Amended Scheme – 10<sup>th</sup> June 2019*

After a review of the amended access arrangements I have no further objections. The internal arrangement is not suitable for adoption or for a refuge vehicle to enter as there is not enough room for this size of vehicle to turn and so enter the highway in a forward gear. As such I would recommend that a refuge collection point is added inside the curtilage of the property to avoid bins being placed on the highway.

ECDC Environmental Health – No objection

Due to the proposed number of dwellings and the close proximity of existing residential properties I would advise that construction times and deliveries during the construction and demolition phase are restricted.

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA)

ECDC Environmental Health - Scientific No objection

A Phase I Geo-environmental Desk Study Report [AGB] dated September 2018 has been submitted with the application. The Environmental Health department accept the findings and recommend a number of conditions due to the proposed residential use.

Ramblers Association South – No objection

The definitive route of the footpath passes through a gate in the boundary fence, shortly before this point, and crosses the lawn of No 169. The length of the footpath within the site has given cause for concern in the past, being very narrow and with a deep ditch on its northern side and a high fence belonging to No 169 to the north. The proposal to pipe and backfill the ditch would be most welcome. Should the scheme be approved the footpath might be widened to current standards and the anomaly at the western end, through the garden in the form of widening, pipe and backfilling of ditch and the entrance through the garden of No169 be removed at the expense of the developer.

ECDC Trees Team – No objection

*Amended Scheme – 6<sup>th</sup> June 2019* – No objection, however, clarification required on the AIA. Suggest it is amended. Further details to be obtained on construction of cart lodge and further details of pruning works on protected trees and that a Project Arboriculturist is present.

*Previous Comments – 9<sup>th</sup> November 2018* No objection to the principle of housing on the site but object to this current layout proposal on tree grounds.

All A & B Category trees, under normal circumstances, should be retained on development sites. Their locations, should then, influence and inform the design, site layout, building footprints and often the specific construction methods to be used. The Category B trees, identified in the AIA, of most significance, due to their location to the site frontage and contribution to The Street streetscape, are shown for removal. A layout revision is, therefore, deemed necessary, to include the omitted Cat. B. trees.

Waste Strategy (ECDC) – No objection

*10<sup>th</sup> October 2018 Previous comments* -

County Highways have indicated they would not adopt the roads on this site, therefore ECDC will not enter the site to collect bins or bags and all residents would be required to bring these to the site entrance on The Street on the relevant collect day; 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).

**Statutory Consultation**

- 5.2 A site notice was posted on 18<sup>th</sup> October 2018 and advertised in the Cambridge Evening News on 10<sup>th</sup> October 2018. 21 neighbouring properties were notified and since the scheme was amended neighbours were re-consulted on the application and the responses received are summarised below. A full copy of the responses is available on the Council's website.

*Visual Amenity*



- Out of keeping with the adjacent bungalows as they will tower over existing properties;
- Spoil rural village;
- Large backland development out of keeping with linear village;
- Severe visual impact on the footpath which abuts the development;
- Overdevelopment of the site extending into open countryside;
- Cramped housing layout;
- Streetscene drawings misleading as only show two dwellings;
- Modern housing estate in rural village;
- Ridge height of existing buildings considerably lower than what is proposed;

#### *Residential Amenity*

- Overlooking;
- Loss of privacy;
- Noise and general disturbance;

#### *Highway*

- Three points of access will cause problems for existing highway at Chapel Lane, an awkward bend and The Beehive;
- Highway and pedestrian safety;
- Increase in volume of traffic
- Insufficient off-street parking;
- Insufficient parking and turning for plots 1, 2, 3 and 4;
- No pavements
- Driveways for plots 3 and 4 would come out on the inside of bend causing a hazard when leaving the properties;
- Only two or three buses a week;

#### *Biodiversity*

- Will trees be retained and protected;
- Bats would be affected;
- No enhancement of wildlife;
- Tree T15 is a large ash tree overhanging adjacent property in a dangerous condition; three other ash trees are nearly impinging on power cables.
- Dormitory housing;
- Total number of bedrooms would be 40 which is excessive;
- Asbestos lying near corrugated metal;
- Presence of newts, barn owls;
- Loss of habitat;

#### *Policy*

- Outside of development envelope;
- Does not conform to guidance in the NPPF;
- Greenbelt is questionable?

#### *Other*

- Increase in population
- Need for affordable housing not larger homes
- No public transport available
- Impact on setting of Listed Building (The Beehive, 162 The Street);
- Six applications for new development refused within the area recently on the grounds that they were out of character with the area; impact on receptors;
- Lack of facilities within the village;
- Impact on sewage, water, electricity and broadband;
- 20 new houses approved within the last two years with a further 7 on appeal;
- Plot sizes small compared to existing development;
- Perimeter boundary cuts across our property;
- No employment or business opportunities, housing will only be affordable to commuters
- Transgression of social and moral responsibilities in reducing reliance on carbon fuels;
- Setting of a precedent;
- Limited amenities;
- Development of adjoining site where development was restricted to 3 dwellings;
- Footpath and ditch are part of the property of 169 The Street and so are not affected;
- Inappropriate design;

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational Strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of Growth
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
ENV12	Listed Buildings
ENV14	Sites of Archaeological interest
COM 7	Transport impact
COM 8	Parking provision
Village Vision	Kirtling

### 6.2 Supplementary Planning Documents

East Cambridgeshire 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 2019

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

### 6.4 Planning Practice Guidance

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

## 7.0 **PLANNING COMMENTS**

### 7.1 The main issues to consider in the determination of this application are:

- Principle of Development
- Residential amenity
- Visual amenity
- Highway and parking
- Biodiversity and Ecology
- Flooding and Drainage
- Historic Environment
- Other Matters
- Planning Balance

### 7.2 Principle of Development

7.2.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the revised version of the NPPF 2019 and the East Cambridgeshire Local Plan 2015. An assessment has been made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

7.2.2 The Council are not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the

supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. Local planning authorities are also charged with delivering a wide choice of high quality homes and to significantly boost the supply of housing by identifying sites for development; maintaining a supply of deliverable sites, and, to generally consider housing applications in the context of the presumption in favour of sustainable development.

- 7.2.3 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents.
- 7.2.4 The site is located between existing development and benefits from a significant depth, two thirds of which would remain undeveloped. The majority of the scheme would be located within the development envelope with only two properties outside this area. It is acknowledged that the principle of open market residential development on land outside of the development envelope is contrary to adopted policy. However, given that the majority of the development would lie within the development envelope of Kirtling and bearing in mind the site is fairly contained by trees and vegetation, views of the site would be fairly localised from The Street and the visual receptors of the PROW 25. The applicant has demonstrated that there are material planning considerations that justify a countryside location, in particular, the recent development of three dwellings to the south of the site, which is outside of the development envelope. This site is clearly visible when entering and leaving the village, whereas, the proposal would have only limited impact on the streetscene in The Street.
- 7.2.5 Given the spatial relationship with adjoining properties there would be no detrimental impact on residential amenity to either existing or future occupiers. Moreover, both access and parking and issues relating to biodiversity, trees, flooding and drainage are considered acceptable.
- 7.2.6 Given the Council's current 5 year land supply position, the presumption in favour of sustainable development applies, and the application can be supported in principle.

## 7.2 Residential Amenity

- 7.2.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.2.2 There are only two properties materially affected by the scheme and these are located either side of No 165. No 159 is a semi-detached bungalow with a drive-way abutting the northern boundary. The separation distance between the new dwelling closest to the flank wall of No 159 would be 16m. Given that the development would use the existing access into the site then historically there would have been an element of vehicular movement adjacent to this property. Clearly there will be an

increase in activity to and from the site and it is considered with the range of measures proposed by condition, any harm to residential amenity can be mitigated.

7.2.3 No 169 The Street comprises a large detached property set back approximately 45m from the street frontage. This property benefits from a detached building used as a swimming pool measuring approximately 20m in length which abuts the southern boundary of the site, and this building is also wholly outside of the development envelope. Plots 3 and 4 back on to the PROW and would have a rear to flank wall relationship with No 169. Combined with a separation distance of 5m between the PROW and the garage of No 169 there will be an acceptable separation distance achieved between inter-visible windows of approximately 20m.

7.2.4 In terms of living environment created for future occupiers of the site, it is considered that all rooms benefit from a good degree of outlook and sunlight/daylight penetration. The amount of amenity space and separation distances between dwellings achieved on site exceeds the guidelines of the East Cambridgeshire Design Guide. For information these are indicated below:

<b>Plot No:</b>	<b>Amenity Space</b>	<b>Separation Distance</b>
1	130sqm	16m rear to flank wall
2	230sqm	13m rear to flank wall
3	220sqm	20m rear to flank wall
4	180sqm	20m rear to flank wall
5	In excess of 500sqm	26m flank to front wall
6	In excess of 500sqm	Not applicable

7.2.5 No other dwellings would be materially affected by the scheme.

7.2.6 Overall it is considered that the proposal would have an acceptable impact on residential amenities in accordance with Policy ENV2 of the Local Plan, the East Cambridgeshire Design Guide and the NPPF, and this is attributed neutral weight in the planning balance.

### 7.3 Visual Amenity

7.3.1 In considering the visual impact on the landscape, Policy ENV1 of the Local Plan requires new development to provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and of settlements. Policy ENV2 of the Local Plan requires that new development should ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area. Policy GROWTH 2 of the adopted Local Plan requires that within the development envelopes housing to meet local needs will normally be permitted.

7.3.2 Kirtling is characterised by scattered groups of dwellings in attractive countryside comprising a mix of modest bungalows and terraced cottages as well as detached executive homes on substantial plot sizes. The Street runs roughly from south to north from its junction with Malting End and The Green.

- 7.3.3 The application site at 1.08 ha or 2.67 acres with an overall depth 310m is extensive. At its western edge, abutting The Street, the site falls within the Kirtling development envelope for a depth of approximately 63m. It is proposed to locate Plots 5 and 6 and part of Plot 4 outside the development envelope, resulting in one third of the site developed with just under two thirds of the site being retained in open countryside. Moreover, due to the heavy screen of trees and shrubs on the northern, eastern and western boundaries, and, combined with its mid-street frontage, the proposal would not be clearly visible when entering or leaving Kirtling.
- 7.3.4 Public Right of Way 25 runs between No 165 and 169 The Street the full extent of the southern boundary. The harm from this receptor has been identified in the letters of representation. As mentioned in Section 7.2.3 of this report, there is a 20m long outbuilding abutting the PROW and southern boundary of the site, which also lies outside of the development envelope. Moreover, the site itself contains 7 outbuildings comprising: a former stable block, storage sheds, a Nissan hut as well as barns. A number of these out-buildings lie outside of the development envelope, and cumulatively, these buildings contribute to the amount of built form already in evidence and the degree of change to the views from this PROW. Whilst the scheme would alter the views generally experienced along this permissive footpath, they would be inherently localised, and could be mitigated through good design principles and landscaping which can be controlled through conditions.
- 7.3.5 Concerns have also been expressed in the letters of objection regarding the linear nature of development within the village, design, layout and height of the development. The number of appeals that have been dismissed citing visual amenity as a grounds for refusal has also been identified in the letters of representation. Whilst generally linear development is represented in Kirtling, there are also pockets of cul-de-sac housing found within the development envelope, in particular Nos 197 – 215 The Street. In this instance the cul-de-sac is 2-3 dwellings deep. Moreover a recent development of 3 detached houses has been approved in a cluster further to the south of No 169 which is outside of the development envelope. Notwithstanding this, each application is assessed on its own merits taking into consideration the material planning considerations.
- 7.3.6 Kirtling does benefit from a number of extensive executive type dwellings where the height is comparable with the height of the new dwellings. As mentioned in the previous sections of the report, there is an acceptable spatial relationship with adjoining properties, as well as an acceptable setting back of the development from the footpath sufficient to ensure the dwellings would not tower over existing dwellings.
- 7.3.7 Whilst the need for this type of executive dwelling has not been justified, the accommodation mix comprising 4, 5 and 6 bedroom accommodation, would be attractive to families with children or elderly relatives which in turn would enhance and maintain the vitality of rural communities. The Council's Annual Monitoring Report (2016-2017) states that during the 2016/17 monitoring year approximately 74% of total dwelling completions (gross) were of 3 or 4+ bedrooms. There is likely to be a need for this type of family accommodation and that the development would be delivered expediently, making a valuable contribution to the Council's 5YLS.

- 7.3.8 Para 78 of the NPPF requires that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this still supports local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst Kirtling has seen an increase in the amount of development recently, this is also the case for a great number of other villages in the district.
- 7.3.9 Whilst the proposed development would alter the character and appearance of the site itself and its immediate environments, approximately two-thirds of the built environment would be located within the development envelope of Kirtling. Moreover, the layout of housing within the scheme meets the design standards of the East Cambridgeshire Design Guide 2015. Plots 5 and 6 would also benefit from extensive rear garden areas which will ensure the majority of the site remains in open countryside in perpetuity.
- 7.3.10 As such, due to the fairly localised impact on the visual amenities, it is not considered there would be an injurious impact on the character of the area. Therefore, only limited negative weight can be afforded to this factor. As such, the proposal would not conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and the NPPF.
- 7.4 Access and Highway safety
- 7.4.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Para 109 of the NPPF requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.4.2 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.4.3 The parish of Kirtling includes Kirtling Green and Upend and is located approximately 5 miles south-east of Newmarket. Kirtling is described in the adopted Local Plan as a scattered settlement with a reasonable range of facilities for its size. These include a garage, pub, two churches, and a well-equipped village hall, cricket and carpet bowls club. There is also a bus service that runs through Kirtling four days a week.
- 7.4.4 As the site lies within the established settlement boundary it is considered that future residents would be able to access the limited goods and services and public transport on offer in the village both on foot and by bicycle. However, it is acknowledged that given the rural nature of the village that residents would to a certain extent be reliant upon the private motor vehicle to access places of work and schools. The proposal therefore conflicts with Policy COM7 in this regard.
- 7.4.5 The proposal does however include the provision of an additional 6 dwellings to the District's housing stock. The proposal is therefore considered to make a meaningful contribution towards the current housing shortfall and this attracts significant weight

in the planning balance. The proposal would also offer some short and long term economic benefits in relation to the construction process and the purchase of local goods and services.

- 7.4.6 A number of concerns have been raised regarding the site's proximity to a bend in the road. However, the Local Highways Authority has not identified a risk to highway and pedestrian safety, and as the majority of the development uses an existing access which is to be widened, then the proposed access is considered to still be suitable. A new vehicular crossover would be installed to the south to serve Plot 1 and residents would be able to access and egress the site in a forward gear.
- 7.4.7 The County Rights of Way Officer had initially raised concerns regarding the type of boundary treatment proposed which would lead to an uninviting route for walkers. After negotiation, this has now been amended to post and rail fencing providing a width of 2.5m with no planting proposed within 2m of the footpath. This is now considered satisfactory.
- 7.4.8 In terms of the access into the site, in view of the reduction in the quantum of development the Highways Authority has not raised concerns with the scheme although has requested a number of conditions to secure adequate turning and parking within the site as well as ensuring the accesses meet county standards.
- 7.4.9 *Parking*
- 7.4.10 Policy COM8 of the adopted Local Plan sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling.
- 7.4.11 From the layout accompanying the planning application an opportunity exists on the site to provide an acceptable layout and parking scheme and the scheme could be policy compliant in line with Policy COM8 of the adopted Local Plan.
- 7.4.12 To conclude, whilst Kirtling is not considered to be locationally sustainable, with an over-reliance on the car for higher order services and facilities, the scheme can provide a safe access and would not result in an unacceptable impact on highway and pedestrian safety. Further details can also be provided to the satisfaction of the County Rights of Way Officer which on balance would accord with Policies COM 7 and 8 of the adopted Local Plan 2015. These factors are therefore afforded neutral weight.

## 7.5 Ecology, Biodiversity and Trees

- 7.5.1 Policy ENV7 of the Local Plan requires that development should protect biodiversity and the geological value of land and buildings and minimise harm to or loss of environmental features such as hedgerows and trees. The application has been supported by an Ecology Assessment [agb Environmental] dated 25<sup>th</sup> April 2019. A Habitats Survey has also been undertaken.

### *Ecology and Biodiversity*



- 7.5.2 The Ecology Assessment used information obtained from a walk-over of the site as well as a desk-based assessment to obtain existing ecological information.
- 7.5.3 Whilst the site does fall within the impact zone of the Ten Wood SSSI, the nature of the development does not meet the criteria for impacts that would likely lead to a significant effect on the SSSI. There is potential for the mix of habitat types present to support a range of protected species.
- 7.5.4 The presence of three ponds within 250m of the site triggered the recommendation for further great crested newt surveys. However, GCNs were not recorded during the further surveys carried out and are therefore likely absent from the site.
- 7.5.5 A number of Reptile surveys were conducted with no reptiles being recorded within the site.
- 7.5.6 The buildings and broadleaved and coniferous trees have high potential for nesting birds and the presence of hedgehogs within the site was also likely. A number of precautionary methods have been proposed to prevent harm to both nesting birds and hedgehogs.
- 7.5.7 Due to the presence of badger latrines to the west of the site a badger survey would need to be undertaken six weeks before any site clearance or construction of development.
- 7.5.8 Bat Surveys were also undertaken within the 8 out-buildings and these revealed that there was negligible suitability for roosting bats. However, within the cottage it was recorded that bats could potentially roost under the slate tiles, with potential gaps behind lead flashing and within the roof void. A single dusk emergency survey was therefore undertaken on 26<sup>th</sup> July 2018 and recorded that there were no roosting bats recorded during the survey. However, the site is being used for foraging and commuting purposes.
- 7.5.9 The Ecology Assessment recommends a number of enhancements to encourage biodiversity across the site and these can be dealt with by condition.

#### *Trees*

- 7.5.10 An Arboricultural Impact Assessment [agn Environmental] dated 18<sup>th</sup> April 2019 has been submitted with the application. This document lists twenty-two individual trees and five groups of trees located within the site boundary and immediately adjacent to it. A recent Tree Preservation Order has been served on some of the trees within the site.
- 7.5.11 The development would result in the removal of 4 individual trees, two small groups of trees and a single tree from a third group. Bearing in mind these trees are relatively small then there are opportunities for replanting within the site.
- 7.5.12 The Tree Officer has considered the AIA and agrees with its findings, however, requires a further clarification on the RPA of T5 and the method of construction of the cart lodge. These can be obtained by condition. Further details of pruning works to protected trees would also be required.

7.5.13 It is therefore considered that the scheme would not result in an unacceptable impact on biodiversity or ecology and this factor is weighed neutrally in the planning balance. The proposal would therefore comply with Policy ENV7 of the adopted Local Plan 2015.

## 7.6 Flood Risk and Drainage

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

7.7.2 The site is located within Flood Zone 1 which has a low probability of flooding and where the NPPF requires new development should be located. A desk top analysis has suggested that the proposed development would lead to an unacceptable risk of flooding downstream. However, Anglian Water consider that a feasible mitigation solution should be sought and suggest conditions covering both foul and surface water drainage strategies be undertaken in conjunction with the Water Authority.

7.7.3 As such the scheme meets the requirements of Policy ENV8 and is considered acceptable. This factor weighs neutrally in the planning balance.

## 7.8 Historic Environment

7.8.1 Section 12 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset. Policies ENV2 and ENV11 of the Local Plan 2015 requires development proposals to be designed in order to preserve or enhance the special character and appearance of the area.

7.8.2 Kirtling does not benefit from a Conservation Area, however, there are a number of Listed Buildings within the village. No 162 The Street, formerly The Beehive Inn, lies to the west of the site and is a Grade II Listed Building, converted into a dwellinghouse in the 90s. A number of additions, alterations and demolitions of structures have occurred in the intervening years, in the form of a 2-bay car port, conversion of detached stable block into a single garage, workshop and log store, which have altered the original setting of the Beehive Inn into a residential curtilage with all the associated domestic paraphernalia.

7.8.3 The Conservation Officer has raised no objection in principle to the scheme. As such the proposal would satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as Policies ENV2 and ENV11 of the adopted Local Plan and would not result in 'less than substantial harm'. Para 169 of the NPPF refers. Bearing in mind the public benefits that 6 additional dwellings would make to the Council's 5YLS then this factor can be afforded neutral weight in the planning balance

7.8.4 Policy ENV14 of the adopted Local Plan 2015 requires development proposals that affect sites of known or potential archaeological interest to have regard to their

impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains.

7.8.5 The County Archaeologist has commented that the area has no archaeological investigation history, other than a deer park to the west of the application area which was dis-parked after 1770. County would not object to the development of this site provided a programme of archaeological investigation is secured through the inclusion of a condition.

7.8.6 The scheme would not result in a detrimental impact on the historic environment and this is weighed neutrally in the planning balance. The scheme complies with Policy ENV14 of the adopted Local Plan 2015

## 7.9 Other Material Matters

### *CIL*

7.9.1 The development will be subject to the Community Infrastructure Levy.

### *Energy Efficiency*

7.9.2 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers and further details can be obtained by condition. In this way the development would reduce its reliance on carbon fuels.

### *Waste*

7.9.3 In terms of the collection of waste and recycling it would be the responsibility of the owners/residents to take any bins to the public highway boundary. However, the Council's Waste Department have requested details of the position of the bin store. In amendments of the scheme the bin store has been located adjacent to the cartlodge and its design will form a condition of the consent

### *Pollution*

7.9.4 A Phase I Geo-environmental Desk Study Report [AGB] dated 3<sup>rd</sup> May 2019 has been submitted with the application. In view of the proposed residential use of the site, the Council's Environmental Health Department are satisfied that further details regarding possible ground contamination can be submitted by condition. In addition during the construction works, adequate mitigation measures could be controlled to reduce pollution and general disturbance by the imposition of a Construction Environmental Management Plan to be agreed with the Council. External lighting and internal noise could also be conditioned to preserve general amenity.

## 5YLS

7.9.5 In view of the fact that the Council is unable to demonstrate a 5 year land supply, the proposal of 6 new dwellings would make a significant contribution, although in view of the number proposed, this factor can only be afforded moderate positive weight.

## *Fire Hydrants*

7.9.6 A scheme for fire hydrants can be secured by condition.

## *Additional issues raised in the letters of representation*

7.9.7 *Cramped housing layout –*

The scheme has been assessed against the design criteria contained in the East Cambridgeshire Design Guide and meets these standards.

7.9.8 *Dormitory housing*

Kirtling is one of a number of small villages on the outskirts of Newmarket with little or no employment opportunities, it therefore likely that a number of new residents would commute out of the village or may work from home. There are no material reasons to restrict new housing within these villages for over 60s' accommodation and therefore the scheme would attract families which would enhance and maintain the vitality of rural communities.

7.9.9 *Presence of asbestos*

This matter is not a material planning consideration and would be covered under different legislation.

7.9.10 *Greenbelt*

The site is not located within the green belt.

7.9.11 *Perimeter boundary cuts across our property*

This is a civil matter and is not covered within the planning report.

7.9.12 *No employment or business opportunities, housing only affordable for commuters.*

Every application is considered on its individual merits, the absence of employment or business opportunities, is not a material planning consideration in this case. That said, most businesses offer home working opportunities and the accommodation proposed would enable a homeworking.

7.9.13 *No affordable housing*

The number of dwellings within the scheme is 6 and there is no requirement to provide any affordable housing on site.

7.10 Planning Balance

7.10.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.

Para 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.10.2 The development would make a contribution to the housing land supply which, in the context of the Council currently being unable to demonstrate a 5 year housing land supply, is a benefit to be attributed significant weight in the planning balance. However, in view of the small number of dwellings proposed this is afforded moderate positive weight. There would also be economic benefits in terms of the construction of the development itself, those associated with the resultant increase in population and the contribution to the local economy to which moderate weight should be attached.
- 7.10.3 In terms of its impact on the landscape character, the development would not significantly intrude outside of the development envelope sufficient to injuriously impact on the visual amenities and character of the area. Due to the number of dwellings and size of the site proposed it would not result in an unduly prominent development. Therefore, only limited negative weight can be afforded to this factor.
- 7.10.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impact on heritage assets, residential amenity, access and highway safety, parking, biodiversity, ecology, flooding and drainage. However, these matters do not represent benefits to the wider area but demonstrates an absence of harm to which weight should be attributed neutrally.

## **8 CONCLUSION**

- 8.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015. The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 8.2 In principle, and having regard to the three dimensions of sustainable development, the scheme is considered acceptable and the benefits of the scheme would significantly and demonstrably outweigh the adverse impacts when assessed against the policies in the NPPF.
- 8.3 The proposal is recommended for approval, subject to conditions.

## **RECOMMENDATION: APPROVE**

## **9. COSTS**

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

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

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

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

9.4 In this case members' attention is particularly drawn to the following points:

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

## 10 **APPENDICES**

10.1 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>			
18/01303/FUL	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc ambs.gov.uk			
National	Planning	Policy	Framework	-	
<a href="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</a>					
East	Cambridgeshire	Local	Plan	2015	-
<a href="http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf">http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf</a>					

## APPENDIX ONE

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

Plan Ref:	Version	Dated Received
18_TSK_001	J	21st January 2019
18_TSK_000	A	21st January 2019
Streetscene	D	25th April 2019
18_TSK_100	D	25th April 2019
18_TSK_306	D	25th April 2019
18_TSK_307	D	25th April 2019
18_TSK_308	D	25th April 2019
18_TSK_309	D	25th April 2019
18_TSK_310	D	25th April 2019
18_TSK_311	D	25th April 2019
18_TSK_312	E	8th May 2019
18_TSK_313	E	8th May 2019
18_TSK_314	D	25th April 2019
18_TSK_315	D	25th April 2019
18_TSK_316	D	25th April 2019
18_TSK_317	D	25th April 2019
18_TSK_318	D	25th April 2019
18_TSK_319	D	25th April 2019
18_TSK_320	D	25th April 2019
18_TSK_321	D	25th April 2019
18_TSK_322	D	25th April 2019
18_TSK_323	D	25th April 2019
18_TSK_324	D	25th April 2019
18_TSK_325	E	8th May 2019
18_TSK_326	D	25th April 2019
18_TSK_327	D	25th April 2019
18_TSK_328	D	25th April 2019
18_TSK_329	D	25th April 2019
18_TSK_330	D	25th April 2019
18_TSK_331	D	25th April 2019
18_TSK_332	D	25th April 2019
18_TSK_302	E	13th May 2019
18_TSK_300	D	25th April 2019
18_TSK_301	D	25th April 2019
18_TSK_303	D	25th April 2019
18_TSK_304	E	14th May 2019
18_TSK_305	E	13th May 2019
ALS8192/200/01		18th September 2018

- 1 Reason: To define the scope and extent of this permission
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.

- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 3 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 4 Access points with the highway to be laid out as per the approved drawings and constructed to CCC specifications.
- 4 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 5 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 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.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07.30 - 18.00 each day Monday-Friday and 07.30 - 13.00 on Saturdays and none on Sundays, Public Holidays or Bank Holidays
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 No above ground construction shall commence until details of the bin stores have been submitted to and agreed in writing with the Local Planning Authority. The bin stores shall be in situ in accordance with the approved details prior to the occupation of the development.



- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of any dwelling.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation of the dwellings.
- 10 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the

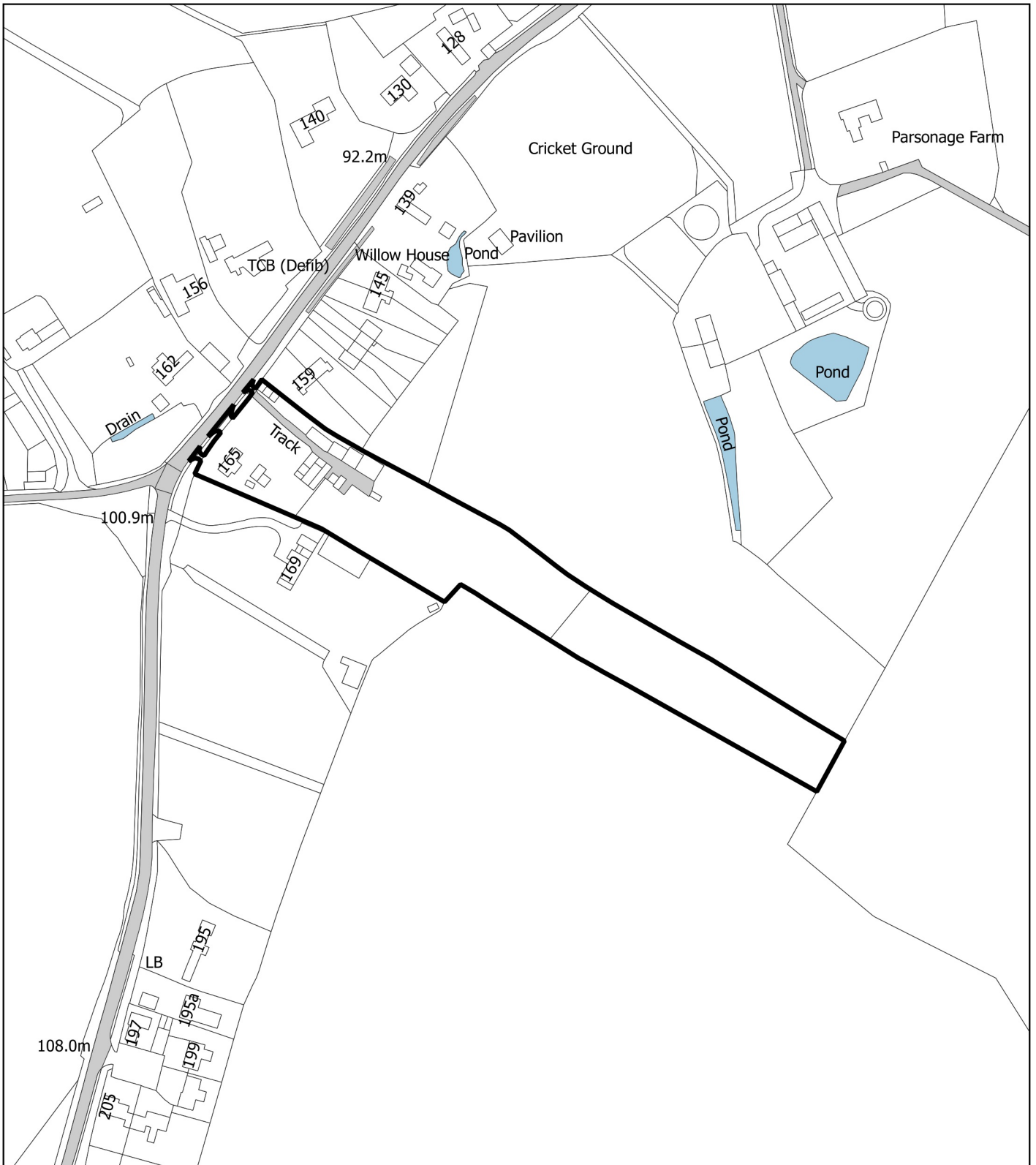
Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 12 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by 95 of the NPPF.
- 14 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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: finished floor levels, car parking layouts, hard surfacing materials and lighting. 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.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 No above ground construction shall take place on site until details of the bricks, stone, roof coverings flashing, windows, doors, etc; to be used on the development have been

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 No development shall take place until a revised Arboricultural Impact Assessment (AIA) has been submitted and approved in writing by the Local Planning Authority. In particular the (AIA) shall provide information on the RPA of T5. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.
- 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. 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.
- 18 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, cart lodge, office, parking, site access, storage etc.). All works shall be carried out under supervision by a Project Arboriculturist in accordance with the agreed AMS.
- 18 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 19 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.

- 19 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 20 The biodiversity improvements as set out in the Ecological Assessment [agn Environmental Ltd] dated 25th April 2019 shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 21 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 The energy and sustainability strategy as set out in the Design and Access Statement shall be installed prior to the first occupation of the hereby approved development.
- 22 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 23 Prior to the commencement of development an additional badger survey shall be undertaken in accordance with the recommendations of the Ecological Assessment [agn Environmental Ltd] dated 25<sup>th</sup> April 2019. The development shall be carried out in accordance with the recommendations contained in the Ecology Appraisal.
- 23 Reason: To protect and enhance species in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement due to the presence of badger latrines to the west of the site.



18/01303/FUL

Gosling Cottage  
 165 The Street  
 Kirtling



East Cambridgeshire  
 District Council

Date: 24/07/2019  
 Scale: 1:2,500



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**MAIN CASE**

**Reference No:** 18/01435/OUM

**Proposal:** Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways.

**Site Address:** Site East Of Clare House Stables Stetchworth Road  
Dullingham Suffolk

**Applicant:** White Crown Stables Limited

**Case Officer:** Andrew Phillips, Planning Team Leader

**Parish:** Dullingham

**Ward:** Dullingham Villages

Ward Councillor/s: Councillors: Alan Sharp and Amy Starkey

**Date Received:** 12 October 2018      **Expiry Date:** 5 September 2019

[U45]

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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. Approved Plans
2. Reserved Matters Details
3. Timeframe
4. Ecology Mitigation and Enhancement
5. Construction Environmental Management Plan (CEMP)
6. Tree Protection Measures
7. Surface Water Drainage
8. Highways Built to Adoptable Standards
9. Highway Drainage
10. Highway Maintenance
11. Vehicular/Pedestrian Construction
12. Travel Plan
13. Archaeological Investigation
14. Fire Hydrants

- 15. Contamination Risk Assessment
- 16. Unexpected Contamination
- 17. B1/D1 Use Class
- 18. B1/D1 Times of Use
- 19. Heritage Statements per Reserved Matters
- 20. Broadband
- 21. Foul Water
- 22. Water Management during Construction
- 23. Energy Efficiency/Renewable Energy
- 24. Over 55 Bungalows
- 25. Construction/Delivery Times

## 2.0 SUMMARY OF APPLICATION

2.1 The application has been called in to Committee by the local District Councillor (Cllr Chris Morris) prior to the District Council Elections 2019, due to the concerns raised by the Parish Council.

2.2 The proposal is an outline application for up to 41 dwellings, with public open space and associated infrastructure; in addition to this the developer is proposing a B1 and D1 use space. The only detail that is seeking to be agreed at this stage is the access onto Stetchworth Road; all other matters are reserved. The application has been amended several times and additional information provided to overcome concerns in regards to:

- Impact upon biodiversity.
- Loss of paddock land.
- Highway Safety
- Drainage
- Impact upon heritage assets
- Impact upon the visual character of the area

2.3 A draft S106 has been provided and submitted, though this is still being negotiated between the Local Planning Authority and the developer. The negotiation of this S106 is without prejudice to the final decision of the Local Planning Authority. The S106 will need to secure affordable housing, open space/drainage (including maintenance) and education.

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

## 3.0 PLANNING HISTORY

3.1 No history on site.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the village framework on a slope that rises to the north. The site is currently used as paddock/grazing land. To the south of the site is the public highway and a drainage ditch. Residential cul-de-sacs are located to the southeast and the existing stables are located to the west of the site. A primary school (Kettlefields) is located to the northeast and a Grade I Listed Church (St Marys) is located to the south.
- 4.2 Public Right of Way (PRoW) is located through the middle of the site running in a north/south direction and connects to a footpath on the higher part of the slope that runs past the primary school.
- 4.3 The site measures 5.6 hectares/13.8 acres in size.

5.0 RESPONSES FROM CONSULTEES

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

Dullingham Parish Council – (5 November 2018) It states it has concerns and the application should be amended, conditions applied and/or outright refused.

Provides a detailed document that should be read in full by members.

The Summary of its comments states:

“The development would dominate the rest of the village both in scale and visual impact. It represents an increase of approximately 15% in a rural village with no beneficial gains and is contrary to the current and emerging local plan.

The indicative site layout makes clear that this is part of an intended scheme to develop a much greater area with the destruction of a stud farm or training establishment that the owners have chosen not to promote.

The proposal would have an adverse impact on the character and setting of the village and would in effect destroy what is recognised as a village that has retained its distinctiveness mainly as a result of planning controls that have proved their worth.

The parish council and residents are not opposed to suitable development in scale or location as has been demonstrated by support for appropriate applications. There are a number of brownfield sites and some areas where infill is possible but this application meets none of these tests.

For reference we have included a review of the local plans as they stand and this clearly reflects local opinion that this scheme and its potential expansion bring no benefit and would destroy a village and community that continues to grow slowly and in a sustainable manner and that is why this application should be REFUSED.”

(17 December 2018) The Parish Council seeks outright refusal to this application based on its previous concerns and makes the following additional points.



The proposal would harm the village and community, as well as having a negative impact on the area as a whole.

Continues to state:

“The number of villages that have remained unspoiled by unnecessary and harmful development is rapidly reducing with the associated negative impact on the rural and open nature of the countryside”.

The Parish Council believes the site will not be affordable for normal rural income levels and housing will be used for commuters.

Does not believe the Flood Risk Assessment and Surface Water Strategy to be correct. Nearby streets have experienced surface water flooding.

Had a meeting with Anglian Water in January to discuss the foul water drainage. It is believed the sewer system is not built to accommodate the current village population.

(14 March 2019, Woods Hardwick Planning Consultant on behalf of the Parish) –

Makes the following points:

- States that the benefits of the proposal do not outweigh the harm.
- Proposal is not allocated or supported for housing under policy GROWTH 2 of the Adopted Local Plan.
- It would lead to a disproportionate increase (15%) in the size of the village.
- The facilities of the village are limited and the train station is one and a half miles away from the site and there are not regular services.
- Infrequent bus service to Newmarket and Cambridge.
- Does not comply with paragraph 103 of the NPPF, as site does not benefit from sustainable transport.
- Proposal does not provide sufficient affordable housing and does not provide a suitable housing mix in line with the Adopted Local Plan.
- The proposal would lead to the loss of stables that have not been proven to be unneeded and for this reason does not comply with policy EMP6 of the Adopted Local Plan.
- Site does not relate well to the existing development envelope and will appear as a contained estate.
- Will lead to a cramped form of development.
- Additional landscape needed.
- Proposed SuDS feature needs better consideration in order to ensure a good design.
- The withdrawn Local Plan showed an alternative development site. Now the site has been withdrawn, will make this proposal more isolated.
- Paragraph 98 in the NPPF seeks to preserve and enhance public rights of way and the proposal will adversely affected.
- Is in an areas of proven flood risk.
- Insufficient capacity in the foul water drainage system.
- Unacceptable impact on biodiversity.
- Unacceptable impact on rural narrow roads that go through the village.

(18 July 2019, Woods Hardwick Planning Consultant on behalf of the Parish)

States:

“The loss of existing equine development to other uses should therefore be accompanied by robust evidence to demonstrate that an existing site is no longer viable. The submitted information is not considered to sufficiently demonstrate the site is no longer viable for equine use, as such the proposal fails to comply with Policy EMP6 of the East Cambridgeshire Local Plan (ECLP) therefore it should be refused.”

The remainder of the letter provides detailed questioning of the developer’s Horse Racing Industry Impact Assessment June 2019 and can be read in full either on the Council’s website or in Appendix 2.

Cllr Morris – (19 December 2018) Seeks to call this application into Planning Committee on the reasons put forward by the Parish Council.

Cllr Starkey – (10 July 2019) States that they are aware of the concerns of the Newmarket Horsemen’s Group and the application of policy EMP6.

Is very concerned about this matter and believes it raises significant issues beyond just this application and seeks the application to be determined by Planning Committee.

Newmarket Town Council – (4 December 2018) No comments in either support or objection to this proposal.

The Wildlife Trust – (27 November 2018) States “I do not believe that it would be good practice to condition further surveys”.

The preliminary ecological appraisal identifies that the site has moderate potential to support great crested newts, reptiles, hazel dormouse and hedgehogs. The site also has a high potential for roosting birds. Continues by stating it is essential that the recommended surveys are undertaken prior to determination (at the right time of year) and if not possible, the application should be refused.

(6 December 2018) States:

“I have spoken to agb Environmental Limited, regarding their proposed approach to dealing with ecological matters in this case. While their proposal is unusual, it would be possible to take this approach if it delivered a “gold standard” approach to biodiversity net gain on this site that achieved both a net gain in habitats and avoided or fully mitigated any potential impacts on protected species that may be found on site.

The approach would require submission as part of the current application, of a detailed landscape and ecology strategy, including detailed plans showing which habitats will be created and where they will be located. The locations for the habitats and landscaping should be “set in stone”, and will provide the framework within which any built development could occur, and would likely require a

significant reduction in the net developable area compared with the current outline proposals.”

The Wildlife Trust Ecologist continues to explain in detail what the developer is required to do.

(15 February 2019) States he has reviewed the revised Biodiversity Strategy Report dated 8 February 2019 and the revised master plan Rev D. The proposal has the potential to lead to a net gain in biodiversity and provides sufficient space for any mitigation.

Recommends conditions to cover:

- Surveys to be undertaken at the right time of year.
- Biodiversity is protected as part of the Construction Environmental Management Plan.
- The suggested enhancement measures are put in place.
- All landscape should be protected for 25 years.
- The meadow and orchard are provided early on in the development.

Natural England – (30 October 2018) It has no comments to make on this application but this should not be taken that there are no impacts on the natural environment.

(28 November 2018) It states it has provided Standard Advice.

(6 February 2019) No comments to make on this application and standing advice should be considered. It directs people to consider the standing advice on: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Council's Tree Consultant– (22 November 2018) A Landscape Visual Impact Assessment (LVIA) is needed before this application can be determined. States the reason for this is:

“At the local level due to the site’s prominent situation, its rural character, its openness to the wider landscape and the presence of a much used public footpath along the edge of the site, the effect of the proposed development could be significantly adverse. The character of the site is distinctly pastoral in character and is representative of the surrounding landscape of gently rolling hills, an extension of the Chalklands running north from the Chiltern Hills. It forms part of the open countryside and offers expansive views of the wider landscape. The surrounding dwellings and small housing cul-de-sacs interspersed with boundary hedges and vegetation are not dominant in the landscape. The area’s elevated location with gently rising ground accessible from Public Rights of Way connective to the village. The footpath along the edge of the site, proceeding north from the Stetchworth Road, provides important recreational value and allows users to experience a degree of tranquillity when walking through the site. Following development footpath users would experience a profound change, as they would walk through a housing development rather than open countryside.

I object to the proposal as it adversely undermines the future and amenity value of the group of trees mixed conifer and deciduous group of trees (E/3/84).

#### Reasons

The belt of trees along the site frontage to Stetchworth Road is covered by a Tree Preservation Order. These trees contribute significantly to the character and appearance of the Stetchworth Road by being in a prominent position. Sufficient consideration has not been given to the constraints placed on the new access road by these protected trees. At least three prominent boundary trees will be removed to facilitate the construction of the new access and the retained trees adjacent to the access will be adversely affected due to loss of companion shelter.”

(10 December 2018) Notes amendment and states previous comments still apply.

Tree Officer - (14 February 2019) States that the soft landscaping scheme is well thought out with a good range of native species.

Seeks a condition in relation to tree protection in line with the Arboriculture Impact Assessment.

(21 March 2019) No additional comments.

Environment Agency – (31 October 2018) The Environment Agency (EA) objects to the granting of permission as the Flood Risk Assessment does not adequately assess the risk of flooding or comply with the National Planning Policy Framework.

(18 December 2018) Notes that the amendment has used a sequential approach for the illustrative site layout it considers that detailed modelling of the ordinary watercourse is not required in this case.

The EA is able to withdraw its objection, but the layout needs to be controlled to ensure the commercial units are put in the area at risk of flooding.

(26 February 2019) It has no objection to the illustrative layout, but seeks that the commercial units have a minimum ground level of 83.4mAOD, as indicated in flood risk document.

(19 March 2019) Recommends a revised condition to minimise flood risk.

(5 April 2019) Acknowledges reports of sewage capacity and supports Anglian Water’s request for a condition.

Lead Local Flood Authority – (8 November 2018) The Lead Local Flood Authority (LLFA) objects to this application as a site specific flood risk assessment and should include a surface water drainage strategy. The drainage scheme needs to meet the requirements of sustainable drainage system.

The LLFA provides additional details of what must be included in the surface water drainage system.

(9 January 2019) LLFA has reviewed the Flood Risk Assessment Dated 29 November 2018 and the Surface Water Drainage Scheme Dated November 2018 and has no objection in principle to this development.

LLFA recommends that a pre-commencement condition be added in regards to surface water drainage.

The developer is informed that the scheme should be modelled on a 40% climate change allowance.

(12 February 2019) From the evidence submitted it is evident that Stetchworth Road suffers from flooding from the watercourse that runs along the road. It now requests a holding objection, until further information can be provided. There maybe need for work further downstream if the ditch requires clearance.

(27 February 2019) LLFA remains opposed to this proposal.

(20 March 2019) Response to consultation sent out on the 27 February 2019 and have reviewed documents:

- Flood Risk Assessment, agb Environmental Ltd, ref: P3182.2.3, Dated 29 November 2018
- Surface Water Drainage Strategy, 7 Engineering Consultancy Ltd, Ref; 07128 Rev 0, Dated November 2018
- LLFA Response, agb Environmental Ltd, Dated: 20 February 2019

Based on these documents the LLFA removes its objection.

It states: "The above documents demonstrate that surface water from the proposed development can be managed through the use of partial infiltration through permeable paving on the private access roads, drives and parking areas. Any surface water above the 90m contour will enter a pond on site to add an extra stage of treatment and slow the flow before entering a swale system which conveys surface water to the outfall in the watercourse to the south of the site at a rate of 6.4l/s, equivalent to the greenfield QBar rate."

LLFA recommends a pre-commencement condition.

Anglian Water – (14 November 2018) States that it has assets in the local area and would like an informative added to any decision notice.

The Wastewater Treatment centre at Dullingham has capacity for this development.

The developer will need to demonstrate that it will not have an unacceptable flooding impact downstream.

Surface water should be dealt with via SuDS with connection the public sewer as the last option.

Anglian Water recommends conditions in regards to foul and surface water drainage.

(3 December 2018) Anglian Water has no concern over the network capacity; the foul water model for Dullingham was updated in 2017 and is considered up to date.

Confirms that Dullingham Water Recycle Centre has sufficient capacity to deal with the flows arising from the proposed development.

Anglian Water does not have many customer complaints in relation to flooding in the area and many of the issues have been from blockages.

(19 March 2019) States that the proposal is in the catchment of Dullingham Water Recycling Centre that has capacity for this proposal.

Is aware of local concerns regarding sewer capacity. It states:

“We can confirm that during normal conditions the system has enough capacity to cope with the foul flows. However, we do recognise that during storm events there have been some overflows, these were reported in June 2016 and December 2017. This is likely to be caused by unknown surface water connections made directly into the foul network.”

Repeats that a condition in regards to foul water is needed but confirms that the sewer network can cope with the development.

In regards to surface water the Lead Local Flood Authority should be consulted and its comments considered.

Local Highways Authority – (5 November 2018) No objection in principle to this application but the access needs to be amended to meet County Council Standards (2m footpaths and 5.5m road width).

The inter-vehicle visibility splays are correct for the speed of the road and as far as can be determined entirely within the public highway.

Provides advice on layout if a reserved matters application is submitted in the future.

(3 January 2019) Requests the redline be altered to include the shown visibility splays to ensure all the developers relevant land is included.

The amendments to the junction arrangement are acceptable.

(15 February 2019) No objections to this proposal and the visibility splays are entirely within the highway.

It recommends conditions in regards to:

- Ensuring roads and footpaths are built to at least binder course.
- New junction with Stetchworth Road as per drawing 188/001 Rev D.
- No private water to drain onto highway.
- Future maintenance of the proposed roads.

(1 April 2019) No additional comments.

Transport Assessment Team - (7 November 2018) Accepts the baseline traffic conditions and the accident data information.

The Team notes that bus service is limited and that train service is about once every two hours to Cambridge or Newmarket; it is also aware of the parking problems at the station car park.

Considers the proposal will lead to 3 additional vehicles every 5 minutes and that this will have minimal impact on the surrounding highway network.

Notes that the existing access will be upgraded to a new priority junction and this needs to be agreed with by the Highways Development Management who provide separate comments.

Condition is needed to deal with Construction Transport Management and to ensure provision of Travel Packs.

The footpath between White Crown Stables and Bakehouse Hill has an insufficient width and where possible this should be widened to 2m. It recommends a condition to ensure this is brought forward.

Subject to these conditions it is considered the traffic impacts will be mitigated.

(9 January 2019) States "I can confirm the proposed widening of the public footpath arrangement is acceptable".

Asset Information Definitive Map Officer – (9 November 2018) Requires £8,000 to cover the additional usage and damage from the development to upgrade the footpath (Public Footpath No.3).

Seeks a condition to cover how the estate roads and Public Rights of Way will interact.

Provides recommended condition to secure protection to the footpaths and any work to them. An informative is requested to highlight other legislation and laws in regards to Public Rights of Way.

(15 February 2019) No additional comments to make.

East Cambridgeshire Access Group – (31 October 2018) Welcomes the development and look forwards to seeing detailed plans.

Ramblers Newmarket and District Group – (23 October 2018) If care is taken the public footpaths should not adversely be affected.

Pleased to note that a number of green areas and pathways are included, which should encourage usage.

(28 February 2019) Previous views remain.

Housing Strategy and Enabling Manager – (24 October 2018) States adopted policy requires 40% affordable housing but emerging policy only seeks 30% but on a 77/23% split between rented and shared ownership.

Provides details on what needs to be included in the S106.

(11 March 2019) Policy seeks 40% affordable housing the south of district and is seeking 77% rented and 23% shared ownership in line with the latest SHMA. Continues to state:

“Based on the latest housing needs evidence from East Cambridgeshire’s Housing Register, combined with evidence from the SHMA the Strategic Housing Team will be seeking an affordable housing mix of one to four bedroom homes. I appreciate that detailed discussions will take place at Reserved Matters stage, but I note that the latest illustrative Masterplan shows that predominately the affordable homes will be delivered as two bedroom dwellings, which doesn’t accord with the latest housing needs data.”

CCC Growth & Development – (5 November 2018) Is not seeking contributions for Early Years or Primary, as Kettlefields Primary School has free space.

The proposed development will lead to an increase of 11 secondary school age students and seeks £256,663 towards Bottisham Village College.

Not seeking any contributions towards Libraries or Lifelong learning.

Strategic Waste is covered by Community Infrastructure Levy (CIL).

Waste Strategy (Ecdc) – (19 October 2018) East Cambridgeshire District Council will not enter private land but expects developers to comply with RECAP Waste Management Design Guide.

Provides comments on the indicative layout regarding bin drag distances and turning heads in order for the proposal to meet the guidance contained within RECAP and how far refuse lorries could enter the site.

Provides details on the cost of providing bins and how to purchase them.

Historic Environment Team – (22 October 2018) There is a lot of archaeological potential in the area but there has been no excavation history. It recommends a pre-commencement condition.

(20 February 2019) Please refer to previous comments.

Historic England – (5 December 2018) Does not wish to comment but recommends specialist conservation and heritage advice is sought.

(5 February 2019) Provides same previous comments.



Conservation Officer – (23 January 2019) The revised heritage statement was satisfactory, though the scale of the development should be limited to two storeys to ensure the tower of the local church is protected from the public footpath.

Design Out Crime Officers (Police) –The site is at a low risk of crime but recommends as the scheme progresses that lighting, boundary treatment and other security measures are provided.

It will support the developer in discussing Secured by Design.

(7 February 2019) No further comments.

Cambridgeshire Fire and Rescue Service – (7 January 2019) Recommends fire hydrants condition.

Environmental Health – (22 October 2018) Recommends standard contamination conditions, a Construction Environmental Management Plan should be added and would seek to control when construction work can take place.

Notes that in the indicative layout it has shown the over 55 bungalows close to the commercial and therefore expects the potential noise to be very low.

(31 January 2019) No additional comments to add.

Parks and Open Space - No Comments Received

Economic Development - No Comments Received

NHS England - No Comments Received

5.2 Neighbours – 125 neighbouring properties were notified and the responses received are summarised below. In addition several press adverts were undertaken the latest being on the 31 January 2019 and the latest site notice put up on the 6 December 2018. 203 objection letters at the time of writing (25 July 2019) have been received, though many properties have written in several times to maintain their objection throughout the amendments. A full copy of the responses are available on the Council's website with a summary provided below:

#### **Use of the Site**

- The site is currently for equine use.
- Newmarket and its surrounds has historically been an essential horse breeding and training area providing employment and generating wealth for both the country and the county and a change of use of this land would contribute to the erosion of this valuable national expertise.
- The site was previously a stud farm and therefore the proposals undermine the original and intended purpose of the land.

#### **Planning Policy**

- The proposed development is contrary to the Local Plan 2015.
- The risk of further development in surrounding fields.

- The Local Plan supports retaining equestrian uses.
- The proposals is outside of the village envelope.
- The provision of new dwellings in the village already exceeds the Local Plan targets.
- Dullingham is an unsustainable location for residential development.
- Dullingham has already contributed significantly to the housing requirements above the targets identified in the Local Plan 2015.
- The majority of the site is not infill development.
- The development would encourage urban sprawl.
- Any such large scale development would be contrary to the letter and spirit of the Parish Plan.

### **Character, Appearance, Conservation Area**

- The proposal is disproportionate to the scale and heritage of the village of Dullingham.
- The proposals would set a precedence for more similar land to be used for residential purposes.
- The proposals are not in keeping with the rural village which has a strong equestrian presence.
- Harm to rural views.
- The proposed development would result in a 13% increase in dwellings to the village.
- Urbanisation of Dullingham and Stetchworth and loss of their distinctive identities.
- Three storey dwellings on the top of a hill on the edge of the Conservation Area would be damaging.
- The size and scale of anything other than modest brownfield site infill is unacceptable.
- Result in harm to the overall setting and character of Dullingham Village and surrounding open countryside.
- The proposed layout is not suitable.
- The proposal has shown no consideration for the village.
- There are too many dwellings for the size of the village.
- Loss of trees.
- Would block public views of St Mary's Church.

### **Infrastructure and Highways**

- Strain and pressure to village infrastructure along Stetchworth Road and Station Road.
- Strain on train station car park due to an influx of additional traffic.
- Highway safety concerns onto Station Road due to narrow footpaths.
- The Transport Assessment is incorrect/misleading relating to frequency of trains, car park capacity, walking distances, train capacity and number of trains stopping at Dullingham.
- Within the Transport Statement, it is stated that as part of the assessment of travel flows that data was collected between the hours of 7:00-10:00 and 16:00 and 19:00 on Wednesday 26<sup>th</sup> September. This does therefore not take into account school traffic from Kettlefield Primary School as this school closes at 15:25. Peak traffic flows have therefore not been assessed.

- The Traffic Impact Assessment appears to give little consideration to Stetchworth High Street which already experiences congestion during peak times as a result of the Old Schoolhouse Day Nursery, to which no reference is made.
- The length of time to walk to the station is not 20 minutes, but closer to 40 minutes. People unlikely to walk to train station.
- Limited cycle storage at train station.
- There is no lighting on the route to the station from Eagle Lane.
- Trains are already oversubscribed and full meaning passengers have to rely on cars as there are no other public transport alternatives.
- Cars parking near train station will cause highway danger.
- Increased traffic would cause highway safety concerns.
- 41 dwellings will have at least 82 additional cars.
- The proposed access to the site adjacent to Clare House Stables is partially obscured because of the bend in the road which affects visibility.
- There is only a minimal bus service to and from Dullingham; residents rely on cars.
- The junction at Kings Head public house is a dangerous one, the number of accidents quotes is incorrect.
- Old Maid's corner has a single file section which provides poor visibility to see both cars and cyclists.
- The key traffic issues relate to traffic coming from Stetchworth Road pulling out onto the B1061, there is a restricted view due to the pub.
- The proposed access is not suitable for the number of dwellings.
- Parking is an issue on Station Road and needs attention.
- The provision of cycle paths on the site would lead to nowhere.
- The junction of Stetchworth Road and Brinkley Road has poor visibility.
- Pedestrian pavements are narrow, dangerously so in front of Clare Farm.

### **Flooding, Watercourse and Drainage**

- The southern boundary of the site is located in Flood Zone 2 and 3.
- The submitted FRA is not appropriate and there is an objection from the Environment Agency.
- Impact to the watercourse that runs parallel to Stetchworth Road in term of ecology and drainage matters.
- The foul water drains that serve Dullingham and Stetchworth are known to be working at full capacity and on occasion are over their designed capacity.
- Lack of demand for large dwellings in Dullingham.
- Water pressure is poor in the area.
- Stetchworth Road is liable to flooding especially on Stetchworth Road and Station Road.
- The flood risk report suggests that there has been no episodes of flooding close to the proposed development, however objectors have expressed that there was at least two occasions where the road has been impassable and boats have been used along Stetchworth Road.
- There is a ditch that goes along the proposed development down the footpath and it is not suitable to take the extra drainage. The ditch that runs along the back of the houses at Algar Drive and Kettlefield Lane can't handle extra drainage which might result in flooding.

- Stetchworth Road floods from Bakehouse Hill to the Crossroads which includes access to the proposed development.
- The sewerage system has insufficient capacity to meet current requirements, is subject to overflows of untreated sewage into a watercourse and residential properties and there are no plans or undertaking by Anglian Water to address this issue.

### **Sustainability**

- No facilities for the village are proposed and the development will result in no economic benefits (i.e. local shops).
- There are limited facilities/services in Dullingham.

### **Education**

- Pressure on local schools. Kettlefield Primary School has no plans to expand and is at capacity, along with Bottisham and Linton.
- Kettlefields School is oversubscribed by the existing population in Dullingham and Stetchworth, the two communities it serves.
- Facilities such as the hall, toilets and kitchen are fully stretched and temporary classrooms are already being used.
- Secondary schools of Bottisham and Linton are at full capacity.

### **Ecology**

- In a rural community such as Dullingham, wildlife is anticipated and not expected to be subject to reporting to CPERC or other bodies. Hedgehogs and badgers are frequently seen in gardens.

### **Neighbour Amenity**

- The proposed development would have a detrimental impact on the residential amenity of nearby occupiers.
- The proposed dwellings will affect the privacy of adjacent properties.

### **Other Points**

- BT cannot supply enough broadband width at peak times
- The plan covers part of the land owned by another developers and there is a risk that further development proposals will come forward should this application be approved.
- This is only the first phase of what could be massive development within the village.
- There is no employment opportunities as a result of the proposed development.
- The application is only for outline consent and therefore there are no guarantees that it will be built like the plans show.
- The proposal will increase the size of Dullingham by 10%.
- The demand for housing is a concern as in a much smaller development of 10 dwellings only 6 have sold since coming to the market 18 months ago.
- Residential development would be better close to the train station.
- Development should be located closer to Cambridge.
- Concerns for construction phases due to noise, disruption to traffic, impact to Listed Buildings and Conservation Area.

- The surrounding rural areas provide physical, mental and emotional enjoyment and well-being.
- The community facilities proposed provide no real benefit, there is already Ellesmere Centre, Taylor Hall and a community shop.
- The proposed affordable units are at the end of the development and in a field that crosses a well-used historic public footpath.
- The nearest medical practice is at Newmarket.
- Concerns for the location of the Affordable Housing in a cluster to the rear of the proposed development.
- Lack of community engagement by the developer.
- Applicant is not a constituent.

**In response to the developer's submitted 'Horse Racing Industry Impact Assessment, dated June 2019'**

Its previous concerns are included above, but concluded that Policy EMP6 is an important policy when determine this scheme and that it continues to benefit from full weight, irrespective of the five year land supply. Any judgement on the merits of the case application must include an assessment against EMP6.

The Newmarket Horseman's Group make the following points:

- Leaving of land vacant should not mean that policy EMP6 is not applicable.
- No alternative use has been granted on site and therefore remains an equine site.
- Policy seeks to consider first the developments impact on the operational use of the existing site and then that it does not threaten the long term viability of the industry as a whole.
- The land that will be built on will no longer be available to the horse racing industry.
- The policy does not indicate that sub-division of an existing facility would be acceptable, yet the statement considers using the remainder of the site.
- Statement does not include any market information to demonstrate the demand for the remainder of the paddocks and stables.
- The satellite imagery is inadequate to demonstrate the developer's case and shows a distinct lack of understanding for the training/thoroughbred horses. The area around a training area is as important as the land that the horses occupy. This will adversely impact on its appeal to an operator.
- Further residential development could hinder the continued use of the remaining equine land.
- It is important to understand the cumulative impact of the loss of sites such as this one and that is missing in the developer's statement.
- Concludes - It seeks active marketing as equine land to prevent deliberate mothballing of sites to circumvent policy EMP6. This should also be done for the remainder of the site to prove this would remain an active site. It remains the developer's responsibility to demonstrate that it complies with EMP6 and the decision maker to assess and apply this policy.

Others have raised the following points:

- Developer has chosen not to allow the site to be used.

- The site has not been used since around 2008, by choice of the owner not through lack of need.
- The site has been decreasingly used for grazing.
- The equine industry is made up of sites of very different sizes.
- Smaller sites struggle to work efficiently.
- There is a lack of sites already.
- Equine industry is of great importance in the area.
- Could lead to the future loss of the entire Clare House stables and paddock.
- Need to consider the future impact of when land availability will not meet demands through growth.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
EMP3	New employment development in the countryside
EMP6	Development affecting the horse racing industry
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Design Guide  
 Contamination  
 Developer Contributions  
 Cambridgeshire Flood and Water

### 6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 6 Building a strong competitive economy

- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 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 Planning Policy Guidance

Housing for older and disabled people (26 June 2019)

7.0 PLANNING COMMENTS

**7.1 Principle of Development**

7.2 Following the Council’s decision to withdraw its Submitted Local Plan at a Full Council meeting on 21st February 2019, some or all of those draft allocation sites that were proposed within the now withdrawn Local Plan might not be able to be relied upon as continuing to contribute to the supply. A Five Year Land Supply (Published June 2019) concluded that the Council five year supply of land has reduced slightly to 3.7 years of housing supply.

7.3 In addition any policy that restricts housing has to be carefully judged on the grounds of tilted balance covered by paragraph 11 in the NPPF that states:  
 “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:  
 i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
 ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.”

7.4 Under point i. the protected areas or assets are habitat sites, SSSIs, Green Belt, Local Green Space, Area of Outstanding Natural Beauty, National Park, Heritage Coats, irreplaceable habitats, designated heritage assets and areas at risk of flooding/coastal change.

7.5 Policy EMP6 (Development affecting the horse racing industry) is of great relevance and states:

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.

- 7.6 Policy EMP 6 in itself has full weight as it is not a housing policy and while the NPPF does not make specific reference to the equine industry the policy is considered to comply with Chapter 6 of the NPPF, which seeks to support a prosperous rural economy. However, applying it absolutely will leave large areas of the district unable to support the required levels of housing growth. The decision maker should only refuse an application if it would have an adverse impact on the horse racing industry or the long term viability of the stud/horse facility.
- 7.7 In making a decision, it is considered that minimum weight should be given to the fact that changing land from paddock to agricultural does not constitute development (Town and Country Planning Act 1990, para 55 2e) and therefore is outside of the control of any Local Planning Authority. The ability to automatically change equestrian land to agricultural land is only granted minimal weight, as while this would allow land to no longer count as equestrian the District still needs to maintain the ability for sufficient equestrian land to support the horse racing industry.
- 7.8 While many of the GROWTH policies in the Adopted Local Plan seek to maintain village boundaries GROWTH 5 makes it clear that the fundamental aim of any development is to meet the requirements of sustainable development in social, economic and environmental impacts. This policy is fully in line with the NPPF that requires developments to be approved unless there is significant demonstrable harm or where land is specifically protected within the NPPF. Under Chapter 6 of the NPPF there is no specific mention of the need to protect equine business, though it is clear it seeks to protect land based rural businesses. The level of harm to the equine industry is discussed in greater detail below.
- 7.9 A court decision Suffolk Coastal District Council and Hopkins Homes Limited and Secretary of State for Communities and Local Government, Richborough Estates Partnership LLP and Cheshire East Borough Council and Secretary of State for Communities and Local Government [2016] EWCA Civ 168 (Appendix 2) states in paragraph 33:
- "Our interpretation of the policy does not confine the concept of "policies for the supply of housing" merely to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. It recognizes that the the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed - including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development. It reflects the reality that policies may serve to form the supply of housing land either by creating it or by constraining it - the policies of both kinds make the supply what it is."*
- 7.10 A further Court Case judgement in May 2017 Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richardborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 (Appendix 3) provided greater



clarification/correction and stated a council that could not demonstrate a five year land supply must be careful in how it applies its environmental and amenity policies. In short a wider view of the development plan has to be taken when coming to a determination, but a narrow view on what is a housing policy. This is specifically covered in paragraphs 83 and 84 that state:

*“If a planning authority that was in default of the requirement of a five years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated. The purpose of paragraph 49 is to indicate a way in which the lack of a five-years supply of sites can be put right. It is reasonable for the guidance to suggest that in such cases the development plan policies for the supply of housing, however recent they may be, should not be considered as being up to date.*

*If the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken.”*

- 7.11 While policy EMP6 does not prevent or limit housing its designed to protect the economic sustainability of primarily the settlements around Newmarket; the benefits of much needed housing against the importance of protection of equine land have to be carefully considered. However, a clear breach of policy EMP6 should lead the decision maker to recommend refusal for the proposal. The economic impact of the proposal is covered in greater detail below.
- 7.12 It is clear that the lack of a five year land supply does not prevent areas that are specifically protected by the NPPF from maintaining their full protection; for instance heritage having full weight in any determination. These specifically mentioned protected areas are considered to overrule the court case mentioned above, as the NPPF has since been revised. However, there is no specific policy in the NPPF that specifically protects equine land in relation to lack of five year housing supply, though it does promote the protection/growth of the rural economy.
- 7.13 Paragraph 59 of the NPPF seeks to ensure that there is sufficient and a variety of land that can come forward. It is noted that Dullingham, Stetchworth and Woodditton do not have any site allocations; though this does not mean that these villages have not experienced growth. In those settlements to the direct south of Newmarket only the village of Cheveley has been allocated residential development of 20 dwellings in the Adopted Local Plan. Bottisham is just to the south of Newmarket and allocated 50 dwellings in the Adopted Local Plan. It should be accepted that in the now withdrawn Local Plan, Dullingham did have one allocation for 15 dwellings adjacent to this site. However, it does show that there is a lack of available sites within the south of district for suitable housing schemes to be brought forward; combined with the five year land supply (3.7 years of housing supply) and people in these areas (or seeking to live here) are likely to find it difficult to find a home to suit their needs.
- 7.14 A lack of supply within an area will likely push house prices higher due to the great demand for houses in Cambridgeshire (specifically near Cambridge), which leads to harm to the social sustainability of an area; it also means those seeking to work

in agriculture/equine are almost certainly priced out of the market. The lack of housing in an area is also likely to diminish the economic potential of an area, due to companies not being able to find a steady workforce or market to sell to.

- 7.15 Members will need to weigh the benefits of providing housing in Dullingham in order to help these villages maintain community facilities (in accordance with para 78 of the NPPF) as well as providing homes for those who want to live within the village against the change of character to the village. Each application must be determined on its own merits and while the district has more sustainable locations (primarily Ely, Soham and Littleport); residential growth in other relatively sustainable locations must be considered in order to maintain a continuous five year land supply.
- 7.16 In terms of sustainability in regards to transport the train station in Dullingham is about 30 minute walk from the site. There are services to Cambridge and London; though only the 07:20 train (one change in Cambridge) would get you into London early and two trains to Cambridge (07:20 and 08:00) before 09:00. There are also trains into Newmarket, generally one every two hours. While the station's rail service has limited times to get to main settlements and is a distance from the site; it is a service that most of the district does not have (only the parishes of Littleport, Kennett and Ely currently have train stations). This has been given minor to moderate weight in the decision making process in regards to sustainable transport.
- 7.17 The site is located adjacent to the village framework and in close proximity to the Kettlefields Primary School. The village is within easy driveable distance to Newmarket, which provides a significantly greater amount of facilities/services. It is considered the site location for dwellings is a sustainable location for a rural authority. The potential amount of dwellings and the impacts of these dwellings will be covered in greater detail below. Paragraph 78 in the NPPF states that services in one village can support people in another; the lack of all required services in Dullingham (for instance Secondary School) is for this reason not substantially harmful to the sustainability of the development as it is expected in a rural district for each village to support each other.
- 7.18 The proposal is seeking to provide 250 sqm of B1 and/or D1 uses. These uses are shown indicatively adjacent to the Stetchworth Road, which would be a logical location for these uses to the benefit of the wider community (as well as locating more vulnerable users outside of Flood Zones 2 and 3).
- 7.19 The location of the B1 use is closely related to the settlement framework, there are no other locations considered to be suitable and it would be easily be accessed by foot/cycle. The proposal is considered to comply with EMP3 as it is a relatively small scale development and there are not other suitable sites within the settlement, though the visual impact and highway elements of this policy is considered below. On the same basis the D1 use class is considered to comply with policy COM4 that seeks to provide community facilities in close proximity to the community while ensuring there is no material harm to character of the area, residential amenity and does not lead to additional traffic. However, it is considered reasonable to condition that the proposed floorspace is a maximum, to ensure the proposed units can suitably fit within the site.

- 7.20 The proposal taken, as a whole, is considered to be acceptable in principle, as the site is in a relatively sustainable location and will provide much needed housing within the District. The proposal still needs to be determined on whether the detrimental impacts significantly outweigh the benefits of this application, this includes but not limited to the impact to the equine industry.
- 7.21 Housing Mix and provision of affordable housing mix**
- 7.22 The housing mix is only taken as indicative as this is an outline with all matters reserved except access.
- 7.23 The developer has suggested a mix of:
- Market – six 2 bedroom bungalows for over 55s  
six 3 bedroom bungalows  
nine 4 bedroom dwellings  
four 5 bedroom dwellings
  - Affordable – eight 2 bedroom dwellings  
eight 3 bedroom dwellings
- 7.24 Policy HOU1 in the Adopted Local Plan seeks single bedroom dwellings, but it could be argued that single bedroom properties are less desired within smaller villages. It is also noted the developer is not suggesting 2 bedroom properties for the open market, which would be expected in this location. However, the concerns in regards to visual impact may give greater need to provide single and two bedroom properties in order to keep building heights low. Notwithstanding this, if a reserved matters application was submitted it would be expected a greater proportion of the market properties to be smaller properties or additional justification provided for the housing mix.
- 7.25 The proposal is seeking to provide a large proportion of the dwellings to be bungalows and half of these to be for the over 55s; this exceeds the requirements of Policy HOU1 as this is normally only required for schemes of over 50 dwellings. To ensure at least six bungalows for over 55s come forward in the first reserved matters application a condition is recommended. Chapter 5 of the NPPF highlights the importance of providing for an aging population (this element will be covered in greater detail below). The specific provision of dwellings for the over 55s is to the benefit of the application.
- 7.26 Policy HOU3 requires affordable housing in Dullingham to be at least 40%; while this proposal is only providing 30%. However, in the Submitted and now withdrawn Local Plan the percentage of affordable dwellings required was 30%. Since the submission of the application in October 2018, a draft S106 has been written and submitted. Following the withdrawal of the Local Plan an independent report (Viability Assessment Information, Report V2, April 2019) has been produced for East Cambridgeshire District Council has been written stating:

“The interim positions intended for use by ECDC are within the parameters of our findings and recommendations, as explained in this report, at a suggested 20% AH requirement for Littleport and Soham; 30% AH elsewhere in the District. These positions therefore represent reductions in some key respects from the currently adopted 30% (north) and 40% (south) AH policies.”

7.27 On this basis it would be unreasonable to require a higher level of affordable housing on this proposal. The development is offering 77% rented and 23% shared ownership, which is a benefit to the application but the suitable level of affordable housing is currently being reviewed.

7.28 The proposal is considered to in principle comply with policies HOU1 and HOU3, though the final mix would only be defined at a reserved matters stage.

### **7.29 Economic Sustainability of the Horse Racing Industry**

7.30 It is accepted that the horse racing industry is of great importance around Newmarket, as much of the economy is based on this trade. Policy EMP6 clearly states that any development that adversely harms the horse racing industry should not be permitted. While an argument could be brought forward around the dangers of relying on a single goods trade (shoes in Northampton, Sheffield steel or cars in Luton) around one settlement; it is acknowledged and accepted that the horse racing industry (HRI) is of great importance within the District and is supported in adopted policy.

7.31 The proposal would lead to the loss of approximately 1/3 of the paddock land of Clare House Stables. This will likely reduce the economic potential for the stables and will reduce the maximum amount of horses that the stable business is likely to be able to keep. However, the proposal is not seeking the loss of the stables or the majority of the paddock land and an existing access still remains to the site albeit blocked for security measures at present. An additional access could be provided within the reserved matters, but this is considered to be desirable and not essential.

7.32 The applicant has provided a report ‘Horse Racing Industry Impact Assessment’ dated June 2019 that states: on page 5 paras 2.6- 2.7:

“The tenants confirmed that since possession in 2014, no part of the site had been used for training horses, any other HRI related use or any other commercial purpose; the stables and land have solely been for their private use. The tenants understood that prior to 2014, the site had been vacant for several years (likely at least since it was purchased by the current owner in 2008). This was supported by the fact that the buildings on the site were in a state of disrepair upon the tenants’ possession in 2014, with the agreement that the tenants would improve the site.

This is reinforced by a Freedom of Information response from East Cambridgeshire Council in respect of empty properties dated 31<sup>st</sup> July 2013 which lists White Crown Stables as empty since 20<sup>th</sup> March 2008.”

- 7.33 The aerial photos within the assessment show that in 2008 the application site was not used for intensive training, though was still being used in relation to the stables and by 2010 there is no evidence of intensive use. However, the lack of intensive use does not change the fact that the authorised use of the land is for equine that could be either for commercial or private use.
- 7.34 The report continues to point out that the remainder of the stables and paddock land could still be used in relation to the equine industry ranging from (but not promoted for) equine hospital to the stables still being able to run at 80% efficiency with 22 out of 28 stables occupied in order to meet the 0.4 – 0.6 hectares of land as recommended by the British Horse Society and this is broadly in line with the stable capacity. The proposal would still allow the stables to have space to look after horses and/or provide a training facility. It is the view of the Case Officer that reducing the area of land around stables can limit the number of people/businesses that could be interested in the equine unit. It is also noted that both the Newmarket Horseman's Group and the applicant agree that the equine industry is made up of sites of different sizes.
- 7.35 The report goes on to state on page 21 para 4.24:
- “In fact, given the industry has grown during a period in which the application site was not in HRI use; it is difficult – in fact impossible – to conclude that the loss of even a part of the Clare House Stables site (noting that the dwellings, stabled and over 10ha of land in total would be retained) would threaten the long term viability of the HRI as a whole. This makes sense in part because at no point while it was in HRI use was the site at Clare House Stables hosting a facility which was fundamentally central to the racing industry, e.g. an equine hospital, bloodstock auctioneer, racecourse, racing school (without which the cluster could have theoretically unravelled).”
- 7.36 It is considered that the harm to existing paddock/stables of Clare House Stables is minor – moderate, as there would be some limitation of what the stables can cater for with the reduced paddock land. However, it is considered that sufficient land (approx. 10 hectares or 25 acres) would remain to ensure the remainder of the site could form a productive site within the equine industry. It is noted that a smaller equine yard (18/00790/FUL, Equine Livery Yard, Temporary Dwelling and New Access on Brinkley Road Dullingham) that measured 1.9 hectares and was independently assessed as being a viable equine business. This proposal is not considered to lead to an adverse impact upon the stables it would be unreasonable to refuse it on the grounds of policy EMP6, as the remainder of the site could still be put into practical use and benefit to the quine industry.
- 7.37 The proposal cannot be demonstrated as threatening the long term viability of the horse racing industry and for this reason it again would be unreasonable to refuse the application on the grounds of policy EMP6, as the horse industry around Newmarket has continued to strongly grow without the need of these stables.
- 7.38 The applicant has stated in their report (page 18-19) that since 2008/2009 the number of horse sales has increased by about 1000 horses (that has increased the value by approximately £170 million) and that only Australia/USA provide more world ranked horses than Newmarket.

- 7.39 The Case Officer believes this demonstrates that Newmarket's horse racing industry does not need the application site to succeed, it also demonstrates why careful consideration must be given to the protection of the horse racing trade in Newmarket.
- 7.40 While each application must be determined on its own merits if stables/paddocks continued to be built on then the cumulative impact would clearly need to be considered.
- 7.41 The District benefits from large amounts of Grade I/II agricultural land and around Newmarket, in particular, large areas of paddock land. It is, therefore, likely that new development will always reduce either agricultural or paddock land within the district. With little infill space or brownfield land to provide the much needed housing in the district it is considered the minor harm to the equine industry is balanced by the need for housing. The provision of new business (B1) on site is a benefit but is not specifically required to be brought forward quickly in order to gain support.
- 7.42 Whilst there will be some economic benefit from construction work, it must be balanced, as the harm to the horse racing industry is long term while construction trade is short term. The long term benefits of housing and level of harm to the horse racing industry is of fundamental importance when assessing the merits of the application.
- 7.43 The proposal, therefore, will cause minor-moderate harm to the equine industry. While there is some conflict with Policy EMP6 the proposal is not considered to threaten the long term viability of the horse racing industry based on the amount of land proposed and given the lack of use of the land in recent years. In addition the local racing industry has still grown in recent years and the site is not considered of fundamental importance to the equine industry. In addition the remaining stables and grazing land could still be productively in the equine industry. The public benefit in providing much needed housing (including affordable houses) is considered to neutralise this level of harm to the existing stable/equine use.
- 7.44 Proposed B1 and D1 Use Class
- 7.45 Policy EMP3 allows B1, B2 and B8 uses within or in close proximity to the village framework where there is a lack of suitable buildings/sites within the village, it will not cause harm to the character of the area, will not result in harm to residential amenity, will not result in significant increase in traffic and is accessible by foot/cycle. Policy COM4 allows for new community facilities within village settlements where possible, subject that it is accessible by foot/cycle, will not have adverse impact on traffic, will not harm character of the area or residential amenity and that the greatest amount of use of the community facility has been designed in.
- 7.46 It is considered that the provision of Light Industry (B1) and Non-residential Institution (D1) would provide much needed opportunity in the local area for small business and/or community facilities. While generally these use classes are suitable for residential areas, it is considered reasonable and necessary to recommend a condition restricting hours of use in order to avoid unsociable hours

of use. It is considered that the proposal does comply with policy EMP3 and COM4 of the Adopted Local Plan.

#### **7.47 Residential Amenity**

7.48 Policy ENV2 seeks to ensure there is no significant detrimental effect on the residential amenity of nearby dwellings and that new dwellings offer a high standard of amenity.

7.49 The proposal is for up to 41 dwellings though scale is not being considered as part of this outline consent. A scheme could be designed to ensure there is no significant loss of privacy, light or causing undue overbearing to any existing or proposed residential property. It is also expected that garden sizes would comply with the Design Code SPD. Suitable care would be needed as part of a reserved matters application in order to ensure properties on higher levels of the hill slope do not cause harm to residential properties on lower levels; in these cases back to back distances for two storey to two storey would be expected to exceed the distances suggested in the Design Code SPD (which are a recommended minimum). The proposed ecology mitigation, drainage and open space details could further protect residential amenity of existing residents by creating a buffer.

7.50 Policy ENV9 seeks to ensure that all development minimise pollution and that a full assessment can be undertaken on potential contaminated land, including how to make the land suitable for the intended end use.

7.51 While the chance of land contamination is low on a rural paddock site, it is still considered reasonable to recommend contamination conditions to any approval in order to ensure existing and future residents are protected.

7.52 With the quiet nature of the village it is likely that construction works would have a noticeable impact; while it is not possible to prevent disturbance from a construction site it is considered reasonable and necessary to recommend construction hour limits and the need for a Construction Environmental Management Plan (CEMP) conditions onto any approval. With the proposal being on a hill and the size of the proposal, a CEMP will also need to ensure that water run off during on construction does not unduly impact neighbours and that the public footpaths are protected.

7.53 It is considered subject to conditions the proposal would comply with policies ENV2 and ENV9 of the Adopted Local Plan 2015.

#### **7.54 Visual Amenity**

7.55 The proposal needs to comply with policies ENV1 and ENV2, which seek to ensure the character of the area is protected and the final design is acceptable. Weight must also be afforded to Chapter 11 of the NPPF when considering the principle of additional dwellings on part of the site. Within Chapter 11, paragraph 123 of the NPPF states that, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. When considering the

effective use of land in line with the NPPF, it is important to note that each planning application and site must be assessed on its own individual merits.

- 7.56 The gross density of the site (for 41 dwellings) is 7.3 dwellings per hectare or 3 dwellings per acre. This density is considered to be very low and is appropriate for a village edge location. However, it should be noted that the amount of ecological enhancement and offered land for the primary school lowers the density of the site substantially.
- 7.57 The character of the site is primarily used for equine grazing, though at the time of the site visit it was noted sheep grazing on the most northern section of the site. The site is located on a hill with the ridge of the hill to the north of the site. With a footpath running through the site in a north/south direction and a footpath at the top of the hill running in an east/west direction, the site is publically visible from most angles from the public realm. The village church is viewable from the public footpath to the north of the site and provides an important connection between the countryside and the village. It is noted that the local character of the area is equally defined by modern residential cul-de-sacs of Bakehouse Hill, Taylors Field, Algar Drive, Spooners Close and Kettlefields; all these residential developments would cut into the countryside at the time of construction. In addition these residential streets form a backward 'L' shape; the proposed development seeks to square off this corner of this village and on this basis is considered to preserve the character of the area, subject to the final design.
- 7.58 It is considered that the proposed development would have an urbanising impact, though will maintain large spaces of public open space. These public open spaces would allow green fingers to remain within the development and connect to the public footpaths; this would help ensure that a village edge feel is maintained.
- 7.59 The existing countryside is likely to be of substantial value to the local people, who have chosen to live there, even though the vast majority of it is not publically accessible. However, seeing development is not in itself fundamentally harmful and can lead to the visual enhancement of an area; in addition to this the countryside is not protected as an Area of Natural Beauty, Green Belt or other protected space.
- 7.60 The applicant has submitted a Landscape and Visual Impact Appraisal (dated January 2019) (LVIA) in early February to fully assess the impacts of the proposal on the local landscape. The report's overall conclusion that the proposal will be relatively contained and will fit in well with the existing cul-de-sacs to the south and east of the site. However, the potential harm to the character is largely based on ensuring that the footpath running north/south is not too enclosed, existing landscape is maintained and that the size (primarily height) of the proposed dwellings is strictly controlled if a reserved matters application was submitted. This conclusion is supported by the Case Officer and any reserved matters application will need to take the conclusions of the LVIA into consideration as part of the design process, as well as other material considerations, to ensure a high quality design which preserved or enhances upon the local architecture.
- 7.61 It is expected that if a reserved matters application was submitted that the house types would be of a high quality that reflect the best architectural examples within



the local area, as well as using high quality materials, in order to provide an enhancement to the character of area that is adjacent to the Conservation Area.

7.62 With careful design it is considered that the proposal would meet policies ENV1 and ENV2 of the Adopted Local Plan 2015 and the Design Guide SPD.

### **7.63 Historic Environment**

7.64 Policy ENV11 (Conservation Areas) and Policy ENV12 (Listed Buildings) seek to ensure that areas/buildings of historical or architectural interest and their setting are protected. The NPPF does allow harm to historical assets/places, subject that the public benefit clearly outweighs the harm.

7.65 The proposal is adjacent to the Conservation Area and the Grade I Listed Building of St Mary Church located to the southwest of the site. In a village setting the view of the church tower is considered to be of significant importance and this tower can be seen from the public right of way located to the north of the site.

7.66 If tall buildings are placed along the northern edge of the proposed site the harm to the setting of the listed building from this footpath is likely to be less than substantial to substantial. However, if proposed ridge heights were reduced the harm to the setting of the church is likely to be the lowest level of less than substantial harm. However, this is only an outline application and the layout, scale and appearance are not being determined at this stage. It will require careful design to ensure less than substantial harm within a reserved matters application. The views from the public right of way running through the site in a north/south direction has limited views towards the Church, due to the amount of landscaping, though this could change over time.

7.67 The public benefits of housing, business and community space and affordable homes would outweigh the harm subject to the view of the church tower from the PRoW to the north is maintained; any reserved matters application will need to be carefully designed and supported by a Heritage Statement to demonstrate that there was less than substantial harm.

7.68 Clarehall Farmhouse is a Grade II Listed Building but is separated from the site by the existing stable buildings; the impact on the setting of this listed building is considered to be very minor and the benefit of the proposal (as highlighted above) will clearly outweigh any impact on this listed building.

7.69 With the site being located adjacent to a conservation area, it will be necessary to secure a high quality design and materials at reserved matters stage if this application was approved. It is also expected that the affordable housing should be tenure blind.

7.70 The proposal is considered to comply with policies ENV11 and ENV12 of the adopted Local Plan 2015 and the requirements of the NPPF.

7.71 In order to ensure the proposal meets with the requirements of policy ENV14 that seeks to protect archaeology; it is necessary to place a pre-commencement

condition in regards to archaeological investigation to ensure no historical artefacts are damaged or lost by the proposal.

## **7.72 Highways and Parking**

7.73 Policy COM7 seeks to ensure suitable and safe entrance onto the public highway, preventing detrimental impact on the highway network as well promoting non-motorised methods of transport. Policy COM8 seeks to ensure suitable levels of parking.

7.74 The Local Highways Authority and its Transport Team has stated that it has no objection to the proposal as amended. The level of increase in traffic from this proposal on the wider network is considered to be minimal and the provided visibility splays (drawing number 1888/004 Rev B) are acceptable; the requested conditions are recommended to secure these requirements.

7.75 The proposal is near the primary school and weight should be given to it being relatively easy to walk to the school.

7.76 It would be expected in any reserved matters application that the proposal provides at least two parking spaces per dwelling plus sufficient visitor spaces. In addition each dwelling should include space for secure cycle storage. With the overall size of the site and the relatively low number of dwellings this could be easily accommodated.

7.77 It is considered subject to conditions that the proposal is acceptable and complied with policies COM7 and COM8.

## **7.78 Ecology**

7.79 Policy ENV7 requires all developments to first protect species on site, then to provide adequate mitigation measures and finally to enhance biodiversity within the area.

7.80 It is normal practice to undertake detailed biodiversity surveys prior to submitting an application, which should be done at the relevant time(s) of the year. This is so the impact on local biodiversity can be fully assessed and suitable mitigation and enhancement measures are put into place. This means it is necessary to undertake all fundamental surveys prior to determination and then condition protection/enhancement measures.

7.81 In this application, the applicant has not undertaken the standard surveys. The original submitted document concluded (Preliminary Ecological Appraisal, 9 October 2018) the proposal would have minimal impact and provided a list of habitat creation in its suggested enhancements section. The appraisal also recommended carrying out the necessary surveys to investigate amphibians, reptiles, bats and dormouse. While this would normally lead to a recommendation of refusal, as no application should lead to detrimental harm to biodiversity, in this case the developer is seeking to undertake a different method. This alternative approach requires the developer to put in a 'gold standard' scheme; in affect presume all potential protected species are on site and then

protect/mitigate/enhance on this basis. This requires a far greater level of mitigation and enhancement than might have been needed if all the relevant surveys were done upfront. It is also fundamental to allow species to safely transverse the site.

- 7.82 The Biodiversity Strategy Report (8 February 2019) concludes “we have demonstrated that land at White Crown Stables can be developed whilst producing biodiversity gains and a positive impact for protected species”. It also adds that further surveys are needed to meet legal requirements but the proposal is able to accommodate suitable habitats. This report has been written on a ‘best case scenario’ basis, which translates that it is presumed that species are on or adjacent to the site; for instance that nine nearby ponds are presumed to have low to medium sized populations of great crested newts.
- 7.83 It is of fundamental importance that the mitigation measures and enhanced measures suggested in the report are carried out; in addition to this the indicative landscape plans (001 – 004 February 2019) will need to influence the final design if a reserved matters application is submitted. These drawings show areas of open water, swales, range of trees, grassland, scrub and an orchard. These features should ensure both ecological improvements but help animals transverse the site safely. It also recommends a range of bird and bat boxes, bee boxes, log piles and grass/compost heaps. All of these would need to be included in any final scheme.
- 7.84 It is the view of the Wildlife Trust that the proposal has the potential to lead to net gain in biodiversity and provides sufficient space for mitigation; though seeks conditions to ensure no harm does come to protected species.
- 7.85 It is considered that the proposal will meet the requirements of ENV7 of the adopted Local Plan 2015, subject to the recommended conditions that are considered fundamental to the support of this application. Without these conditions the application would not comply with the requirements of Policy ENV7 of the Local Plan or Natural England standing advice.
- 7.86 Flood Risk and Drainage**
- 7.87 Both Policy ENV8 and the principle of Sustainable Drainage Systems (SuDS) seek to ensure that all developments contribute to reducing flood risk.
- 7.88 The site is located on a slope which naturally drains to the south where it enters a ditch that runs alongside Stetchworth Road. It is presumed that many of the modern developments for instance Bakehouse Hill and Taylors Field are unlikely to have sustainable drainage systems and have likely substantially increased the risk of flooding in the local area. However, current development needs to demonstrate it maintains greenfield run off rate plus make allowance for climate change. New development, therefore, in the short term reduces the risk of flooding in the local area and in the long term will not make the chance of flooding any greater.
- 7.89 The latest documents submitted by the applicant have been accepted by the Lead Local Flood Authority, subject to a recommendation condition being appended to the decision. The drainage details recommended are provision of a pond, permeable paving in certain areas of the site, swales and attenuation tanks in order

to ensure the surface water is managed. The final design of the scheme will need to accommodate ensuring appropriate levels of permeable paving against the desire to have the roads adopted by the Local Highways Authority, as it does not adopt permeable roads. However, with the size of the site and the low density there is no reason to believe a suitable design could not be brought forward. It is, therefore, accepted that the proposal would have suitable drainage measures that will in the short term reduce the risk of flooding to locals and in the long term not make the risk of flooding any greater.

7.90 The indicative site layout shows that it is possible to keep the proposed development outside of the area at risk of flooding (Floodzone 2 and 3), as well as ensuring the more vulnerable users (dwellings) are kept on the higher levels.

7.91 The proposal is considered to meet the requirements of policy ENV8 and the Cambridgeshire Flood and Water SPD, subject to the recommended condition to ensure that the first reserved matters application includes suitable drainage details.

## **7.92 Infrastructure and S106**

7.93 Anglian Water have confirmed that it has capacity in its sewer network to accommodate the development's foul water and to treat it. It is considered reasonable to recommend a condition in regards to foul water to ensure appropriate connection.

7.94 There is significant disagreement between the local population over Anglian Water's view. The local residents believe there is not capacity within the sewer network to cope with existing dwellings, let alone new development. A Local Planning Authority cannot get involved in maintenance issues, but has a requirement to ensure there is capacity in relevant infrastructure. With Anglian Water confirming there is capacity in the network it would be unreasonable to require the developer to pay a contribution to improve the sewer network. If there is not capacity in the wider network, it will be for Anglian Water to provide the necessary infrastructure improvements under its own responsibilities and legislation.

7.95 Cambridgeshire County Council has requested the following education contributions:

- No contribution needed for early year, as there are 23 spaces available at Kettlefields and the development would only produce 13 spaces.
- No contribution needed for primary schools, as Kettlefields Primary School has 46 spare spaces and the development would only produce the need for 17 child spaces.
- Seeks a contribution of £256,663 to accommodate 11 secondary spaces at Bottisham Village College that is expected to already be over capacity by 2021/22 even with planned extensions.
- No demand to improve Libraries and Lifelong Learning from this proposal as there is no need to increase capacity from this proposal.

7.96 The developer is offering:

- Land offered for an extension to Kettlesfield Primary School.

- £256,663 (plus indexation) for Secondary School contributions.
- 7.97 The developer and County Council are in agreement over the level of contribution needed for secondary school provision. On this basis, there is no reason to consider that the level of contribution is unreasonable.
- 7.98 The Department for Education has produced a report ‘Securing developer contributions for education, April 2019’ that states:
- “You may wish to safeguard additional land when new schools with development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. ‘Future proofing’ can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where justified by forecast need for school places, additional can be designated specifically for education use and made available for purchase by the local authority with an agreed timescale, after which the land by be developed for other uses.”
- 7.99 The County Council are not seeking the land or a financial contribution for primary education, therefore it would be unreasonable to add any material weight on the development providing land for the primary school. However, as the land forms part of the permission the County Council could purchase it in the future, but this would need to be at market value.
- 7.100 A condition is recommended in regards to broadband, to ensure the highest possible speed internet is provided for the development; this may benefit the wider parish but is required to ensure the development has necessary infrastructure for today’s requirements. This is a requirement under Chapter 10 of the NPPF and Policy GROWTH3 of the Local Plan.
- 7.101 The S106 will also need to include long term management of public open space and water management. In addition the S106 will also need to secure the provision of affordable housing.
- 7.102 The developer is required to pay the Community Infrastructure Levy (CIL), this money can be used to pay for those items on the Council’s Regulation 123 list, including:
- Littleport Schools
  - District Leisure Centre
  - Soham Railway Station
  - Ely Southern Bypass
  - Health Facilities Serving North Ely Development
  - A142/Witchford Road Roundabout
  - Childrens Centre Serving North Ely Development
  - North Ely Country Park
  - Staploe Medical Centre
  - Ely Commuter Car Park
  - Wicken-Soham-Ely Cycle Path
  - Witchford Household Recycling Centre

- Burwell Parish Council Recreation Ground Improvement Project
  - Ely Museum Redevelopment
  - The Mill Project- Soham
  - Sutton GP Surgery Extension
  - Stretham GP Surgery
- 7.103 In addition the Parish would receive 15% of any CIL money collected from the development to seek to improve any infrastructure issue.
- 7.104 Other Material Matters
- 7.105 Concerns raised by neighbours that the applicant is not a local constituent and that this might lead to future development within the village are not material planning considerations. All planning applications are judged on their individual merits.
- 7.106 Members are reminded that no developer should be expected to overcome existing problems, but should ensure that the development mitigates against its own harm.
- 7.107 Planning Balance
- 7.108 The proposal is considered to be acceptable in principle, as the Council cannot demonstrate a five year land supply and it complies with the requirements of paragraph 11 in the NPPF.
- 7.109 The proposal is not considered to be detrimental to the existing stables/equine use of the local or wider area and while there is some harm it is considered to only be minor-moderate. It is considered that the benefits of the development would outweigh this harm and on this basis it would be unreasonable to refuse the application on the grounds of policy EMP6.
- 7.110 The proposal has been confirmed by County Council that it will not be detrimental to highway safety or traffic capacity, subject to suitable conditions that are recommended.
- 7.111 Anglian Water have confirmed there is sufficient drainage capacity in the network. However, local residents are concerned in relation to capacity. It would be unreasonable to refuse or place additional burdens on the applicant. Anglian Water still have to comply with legislation and policy that relates to them and on this basis needs to ensure public sewers are suitably maintained.
- 7.112 The benefits of the proposal would outweigh less than substantial harm to the heritage assets (specifically the views of the Grade 1 village church, subject that the view of the tower is maintained from the PRoW to the north). Archaeology can be preserved through the recommended condition that requires suitable investigation.
- 7.113 The proposal subject to suitable drainage measures and mitigation/enhancement to ecology will lead to the area becoming more environmentally sustainable.

- 7.114 The creation of additional housing (including affordable and over 55 provision), provision of office space, indoor and outdoor community space will lead to an economic and social sustainable improvement in the local area.
- 7.115 It is considered that the proposal is acceptable, subject to the recommended conditions and the completion of a S106. With the S106 still being drafted it is recommended that members grant the Planning Manager and Legal Services Manager delegated powers to determine the application following completion of the S106 and to allow for any minor changes to the recommended conditions.

## 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 lack of a five year land supply.
  - No objections from statutory bodies.

## 9.0 APPENDICES

- 9.1 Appendix 1 – Suggested Conditions
- 9.2 Appendix 2 – Dullingham Parish Council comments received on the 18 July 2019

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01435/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



## APPENDIX 1 - 18/01435/OUM Conditions

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

Plan Reference	Version No	Date Received
1888/005	A	29th January 2019
1888/004	B	23rd January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 The first reserved matters application shall include the mitigation and enhancement measures contained within Biodiversity Strategy Report (8 February 2019) within the layout and landscaping of the site. The developer will also need to demonstrate how the landscaping measures in drawing numbers 001 – 004 (dated February 2019) have been duly considered in the proposed layout/landscape. Development shall be carried out in accordance with the approved details.
- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 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 protection of biodiversity (in line with Biodiversity Strategy Report 8 February 2019) 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 to protect biodiversity and to ensure safe vehicular movements, in accordance with policies ENV1, ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 6 The tree protection measures as shown in appendix 5 and 6 of the Arboricultural Impact Assessment (9 October 2018) 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.
- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to or with the first reserved matters a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Surface Water Drainage Strategy prepared by 7 Engineering Consultancy Ltd (Rev 01 February 2019) dated November 2018 and shall also include:

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

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. 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 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.

- 8 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.
- 9 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.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 10 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 The vehicular access and footpaths (as shown on drawing number 1888/04 Rev B) shall be constructed prior to first occupation.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.
- 12 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 13 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 14 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.
- 14 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 15 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.

- 15 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 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.
- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

- 17 The amount of B1(a) and/or D1 Use space shall not exceed 250 square metres. The first reserved matters application shall at least identify the land that these buildings and associated parking shall be sited upon either in a master plan or as part of the reserved matters details sought for approval.
- 17 Reason: The application has been assessed and determined on this basis; as well as to ensure the proposal complies with policies ENV2, EMP3 and COM4 of the East Cambridgeshire Local Plan 2015 in regards to ensure an appropriate level of provision and that it can be suitable accommodated on site.
- 18 The B1(a) and D1 uses hereby permitted shall take place only between the hours of 08:00 – 23:00 Friday to Saturday and 08:00 – 22:00 on Sundays - Thursdays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Each reserved matters shall be supported by a Heritage Statement that provides a professional analysis of the proposal on the setting of the Grade I Listed Church (St Marys) from the Public Rights of Way that run through and to the north of the site.
- 19 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme of providing broadband shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be fully implemented prior to first occupation in accordance with an agreed in writing phasing programme with the Local Planning Authority.
- 20 Reason: In order to provide superfast broadband to the future occupants (including working from home) in accordance with paragraph 112 of the National Planning Policy Framework and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 21 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 21 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 22 No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction (including timeframe of implementation) is submitted to and

agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

- 22 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 23 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 23 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 24 As part of the first reserved matters application the provision and details of the over 55's bungalows (4 – 6 dwellings) shall be provided. The development shall be completed in accordance with the approved details.
- 24 Reason: The application has been submitted and determined on this basis, as well as to ensure the proposal complies with HOU 1 of the East Cambridgeshire Local Plan 2015.
- 25 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

Our Ref: 3248

Your Ref: 18/01435/OUM

Mr Andrew Phillips  
Planning Team Leader  
East Cambridgeshire District Council  
The Grange  
Nutholt Lane  
Ely  
Cambs  
CB7 4EE

18<sup>th</sup> July 2019

**Application 18/01435/OUM - Land East of Clare House Stables, Stetchworth Road, Dullingham. Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways**

Dear Mr Phillips,

On behalf of our client, Dullingham Parish Council, we write regarding the above planning application.

The Parish Council have already objected to the application and their comments contained within the responses dated 2th November 2018 and 17th December 2018 still remain valid considerations.

The parish council have considered the Horse Racing Industry Impact Assessment by Lichfields regarding the impact this development would have on the horse racing industry (HRI) and find it fails to address a number of points. Consequently, it has not been demonstrated that the proposed development is unlikely to result in an adverse impact on the long term viability of the HRI as a whole.

Policy EMP6 of ECLP recognises the importance of the HRI to the local economy, and states that it is important that development does not have an adverse impact on the industry. Development which harms the long-term viability of operational studs and other racing facilities, or the racing industry as a whole, will be resisted.

Equine development is broadly supported in the development plan however paragraph 5.6.3 of ECLP notes that wherever possible existing buildings should be re-used to avoid the cumulative impact of horse-related activities and associated buildings as this can have an adverse impact on the character and appearance of rural areas.

The loss of existing equine development to other uses should therefore be accompanied by robust evidence to demonstrate that an existing site is no longer viable. The submitted information is not considered to sufficiently demonstrate the site is no longer viable for equine use, as such the proposal fails to comply with Policy EMP6 of the East Cambridgeshire Local Plan (ECLP) therefore it should be refused.

The parish council wish to address matters of concern in relation to the Lichfields report which, where possible, are set out below in the order presented within the report.



Paragraph 2.3 and 2.4 - The table provided and the supporting comments provide clear evidence that the site is entirely viable for a number of different uses supporting the key equine industry in the local area as well as nationally and internationally. The parish council are of the understanding that the site was also used after 2003 until approximately 2008 as a breaking and pre training yard. There is no mention of this in the report.

Since 2008 the site has not been used commercially. The parish council believe there is clear demand for equine development and facilities that support the HRI in the locality and therefore fail to understand how this site cannot be viable. The illustration at figure 2.1 clearly demonstrates how the land operated for many years as a viable working yard seemingly up to 2008. No evidence is submitted with the report to explain why the site ceased its commercial operations and no evidence has been submitted to demonstrate it was no longer viable as a commercial interest. It is understood the current tenants are private and have been leasing the site since 2014. The report does not include any evidence of commercial marketing prior to the tenancy to demonstrate it is no longer a viable as a commercial operation.

Paragraph 2.5 - The parish council consider the current use should be given limited weight bearing in mind the occupants are tenants for private equine use of the land.

Paragraph 2.9 - As is quite clear from the history provided the site is currently in private use but it was clearly, as the report highlights, formerly used commercially for many years and there do not appear to be any viability grounds to prevent its future use as a facility to support the HRI.

Paragraph 3.1 - The report does not provide any evidence to demonstrate the site was purchased in 2008 with the intention of continuing the commercial use. As is demonstrated by the Lichfields report the site was purchased in 2008 and remained vacant until the current tenancy began in 2014. What was the reason for purchasing a viable commercial operation and allowing it to decline for 6 years?

Paragraph 3.10 - The parish council question the content of the report. To compare the site with those within Newmarket and the pre-eminent studs and other yards displays a lack of understanding of the industry, its component parts and divisions. Many industries are made up from specialists working to different scales and specialisations but this does not make any of them less important, they have to be seen as a whole.

To suggest that needs can be met by a reduced number of establishments' takes no account of the costs and/or charges, available capacity and as was seen with the equine flu outbreak the need for diversification and separation of businesses for disease control.

Paragraph 3.15.1 - The site on land East of Brinkley Road, Dullingham was approved on 16<sup>th</sup> May 2019 and allowed because of a shortfall of suitable HRI sites. The application was assessed on the basis that the submission information demonstrated the potential business enterprise, which included the construction of 20 stables and associated ancillary buildings, is likely to be successful and would support the existing equine and HRI. This clearly shows that the loss of Clare House Stables will likely have an adverse impact on the industry as whole as there is a clear demand for such facilities in the area to the extent that new business are flourishing.

Paragraph 3.25.1. The land has not been in HRI use since 2008 - however the Lichfields report does not fully explain why it has not been in use since this time and does not demonstrate the business was unviable and could not continue as a HRI facility from 2008 to date.

Paragraph 3.25.3. If the site could, theoretically, revert to a HRI facility with more land than other HRI developments in the area, the application should be accompanied by marketing evidence to demonstrate it is no longer a viable proposition. Paragraph 5.6.3 of ECLP refers to equine development and states:

*“Wherever possible existing buildings should be reused”*

Paragraph 3.25.6. This cannot be assumed to be the case as facilities are sometimes shared between different places if one is lacking in space.





Paragraph 3.26 - This loss of the site is adding to the lack of available facilities and reducing business and employment opportunities in a growing and vital industry. Clearly this is the case given the recently approved development for new stables and facilities at Brinkley Road.

Section 4 - The Lichfields report states in a number of areas how the HRI grew until 2008 and then, following a short decline, has shown continued growth. It should be noted that, while no direct link is made in the report, this is the time that Clare House discontinued operations following its purchase.

The parish council agree that the industry has and hopefully will continue to grow, but it is not possible to show the extra benefit that could be made had Clare House been operational since 2008.

Paragraph 4.17 - The fact that the industry is growing serves to demonstrate exactly why this development should be prevented as this facility could and should play a key part in the local economy.

Paragraph 4.18 - The existence of another business expanding is no justification for the development of Clare House Stables for housing, on the contrary it clearly demonstrates the viability of facilities related to the HRI and shows clearly why this site should be retained.

Paragraph 4.19-22 - Again the Lichfield report is quite clear that this is a thriving industry which is critical to the local economy in particular and could provide direct employment and support other related industry.

Paragraph 4.23-25 - The Lichfield report does indeed clearly show the importance of the HRI in the local economy hence the need to include a safeguarding policy within all past and current local plans.

The report goes on to state how the remaining part of the site could still be used in the HRI. This simply reinforces the fundamental recognition of the importance and potential viability of this site for use within the HRI.

For the reasons outlined above the Lichfield report does not demonstrate that the proposed development is unlikely to have an adverse impact on the operational use of an existing site within the HRI because:

- Whilst the site has been vacant since 2008 no evidence has been submitted to demonstrate the site is no longer viable for use in the HRI;
- No evidence has been submitted to demonstrate the site has been marketed for use in the HRI over the period of time between 2008 to 2014;
- No evidence has been submitted to demonstrate there is an oversupply of HRI facilities within the locality as such the Clare House stables would be unviable;

The applicant has failed to demonstrate the proposed development would not have an adverse impact on the long-term viability of operational studs and other racing facilities, or the racing industry as a whole.

The application is therefore contrary to Policy DMP6 of the East Cambridgeshire Local Plan and should be refused.

National Planning Policy Framework paragraph 11 explains at sub-paragraph d) that where a local authority cannot demonstrate a five year supply of deliverable housing sites, as is the case in East Cambridgeshire, those local policies which are most important for determining applications for housing development are deemed 'out of date' and planning permission is to be granted for housing proposals unless



*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Given the above, the limited benefits of the does not significantly and demonstrably outweigh this harm.

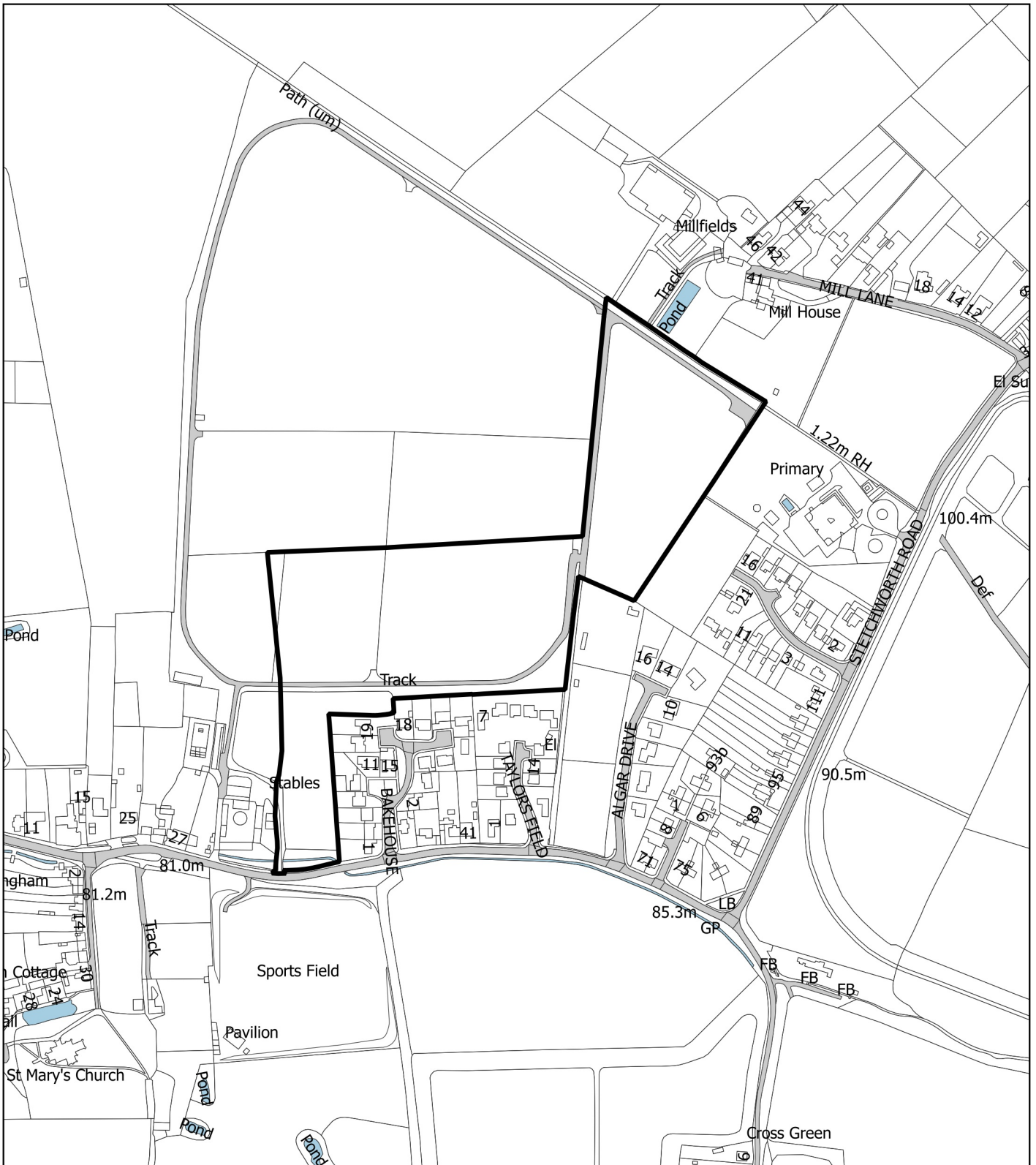
I trust the above comments will be taken into account and that you will inform me of the likely recommendation in due course.

Yours sincerely

FOR AND ON BEHALF OF WOODS HARDWICK PLANNING

Samantha Boyd MSc MRTPI  
Associate





18/01435/OUM

Site East of Clare House  
 Stables  
 Stetchworth Road  
 Dullingham



East Cambridgeshire  
 District Council

Date: 24/07/2019  
 Scale: 1:4,500



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**MAIN CASE**

**Reference No:** 18/01704/FUM

**Proposal:** Demolition of existing dwelling (No.28 High Street) and construction of 10 dwellings together with vehicular access, surface water drainage, landscaping and associated infrastructure

**Site Address:** Site West Of 22 To 30 High Street Ashley Suffolk

**Applicant:** Arbora Homes Ltd

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

**Parish:** Ashley

**Ward:** Woodditton  
Ward Councillor/s: Alan Sharp  
Amy Starkey

**Date Received:** 3 December 2018      **Expiry Date:** 12<sup>th</sup> June 2019

[U46]

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application, subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.
- 1 Approved plans
  - 2 Time Limit - FUL/FUM - 2+ dwelling
  - 3 Reporting of unexpected contamination
  - 4 Surface water drainage scheme
  - 5 Drainage maintenance
  - 6 Gates - restriction
  - 7 Access construction
  - 8 Internal road and footpath surfacing
  - 9 Access drainage
  - 10 Construction times
  - 11 Construction Environmental Management PI
  - 12 Soft landscaping and replacement trees
  - 13 Sustainable development -General Outline
  - 14 Open space
  - 15 Tree Protection Measures
  - 16 Ecological mitigation and enhancements
  - 17 Hard landscape details
  - 18 Fire hydrants

- 19 Remove PD rights for fences
- 20 Materials samples

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for demolition of the existing dwelling (No. 28 High Street, Ashley) and the erection of 10 dwellings on paddock land to the rear of this existing dwelling. The proposal includes the creation of a new access road off High Street and provision of an area of open space in the eastern part of the site.
- 2.2 The proposed dwellings would comprise the following heights:
  - Plot 1 - 2 storey (8.8m)
  - Plot 2 – 1.5 storey (6.5m)
  - Plot 3 – 1.5 storey (6.5m)
  - Plot 4 – 1.5 storey (7m)
  - Plot 5 – 1.5 storey (6.8m)
  - Plot 6 – 1.5 storey (6.7m)
  - Plot 7 – 1.5 storey (7m)
  - Plot 8 - 2 storey (8m)
  - Plot 9 - 2 storey (8.8m)
  - Plot 10 - 2 storey (8.8m)
- 2.3 There is an extant outline planning permission (ref: 17/01171/FUL) for 8 dwellings on the application site. The outline planning permission agreed matters of access, layout and scale, with matters of appearance and landscaping reserved.
- 2.4 Amended plans have been received during the course of the application making changes to the housing mix at the request of the Local Planning Authority. This also resulted in changes to certain house types being submitted.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.6 This application has been called-in to Planning Committee by [former] Councillor Peter Cresswell on 21<sup>st</sup> March 2019, in the interests of openness.

## 3.0 PLANNING HISTORY

- 3.1

17/01171/OUT	Outline permission for the demolition of 28 High Street and construction of 8 dwellings with some matters reserved except access, layout and scale	Approved	18.09.2017
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17/00910/TPO	T1 Sycamore -Fell due to the extent of the basal decay identified in arboricultural report of resistograph micro drill test results	CON - Consent (TPO)	23.06.2017
13/00668/TPO	T1 Sycamore - Remove three lowest branches overhanging the pub	CON - Consent (TPO)	16.08.2013

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site extends to approximately 0.8 hectares with the dwelling known as No. 28 and its immediate curtilage located within the established settlement boundary. The remainder of the site is located outside the established settlement boundary. No.28, its curtilage and the eastern half of the paddock land to the rear are located within the Ashley Conservation Area. The Old Plough, a grade II listed building is located to the north of No. 28. This building is currently in use as a restaurant with a car park to the side and rear where it adjoins the application site. The area is primarily residential in nature with Silverley Way, a modern residential development to the south. A public footpath, known as the Icknield Way (an ancient trackway that runs from Norfolk to Wiltshire), runs alongside the northern boundary of the site and is separated from the site by an existing hedgerow and post and rail fencing.

#### 5.0 RESPONSES FROM CONSULTEES

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

#### 5.2 **Ashley Parish Council (received 29<sup>th</sup> January 2019)**

- Significant increase in development  
The Design and Access Statement (“D&AS”) indicates that this development “*is a refinement of the existing*” permission granted on this site and that the proposals are *marginally different to those approved*. (D&AS 6.3).

However a thorough examination of the accompanying documents shows that while the proposals amount to 2 more houses being built, change in the housing mix would see the total number of bedrooms accommodated growing from 27 to 40; a 48% increase. We do not believe that this is a ‘refinement’ or ‘marginally different’. We believe that this is a fundamental change from the earlier approved plans for this site resulting in a development of a quite different scale.

It was hard to find this information in the documents on the planning portal. The application form contains no information on the scale of development, the Supplementary Information Template is not on the portal and the D&AS is silent on the size of houses proposed and the mix of housing. Based on the D&AS we would have had no idea of the significant change this proposal represents. We understand there have been no pre application discussions with ECDC for this development.

We are disappointed that the Applicant and site owner has not been more transparent about the plans for this site, leaving us to work quite hard to find out what their intention actually is.

We note that in relation to the extant approval on this site (17/01171/OUT) the Officer's report (para 7.3.6) commented that: "*The Local planning authority concluded that 12 houses, as originally proposed would be overdevelopment of the site. It considered that the development of 8 dwellings is appropriate for the location and is representative of the lower density development on the High Street .....*"

In our view, a 48% increase in rooms, and therefore in occupants, from 27 to 40 would be overdevelopment of this site.

- Poor mix of housing type

We note that the mix of houses as proposed is as follows:

- 2 bed - zero
- 3 bed - two
- 4 bed - six
- 5 bed - two

We are disappointed that this development is proposed to be executive style homes with no provision for smaller units for single people; whether young people starting out or older people wanting to downsize. Small villages in rural areas are attractive to all categories of potential resident and we find this proposed development exclusive and not in keeping with rural living.

A village relies at its heart on individuals involved in the community. Building executive homes in a village with no school, such as Ashley, will do little to add to the vitality of the village. Adults and children will have to leave the village during the day, returning only at night. Experience suggests that such families make very little use of village facilities such as the shop and add little to the local economy.

A development only of large executive style homes provides nothing suitable for people wanting to downsize or starting out on the housing ladder. We urge ECDC to require the Applicant to come back with a proposal for an inclusive development which would enhance the community of this village.

- Style inconsistent with the village

Para 8.10 of the D&AS comments that the houses will be "built from a mixture of brick and timber boarding, reflecting the different character of Ashley."

We are puzzled by this statement and not sure that we understand it. Even a quick look around the village shows that there are very few properties of red brick and almost none of brick and timber construction.

What is apparent is that there are many different style of house in Ashley, reflecting its slow growth over time. The more modern houses in the village and along the High Street have a variety of styles and colours, often rendered and painted. Immediately to the East of the plot is The Old Plough restaurant which is an old thatched building, rendered and painted white. Facing the entrance to the development is a very attractive flint wall and flint features throughout the village



and is typical of the older houses in Ashley. What is apparent is that, with perhaps the exception of the social housing which was added in the late 20th Century and which has little to commend it in terms of appearance, all buildings in Ashley are individual. Each one is different.

What is needed in this development is a style which builds on this theme of individuality. We would like to see a variety of styles, colours and finishes which are sympathetic to the village.

We disagree with the statement (D&AS 10.34) that “the proposed development will not be visually intrusive on the character and appearance of the surrounding area..” Brick and timber will stand out in stark contrast to the rest of the village. It will provide a ‘hard edge’ to the village and do nothing to smooth the vista toward or looking away from the village.

- Western end of site

The landowner owns portion of land to the Western end which is not included in this application. In the extant planning permission, access to this Western end is blocked by gardens to two houses. However, in the new plan this has been reworked so that access is now over a strip of gravel.

The application is silent on what is likely to happen to this plot to the West but we are deeply concerned that the intention is to submit a further application in due course, for additional housing and by so doing, by-pass the requirement to provide social housing for developments of more than 10 houses. We have no doubt that the Planning department has also identified this risk.

In support of this concern, we understand that the Owner has also acquired another parcel of land which contiguous with the Western end of this site. A copy of the plan for this is attached. The new parcel of land is outlined in Blue on the attached plan, the proposed site in red and the portion of land owned by the Silverley Properties but falling outside this application is in yellow.

There can be no other reason for purchasing this additional plot than to create space for more building.

To support our concern, we see that a gravel driveway is proposed between plots 9 and 10 at the West end of the proposed development. Gravel of course, would be cheaper to lay and remove if the later intention is to put a proper extension to the road at the West end. What purpose does this gravel road serve? What are the applicant’s / owner’s intention for land to the West of the plot? What access rights to the land at the Western tip will there be across the gravel driveway?

If it is not to be developed in the future, how will this be landscaped and maintained so that it becomes an attractive extension to the site or is the intention simply to let it become overgrown and remain unmanaged? It is in the direct line of sight from The Old Plough so is an important part of this development.

Much is made in the D&AS of the need to be sympathetic and manage the landscaping of the site but those assertions are completely undermined if specific proposals for this western part of the site are not included here.

- Car parking

We note that the applicant indicates that 2 spaces per house have been provided either on the driveway or on driveway plus garage. While we are sure that this is in keeping with planning policy, there are numerous examples in East Cambs which demonstrate that in rural areas 2 spaces per house is not enough. Modern houses today provide a significant shortage of storage space and most families use their garages as an important extension of the house for storage. To meet the target of 2 spaces per house in this development, one car must be parked in a garage. We think it highly unlikely that the residents of this new development would be keeping one car in a garage. 5 of the 10 proposed houses would need to use their garage for a car to meet the requirement of 2 spaces per house.

We also note that 2 visitor spaces have been provided on the site and we believe that this is wholly inadequate for the number of houses and number of proposed residents. These are large houses, catering for families, in a village where it is acknowledged that there will be heavy reliance upon cars because public transport is not adequate. In the circumstances it is inconceivable that 2 visitor parking spaces will be sufficient.

With residents and visitor cars spilling on to the road and pavements we would like to see a thorough analysis of the access for emergency vehicles and refuse trucks. In case it is suggested, we would not accept that painting yellow lines on the roads would prevent illegal parking; with no one to police such parking restrictions, this would quickly fall into missuse.

- Icknield Way footpath

The D&AS is silent on what is proposed for the boundary with, and management of, the Icknield Way footpath which runs along the whole of the Northern boundary of the site.

The footpath is bounded on the North side by a very high, dense hedge. The South side of the path is currently bounded by a post and rail fence overlooking paddocks which gives the path an open feel. We believe that the Applicant should included details in this plan of how the open and safe feel of this important, and well used, footpath will be retained once a development is in place. High garden fences, walls or planting will leave the footpath being very enclosed for a distance of 100m or more. This will cause it to be dark, uninviting and potentially dangerous. It is also likely to mean that it is wet underfoot as natural sunlight and breeze will not get in to dry the ground.

- Management of the site

In our email to Arbora Homes of we expressed concern that the Parish Council would be required to take on responsibility for the public areas in this development; open spaces, water features (D&AS para 3.7). The applicant suggests that a management company might be required and we ask that more information is provided on this.

What surface water features are proposed (D&AS 3.7)? Who will manage these? What risk assessment has been carried out and how will that risk be managed?

### 5.3 Ashley Parish Council (*comments received 28<sup>th</sup> May 2019*)

Registers its continuing OBJECTION to the application.

A letter dated 29 April from Turley Associates deals with matters arising from the public consultation, comments from the Planning Officer and from Ashley Parish Council (APC). APC has previously submitted its objections under a number of headings, which have been addressed, but remains concerned on the following matters, following the paragraph headings in that letter.

- Housing Mix  
The revised proposal is still for 10 units not 8 - a 25% increase. The number of bedrooms has, after discussion with the Planning Officer, been reduced from 40 to 33 - still a 22% increase in bedrooms over the Outline Approval for 27. APC is not persuaded that there is any justification for increasing these numbers above the approved level.
- Landscape  
APC would prefer to see trees other than Beech located on the Eastern boundary, as these large trees will eventually cast a considerable shade onto neighbouring properties; something smaller but still native would be more appropriate. The planting of trees to the south of the entrance road was previously considered inappropriate by ECDC's Trees Officer, as being too close to the adjoining house and having insufficient space to develop; APC agrees.
- Public Right of Way  
APC is in agreement with the proposal to plant a hedge with possibly a fence on the inside. Controls should be included to limit the height of both so as to ensure the PRoW is not unduly shaded. APC agrees that there should no access to the PRoW from any part of the proposed development site.
- Waste  
APC is concerned that an assumption is made that the estate road will be adopted, but that until then all waste containers from the dwellings will have to be brought to the edge of the High Street for collection. This would present a considerable risk to the adjoining Plough Restaurant and there does not appear on the drawings to be any facility other than the pavement for collection of the multitude of bins which will no doubt accumulate.
- Village Style  
APC is most disappointed that no account has been taken of its comments regarding the style and appearance of the proposed dwellings. The attempt to offer an appearance of mixed materials and building heights on Drawing A-1002 at cross-section 3-3 (a view from the car park of The Plough) is acknowledged, but the exterior design and choice of materials for the individual units is limited. It bears little relation to surrounding buildings nor to the principles noted in the Ashley Conservation Area Document.

There is nowhere in the village any dwelling house (excepting single storey outbuildings) clad in black timber. Neither are there many unrelieved red brick elevations. Rather, as can be seen from illustrations in the Conservation Area Document, there is gault brick with red brick detail, there is painted brick, there is flint – either wholly or as a dressing – there is coloured painted render. Windows are rarely single-paned and are invariably coloured other than dark.

A key characteristic of the village is the prominence on the skyline of brick chimneys.

No attempt has been made to vary the location or building line of each unit in relation to its neighbour, to avoid the linear appearance to the street.

Whilst avoiding pastiche there are numerous examples nearby of modern buildings on a single and estate scale which adopt traditional local materials and design. A photomontage of examples within Ashley is attached to illustrate this.

The development at The Paddocks, High Street, Cheveley and Kings Mead, Park Road, Cheveley might also be referenced.

APC does not interpret the Conservation Officer's comments as enthusiastic for this design and hopes that ECDC will require that the homes will be more in keeping with the local tone.

- Western end of site

APC believes it is disingenuous to separate the applicant from the owner of the remaining parcel of land outside the application site; and hopes that, if permission is granted, ECDC will place a restriction on the development of that land (and any adjacent land in the same or related ownership) to either one dwelling of a size no greater than any on the current application site, or to a number of social housing units which would be required if the entire site was now being considered for the development of more than 10 units.

- Car Parking

Whilst two spaces per dwelling and two spaces for visitors may be to standard, there remain 3 dwellings without garages and 6 with tandem parking. APC regards this as insufficient and is additionally concerned about access for emergency and other service vehicles in the inevitable event of on-road parking.

- Management of the site

Some clarity is needed here regarding future management of the open spaces, whether or not the road and its associated drainage becomes the responsibility of the Highways department. And whilst not part of the application site it is crucial that arrangements are made for management of the strip of land to the north over which the Icknield Way PRow runs.

#### **5.4 Ward Councillor - [Former] Ward Councillor Peter Cresswell (received 21<sup>st</sup> March 2019 when still an elected Councillor)**

“You will have received various objections regarding this amended application. In the interests of openness I hereby request that it be determined by the Planning Committee at a future meeting.”

**5.5 Cambridgeshire Fire And Rescue Service (received 20<sup>th</sup> February 2019)**

Requests that adequate provision be made for fire hydrants, through Section 106 agreement or planning condition. Access and facilities for the Fire Service should be provided in accordance with Building Regulations.

**5.6 Design Out Crime Officers (received 28<sup>th</sup> December 2018)**

This area is currently medium to low in regards to vulnerability to crime. Would like to see this development built to the principles of Secured by Design to help that low level continue. Considers that the proposed design and layout is acceptable and would support it. Would like to be consulted in regards to boundary treatments and an external lighting plan. Would welcome a Secured by Design application if possible and would be happy to work with the developer in that regard.

**5.7 Trees Officer (received 16<sup>th</sup> January 2019)**

The Landscape Proposals should focus on additional ecological enhancement to increase the wildlife value and connectivity to the countryside, as suggested below.

Native hedging should be extended to the western boundary. The number of proposed trees should be increased and the percentage of native trees should be increased (70% min. of total trees). For example the Gleditsia could be replaced with Sorbus aucuparia and Acer palmatum with Acer Campestre or similar.

The beech (x2) on the Green Space adjacent to the infiltration basin should be replaced should be replaced with moisture loving species such as Willow.

Specimen dot plants e.g. amelanchier/lilac should be added to the large blocks of ground cover for height and variety.

Additional planting is required on the northern boundary, along the Public Right of Way.

The bottom of the basin could be seeded with wetland wild flower mix.

A formal footpath as shown on the plans for the permission for 8 dwellings 17/01171/OUT, crossing the Green Space is still required.

**Trees Officer (received 5<sup>th</sup> June 2019)**

The submitted landscaping plan is acceptable for the proposal. No other comments further to those expressed previously for this application and the previous outline application.

**Senior Trees Officer (received 7<sup>th</sup> June 2019)**

In addition to the previous comments made by the Trees Officer, the Senior Trees Officer has requested that, if the scheme is approved, it is ensured that there is clear legal responsibility for maintenance of the proposed open space.

The Senior Trees Officer remains very disappointed that the front of the site does not have sufficient room for significant tree planting and states that the loss of the two mature TPO Sycamore trees in the front garden of 28 High Street will have a significantly detrimental effect on the local street-scene.

#### **5.8 Conservation Officer (*received 14<sup>th</sup> February 2019*)**

The application site is a field to the west of the High Street, which is bisected by the Ashley conservation area boundary.

The only listed building in the immediate vicinity, the Grade II C17 Old Plough Inn (NHLE ref 1126329), is to the north of the proposed access (the site of No 28) and historic map evidence shows that it was the southern extremity of the village until well into the C20. This has since been extended by the postwar housing developments centred on Silverley Way and Silhalls Close.

The principle of development was established in the 2017 permission and although it represents an intensification, the present application retains many of the design parameters set out in that scheme. It incorporates open space on the east side of the site to act as a buffer to the Old Plough's curtilage and its linear layout preserves the glimpsed view westwards from the north of the listed building. Additionally the massing of units 5 & 6 has been broken down to a combination of 1½ and single storey ranges to ease the transition from the two storey units. In terms of design and materials, the allusions to agricultural buildings have some logic in a rural setting and the individual designs are not unconvincing in themselves, although the conventional street layout undermines their effect slightly as a whole.

In summary, the scheme does not diverge significantly from the principles set down at outline stage, and is therefore considered to satisfy local and national heritage protection objectives.

Recommendation: no objection subject to standard details and materials conditions.

#### **5.9 Environmental Health Technical Officer (*received 18<sup>th</sup> December 2018*)**

Due to the proposed number of dwellings and close proximity of existing properties, advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

- 07:30-18:00 Monday-Friday
- 07:30-13:00 on Saturdays
- None on Sundays or Bank Holidays

Advise that a Construction Environmental Management Plan, regarding mitigation measures for the control of pollution during the construction phase, is agreed with

the Local Planning Authority prior to development and adhered to during the construction phase.

Pleased to see an area of open space between the garden of the Plough and the proposed residential properties. Wish to ensure that a close-boarded fence is erected between the access road to the site and the residential property at No. 30 High Street.

**5.10 Environmental Health Scientific Officer (received 21<sup>st</sup> January 2019)**

Has reviewed the contamination report dated 16<sup>th</sup> June 2017. Although the majority of the site appears to be at low risk of contamination, due to its use as a paddock there are a small number of buildings labelled as stables in the south-east corner of the site. The possibility of former agricultural use cannot be discounted. Agricultural use has the potential to cause land contamination due to activities such as storage of fuel and agricultural chemicals, plant and vehicle storage and servicing, and the possible presence of asbestos in buildings. Recommends that further investigation is required to identify any risks. Therefore, recommends that standard contaminated land contamination conditions are attached to any approval due to the proposed sensitive end use (residential).

**5.11 Environment Agency (received 28<sup>th</sup> May 2019)**

Documents reviewed:

- ACSSIS (January 2019). Desk Study (Phase 1) Report. Ref: 18-566-DSI
- AFP (November 2018). Flood Risk Assessment and Drainage Strategy. Ref: 17/0255/RC

Environment Agency Position:

Believe that sufficient information has now been submitted and no longer have any objection to the proposed development.

Based on the information provided, do not need to add further detailed site specific advice or comments with regard to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination'.

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.

**5.12 Environment Agency (received 20<sup>th</sup> December 2018)**

Document reviewed:

- Andrew Firebrace Partnership Limited, Flood Risk assessment and drainage strategy, report reference 17/0255/RC, November 2018.

### Environment Agency Position

Recommended that the application be deferred until additional information was submitted that demonstrates that the risk of pollution to controlled waters is acceptable. Without additional information, would object to the planning application in accordance with National Planning Policy Framework paragraphs 170, 178, 179 and 180, and with Environment Agency Groundwater Protection: Principles and Practice (formerly known as GP3) position statements A2 to A6, J5 to J7 and N7.

Objected to the proposed development as submitted because there was insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable:

1. Consider the level of risk posed by this proposal to be unacceptable.
2. The application fails to provide assurance that the risks of pollution are understood.

### Reason

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and 180 and Environment Agency Groundwater Protection: Principles and Practice (formerly known as GP3).

### Advice to LPA / Applicant

The site is located above the Lowestoft formation Secondary A aquifer, which in turn overlies the Ely Ouse chalk Principal aquifer, Source Protection Zone (SPZ2), and WFD groundwater body. The site is considered to be of high sensitivity and previous usage namely agricultural buildings presents potential pollutant linkages to controlled waters. Therefore an assessment of potential contamination found in the proposed development site, an assessment of the pollutant linkages that the development could introduce, and consideration for the risk posed by surface water drainage and foundations would need to be undertaken.

### Overcoming objection

The applicant should provide a Preliminary Risk Assessment (PRA), including a Desk Study identifying all previous uses of the site as well as potential contaminants associated with these uses, Conceptual Site Model and initial assessment of risk, to satisfactorily demonstrate to the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

## **5.13 Local Highways Authority (*received 12<sup>th</sup> June 2019*)**

After a review of the amended plans, no objections.

Recommended Conditions:

- Prior to first occupation the internal estate roads and footways will be built at least binder course level.
- The junction with the High Street shall be laid out to drawing number 1202-003 Rev G and be constructed to CCC specifications.
- No private surface water shall be discharged on to the highway.



**5.14 Local Highways Authority (received 20<sup>th</sup> May 2019)**

The information and junction detail with the highway, previously requested [on 3<sup>rd</sup> January 2019], has not been submitted. As such, objected to the application and recommended refusal due to lack of information.

**5.15 Local Highway Authority (received 3<sup>rd</sup> January 2019)**

Requested a holding objection until the following information was submitted.

- Details showing the proposed junction with the highway

Additional Comments:

The planning, design and access statement includes a paragraph in section 10.62 that 5m radii are to be used. The CCC standards is 6m not 5m. Requested this detail was amended to 6m or evidence be provided to why this should be accepted, and also vehicle traffic diagrams to demonstrate this is appropriate in this location.

The internal layout shows the pedestrian crossing point to the shared use area at the bottom of the ramp. This is incorrect and would be detrimental to the safety of pedestrians. These should be positioned in the top of the ramp.

Shared use areas must be 6m wide with 2x 0.5m maintenance strips to be adoptable.

If the highways surface water is discharged in to areas of filtration, attenuation a swale or a ditch these must be adopted by the Local Authority or a governing body. Third party or private companies do not provide the necessary assurances that are required by the highways authority for adoption.

**5.16 Lead Local Flood Authority (received 21<sup>st</sup> May 2019)**

Having reviewed the revised documentation, can confirm that the LLFA has no further comments beyond those set down in our response of 3<sup>rd</sup> January 2019. LLFA position therefore remains supportive of the development subject to their suggested condition.

**5.17 Lead Local Flood Authority (received 3<sup>rd</sup> January 2019)**

Document reviewed:

- Flood Risk Assessment & Drainage Strategy prepared by Andrew Firebrace Partnership Ltd (RC/17/0255) dated 19/11/18

Based on these, as Lead Local Flood Authority (LLFA), has no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of infiltration with testing undertaken across the site to support the design.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

Requests the following conditions are imposed:

Condition:

*Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment & Drainage Strategy prepared by Andrew Firebrace Partnership Ltd (RC/17/0255) dated 19/11/18 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.*

Reason:

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

Condition:

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

Reason:

*To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.*

#### **5.18 Ramblers Association South (received 20<sup>th</sup> December 2018)**

The Ramblers on this application affecting a public right of way, in this case Ashley Public Footpath 2, immediately to the north of the site. This footpath provides a well-used pedestrian link between Ashley and Cheveley villages and is also the route of the Icknield Way Path which, overall, links the Ridgeway and the Peddars Way National Trails.

Represents both the Ramblers and the Icknield Way Association locally and was rather perturbed to learn, in September 2017, that an outline application (ref: 17/01171/OUT) for the construction of 8 dwellings and ancillary works had already been approved. Unlikely to have objected to the application in principle.

Turning now to the current application, which now relates to 10 dwellings. The importance of Ashley Public Footpath 2, both locally and regionally, should not be underestimated and under no circumstances, should it be closed during the construction period, particularly as there is no reasonable alternative route.

Whilst there is mention of landscaping being carried out adjacent to the footpath, has been unable to deduce how the northern boundary to plots 1 to 5 and the proposed amenity area is to be formed. Often in circumstances when developments about a public right of way, gates appear in individual property boundaries or links from amenity areas are provided for the convenience of residents. Request clarification of this.

Surface water is often a problem and it is important that this should not be allowed to run from the site onto the footpath.

Subject to these matters being addressed, no objection is offered to the application.

#### **5.19 Asset Information Definitive Map Team (received 28<sup>th</sup> May 2019)**

Public Footpath 2 Ashley runs adjacent to the northern boundary of the application site. In the County Council's previous response, it was expected that surfacing works would be undertaken to the public footpath as a result of this development. It is acknowledged that the applicant does not propose to amend the surface as a result of this development. However, this path is of a free-draining, natural surface and its condition is, in part, due to its unhindered access to natural light and openness which aid the recovery of the surface following bad weather or during the winter months. The introduction of a southern boundary, as a result of this development, will decrease the amount of natural light able to reach the footpath. This will have a detrimental impact on the footpath surface over time, and without suitable mitigation would increase the liability placed upon the County Council, as Local Highway Authority and diminish user's enjoyment of this popular footpath.

It is not envisaged that the surface improvement works would need to be extensive, but for the reasons set out above, are considered necessary.

The County Council acknowledge the applicants willingness to comply with the requirement to limit planting of hedge planting as being not less than 2.5 metres from the right of way, but welcome further clarification that any hedge planting will be conveyed to plot-holders, or covered by a future maintenance company so that potential purchasers of properties are made aware of their legal requirement to ensure future maintenance of the hedge line. This is imperative if a boundary fence is erected within gardens, as noted in the amendments covering letter (dated 29th April), as without the liability being explicatively set out, future plot-holder may assume that the fence line represents their legal boundary.

The County Council notes the comments in relation to connections onto the rights of way as well as the views of Cambridgeshire Constabulary.

As the County Council would still consider surfacing improvements necessary, and the applicant is accepting of the requirement for hedge planting, the County Council would still request the three conditions included in their previous response dated 18th January.

#### **5.20 Asset Information Definitive Map Team (received 18<sup>th</sup> January 2019)**

Having reviewed the submitted documentation, it would appear that much thought has been given to lessen the impact of the proposal on the adjacent Public Footpath No. 2. This is welcomed, however it is disappointing that the applicant did not seek pre-application advice from the County Council's Rights of Way Team to give the relevant officers an earlier input into the proposal.

The footpath in question does not have a recorded width for this affected section. The County Council would however expect the existing width to be retained. The existing southern boundary of the Public Footpath should not be directly bounded by fence lines or landscaping features which will obstruct the path in the future. Any trees or hedgerows planted must be a minimum of 2.5 metres back from the edge of the path to allow for natural growth, whilst fences, if 6ft closed boarded, should be erected at least one metres from the boundary of the path.

The applicant should also consider whether the area of landscaping between the boundary of the Public Right of Way and the rear boundary fences of plots 1-5 will be conveyed to plot holders or retained with the landowner. If the latter, then the submitted block plan indicating the 'area to be managed by Management Company' will need to be amended to incorporate this landscaping. Request clarification on this point.

It is also not entirely clear from the block plan whether access to the Public Footpath will be possible from the parking area between plots 1 and 2. Request clarification on this point. It is the County Council's preference that access is permitted to increase accessibility and permeability of the development whilst also providing safety improvements to users on the footpath.

The County Council would also expect surfacing improvements to be undertaken to the Public Right of Way as a result of this development. These can be either directly implemented by the applicant or a suitable S106 contribution agreed. The applicant should discuss this further with the County Council.

The County Council also requires clarify on how the route will be managed during the construction phase. It is the County Council's expectation that the construction will be managed in such a manner that will ensure the route can remain open throughout. This information is currently lacking from this application. Therefore, although no objections to the application, require a number of points of clarification from the applicant and the following conditions to be applied to any permission given.

Conditions:

- 1) *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 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*

*Reason: In the interests of the amenity and safety of the public.*

2) *Prior to the commencement of development, the definitive line of the public right of way shall be marked out on site.*

*Reason: In the interests of the amenity of the public.*

3) *No planting will be placed within 2.5 metres of the southern boundary of Public Footpath No. 2, Ashley.*

*Reason: In the interests of the amenity of the public.*

Informatives:

*Would be grateful for the following informatives to be included:*

- *Public Footpath No. 2, Ashley must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- *No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- *Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*

**5.21 Cambridgeshire Archaeology (received 19<sup>th</sup> December 2018)**

This site has already been subject to an archaeological trial trench evaluation, carried out against condition 4 of permission 17/01171/OUT, for which a report of results has been received and approved by Cambridgeshire Archaeology. Although archaeological remains were encountered, it is not thought likely that a further phase of archaeological investigations would add significantly to understanding of the settlement and early land use in the area. No objections or requirements for development.

**5.22 Anglian Water Services Ltd (received 16<sup>th</sup> January 2019)**

Assets:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment:

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

Used Water Network:

The sewerage system at present has available capacity for these flows via a gravity discharge regime to manhole 5401 without further consultation with Anglian Water. If the developer wishes to connect to Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advise them of the most suitable point of connection.

Surface Water Disposal:

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, Anglian Water requires confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. Therefore, recommend that the applicant consults with Anglian Water and the Environment Agency. Requests that the agreed strategy is reflected in the planning approval.

Suggested Planning Condition:

Recommend a planning condition requiring a Surface Water Management Strategy to be agreed with the Local Planning Authority.

**5.23 CCC Growth & Development**

No Comments Received.

**5.24 Waste Strategy (received 9<sup>th</sup> January 2019)**

- 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).
- If a site is not adopted by County Highways then ECDC will not collect bins or bags from a site unless the developers are prepared to provide a full indemnity to ECDC, otherwise all bins & bags would need to be taken to the adopted highway for collection.

- 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.

### **5.3 Neighbours and public consultation**

5.3.1 A site notice was displayed near the application site on 23<sup>rd</sup> January 2019 and a press advert was published in the Cambridge Evening News on 20<sup>th</sup> December 2018. 26 neighbouring properties were notified. 5 responses have been received and are summarised below. A full copy of the responses are available on the Council's website.

#### 5.3.2 25 High St

- The demolition and construction phase will create significant disruption, danger and noise, and the proposal will result in additional traffic, which will endanger elderly people.

#### 5.3.3 The Old Plough, 26 High St

- The proposal will impact the Conservation Area.
- The proposal will impact on The Old Plough, Grade II listed building.
- Visual impact of the development from the first-floor living accommodation of The Old Plough.
- Concerns regarding increase in traffic and refuse collection.
- The development has been designed in a way which could help to facilitate further expansion due to the area left between plots 1 and 10.
- Concerns that the proposed dwelling will be out of keeping with the village of Ashley. Development must be high quality and not compromise the integrity of the village.
- Property ownership concerns.
- Concerns regarding noise, dirt and vibrations to The Old Plough. Suggest brick wall boundary treatment as opposed to fencing.
- Loss of privacy, country views and conservation.
- Suggest additional tree planting.
- Concerns regarding damage to gas pipes and drains which could have financial implications for The Old Plough business.
- Suggests that the site foreman should maintain close and regular contact with the patrons of The Old Plough regarding construction activities as they could affect the business.

- Suggests all critical building works should be supervised by the buildings officer to ensure compliance with the planning permission.
- Due to the size and weight of vehicles travelling within close proximity to The Old Plough, suggests a strict speed limit is imposed within the site to restrict vibration, noise and dirt.
- There are old sewage pipes which may be dug up and may be contaminated.

### 32 High Street

- Lodges an objection.
- The current application is so materially different to the approval of the outline planning permission, in regard to access, layout and scale, that this should be treated as a fresh application and be completely re-scrutinised.
- The development has been designed in a way which could help to facilitate further expansion due to the area left between plots 1 and 10. This should be prevented. Future development of the adjacent land could thwart the ECDC policy for providing social housing where the units exceed 10 on a site.
- The current proposal of 10 dwellings would increase from 8 dwellings approved. The size of the individual units would increase and there would be a 48% increase in the proposed number of bedrooms (from 27 to 40).
- An agreement for 8 units was freely negotiated and agreed between the applicant and ECDC in order to secure Outline Consent, taking into account the sensitivity of the site, the available access, and the breach of the Conservation Area, among other matters. No justification exists to expand on that number.
- No provision is made for smaller units. The scheme will be marketed as an executive style development suitable for car-dependent commuters. No evidence has been offered to support the alleged demand for this type of property as an alternative to the approved Outline design.
- Concerns regarding foul sewer facilities and capacity. There is no written strategy for foul drainage beyond Anglian Water's assertion that there is capacity within the system.
- Design concerns. The pictures of redbrick and black boarding under red tiles is unimaginative and does nothing to suggest the site has developed over time. There is no reference to the vernacular materials found in the village; which although there is no distinctive style does offer multi-coloured brick and coloured plasterwork elevations, some dressed with flint, contrasting window reveals and quoins, and some slate roofs. Apart from the rear elevation to 22 High Street there is no boarded residential building nearby and the only wholly red-brick building is The Crown PH which is a commercial building.
- Plots 1,2,3 and 4 now show tandem parking which is to be avoided according to the ECDC Further Draft Plan.
- There are a number of other inconsistencies repeated from the Outline Application relating to public transport, schooling, footpaths and the grading of Ashley as a medium, not a small village.
- The above views are supported by neighbours at No's. 22, 30, 34 and 42 High Street whose properties abut the application site.

### Additional comments following amendments:



- The explanatory letter from Turley Associates dated 29th April fails to address adequately the points raised in the neighbours' earlier letter of 6th January as to:
  - access
  - layout and scale
  - foul drainage
  - detailed design
  - parking
- It is a poorly-designed and exploitative scheme, simply attempting to take advantage of the failure of the planning system; which if it is to be built requires a great deal more effort in its design to be acceptable to the village and to be commercially viable.
- Query regarding application consultation with Ward and Parish Councillors.
- Can see no revised application nor any written submission to support the changes, only the plans, so it is difficult to see exactly what has changed and why.
- The sequence of drawings appears incomplete. There are no amended plans for Plots 1,5,7,10. Queries if this means they are not altered.
- The plan for Plot 4 shows a layout for the ground floor repeated - no first floor.
- There is no contamination report in latest documents.
- It isn't clear what alterations to the access have been made - to the site itself or to plots.
- Requests confirmation that the number of bedrooms has been reduced to 33 maximum.
- Neither the applicant nor its agent has made any attempt to discuss the alterations with the Parish Council.

#### 25 Church St

- Can't understand what changes have come about that would make the authority adjust their decision that eight houses was the correct density in 2017.
- Traffic flow has increased which makes the site on such a busy road even more detrimental to the highway safety.
- Two more houses would put considerably more pressure on the very vulnerable conservation site, the Icknield Way.
- Totally opposed to the proposed increased development, that is merely a cynical money making exercise, demonstrated by the lack of any action by the developers.

#### Fairhaven Estate

- Has serious concerns about the proposed development off High Street, Ashley.
- Notes that the proposed development is located partly within the conservation area.
- The proposed development is also within very close proximity to The Old Plough, which is a Grade 2 listed building.

### 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 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
EMP6	Development affecting the horse racing industry

## 6.2 Supplementary Planning Documents

Ashley Conservation Area

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

## 6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

11 Making effective use of land

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

16 Conserving & enhancing the historic environment

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, housing mix, visual amenity and heritage, residential amenity, highway safety and parking, flood risk and drainage, and ecology.

### 7.2 Principle of development

7.2.1 The existing dwelling at No. 28 High Street and its associated curtilage is located within the established development framework for Ashley. The paddock land to the

rear of No.28, where the new dwellings are proposed, is located outside of, but adjacent to, the defined development envelope for Ashley. There is an extant planning permission on the same application site for 8 dwellings (ref: 17/01171/OUT).

- 7.2.2 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable housing exception schemes and dwellings essential for rural workers. However, the Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing, including policy GROWTH2, 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.
- 7.2.3 Given the absence of a 5 year housing land supply, the boundary limitation placed by the Ashley development envelope does not apply and development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits, as specified within Policy GROWTH5 of the Local Plan and paragraph 11 of the NPPF.
- 7.2.4 Ashley is described as a small village in the 2015 Local Plan with facilities including a post office, church public hall, public house and a sports field. There is also reference to the fact that the village has close ties with Newmarket, which lies approximately 4 miles to the west of Ashley.
- 7.2.5 As the site lies within and adjacent to the Ashley development envelope, it is considered that future residents would be able to access the limited goods and services and public transport on offer in the village both on foot and by bicycle. However, it is acknowledged that given the rural nature of the village that residents would, to a certain extent, be reliant upon the private motor vehicle to access places of work and schools. The proposal therefore conflicts with Policy COM7 in this regard.
- 7.2.6 The Planning, Design & Access Statement submitted with the application refers to the site as comprising a single detached house and domestic paddock. There is no evidence to suggest that the paddock land is in commercial use and no representations to this effect have been received. Policy EMP6 seeks to prevent development that 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. The site appears to have been used on a domestic level for the keeping of horses and on this basis its loss is not considered to be contrary to Policy EMP6.
- 7.2.7 The proposal is effectively a form of backland development. The East Cambridgeshire Design Guide SPD refers to the fact that backland development will only be acceptable if supported by a contextual analysis of the locality. There is evidence of development in depth close by with the modern development at Silverley Way. Furthermore, this application is for a comprehensive development with its own access point. The proposal includes areas of open space to break up the built form and create a sense of community within the development. This

proposal is therefore considered to be in keeping with the form and pattern of development in this part of Ashley.

7.2.8 The proposal would provide an additional 9 dwellings to the District's housing stock, taking into account the demolition of No. 28 High Street. The proposal is therefore considered to make a moderate contribution towards the current housing shortfall and this attracts significant weight in the planning balance. The proposal would also offer some short and long term economic benefits in relation to the construction process and the purchase of local goods and services. This also attracts limited weight in favour of the proposal.

### 7.3 Housing mix

7.3.1 The preamble to Policy HOU1 of the Local Plan provides an indicative property size guide for open market housing which should inform the appropriate mix of housing on schemes of 10 or more dwellings. This is shown in the table 4.1 below.

*Table 4.1 – Indicative property size guide for open market housing*

	<i>Minimum %</i>	<i>Maximum %</i>
1 Bedroom	3	5
2 Bedroom	13	23
3 Bedroom	22	39
4 Bedroom	26	47
5+ Bedroom	7	14

7.3.2 The proposed development would provide the following housing mix:  
2 x 2 bed = 20%  
3 x 3 bed = 30%  
4 x 4 bed = 40%  
1 x 5 bed = 10%

7.3.3 Although no 1 bedroom properties are proposed, the above property size guide is only indicative and the overall housing mix does still broadly accord with it. It is considered that an acceptable housing mix is proposed.

7.3.4 No affordable housing provision is required as Policy HOU3 requires this for more than 10 dwellings. The Local Planning Authority did not consider that more than 10 dwellings should be provided on the site for planning application 17/01171/OUT which related to the same application site. It would therefore be unreasonable to require additional dwellings now and an increased density of development on this site would likely have an undesirable impact on the character and appearance of the area.

### 7.4 Visual amenity and heritage

7.4.1 Cultural heritage encompasses a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.

- 7.4.2 The County Historic Environment Team has commented on the proposal with regards to archaeology. They advise that site has already been subject to an archaeological trial trench evaluation, carried out in relation to planning permission 17/01171/OUT, for which a report of results has been received and approved. Although archaeological remains were encountered, it is unlikely that a further phase of archaeological investigations would add significantly to understanding of the settlement and early land use in the area. The Historic Environment Team has no objections or requirements in relation to the proposal.
- 7.4.3 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.4.4 Policy ENV11 of the Local Plan seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas and policy ENV12 aims to prevent detrimental impacts on the visual, architectural or historic setting of listed buildings. Additionally, policy ENV12 specifically deals with development proposals affecting sites of known or potential archaeological interest. These Development Plan policies reflect the aim to protect heritage assets as defined by the NPPF (Chapter 16). Policy ENV1 requires development proposals to create a positive, complementary relationship with existing development and protect, conserve and where possible enhance the settlement edge and landscape features.
- 7.4.5 A large proportion of the site is located within the Ashley conservation area. In addition, The Old Plough, a grade II listed building adjoins part of the eastern boundary. The Conservation Officer has commented that, although the current application (10 dwellings) represents an intensification of the previously approved development (8 dwellings) on the site, it retains many of the design parameters set out in the approved scheme. It incorporates open space on the east side of the site to act as a buffer to the Old Plough's curtilage and its linear layout preserves the glimpsed view westwards from the north of the listed building. Additionally the massing of units 5 & 6 has been broken down to a combination of 1½ and single storey ranges to ease the transition from the two storey units. In terms of design and materials, the allusions to agricultural buildings have some logic in a rural setting and the individual designs are not unconvincing in themselves, although the conventional street layout undermines their effect slightly as a whole. The Conservation Officer concludes that the scheme does not diverge significantly from the principles set down by the previous planning permission on the site satisfies local and national heritage protection objectives. The Conservation Officer has no objection, subject to standard details and materials conditions.
- 7.4.6 The layout of the scheme has been informed by the need to consider the view of the site as viewed from the access to The Old Plough. The dwellings have been located around a central spine road with two areas of open space alongside the eastern boundary. This allows views through the site from the Old Plough and means that the built form does not lead to a sense of enclosure in the area immediately surrounding the building. The plots in the eastern half of the site are

1.5 storeys in height and do not compete with the Old Plough when viewed from High Street. It is considered that the development of ten dwellings is appropriate for this location and is representative of the lower density development on High Street and the higher density of Silverley Way.

- 7.4.7 Although the materials and appearance of the proposed development are not typical of those found within Ashley, new development does not have to be a pastiche. The proposed development comprises high quality building designs incorporating features of agricultural buildings which result in an appearance that is sympathetic to the semi-rural character of the area, whilst the external surfaces would be finished with brickwork and cladding to aid the developments rural design characteristics. Subject to a condition requiring samples of the proposed materials to be agreed with the Local Planning Authority, in order to ensure that the proposed development is built out to a high quality, it is considered that the impacts on the character and appearance of the area are acceptable.
- 7.4.8 The existing building is of little architectural or historic interest and the principle of demolition of No. 28 has already been established through approval of planning permission 17/01171/OUT.
- 7.4.9 For the above reasons, it is considered that the proposal causes no harm to heritage assets and accords with Policies ENV11 and ENV12.
- 7.4.10 The development will be highly visible to users of the public right of way to the north as they travel in both directions and the Ashley Conservation Area Appraisal SPD refers to paddocks and open stables flanking the 'tree lined track'. The proposal will have an urbanising effect, bringing the built form closer to the right of way. However, there is a precedent for development in depth in this part of the village and the dwellings will sit against the back drop of the dwellings on Silverley Way. A comprehensive landscaping scheme could be secured by way of a planning condition to ensure that the development is assimilated into its surroundings as far as possible. It is acknowledged that the proposal will alter the character of the area, however, this is a modest development that, subject to standard details and materials being secured by conditions as requested by the Conservation Officer, would be accommodated into the landscape without having a significant and demonstrable adverse effect. Any minor adverse effects on the landscape that may be contrary to Policy ENV1 will need to be balanced against the benefits of the scheme.

## 7.5 Residential amenity

- 7.5.1 Policy ENV2 requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers enjoy high standards of amenity.
- 7.5.2 The proposed plot sizes all exceed 300 square metres and each garden comfortably exceeds 50 square metres, in accordance accord with the Council's Design Guide SPD. The siting and layout of the proposed dwellings, and their design and window positionings, ensure that there would be no significant overlooking between plots. In addition, there is a significant separation distance between the proposed dwellings and nearby existing dwellings which is sufficient to

prevent any significant impacts being created to the residential amenity of the existing dwellings in respect of overlooking/loss of privacy, overbearing impacts/loss of outlook or overshadowing/loss of light. The open space proposed adjacent to the eastern boundary of the site aids separation of the proposed dwellings from The Old Plough and existing dwellings situated along High Street, minimising the residential amenity impacts to them.

7.5.3 The access road will run alongside the boundary with The Old Plough and No. 30 High Street. It is likely that vehicle movements to and from the site will generate some noise and the Environmental Health team has recommended that a close boarded fence is constructed on the boundary to protect the amenity of adjacent occupiers. Environmental Health has also recommended conditions in relation to construction times and deliveries and the submission of a Construction Environmental Management Plan. Such conditions are considered reasonable in the interests of protecting the residential amenity of neighbouring properties to an acceptable level and could be appended to the planning permission.

7.5.4 It is therefore considered that the proposed development would not have a significantly detrimental effect on the residential amenity of nearby and future occupiers and it therefore complies with policy ENV2 in this regard.

## 7.6 Highway safety and parking

7.6.1 The Local Highway Authority originally requested a holding objection until details showing the proposed junction with the highway was submitted. The Local Highway Authority also requested that the junction detail was amended from the 5m radii specified within the Planning, Design and Access Statement, to 6m radii, or evidence be provided to justify why this should be accepted including vehicle traffic diagrams to demonstrate this is appropriate in this location.

7.6.2 Following amended plans being submitted to the Local Planning Authority which include the required 6m radii, the Local Highway Authority has no objections. The internal road layout is similar to that approved by planning permission 17/01171/OUT. The proposed internal road comprises a 5m wide carriageway with 1.8m footpath to either side, ramping up to a 6m wide shared surface road with 2x 0.5m maintenance strips, all designed to adoptable standards ensuring that it can be offered to the Local Highway Authority.

7.6.3 A Flood Risk Assessment & Drainage Strategy has been submitted with this application, however, a detailed surface water drainage scheme and future drainage maintenance strategy will need to be put into place should development proceed. If the highways surface water is discharged in to areas of filtration, attenuation a swale or a ditch these must be adopted by the Local Authority or a governing body. Third party or private companies do not provide the necessary assurances that are required by the highways authority for adoption. The applicant has confirmed their intention is to offer the road for adoption to the Local Highway Authority. As such, the Local Highway Authority would have the option to adopt the surface water features which receive water discharge from the public highway.

7.6.4 ECDC Waste Strategy has advised that, if a site is not adopted by the Local Highway Authority, then ECDC will not collect bins or bags from within the site

unless the developers are prepared to provide a full indemnity to ECDC. Otherwise, all bins and bags would need to be taken to the adopted highway for collection. The proposed access and internal road is designed to an adoptable standard and therefore waste collections should be carried out within the site.

- 7.6.5 The proposal includes a minimum of two parking spaces per dwelling, with 8 of the 10 dwellings providing 3+ spaces, exceeding the requirements for residents' car parking spaces set out within Policy COM8. The proposal also includes 2 visitor car parking spaces, resulting in a shortfall of 0.5 visitor spaces against the visitor spaces requirement of Policy COM8. However, given the exceedance of on-plot parking for 80% of the proposed dwellings, in addition to the location of the visitor car parking spaces next to the 2 plots which do not afford enough space for more than 2 car parking spaces (plots 2 and 3), the overall car parking provision is considered acceptable. Although there is no policy requirement relating to the provision of tandem parking, it is noted that only 50% of plots would not provide tandem parking which is likely to further discourage undesirable levels of on-street parking.
- 7.6.6 Subject to the recommended highway conditions, as requested by the Local Highway Authority, it is considered that the proposal complies with Policies COM7 and COM8 in respect of highway safety and parking provision.
- 7.6.7 The proposal includes gates along the western boundary of the site, providing access to the remaining paddock land to the west of the application site. This arrangement has not raised any highway safety concerns and gates in this location do not cause any adverse harm in relation to other material planning considerations.

## 7.7 Flood risk and drainage

- 7.7.1 The site is located within Flood Zone 1, where the majority of development should be directed. The site slopes from east to west and there are no watercourses in close proximity to the site. The site is classed as greenfield and a future developer will be required to maintain the existing run-off rate in relation to surface water.
- 7.7.2 A Flood Risk Assessment & Drainage Strategy has been submitted with this application and is considered acceptable by the Lead Local Flood Authority. However, a detailed surface water drainage scheme and future drainage maintenance strategy will need to be put into place should development proceed. The site is recorded as being in an area with freely draining soils and it is possible therefore infiltration rates may allow the use of soakaways.
- 7.7.3 On this basis, it is considered acceptable to secure details of the surface water drainage strategy and future maintenance by conditions. Foul drainage would be disposed of into the mains sewer which is acceptable; Anglian Water has confirmed there is available capacity. The proposal complies with Policy ENV8 in this regard.

## 7.8 Ecology

- 7.8.1 A Preliminary Ecological Appraisal has been submitted with the application. The buildings on the site have been inspected, searching for evidence of and potential to support roosting bats. The findings indicated that there may be a small and



intermittently used roost in the roofspace of the dwelling. A bat survey was therefore commissioned and a separate report submitted. The survey confirmed the fact that the roofspace is being used as a bat roost and that a mitigation licence from Natural England must be obtained prior to the demolition of the building. To replace the features that will be lost the report recommends the creation of similar roosting features in the internal roof space of at least one of the dwellings and the installation of 'bat tiles', which can be secured by condition.

- 7.8.2 One pond within 500m of the site has been assessed for its potential to support Great Crested Newts. It received a below average score against the Habitat Suitability Index and on this basis the proposal is not considered to have an adverse effect on this protected species.
- 7.8.3 The Ecological Appraisal makes reference to the use of the site by nesting house sparrows and swallow and the woody scrub and hedgerow on the boundaries of the offers potential to support nesting birds. The site does not have any other significant ecological value and the proposed development is likely to have no negative ecological impact. A biodiversity management plan can be secured by condition to ensure that future landscaping incorporates biodiversity areas, features and management. Subject to the recommended conditions, it is considered that the proposal complies with Policy ENV7.
- 7.8.4 The proposed soft landscaping scheme has been amended during the course of the application, incorporating the Trees Officers' recommendations regarding additional landscaping, changes to tree species and ecological enhancement. The soft landscaping proposal is considered to be of a high quality for the size of the development. The Trees Officer has since commented that the amended landscaping plan is acceptable. The Senior Trees Officer has provided separate comments and requested that, if the scheme is approved, it is ensured that there is clear legal responsibility for maintenance of the proposed open space. A condition is recommended regarding future maintenance and management of the area of open space in order to ensure the responsibilities for the open space is clear.
- 7.8.5 The Trees Officers' comment regarding a formal footpath crossing the green space being required as per the details approved by outline planning permission 17/01171/OUT, has not been included within the proposal. However, the footpath approved on the extant outline planning permission is not a requirement of the Local Planning Authority or County Council Definitive Map Team, nor has it been requested by the Ramblers Association. Furthermore, Ashley Parish Council is of the view that there should be no access to the Public Right of Way from any part of the proposed development site. The exclusion of a footpath crossing the green space is therefore considered acceptable.
- 7.8.6 A Tree Survey and Arboricultural Impact Assessment has been submitted with the application. A tree preservation order is currently in place in respect of two Sycamore trees located within the front garden of No. 28 High Street. Consent has already been given for one of these trees to be felled due to the extent of the basal decay, subject to a condition requiring a replacement Beech tree in a suitable location in the front garden. As was the case with the extant outline planning permission, in order to accommodate the proposed access and internal carriageway to an adoptable standard, there would be only narrow landscaping strips on either

side of the internal carriageway. The Senior Trees Officer is very disappointed that the front of the site does not have sufficient room for significant tree planting and states that the loss of the two mature TPO Sycamore trees in the front garden of 28 High Street will have a significantly detrimental effect on the local street-scene.

7.8.7 A Beech tree is proposed within the landscaping strip on the northern side of the proposed internal carriageway to compensate for the loss of one of the TPO trees in a similar position at the front of the site. This replacement tree would, over time, feature prominently within the street scene as a replacement for one of the TPO trees which would be lost. Additional feature trees would be planted within the areas of open space in order to compensate for the loss of the other TPO tree, however due to the location of them it is acknowledged that they would not feature prominently in the street scene in the same way as the existing TPO trees.

7.8.8 However, the extant outline planning permission 17/01171/OUT includes the loss of two protected trees at the front of the site; 1 of which had already been given separate consent to fell by the Trees Team. The principle has therefore been established for these trees to be removed by the outline planning permission. For this reason, the loss of these trees under the current application should be afforded only very minimal weight.

7.8.9 The proposed landscaping scheme includes a number of feature trees within the site, though it is acknowledged that the Senior Trees Officer does not agree with this approach. The proposal does not fully protect the existing landscape features on the site and therefore comes into conflict with Policy ENV1 in this regard which attracts some weight against the proposal. However, given the planning history of the site the level of weight this attracts against the proposal is very minimal.

## 7.9 Other matters

7.9.1 The proprietors of The Old Plough have raised concerns regarding the impact of the proposal on their business. As stated above, the scheme has been sensitively designed taking into account the location of the site in the conservation area and adjacent to a Grade II listed building. The area of open space on the eastern boundary ensures that there is no built form immediately adjacent to the restaurant, with the site boundary approximately 37 metres from the rear of The Old Plough, and views directly through the site to the fields beyond will in part be maintained. There will be some traffic movements and associated noise and disturbance from future occupiers of the development, but such impacts are not considered to be significant and no evidence has been submitted to suggest that this will deter customers from frequenting The Old Plough. Furthermore, the area immediately beyond The Old Plough's garden is already in use as a car park which reduces such impacts on the business.

7.9.2 Public Footpath 2 Ashley runs adjacent to the northern boundary of the application site. The County Council Asset Information Definitive Map Team consider that surfacing works to the public footpath should be undertaken by the developer as a result of this development. The reason that the Asset Information Definitive Map Team considers these works are necessary is that boundary treatments resulting from the proposed development would decrease the amount of natural light able to reach the footpath, which is a free-draining natural surface, and would have a

detrimental impact on the footpath surface over time, increasing the liability placed upon the County Council and diminishing users' enjoyment of the popular footpath. However, the case officer considers that it would be unreasonable to require the applicant to carry out surfacing works to the public footpath as these works were not requested by the Asset Information Definitive Map Team as part of planning application 17/01171/OUT and were not required by the Local Planning Authority's grant of planning permission.

7.9.3 The proposed landscaping includes a hedgerow along the northern boundary of the site, situated 2.5m from the edge of the public footpath to allow for natural growth without obstructing the footpath. The proposal also includes a post and rail fence along the northern extent of the hedgerow adjacent to the public footpath and the applicants' agent has stated that it is also intended for close boarded fencing to be erected along the southern extent of the hedgerow on the garden side of the proposed dwellings. The County Council acknowledge the applicants willingness to comply with the requirement to limit planting of hedge planting as being not less than 2.5 metres from the right of way, but welcome further clarification that any hedge planting will be conveyed to plot-holders, or covered by a future maintenance company so that potential purchasers of properties are made aware of their legal requirement to ensure future maintenance of the hedge line. The Asset Information Definitive Map Team considers this imperative if a boundary fencing is erected within gardens of the proposed dwellings as intended by the applicant, as without the liability being explicatively set out, future plot-holder may assume that the fence line represents their legal boundary.

7.9.4 The Asset Information Definitive Map Team maintain that surfacing improvements are necessary and still request the three conditions included in their consultation response of 18th January 2019. A planning condition could be appended requiring details of management and maintenance of landscaping to be agreed with the Local Planning Authority in order to ensure liability for maintenance of the proposed hedge planting. In addition, a planning condition could also be appended to the planning permission requiring a Construction Environment Management Plan to be agreed with the Local Planning Authority, which would include details of how the public footpath will be managed during the construction process. It is therefore considered that the public footpath will not be compromised to any extent beyond that which would be caused by development of planning permission 17/01171/OUT and the conditions requested by the Asset Information Definitive Map Team in respect of marking out the definitive line of the Public Right of Way on site and preventing planting within 2.5m of the southern boundary of the public footpath would not be necessary or reasonable.

## 7.10 Planning balance

7.10.1 The proposal is for the demolition of an existing dwelling and the construction of 10 dwellings. There would therefore be a net gain of 9 dwellings to add to the District's housing stock (or net gain of 2 dwellings more than that which has been secured in principle by the outline planning permission 17/01171/OUT). As stated above, this attracts significant weight in favour of the proposal. The development would also bring short and long term economic benefits that also attract weight, albeit limited, in favour of the proposal. The site is currently of limited ecological value and the

scheme provides an opportunity to incorporate a number of ecological and biodiversity enhancements and again, these carry some weight in favour.

- 7.10.2 It is acknowledged that given the rural nature of the District that there will be some reliance on the private motor vehicle, however, it is considered necessary to support small scale forms of development in the smaller villages in order to contribute to the economic and social elements of sustainability. Any conflict with Policy COM7 in relation to the promotion of sustainable forms of transport is in this case considered to carry very limited weight against the proposal.
- 7.10.3 The proposed development would have an impact on the character and appearance of the area, however it has been sensitively designed in a way which minimises this impact. Given that the dwellings will be viewed against the back drop of the development in depth at Silverley Way, it is considered that the proposal will not result in significant and demonstrable harm to the visual amenity of the area and any minor adverse impacts attract little weight. Given that the extant outline planning permission 17/01171/OUT includes the loss of two protected trees at the front of the site, the loss of these trees under the current application should be afforded only very minimal weight.
- 7.10.4 The proposed development would not cause any significant harm to the Ashley conservation area or the setting of the adjacent listed building, nor would it give rise to any detrimental impacts in respect of housing mix, residential amenity, highway safety and parking, flood risk and drainage, or ecology matters.
- 7.10.5 On balance, it is considered that the adverse effects of the development would not significantly and demonstrably outweigh the benefits, in accordance with Policy GROWTH5 of the Local Plan and paragraph 11 of the NPPF. The application is therefore recommended for approval.

## 8.0 COSTS

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

## 9.0 APPENDICES

9.1 Appendix 1 – Recommended conditions.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01704/FUM	Richard Fitzjohn Room No. 011	Richard Fitzjohn Senior Planning Officer
17/01171/OUT	The Grange	01353 665555
17/00910/TPO	Ely	richard.fitzjohn@ea
13/00668/TPO		stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/01704/FUM Conditions

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

Plan Reference	Version No	Date Received
PRELIMINARY ECOCOLOGICAL APPRAISAL REPORT		29th May 2019
BAT SURVEY		29th May 2019
DR-A-1000	PA1.4	5th June 2019
DR-A-1001	PA1.4	5th June 2019
DR-A-1003	PA1.4	5th June 2019
DR-A-1040	PA1.2	17th May 2019
1202-003	G	24th May 2019
1202-005	C	24th May 2019
1202-006	C	24th May 2019
1202-007	D	24th May 2019
EX17_018_05/01	C	24th May 2019
DR-A-1002	PA 1	1st May 2019
DR_A_1020	PA 1.2	1st May 2019
DR_A_1030	PA 1.2	1st May 2019
DR_A_1050	PA. 1.2	1st May 2019
DR_A_1091	PA1	1st May 2019
DR_A_1090	PA1.2	1st May 2019
DR_A_1080	PA1.2	1st May 2019
DR_A_1060	PA 1.2	1st May 2019
7029-D-PS	C	1st May 2019
Topographical Survey		3rd December 2018
DR_A_1070	PA1	3rd December 2018
DR_A_1100	PA1	3rd December 2018
TREE SURVEY		3rd December 2018
ENERGY & SUSTAINABILITY STATEMENT		3rd December 2018
FLOOD RISK ASSESSMENT		3rd December 2018
7016-D-A1A	A	3rd December 2018
JW-1004ASH		3rd December 2018
DR_A_1010	PA1	3rd December 2018
DR_A_001	PA1	3rd December 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 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.

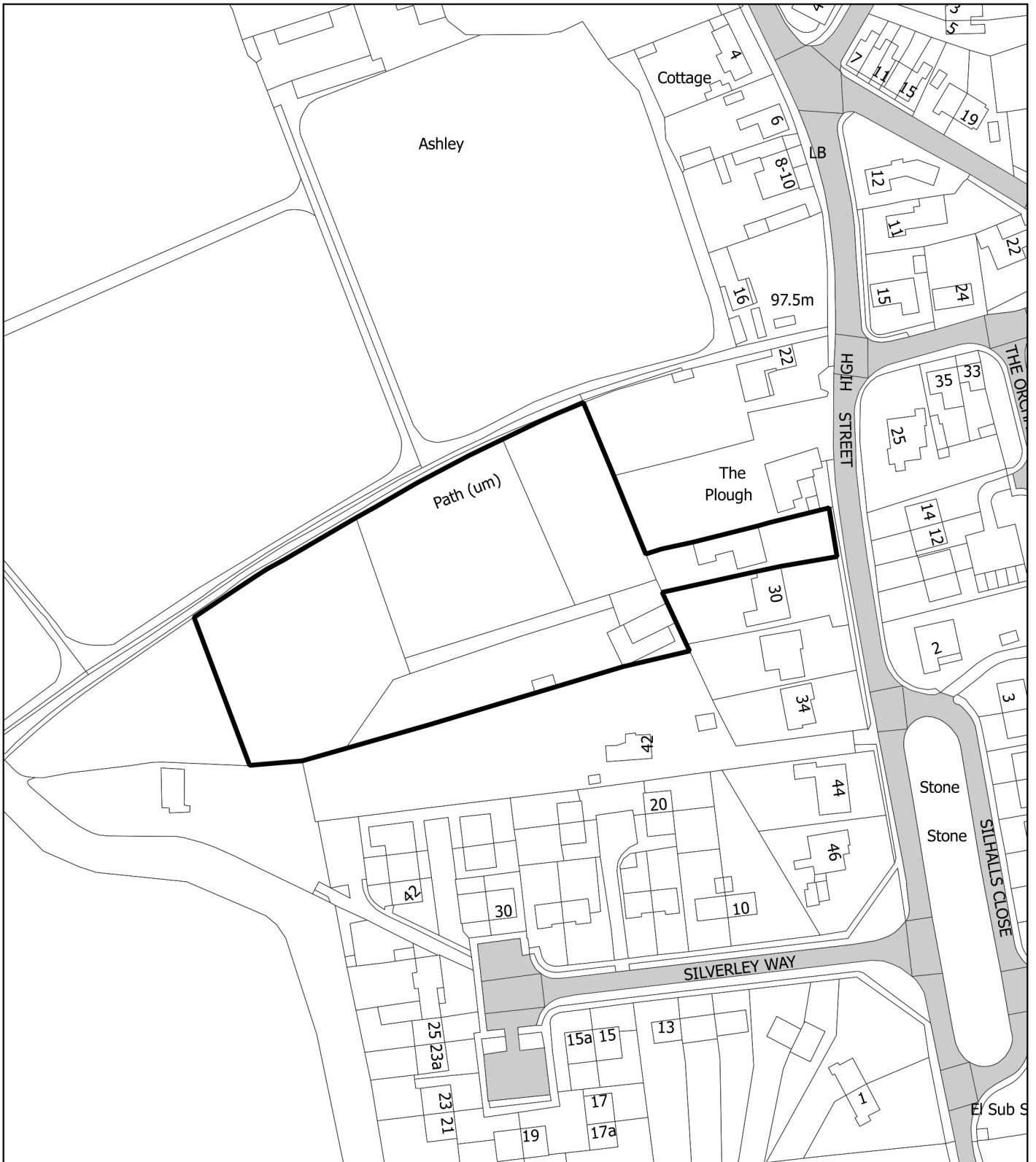
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 No development, except for demolition, shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment & Drainage Strategy prepared by Andrew Firebrace Partnership Ltd (RC/17/0255) dated 19/11/18, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 5 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 5 Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.
- 6 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved access within 6 metres of the edge of the public highway.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to the first occupation of any dwelling hereby approved, the access shall be constructed in accordance with the details shown on drawing no. 1202-003 Rev G and thereafter retained in perpetuity in this form.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 8 Prior to the first occupation of any dwelling hereby approved, the roads and footways required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining public highway.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 on Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 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, and management of impacts on the adjacent Public Right of Way, 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.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, and in the interests of highway safety and access to the Public Right of Way, in accordance with policies ENV2 and COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 All soft landscaping works shall be carried out in accordance with the approved details, as shown on drawing no. 7029-D-PS Revision C. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 The development shall be carried out in accordance with the Energy and Sustainability Statement, prepared by EPS Group and dated 23/11/2018.



- 13 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to first occupation a scheme for the laying out and future management and maintenance of the open space and landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The open space shall thereafter be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime; and
  - ii) details of who will be responsible for the continuing implementation.
- 14 Reason: To ensure the longevity of the open space scheme and to safeguard the amenity of the adjacent Public Right of Way, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 The tree protection measures as shown on drawing no. 7016-D-AIA Rev A 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.
- 15 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 16 The development shall be carried out in accordance with the Conclusions of the Preliminary Ecological Appraisal Report and the Bat Survey, prepared by Denny Ecology and dated November 2018. The biodiversity improvements stated within the report shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 17 No hard landscaping works shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include samples of shared surface and driveway 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.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 18 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.
- 18 To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls, other than those of the type specified on the approved plans, shall be erected within the application site without the prior written consent of the Local Planning Authority.
- 19 Reason: To safeguard the amenity of the adjacent Public Right of Way and the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 20 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.



18/01704/FUM

Site West of  
22 to 30 High Street  
Ashley



East Cambridgeshire  
District Council

Date: 24/07/2019  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 19/00479/FUL

**Proposal:** Construction of 1no. four bedrooms, detached dwelling, detached double garage, parking, access and associated site works

**Site Address:** Plot 1 Land To Rear Of 17 Short Road Stretham  
Cambridgeshire

**Applicant:** Mr & Mrs Carl Cox

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

**Parish:** Stretham

**Ward:** Stretham

Ward Councillor/s: Bill Hunt  
Lisa Stubbs

**Date Received:** 1 April 2019

**Expiry Date:**

[U47]

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1.0 **RECOMMENDATION**

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

- Time Limit
- Approved Plans
- Contamination Investigation
- Unexpected Contamination
- Details of Materials
- In Accordance With Arboricultural Impact Assessment
- Soft Landscaping Scheme
- Biodiversity
- PD Restriction- extensions/alterations
- PD Restriction- windows
- Construction Times
- Highways- Access
- Highways- Parking & Turning Area
- Highways- PD Restriction for gates

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for a part single storey, part two-storey detached dwelling on the application site. The proposed dwelling would have a single storey element with a maximum height of 4.5m. The two storey element would have a maximum height of 6.2m and is located to the western side of the plot, away from the single storey dwellings at Starlock Close.
- 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 Hunt as "This is a matter of considerable dispute in the area and would benefit from the wider debate a call in allows."

## 3.0 PLANNING HISTORY

### 3.1

17/02148/FUL	Erection of a part two storey 3 bedroom detached dwelling	Approved	07.03.2018
17/02148/NMAA	Non material amendment to previously approved 17/02148/FUL for Erection of a part two storey 3 bedroom detached dwelling		25.09.2018
17/00103/OUT	2No Single storey bungalows with parking, car ports, access and associated works	Approved	10.04.2017

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the rear of 17 Short Road, Stretham in the eastern part of a former orchard, although the majority of the trees have been felled. To the west of the site is a second building plot and construction is well underway on this site. To the east there are bungalows in Starlock Close. The eastern and southern boundaries are defined by existing vegetation; although there is at present no definition of the northern and western boundaries of the plot. Access to the site is via an existing driveway, which runs from north to south between 16 and 17 Short Road.

### 4.2

## 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** – “Stretham Parish Council would like to object to the above planning application on the following grounds;

The height of the proposed property is not in keeping with the surrounding properties. This would cause over development of this site.”

**Ward Councillors** – “I am a Local Member for Stretham Ward.

My intention is : I will declare when this application comes to Planning Committee that I do not have an "Open Mind" as I believe that this application should be refused. I plan to declare that I already hold a view and that after speaking against this application as Ward member that I will leave the chamber and therefore not be part of the debate or vote.

I believe that this application (which has outline consent as a bungalow) should not be allowed to become a two storey four bedroom house. I accept that the development envelope has limited weight at present but I make the point that this application (in an old orchard) is outside it.

The proposal is totally out of character with the whole Starlock Close/Fieldside area which of course is mainly composed of bungalows. This plot should only be for a Bungalow.

The proposal is overbearing and is so large that it would dominate the area and not in a good way. The main building is 6.3 mtrs high (20.66 feet) and the detached garage is 3.9 mtrs high ((13ft). This would cause lack of amenity and reduction of Sunlight for numbers 2 and 3 Startlock Close. There will be extra noise and fumes as a result of vehicles turning in the tight area of the application site.

The access to the application site from Short Road is not wide enough for 2 way traffic (and a x4 Bedroom House would generate more vehicle movements than a Bungalow). The mix of cars, pedestrians and other vehicles would be a potentially dangerous mixture. I assume the wheelie bins would have to be taken by residents to Short Road which would be in excess of policy minimums.

A x4 bedded house is almost certain to need a greater parking capacity than is suggested for the site which will lead to extra vehicles causing congestion in Short Road. It should be noted that the application site "Fire Turning Area" must be kept clear at all times(This is also the access for plot 2. The extra traffic noise and fumes would have a negative impact on 17 Short Road. It should be noted that the garage of number 16 was the garage for number 17 so the access is narrow.

Stretham Parish Council state" that they would like to object on the following grounds." "The height of the proposed property is not in keeping with the surrounding properties", "This would cause over development of this site".

ECDC Tree Officer "As at present I strongly object to this application due to the following.

The submitted plan shows the proposed building as being located under the crown of existing tree marked 5.08 and ingress into the tree's rooting area by a significant amount.

The proposed double garage appears to be located so close to the existing hedge that even maintenance pruning of the hedge will not be possible, let alone the damage to the hedge's roots inflicted during the building process".

Approval of this application could cause damage to the Council's high esteem as the local residents accepted the back land development whilst it remained as bungalows. A large family house does nothing to retain the style and feeling of this part of Stretham."

**Local Highways Authority** – "The highways authority has no objection in principal to this application."

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

**ECDC Trees Team** – "The submitted plans (ref:JP-19-003-1 REV A) are a great improvement and are now acceptable.

Please condition compliance with the submitted Arboricultural Impact Assessment."

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

5.2 Neighbours – 21 neighbouring properties were notified. An advert was also placed in the Cambridge Evening News, and a site notice was posted at the site on 25<sup>th</sup> April 2019. Four responses were received and the responses are summarised below. A full copy of the responses are available on the Council's website.

- The height has increased since the outline application.
- The proposal is now a large house and not a bungalow.
- Concerns regarding headlights creating a nuisance to neighbours.
- The proposal does not comply with policies.
- Impacts on biodiversity.
- Loss of light to neighbouring properties.
- Increased traffic.

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  
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  
COM 7 Transport impact  
COM 8 Parking provision

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

6.3 *National Planning Policy Framework 2019*  
5 Delivering a sufficient supply of homes  
12 Achieving well-designed places

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, the residential amenity of neighbouring occupiers, the visual impacts and highway safety.

### **7.2 Principle of Development**

7.3 The site is located outside of the designated development envelope of Stretham. Development outside of the development envelope is considered contrary to policy GROWTH2 of the East Cambridgeshire Local Plan 2015 which seeks to focus new development within the defined settlement boundaries. The National Planning Policy Framework Paragraph 11 states that if policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the NPPF indicate development should be restricted.

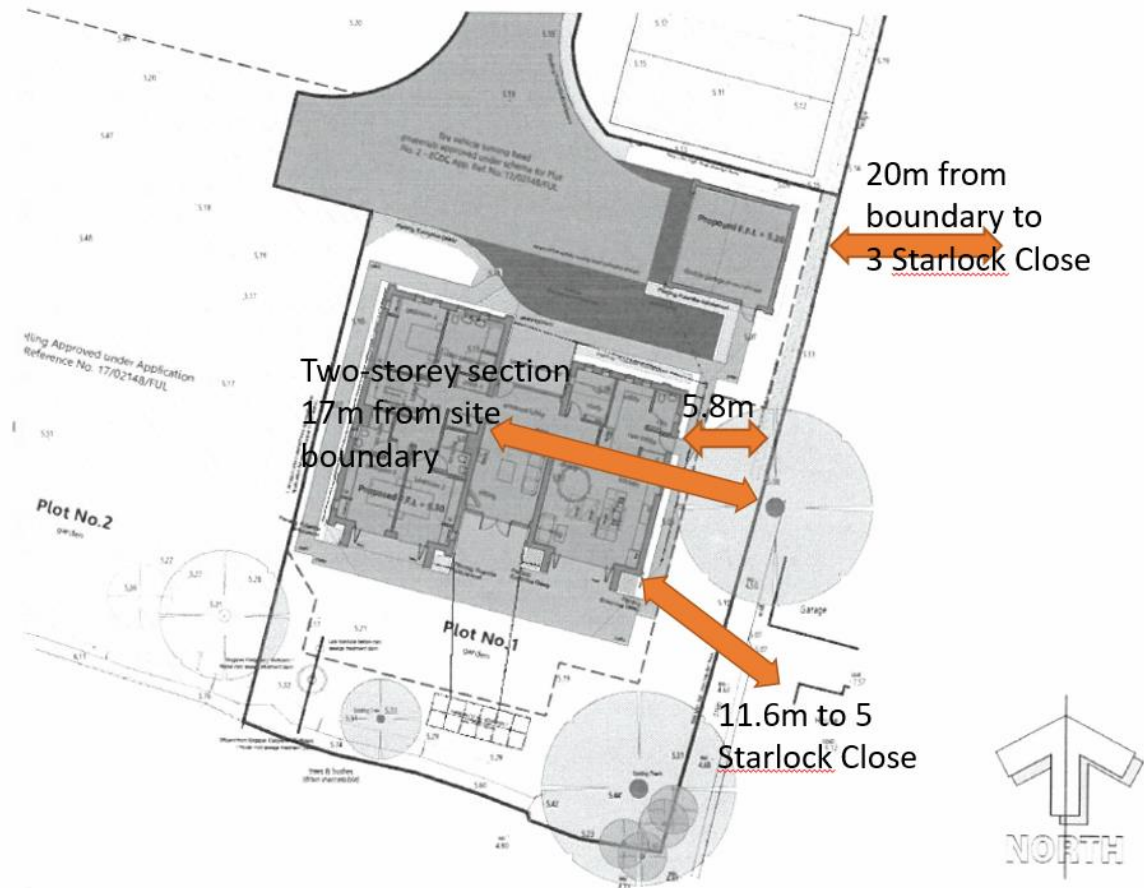
7.4 The Five Year Housing Land Supply report dated June 2019 has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) cannot be considered up-to-date in so far as it relates to the 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.

7.5 The principle of development has been established under application 17/00103/OUT. In any event, the site is well related to the development envelope of Stretham. As the site is located near to the settlement boundary and in close proximity to the services and facilities on offer in Stretham the site is considered to be sustainable.

### **7.6 Residential Amenity**



- 7.7 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.8 The proposed dwelling would be positioned adjacent to the dwelling which is currently under construction on the adjacent plot 2. The two storey element of the proposed dwelling would be adjacent to the garage structure of the adjacent plot 2. The proposed dwelling is not considered to cause impacts such as overbearing, overshadowing or loss of light to this occupier due to its modest height at 6.2m and its appropriate positioning in relation to the adjacent plot.
- 7.9 To the east of the site there are single storey dwellings along Starlock Close. The proposed dwelling would be set back from the east boundary of the site by approximately 5.8m. There would be approximately 11.6m (approx. 38ft) between the back corner of the proposed dwelling and the nearest part of Number 5 Starlock Close. Additionally, there is approximately 20m (approx. 65ft) between the next nearest dwelling at 3 Starlock Close and the boundary of the site. The section of the dwelling closest to the east boundary of the site and Starlock Close would be single storey in scale, at a maximum height of 4.5m. The two storey element of the proposed dwelling would be set away, and would begin approximately 17m (approx. 55ft) from the east boundary of the site. These distances can be seen in Figure 1 for clarification:



**Figure 1. Separation Distances**

7.10 The Agent has also indicated the heights of adjacent dwellings in relation to the elevation drawings of the proposed dwelling on drawing JP-19-003-2 Rev A. The single storey element of the proposed dwelling is similar to the heights of the dwellings in Starlock Close, and also similar to the single storey elements of the adjacent Plot 2. The two storey element of the proposed dwelling is also similar to that of the adjacent Plot 2, with a maximum height of 6.2m. Given the separation distances and the distances between the two storey element of the proposed dwelling and the boundary of the site, the proposed dwelling is not considered to create overlooking, overbearing or overshadowing to the neighbouring dwellings at Starlock Close. Additionally the relationship between the proposed dwelling and Plot 2 is considered to be acceptable and not give rise to negative impacts on the amenity of these occupiers.

7.11 Concerns have been raised by neighbours about the boundary treatment to the east side of the site. Originally a 1.8m close boarded fence was proposed, however this would be harmful to the trees and hedging along the boundary and would likely result in the loss of the hedgerow which would be unacceptable. Following discussions with the Agent this fence has been removed from the plan and it is recommended that a condition requiring the submission of boundary treatments is submitted. It is anticipated that this would involve the thickening of the hedgerow to provide better screening. Neighbours have also raised concerns regarding car headlights pointing at the properties along Starlock Close, however it should be

noted that the garage proposed is solid brickwork and this is considered sufficient to prevent headlights causing disturbance to neighbouring occupiers.

- 7.12 It is considered that the location and scale of the proposed extension would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2.

### **7.13 Visual Amenity**

- 7.14 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

- 7.15 The character of the area is derived from a mixture of different dwelling types ranging from substantial two and even two-and-a-half storey properties to the north along Short Road to the shallow-pitched roof bungalows in Starlock Close.

- 7.16 The proposed dwelling is modest in terms of its scale, incorporating single storey elements to reduce the overall mass of the dwelling. Only a small section of the dwelling has a first floor, and the height of this element is similar to the height of Plot 2 which it sits beside. The proposed dwelling would be single storey to the eastern side and reflects the change in heights between the single storey dwellings at Starlock Close, the two or two and a half storey dwellings along Short Road, and the mix of single storey and two storey at Plot 2. Additionally, the proposed dwelling would remain lower in its maximum height than the single storey dwellings approved further east at Meadow Farm (16/01685/FUL). The proposed dwelling would utilise a mixture of more traditional materials such as buff brickwork and boarding, to more contemporary materials such as fibre cement boards and dark grey roof coverings. This reflects the use of materials in the adjacent Plot 2 and would not appear out of keeping in the context of the site. The final appearance and finishes of materials can be secured by condition to ensure that these are appropriate.

- 7.17 The proposed dwelling would not be highly visible from Short Road given its location to the rear of the street-fronting dwellings. The proposed dwelling is therefore not considered to alter the character and appearance of the wider area. It is considered that the proposed dwelling could be appropriately accommodated on the site without detracting from the character of the area. The proposal therefore complies with policy ENV2 of the Local Plan 2015 and the policies within the NPPF.

### **7.18 Highways**

- 7.19 The site is accessed using an existing access off Short Road to the north, which runs between Numbers 17 and 16 Short Road. The proposed access was considered suitable to service the introduction of two dwellings under the previous outline application 17/00103/OUT. The application currently under consideration does not increase the numbers of dwellings on the site and the access is therefore considered to remain suitable. The proposal would include the provision of a

sufficient number of parking spaces and is therefore considered to comply with policy COM8 of the Local Plan 2015. The Local Highways Authority has been consulted as part of the application and has raised no concerns.

## **7.20 Ecology**

7.21 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. It is acknowledged that a condition for biodiversity improvements was not included on the previous applications, however, there are relevant policies within the local plans and therefore it is recommend that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. 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.

## **7.22 Contamination, Flood Risk and Drainage**

7.23 Details for foul and surface water drainage have been submitted on the plans. These have been reviewed by Building Control, who confirm that at this stage these are acceptable. The full details of drainage would be submitted at Building Control stage.

7.24 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

## **7.25 Other Material Matters**

7.26 The Council's Trees Officer has been consulted on the proposals and has confirmed that these are acceptable. They have requested a condition that the development is carried out in accordance with the Arboricultural Impact Assessment that has been submitted. As previously discussed, the proposals previously included the introduction of a 1.8m close boarded fence along the eastern boundary, however this has been removed after consultation with the Trees officer who has confirmed that this would be detrimental to the trees and hedgerow along this boundary. Instead it is proposed to thicken this boundary vegetation, and a condition is recommended that the details of soft landscaping are submitted. These are to include the species and size of any planting proposed, to ensure that these are appropriate for the existing vegetation and are of a size that will mature at an appropriate rate.

7.27 The previous outline application 17/00103/OUT removed permitted development rights in relation to alterations, extensions and windows to ensure that impacts on

neighbouring occupiers were not created in the future. It is recommended that these conditions are carried forward in the current application to continue to ensure that residential amenity of protected. Additionally it is recommended that a condition limiting the hours of construction is added to any grant of appeal.

## 7.28 Planning Balance

7.29 The proposed dwelling is of an acceptable design and scale to prevent significantly harmful impacts on the residential amenity of nearby occupiers or on the character and appearance of the area. The application is therefore recommended for approval subject to the conditions set out in Appendix 1.

## 8.0 APPENDICES

8.1 Appendix 1- Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00479/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk
17/02148/FUL 17/02148/NMAA 17/00103/OUT	Ely	

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- Recommended Conditions**

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

Plan Reference	Version No	Date Received
JP-19-003-1	B	10th July 2019
JP-19-003-2	A	24th May 2019
ATS19215		31st May 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The

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

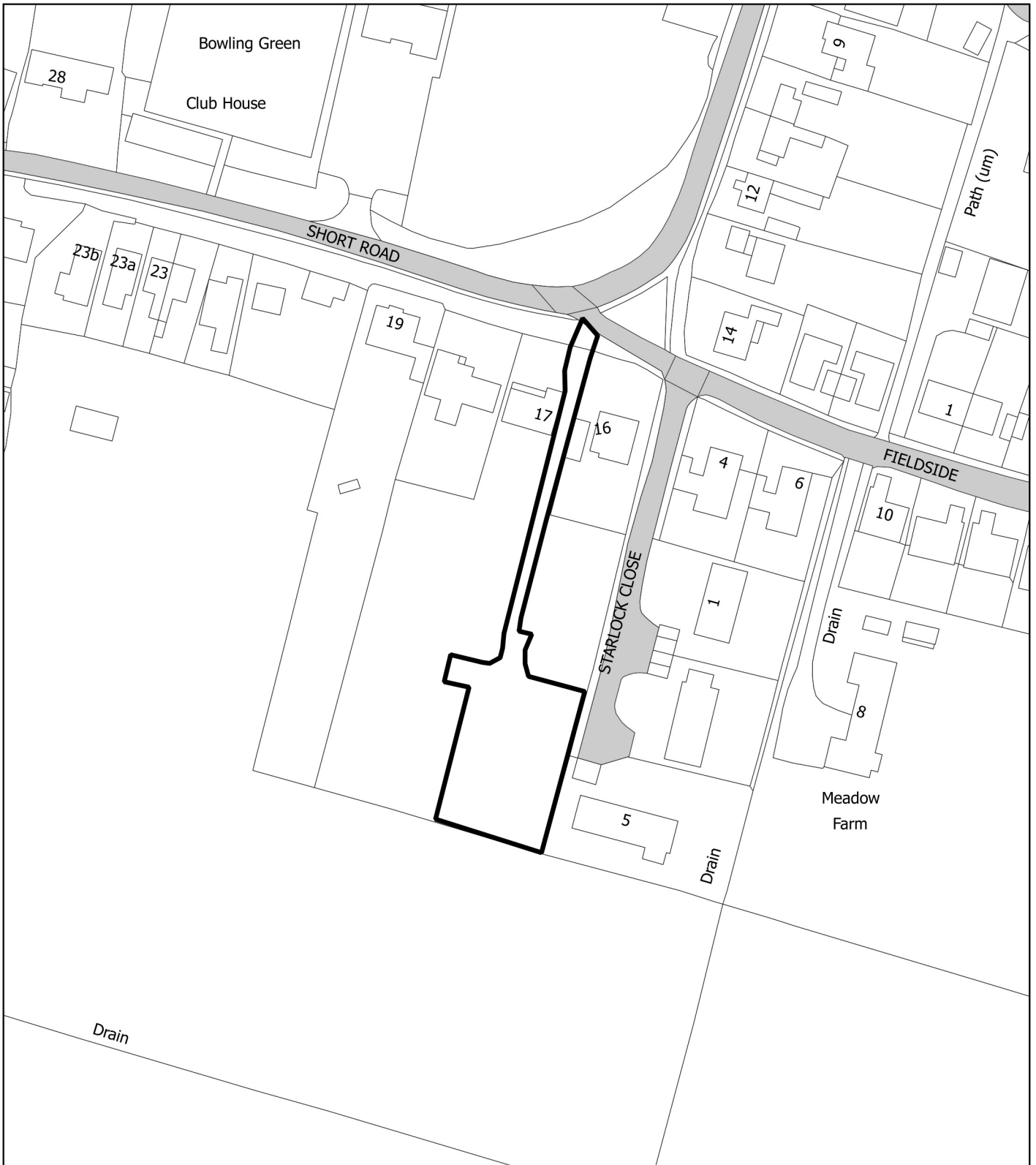
- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 The tree protection measures as shown on the approved drawings and the Arboricultural Impact Assessment 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
- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to first occupation or commencement of use a full schedule of all soft landscape works, including details of boundary planting and the location of the post and rail fencing in relation to the trees and hedgerow, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 8 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.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above without the prior written consent of the Local Planning Authority.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 11 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected on the site or across the approved vehicular access, as shown on plan JP-19-03-1 Rev B.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.



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

END



19/00479/FUL

Plot 1  
Land to rear of  
17 Short Road  
Stretham



East Cambridgeshire  
District Council

Date: 24/07/2019  
Scale: 1:1,250



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**MAIN CASE**

**Reference No:** 19/00708/OUT

**Proposal:** Five single storey dwellings with detached garages

**Site Address:** Site To West Of 10 - 20 Sheriffs Court Burrough Green  
Suffolk

**Applicant:** Mr F Peers

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

**Parish:** Burrough Green

**Ward:** Woodditton  
Ward Councillor/s: Alan Sharp  
Amy Starkey

**Date Received:** 15 May 2019      **Expiry Date:** 09/08/2019

[U48]

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1.0 **RECOMMENDATION**

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

- Approved Plans
- Time Limit- Reserved Matters
- Time Limit- Commencement
- Fire Hydrants
- Drainage Details
- Archaeological Investigation
- Construction Times
- PD Restriction- Extensions & Alterations
- Unexpected Contamination
- Biodiversity Enhancements
- Tree Protection Measures
- Ecological Recommendations
- Bin Store
- Piling Condition
- CEMP

## 2.0 SUMMARY OF APPLICATION

2.1 This is an outline planning application seeking permission for five detached single storey properties, with detached garages. The issues being considered with this application are Access, Layout and Scale with Appearance and Landscaping to be considered at the Reserved Matters stage.

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 Sharp.

## 3.0 PLANNING HISTORY

3.1

17/01681/OUT	Five single storey dwellings with detached garages	Refused	27.06.2018
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## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 Burrough Green is a small village located approximately 5 miles south-west of Newmarket. A Conservation Area covers the southern and central parts of the village and includes a number of attractive buildings including several thatched cottages.

4.2 The application site comprises an irregular shaped area of land located along the southern edge of Burrough Green and measures approximately 0.80ha. Part of the site abuts the Burrough Green Conservation Area to the north and north-west.

4.3 The site is fairly level and overgrown and enclosed on all but one of its boundaries by a mature hedgerow and a number of mature trees. On the eastern edge, there is a gated entrance leading into the site which on one side is laid to lawn and on the other scrub land and hedgerow.

4.4 There is a staggered row of large detached properties in Church Lane located on generous plot sizes which wrap around the site on its northern and north-western boundary. Along the east boundary lies a more contemporary form of residential development of two storey semi-detached dwellings in Sheriffs Court. To the south of the site is 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.

**Cambridgeshire Fire And Rescue Service**

“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.

### **Parish**

“Burrough Green Parish Council objects to application 19/00708/OUT, and submits the following comments, in line with our previous objections to application 17/01681/OUT;

- The proposed development is outside the Building Line and is not recognised within the Local Plan and there are concerns regarding setting a precedent for further future development within a Conservation Area. The previous Sheriffs Court development was only approved due to special consideration for Social Housing and the Parish had been assured at that time that there would be no further development of the land.
- The site is an area of archaeological significance, including of the medieval period, a 13<sup>th</sup> Century church and a designated medieval moat site. We believe the development has not carried out significant archaeological investigation.
- The outline application has trees omitted on the proposed site and the plans and this needs to be addressed and established whether any plans are in place to remove trees from the site, we feel an Arboricultural Impact Assessment must be carried out in full on the proposed site.
- The proposed eco-friendly design of the private dwellings does not fit in with the environment and neighbouring properties, which will also have an effect on the Conservation Area. We would stress that conditions need to be in place, if approved, to ensure the dwellings remain as single storey residential. There are also concerns that the Laurel hedges are not in-keeping with the village and are in fact not even a native species.
- There are concerns that the fencing is acting to make the development a gated community, and we feel that this will be detrimental to the integration with the community.
- The Access road is inadequate for the current dwellings and extra dwellings and cars would put extra pressure on the single track access leading to the estate from the junction with the highway. The single track itself goes straight through the historic Green, which archaeologically and historically is a significant landmark within the village. There is also a safety issue, as the single track access goes through the centre of a busy village Green and is adjacent to the children’s play area, which with construction traffic and extra cars/traffic post development, puts children and users of the green at risk. The school walking bus uses this route every

day, and therefore the extra traffic and HGV's pose a real threat to school children trying to get to and from school. The track is also completely inadequate for refuse trucks and HGV's to use. Our feeling is that Highways have not visited the site and taken into account the access road which vehicles will need to use to get to the private drive access from the main highway.

- Our concerns regarding surface water and drainage on the site have not been addressed. The proposed development is on marsh land and it is believed that the current drainage in place, which was put in for the previous development, is only sufficient for the 6 houses within that development and is inadequate for further residential properties.
- The removal of the car parking from the original application 17/01681/OUT, which was the only benefit to the village, due to the fact that parking is an ongoing problem and is woefully inadequate.”

#### **Ward Councillors- Councillor Sharp**

“The design of the buildings does not fit in with neighbouring properties, which are within the conservation area.

There is still an unanswered concern around drainage and surface water.

The development will create more traffic across an historic green, which has a single track road.

The access for the proposed development is near the meeting point for the walking bus that takes pupils to the primary school. The development, both during the build and after would create considerable safety issues for pupils.”

#### **Historic England**

“Thank you for your letter of regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

#### **CCC Growth & Development**

No Comments Received

#### **Cambridgeshire Archaeology**

“Our records indicate that the site lies in an area of high archaeological potential, situated within the medieval core of Burrough Green. The proposed development area rests directly within a field containing earthworks (possibly a medieval hollow way and house platforms: Historic Environment Record reference 10112) which may have formed part of the original settlement at Burrough Green during the

medieval period, later becoming a shrunken medieval village. Located roughly 85m to the north west of the application area is 13th century Saint Augustine's Church (07418). In addition, to the north of the application area is designated medieval moated site (National Heritage List for England reference 1020059, HER DCB330).

We have commented on this in recent years. We would recommend that the same archaeological standard condition is placed on the development as was for prior application (19/00708/OUT) within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.”

**Asset Information Definitive Map Team**

No Comments Received

**Local Highways Authority**

“The Highway Authority has no objection in principal to this application. This access to this development is off a private drive which is not going to be adopted by the highways authority. The junction with the highway is suitable for this intensification of use.”

**Minerals And Waste Development Control Team**

No Comments Received

**ECDC Trees Team**

“The new AIA report and plan is acceptable. I have no objections to this application on tree ground and no landscape comments further to those made with the previous application.”

**Conservation Officer**

No Comments Received

**Environmental Health**

“This department has given comments on the proposed site in the past which I include below.

The only additional comments I would like to make are to request the updated hours of construction and deliveries to -

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

07:30 – 13:00 on Saturdays and

None on Sundays or Bank Holidays

And add that -

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

**Waste Strategy (ECDC)**

“The site roads do not appear suitable for waste vehicle to enter and County Highways have indicated they would not adopt the roads, therefore ECDC will not enter the site to collect bins or bags and all residents would be required to bring these to the site entrance on the relevant collect day; 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).

A suitable collection point should be provided adjacent to the roadway at Sheriffs Court for residents to leave any bins and bags and the collection point should have a solid base so as to be suitable for use in all weathers, any incorrect waste left at this location would be the responsibility of the site owners/residents to clear.”

**The Ely Group Of Internal Drainage Board**

No Comments Received

**National Air Traffic Services Ltd**

“The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.”

**Ramblers Association South**

“Thank you for consulting the Ramblers on this application affecting a public right of way.

It would appear that this is a resubmission of application no. 17/01681/OUT, with minor variations, refused some months ago, and in the circumstances I can do no more than to repeat my earlier comments, where relevant.

Whilst the route of Burrough Green fp 11 crosses the entrance to the earlier development, which will also be used to access the current proposal, it is not anticipated that users of the footpath will be unduly affected so long as conditions are imposed to control deliveries to the site and parking of vehicles during the construction period. Subject to these conditions, no objection is offered to the proposal on rights of way grounds”



5.2 Neighbours – 32 neighbouring properties were notified and one response was received. The response received is summarised below. A full copy of the responses are available on the Council’s website.

- The site is green belt and the proposals do not comply with green belt policies.
- The dwellings are ultra-modern in design and would look out of place.
- The access across the village green is very narrow and cars cannot pass.
- Issues with the previous development at the site.
- Previous archaeological investigation was insufficient.
- Water pressure has dropped since the previous development and would drop further.

5.3 An advert was placed in the Cambridge Evening News on 30<sup>th</sup> May 2019 and a site notice was displayed at the site on 4<sup>th</sup> June 2019.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV1	Landscape and settlement character
ENV2	Design
ENV4	Energy Efficiency and renewable energy in construction
ENV7	Biodiversity and Geology
ENV8	Flood Risk
ENV9	Pollution
ENV11	Conservation Areas
GROWTH 5	Presumption in favour of sustainable development
COM 7	Transport Impact
COM 8	Parking Provision
Part Two:	Village/Town Visions – 8.7 Burrough Green
HOU 2	Housing density

### 6.2 Supplementary Planning Documents

East Cambridgeshire Design Guide  
Developer Contributions and Planning Obligations  
Flood and Water  
Contaminated Land

### 6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment
- 6 Building a strong competitive economy

- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport

## 7.0 PLANNING COMMENTS

- 7.1 The main considerations in the determination of this application are the principle of development, residential amenity, visual impact and the conservation area, highways, flood risk and drainage, contamination and ecology and biodiversity.
- 7.2 It should be noted that a similar application was received in 2017 (17/01681/OUT) for five dwellings, with all matters reserved apart from access, layout and scale. The application was refused for the following reasons:
1. The proposed development by reason of its siting and layout would fail to preserve or enhance the special character of the Burrough Green Conservation Area, resulting in a detrimental impact on the setting of this designated heritage asset and the wider local environment. The proposal would therefore conflict with Policies ENV1, ENV2 and ENV11 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP27 of the Submitted Local Plan and policies of the NPPF.
  2. The construction of 15 unallocated visitor parking bays at the entrance into the site would result in a conflict with those accessing and egressing the site to the detriment of highway and pedestrian safety contrary to Policy COM 7 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2017.
- 7.3 The Applicant appealed this decision and the Inspector dismissed the appeal on 3<sup>rd</sup> April 2019 (APP/V0510/W/18/3208502). The Inspector considered that the additional parking area which was located at the entrance to the site would result in unacceptable risks to future and existing occupiers, as well as future users of the car park. The Inspector did not consider that the development would result in harm to the character of the Conservation Area and that it would in fact preserve the Conservation Area's character.
- 7.4 The Applicant has resubmitted the application with amendments intended to overcome the previous reasons for refusal in light of the Inspector's decision. The only difference with this application is the removal of the car parking spaces near the entrance of the site. The matters to be considered are access, layout and scale.
- 7.5 Principle of Development
- 7.6 The Five Year Housing Land Supply report dated June 2019 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) 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.

- 7.7 The proposal would be beneficial to the local housing supply in the form of five dwellings, and would be beneficial in the short term to the local economy through the construction stage. The site is located adjacent to the settlement boundary and in close proximity to the services and facilities on offer in Burrough Green. The site would be well linked to the remainder of the village and have good access to open spaces such as the green. The principle of development is therefore considered acceptable subject to compliance with other local and material planning policies and all other material planning considerations that form part of the planning balance for this application.
- 7.8 Residential Amenity
- 7.9 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. Under policy ENV2 of the Local Plan 2015 this application should take care to ensure there is no significantly detrimental harm to the residential amenity of the occupier and neighbouring occupiers as a result of the proposal.
- 7.10 The layout of the proposed dwellings is being considered as part of the outline application, as well as the scale of the proposal. The dwellings are proposed to be single storey and are laid out to be a minimum of 25m from any existing neighbouring dwellings. The large separation distances combined with the single storey nature of the dwellings means that the proposed dwellings are not considered to be overbearing or overlooking to neighbouring occupiers. Additionally, these would not create a loss of light to neighbouring dwellings.
- 7.11 With regard to the amenity of future occupiers of the proposed dwellings, the dwellings have been laid out in such a way that they have spacious and open setting, with a good level of private amenity space. The proposed plot sizes, rear amenity space and indicative building sizes comply with the requirements of the Design Guide SPD. The layout, separation distances and single storey nature removes overlooking and overbearing issues between the proposed properties themselves.
- 7.12 The entrance road would be located behind the properties of Glebe House and Oakleas, however this would be a minimum of 25m from the rear of the closest property. Additionally, the introduction of five dwellings is not considered to give rise to significant levels of traffic to the detriment of residential amenity of neighbouring occupiers.
- 7.13 It is considered that the location and scale of the proposed dwellings would not create any significantly detrimental effects on the residential amenity of nearby occupiers and that there would be an acceptable relationship between the proposed scheme and existing neighbouring dwellings. The proposal therefore complies with Policy ENV2 of the Local Plan 2015. It is considered appropriate to remove permitted development rights to ensure that residential amenity is

protected and the dwellings are not extended or altered in a way which may create impacts to neighbouring occupiers.

7.14 Visual Impact & Conservation Area

7.15 In terms of visual impact, Policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Under policy ENV1 of the Local Plan 2015 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. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions.

7.16 The Inspector made clear within the appeal for this site (APP/V0510/W/18/3208502) that the site in its current scrubland form does very little to contribute to the character or appearance of the conservation area. The Inspector considered that the low density and single storey nature of the dwellings proposed would not create an adverse impact on the conservation area and that the development would preserve the character of the conservation area. Additionally, the Inspector identified from the site visit that the area holds a number of styles, layouts and densities for dwellings, and that the proposed dwellings would therefore not be out of keeping with the character of the area.

7.17 Highways

7.18 Policy COM7 of the Local Plan requires that all development must ensure safe and convenient access to the public highway. In terms of the allocated parking, Policy COM8 of the Local Plan sets out the parking requirements for the District. New dwellings are required to provide a minimum of two parking spaces. The scheme demonstrates that sufficient car parking can be accommodated on site. The Highways Authority have not raised concerns regarding the proposal and have confirmed that the junction with the highway is suitable for this intensification of use.

7.19 The Applicant should be aware that the Highways Authority have confirmed that the private drive would not be adopted.

7.20 Ecology & Biodiversity

7.21 The application has been supported by a Preliminary Ecological Appraisal Survey carried out by Archer Peers & Co. The aim of the survey was to complete an Extended Phase 1 Habitat Survey and to analyse these findings against a desk study.

7.22 The Appraisal places the site approximately 530m from the Park Wood SSSI and Out and Plunder Woods SSSI both south east of the site. Brinkley Hall and Ladies

Grove and Hay Wood County Wildlife Sites are both located 570m and 1000m south and south-west of the site respectively.

- 7.23 The Appraisal has also identified a number of protected species within a 2km radius of the application site. Whilst the presence of many of these species were not found on site, it is likely that it is used for foraging and commuting purposes by bats, owls and birds. Mitigation measures have been proposed in the form of off-site vegetation enhancement, control of lighting across the site both during and after construction, as well as any site clearance works and hedge/tree removal undertaken outside of the bird nesting season. No badgers, water vole, otters or dormice were identified to be present on site.
- 7.24 With regard to reptiles, the site benefits from scrub and tall ruderal which offers suitable habitat for widespread species of reptiles. The presence of 7 ponds within 250m of the site may suggest that Great Crested Newts could be present on site. A Reptile Survey has been submitted by Arbtech Consulting and this has recorded that Great Crested Newts were not found present either on the site or on the adjacent ponds outside of the area.
- 7.25 It is therefore considered that the scheme would not result in an unacceptable impact on biodiversity or ecology and this factor is weighed neutrally in the planning balance.
- 7.26 Consideration has been given to the ecological value of the site. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. The policy also recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, which are part of an essential network for the survival and diversity of species. It is recommend that a condition requiring a scheme of biodiversity improvements could be placed on any grant of permission. 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 for the benefit of species. It is also recommended that the recommendations put forward within the Arbtech Preliminary Ecological Appraisal Survey are implemented during the development.
- 7.27 The applicant has submitted a Tree Survey and tree protection scheme along with the application. The Council's Trees Officer has been consulted in order to determine whether proposals are acceptable. They have raised no objections to the scheme and it is considered appropriate to condition that the tree protection measures are carried out in accordance with the recommendations in the tree survey and protection scheme.
- 7.28 With the appropriate conditions recommended within the ecological and tree reports, and a condition relating to biodiversity enhancement, it is considered that the proposal complies with policy ENV7 of the Local Plan 2015.

- 7.29 Flood Risk, Drainage and Contamination
- 7.30 The site is located in Flood Zone 1, where the principle of development is considered acceptable in terms of Flood Risk.
- 7.31 The application does not include details of drainage proposals and these would need to 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. The site is within an outer groundwater source protection zone. Further details concerning on-site SUDS would need to be provided, however, this information could be obtained at the detailed design stage.
- 7.32 A Phase 1 Contamination Assessment has been submitted as part of the application. This has been reviewed by Environmental Health who have confirmed that the findings are acceptable. A condition for the reporting of unexpected contamination is recommended.
- 7.33 Other Material Matters
- 7.34 The site is located in the vicinity of Saint Augustine's Church and a scheduled ancient monument to the north. The site therefore has high archaeological potential. The Historic Environment Team have commented and advised that the proposed development lies in an area containing earthworks which may have formed part of the original settlement at Burrough Green in the medieval period. The Historic Environment Team have not objected to the application but require a pre-commencement condition to be applied to any grant of permission to ensure that a programme of archaeological investigation is carried out. This can be secured by condition.
- 7.35 Concerns have been raised by neighbours in terms of the construction of the previous development and the impacts that this has caused to neighbours, however this is not a material consideration in the determination of the current application and would not influence the decision. In order to ensure orderly construction management a CEMP condition is recommended for any grant of approval. Additionally, the site is not located within the green belt, and therefore policies relating to the green belt are not relevant to this application.
- 7.36 Planning Balance
- 7.37 On balance the application is considered to comply with planning policy. The proposal represents a sustainable form of development which is not isolated or disconnected from existing surrounding development and the settlement envelope. The proposal would result in the provision of five dwellings to the districts housing stock, a modest but positive contribution, and would be beneficial to the local economy in the short term during the construction stage. The proposal would not result in significantly detrimental impacts to neighbouring occupiers, and the Inspector of Appeal APP/V0510/W/18/3208502 has determined that the sight would not be visually harmful to the character and appearance of the area or the adjacent conservation area. The application is therefore recommended for approval subject to a number of conditions as set out below.

## 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, i.e. relating to the way a matter has been dealt with; or substantive, i.e. **relating to the previous planning history of the site** and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

## 9.0 APPENDICES

- 9.1 Appendix 1- Recommended Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00708/OUT	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
17/01681/OUT	Ely	catherine.looper@e astcambs.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- Recommended Conditions**

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

Plan Reference	Version No	Date Received
1851/01		15th May 2019
1851/10	G	11th July 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No 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.
- 4 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 5 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-

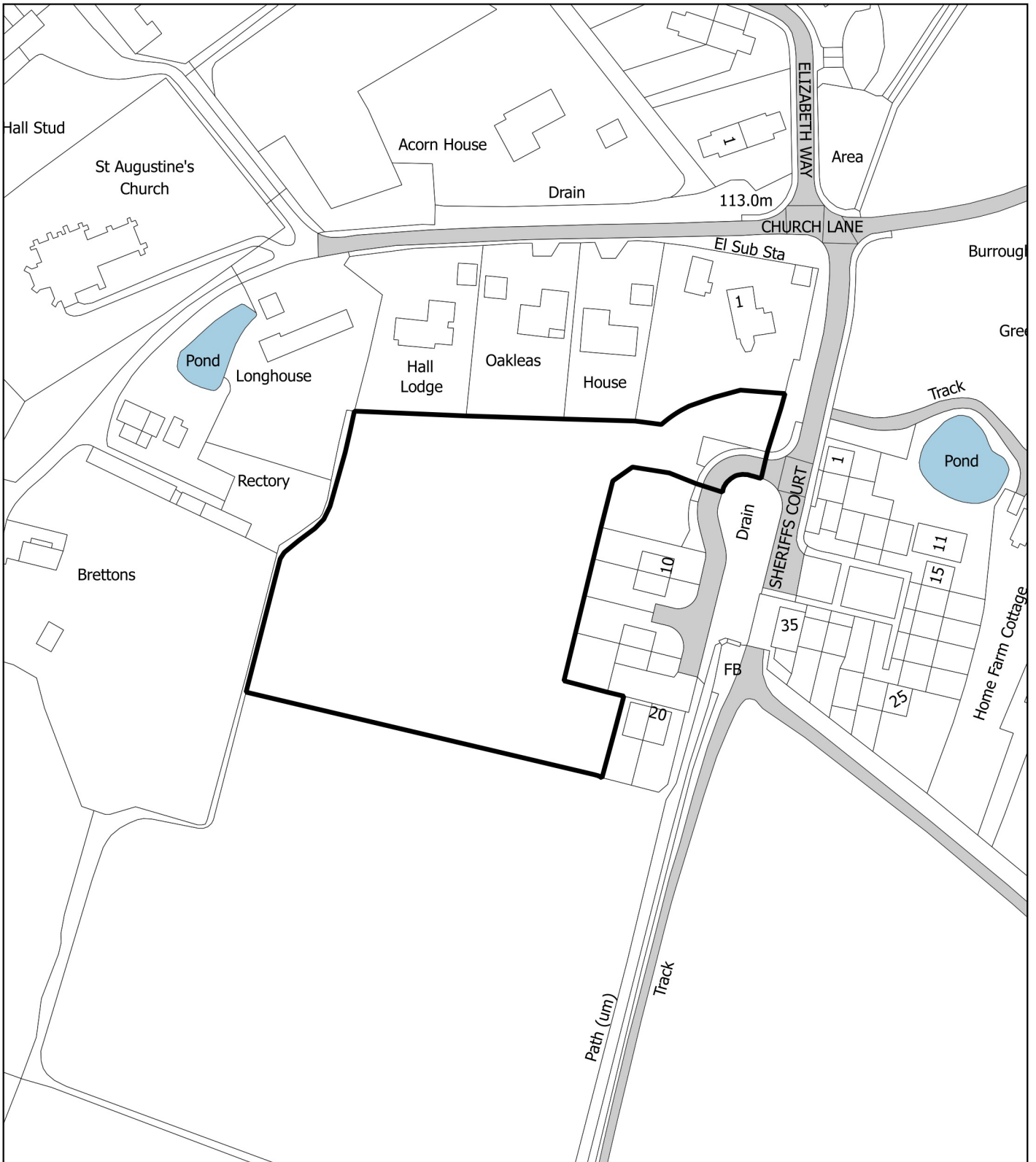


commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 9 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 11 The tree protection measures as shown in the Tree Survey prepared by Ayers Tree Services 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
- 11 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

- 12 The recommendations detailed in the Arbtech Preliminary Ecological Appraisal Survey shall be implemented and adhered to during development.
- 12 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to first occupation, the details of the proposed bin store as shown on drawing 1851/10 Rev G shall be submitted to and agreed in writing by the Local Planning Authority.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

END



19/00708/OUT

Site to West of  
10-20 Sheriffs Court  
Burrough Green



East Cambridgeshire  
District Council

Date: 24/07/2019  
Scale: 1:1,500



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## **Planning Performance – May 2019**

Planning will report a summary of performance. Due to the last Planning Committee being cancelled this report is for the month of May.

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>173</b>	<b>1</b>	<b>39</b>	<b>49</b>	<b>27</b>	<b>38</b>	<b>19</b>
<b>Determinations</b>	<b>178</b>	<b>2</b>	<b>37</b>	<b>52</b>	<b>14</b>	<b>43</b>	<b>30</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>95%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>65%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>160</b>	<b>2</b>	<b>25</b>	<b>51</b>	<b>11</b>	<b>41</b>	<b>30</b>
<b>Refused</b>	<b>18</b>	<b>0</b>	<b>12</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>

<b>Open Cases by Team (as at 17/06/2019)</b>							
<b>Team 1 (3.5 FTE)</b>	<b>163</b>	<b>19</b>	<b>43</b>	<b>19</b>	<b>19</b>	<b>63</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>101</b>	<b>13</b>	<b>27</b>	<b>24</b>	<b>16</b>	<b>21</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>85</b>	<b>4</b>	<b>27</b>	<b>19</b>	<b>16</b>	<b>19</b>	<b>0</b>
<b>No Team (5 FTE)</b>	<b>86</b>	<b>15</b>	<b>21</b>	<b>2</b>	<b>13</b>	<b>18</b>	<b>17</b>

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

The Planning department received a total of 183 applications during May which is a 8% decrease on May 2018 (199) and 11% decrease from April 2019 (207).

### **Valid Appeals received – 4**

Land West Of 19 Station Road Fordham – Delegated Decision

3 New Road Littleport Ely – Delegated Decision

Land Rear Of 70 West Fen Road Ely – Delegated Decision

177 High Street Cheveley Newmarket – High Hedge Notice

### **Appeals decided – 4**

106 Centre Drive Newmarket - Dismissed - Delegated Decision

Lazy Otter Meadows Caravan Park Cambridge Road Stretham - Dismissed - Delegated Decision

Site South East Of A C Gillett & Sons Saxon Business Park Littleport - Dismissed - Delegated Decision

East Of 47 Station Road Haddenham Ely - Allowed - Delegated Decision

**Enforcement**

New Complaints registered – 24 (2 Proactive)

Cases closed – 45 (14 Proactive)

Open cases/officer (2.5FTE) –  $259/2.5 = 104$  per FTE (44 Proactive)

**Notices served – 0**

## **Planning Performance – June 2019**

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

All figures include all types of planning applications.

	<b>Total</b>	<b>Major</b>	<b>Minor</b>	<b>Householder</b>	<b>Other</b>	<b>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>139</b>	<b>1</b>	<b>35</b>	<b>25</b>	<b>15</b>	<b>33</b>	<b>30</b>
<b>Determinations</b>	<b>176</b>	<b>4</b>	<b>40</b>	<b>45</b>	<b>17</b>	<b>47</b>	<b>23</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>93%</b> (80% within 8 weeks)	<b>98%</b> (90% within 8 weeks)	<b>94%</b> (90% within 8 weeks)	<b>72%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>165</b>	<b>3</b>	<b>33</b>	<b>45</b>	<b>16</b>	<b>45</b>	<b>23</b>
<b>Refused</b>	<b>11</b>	<b>1</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>

<b>Open Cases by Team (as at 08/07/2019)</b>							
<b>Team 1 (3.5 FTE)</b>	<b>166</b>	<b>17</b>	<b>43</b>	<b>24</b>	<b>23</b>	<b>59</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>105</b>	<b>12</b>	<b>26</b>	<b>21</b>	<b>20</b>	<b>26</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>88</b>	<b>5</b>	<b>22</b>	<b>15</b>	<b>22</b>	<b>24</b>	<b>0</b>
<b>No Team (5 FTE)</b>	<b>82</b>	<b>14</b>	<b>15</b>	<b>1</b>	<b>9</b>	<b>15</b>	<b>28</b>

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

The Planning department received a total of 171 applications during June which is a 7% decrease on June 2018 (185) and 6% decrease from May 2019 (183).

**Valid Appeals received – 2**

5 Holmes Lane Soham Ely – Delegated Decision  
Site Rear Of 131 North Street Burwell – Committee Decision

**Appeals decided – 4**

Land Adj 22 Little London Isleham Ely – Dismissed – Delegated Decision  
Land SE Of The Bungalow Abbey Lane Swaffham Bulbeck – Dismissed – Committee Decision  
Meadow Croft Lodge 10A Gravel End Coveney Ely – Allowed – Delegated Decision  
Fairview Farm Twentypence Road Wilburton Ely – Dismissed – Delegated Decision

**Enforcement**

New Complaints registered – 25 (5 Proactive)

Cases closed – 5 (3 Proactive)

Open cases/officer (2.5FTE) –  $270/2.5 = 108$  per FTE (49 Proactive)

**Notices served – 1**

Temporary Stop Notice - The Chequers, 58 - 62 Carter Street, Fordham, Ely –  
21/06/2019