



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 7<sup>th</sup> November 2018

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

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

**PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9:00am**  
(Please note site visit timings are approximate)

## A G E N D A

1. Apologies and Substitutions

[oral]

2. **Declarations of Interest**  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**
  
3. **Minutes**  
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on (a) 24<sup>th</sup> September and (b) 3rd October 2018
  
4. **Chairman's Announcements** **[oral]**
  
5. **17/02031/FUM**  
  
Proposed 76 dwellings with associated access, open space and drainage, replacing the disused commercial yard and part agricultural land.  
Land Rear of 12 to 58 Station Road, Kennett  
Applicant: Victoria Stanley Ltd  
Site Visit: 10:10am
  
6. **18/00681/FUL**  
  
New 5 bed dwelling and associated vehicular access.  
Land Rear of 92 Duchess Drive, Newmarket, CB8 8AJ  
Applicant: Mr Derek Bradley  
Site Visit: 9:45am
  
7. **18/00820/OUM**  
  
Outline planning application for up to 116 dwellings with noise barriers, public open space, landscaping, sustainable drainage system (SuDs) and vehicular access points from Common Road and Manor Road. All matters reserved except for means of main vehicular access  
Land Parcel South of A142, Common Road, Witchford  
Applicant: Gladman Developments  
Site Visit: 11:30am

8. **18/00934/OUT**  
Outline planning permission for the erection of 1No. private detached dwelling.  
8 Malting Lane, Isleham, CB7 5RZ  
Applicant: Mr & Mrs Dixon  
Site Visit: 10:30am
  
9. **18/00986/OUT**  
Outline application for the erection of seven dwellings and associated works.  
Land Rear of 9 West End, Wilburton  
Applicant: The Trustees of B S Pell  
Site Visit: 12:25pm
  
10. **18/01008/FUM**  
Warehouse storage extension to existing building.  
IForce Ltd, Elean Business Park, Sutton, CB6 2QE  
Applicant: Mr D Williams  
Site Visit: 12:10pm
  
11. **18/01053/OUM**  
Outline planning application for erection of up to 53 houses on land to the east of Sutton to include public open space and details relating to access.  
Land Rear of Garden Close, Sutton  
Applicant: Endurance Estates Strategic Land Limited  
Site Visit: 11:55am
  
12. **18/01241/OUT**  
Proposed residential dwelling, garaging, parking, access and associated site works.  
Land Adjacent to Castle Farm, Hasse Road, Soham  
Applicant: Mr & Mrs J Stevens  
Site Visit: 9:15am
  
13. **Planning Performance Report – September 2018**

1.	<p>Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.</p> <p>This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.</p> <p><b>The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 60 people plus Applicants, Agents, the Press and Registered Speakers.</b></p> <p><b>Admittance to the Council Chamber is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting.</b></p> <p>There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question times and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.</p>
2.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none"> <li>▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.</li> <li>▪ The fire assembly point is in the front staff car park by the exit barrier.</li> <li>▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.</li> </ul> <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p>
3.	<p>Reports are attached for each agenda item unless marked "oral".</p>
4.	<p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: <a href="mailto:translate@eastcambs.gov.uk">translate@eastcambs.gov.uk</a></p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."</p>



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**MAIN CASE**

**Reference No:** 17/02031/FUM

**Proposal:** Proposed 76 Dwellings with associated access, open space and drainage, replacing the dis-used commercial yard and part agricultural land.

**Site Address:** Land Rear Of 12 To 58 Station Road Kennett Suffolk

**Applicant:** Victoria Stanley Ltd

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

**Parish:** Kennett

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

**Date Received:** 21 December 2017      **Expiry Date:** 9<sup>th</sup> November 2018  
[T121]

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**1.0**      **RECOMMENDATION**

- 1.1      Members are recommended to REFUSE the application for the following reasons:
- 1) The design and layout of the proposed development is out of character with the existing nature of linear development characterised in this part of Kennett and fails to provide a complementary relationship with the character of the village and visual amenities of the area. Furthermore, the infilling of this site would lead to the merging of Kennett and Kentford leading to coalescence of the two villages. The proposal therefore fails to comply with Policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018.
  - 2) The Local Planning Authority considers that it has not been satisfactorily demonstrated that the level/type of traffic generated will not be to the detriment of the local highway network through the absence of an agreed mitigation strategy. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2018.
  - 3) The design of the proposed access is unsatisfactory to serve the proposed development by reason of its inadequate width resulting in the stopping and manoeuvring of vehicles on the highway to detriment of highway safety. The application therefore fails to comply with the requirements of Policies ENV 2 and

COM 7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2018.

- 4) The site access arrangement with separate pedestrian and vehicle access points is inadequate to serve this development. One footway has been proposed at the vehicle junction. A footpath either side of this junction would be required. Other footpaths are of an inadequate width and would result in detriment to highway safety. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2018
- 5) The applicant has failed to demonstrate that the continued use of the site for 100% employment purposes is no longer viable. In the absence of clear and robust evidence supporting the scheme, the proposal fails to comply with the requirements of Policies EMP1 of the East Cambridgeshire Local Plan 2015 and LP8 of the Submitted Local Plan 2018.
- 6) The scheme constitutes an overdevelopment of the site in that it fails to deliver an acceptable living environment for future occupiers of plots 16-23, 30, 31, 37, 42-51, 59, 65 and 66 leading to loss of privacy, sunlight/daylight penetration, visual intrusion, loss of outlook and noise generated by traffic along the A14 corridor. The proposal therefore fails to comply with the requirements of Policies ENV2 of the East Cambridgeshire Local Plan Adopted April 2015 and Policy LP22 of the Submitted Local Plan 2018 and the East Cambridgeshire Design Guide 2012.
- 7) The submitted FRA does not comply with the requirements set out in paragraph 160 and 163 of the National Planning Policy Framework. Therefore, the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to demonstrate that the proposed development will not increase flood risk elsewhere and does not include a sufficiently detailed assessment of proposed flood plain compensation. The application therefore fails to comply with the requirements of Policies ENV 8 of the East Cambridgeshire Local Plan 2015 and Policy LP25 of the Submitted Local Plan 2018.
- 8) The proposed acoustic bund along the A14 would create an unnatural feature within the rural character of the area. This feature would detrimentally harm the character of this edge of settlement location by virtue of its dominance, due to the height and length of the barrier. The proposal, therefore, does not comply with policies ENV1 and ENV2 of the Local Plan 2015, LP22 of the Submitted Local Plan 2018 by virtue of the significant harm to the character of the area.
- 9) Insufficient information has been submitted in support of the Ecology Appraisal in the form of additional surveys to be undertaken in order to assess whether biodiversity would be affected along the water corridor to the detriment of the natural environment. The proposal therefore fails to comply with Policies ENV7 of the Local Plan 2015 and Policy LP30 of the Submitted Local Plan 2018.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks full planning consent for the re-development of the Hanson Depot site and the erection of 76 dwellings, 40% of which would be for affordable housing, with associated access, open space and surface water drainage systems.
- 2.2 The accommodation proposed comprises the following mix of housing:
- 11 x 5no bedroom houses
  - 12 x 4no bedroom houses
  - 19 x 3no bedroom houses
  - 14 x 2no bedroom houses
  - 7 x 2no bedroom flats
  - 9 x 1no bedroom flats,
  - 2 x 2no bedroom bungalows
  - 2 x 1no bedroom bungalows
- 2.3 The application has been accompanied by the following documents:
- Air Quality Assessment
  - Ecology Report
  - Transport Statement
  - Flood Risk Assessment
  - Design and Access Statement
  - Land Contamination Assessment
  - Noise Impact Assessment
  - Planning Statement
- 2.4 In January 2018 the Council undertook a screening exercise under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council considered the potential impact on human health from air pollution from the A14 would need further assessment and an Environmental Statement would need to cover issues concerning air quality, biodiversity and drainage and considered the scheme represented EIA development.
- 2.5 In February 2018 the applicants requested the Secretary of State to adopt a screening direction to determine whether the proposed development of 75 dwellings constituted EIA development.
- 2.6 On 17<sup>th</sup> April 2018 the Secretary of State issued a screening direction which took into account the selection criteria in Schedule 3 to the 2017 Regulations and considered that the proposed development did not constitute EIA development.
- 2.7 A number of amendments have been made to the scheme and these include the submission of a Flood Risk Assessment and Drainage Strategy, a Preliminary Ecological Appraisal, Air Quality Assessment and amendments to the Transport Statement.

2.8 The application is being considered by Committee in view of the number of dwellings proposed which exceeds the 50 dwelling threshold as set out in the Council's Constitution.

2.9 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 previous planning history however a number of pre-application enquiries have been received concerning the redevelopment of the site for housing.

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

4.1 The application site comprises an irregular shaped area of land measuring approximately 9ha (22 acres) located to the south of Kennett village. To the west of the site is a disused commercial depot with land to the east comprising mature woodland and mixed open fields. The River Kennett abuts the eastern boundary with the A14 running along the northern extent. To the south of the site lies Kentford and the boundary with Suffolk.

4.2 A vehicular access into the site is gained via a single track on the western side of Station Road with a pedestrian and cycle access off Station Road and Bury Road. A commercial use as well as a number of residential properties lie either side of the entrance.

4.3 Land levels are fairly consistent across the site with a gradual slope down from the western edge of the roadway in Station Road to the north-eastern boundary. The site also benefits from a number of mature trees and hedgerow, a number of which are characterised as being significant within the development.

### 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**

10.10.18 The Parish Council objected to the scheme on 16<sup>th</sup> January 2018 and these objections still stand, namely:

- That this and other planning applications for residential development within the area would result in unsustainable development, increasing the pressure

on infrastructure and in particular the over use of the B1085 (current 4,500 vehicles per 24 hour period).

- A further development of 76 dwellings would add another estimated 300 car uses along the B1085 per day.
- Kennett Village CLT recently voted in favour of the development of 500 houses on the Tilbrook land, on the understanding that housing in the area is needed and that this would be the only major development within the plan period to 2036.
- The majority of the development is outside the Kennett Village Development area representing backland development.
- Along with the proposed Tilbrook development would increase the size of the village by nearly 350%.
- The proposed development borders the river Kennett's flood plain so closely that a severe flood would affect the development area.
- No significant benefits to the village are proposed.
- The site has proven Mineral rights which must be safeguarded.
- Access and vehicular parking within the site is also of concern.

#### **Ward Councillors - No Comments Received**

**Anglian Water Services Ltd** – No objection subject to condition concerning foul water strategy.

#### **The Ely Group of Internal Drainage Board - No Comments Received**

#### **Environment Agency – Objects**

Part of the site is within Floods Zone 3 and 2 of our flood map for planning. In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test. In the absence of an acceptable Flood Risk Assessment (FRA), we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason We have reviewed the flood risk assessment (FRA) (ref: 296/2016/FRA (rev P3), prepared by GH Bullard) dated July 2018 for the proposed development at Station Road, Kennett.

The submitted FRA does not comply with the requirements set out in paragraph 160 and 163 of the National Planning Policy Framework. Therefore, the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular, the FRA fails to: □ Demonstrate that the proposed development will not increase flood risk elsewhere.

Floodplain Compensation the FRA does not include a sufficiently detailed assessment of the proposed flood plain compensation. It is acknowledged that the FRA identifies a loss of 184m<sup>3</sup> as a result of the construction of the acoustic bund in the 1% AEP flood extent, including a 35% allowance for climate change, and that an area within Flood Zone 1 in the south eastern part of the site has been identified as a location to provide flood plain compensation.

However, in our previous response (AC/2018/126603) it was stated that flood plain compensation calculations should be provided showing the volume lost to the development and volume gained by the compensation area for several horizontal slices (usually 200mm thick) up to the 1% AEP flood level, including an allowance for climate change. Insufficient detail has been provided regarding the flood plain compensation proposal and therefore it is not possible to determine whether sufficient volume is available in the proposed compensation area and whether this is at the same level as the area which flood plain storage is lost.

**Forest Heath Council - No Comments Received**

**Highways England – No objection subject to conditions**

**Natural England – No objection**

**Suffolk County Council**

Request consideration is given to Suffolk County Council's infrastructure responsibilities excluding transport which will be covered by a separate response.

The County Council will need to be a party to any sealed Section 106 agreement.

**Suffolk County Council - Highways – No comments received.**

**Suffolk County Council - Flood and Water Management\_– Objects**

Although SCC Flood and Water Management are not the lead local flood authority for this area, we wish to raise concerns to the LPA as the site could lead to increased flood risk in Suffolk. A scaled plan should be submitted to show that all built development is above the 100yr+35% CC flood level. The site layout should be superimposed upon drawing 296/2016/01 Rev P2 in the FRA. The proposed site abuts the main River Kennett which acts as the Suffolk/Cambridgeshire border in this instance. The majority of the site is in flood zone 3 which is defined as functional floodplain. Western parts of the site are on higher ground but the eastern edge of the proposed residential development may lie within flood zone 3. Further calculations should be submitted in support of drawing 296/2016/01 Rev P2 to clarify the 100yr+35% CC flood level at this location.

Currently this detail has not been included in the submitted FRA and we agree with the objection lodged by the Environment Agency at this time (response dated 17th Jan 2018). If an element of flood storage compensation is required to offset any loss

of floodplain, it needs to be recognised now as this development could potentially cause increased flood risk both upstream and downstream.

Similarly the assessment of SuDS/SW Drainage across the site is very vague and CCC have also objected at this full planning stage (response dated 17th Jan 2018). We would also agree with this as affectively no drainage strategy has been submitted at this time which does not comply with national standards (NPPF, BS8582:13 and Non-Statutory Technical Standards for SuDS).

**CCC Archaeologist** – No objection subject to condition regarding a written scheme of investigation to be submitted.

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

**CCC Local Highways Authority** – Objects

1. The application is not supported by sufficient highways information to demonstrate that the proposed development would not be prejudicial to highway safety
2. The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.
3. The site access arrangement with separate pedestrian and vehicle access points is inadequate to serve this development and would likely result in the detriment of highway safety.

**CCC - Transport Assessment Team**

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

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

**CCC Lead Local Flood Authority** - Objects

1. Attenuation Basin:
  - a. The attenuation basin has been proposed outside of the red line boundary. As stated in paragraph 024 of the National Planning Practice Guidance, the red line boundary 'should include all land necessary to carry out the proposed development' – this includes provision of drainage.
  - b. The proposed attenuation basin is situated within flood zone 3. If fluvial flooding occurs, the proposed feature would likely be inundated and the surface water drainage on site will not function. This may result in surface water flooding on site. We recommend that the basin is moved to flood zone 1 or that it is protected from fluvial flooding. Careful consideration of flood plain losses and required compensation will be required.
2. Discharge rate and outfall:

- a. The proposed discharge rate of 1l/s from an outfall diameter of 56mm increases the risk of blockage. We would recommend that the risk of blockage is fully considered and that the design is amended accordingly.
  - b. The point of discharge is unclear on the submitted drainage plan. The exact point of discharge to the River Kennett should be demonstrated on the plan.
  - c. The system should be modelled with a surcharged outfall.
3. Permeable paving
- a. No information has been submitted regarding the permeable paving.
  - b. Groundwater Levels should be fully considered in the design of infiltration features and this is of paramount importance as the site is situated in a source protection zone. As outlined in paragraph 6.3.21 of the SPD there must be a minimum clearance of 1.2 m between the base of any infiltration feature and peak seasonal groundwater levels. At present this has not been demonstrated as part of the application.
  - c. Groundwater was encountered at 1.45mbgl in one of the trial pits. Further groundwater monitoring on site should be undertaken in order to identify the peak groundwater levels where the permeable paving is proposed. Subject to further groundwater investigations and confirmation that the required clearance from the base of the feature to the highest recorded groundwater levels is achievable; as a precaution, we would suggest that the permeable paving is designed to be lined and incorporated into the area draining to the attenuation basin.

**CCC Cambridgeshire Fire And Rescue Service – No objection**

Would ask that adequate provision be made for fire hydrants by way of s106 Agreement.

**CCC Minerals and Waste Development Control Team - No Comments Received**

**CCC Design Out Crime Officers – No objection**

The area is considered to be at low risk to the vulnerability of crime. No mention in the documentation regarding security or crime.

**ECDC Economic Development - No Comments Received**

**ECDC Senior Trees Officer – No objection**

This proposal is for a large development with an agricultural site inclusive of farm buildings, trees and agricultural land. A number of the existing trees at the site would be affected by the proposal including a number of removals. The site includes a large section of land to the East that is to be allocated as open space. An Arboricultural Impact Assessment has been submitted to support the application. I do not formally object to these proposals as the trees impacted by the plans are not worthy of protection.

However, I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the draft submission local plan (ENV1: Landscape and settlement character).



The East of the current settlement is rural and although a large section is to remain undeveloped the transition for residential housing to open space appears incongruous.

I also consider that the bund and landscaping adjacent the main highway as unsatisfactory and unlikely to naturally assimilate between the residential areas and rural landscaping features, current and proposed due to insufficient width.

If the application is to be approved, the Tree Protection Plan within drawing P1202-TPP01 will be required to be implemented under condition of planning approval, to ensure the successful retention of trees at the site (Condition TR9A).

**ECDC Environmental Health – Scientific Officer – No objection**

I have read the Air Quality Assessment dated July 2018 prepared by Air Quality Consultants. I accept the findings of the report that air quality effects during the operational phase will not be significant.

There is no assessment of the effects on air quality during the construction phase although the EIA Screening Report dated February 2018 prepared by Barton Willmore identifies a potential risk to human health from dust during the construction phase. I recommend that standard condition NS5A requiring a Construction Environmental Plan (CEMP) is attached to any grant of permission. The CEMP should include control measures to mitigate the effects of dust on human health during construction.

In terms of the potential contamination of the site, I recommend the standard contaminated land conditions are applied.

**ECDC Environmental Health – Domestic – No objection subject to conditions**

**ECDC Housing Section - No objection**

Development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%. The applicant has proposed 30 affordable homes which complies with the existing Local Plan policy and exceeds the emerging policy requirement.

All new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.

Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis.

The proposed mix of affordable house-types is:

- 6 x 1 bedroom flats
- 2 x 1 bedroom houses

- 16 x 2 bedroom houses
- 6 x 3 bedroom houses

Should consent be granted, there would be a requirement to enter into a S106 Agreement with a number of Affordable Housing provisions:

**ECDC Community & Leisure Services - No Comments Received**

**ECDC Waste Strategy– No objection**

None of the plans provided show any indication of how waste will be stored or put out for collection, a large number of the properties appear to have no front garden or facility for storing wheeled bins or ways to move bins from the front to the rear of the property and the flats proposed appear to have no storage for waste of any kind. The affected units that specifically need more detail are as follows: 13 to 17, 18 to 23, 28 to 31, 36 to 38, 42 to 51, 61 to 64 and plots 74 to 76.

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.

**East Cambridgeshire Access Group – No comments to make**

**Neighbours** – The application has been advertised by way of an advertisement in the Cambridge Evening News on 11<sup>th</sup> and 25<sup>th</sup> of January 2018. A site notice was erected on 2<sup>nd</sup> January 2018 and 57 neighbouring properties were notified. The responses received are summarised below. A copy of the responses is available on the Council's website.

*Transport*

- Increase in through traffic
- Junction at the Bell Public House
- Speed of traffic
- Heavy volume of traffic using the B1085 especially HGVs
- Increase in accidents;
- Site access inadequate;
- Affects a right of access;
- Parking and turning;

*Housing*

- Proposed housing developments at 98-138 Station Road, Medlar Stud and Kentford Lodge adding up to approximately 699 new dwellings;

*Infrastructure*

- Development without the accompanying infrastructure cause harm to the environment and residential amenity;

- Insufficient local amenities;

*Residential Amenity*

- Pollution
- Overlooking;
- Loss of privacy
- Noise sensitive

**6.0 THE PLANNING POLICY CONTEXT**

6.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

6.2 Those policies of relevance to the scheme are:

*East Cambridgeshire Local Plan 2015*

GROWTH 1	Levels of Housing, Employment and Growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EM1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

Part Two: Village/Town Visions      8.18   Kennett

*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

*National Planning Policy Framework 2018*

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

*The Submitted Local Plan 2018*

The Council submitted the Local Plan Review to the Secretary of State in February 2018 and an Independent Examination in Public is underway. It is anticipated that the Local Plan will be formally adopted towards the end of 2018.

Those policies of relevance to the application are:

- LP1 A presumption in favour of sustainable development
- LP 2 Level and distribution of Growth
- LP 3 The Settlement hierarchy and the Countryside
- LP 6 Meeting Local Housing Needs
- LP 8 Delivering Prosperity and Jobs
- LP 16 Infrastructure to Support Growth
- LP 17 Creating Sustainable, Efficient and Resilient Transport
- LP 22 Achieving Design Excellence
- LP 23 Water Efficiency
- LP 30 Conserving and Enhancing Biodiversity and Geodiversity
- LP 25 Managing Water Resources and Flood Risk
- LP 26 Pollution and Land Contamination
- LP 27 Conserving and Enhancing Heritage Assets
- LP 28 Landscape, Treescape and Built Environment

*Planning Practice Guidance*

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

**7.0 PLANNING COMMENTS**

7.1 The key considerations are:

- The Principle of Development;

- Impact on Visual Amenity
- Housing Mix and Density;
- Residential amenity;
- Access and highway safety;
- Flood Risk and Drainage;
- Biodiversity and Ecology;
- Archaeology;
- 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, the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018.
- 7.2.2 Para 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, the presumption in favour of sustainable development does not change the statutory status of the development plan.
- 7.2.3 The Council is currently unable to demonstrate a five year housing supply and therefore the policies within the Local Plan which relate to the supply of housing are now out of date.
- 7.2.4 Policy GROWTH 2 relates to locational strategy where the majority of development will be focused on the market towns of Ely, Soham and Littleport. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met.
- 7.2.5 Policy LP3 of the Submitted Local Plan 2018 is broadly consistent with GROWTH 2 of the adopted Local Plan and restricts development outside of the defined settlement boundaries. However, given the stage of preparation of this plan only moderate weight can be afforded to this document.
- 7.2.6 Planning applications for housing within the district should now be considered on the basis of the presumption in favour of sustainable development.
- 7.2.7 The site lies outside of the development envelope of Kennett and has not been allocated within either the Local Plan 2015 or the Submitted Local Plan 2018. Whilst this is a brownfield site, no justification has been received as to whether the existing use is still viable to continue in employment use. This factor is weighed negatively in the planning balance

- 7.2.8 The Local Highway Authority has raised concerns regarding highway safety associated with the cumulative impact of vehicles accessing and egressing the site. In addition to the impact on the existing highway network and the design and layout of both the vehicular and pedestrian accesses. These factors are also weighed negatively in the planning balance.
- 7.2.9 In terms of the quality of living environment proposed, the design and layout of the housing, combined with its siting adjacent to the A14 corridor and the River Kennett, would provide a poor quality of living environment. This factor is weighed negatively in the planning balance.
- 7.2.10 The impact of the scheme on the visual amenities of the area is also of concern as the proposal would create a bund adjacent to the A14. As such the introduction of an unnatural landscape feature would have a detriment impact on the visual amenities and character of the area. Moreover, the design and density of development is out of character with the predominant linear nature of existing development to the detriment of the visual amenities of the area. This factor is weighed negatively in the planning balance.
- 7.2.11 The principle of a scheme to erect 76 dwellings on this brownfield site has been considered against the policies in the Local Plan 2015, the Submitted Local Plan 2018, the NPPF and PPG. Whilst the scheme would deliver housing, 40% of which would be affordable and which is seen as a benefit of significant weight, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.2.12 The scheme cannot be supported in principle.

### **7.3 Impact on 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 LP28 of the Submitted Local Plan 2018 seeks development to demonstrate that their location, scale, form and design will create positive, complementary relationships traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns etc. with existing development Policy ENV2 of the Local Plan requires that new development should ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area.
- 7.3.2 The site is located to the rear of a linear row of development in Station Road to the west of the site. To the north is the hard edge of the A14. An acoustic bund is proposed adjacent to this strategic route and this would span the northern boundary the complete width of the housing area. The character of the area to the east of the current settlement is rural in nature with the River Kennett framing the eastern edge. To the south of the site is the settlement edge of Kentford.

- 7.3.3 The application has provided details of the design and layout of the scheme, which resembles a palm tree with the central vehicular access forming the trunk and then tertiary roads fanning out to the sides. Whilst the layout of the new housing is innovative it is dictated solely by the curves of the road design and should not be the leading factor in determining the form of development. There is no regard to its setting and no clear hierarchy of spaces. The design of any new development should be based on a network of spaces rather than a road layout and as such fails to take reference from the prevailing linear pattern of development represented in this area. Moreover, it represents development outside of the development envelope of Kennett and fails to meet any of the exception criteria as set out in Policy GROWTH2 of the adopted Local Plan. However, bearing in mind the Council is unable to demonstrate a 5 year housing land supply then the presumption in favour of sustainable development as set out in para 11 of the NPPF applies. The weight afforded to this policy is therefore reduced.
- 7.3.4 The scheme is also considered to be unsatisfactory in that it is unlikely to naturally assimilate between the residential areas and rural landscaping features. Although a large section is to remain undeveloped the transition from residential housing to open countryside appears incongruous and the infilling of this backland area is likely to contribute to the coalescing of Kennett with Kentford. In fact part of the site to the south borders the parish boundary with Kentford. As a consequence, both Kennett and Kentford would lose their settlement identity.
- 7.3.5 The Council's Senior Tree Officer has raised concerns with regard to the creation of a significant bund feature and its negative impact upon the landscape character of the area which would be in conflict with guidance within Policy ENV1 of the Submitted Local Plan 2018.
- 7.3.6 The scheme would therefore extend the urban edge of the village and not be policy compliant. Given the reduction in weight attached to Policy GROWTH 2 should only be modest and taking into account the level of growth already anticipated for Kennett in the next 5 years it is considered that this should be given significant negative weight.

#### **7.4 Housing Mix and Design**

- 7.4.1 Local Planning Authorities are charged with significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay, para 59 of the NPPF refers.
- 7.4.2 Policy HOU 3 of the current East Cambridgeshire Local Plan seeks 30% (in the north of the district) or 40% (in the south of the district) of the total number of dwellings provided on sites of 10 or more to be for affordable housing provision.
- 7.4.3 Policy LP6 of the Submitted Local Plan requires that development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where

it is set at 20%. The applicant has proposed 30 affordable homes which complies with the existing Local Plan policy and exceeds the emerging policy requirement.

7.4.4 The affordable housing would be as follows:

10	x	2	bedroom	semi-detached houses
2	x	1	bedroom	bungalows
2	x	2	bedroom	bungalows
6	x	1	bedroom	flats
6	x	2	bedroom	terraced houses
2	x	3	bedroom	terraced houses
2	x	3	bedroom	detached houses

7.4.5 The Council's Senior Housing Officer has confirmed that the proposed tenure mix is acceptable and the proposed mix of property types and in the analysis of the East Cambs Housing Register indicates that this proposed mix will meet housing needs. However, Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis. The Council would enter into a s106 Agreement whereby tenure mix can be agreed.

7.4.6 The scheme would provide 30 affordable homes which exceeds the emerging policy requirement and this factor is afforded significant positive weight.

7.4.7 There is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given, however, this should be tempered given the number of adverse impacts of the scheme in terms of the density of development which is unable to provide a satisfactory living environment in particular the affordable housing elements of the scheme.

### *Design*

7.4.8 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development and provide for an appropriate mix of uses; respond to local character and history; create safe and accessible environments which are visually attractive.

7.4.9 Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2018 require new development to respect and complement the physical characteristics of the site and the surroundings. The East Cambridgeshire Design Guide is also a key reference tool in the design process.

7.4.10 The scheme would provide a mix of accommodation types and variety of design styles which assist in creating visual richness through the scheme. The majority of plots achieve a good separation distance with the neighbouring properties and achieve an acceptable outlook. However, as mentioned in previous sections of the report there are a number of plots which do not. Furthermore, a number of areas, particularly the



flatted scheme on the eastern boundary abutting the River Kennett and the open countryside beyond, would fail to enhance this important natural feature and asset within the landscape, as the parking areas and access road all abut this important transitional boundary. Boundary treatment and landscaping would need to be particularly sensitive so that the interface between the built environment and natural environment is sympathetically achieved. A number of parking areas serving plots 18-23 and 36-38 are also of concern, and fail to achieve an acceptable high level of design. These plots are all concentrated on the northern corner of the scheme, which already abut the acoustic bund and would result in a car dominated design, leading to the degradation of the built form and public realm.

7.4.11 The Council's Waste Department has also raised concerns that none of the plans indicate how waste will be stored or put out for collection with a large number of the properties with no front garden.

7.4.12 On balance the scheme is considered to be an overdevelopment of the site resulting in areas of poor quality of design and this factor is weighed negatively. The scheme is in conflict with Policies ENV2 of the adopted Local Plan and LP22 of the Submitted Local Plan 2018.

## **7.5 Residential amenity**

7.5.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings can be achieved. Policy ENV2 of the Local Plan 2015 requires development to respect the residential amenity of existing and future occupiers. Policy LP22 of the Submitted Local Plan 2018 requires new development to provide a high standard of amenity and maintain the existing amenity of neighbours.

7.5.2 The Council has also produced the East Cambridgeshire Design Guide which sets out the requirements and aspirations for development within the District. In order to provide an acceptable living environment for future residents, the guidance stipulates a number of spatial requirements should be met. In particular, that in most cases the rear private amenity space should be a minimum of 50 sqm. Plots 16-23, 30, 31, 37, and 42-51 do not meet this requirement. There is also a 20m distance to be retained between rear inter-visible windows and this would require the rear elevation of any dwelling to be located at least 10m from the rear boundary. Plots 59, 65 and 66 all fall below this requirement. As a result future occupiers of this accommodation would not be provided with a satisfactory living environment in terms of privacy, outlook, sunlight/daylight penetration and visual intrusion.

7.5.3 There is also concern that the new dwellings located adjacent to the A14 to the north of the site would also be subjected to noise and poor air quality.

7.5.4 In terms of externally generated noise, the scheme proposes acoustic bunding along the northern boundary of the site. A Noise Assessment [Sharps Gayler dated 20<sup>th</sup> November 2017] was undertaken for screening of noise from road traffic on the A14. The report suggests that due to the screening afforded by the barrier, the majority of gardens across the site would be effectively screened to reduce traffic sound emission levels to within the target level. However there are some locations in the extreme corners of the eastern boundary where parts of the gardens may exceed the 55 dB

L<sub>Aeq</sub> level. Moreover, the report states that with regard to internal noise levels with windows open, only the first row of properties along the A14 and eastern boundary would require acoustic control in the facades. This would be in the form of mechanical ventilation and heat recovery systems to be installed within the properties where internal noise levels, with windows open, would exceed the British Standards. The Council's Environmental Health Officer has raised no objection and considers the noise mitigation recommendations within the Noise Impact Report are sensible measures and should be implemented to protect the amenity of future residents from the A14 traffic noise. However, following a recent appeal decision, the Council seeks to reduce the amount of alternative ventilation for properties. A small proportion of properties with alternative ventilation may be considered acceptable.

- 7.5.5 In terms of the air quality across the site, an Air Quality Assessment [Air Quality Consultants dated July 2018] has been submitted with the application and the Council's Environmental Health Officer accepts the findings that air quality effects during the operational phase would not be significant. In terms of during the construction phase there is a potential risk to human health from dust and a Construction Environmental Management Plan can be imposed by condition. The quality of air from the adjacent A14 corridor has also been considered within the report, concluding that when measured from approximately 1.5m above ground level the quality of air would be within an acceptable level. No mitigation has therefore been proposed by the applicant.
- 7.5.6 With regard to the amenity of existing residents, the scheme is sufficiently set back from the rear boundaries of all dwellings in Station Road to ensure that an acceptable distance is achieved. Therefore no issues of overlooking, visual intrusion or loss of privacy would occur. It is not considered that other adjoining occupiers would be materially affected by the scheme.
- 7.5.7 On balance, the proposal results an overdevelopment of the site resulting in a sub-standard living environment for a number of future occupiers of the accommodation providing a cramped and contrived living environment which provides a poor outlook, with issues of loss of privacy, sunlight/daylight penetration and visual intrusion. A number of the rear garden areas are also subject to a degree of noise, resulting in future occupiers less likely to use these areas.
- 7.5.8 The scheme therefore fails to deliver a good standard of amenity for future occupiers of the site and as such is contrary to Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2018. This factor is afforded significant negative weight.

## **7.6 Access and highway safety**

- 7.6.1 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.
- 7.6.2 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.

- 7.6.3 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.
- 7.6.4 In terms of its broader location Kennett is identified in the Local Plan 2015 as a small village of approximately 340 residents located in the eastern tip of Cambridgeshire. It has a number of facilities, including a primary school, pub, playing field and church. There is a railway station, which is within walking distance of the site serving Cambridge and Ipswich and there is a regular bus service 6 days a week to Newmarket-Mildenhall. The site is also in close proximity to major transport routes. However the lack of facilities and amenities available within the village would result in an over-reliance of the car and this factor is weighed negatively in the planning balance.
- 7.6.5 An updated Transport Statement [GH Bullard & Associates LLP dated June 2018] has been submitted as a result of concerns expressed by the Local Highways Authority. However, the Highway Authority has still reservations on the scheme proposed, concerning:

#### *Impact on the Highway Network*

- 7.6.6 The application does not include sufficient information to properly determine the highway impact of the proposed development. The information would be required to assess safety considerations and accident analysis, trip generation and distribution, impact as well as mitigation. As this information has not been submitted the Transport Assessment Team have been unable to adequately assess the impact on the surrounding highway network.

#### *Access*

- 7.6.7 The development has an existing vehicle access on to the B1085. However the additional trips generated by 76 additional dwellings would severely increase and intensify its use as it is proposed to be shared with the existing B Class business (large vehicles trip generation). No visibility splay information has been provided which is considered essential by the highways authority when a junction is intensified to this degree. Visibility splays have also not been correctly indicated on the drawings
- 7.6.8 Furthermore, no tracking drawings indicating HGVs/service vehicles accessing and egressing the junction has been provided. Moreover, the junction arrangement does not appear to be wide enough to accommodate the proposed intensification and proposed type of use. As this access is intended for use by commercial and domestic vehicles it is essential that large vehicles can enter and exit the junction simultaneously without obstruction.
- 7.6.9 The kerb radii on the vehicle junction should be as appropriate for its use. The shown arrangement is not to highways standards as it should have two footways and the same diameter and shaped radii. Unless there is good reason not to do this which has

not be demonstrated or submitted. It is the opinion of the Local Highways Authority that this arrangement would make this junction illegible and / or difficult to navigate for the visually impaired.

### *Highway Safety*

- 7.6.10 One footway has been proposed at the vehicle junction leading to/from the development. This access point would be the preferred desire line route for pedestrians accessing the northern part of the development. Footways should be included on both sides of this junction at a width 2m. The proposal also indicates other footways within the site are only 1 - 1.2m footways which is well below the minimum standard and as such pedestrians / mobility aid users / parents with buggies etc. would likely be forced to enter the road to pass one another
- 7.6.11 The Local Highways Authority would normally seek to adopt a residential development greater than 5 dwellings. However the internal road layout is not to an adoptable standard and as such the Local Highway Authority would not offer to adopt any part thereof. The safety of the proposed internal road layout is also questionable as there is shown to be a mini roundabout which does not appear to meet with the design requirements set out in the Highways Design Guidance.
- 7.6.12 New developments should have their internal roads designed to a speed of 20mph. The raised areas along the straights have been shown. However this type of measure usually has footways only 25mm higher than the carriageway and vehicles tend to park partly on the footway and partly carriageway. This leaves greater room for vehicles which would likely result in greater speeds, as there is no self-enforcing measure to prevent this.
- 7.6.13 The vehicle access to the commercial depot has not been tracked. HGVs will need both sides of the road to access this depot if they indeed can make the turn within the carriageway. This will result in the stopping and manoeuvring of vehicles and the obstruction of other vehicles on this section of road.
- 7.6.14 It is therefore considered that whilst the site would benefit from its close proximity to Kennett Railway Station and therefore sustainable transport modes can be maximised, the scheme would not provide a safe and suitable access and moreover would result in a detrimental impact on highway and pedestrian safety, contrary to Policies COM7 of the adopted Local Plan 2018 and LP17 of the Submitted Local Plan 2018. This factor is afforded significant negative weight.

### *Parking*

- 7.6.15 Policy COM8 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. Policy LP22 of the Submitted Local Plan requires that new development should provide attractive, accessible and integrated vehicle parking.
- 7.6.16 From the information submitted with the application, the number of parking spaces provided on site would be 172 which equates to 2.3 parking spaces per dwelling. It is noted that there is no visitor parking provided which may likely result in additional on

street parking and exacerbate the aforementioned road layout issues. As a result the scheme would be in conflict with COM8 of the adopted Local Plan 2015 and this is afforded negative weight.

## **7.8 Flood Risk and Drainage**

- 7.8.1 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction. LP25 of the Submitted Local Plan seeks to ensure proposals for new development appropriately manage flood risk and protect the water environment. A Flood Risk Assessment [GH Bullard & Associates LLP dated July 2018] has been submitted with the application. This report states that the proposed dwellings will be located with Flood Zone 1 with one garage and earth bund located within Flood Zone 3. The volume of flood plain lost as a result of constructing within Flood Zone 3 will be compensated for by excavating an equivalent volume at an equivalent level within the higher south-eastern area of the site.
- 7.8.2 The Environment Agency is maintaining its objection to the scheme on the basis that the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular it fails to demonstrate that the proposed development will not increase flood risk elsewhere.
- 7.8.3 In terms of surface water discharge the scheme proposes to position the attenuation basin outside of the red line boundary which is situated within Flood Zone 3. Whilst the FRA indicates that the attenuation basin will add to the flood volume available and should fluvial flood occur then the required volume has already been provided within the flood main maintaining the equilibrium and causing no increase in flood risk. However, the Local Lead Flood Authority have also objected citing that if fluvial flooding occurs the proposed feature would be likely inundated and the surface water drainage on site would not function. Moreover, siting the basin outside of the red line would be in contravention of PPG advice which requires that the red line boundary should include all land necessary to carry out the proposed development and that this includes the provision of drainage.
- 7.8.4 The scheme does not satisfactorily deal with either fluvial or surface water drainage and as such would not constitute sustainable development. These factors are afforded negative weight in the planning balance. The application therefore fails to comply with the requirements of Policies ENV 8 of the East Cambridgeshire Local Plan 2015 and Policy LP25 of the proposed Submission Local Plan 2018 and this factor is afforded significant negative weight.

## **7.9 Biodiversity and Ecology**

- 7.9.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings. Policy LP30 of the submitted Local Plan 2018 requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.
- 7.9.2 The site is not covered by any statutory wildlife designation and the Breckland Farmland SSSI/ Breckland SPA are 1.5 km distant. A Preliminary Ecological Appraisal

has been submitted upon request [Applied Ecology Ltd – June 2018] and a Phase 1 Habitat Survey was carried out and the findings suggest that the habitats present are of low relative biodiversity and nature conservation value. Whilst some small breeding birds were found to be present on site, due to the lack of habitat variety there is little foraging and nesting opportunities.

- 7.9.3 In terms of Bats, the report considers that the adjacent boundary habitats, particularly the River Kennet, are of potentially elevated value and may be adversely impacted by potential after-dark lighting.
- 7.9.4 It is also likely that otter and water vole may be present on site, however, given the small section of riverbank affected it is not considered the development would result in a detrimental harm.
- 7.9.5 The Ecology Appraisal makes recommendations to undertake further survey work of the existing field boundary trees and hedgerows and the River Kennett corridor to assess their importance to foraging and commuting bats and any potential indirect impacts of new street lighting on bats. A further in-channel inspection of the stretch of the River Kennett adjacent to the site to check for otter and water vole is also recommended. In view of the fact that the recommendation is for refusal, the applicant has not been required to submit additional information.

#### *Trees*

- 7.9.6 An Arboricultural Impact Assessment has been submitted [Ligna Consultancy dated 6<sup>th</sup> December 2017] and records 16 individual trees and 5 groups of trees as being significant within the context of the development proposals. These were predominantly situated along the northern and western boundaries of the site. Towards the centre there are 5 individual trees and a row of large leylandii. 5 Category B trees and 1 individual and one group of Category C trees are proposed for removal. A number of trees are also susceptible to compaction damage associated with construction related activities.
- 7.9.7 A number of mitigation measures imposed by condition could ensure that the development would result in a net environmental gain. The Council's Senior Tree Officer has raised no concerns in this regard as the trees impacted upon are not worthy of protection. This factor can be weighed neutrally in the planning balance. As such the scheme would not conflict with Policies ENV7 of the adopted Local Plan 2015 and LP30 of the Submitted Local Plan 2018.

#### **7.10 Archaeology**

- 7.10.1 Section 16 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset.
- 7.10.2 Policy ENV14 of the adopted Local Plan 2015 requires that new development should have regard to the impacts upon the historic environment and would require the submission of an appropriate. Policy LP27 of the emerging Local Plan requires all new

development to respect and enhance or reinforce where appropriate the local character and distinctiveness of the area in which it would be situated.

7.10.3 According to records held by the County Council the site lies in an area of archaeological potential, however, the County Archaeologist does not object to the scheme subject to a programme of archaeological investigation being undertaken prior to development taking place.

7.10.4 On balance the impact on the historic environment is considered acceptable and this factor is weighed neutrally in the planning balance. The scheme therefore complies with Section 12 of the NPPF and Policies ENV14 of the adopted Local Plan 2015 and LP27 of the Submitted Local Plan 2018.

## **7.11 Other Matters**

### *Rights of Access*

7.11.1 An issue identified in the letters of representation concerned rights of access across the site. From the information submitted, the proposal would not appear to impact on any Public Rights of Way and the County Council has not objected. However, rights of access over land is a civil matter and the report would not cover this aspect of the development.

### *Public Open Space and Community facilities*

7.11.2 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. Policy LP21 of the Submitted Local Plan 2018 requires a level of open space, sport and recreational facilities. For a development of this size and scale the provision of on-site open space is assessed on a case by case basis, informed by local evidence, discussions with the parish council. However, the site would need to provide a Locally Equipped Area of Play or equivalent.

7.11.3 The scheme proposes an area of public open space within the north-western corner of the site, however, this is an isolated corner of the site which is not overlooked by housing. Furthermore, it is not clear on what form this area would take and how this area would be maintained and managed in future. The Local Highways Authority have commented that the internal road layout has not been designed to an adoptable standard and therefore the Council's Parks Department may not be adopting this area. The applicants have not indicated who would be responsible for the POS and whether the Parish Council has been contacted. It is uncertain how this area would be delivered.

7.11.4 The Kennett Village Vision of the adopted Local Plan indicates that residents have indicated a desire for improvements to infrastructure and facilities in the village including improved footpaths around the river area. Bearing in mind location of the site adjacent to the River Kennett this application affords an opportunity to improve access to the countryside. The absence of sufficient information to determine whether the scheme provides an acceptable amount of safe and accessible public open space which is adequately managed and maintained is factor to be afforded negative weight and would be contrary to Policies LP21 of the Submitted Local Plan.

### *Pollution and Contaminated Land*

7.11.5 Policy ENV9 requires that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, and ensure no deterioration in air and water quality. A Phase 1 and Phase 2 Desk Study and Site Investigation Report has been submitted with the application [Geosphere Environmental Ltd [dated August 2017]. This report states that a number of potential contaminant sources and pathways to potential receptors have been identified and it is advised to undertake further intrusive site investigation to determine the extent of any potential contamination within the groundwater soil strata associated in two areas impacted by hydrocarbons.

7.11.6 The Council's Environmental Health Scientific Officer has accepted the findings of the report and suggests a number of conditions relating to the further presence of ground contamination. This factor is weighed neutrally in the planning balance.

### *Minerals Safeguarding Area*

7.11.7 The County Council has provided no comments on this development and its impact on the Minerals Safeguarding Area. In view of the recommendation to refuse the scheme this matter would not require clarification.

### *Energy and Water Efficiency*

7.11.8 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers.

### *CIL*

7.11.9 The development will be subject to the Community Infrastructure Levy and infrastructure requirements would be covered under s106.

### *Loss of Employment*

7.11.10 Section 11 of the revised NPPF seeks to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Local Authorities are tasked with giving substantial weight to the value of using suitable brownfield land within settlements, however, they should also recognise that some undeveloped land can perform many functions, for example in the creation of wildlife habitats, recreation and flood risk mitigation.

7.11.12 Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Exceptions to this would be where there is a conflict with other policies in the NPPF.

7.11.13 Policy EMP1 of the Local Plan 2015 seeks to retain land in employment use unless it can be demonstrated the site is no longer viable or the redevelopment would



bring significant environmental or community benefits which outweigh the loss of an employment use.

7.11.14 Policy LP8 of the Submitted Local Plan 2018 supports the redevelopment of unallocated employment sites where it can be demonstrated that either:

a. Continued use of the site for 100% employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand;

or

b. The redevelopment of the site would bring significant environmental or community benefits which outweigh the partial loss of employment uses. Applicants will need to provide clear and robust evidence relating to criteria (a) or (b) alongside a planning application. Planning applications for re-development which propose the loss of all employment uses will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of a redevelopment scheme.

7.11.15 The Council will seek to retain land or premises currently or last used for employment purposes (B1, B2 and B8 uses). Proposals which propose the loss of all employment uses will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of the scheme, Policy EMP1 of the Local Plan 2015 and LP8 of the Submitted Local Plan 2018 refers. The application has not been supported by any justification for the loss of the employment site and therefore it is not known whether the site is still viable for continued use in promoting economic growth.

7.11.16 Whilst there would be some economic benefits associated with the construction of up to 76 houses, and the resultant increase in population contributing to the local economy, this does not detract from whether the site could continue to support economic growth and productivity, para 80 of the NPPF refers. This factor is afforded negative weight in the planning balance and is contrary to Policies EMP1 of the adopted Local Plan 2015 and LP8 of the Submitted Local Plan 2018.

## **8. PLANNING BALANCE**

8.1 In this case, the benefits to which positive weight can be given are firstly, the provision of 76 dwellings, 40% of which would be affordable, which would add to the District's housing stock. Given the reduction in weight attached to Policy GROWTH 2 should only be modest, taking into account the level of growth already anticipated for Kennett in the future through the allocation of sites in the Submitted Local Plan 2018, it is considered that this should be given moderate weight. The provision of affordable housing and new public open space are however a pre-requisite of an acceptable scheme no matter where it is located so they should be attributed very little weight in the planning balance.

8.2 Economic: It is considered that the construction of 76 houses would have temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme are afforded limited weight.

- 8.3 There would also be an impact on the local economy, which in Kennett's case supports a limited number of services and facilities within the village and the development through the increase in population would continue to serve this as well as support future services through increased local spending. The increase in population may also contribute to the local labour market.
- 8.4 However the loss of this employment site without evidence to suggest it is no longer viable to support future economic growth in the area has not been submitted and this factor is afforded significant negative weight.

#### *Social Factors*

- 8.5 The NPPF seeks the delivery of a wide choice of high quality homes. There is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given. However, in the context of the Council currently being unable to demonstrate a 5 year housing land supply such weight is tempered given its location outside the settlement envelope so that only moderate weight can be afforded.
- 8.6 Whilst the amenity of existing occupiers is satisfactory, the scheme fails to deliver a good standard of amenity for future occupiers of the site and as such this factor is afforded significant negative weight.
- 8.7 The Local Highways Authority has raised serious objections to the scheme on the grounds of unacceptable access, parking, highway and pedestrian safety issues, to which significant negative weight is afforded.

#### *Environmental*

- 8.8 In terms of the landscape character to the east of the site is rural in nature with the River Kennett framing its eastern edge. The density of development and design of the scheme fails to relate to its location on the settlement edge abutting the open countryside and the internal layout would result in large hard-surfaced parking areas which would detract from the prevalent linear character of development represented in Station Road. The infilling of this area would also intensify the amount of development close to the Kentford boundary leading to further coalescence of the two villages. Moreover the siting of a large acoustic bund on the northern boundary would introduce an unnatural feature into the rural landscape. These factors are afforded significant negative weight.
- 8.9 The area is located within Flood Zones 1, 2 and 3 and objections from the Environment Agency, and the Local Lead Flood Authority have identified both fluvial and surface water flooding issues. This factor is also afforded significant negative weight.
- 8.10 A number of material planning consideration such as archaeology, land contamination have been afforded neutral weight. Although further surveys would need to be carried

out the impact on biodiversity and ecology is not known and therefore no weight can be afforded to this factor.

## 9. CONCLUSION

- 9.1 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 and the Submitted Local Plan 2018. The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 9.2 In view of the above factors it is considered that the planning balance that applies in determining applications is a straightforward balancing exercise of weighing the benefits of the proposed development against the harm, having regard to the three dimensions to sustainable development.
- 9.3 The scheme is considered not to represent sustainable development and as such the adverse impacts of the development do not significantly and demonstrably outweigh the benefits.
- 9.4 The scheme is recommended for REFUSAL.

## 10. COSTS

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 In this case Members' attention is particularly drawn to the following points:
- Conflict with the development plan
  - Objections from statutory consultees

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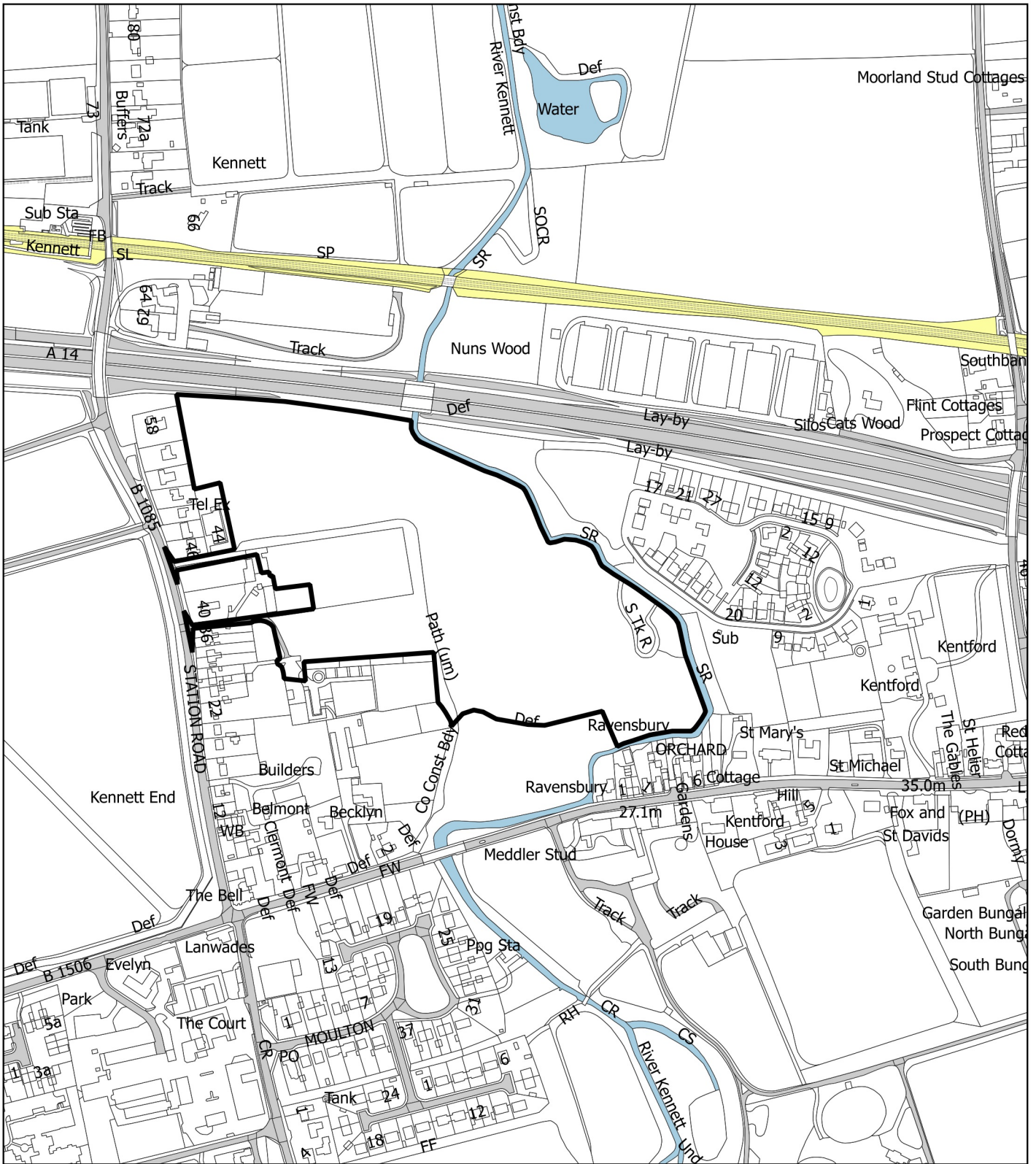
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/02031/FUM	Anne James	Anne James

Room No. 011  
The Grange  
Ely

Planning Consultant  
01353 665555  
anne.james@eastc  
amb.s.gov.uk

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

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



17/02031/FUM

Land rear of  
12 to 58 Station Road  
Kennett



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:5,000



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**MAIN CASE**

**Reference No:** 18/00681/FUL

**Proposal:** New 5 bed Dwelling and associated vehicular access.

**Site Address:** Land Rear Of 92 Duchess Drive Newmarket Suffolk CB8 8AJ

**Applicant:** Mr Derek Bradley

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

**Parish:** Cheveley

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

**Date Received:** 4 June 2018      **Expiry Date:** 9<sup>th</sup> November 2018  
[T122]

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1.0 **RECOMMENDATION**

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

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Site Characterisation
- 4 Reporting of unexpected contamination
- 5 Construction hours
- 6 Construction Environmental Management Plan
- 7 Biodiversity Improvements
- 8 Foul water disposal
- 9 Surface water disposal
- 10 External materials
- 11 Gates PD restriction
- 12 Access widening
- 13 Access and hardstanding drainage
- 14 Tree Protection Plan compliance
- 15 Additional Tree Protection Plan
- 16 Sprinkler provision.

## 2.0 SUMMARY OF APPLICATION

- 2.1 Full planning permission is sought for the erection of 1No. detached dwelling and associated vehicular access. The application site would be accessed via a Public Right of Way (Footpath No.11 Cheveley) which also forms the approved access for 3 dwellings (yet to be constructed) approved by planning permission 15/01102/OUT).
- 2.2 Amended plans have been received during the course of the application involving re-siting of the proposed dwelling, in addition to amendments to the required Public Right of Way access alteration details so that they match the details approved by planning permission 15/01102/OUT.
- 2.3 A draft Section 106 has been received by the Local Planning Authority for the provision of elephant gates to be erected along the Public Right of Way as a means of preventing through traffic down the lane to Duchess Drive. This is almost identical to the Section 106 agreed with planning permission 15/01102/OUT, though only 1 set of gates would be required depending on which development commences first.
- 2.4 This application has been called-in to Planning Committee by Councillor Peter Cresswell as he has serious concerns regarding the application, centring on the access to the site via Meadow Lane, which is a public footpath.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

### 3.1 Off-site planning history

16/00304/FUL	Construction of 1no for bedroom dwelling and 3 bay garage/cart lodge including new access for 92 Duchess Drive	Approved	25.10.2016
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Located to the rear of 92 Duchess Drive, adjacent to the south-west of the site.

15/01102/OUT	Erection of 3 detached dwellings, garages and parking along with improved access	Approved	17.07.2017
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Located to the opposite side of the Public Right of Way to the south-east of the site.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises grassland to the rear of 92 Duchess Drive. There is a Public Right of Way (Footpath 11 Cheveley) located adjacent to the south-east boundary of the site. There are some protected (TPO) trees located along the north-

west edge of the Public Right of Way towards the end of Meadow Lane. The Public Right of Way connects Meadow Lane to Duchess Drive. There are existing dwellings located to the north-east of the site, a dwelling (yet to be constructed) has been approved by planning permission 16/00304/FUL within the rear garden of 92 Duchess Drive to the south-west of the site and 3 dwellings (yet to be constructed) have been approved by planning permission 15/01102/OUT to the south-east of the site.

## 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 Cheveley Parish Council (received 12th July 2018) - Objects for the following reasons:

- The PC concurs with the Highways Authority objection to this proposal dated 25th June 2018. The proposal does not provide sufficient highways information to demonstrate that the proposed development would not be prejudicial to highway safety.
- The location and type of bollards (Elephant Gates) must be as previously approved under application 15/01102/OUT. It is of major concern to the PC that if these bollards are not put in place, vehicles will use the track between the site and Meadow Lane west which is strictly prohibited.
- Meadow Lane is not wide enough to accommodate lorries and other vehicles associated with the delivery of building materials to the site. Concerns how this will be addressed.

Cheveley Parish Council (received 11th October 2018 regarding amended plan) - No comments to make regarding the amendment to the above-named application. The PC's previous comments on this application still stand.

5.3 Ward Councillor Peter Cresswell – Has serious concerns regarding the application and therefore formally requests that it be determined by the Planning Committee. Concern centres on the access to the site via Meadow Lane, which is a public footpath. This would outrage local residents and is totally unacceptable, particularly if construction vehicles were to use a public footpath to gain access to the site. It is essential that the public footpath linking Duchess Drive to Duchess Park is preserved in its entirety. It has been acknowledged that a condition would be that elephant gates would need to be installed in Meadow Lane, to prevent vehicular access. Consistency is therefore of paramount importance.

5.4 Trees Officer (received 28th June 2018) - There are protected trees close to this development which may be affected. Recommended a Tree Constraints Plan be sought to provide information upon the trees and the root protection areas, to ensure that the development can be successfully achieved without damage to the trees to be retained.



Trees Officer (received 24th October 2018 following submission of requested arboricultural information) - The Tree survey and Tree Protection Plan is acceptable. The soft landscaping shown on the Site Plan needs strengthening with some structure planting along the frontage. Suggests native hedge planting with some additional tree planting, which is typical of the area. Hedging as seen for the neighbouring property (no 39 Meadow Lane) can be extended along the frontage.

5.6 Local Highways Authority (received 25th June 2018) – Objected to the application and recommended refusal in its original form, for the following reasons:

The application was not supported by sufficient highways information to demonstrate that the proposed development would not be prejudicial to highway safety.

Planning permission was granted under application number 15/01102/OUT for a development opposite this site. Therefore this approval must be taking in to consideration when determining this application and any and all relevant highways requirements and conditions that were attached to that approval must be attached to this one. This is to overcome the existing and future highways issue and to facilitate this development in coordination with the other.

The previous approval is for multiple dwellings therefore a shared use access road is required which needs the widening of the junction with Meadow Lane west and Meadow Lane, up until the proposed permanent residential access. Vehicle bollards are required to be installed and a commuted sum paid for their future maintenance to stop vehicles using the Duchess Drive junction as this has sub-standard vehicle visibility.

The above information needs to be submitted and shown on layout drawings and within the red line boundary so that it can be determined and appropriately conditioned.

The proposed layout must be as per the approved application 15/01102/OUT or an alternative arrangement proposed to overcome the issues as listed below;

- Junction width at Meadow Lane west
- Duchess Drive vehicle visibility splays is sub-standard therefore intensification or permanent access use will not be permitted
- This is a public footpath and pedestrian safety must be considered
- This is an un-metalled track that is not suitable for permanent use by residents
- Meadow Lane is not wide enough for shared use access
- Opposite development approval and number of vehicles and pedestrians that will be using Meadow Lane
- Protected vegetation in the Meadow Lane

Objection must remain unless or until the following issues have been addressed:

1. The location and type of the shown bollards must be coordinated with the location and type of bollards (Elephant Gates) as per previously approved under application 15/01102/OUT. Should this application be approved it would conflict with the location of the other location.

2. The red line boundary of this application must meet with the highway and include any area that is to have attached conditions.

Note: Incremental development off a narrow track will lead to increase use and likely pedestrians – vehicle and vehicle - vehicle conflict due to demand of space.

Footpath 11 runs the length of Meadow Lane, therefore recommends that the CCC RoW team are consulted.

Requested the aforementioned information and drawings be submitted prior to the determination of this application. As unless or until these issues have been addressed and objections overcome, would recommend refusal of the application.

Local Highway Authority (received 26th October 2018 following submission of amended vehicular access details) – After a review of the amended drawing and access road arrangement, no further comments. Requests any highways related conditions and informatives are attached to any approvals the planning authority is minded to grant as per previous approved application number 15/01102/OUT.

#### Recommended Conditions

Prior to first occupation the access road as shown on the approved drawings shall be constructed

5.7 CCC Growth & Development - No Comments Received.

5.8 Waste Strategy (ECDC) –

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

the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

5.9 Asset Information Definitive Map Team - No Comments Received.

5.10 Neighbours – Two site notices were displayed on 25th June 2018, one at each end of the Public Right of Way. 9 nearby properties were directly notified by letter. In addition, a press advert was published in the Cambridge Evening News on 28th June 2018. Two letter of objection have been received, both from the occupier of No.39 Meadow Lane (one prior to receipt of amended plans and one following receipt of amended plans). The concerns raised in this objection are summarised below:

**39 Meadow Lane - Concerns received 29th June 2018 (prior to receipt of amended plans)**

- No.39 currently enjoy open views from 3 aspects of the property. The proposed development and planning permission 15/01102/OUT would reduce this to 1 aspect.
- Significant reduction in privacy and outlook.
- Increase in noise and disturbance (including during construction phase which could be cumulative with construction of planning permission 15/01102/OUT).
- Negative impact on resale value of No.39.
- Proposed dwelling is very close to No.39. The house should be moved further away from this boundary, whilst maintaining the planned orientation, reducing overlooking and loss of light.
- Suggests boundary trees adjacent No.39 are retained or replaced with something of similar height.
- Construction hours.
- Access and parking for construction/delivery vehicles.
- Protection of TPO hedging.
- The proposed access road is a public footpath and totally unsuitable as an access road for 4 dwellings.
- Concerns regarding safety and obstructions to pedestrians along the public footpath caused by vehicle movements.
- Should be subject to Section 106 requiring gates as per 15/01102/OUT.
- The proposed development and other approved developments will add significantly to traffic around Meadow Lane. Suggests highway improvements to improve highway safety.
- Loss of biodiversity habitat and wildlife.
- Duchess Park comprises a significant amount of open space which residents pay to maintain and upkeep. The proposed dwellings should contribute to the upkeep to as they would enjoy the same facilities.
- Rumours have circulated regarding contamination of the site from previous use as a military storage and salvage facility many years ago.

## **39 Meadow Lane - Concerns received 26th September 2018 (following receipt of amended plans)**

- Pleased that the revision takes account of earlier comments regarding proximity of proposed dwelling to boundary of No.39. However, other objections in previous letter still remain, including comments regarding shrubbery along boundary which now appears to be under threat from the proposed development and Hawthorn tree proposed to be removed.
- Concerns regarding widening of access road along the track at rear of No.35-39 Meadow Lane to 4.5m or more, along with disruption and vehicle access issues during construction.
- Still feels proposed development is inappropriate and should not proceed.

### 6.0 The Planning Policy Context

#### 6.1 East Cambridgeshire Local Plan 2015

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

#### 6.2 Supplementary Planning Documents

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

#### 6.3 National Planning Policy Framework 2018

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

#### 6.4 Submitted Local Plan 2018

LP1A presumption in Favour of Sustainable Development  
LP3 The Settlement Hierarchy and the Countryside  
LP6 Meeting Local Housing Needs  
LP16 Infrastructure to Support Growth

LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider when assessing this application relate to the principle of development and the impacts on the character and appearance of the area, residential amenity and highway/pedestrian safety and the Public Right of Way.

7.2 Principle of Development

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

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

7.2.3 The application site is located within the established development framework where the principle of development is considered acceptable in locational terms. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is considered to be in a sustainable location.

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

7.3 Character and appearance of the area

7.3.1 The application site is currently screened from the public highway by high level fencing and does not provide a positive contribution to visual amenity or views within the area. There are existing dwellings located to the north-east of the site, a dwelling (yet to be constructed) has been approved by planning permission 16/00304/FUL within the rear garden of 92 Duchess Drive to the south-west of the site and 3 dwellings (yet to be constructed) have been approved by planning permission 15/01102/OUT to the south-east of the site. Due to the existing appearance of the site and the existing and approved (but yet to be constructed) dwellings on neighbouring land, a single dwelling on the site would not cause any significant harm to the character and appearance of the area by itself, subject to its scale and appearance. Though it is likely that the provision of further incremental development within this area would cause harm by virtue of the loss of lane character.

- 7.3.2 The proposed dwelling would be in keeping with the scale of nearby dwellings and dwellings approved planning permission, whilst the appearance is of a simple and traditional design which would appear in keeping with the character and appearance of the area. The materials have not been agreed so this would need to be secured at a later date; this can be achieved by a condition.
- 7.3.3 Trees and hedges which are proposed to be retained within and adjacent to the site can be protected in accordance with the submitted tree protection drawing which can be conditioned to ensure they are successfully retained. The proposal includes the removal of a Hawthorn tree as shown on the submitted Tree Survey and Tree Protection Plan. The Council's Tree Officer has confirmed this is acceptable. It is considered that a separate Tree Protection Plan should be agreed with the Local Planning Authority prior to development to ensure protection during construction of the protected ancient hedgerow adjacent to the Public Right of Way, as was submitted with planning application 15/01102/OUT.
- 7.3.4 Additional landscaping could be secured by condition.
- 7.3.5 It is therefore considered that the proposed development would not cause any significant harm to the character and appearance of the area, in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policies LP22, LP28 and LP30 of the Submitted Local Plan 2018.
- 7.4 Residential Amenity
- 7.4.1 An amended plan has been received during the course of the application which has moved the proposed dwelling further away from the neighbouring boundary with No.39 Meadow Lane which would be the most affected existing dwelling. The proposed dwelling would now be located almost 7m from this neighbouring boundary, providing a sufficient separation gap and layout to prevent it from being overbearing or causing a significant loss of light or loss of outlook to this neighbouring property.
- 7.4.2 The first-floor windows within the front and rear elevations of the proposed dwelling would not cause any significant overlooking of neighbouring properties due to their positioning and significant separation distances to neighbouring windows and amenity spaces. There is only one first-floor side elevation window proposed which would face towards No.39 Meadow Lane, however this window would serve an en-suite bathroom and would be high level and obscure glazed which would not cause any significant overlooking.
- 7.4.3 Conditions ensuring that the construction works take place in both a safe manner and ensuring that residential amenity and the amenity of the adjacent Public Right of Way is protected can be added to any consent.
- 7.4.4 Some noise and disturbance to neighbouring properties during the construction phase is inevitable. However, these impacts would be temporary and the final end use as residential would not cause significant noise and disturbance impacts. Conditions relating to construction hours and agreement of a Construction Environmental Management Plan would allow some of these impacts to be minimised.
- 7.4.5 It is therefore considered that the proposed development would not cause any significant harm to residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.

- 7.5 Highway/pedestrian safety and the public right of way
- 7.5.1 The site would be accessed via the Public Right of Way from Meadow Lane. A disadvantage of this application is that it directly adds additional traffic travelling along the Public Right of Way. However, planning permission has previously been approved for 3 dwellings on land to the opposite side of the Public Right of Way by planning permission 15/01102/OUT. Planning permission 15/01102/OUT provided a benefit to the Public Right of Way through a Section 106 agreement which required elephant gates to be installed along the Public Right of Way (beyond the location of the site access) to provide a permanent barrier to prevent cars using the footpath as a shortcut to Duchess Drive. A draft Section 106 has been submitted with the current application which would also ensure elephant gates are installed along the Public Right of Way (only 1 set of gates would be required depending on which development commences first).
- 7.5.2 Although the current application would not provide further benefits to the Public Right of Way as the provision of elephant gates has already been secured through the Section 106 relating to planning permission 15/01102/OUT, it is considered that the additional traffic movements created by 1 additional dwelling would not cause any significant addition harm to the public amenity of the Public Right of Way.
- 7.5.3 The Local Highway Authority originally raised an objection to the proposed development due to highway/pedestrian safety concerns. However, these objections have been overcome through the submission of an amended plan which match the access details approved by planning permission 15/01102/OUT. The Local Highway Authority has stated that after a review of the amended drawing and access road arrangement, it has no further comments. The Local Highway Authority has requested any highways related conditions and informatives are attached to any approvals the planning authority is minded to grant as per previous approved application number 15/01102/OUT. This conditions could be appended to any grant of planning permission.
- 7.5.4 Additional traffic along the Public Right of Way weighs against the application, though the additional traffic movements created by 1 additional dwelling would not cause any significant addition harm to the public amenity of the Public Right of Way or highway/pedestrian safety. However, incremental development accessed off the Public Right of Way would gradually erode the amenity and safety of the public right of way due to increased use by vehicles and the 4.1m width.
- 7.5.5 It is therefore considered that the proposed development would not cause any significant detrimental impacts to highway/pedestrian safety or the amenity Public Right of Way beyond that which is already approved by planning permission 15/01102/OUT, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018.
- 7.5.6 A condition could be appended to any grant of planning permission requiring a Construction Environmental Management Plan to be agreed with the Local Planning Authority to control how construction and delivery vehicles access the site.
- 7.6 Other matters
- 7.6.1 Impact on property prices is not a material planning consideration that this application can be assessed against.
- 7.6.2 The application site does not display characteristics which provide a significant ecological habitat. A condition could be appended to any grant of planning permission requiring the provision of biodiversity enhancements. Landscaping could provide further biodiversity

enhancements. It is therefore considered that the proposal accords with policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018.

- 7.6.3 The application is for 1 dwelling and there is no policy requirement for contributions towards maintenance of existing public open space.
- 7.6.4 Any site contamination can be dealt with by a planning condition.
- 7.6.5 A condition will also be placed to ensure that a fire sprinkler system is installed, due to the distance to an adopted road in the interests of public safety.
- 7.7 Planning balance
- 7.7.1 The proposed development is for 1 new dwelling in a sustainable location within the established development framework. The proposed development would provide the benefit of additional dwelling to the district housing stock without causing any significant and demonstrable harm to the character and appearance of the area, residential amenity or highway/pedestrian safety. The proposed development would result in some additional harm to the amenity of the Public Right of Way by adding additional traffic to it beyond that which would result from only planning permission 15/01102/OUT being implemented. However, on balance, the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits. Therefore it is recommended that the application is approved.

8.0 APPENDICES

- 8.1 Appendix 1 - Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00681/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Senior Planning Officer
16/00304/FUL 15/01102/OUT	Ely	01353 665555 richard.fitzjohn@ea stcambs.gov.uk

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

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



## APPENDIX 1 - 18/00681/FUL Conditions

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

Plan Reference	Version No	Date Received
03A / 1896 / 17		31st August 2018
02B / 1896/17		23rd October 2018
05 / 1896 / 17		21st May 2018
6919-D-TPP		31st July 2018
01 / 1896 / 17		21st May 2018
04 / 1896 / 17		21st May 2018
06 / 1896 / 17		21st May 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning

Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 5 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays or Bank / Public Holidays.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 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 and prevent obstruction of the adjacent public right of way, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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.
- 7 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 8 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of the hereby approved dwelling.
- 8 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local

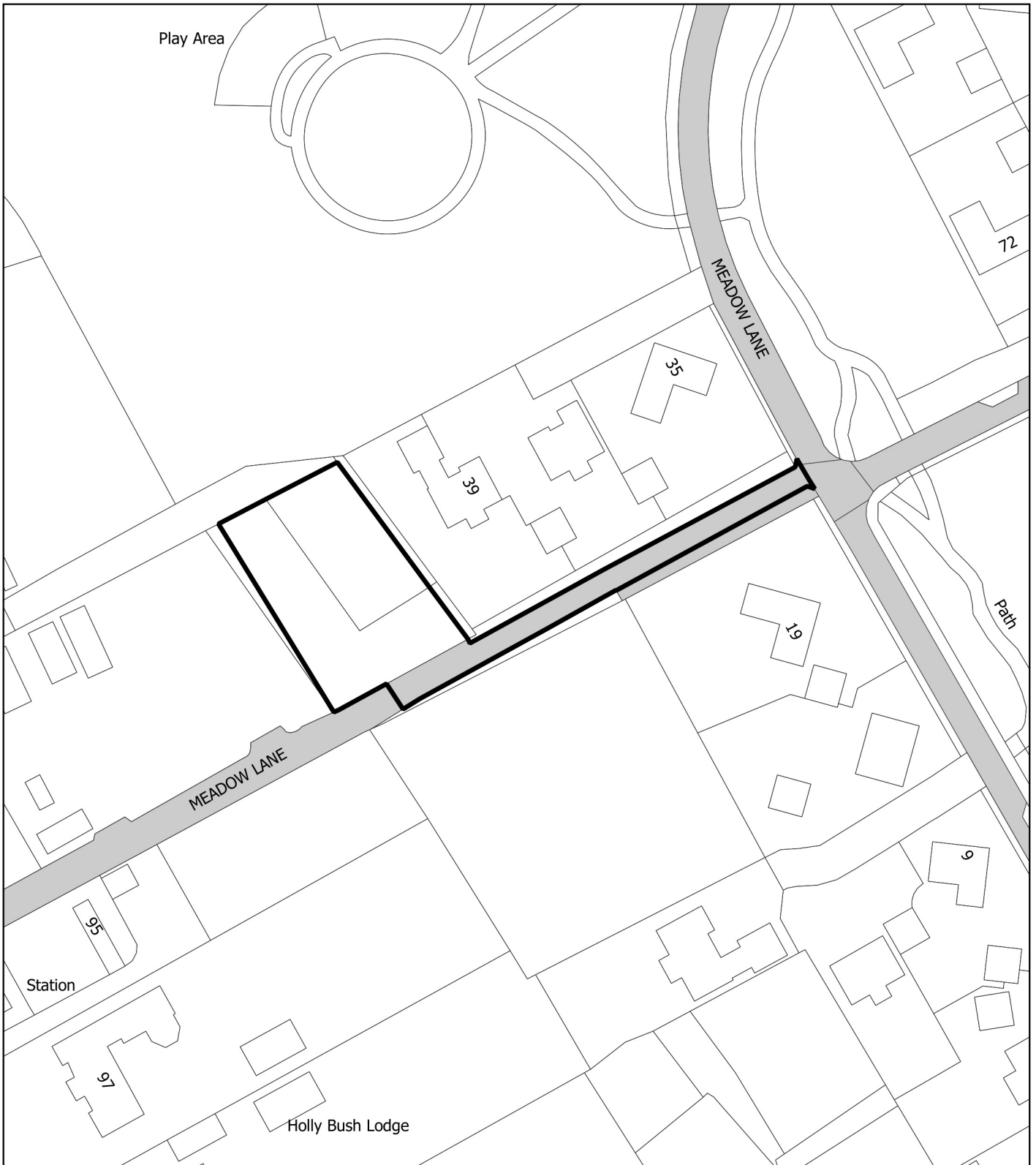
Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 9 Prior to first occupation of the hereby approved dwelling, the surface water drainage scheme shall be implemented in accordance with the details shown on drawing no. 02b / 1896 / 17.
- 9 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018.
- 10 No 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.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 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 across the approved private driveway access, as shown on drawing no. 03a / 1896 / 17.
- 11 Reason: In the interests of highway safety and prevent obstruction of the adjacent public right of way, in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 and LP22 of the Submitted Local Plan 2018.
- 12 The access widening to 5 metres for the first 10 metres from the edge of the public highway, as shown on drawing no. 02B / 1896/ 17 shall be completed prior to first occupation of the hereby approved dwelling.
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 13 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 public right of way and retained in perpetuity.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 14 The tree protection measures, as shown on drawing number 6919-D-TPP, 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.

- 14 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 15 No development shall take place until a scheme for the protection during construction of the protected ancient hedgerow, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 15 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 16 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 16 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018.
- 17 The hereby approved dwelling shall be installed with a fire sprinkler system prior to first occupation.

- 17 Reason: In the interests of public safety, due to the distance between the dwelling and an adopted road.



18/00681/FUL

Land rear of  
92 Duchess Drive  
Newmarket



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 18/00820/OUM

**Proposal:** Outline planning application for up to 116 dwellings with noise barriers, public open space, landscaping, sustainable drainage system (SuDs) and vehicular access points from Common Road and Manor Road. All matters reserved except for means of main vehicular access.

**Site Address:** Land Parcel South Of A142 Common Road Witchford  
Cambridgeshire

**Applicant:** Gladman Developments

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

**Parish:** Witchford

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

**Date Received:** 14 June 2018      **Expiry Date:** 30 November 2018  
[T123]

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**1.0**      **RECOMMENDATION**

- 1.1**      Members are recommended to delegate approval of this application to the Planning Manager subject to the recommended conditions below that can read in full within Appendix 1 (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement:
1. Approved Plans
  2. Reserved Matters
  3. Time Limit
  4. Archaeological Investigation
  5. Cycle Links
  6. Adoptable Highway
  7. Highway Drainage
  8. Highway Management
  9. Surface Water Drainage
  10. Fire Hydrants
  11. Construction Environmental Management Plan (CEMP)
  12. Unexpected Contamination
  13. Noise Barrier Landscape Scheme
  14. Residents Welcome Pack (Sustainable Transport)
  15. Sustainable Strategy
  16. Biodiversity Improvements

- 17. Foul Water Drainage
- 18. Bus Stop Upgrade
- 19. Ecological Mitigation
- 20. Broadband

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks outline consent with only details of access seeking to be agreed for the erection of up to 116 dwellings alongside associated landscape, public open space and infrastructure works. Appearance, landscaping, layout and scale would need to be agreed at a reserved matters stage.
- 2.2 The red line is divided into two; the first is located adjacent the A142 and is to provide a 3.1m noise barrier only; the second is located between Common Road and Manor Road and is where the dwellings, public open space, landscape and relevant infrastructure is located.
- 2.3 The developer has provided additional information in regards to education and highway impact during the application process.
- 2.4 The site measures 5.78 hectares/14.3 acres (gross density is 20 dwellings per hectare); this equates 8 dwellings per acre.
- 2.5 The application has been brought to Planning Committee, due to the size of the proposal and the Council's scheme of delegation.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1
- |              |   |                        |
|--------------|---|------------------------|
| 17/01575/OUM | Outline planning application for up to 120 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Common Road and Manor Road. All matters reserved except for means of main vehicular access. | Still being considered |
|--------------|---|------------------------|

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 To the north of the site is the A142, Common Road defines the western boundary and Manor Road defining the southern and eastern boundaries.



- 4.2 There are residential properties and agricultural buildings in the southwest corner of the site. Witchford Village College is located to the east of the site on the opposite side of the road. There is a copse located to the northwest and adjacent to the site and allotments are located to the northeast of the site.
- 4.3 The site is currently an agricultural field.

## 5.0 RESPONSES FROM CONSULTEES

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

Witchford Parish Council – (11 July 2018) It does not object to this proposal but has concerns about the layout of the central spine road through the site. It hopes it will be designed to allow school buses to use this route. Seeks that the position of the eastern access from the spine road onto Manor Road should be directly opposite the bus bay at the college and there should be a scheme to reduce road speeds in this area.

It seeks the western exit point to be further south to encourage use of the cycle path from Field End.

The Parish supports the proposal that a cycle route along the southern side of the site should be designed for all season weather.

It requests that a raised table is placed on Manor Road at the proposed footpath/cycleway access point on the south side of the development.

Asks who will maintain the ditch adjacent Manor Road?

Design Out Crime Officers (Police) – (27 June 2018) Seeks the developer to comply with Secured by Design principles and would like to be consulted at a reserved matters stage.

Cambridgeshire Archaeology – (2 July 2018) Highlights the high probability of archaeology on the site and seeks a pre-commencement condition.

Transport Assessment Team – (18 July 2018) Seeks a contribution of £109,200 towards A142/Witchford Road/Lancaster Way Roundabout in order to mitigate the impact of the development on this roundabout that is currently operating beyond capacity.

Raises an objection on the basis that the Accident Data is out of date.

(16 August 2018) Confirms there is no accident cluster sites that have been identified.

States “The Highway Authority does not wish to object to the application subject to the following:

- The applicant is requested to make a proportionate contribution of £109,200 towards mitigation to increase the capacity of the A142/Witchford Road/Lancaster Way roundabout. This would be through a S106.
- Prior to first occupation of the development the applicant should upgrade the bus stops south of Church View to include the provision of raised kerbs at the Eastbound Stop (bus stop with existing shelter); and raised kerbs, timetable,

and bus cage at the Westbound Stop. Details to be approved by CCC, and works to be carried out by the applicant as part of S278.

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

(17 October 2018) Confirms that it does not seek a financial contribution for the bus stop improvements and instead seeks a Grampian pre-commencement condition.

East Cambridgeshire Access Group – (11 July 2018) Supports pedestrian and cycle access onto Manor Road but does not see the need for a vehicular access.

Lead Local Flood Authority – (12 July 2018) It has reviewed the flood risk assessment by Enzygo Environmental Consultants and based on this has no objections.

It demonstrates that surface water can be managed through SuDS features and water discharge rate is 1.1 litres per second per impermeable hectare.

Recommends a pre-commencement condition.

Cambridgeshire Fire and Rescue Service – (13 July 2018) Seeks fire hydrants to be provided.

Cambridgeshire County Council Education – (13 July 2018) Seeks contributions for Early Years, Primary School, Secondary School and library services.

(16 August 2018) Confirms they cannot justify contribution towards Early Years and Primary places.

Housing Strategy and Enabling Officer – (11 July 2018) Seeks 30% affordable contribution in line with emerging policy. 77% should be rented properties and 23% shared ownership; with all of the properties meeting Building Regulations Part M (Volume 1) Category 2.

Provides guidance on S106 Agreements.

Waste Strategy (ECDC) – (25 June 2018) Seeks to get confirmation from the developer that all bins/bags will be brought to the adopted highway.

No collection vehicle should have to reverse to a collection point.

It will seek dog/litter bins on the public open spaces.

Provides guidance on provision/cost of bins.

Environmental Health (Scientific Officer) – (27 July 2018) States “I have read the Draft Phase 1 Geo-Environmental Report prepared by Enzygo dated May 2017 and accept the findings. The report finds the site to be at low risk from contamination but recommends a Phase II intrusive investigation to confirm ground conditions. I recommend that a condition requiring further site investigation, etc is not required.

However, I recommend that standard contamination land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

I have read the Air Quality Assessment prepared by Wardell Armstrong dated June 2018. The figures for daily traffic flow data used in the model appear to be much lower than figures recorded by Cambridgeshire County Council in November 2016. However, I accept the findings that the impacts on air quality are likely to be negligible subject to the adoption of mitigation measures during the construction phase.

Environmental Health – (24 July 2018) 9 properties are likely to require alternative ventilation due to road noise even with a 3.1 high acoustic barrier. The details and location of these dwellings would need careful consideration.

A Construction Environmental Management Plan should be added.

Tree Officer - (26 July 2018) States “No objection to these proposal as the trees and vegetation potentially affected are of limited landscape value in reference to the wider landscape. Additionally the site offers opportunity to provide mitigation for any tree removals with a full landscaping scheme.

I recommend you consider consulting with a landscape architect for a full assessment...

There are a number of landscaping issues to be addressed including:

- Provision of street trees and open spaces.
- Boundary vegetation composition and allocation.
- Composition and design of the shelterbelt to the North of the site in relation to A142.”

Ward Councillors - No Comments Received

Asset Information Definitive Map Team - No Comments Received

Conservation Officer - No Comments Received

Parks and Open Space - No Comments Received

Anglian Water Services Ltd - No Comments Received

The Ely Group Of Internal Drainage Board - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 Neighbours – 21 neighbouring properties were notified and the responses received are summarised below. A site notice was put on the 2 July 2018 and a notice put in the press on the 12 July 2017. A full copy of the responses are available on the Council’s website.

Morris Education Trust – (12 July 2018) Site is directly opposite the College and asks that the following is considered:

- Buses and other vehicles require sufficient space to turn safely.
- Increase in traffic will be a safeguarding issue.
- Manor Road is narrow and has issues with parked vehicles.
- The College is at capacity and additional funding is needed.

44 Manor Close – (16 July 2018) Raises concerns over:

- Significant change to landscape.
- Might lead to overlooking of their property.
- Lack of information on future plots of dwellings.
- Impact on school traffic.
- Impact on Manor Road.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents

Design Guide  
Cambridgeshire Flood and Water  
Developer Contributions  
Contamination

6.3 National Planning Policy Framework 2018

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

## 16 Conserving & enhancing the historic environment

### 6.4 Submitted Local Plan 2018

Witchford 1	Proposals in Witchford
Witchford 2	Infrastructure and Community Facilities
Witchford 3	Allocation Sites
Witchford 5	Site WFD.H2 - Land at Common Road
LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP19	Maintaining and Improving Community Facilities
LP20	Delivering Green Infrastructure, Trees and Woodland
LP21	Open Space, Sport and Recreational Facilities
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity

### 7.0 PLANNING COMMENTS

#### 7.1 Principle of Development

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

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

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

- 7.5 With the Council having very little brownfield, the vast majority of development is needing to be located on the edges of settlements. It is also considered better to be building on greenfield sites at this stage rather than reducing the Greenbelt in order to build closer to Cambridge. The small loss of agricultural land is not considered to be detrimental, it is unlikely that this size of land will be used due to modern agricultural practices.
- 7.6 Witchford is described in the Submitted Local Plan 2018 as:
- “7.47.1 Witchford is a large village located one mile west of the City of Ely, neighbouring the Lancaster Way Business Park (the district’s flagship Enterprise Zone) and benefits from good connectivity, being located close to both the A10 and A142. Witchford is therefore well-placed to access wider employment, education, retail, services and facilities.
- 7.47.2 The village itself offers a good range of services, including a shop with post office, churches, village hall and primary and secondary schools. Within the village there are a number of significant areas of open space, including common land. Pedestrian and cycle routes provide links to Ely, Lancaster Way Business Park, and neighbouring villages and the countryside.
- 7.47.3 Witchford is therefore suitably placed to accommodate significant growth.”
- 7.7 The site has been allocated for approximately 120 dwellings under policy Witchford 5, subject to significant landscape and noise buffer along the northern boundary, no impact on the safety/operation on the Village College and provide clear pedestrian/cycle routes to village facilities/centre.
- 7.8 With the site being allocated for development it adds weight that the site is sustainable in principle. The application is, therefore, considered to be acceptable in principle.
- 7.9 The remainder of the material considerations are detailed below.
- 7.10 Residential Amenity
- 7.11 The main source of noise pollution on the site comes from traffic using the A142. There is probably substantial noise from school children playing, but with this happening during sociable hours it is not considered to be a significant problem to overcome. The main concern in regards to noise is ensuring that people can sleep during the night time hours and can relax in their home/garden outside of typical work hours.
- 7.12 The Inspector on a nearby scheme (16/01019/RMM) stated:
- “The proposed development includes an acoustic bund which would be in the region of 2.7 metres tall and would be formed using a Tensar Earth Retaining System as the sides of the bund would be angled at 70 degrees. There would also be 2.7 metres high acoustic fences to plots 57, 88 and 89.
- The proposed bund would be located in the region of nine metres away from the rear of several of the proposed dwellings which back onto the A142. The plans indicate that the land levels of the rear gardens would be raised so that the noise bund would be in the region of 2.2 metres above the ground level on the side of the proposed dwellings. Notwithstanding that, given the height and steepness of the structure, and

the relative size of some of the garden areas, it would be a dominant feature when viewed from the ground floor of the proposed dwellings which back onto the bund and when the future occupiers utilise their rear garden areas. To my mind, this would result in an unacceptably dominant structure and would contribute to a poor standard of living conditions for the future occupiers of the development.

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

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

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

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

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

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

In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an

acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally.”

The Inspector concludes with:

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

7.13 Paragraph 180 of the NPPF states:

7.14 “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:  
mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”

7.15 The paragraph that relates to density in the NPPF (para 123) states:  
“as long as the resulting scheme would provide acceptable living standards”.

7.16 The developer is proposing a 3.1m noise barrier along the northern boundary (set adjacent to the A142) and along the eastern boundary; both bunds are separated from the proposed dwellings, one by an agricultural field and the second by indicative public open space that will prevent the barriers causing any harm to residential amenity. However, with the developer’s indicative layout this could still lead to 9 properties requiring either alternative ventilation or being smartly designed (no habitable windows on noisy elevations). With the proposal being up to 116, it would not be unreasonable at a reserved matters stage to expect only 107 properties if needed to overcome alternative ventilation. If the developer was requesting a higher number of dwellings, this would likely make it very difficult to overcome the noise issue as well assuring a good design/layout.

7.17 It is considered that the proposal provides a balance between optimising the land without leading to detrimental living standards for future residents; though the total final number of dwellings on the site may not be as high at 116 properties. To ensure that a suitable noise mitigation measure is brought forward prior to first occupation a condition will be needed.

7.18 It is expected that any reserved matters will be able to ensure suitable private amenity space, as defined with the Design Guide SPD.

7.19 It is considered reasonable to add conditions in regards to the need for a Construction Environmental Management Plan (CEMP), to ensure that no contamination is on site and to ensure construction work takes place during sociable hours. It will be expected that deliveries are arranged to avoid conflict with the start and end of the school day. While neighbouring properties are not usually consulted on discharge of conditions in this case it is recommended that the Witchford Village College is consulted.

7.20 A condition requiring fire hydrants should also be added to minimise the risk to life in the future.



- 7.21 The Environmental Health Officers comments in regards to air quality are noted and accepted, the proposal should not put people at risk of unacceptable air pollution.
- 7.22 On balance the proposal is considered to comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The proposal might not be considered to fully comply with policy LP26 of the Submitted Local Plan and the requirements of the NPPF due to the need for nine properties potentially requiring either alternative ventilation or being smartly designed, this weighs slightly against the application.
- 7.23 Visual Impact
- 7.24 The proposal seeks to develop a field that is located between the edge of the built form of Witchford and the A142. The A142 is considered to be a defining boundary to the village but the loss of the agricultural fields will cause some harm to the rural edge of the village. However, this harm is both expected when the site was allocated for housing and required in order to provide suitable housing provision for people needing to live within the district. The harm is, therefore, clearly outweighed by the public benefit.
- 7.25 The indicative landscaping of the noise barrier is considered to be of a high quality and follows the pattern of trees within the local area (copse of trees with some sparse planting). The earth bund, specifically along the A142 reflects what the Local Planning Authority has sought on edge of settlement developments in that it provides a gentle sloped bund where landscape can establish. With the landscape details being indicative more information (specific tree planting) is required but this can be sought as part of the first reserved matters application via a condition if this proposal is approved.
- 7.26 Mid 20<sup>th</sup> Century 'Council Housing' style housing defines the character of the area for Manor Road with later 20<sup>th</sup> Century housing defining Common Road. There is no reason that a developer would not be able to provide a suitable design that either enhances or preserves the character of the area.
- 7.27 The developer is indicating the majority of the public open space will be along the northern portion of the site that will help blend the built form into the rural countryside. It should be noted that these details are only indicative and would not form part of an approval. The reserved matters application(s) would need to demonstrate a suitable design.
- 7.28 The proposal is considered to comply with policies ENV1 and ENV2 of the Adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.
- 7.29 Highways
- 7.30 The proposal seeks to provide two vehicular access points; one onto Common Road and one onto Manor Road. It is indicated a circular cycle/pedestrian route will be placed around the proposed residential development.
- 7.31 It is known that there is a significant problem of commuter traffic on the A142 and that people use Main Street as a bypass to avoid queuing at the Lancaster Way roundabout. It is also known that the Witchford Road/A10 roundabout is not able to

accommodate the existing planned growth, let alone additional growth. Cambridgeshire County Council has commissioned a report in order to both detail and find a solution to the problem on these roundabouts and a draft report has been created.

- 7.32 The developments at North Ely, Lancaster Way and LIT2 are providing contributions/improvements towards the Witchford/A10 roundabout.
- 7.33 The developer is offering approximately £109,200 towards improving the Lancaster Way/A142/Witchford Road roundabout and this has been agreed with County Council as mitigating against the harm it will cause on the traffic flow on the A142.
- 7.34 The request for conditions in regards to promoting sustainable transport (Welcome Packs and bus stop upgrades) can be added as conditions to help encourage new residents to use the local bus service as well ensuring that the local infrastructure can cope with additional pressure.
- 7.35 The proposal will not be able to overcome the substantial deficient in investment into the highway network but will be able to ensure that it will not worsen the situation.
- 7.36 The developer is providing a 5.5m wide entrances to the site with 2m wide footpaths. While these footpaths are wide enough for general public use, they are not suitable for a main school route (3m wide footpath required). However, the developer is indicating a circular walk/cycle route and this could double as a safe route for school children as school entrance/leave times are always in daylight hours.
- 7.37 The road has not been designed to allow two busses to pass easily. However, this is not considered to be necessary by either the School or County Council. If required the proposal would allow a circular route for the school buses to take, which would help overcome where people are parking on street.
- 7.38 Witchford Parish Council requested the creation of a junction directly opposite the School entrance. However, this would create a highway danger and this is not what is proposed by the developer and the Highways Authority do not accept cross junctions.
- 7.39 It would not be practical for the developer to provide an access directly opposite Field End as it is outside of their site and would also very likely be objected to by the Local Highways Authority. The proposed access onto Common Road has been designed to ensure highways safety.
- 7.40 The Highways Authority have sought additional traffic calming measures adjacent the school as the developer is proposing two raised tables on Manor Road in front of the school.
- 7.41 If a reserved matters application is submitted, placing the visitor parking nearest to the School maybe of some merit in order to help accommodate any children being dropped off by car.
- 7.42 With the relative low density of the scheme it is considered possible to achieve two parking spaces per dwelling and space for secure covered storage of cycles. It is also expected that visitor spaces will be able to be accommodated on site in accordance with policy.

- 7.43 RECAP Guidance allows for waste/recycle collectors to enter private land in order to collect bins. The proposed design will, therefore, not be required to provide collection points for bins on the adopted road if private shared driveways/roads are required as long as it still meets with RECAP Guidance.
- 7.44 The proposal is considered to comply with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.45 Ecology
- 7.46 The Ecological Impact Assessment June 2018 has made recommendations in order to mitigate against the building of the proposal and seeks enhancements. It recommends that the enhancements should include wildlife friendly plants, SuDS, bat and bird boxes. These can be secured via conditions.
- 7.47 It is considered that the proposal will have minimal impact on existing biodiversity subject to mitigation measures on the site and proposed enhancement measures could be secured via conditions and at the reserved matters stage. The proposal is considered to be in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 7.48 Flood Risk and Drainage
- 7.49 The ditch along the northern boundary (between the residential element and northern noise barrier) is maintained by the District Council; while the ditch along the southern boundary (next to Manor Road) is a private ditch maintained by the landowner.
- 7.50 The Lead Local Flood Authority stated on 12 July 2018 that the drainage proposal of the developer is acceptable in principle. With no final layout being proposed, the final drainage strategy will be secured at reserved matters stage and via a specifically worded condition.
- 7.51 The maintenance of the drainage strategy will need to be within the S106 Agreement, with priority being given to it being adopted by a public body. The design of the proposal will also need to allow maintenance of the awarded ditch that defines the southern boundary of the site.
- 7.52 The proposal is considered to be in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018
- 7.53 Housing Mix
- 7.54 With the application being outline with all matters reserved, the overall housing mix would need to be agreed at a reserved matters stage if approval was given to this outline. However, it is noted that the developer is providing policy compliant 30% affordable housing (though negotiation on tenure split is ongoing) and this will need to be secured as part of a S106 Agreement.
- 7.55 Other Material Matters

- 7.56 In regards to education it is accepted that the County Council was not justified in asking for contributions for early years or primary provision. In regards to secondary school provision negotiation will need to be had over the final sum. It is accepted that technically the developer is paying for education provision within CIL; while Witchford, Ely and Littleport catchment areas are being reworked.
- 7.57 An archaeological investigation is considered reasonable and can be secured via a condition.
- 7.58 With the size of the development a condition should be added to ensure the highest reasonable broadband speed is provided, in order to help facilitate both modern living and potential to work from home.
- 7.59 With the large size of the scheme it is considered reasonable to require energy improvements above building standards to ensure the proposal meets with the requirements of sustainable development in accordance with policies ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2018.
- 7.60 Planning Balance
- 7.61 The Local Planning Authority is unable to demonstrate a continuous five year land supply and on this basis must determine applications in regards to paragraph 11 of the NPPF.
- 7.62 The benefits of this proposal is that it will provide up to 116 dwellings (including 30% affordable housing). The provision of public open space and SuDS is considered to be neutral, as in the long term this will mitigate against the development's own impact.
- 7.63 It is noted that the site was allocated for dwellings in the Submitted Plan that demonstrates that the site is in a sustainable location. This weighs in favour of the application.
- 7.64 It is noted that some dwellings might need to be designed taking road noise into account. This weighs slightly against approval being given for up to 116, but is not detrimental in its own right. It is still the Case Officers opinion that if more than 116 units were sought then on balance it would be recommended for refusal, due to seeking too many houses in areas where alternative ventilation would very likely be required.
- 7.65 It is considered that the proposal on balance is acceptable for up to 116 dwellings, subject to the recommended conditions and the completion of a S106 Agreement

## 8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellants through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local

planning authority has been able to provide evidence to justify a refusal reason or a condition.

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

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

- Site is allocated in the Submitted Local Plan and the Council cannot demonstrate a 5 year land supply.
- No objection from any statutory consultee, subject to suitable mitigation.
- No concern over air pollution

## 9.0 APPENDICES

9.1 Appendix 1 – Suggested Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00820/OUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Planning Team Leader
17/01575/OUM	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 18/00820/OUM Conditions

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

Plan Reference	Version No	Date Received
4746 - 52 -03	F	14th June 2018
Landscape/Visual Impact Assessment		14th June 2018
CSA/3295/126 B	B	14th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 4 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 The first reserved matters application shall provide full details of a cycle link running between Common Road and Manor Road across the site. The proposed cycle link(s) shall be constructed prior to occupation or in accordance with a timeframe agreed in writing with the Local Planning Authority.
- 5 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 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.

- 6 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 7 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.
- 7 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.
- 8 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).
- 8 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction.
- 9 No development shall begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before first occupation.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment prepared by Enzygo Environmental Consultants (ref: SHF.1132.102.HY.R.002.A) dated June 2018 and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- b) Full details of the proposed attenuation and flow control measures with priority given to the use of SuDS
- c) Temporary storage facilities if the development is to be phased
- d) 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;
- e) Full details of the maintenance/adoption of the surface water drainage system;
- f) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- g) A timetable for implementation

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

- 9 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work

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

- 10 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 10 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 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 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, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 12 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 13 As part of the first reserved matters a detailed landscape scheme based on drawing number CSA/3259/125 shall be submitted to and agreed in writing with the Local Planning Authority. The hard landscaping and earthworks shall be constructed prior to first occupation and soft landscape works within the first planting season prior to first occupation on within an agreed timeframe 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

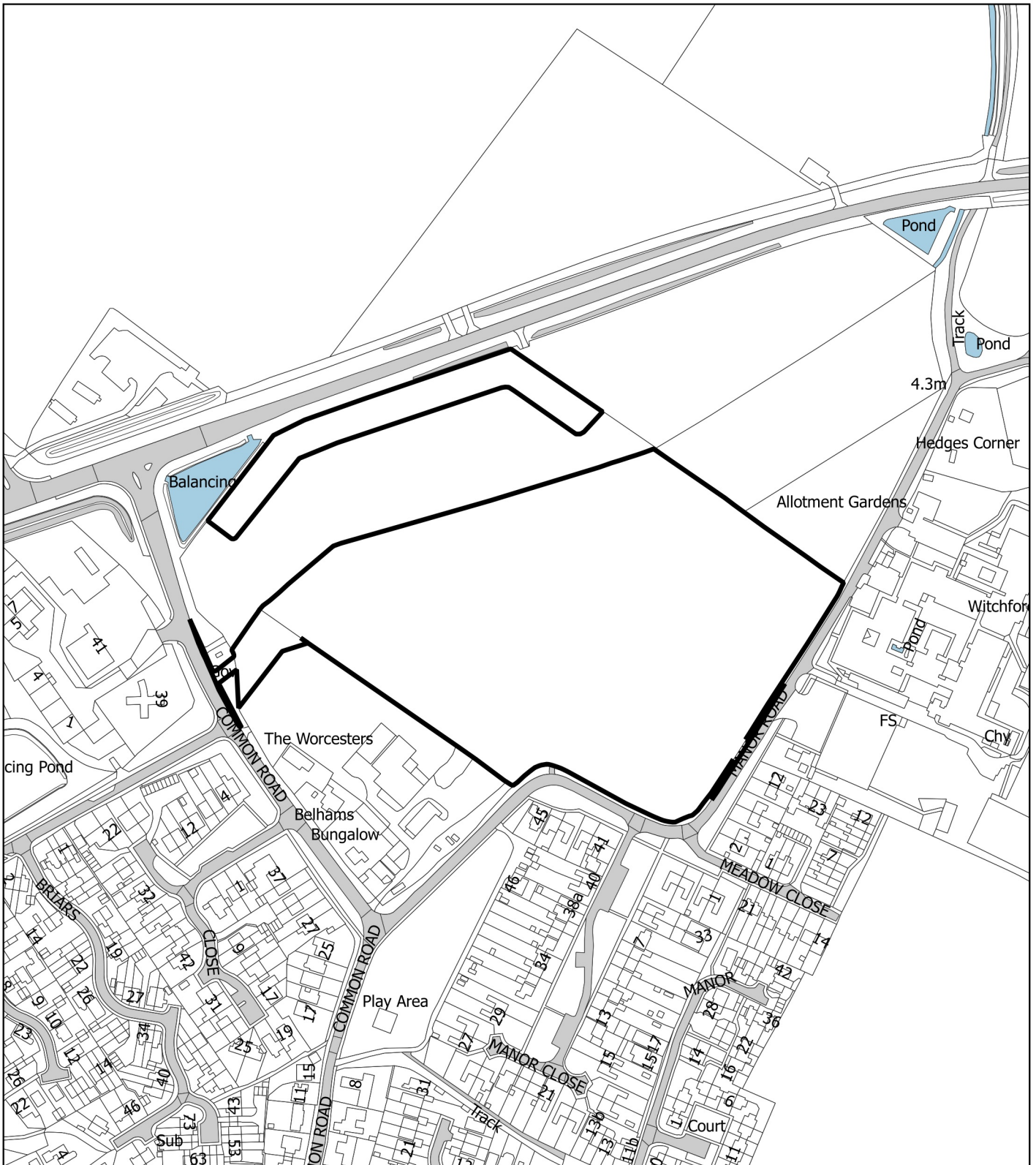


size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 13 Reason: To safeguard the character and appearance of the area and residential amenity, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 14 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport to be agreed in writing by the Local Planning Authority. This Residential Welcome Pack shall include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.
- 14 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 15 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.
- 15 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 16 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.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 17 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.
- 17 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 18 Prior to first occupation of the development the applicant shall provide a scheme to upgrade the bus stops south of Church View (on Main Street) to include the provision of raised kerbs at the Eastbound Stop (bus stop with existing shelter); and raised kerbs, timetable, and bus cage at the Westbound Stop. The agreed scheme shall be completed prior to first occupation.

- 18 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. This is a Grampian Condition, as the bus stops are on the public highway.
- 19 The development shall be carried out in accordance with all the mitigation measures stated in the Ecological Impact Assessment (June 2018).
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 20 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme for the provision of broadband shall be submitted to and agreed in writing with the Local Planning Authority. Development shall commence in accordance with the agreed details prior to first occupation.
- 20 Reason: In order to provide superfast broadband to the future occupants (including working from home) in accordance with Chapter 10 of the National Planning Policy Framework, policy LP16 of the Submitted Local Plan 2018 and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 21 All highway improvements as stated on drawing number 4746-52-03 F shall be completed prior to first occupation.
- 21 Reason: In the interests of safe and sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. This is a Grampian Condition, as it includes work within the public highway.





18/00820/OUM

Land Parcel South of  
A142  
Common Road  
Witchford



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:3,500



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**MAIN CASE**

**Reference No:** 18/00934/OUT

**Proposal:** Outline planning permission for the erection of 1No private detached dwelling

**Site Address:** 8 Malting Lane Isleham Ely Cambridgeshire CB7 5RZ

**Applicant:** Mr & Mrs Dixon

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

**Parish:** Isleham

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

**Date Received:** 16 July 2018      **Expiry Date:** 14<sup>th</sup> November 2018

[T124]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for reasons stated below:

- 1 The proposal would have an overly cramped appearance and a contrived layout due to its scale and proximity to the boundaries of the site. The proposal would be out of keeping with the appearance of the wider street scene, and does not respect the density of the dwellings in the vicinity. The application is contrary to Policy ENV2 of the Local Plan 2015, the Design Guide and Policy LP22 of the Submitted Local Plan 2017.
- 2 The proposal, by virtue of its scale and proximity to the site boundaries would create significantly detrimental impacts on the residential amenity of the host dwelling in terms of being overbearing. In addition, future occupiers of the proposed dwelling would experience poor levels of residential amenity due to overbearing from the adjacent dwellings. This is contrary to Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application is made in outline for the erection of a dwelling to include access, layout and scale. The dwelling is situated in the rear garden of the host dwelling with access shown from Croft Road.
- 2.2 The dwelling would be approximately 6.6 metres in height, with an approximate floor area of approximately 44 square metres.
- 2.3 Access would be from Croft Road and would provide 2 off road parking spaces, placed in a tandem immediately adjacent to the proposed dwelling and rear garden of the host dwelling.
- 2.4 The proposed dwelling would be sited in the middle of the overall plot of the host dwelling, however set to the northern end of the site with the garden concentrated to the south.
- 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 The application is brought to Planning Committee at the request of Councillor Beckett, which is copied below:

"I would like to call in the above application to committee, it is central to the village, in the development area, provides a small house affordable to a first time buyer. However I am not sure this outweighs the harm and feel it would best be discussed in a public forum."

## 3.0 PLANNING HISTORY

- 3.1
- |              |  |          |            |
|--------------|--|----------|------------|
| 17/00227/FUL | Proposed rear extension & internal alterations at 8 Malting Lane, Isleham. | Approved | 27.03.2017 |
|--------------|--|----------|------------|

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is within the development envelope for Isleham and it is not within the Conservation Area for the village. The site is within an established residential area which is predominantly semi – detached or terraced two storey dwellings. Each dwelling has a front and rear garden with parking limited to the front or side of each plot.

## 5.0 RESPONSES FROM CONSULTEES

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

National Grid – No objection subject to being aware of apparatus in the area.

Parish - No Comments Received

Ward Councillors – Councillor Beckett has requested the application is presented to the Planning Committee, for the reason given below:

“I would like to call in the above application to Committee, it is central to the village, in the development area, provides a small house affordable to a first time buyer. However I am not sure this outweighs the harm and feel it would best be discussed in a public forum.”

Local Highways Authority – No objections subject to a condition providing visibility splays.

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) – no objections subject to the payment towards the provision of bins.

Neighbours – 5 neighbours were notified and no responses have been received.

Site notice was displayed on a lamppost opposite the site in Croft Road.

## 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 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

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

## Flood and Water

### 6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 6 Building a strong competitive economy
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 11 Making effective use of land
- 15 Conserving and enhancing the natural environment

### 6.4 Submitted Local Plan 2018

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

### 7.0 PLANNING COMMENTS

#### 7.1.1 **Principle of Development**

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

7.1.2 The site is within the development envelope for the settlement of Isleham. Isleham is a large village with a number services and has a bus service to Newmarket and Cambridge daily during the week. The Vision for Isleham requires that development is located within the settlement boundary, although there is an allocated site for residential development identified. Development should meet the criteria within policy GROWTH2 of the East Cambridgeshire Local Plan 2015.

7.1.3 Policy GROWTH2 requires that any new development is contained within the development envelope assuming there is no significant impact on the character and appearance of the area and any meets any other planning considerations. On this basis in principle a dwelling in this location is considered acceptable as it is within



the development envelope for Isleham. The site is located within the defined settlement boundary of Isleham and therefore complies with Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015, and Policy LP3 of the Submitted Local Plan 2017 which seek to focus new development within the defined settlement boundaries.

#### 7.2.1 **Residential Amenity**

The main neighbours to be affected by the proposal are the; host dwelling; number 6 Malting Lane and 1 Croft Road.

7.2.2 The application demonstrates that a dwelling could be built on the site with no windows facing the neighbouring garden of number 6 Malting Lane. It is considered that whilst there may be some impact of dwelling being built in this location it is unlikely to cause significant harm by overlooking, loss of light or by way of being overbearing.

7.2.3 Number 1 Croft Road boundary is approximately 8 metres from the proposed dwelling and is separated by a footpath which serves the rear of dwellings 2, 4, 6 and 8 Malting Lane and a line of established leylandii trees. It is considered that the distance between the dwellings is unlikely to cause harm to the amenities of this neighbour.

7.2.4 The host dwelling currently has a rear garden of approximately 9.8 metres (width) by 25 metres (length). The host dwelling's rear garden would be reduced to 7 metres. This would still give it a garden in excess of the standard of 50 square metres, in accordance with the provisions of the Design Guide.

7.2.5 However it is important to consider that in 2017 planning permission was granted for a two storey rear extension at 8 Malting Lane, which has not been implemented and would extend 4.8 metres off the rear elevation. Whilst this has not been implemented if this extension was erected it would reduce the garden space to under the 50 square metres stated within the Design Guide. If implemented this extension and the proposed dwelling would be approximately 6 metres apart and this in itself would be an overbearing form of development. Even without the extension the proposal is overbearing on the adjoining host property. The rear elevation of the host dwelling would be approximately 9 metres from the side elevation of the proposed dwelling. This elevation is approximately 6.6 metres in height and would be overbearing on the private amenity area of the host dwelling. It is considered that this is contrary to policies ENV2 of the Local Plan 2015 and Submitted Local Plan 2017.

#### 7.3.1 **Visual Amenity**

Whilst the proposal is in outline and the details of its appearance and landscaping have not been submitted as part of the application, it does demonstrate scale and layout. The plan clearly shows that there would be limited space between the dwellings, particularly if the extension was implemented and this in itself provides a cramped form of development which is out of keeping with the character of the area.

7.3.2 Whilst a dwelling opposite has been erected at 2a Croft Road, this was on a plot which was significantly larger and followed an established pattern of development.

Number 2a has a reasonable front garden for parking and landscaping and a large rear garden for amenity purposes. 2a Croft Road is a detached 2 storey dwelling which has access from Croft Road. The plot is approximately 315 square metres and the original dwelling now has a plot size of 354 square metres. Clearly the site area of both plots are in excess of the 300 square metres as recommended in the Council's Design Guide. It also shares characteristics with the adjoining dwellings.

7.3.3 This proposal would be in line with the dwellings on Malting Lane and out of keeping with those on Croft Lane, for which would be its address and access point. The site would have parking to the side of the dwelling, shown to be in a tandem arrangement with minimal front garden. All of the private amenity space would be to the side of the proposed dwelling, which is not characteristic of the locality. The plot area of the site is approximately 180 square metres, which is well below the recommended size of 300 square metres within the Design Guide. Having such a small site it goes to demonstrate its cramped nature of the proposal.

7.3.4 It is considered that in siting a dwelling in this location it would be tantamount to a cramped form of development which would be visually out of character with its surroundings. A dwelling in this location is clearly contrived and out of keeping with the development pattern of the area. On this basis the proposal is considered to be contrary to policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2015.

#### 7.4.1 **Highways**

The application includes 2 parking spaces to the side of the proposed dwelling. It is considered that there is sufficient room on the site for the parking of two vehicles for the proposed dwelling, without detriment to the host dwellings existing parking arrangements. This complies with Policy COM8 of the Local Plan 2015 and LP17 of the Submitted Local Plan 2017. The Local Highways Authority has been consulted as part of the application and has raised no objections.

#### 7.5.1 **Ecology**

The site on the Case Officer's first visit had a number of trees to the boundary with Croft Road and did request details of these trees to be identified and plotted on a plan. On a second visit to the site, these trees had all been removed. Whilst the trees in the opinion of the Case Officer were not worthy of a Tree Preservation Order, they were of some quality which may have in turn required some alterations to the proposal had it been considered acceptable. On this basis it is considered the site has little ecological value, due to the loss of trees to the site. Any planning permission granted should include a condition which required biodiversity features to be included in the final construction of the dwelling.

#### 7.6.1 **Planning Balance**

In conclusion, it is considered that the proposal would cause significant harm to the character of the street scene and the visual appearance of the area by introducing a cramped and contrived form of development, out of keeping with the character of the area. In addition, the proposal would create significantly detrimental impacts on the residential amenity of neighbouring occupiers by virtue of its scale and position in close proximity to the boundaries of the site. The proposal would create overbearing impacts to neighbouring occupiers. Future occupiers of the dwelling

itself would also experience overbearing impacts from the neighbouring dwellings due to the cramped relationship. The application does not comply with Policy ENV2 of the Local Plan 2015, Policy LP22 of the Submitted Local Plan 2018, or the Design Guide, and is therefore recommended for refusal.

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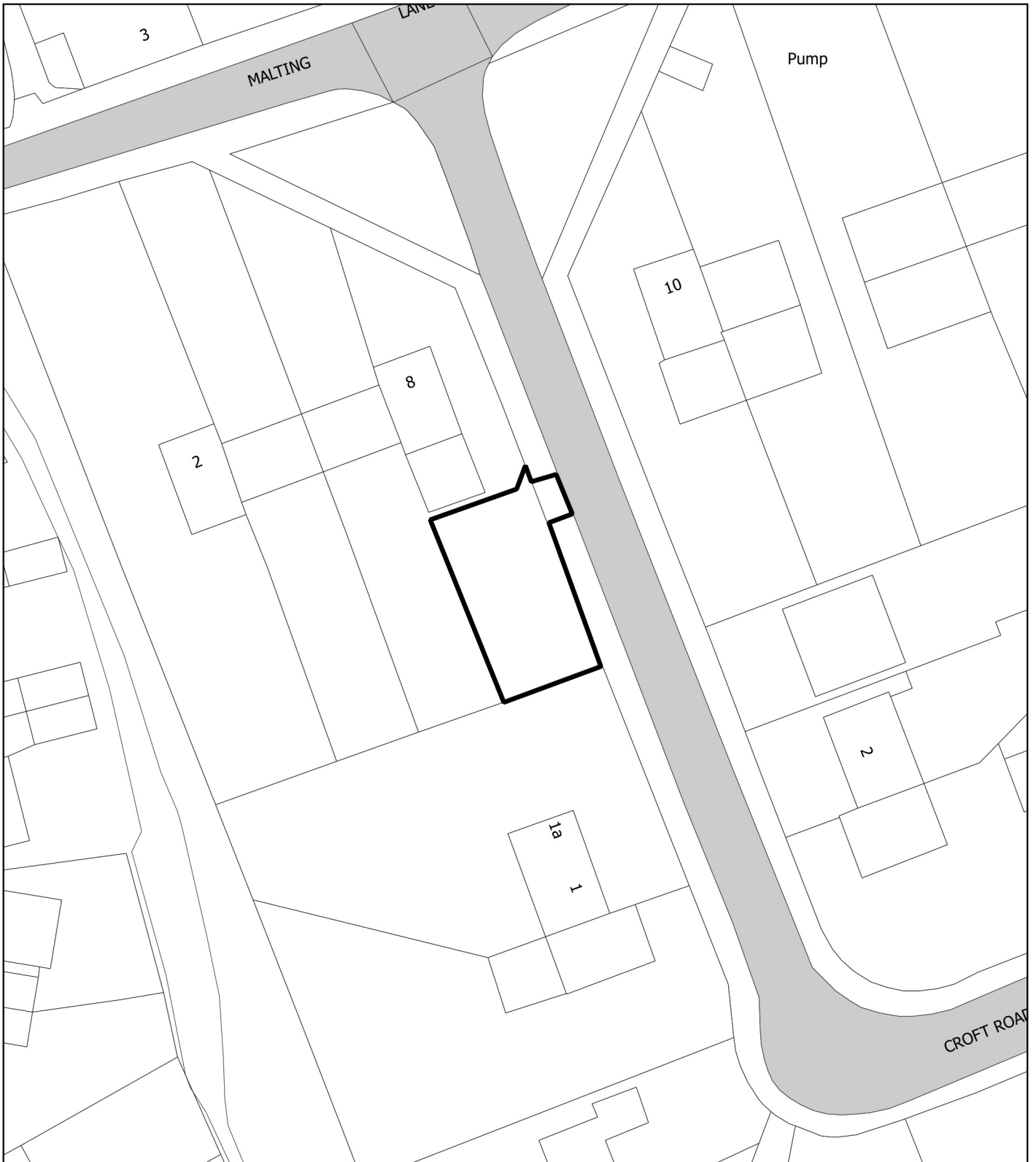
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00934/OUT	Toni Hylton Room No. 011	Toni Hylton Planning Officer
17/00227/FUL	The Grange Ely	01353 665555 toni.hylton@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/00934/OUT

8 Maltings Lane  
Isleham



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:500



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**MAIN CASE**

**Reference No:** 18/00986/OUT

**Proposal:** Outline application for the erection of seven dwellings and associated works

**Site Address:** Land Rear Of 9 West End Wilburton Cambridgeshire

**Applicant:** The Trustees Of B S Pell

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

**Parish:** Wilburton

**Ward:** Stretham

Ward Councillor/s: Councillor Bill Hunt  
Councillor Charles Roberts

**Date Received:** 17 July 2018

**Expiry Date:** 9 November 2018

[T125]

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1.0 **RECOMMENDATION**

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

- 1 Approved plans.
- 2 Time Limit - OUT/OUM
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Archaeological Investigation
- 7 Foul and surface water disposal
- 8 Construction hours
- 9 Biodiversity Improvements
- 10 Sustainable development -General Outline
- 11 Fire hydrant provision
- 12 Public footpath provision
- 13 Vehicular access

2.0 **SUMMARY OF APPLICATION**

2.1 Outline planning permission is being sought for the erection of 7 dwellings, with the matter of access being considered. Matters relating to appearance, landscaping, layout and scale are reserved. The proposal includes the provision of a new 1.8m

public footway connecting between the application site and the existing public footway further to the east of the site.

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

2.3 The application has been called-in to Planning Committee by Councillor Charles Roberts who believes that the application would benefit from full consideration and debate at Committee given the status of the District Council's Local Plan and the development boundaries.

### 3.0 PLANNING HISTORY

3.1 No relevant planning history.

### 4.0 THE SITE AND ITS ENVIRONMENT

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

### 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 Wilburton Parish Council - Object on the following grounds:

1. Outside development framework and no Community Land Trust involvement.
2. No provision for affordable housing.
3. Concerns over mains sewerage capacity.
4. Concerns over works being carried out if planning permission is granted. Should be between 9am and 4pm, due to major traffic through the village two hours prior to and after these times.

5.3 Ward Councillor Charles Roberts - Believes that the application would benefit from full consideration and debate at Committee given the status of the District Council's Local Plan and the development boundaries.

5.4 Local Highways Authority (comments received on 22<sup>nd</sup> August 2018, in relation to original plans submitted) – "The highways authority requests a holding objection for the following reason:

1. Inadequate pedestrian access to serve the proposed development, if permitted this would likely be detrimental to highways safety.

This objection could be overcome if a footway was constructed east along West End linking the proposed developments footway to the existing. This would provide a pedestrian link to the village and its amenities. West End is an A classified road with observed higher speeds than the posted 30mph speed limit. An uncontrolled pedestrian crossing point at this point would not be suitable and would likely be detrimental to highways safety and in particular vulnerable road users.

#### Additional Comments

The recommended footway leading east to the village can be achieved within the adopted highway (approx. 1.8m wide). There is no highways requirement for the footway proposed leading west along West End to the footpath that is stated as having permitted rights only.

The width of the junction for this number of dwellings should be a minimum of 5m and a maximum of 6m with 6m kerb radii. The internal road layout is not to a CCC adoptable standard and the number of dwellings accessed from this road is below the minimum number to qualify for highway adoption.”

Local Highways Authority (comments received on 13<sup>th</sup> September 2018, in relation to revised plan) – “After a review of amended drawing number TH01-18A I have no further objections.

#### Recommended Conditions

- Prior to first occupation a new 1.8m footway which links to the existing footway will be provided and constructed as per CCC specifications.
- HW11A – Vehicle access as per drawing number TH01-18A.”

Cambridgeshire Fire And Rescue Service – Requests Fire Hydrants are provided through Section 106 or planning condition.

Waste Strategy (ECDC) – “We would be grateful if the developer would confirm that the site road and turning head will be adopted and designed to safely allow a freighter to enter, turn and exit, vehicle dimensions can be supplied if required.

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

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

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

5.5 CCC Growth & Development - No Comments Received.

5.6 Environmental Health – “Under section 6 of this application the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

In addition, due to the proposed number of dwellings and the close proximity of existing residential properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

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

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA). Also, as it would appear from a satellite view that there may be the need to remove some greenery in order for this development to go ahead I would advise that there be no burning of waste on site during the construction or clearance phases. This is in order to protect existing nearby residents from smoke nuisance. Other than that, no issues, but please send out the environmental notes.”

5.7 Cambridgeshire Archaeology – “Records indicate that the site lies in an area of high archaeological potential, situated adjacent to Post-medieval great house and landscaped gardens (Historic Environment Record reference 05859), which has been replaced with post-medieval cemetery (12251). Located roughly 170m to the east of the application area is 13th century Saint Peter's Church (05869). Archaeological investigations to the east along the High Street have identified Bronze Age-Iron Age artefact evidence (MCB17366), Iron Age-Roman occupation evidence (MCB17549) and medieval to post-medieval remains (CB14607, MCB17549, CB14622, CB14623).” Do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured by a pre-commencement planning condition.

5.8 Anglian Water –  
Assets affected

“There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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 Wilburton Water Recycling Centre that will have available capacity for these flows.”

#### Used Water Network

“Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The discharge regime including details on whether this is a gravity or pumped solution have not be confirmed at this time. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.”

#### 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, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.”

#### Suggested Planning Conditions

“Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

- Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

- No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.”

5.9 Conservation Officer – “Given the indicative plan submitted with this outline I presently have no concerns that the development will affect the conservation area as this area meets a far corner of the site. However if the layout were to change from that indicated and the dwellings move closer to the Conservation Area I would have to reassess the implications.”

5.10 Neighbours – 11 neighbouring properties were directly notified of the planning application by letter. In addition, a site notice was displayed near the site on 26<sup>th</sup> July 2018 and a press advert was published in the Cambridge Evening News on 2<sup>nd</sup> August 2018. Responses have been received from occupiers of 4 nearby properties and these responses received are summarised below. A full copy of the responses are available on the Council’s website.

Old Vicarage - Objects

- Located outside of development framework, in countryside, contrary to Local Plan.
- Out of character with surrounding area and housing at western end of village.
- Would be harmful to character and appearance of rural area and environment.
- Would result in unsustainable development, promoting the need for vehicular traffic to access local services.
- Access on to the A1123 would be a major problem and risk to highway safety.

Scotland Cottage, 28 West End – Objects

Existing dropped kerb access to No.28 West End is directly opposite new entrance to proposed development. A1123 is a very busy road and raises highway safety concerns relating to cars attempting to join the A1123 from both the existing drop kerb access and the new development access at the same time.

Millfield House, 30 Stretham Road – Objects

- As applications outside of development frameworks are approved, gradually the unique character of the village will be irreversibly eroded.
- This highly unsatisfactory situation is exacerbated by the fact that applications are invariably for expensive large 4 or 5 bedroom homes, when the need is for affordable housing.
- The application appears to be for a small, exclusive development on a sizeable plot. Questions whether it is time for a more pragmatic and joint approach by the District Council, Parish Councils and the Community Land Trust so that some control is retained over what gets built.
- In current circumstances, the village "risks" watching the piecemeal building of large expensive homes within the village boundaries, whilst the CLT plans to destroy 40 acres of agricultural land in the interest of providing open space amenities (which the village already has), and affordable homes.

## 9 West End – Objects

- Concerns that the proposed development will result in an unofficial footpath over the grass at the front of No.9 West End.
- Concerns regarding impact of proposed development on nearby conservation area.
- Concerns if hedging and trees adjacent to boundary with No.9 West End are not to be retained.
- Concerns regarding overlooking and loss of privacy to No.9 West End.
- If approved, request that builders are responsible for erecting substantial boundary fences.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV11	Conservation areas
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

### 6.3 National Planning Policy Framework 2018

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

### 6.4 Submitted Local Plan 2018

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

## 7.0 PLANNING COMMENTS

- 7.1 The main issues to consider when assessing this application relate to the principle of development and the impacts on the character and appearance of the area, residential amenity, highway safety, drainage, archaeology and ecology.
- 7.2 Principle of Development
- 7.2.1 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.2.2 The benefits of this application are considered to be: the positive contribution of the provision of an additional 7 dwellings to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwellings.
- 7.2.3 The application site is located outside of, but adjacent to, the established development framework for Wilburton. West End is a 30mph speed limit road within the vicinity of the application site, though it is a busy through-route through the village. The proposed development would provide a new 1.8m public footpath connection between the application site and the existing public footpath located further east along West End. The proposed development would therefore provide a safe pedestrian route into the village. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is considered to be in a sustainable location.
- 7.2.4 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application. The main considerations in determining this application are therefore;

whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development.

### 7.3 Character and appearance of the area and nearby conservation area

7.3.1 Although this outline application only seeks for the matter of access to be agreed, due to the number of dwellings proposed and the indicative layout shown on the indicative site plan, it is likely that a future application for Reserved Matters would result in some development in depth rather than linear development fronting the highway. There is development in depth adjacent to the west of the site which goes against the predominantly linear grain of development in the area; the proposed development would therefore be in character with this. There are residential dwellings adjacent to the east and west of the application site, in addition to residential dwelling opposite the site on the north side of West End; therefore the proposed development would not appear isolated.

7.3.2 The application site currently comprises agricultural land, though it is currently well screened from the highway by trees and the topography of the land slopes upwards away from the highway which limits any significant and important views across the site. It is proposed that the existing trees would be retained, though some minor tree works would likely be required to accommodate the widened vehicular access. There are trees of significant value individually, however retaining those along the northern boundary of the site would aid assimilation of the proposed dwellings into the surrounding landscape and help to soften the visual impact. Due to the site being located adjacent to existing development and the views of the site from the highway not providing significant or important landscape views, in addition to the retention of the trees along the northern boundary of the site, it is considered that 7No. dwellings of a design and scale which is sensitive to the built form of the surrounding area could be accommodated within the site without significant and demonstrable harm being created to the character and appearance of the area. The proposed development therefore accords with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018 in respect of visual amenity and character.

One of the eastern corners of the site straddles a corner of the nearby conservation area. The Council's Conservation Officer has no concerns that the development will affect the conservation area as this area meets a far corner of the site. Matters relating to appearance, layout and scale are reserved as part of this application. However, in principle, it is considered that the site could accommodate 7No. dwellings without harming the character and appearance of the conservation area, in accordance with policy ENV11 of the East Cambridgeshire Local Plan 2015 and policy LP27 of the Submitted Local Plan 2018.

### 7.4 Residential Amenity

7.4.1 The indicate layout demonstrates that 7No. dwellings could be accommodated within the site with sufficient distancing from neighbouring properties to prevent any significant detrimental impacts being created upon residential amenity.

7.4.2 The plot sizes shown on the indicative plans exceed the guidance for building plot sizes in the Council's Design Guide SPD which should be a minimum of 300 square

metres. The indicative plans submitted also demonstrate that a private garden could be provided to the rear of the dwellings which exceeds the SPD guidance for private rear amenity space which should be a minimum of 50 square metres.

7.4.3 The Council's Environmental Health department have recommended a condition is appended requiring a Construction Environmental Management Plan to be agreed with the Local Planning Authority, however there are no exceptional circumstances in relation to the impact the construction would have on the residential amenity of neighbouring properties or highway safety which would warrant one. It is therefore not considered necessary to append a planning condition requiring this.

7.4.4 It is therefore considered that 7No. dwellings could be accommodated within the site without creating a significant detrimental impact upon the residential amenity of neighbouring properties, in accord with Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.

## 7.5 Highway safety

7.5.1 The proposal includes a new vehicular access and provision of a new public footway on the south side of West End. The proposed footway would link up to the existing footway further east along West End.

7.5.2 The Local Highway Authority originally requested a holding objection on this application due to inadequate pedestrian access to serve the proposed development. The Local Highway Authority stated its objection could be overcome if a footway was constructed east along West End linking the proposed developments footway to the existing, providing a pedestrian link to the village and its amenities. The revised plan has addressed the Local Highway Authority's holding objection as it includes the provision of a new public footway on the south side of West End which would link up to the existing footway further east along West End. This could be secured by a Grampian condition as the Local Highway Authority has confirmed that the recommended footway leading east to the village can be achieved within the adopted highway (approx. 1.8m wide).

7.5.3 The Local Highway Authority's original comments also stated that the width of the junction for this number of dwellings should be a min of 5m and a maximum of 6m with 6m kerb radii. This has also been addressed by the submission of the revised plan, following receipt of which the Local Highway Authority has stated that they have no further objections, subject to recommended conditions requiring the implementation of the new footway and the access to be constructed in accordance with the submitted drawing.

7.5.4 It is therefore considered that the proposed development would not create any significant harm to highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018.

## 7.6 Drainage

7.6.1 The application site is located within Flood Zone 1 where the principle of development is acceptable in flood risk terms. The application form states that surface water will

be disposed of via soakaways and foul water drainage will be disposed into the mains sewer.

7.6.2 Concerns have been raised by Wilburton Parish Council regarding mains sewerage capacity. However, Anglian Water has confirmed that the foul drainage from this development is in the catchment of Wilburton Water Recycling Centre which will have available capacity for these flows. Anglian Water has also stated that the development will lead to an unacceptable risk of flooding downstream and that they will need to plan effectively for the proposed development if permission is granted, working with the applicant to ensure any infrastructure improvements are delivered in line with the development. However, Anglian Water has recommended a condition is appended to any grant of planning permission requiring a foul water scheme to be agreed with the Local Planning Authority and implemented prior to occupation of the development.

7.6.3 With regard to surface water disposal, Anglian Water state that 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. Anglian Water has stated that the surface water information submitted with the planning application relevant to Anglian Water is unacceptable. However, it is normal practice for an acceptable surface water disposal scheme to be secured by a planning condition, with details being agreed in consultation with Anglian Water and the Environment Agency. The application form states that surface water would be disposed of via soakaways; these would be required to be provided on site if considered effective. Anglian Water recommend a condition is appended to any grant of planning permission requiring a surface water management strategy to be agreed with the Local Planning Authority.

7.6.4 It is therefore considered that, subject to conditions requiring a foul and surface water scheme/s to be agreed with the Local Planning Authority, the proposed development would not cause any significant detrimental impacts in respect of drainage, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2018.

## 7.7 Archaeology

7.7.1 Due to the potential for archaeological finds to be present within the site, a condition could be appended to the planning permission requiring an archaeological investigation to be carried out, at the request of the County Council Archaeology department. This will satisfy the requirements of policy ENV14 of the East Cambridgeshire Local Plan 2015 and policy LP27 of the Submitted Local Plan 2018.

## 7.8 Ecology

7.8.1 The application site does not display characteristics which provide a significant ecological habitat. Conditions could be appended to any grant of planning permission requiring the provision of biodiversity enhancements which could provide ecology enhancements. Landscaping could provide further biodiversity enhancements, however this matter is reserved as part of this planning application.

- 7.8.2 It is therefore considered that the proposal accords with policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018.
- 7.9 Other Material Matters
- 7.9.1 Due to the size of the development, there is no policy requirement for the provision of affordable housing or housing mix as part of this planning application.
- 7.9.2 Layout is not being agreed by this application and therefore the siting of dwellings is not being agreed. However refuse collection will collect bins from within a specified distance of the public highway, as detailed under RECAP guidance.
- 7.10 Planning Balance
- 7.10.1 The proposed development is for 7 new dwellings within a sustainable location due to its proximity to the development framework of Wilburton and proposed footpath provision. The indicative layout plan submitted with the application demonstrates that 7 dwellings could be accommodated within the site without causing significant and demonstrable harm to the character and appearance of the area, residential amenity, highway safety, drainage, archaeology or ecology. On balance, the proposed development could be achieved without creating adverse impacts that would significantly and demonstrably outweigh the benefits. Therefore it is recommended that the application is approved, subject to conditions.
- 8.0 APPENDICES
- 8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00986/OUT	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Senior Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk

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

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



## APPENDIX 1 - 18/00986/OUT Conditions

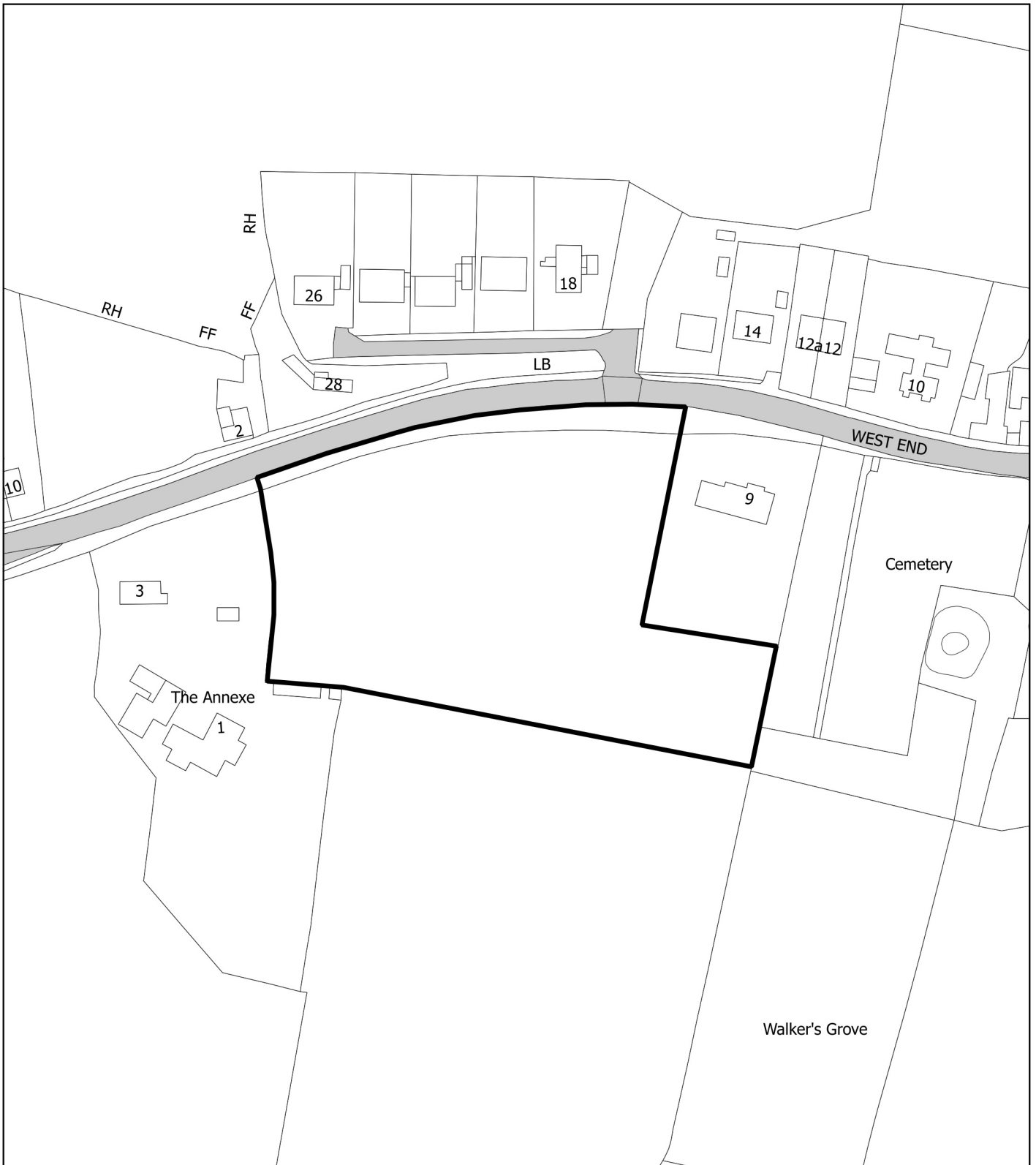
- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
LOCATION PLAN		17th July 2018
TH01-18A		29th August 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 No development shall take place until a scheme 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 the hereby approved dwellings.
- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00am-18:00pm each day Monday-Friday, 08:00am-13:00pm on Saturdays and none on Sundays or Bank / Public Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 9 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.

- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 10 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.
- 10 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2018. This condition is pre-commencement as some of the measures may be below ground level.
- 11 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 11 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 12 Prior to first occupation of the hereby approved development, the new 1.8m footway which links to the existing footway, as shown on drawing no. TH01-18A, shall be installed and constructed in accordance with Cambridgeshire County Council Highways specifications.
- 12 Reason: The application has been assessed as acceptable in sustainability terms, in accordance with policies GROWTH5 and COM7 of the East Cambridgeshire Local Plan 2015 and policies LP1 and LP17 of the Submitted Local Plan 2018, on this basis. This is a Grampian condition.
- 13 The hereby approved vehicular access shall be constructed in accordance with drawing no. TH01-18A and thereafter retained in perpetuity.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.



18/00986/OUT

Land rear of  
9 West End  
Wilburton



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 18/01008/FUM

**Proposal:** Warehouse storage extension to existing building

**Site Address:** IForce Ltd Elean Business Park Sutton Cambridgeshire  
CB6 2QE

**Applicant:** Mr D Williams

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

**Parish:** Sutton

**Ward:** Sutton

Ward Councillor/s:

Councillor Lorna Dupré

Councillor Lisa Stubbs

**Date Received:** 19 July 2018

**Expiry Date:** 12 November 2018

[T126]

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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 in the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit – FUL/FUM/LBC
- 3 Specified Materials
- 4 BREEAM
- 5 Biodiversity Improvements
- 6 Specified Use Class

**2.0 SUMMARY OF APPLICATION**

2.1 The application seeks permission for the erection of an extension to an existing warehouse for the purpose of storage and distribution of goods (B8 Use) as well as the assembly of mixed goods and their distribution. The warehouse extension would comprise 1,079 square metres of additional floor area located on the north side of one of the existing buildings on what is currently a hardstanding service yard between two of the applicant's buildings.

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 referred to the Planning Committee as it is a full application which falls within the category of major development (floor space of 1,000 square metres or more).

### 3.0 **PLANNING HISTORY**

- 3.1 75/00451/OUT – Granted permission for the erection of warehousing and associated roads and services.
- 3.2 99/00672/FUL – Granted permission for the erection of a steel framed building (B1 use).
- 3.3 15/00346/FUM – Granted permission for an extension to the warehouse building to the north of the application site and required a landscaping scheme for the open land to the east of the building.

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

- 4.1 The application site is located on the Elean Business Park on the east side of Sutton. The site is outside of the defined development envelope of Sutton but within the confines of the existing Business Park. To the immediate south of the application site is the building which is proposed to be extended which is a large commercial storage building in box profile cladding with a shallow pitched roof. There are windows to the front (west) side and large roller-shutter doors on the north side which provide vehicle access from the adjacent service yard. To the north is a similar building which serves the same business. To the west is the Elean Power Station and open land and to the east is open countryside which separates the business park from the western fringe of Witcham.

### 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.

**Sutton Parish Council** – has no concerns regarding the application.

**Lead Local Flood Authority** – has no concerns regarding the surface water drainage impact of the development as the building would cover an existing hardstanding. It also notes that surface water would be restricted for controlled release into the drainage system which it supports.

**Local Highways Authority** – no objections to the application in principle. The vehicle access for the site with the A142 is established and suitable for the proposed development. An informative is requested regarding any works within the adopted highway.

**Environmental Health** –given the location, no issue with noise is anticipated. In respect of proposed lighting, no issues are foreseen, however the applicant should be advised that the granting of planning permission does not confer immunity from action under statutory nuisance.

**National Grid** – no objection, but requests an informative be added to any decision in respect of its assets on or near the site.

**Natural England** – has no objection to the proposed development on the basis that it would have no significant impact on statutorily protected sites or landscapes.

**Ward Councillors** - No comments received

5.2 **Neighbours** – Two neighbouring commercial premises were notified no responses were received.

5.3 A site notice was displayed on site on 23 July 2018 and a press notice was published on 2 August 2018.

## 6.0 **PLANNING POLICY CONTEXT**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
EMP 2	Extensions to existing businesses in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

*ECDC Design Guide SPD – March 2012*

*Cambridgeshire Flood and Water – November 2016*

*Submitting planning applications on land that may be contaminated – January 2015*

*Developer Contributions – March 2013*

6.3 National Planning Policy Framework 2018

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6	Building a strong, competitive economy
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment

#### 6.4 Submitted Local Plan 2018

LP1	A Presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP8	Delivering Prosperity and Jobs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP22	Achieving Design Excellence
LP24	Renewable Energy and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character
LP30	Conserving and Enhancing Biodiversity and Geodiversity
Sutton3	Allocation Sites
Appendix B	Cycle Parking Standards

## 7.0 **PLANNING COMMENTS**

7.1 The application seeks permission for the erection of an extension to an existing warehouse for the purpose of storage and distribution of goods (B8 Use) as well as the assembly of mixed goods and their distribution.

### 7.2 **Principle of Development**

7.2.1 The Elean Business Park has a historic permission for commercial warehousing and is considered as allocated employment land in the adopted Local Plan 2015. It is a Strategic Employment Allocation within the Submitted Local Plan 2018 under policies LP3, LP8 and Sutton3 (SUT.E1).

7.2.2 Adopted policy EMP 1 supports the retention of land or premises which are currently used for employment purposes (B1, B2, B8 use classes) and the proposed development would comply with that requirement.

7.2.3 Adopted Policy EMP 2 supports the expansion of existing businesses in the countryside subject to the extension being for the purpose of the existing business and acceptable impacts on visual amenity, traffic generation and residential amenity.

7.2.4 The detailed impacts are considered below, however the development is considered to accord with current adopted policy regarding employment uses and the allocation of employment land and with the aspiration of emerging policy to see a greater use of the business park.



### **7.3 Visual Amenity**

- 7.3.1 The extension to the warehouse would be located fully within the confines of the business park and would be seen in wider views in the context of the existing warehouse buildings. It is of a similar overall scale to the existing building in terms of its eaves and ridge and is of a similar character. It would be finished in materials which would be of a similar appearance to than the existing building. The extension is set in from either end of the existing building and of no greater height meaning it would be screened by the existing building in views over land from the south east of the site.
- 7.3.2 It is not considered that the extension would result in any significant harm to the visual amenity of the area, either in views from within the park or distance views across the adjacent countryside. Given its location on an established business park it is not considered to adversely impact on the character or appearance of the countryside. A landscaping scheme has been required in respect of the permission previously granted to extend the building to the north of the application site. The landscaping has yet to be implemented, but when it is it would also provide beneficial screening and softening of the development proposed in this current application. No further landscaping is considered necessary in respect of the proposed development.
- 7.3.3 The application refers to the need for lighting which would be downward and inward facing to reduce light pollution to the wider area from the building. The lighting would be mounted on the building and would not need to be any greater than that which could be attached to the existing building without requiring planning permission. On that basis, the proposed development is considered to be acceptable in terms of the impact of the necessary associated lighting and no condition regarding lighting is considered necessary.
- 7.3.4 The proposed development is therefore considered to be acceptable in terms of its impact on the visual amenity of the area in accordance with adopted policies ENV 1 and ENV 2 and submitted Local Plan policies LP22 and LP28.

### **7.4 Residential Amenity**

- 7.4.1 The proposed development is situated approximately 500m from the nearest residential dwellings and is for the expansion of an existing use through the extension of an existing building. Given the spatial separation and the nature of the proposed use of the building, it is not considered that there would be any significant impact on the nearest neighbouring properties either in through the impact of the built form or noise from the proposed use.
- 7.4.2 The Council's Environmental Health Officer has considered that lighting may be required and does not foresee issues with what is proposed from a residential amenity point of view and has not requested a condition be applied to the lighting.
- 7.4.3 The proposed development is therefore considered acceptable in terms of its impact on residential amenity in accordance with adopted policy ENV 2 and submitted Local Plan policy LP22.

## **7.5 Highways**

- 7.5.1 The site would continue to be accessed via the internal business park estate road. The Local Highways Authority has confirmed that the established vehicle access for the site with the A142 is suitable for the proposed development. Given the existing use of the site and the fact that the building would be in warehouse use, it is not considered that a significant number of additional trips to the site would be generated.
- 7.5.2 The location for the extension would be on part of the service yard area which is currently occupied by some external storage of pallets and recycling. This limited external storage could be accommodated within the proposed building or elsewhere on the service yard so would not need to be displaced off the site. The plans submitted with the application demonstrate that a sufficient service yard would remain to allow HCVs to access the loading bays and turn on site before exiting onto the business park.
- 7.5.3 The host building and the neighbouring building to the north are operated by the same business. The land to the west of both buildings provides car parking for both buildings with a total of 114 spaces provided across the site. This is considered to be sufficient provision and the additional warehouse space, while significant, in terms of its floor area, is not considered likely to generate a significant additional parking demand. The applicant states that there are currently 50 full time equivalent employees and that two additional full time equivalent posts would be created. The applicant currently operates a Green Travel Plan for the site and its operation would include the new building in the promotion of sustainable transport to the site. As a result, it is not considered that further parking provision is required in respect of the proposed development.
- 7.5.4 The proposed development is therefore considered to be acceptable in terms of its impact on highways and its parking provision in accordance with adopted policies ENV 2 and COM 8 and submitted Local Plan policy LP17.

## **7.6 Ecology**

- 7.6.1 While the site is currently covered in hardstanding and occupies a site on the business park, it is within the outer limit of the Impact Zone for the Hundred Foot Washes Site of Special Scientific Interest (SSSI) Impact Zone. Natural England have therefore been consulted and have stated that the proposed development would not have any significant adverse impacts on statutorily protected sites or landscapes. Given the existing nature of the site its potential for biodiversity interest is extremely low and the development of the site is not considered to harm ecological interests either on or off site, including the relatively distant SSSI.
- 7.6.2 It is not considered necessary to require any ecological mitigation for the proposed development which is therefore considered acceptable in terms of its ecological impact in accordance with adopted policies ENV 2 and ENV 7 and submitted Local Plan policy LP30.

7.6.3 In accordance with adopted policy ENV7 there is an expectation that all development should maximise opportunities for the enhancement of ecological habitats. In this case it is considered that this could be achieved through a scheme for the provision of building mounted bird boxes. A condition would be applied to the permission requiring a scheme of enhancement prior to the first occupation of the building.

## **7.7 Flood Risk and Drainage**

7.7.1 The site is within Flood Zone 1 and is currently entirely laid to hardstanding. It is therefore not considered that the proposed extension would result in any loss of permeable land or any increased surface water run-off. Drainage runs may have to be moved to accommodate the extension, but there is no obvious impediment to achieving this within the site. It is therefore not considered necessary to apply conditions relating to the provision of drainage details as green-field run-off rates would be maintained.

7.7.2 On the basis of the above, the proposed development is considered to be acceptable in terms of flood risk and drainage and to accord with adopted policy ENV 8 and submitted Local Plan policy LP25.

## **7.8 Energy and Water Efficiency and Renewable Energy**

7.8.1 As the extension would provide over 1,000sqm there is a requirement for the building to meet BREEAM Very Good standard or equivalent (policy ENV4). To ensure the building is sustainable in terms of energy and water consumption and to achieve compliance with adopted policy, a condition requiring that the development meets BREEAM standard Very Good or equivalent would be applied to the permission.

## **7.9 Planning Balance**

7.9.1 The proposed development is in accordance with adopted and emerging policies for the location of warehousing uses on the established business park. The development would make better use of the existing site by increasing the warehousing capacity while retaining the necessary functions associated with the service yard. It would not cause any significant harm to the character of the area, residential amenity, highway safety or capacity, parking provision, ecology, flooding or drainage. The development is considered to be sustainable and would be conditioned to be efficient in terms of water and energy use.

7.9.2 The application is therefore recommended for approval, subject to conditions.

## **8.0 APPENDICES**

8.1 Appendix 1 – List of Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01008/FUM	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

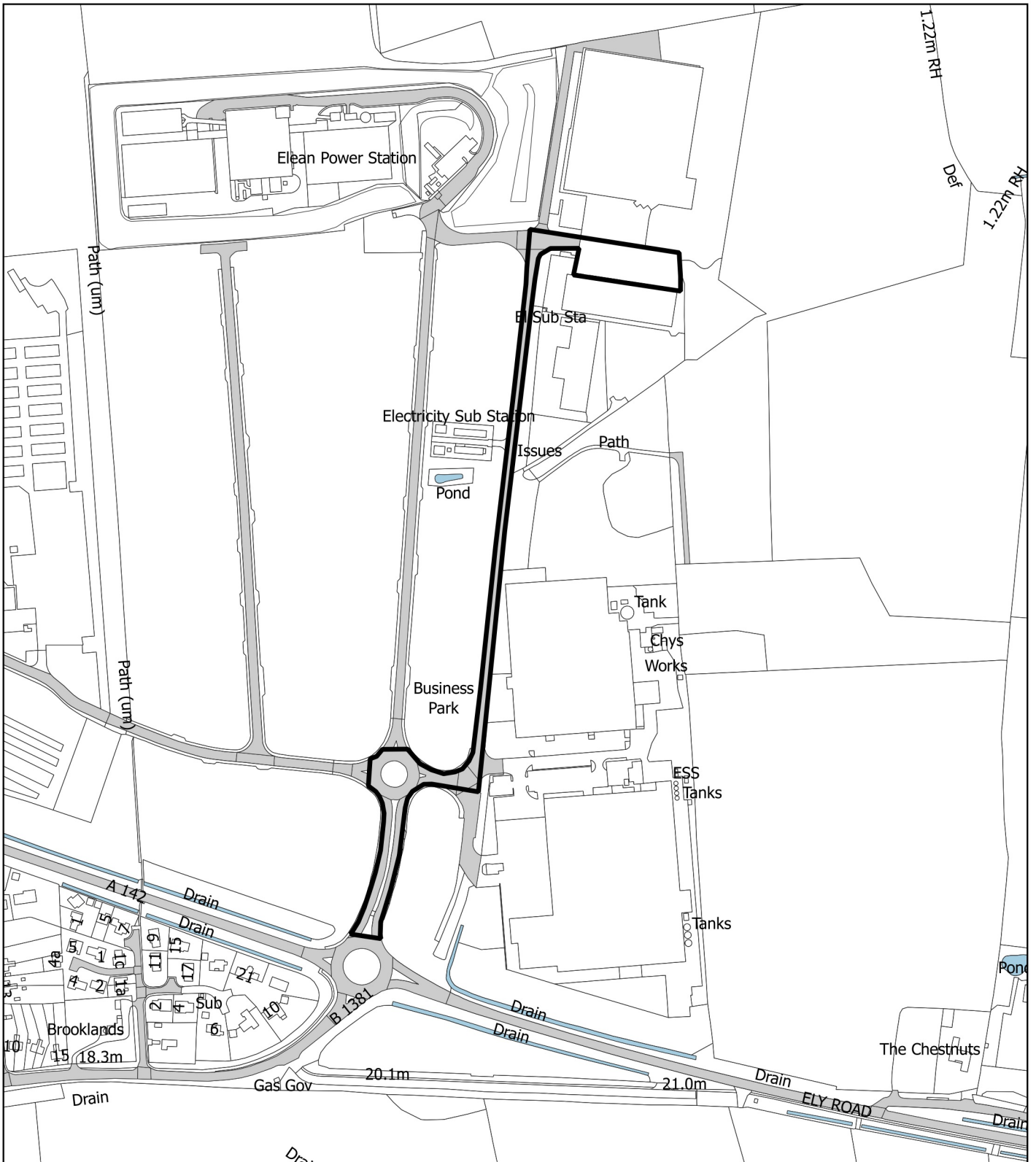
## APPENDIX 1 - 18/01008/FUM Conditions

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

Plan Reference	Version No	Date Received
3355/18/1		18th July 2018
OS PLAN		18th July 2018
3355/18/2		18th July 2018
3355/18/3		18th July 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces, including walls, roof, windows and doors, shall be as specified on the application form and approved drawing 3355/18/1a. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 4 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.  
A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Proposed Submission Local Plan 2018.
5. Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
5. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.

6. The warehouse extension hereby permitted shall be used for purposes within use Class B8 of the Town and Country Planning (Use Classes) Order 2015, as amended, with ancillary use within use Class B2 of that Order and for no other purpose or class usually permitted by the order.
  
6. Reason: To ensure the building is used as described in the submitted Design and Access Statement and to ensure additional impacts that might result from other uses are controlled.



18/01008/FUM

IForce Ltd  
Elean Business Park  
Sutton



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:4,500



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**MAIN CASE**

**Reference No:** 18/01053/OUM

**Proposal:** Outline planning application for erection of up to 53 houses on land to the east of Sutton to include public open space and details relating to access

**Site Address:** Land Rear Of Garden Close Sutton Cambridgeshire

**Applicant:** Endurance Estates Strategic Land Limited

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

**Parish:** Sutton

**Ward:** Sutton  
Ward Councillor/s: Councillor Lorna Dupré  
Councillor Lisa Stubbs

**Date Received:** 27 July 2018      **Expiry Date:** 9<sup>th</sup> November 2018  
[T127]

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to delegate approval of this application to the Planning Manager subject to the completion of a S106 Agreement and subject to the draft conditions below (with any minor revisions to the conditions delegated to the Planning Manager).
- 1.2 The full planning conditions can be read in full on the attached Appendix 1.
- 1 Approved plans
  - 2 Time Limit –OUM
  - 3 Time Limit – OUT/RMM
  - 4 Number of dwellings
  - 5 Fire Hydrants
  - 6 Construction and delivery times
  - 7 CEMP
  - 8 SUDS
  - 9 Management and Maintenance of SUDS
  - 10 Energy and Sustainability Strategy
  - 11 Biodiversity Improvements
  - 12 Contamination
  - 13 Remediation Strategy
  - 14 Programme of Archaeological Works (WSI)
  - 15 Foul and Surface Water



- 16 Welcome Travel Packs
- 17 Roads and Footways
- 18 Maintenance of internal roads
- 19 Arboricultural Method Statement
- 20 Replacement Tree Plan
- 21 Tree Works
- 22 Woodland Management Plan
- 23 Protection of key views

## 2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks outline planning permission for up to 53 dwellings, 30% of which would be affordable, together with associated development including open space as well as a nature reserve. Access is to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.
- 2.2 The application has been accompanied by the following documents:
- Archaeological Evaluation
  - Design and Access Statement
  - Ecological Assessment
  - Flood Risk Assessment
  - Heritage Statement
  - Landscape Impact Assessment Plan
  - Landscape and Ecology Management Plan
  - Phase 1 Ground Conditions Assessment
  - Planning Statement
  - Renewable Energy and Water Consumption Assessment
  - Statement of Community Involvement
  - Transport Statement
  - Tree Survey
  - Utilities Statement
- 2.3 An illustrative Masterplan has been submitted with the application and this indicates the following accommodation mix:
- 8 x 2 bed houses
  - 1 x 2 bed bungalow
  - 24 x 3 bed houses
  - 10 x 4 bed houses
  - 2 x 1 bed apartment
  - 8 x 2 bed apartments
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.5 S106 negotiations are ongoing, however, a S106 Agreement would secure:

- Affordable Housing
- Public Open Space (management and maintenance thereof)
- Nature Reserve (LEMP - management and maintenance thereof)
- Education and libraries and lifelong learning

2.6 This application is being considered by Committee in view of the number of dwellings proposed which exceeds the 50 dwelling threshold as set out in the Council's Constitution

### 3.0 **PLANNING HISTORY**

3.1 .

17/01445/OUM	Outline planning application or the erection of up to 53 houses to include public open space and details relating to access	Refused on 3.01.18 Appeal decision pending
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17/00633/  
SCREEN

SCREENING OPINION – 04.05.2017  
outline planning application for up to sixty houses including affordable housing with associated open space, local area of play, green infrastructure, vehicular and pedestrian accesses and landscaping at the site.

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

4.1 The site extends to approximately 3.1 ha and is situated outside the established development envelope of Sutton. The site adjoins the settlement boundary to the north and west, which marks the edge of the built-form of the village with modern residential development in Garden Close and a more historic pattern of development along Station Road. The applicant has stated that the site consists of primarily mown amenity and grazing land. A number of ponds and water features are located in the south-eastern corner of the site and the site is bounded by hedgerow and woodland to the south and open land to the east. The Sutton Conservation Area adjoins the northern boundary of the site and there are a number of listed buildings on Station Road and within close proximity of the site, including

## 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.

### **Ward Councillors –**

24.08.18 In the diagrams on PP12 and 14 of the DAS it is stated that Station Road Sutton leads to Wilburton. In fact, Station Road is a cul de sac, and the village's vehicular connection to Wilburton is via the A142, A1421 and A1123. Is this a genuine error, or are the applicants attempting to give the impression that Sutton has better road connections than it actually does? It is not a claim that was made in the Design & Access Statement for the 2017 (refused) application.

The statement significantly overstates the bus service available to Sutton, which will reduce again with effect from 1 September.

18.08.18 This outline application, like application 17/01445/OUM before it, is for 53 dwellings, which is substantially more than the 25 dwellings allocated in the Submission Draft of the East Cambridgeshire Local Plan. As such, it represents considerable over-development of a site whose proposed sole access is through a small, quiet cul de sac of existing residential dwellings. The application also occupies a larger site footprint than that allocated in the Submission Draft.

The reason given for the density in the Submission Draft is to maintain residential amenity and enable mature trees and hedgerows of value to be retained. The landscape amenity of the site is important to the local community, as attested in the response by the Sutton Conservation Society to application 17/01445/OUM, and as they will no doubt be reiterating in a response to this iteration.

The site is prone to serious water and drainage issues, as residents who witnessed the building of other properties nearby will attest. This part of the village slopes south, with a Kimmeridge clay base. Rainwater runs down all the slopes south of the High Street, with considerable force in heavy rainfall (an increasing phenomenon). Residents in nearby Link Lane live in regular fear of flooding from rainfall which does not drain properly. A spring runs along the High Street, and water percolates through the top layer; on reaching the impermeable clay it emerges by whatever route it can. Red Lion Lane, further to the west, also slopes down from the High Street and has seen water emerge continuously part-way down the slope creating a slip hazard which caused a resident to badly break a leg; recent attempts to remedy the water issues here have failed. There are potential signs that this may also be happening in Oates Lane, to the north west of the application site. I have been called upon by one resident near the application site whose garage regularly floods through the floor. These issues will not be easily remedied, and if this appeal is granted there is a risk that whoever eventually acquires the site from Endurance will be unable to develop it economically, leaving a blighted site.

This application overlaps the submission of an appeal by Endurance against refusal of their earlier application, for the same site footprint with the same number of dwellings. The two applications appear to differ only in the layout of the 53 dwellings on the site.

However, as both are outline applications, the indicative layout suggested by Endurance is immaterial to the determination of this application or indeed the appeal. Residents of the easternmost properties in Garden Close were promised a buffer of land between their homes and the development in the original (currently appealed) application. This buffer appears to have been partially lost in the fresh application, which promises instead a reconfiguration of the site to respect historic views of the listed church, and a bungalow at one location on the site where originally a two-storey dwelling was shown. However, as approval is not being sought for the layout of the site, these and other promises carry no weight—especially as the promise of the ‘buffer’ already appears to have been compromised in the fresh application.

Vehicle access onto the High Street from the site via Lawn Lane is problematic, with vehicles parked on either side of the junction seriously impairing visibility. A development of 53 dwellings is liable to result in over 100 additional vehicles regularly entering and leaving the site, adding to the pressure on the village road network. The village’s bus service has been reduced in recent years, to an unreliable two-hourly service which means that a 15 minute journey to Ely each way for a brief dental or other appointment can take half a day. Proximity to a bus stop is an insufficient measure of the convenience of local public transport.

### **Parish - Objects**

- Citing the same objections as the first application and to include two other planning related reasons that ECDC planning officer referred to in the report to the planning committee:
- Outright refusal of the application
- Significant development in the location nor preferred by the parish council or residents
- Impact on view, development should not be above bungalow height
- Concerns regarding surface water drainage
- ECDC committee to determine the application.

*Reason for refusal 2: The scale and form of the proposed development does not accord with draft allocation SUT: H2 in the proposed Submission Local Plan. By extending the built form further north and south and increasing the density of the scheme from that envisaged by the draft allocation it is considered that the proposal would extend the village further into the countryside, to the detriment of the character and visual amenity of the area. The scheme as proposed fails to respect its edge of settlement location and brings it into conflict with Policy ENV1 of the East Cambridgeshire Local Plan and Policy LP28 of the Proposed Submission Plan and relevant policies within the National Planning Policy Framework that seek to conserve and enhance the natural environment.*

*Reason for refusal 3: The proposed development includes a comprehensive scheme of mitigation for the loss of habitats and woodland features on site including the creation of a nature reserve to enhance and protect the local Great Crested Newt population. These measures can only be considered satisfactory on the basis that their long-term future is secured. The applicant*

*has failed to provide sufficient detail in respect of the management and maintenance of the on-site biodiversity features in the long-term. In addition the applicant has failed to demonstrate that the construction of the dwellings and any necessary dewatering of the site would not cause irreparable damage to the Great Crested Newt habitats on and off the site. The proposal is therefore considered to be contrary to Policy ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP30 of the Proposed Submission Local Plan and relevant policies within the National Planning Policy Framework that seek to conserve and enhance the natural environment.*

#### **Anglian Water Services Ltd – No objection**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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.

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

#### **The Ely Group of Internal Drainage Board - No Comments Received**

#### **Natural England - No Comments Received.**

However, Natural England assessed the previously refused application and made the following comments.

*Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Ouse Washes SPA and Ramsar has been classified. Natural England therefore advises that the LPA is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.*

*In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Ouse Washes SSSI has been notified.*

*Natural England has not assessed this application and associated documents for impacts on protected species.*

**Historic England** - No comments to make.

**Cambridgeshire Archaeology** - No Comments Received

**Cambridgeshire County Council Education** – No Contributions required for primary schools as there is already capacity. A Contribution would be required for secondary education, libraries and lifelong learning.

**Cambridgeshire Fire And Rescue Service** – No objection. Would ask that adequate provision be made for fire hydrants.

**Cambridge County Council - Local Highways Authority** – No objection subject to conditions.

This is an all matters reserved accept access application however I have the following comments on the illustrative layout plan:

- The internal layout is not to an adoptable standard
- There are limited footways next to the roads and the majority of pedestrian connectivity is through POS
- Residents/pedestrian access is on to the carriageway/s not shared use areas. (The use of Shared Use Areas is currently under review by the DFT)
- The highway authority does not adopt POS or footpaths through these areas, SUDs, Swales, Areas of water filtration or attenuation, visitor parking bays unless they serve a highway function)

The Transport Assessment Team has not commented on this scheme however, commented previously that: *the applicant has demonstrated that the above committed developments have been considered within the original junction capacity assessment. The capacity assessment demonstrates that the development will not cause detriment to the junctions assessed. This is acceptable for use.*

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

**CCC - Lead Local Flood Authority** - No objection subject to conditions

The above documents demonstrate that that surface water can be dealt with on site by using swales, permeable paving, rain gardens and attenuation basins, restricting surface water discharge to 2l/s into an ordinary watercourse on the southern boundary

The LLFA is supportive of the use of the proposed SuDS features as in addition to controlling the rate of surface water leaving the site they also provide water quality treatment which is of particular importance when discharging into a watercourse.

Residual flood risk both on and off site from overland flows and groundwater/springs has also been considered and suitable mitigation measures have been incorporated.

**Technical Officer Access – No objection**

Good lighting required particularly on the footpaths. No provision for visitor parking. Concerns on the increased traffic on other roads nearby. Look forward to seeing more detailed plans.

**Senior Trees Officer – No objection subject to conditions.**

**Conservation Officer - No Comments Received.** Any comments will be reported to Committee.

**Environmental Health - No objection**

Subject to conditions governing the construction and delivery times and a CEMP. Previous comments regarding the pumping station have been referred to the need for further details regarding the plant.

The Scientific officer had no objection to the scheme initially subject to the imposition of the standard contaminated land conditions are attached to any grant of permission.

**Strategic Planning - No Comments Received.** Any comments will be reported to Committee.

**Housing Section – No objection**

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

All new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.

Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis.

Should consent be granted, I would request a s106 Agreement containing the following Affordable Housing provisions:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).

3. That the tenure of each dwelling will be Affordable Rent or shared ownership, and no subsequent alteration will be permitted without the Council's prior approval.
4. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
5. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
6. That occupation will in accordance with a nomination agreement.
7. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

**Waste Strategy (ECDC)** - No objection subject to conditions and informatives

**Design Out Crime Officers** – No objection

I have inspected the amended Design and Access Statement and Planning Statement. It is clear that the design team have considered some elements of Crime and Community Safety and the indicative proposals for this site would appear to be acceptable. Should this Application secure Outline approval could I please request early consultation to ensure that the detailed development and layout design, fully addresses vulnerability to crime.

**Cambs Wildlife Trust** - No Comments Received to this application. However, they had no objection initially subject to appropriate conditions covering ecology including the recommendations relating to protected species in the Ecology Report, and the completion of the S106 Agreement to include the proposed ecological requirements as set out in the Heads of Terms document.

**NHS England** - No Comments Received

Neighbours – A site notice was erected on 2<sup>nd</sup> August 2018 and the application was advertised in the Cambridge Evening News on 9<sup>th</sup> August 2018. 40 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

*Policy*

- Alternative site already allocated in local plan
- Non conformity with policy
- Neighbourhood plan
- Site for 25 properties not 53
- Unbalanced level of development in contrast to other villages
- Outside of the development envelope

*Visual amenity*

- Visual amenity
- Street scene
- Form and character

*Residential amenity*

- Loss of privacy



- Overlooking
- Noise
- Loss of light
- Amenity of future occupiers in terms of garden sizes etc.
- Proximity to existing dwellings

#### *Historic Environment*

- Conservation Area
- Views of listed building

#### *Natural Environment*

- Trees
- Landscape
- High Landscape value
- Loss of habitats
- Great crested newts

#### *Infrastructure*

- Surface water drainage
- Foul water drainage
- Groundwater and flooding
- School at capacity
- Lack of facilities and services
- Change in dynamics of occupiers
- Maintenance responsibilities of SUDS
- Garden grabbing
- Pumping station already unable to cope with existing development

#### *Highway safety*

- Parking and turning
- Additional traffic on to local road through a conservation area
- Right of Access
- Public Right of Way
- Visibility at junction restricted

#### *Design*

- No ridge height mentioned
- Density of development too high

#### *Other issues*

- Reduces the viability of the development sites preferred by local people to provide enhanced local amenities
- Lack of local support
- Information submitted is misleading and confusing those unfamiliar with planning
- The Cheffin's document is misleading.
- No evidence that the village supports the application.
- No evidence of economic benefits.
- Two developers since the refusal by the Secretary of State in 1988 have looked at the site.

- No unmet demand for houses on this scale in the village.
- No evidence that business parks are craving employment. At least two working occupants will travel through the village.
- Junction of High Street/Church Lane/Station Road often blocked by HGVs. Accidents on this corner can be anticipated.
- Density would overwhelm area/Conservation Area.
- Value of Rathmore (listed building) is in setting in Conservation Area with grassland below it.
- No reference to underground spring and the consequences.
- Land adjacent to historic livestock farm. Strong odour issues at certain times of the year.
- Rathmore has an easement to pass foul water through the drain that crosses the land to join the public sewer.
- Recreation ground is a very well used resource contrary to comments made and is waterlogged in the winter.
- Site was not included in current Local Plan as it was not favoured by village residents, had high landscape value and was important to ecology. None of these factors have changed.
- Still concern regarding the spatial distance between the new development and that of 10 Oates Lane and is privacy boundary enforceable. Request that a minimum distance of 25m be retained between the Oates Lane boundary to the end of any garden in the development and that any house is single storey or if not any windows facing 10 Oates Lane be non-opening and obscure glass. Moreover, that the intervening land is not accessible.
- There is ambiguity and uncertainty regarding the root protection areas and the development is still too close to the trees in the north-west corner for them to survive undamaged. There are discrepancies between the applicant's tree survey and the tree survey obtained by 10 Oates Lane.
- Concerned that dwelling closest to 10 Oates Lane will be overshadowed by trees and any loss of boundary trees will be to detriment of privacy of 10 Oates Lane and impact character of area.
- Repeat request for houses to be moved away from the boundary with 10 Oates Lane.
- All other objections previously submitted remain.
- Consider that the site is unviable.
- No need for 53 houses
- Availability of more suitable sites

## **6.0 THE PLANNING POLICY CONTEXT**

- 6.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination

of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

6.2 Those policies of relevance to the scheme are:

*East Cambridgeshire Local Plan 2015*

GROWTH 1	Levels of Housing, Employment and Growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
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

Part Two: Village/Town Visions: Sutton

*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

*National Planning Policy Framework 2018*

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

*The Submitted Local Plan 2018*

The Council submitted the Local Plan Review to the Secretary of State in February 2018 and an Independent Examination in Public is underway. It is anticipated that the Local Plan will be formally adopted in late 2018.

Those policies of relevance to the application are:

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP21 Open Space, Sport and Recreational Facilities
- LP22 Achieving Design Excellence
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP31 Development in the Countryside

Policy SUT. H2 - land east of Garden Close

#### *Planning Practice Guidance*

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

## **7.0 PLANNING COMMENTS**

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

- principle of development;
- visual amenity;
- historic environment;
- residential amenity;
- highway safety;
- flood risk;
- drainage;
- biodiversity and ecology;
- Other matters;

### **7.1 Principle of Development**

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

sustainable development, as set out in the revised version of the NPPF, the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018.

- 7.1.2 Para 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, the presumption in favour of sustainable development does not change the statutory status of the development plan.
- 7.1.3 The Council is currently unable to demonstrate a five year housing supply and therefore the policies within the Local Plan which relate to the supply of housing are now out of date.
- 7.1.4 Policy GROWTH 2 relates to locational strategy where the majority of development will be focused on the market towns of Ely, Soham and Littleport. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs.
- 7.1.5 The emerging policy LP3 lists Sutton as a “large village” and has a range of services available as set out in the Local Plan 2015. The settlement is defined by a development envelope. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose.
- 7.1.6 Part of the site has been allocated for residential development in the Submitted Local Plan 2018. Approximately 1.8 hectares of the site is allocated for the construction of 25 dwellings (indicative figure). Policy Sutton 5: SUT.H2 Land east of Garden Close goes on to state that the following special considerations/requirements apply to proposals for this site:
- Development of the site will be low density, providing approximately 25 dwellings. This will maintain residential amenity and enable mature trees and hedgerows of value to be retained, and responds appropriately to the built character and proximity to the Conservation Area;
  - The development should conserve and enhance views of St Andrews Church;
  - A site-specific flood risk assessment of the site will be required as part of a planning application. Development of the site should provide betterment, mitigation and management of flood risk, particularly in relation to surface and/or groundwater matters.
- 7.1.7 The full application site was subsequently put forward at the second stage of consultation of the draft Local Plan and the Strategic Planning Team carried out a further assessment of the proposal based on an indicative figure of 60 dwellings. The full site was rejected and has not therefore been carried forward into the Submitted Local Plan. The Site Assessment Report (November 2017) states that *“The proposed scheme is a significant extension of draft site allocation SUT.H2. The parish council has expressed its support for SUT.H2, but indicates it does not support a larger scheme. Any development of this site has the potential to impact upon the listed buildings, conservation area and their setting. Sutton’s*

*infrastructure is constrained and it is considered that other more suitable sites available in the village.”* Policy Sutton 4 relates to the preferred site within Sutton to the north of The Brook and west of Mepal Road. This site is allocated for approximately 250 dwellings together with associated infrastructure and open space. This follows on from the allocation in the current Local Plan of a smaller site for 50 dwellings but which envisages that a wider area will be developed.

- 7.1.8 In principle, the application for residential development on the scale proposed on the site was considered to be contrary to the adopted and emerging development plans and refused in January 2018 for the following reason, namely:

*The site is currently located outside the established development framework for Sutton. Part of the site is allocated in the Proposed Submission Local Plan for the development of 25 dwellings. The development of 53 dwellings on a larger site does not therefore accord with the draft allocation SUT: H2. The proposal would result in inappropriate development in the countryside that would be contrary to Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 and Policy LP3 of the Proposed Submission Local Plan with no justification to override the normal presumption against development in such areas.*

- 7.1.9 Clearly, this decision was issued on the basis that the Council had a 5 years' supply of housing land, and before the Public Inquiry on the Gladman site in Fordham [Appeal Ref: APP/V0510/17/3186785 Land off Mildenhall Road, Fordham], when the Inspector found that the Council could only demonstrate 3.86 year housing land supply. The appeal was allowed on this basis.

- 7.1.10 The applicants have already lodged an appeal on the previously refused scheme (17/01445/OUM) and the Inspector's decision is awaited.

- 7.1.11 As a consequence, planning applications for housing within the district should now be considered on the basis of the presumption in favour of sustainable development.

- 7.1.12 In the assessment of the scheme currently under consideration, the applicants have taken on board comments raised by the Council, statutory consultees and local community and have amended the masterplan in relation to landscape character and residential amenity issues. The provision of 53 dwellings, 30% of which would be affordable is afforded significant positive weight in the planning balance.

- 7.1.13 In line with para 11 of the NPPF, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted, 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.

## **7.2 Residential Amenity**

- 7.2.1 Policy ENV2 of the Local Plan and LP22 of the Proposed Submission Local Plan, seek to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site.

There are a number of residential properties within close proximity in Garden Close, a number of which are single storey.

- 7.2.2 The change from an undeveloped piece of land to a residential development will clearly have an impact on the outlook and setting of these properties and they will be likely to experience an increase in activity from the occupants of that development. In particular activity on Garden Close and Lawn Lane will increase and the dwellings that adjoin the western boundary will be impacted by the proximity of the new dwellings to the boundary. The Illustrative Masterplan submitted with the application is only indicative and full details of scale, appearance and siting would be dealt with at reserved matters stage.
- 7.2.3 A number of concerns have been raised by residents in Garden Close that the height of the development is not shown and therefore dwellings along the western boundary will lead to an unacceptable loss of light and privacy. Whereas the layout of housing would be dealt with at the detailed design stage, it would be incumbent on any future developer to demonstrate that the proposed dwellings will not have an unacceptable effect on the living conditions of existing residents. The development block is located approximately 16m from the boundary and it is considered that this would provide a sufficient separation distance, subject to appropriate design, in accordance with the East Cambs Design Guide SPD - 2012.
- 7.2.4 Detailed representations have been received from the owners of 10 Oates Lane, located immediately adjacent to the north-west corner of the site. The site has the benefit of planning permission for the construction of a replacement dwelling together with associated infrastructure and parking. The proposed dwelling has been designed to meet the very specific needs of the owners' disabled son and is considered by them to be a 'lifetime home' since their son will require constant care for his entire life. Concerns have been raised by the owners that the introduction of two storey dwellings in close proximity to their boundary and the impact that this will have upon their privacy and future needs of their son. Questions have also been raised regarding the precise position of the boundary.
- 7.2.5 The Illustrative Masterplan indicates that only one bungalow is proposed adjacent to the north-west boundary some distance away from the boundary with 10 Oates Lane. On the basis that this is an indicative plan only it is considered that the future layout of the development can take into account the special requirements of the owners of 10 Oates Lane and that refusal of the application on residential amenity grounds at this stage could not be justified.
- 7.2.6 It is considered that an acceptable development could be designed at reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site by paying particular attention to the garden sizes, overlooking, overshadowing, and buildings being overbearing and ensuring compliance with the Design Guide SPD. It is considered that there would be an increase in traffic noise and disturbance as a result of people entering and leaving the new development, via garden Close and Lawn Lane. This is a concern raised by local residents. However as this serves a significant number of dwellings at present, and the site is allocated (albeit for a reduced number of dwellings), it is considered that this increase would not have a significant harmful

effect to the existing residents such that planning permission could be refused on this basis.

7.2.7 It is considered that the proposal could satisfy the requirements of Policies ENV 2 and LP22 at reserved matters stage.

### **7.3 Visual Amenity**

7.3.1 In considering the visual impact on the landscape, Policy ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018 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 out of settlement. Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.

7.3.2 The village of Sutton has developed over time through the creation of lanes extending south from the higher ground on the High Street. Garden Close and Oates Lane are examples of this pattern of development and are based on the medieval strip field pattern.

7.3.3 The application site lies outside of the established development framework and marks the edge of the built form of the south-east corner of the village. The site is bounded on the east and south by open space, in use for recreational purposes by local residents. There are long distance views towards the site from Haddenham with the southern and eastern boundaries partially screened by existing vegetation.

7.3.4 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application [prepared by LDA dated July 2018]. The LVIA places the site within the Fenland Landscape Character Area as identified by the East of England Landscape typology and Cambridgeshire Landscape Guidelines. The East of England Landscape Typology study places the site in the Lowland Village Farmlands and Planned Peat Fen areas. The LVIA acknowledges that large scale effects would occur across the site itself and the immediate fringes and fields to the east of the site. Medium scale effects are anticipated to the boundaries of Station Road and the cricket field, with small scale effects to the recreation ground immediately south of the site. The overall effect on the Lowland Village Farmlands is described as being of negligible magnitude and minimal significance. A similar conclusion of the effects on the Planned Peat Fen character area is also reached.

7.3.5 The LVIA considers that the site is well screened by vegetation and built form when viewed from within the surrounding landscape. Both vegetation within the site and that which forms the southern boundary restrict views of the site and render it clearly indiscernible in middle to longer distance views, with the southern boundary vegetation an effective screen to may potential views of the site from the south.

7.3.6 In considering the previously refused scheme, the impact on the visual amenities of the area was comprehensively assessed on the basis that the location of the development would extend the built form further north and south than that



envisaged by allocation SUT: H2 and the scale and form of development, with two-and-a-half storey buildings proposed to the south of the site, being inappropriate in this edge of village location.

- 7.3.7 However, in view of the fact that the previous scheme was not refused on the basis of impact on visual amenity and as the Council cannot demonstrate a 5 year housing land supply, then it would not be reasonable to cite this consideration as having a significant and demonstrable detrimental impact on the visual amenities of the area. As such this matter is now afforded limited weight.

#### *Housing Mix and Density*

- 7.3.8 Local Planning Authorities are charged with significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay, para 59 of the NPPF refers.
- 7.3.9 Policy HOU 3 of the current East Cambridgeshire Local Plan seeks 30% (in the north of the district) or 40% (in the south of the district) of the total number of dwellings provided on sites of 10 or more to be for affordable housing provision.
- 7.3.10 Policy LP6 of the Submitted Local Plan requires that development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%. The applicant has proposed 17 affordable homes which complies with the existing Local Plan policy.

The affordable housing would be as follows:

- 2 x 1 bed apartments
- 8 x 2 bed apartments
- 2 x 2 bed house
- 5 x 3 bed house

- 7.3.11 However, Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis. The Council would enter into a S106 Agreement whereby tenure mix can be agreed.
- 7.3.12 The scheme would provide 17 affordable homes which is policy compliant and this factor is afforded significant positive weight.
- 7.3.13 There is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given.

#### *Design*

- 7.3.14 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development and provide for an appropriate mix of uses; respond to local character and history; create safe and accessible environments which are visually attractive.
- 7.3.15 Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2018 require new development to respect and complement the physical characteristics of the site and the surroundings. The East Cambridgeshire Design Guide is also a key reference tool in the design process.
- 7.3.16 The scheme would provide a mix of accommodation types and further information can be provided at the detailed design stage.

## **7.4 Historic Environment**

- 7.4.1 Section 16 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset.
- 7.4.2 Policy ENV14 of the adopted Local Plan 2015 requires that new development should have regard to the impacts upon the historic environment and would require the submission of an appropriate archaeological evaluation/assessment. Policy LP27 of the Submitted Local Plan requires all new development to respect and enhance or reinforce where appropriate the local character and distinctiveness of the area in which it would be situated.
- 7.4.3 The application site lies to the south of the Sutton Conservation Area. The current boundary of the Conservation Area stretches the length of the historic town and is focussed mainly along High Street. When the original Conservation Area was drawn up only the first few properties down each lane that leads off High Street were included in the original boundary. This suggests that the boundary was drawn to reflect the rear property boundaries along High Street.
- 7.4.4 There are a number of listed buildings within close proximity of the site, the closest being Rathmore and Rectory Farmhouse, both of which are Grade II listed with the dwellings themselves approximately 30m from the northern boundary of the site. The Grade I listed Church of St Andrew is situated on higher ground on the northern side of Station Road. There are limited views of the site from the churchyard in front of the church.
- 7.4.5 A Heritage Statement [LanPro dated July 2018] has been submitted with the application which refers to views of the Conservation Area from the site including Rectory Farmhouse, Rathmore, 4 Station Road and the Church of St Andrew which lie to the north. It is acknowledged that the proposed development would result in a change to a small part of the Conservation Area's setting. The scheme has drawn sightlines to ensure the most significant views looking south, out of the area are now retained and this has been achieved by realigning the internal layout and increasing the amount of landscaped areas to the north of the site and a condition is

recommended that the design/layout of the site should be based on protecting these sightlines.

- 7.4.6 Historic England was consulted on the application due to the proximity of the Grade I Listed Church, however, it declined to comment and stated that the local planning authority should rely upon its specialist conservation and archaeological advisers. Based on the above it is considered that the proposal will result in less than substantial harm being caused to the setting of the listed buildings and the historical and visual significance of Sutton Conservation Area.
- 7.4.7 The Historic Environment Team have not commented on this scheme, however, in reviewing their comments on the previously refused scheme requested that the area be subject to an archaeological investigation. This could be secured by planning condition.
- 7.4.8 The Council's Conservation Officer has not commented on this scheme and any comments received will be reported to Members. However, previous comments on the refused scheme were considered that any harm caused to the setting of the Church of St Andrew would be minor and falling within the less than substantial threshold set by the NPPF.
- 7.4.9 In view of the fact that the views of the Conservation Area and the heritage assets located within it have been enhanced, then the public benefits of the scheme, including the provision of up to 53 dwellings including 16 affordable dwellings, open space and the nature reserve are considered to outweigh any harm caused and do not bring the proposal into conflict with policies ENV11 and 12 of the current Local Plan and policy LP27 of the Submitted Local Plan 2018. This factor is afforded neutral weight in the planning balance.

## 7.5 **Highways**

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.
- 7.5.4 A Transport Statement [Peter Brett Associates dated July 2018] has been submitted with the application and this report considers existing traffic flows and the impact of the development in the future as well as junction capacity assessments on the

Garden Close/Lawn Lane and Lawn Lane/High Street junctions. Junction visibility improvements are proposed at the Lawn Lane/High Street.

- 7.5.5 In terms of its broader location, Sutton is identified in the Local Plan as a large village which is one of the old islands in the fen. It has a range of local services, including a shop and two takeaways, a post office, doctor's surgery, pharmacy, Royal British Legion, public house, community rooms and pavilion, two hairdressers, a primary school, pre-school and children's centre with a regular bus service to Ely and Cambridge.

#### *Access*

- 7.5.6 Access to the site is proposed off Garden Close. The existing 5.5m wide roadway with 1.8m footpath to either side will be extended into the application site. Garden Close is accessed via Lawn Lane and the applicant has put forward a proposal to improve visibility on the junction of Lawn Lane and High Street. This proposal has been the subject of discussion between the applicant and the Local Highway Authority and a number of solutions were initially put forward. A programme of works to widen the footway and/or introduce road markings have now been agreed and it is considered that this could be secured by way of a Grampian planning condition.
- 7.5.8 The Highways Authority, whilst raising no objection to the scheme, has stated that the internal road layout is not of an adoptable standard and that due to the limited footways the majority of pedestrian connectivity would be through the public open space. That said, the internal road layout is only indicative and there would be no detrimental impact with regard to highway and pedestrian safety and therefore the scheme would not be in conflict with Policies COM7 of the Local Plan and LP17 of the Submitted Local Plan. This factor is afforded neutral.

#### *Parking*

- 7.5.9 Policy COM8 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. Policy LP22 of the Submitted Local Plan requires that new development should provide attractive, accessible and integrated vehicle parking.
- 7.5.10 From the application form the number of parking spaces provided on site would be 102 which is below the Council's maximum parking provision which would require 106 parking spaces with 13 visitor spaces, however illustrative masterplan indicates that a proportionate number of parking spaces can be achieved on site, albeit some of which are tandem spaces. In any event, this matter can be dealt with at the detailed design stage in order to comply with COM8 of the adopted Local Plan 2015 and this is afforded neutral weight.

#### **7.6 Ecology**

- 7.6.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings. Policy LP30 of the submitted Local Plan 2018 requires that through development management processes, management procedures and

other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network.

- 7.6.2 The Ecology Report [Applied Ecology dated 2018] has been submitted with the application describes the site as being dominated by improved grassland and amenity grassland habitats of low nature conservation value. In addition there are areas of woodland, dense scrub and species-poor intact hedges which possess elevated ecological interest. The two ponds and associated scrub in the south east periphery are of elevated ecological interest.
- 7.6.3 The majority of habitat loss would be amenity grassland and improved grassland and small areas of broadleaved plantation woodland, dense scrub and species-poor intact hedgerow. This would result in the loss of some nesting and foraging habitat for birds and bats. The eastern boundary hedgerow is of most value to foraging and commuting bats and is to be retained.
- 7.6.4 There are two existing ponds within the site and another two within close proximity. These ponds, together with a fifth pond further away from the site were assessed as potential habitat for Great Crested Newts, a protected species. The four ponds in the site or close to it are considered to support the same Great Crested Newt population. The fifth pond does not support a population. A European Protected Species licence will be required in order for development to take place on the site.
- 7.6.5 The Ecology Report suggests that the ponds within the site are not being actively managed and are subject to either shading by scrub or grazing and poaching by livestock and are therefore in decline.
- 7.6.6 The applicant intends to create a nature reserve in the south east corner of the site to mitigate for the potential loss of Great Crested Newt habitat and ensure that the retained habitats are preserved and enhanced. Further mitigation for the general loss of habitat on the site comes in the form of the retention of an area of woodland as part of the open space and new tree and scrub planting within the nature reserve. Compensation for the loss of hedgerow would be provided by new hedgerow and tree planting in the nature reserve and adoption of a Landscape and Ecological Management Plan (LEMP) for the nature reserve.
- 7.6.7 An outline LEMP has been submitted with the application that sets out the aims, objectives and long-term management strategy of landscape and ecological resources connected with the site. The purpose of the LEMP is to ensure that once implemented, the landscape is managed and maintained to a high standard.
- 7.6.8 The Wildlife Trust initially raised no objections to the application provided the mitigation measures outlined above are implemented and secured by way of a S106 Agreement. Natural England was consulted on the refused scheme but has not commented on this proposal. However, NE acknowledged that the site had assessed the potential impact of the proposal on the Ouse Washes SSSI. Based on the information submitted Natural England was satisfied that the scheme would not damage or destroy the interest features for which the Ouse Washes has been notified.
- 7.6.9 A Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement have been submitted with the application [Hayden's Arboricultural

Consultants dated 27<sup>th</sup> July 2018]. The reports has assessed 23 individual trees, five areas of trees, 6 groups of trees, 8 hedges and two woodlands which were inspected. Seven trees require felling irrespective of development and fell two individual trees and five landscape features in order to achieve the proposed layout. Additionally, one tree and one landscape feature require tree surgery to permit construction space or access. Furthermore, the alignment of the proposed dwellings do not encroach within the root protection areas of any trees that are to be retained. Footpaths to the south nominally intrude within the RPA of one tree and 4 landscape features which are to be retained and it is not considered that these would be unduly affected given the use of modern no dig construction techniques.

7.6.10 It is acknowledged that some trees and hedgerows would be lost to the development. The Trees Officer has assessed the application on this basis and has commented that any individual or groups of trees were worthy of retention bearing in mind the final layout of the development would be dealt with at reserved matters stage and a detailed Arboricultural Method Statement and Tree Protection Plan would be required. Furthermore a condition has also been requested to re-position any trees that can be moved at spade depth to other areas within the site.

7.6.11 Based on the information submitted it is considered that the applicant has sought to minimise harm or loss to environmental features such as trees and hedgerows. In addition the scheme includes the preservation and enhancement of areas of woodland and the ponds in the south east corner of the site. The creation of the nature reserve will protect the population of Great Crested Newts and it is considered that the scheme has addressed these elements of policies ENV7 and LP30 in relation to biodiversity and ecology. However, although an outline LEMP has been submitted, which details how all areas of landscape and ecological value across the site will be managed, the proposals do not provide details of the body that will be responsible for the management of the site.

7.6.12 The Council has indicated to the applicant that it would be willing to take on the site subject to the payment of a commuted sum in respect of the costs of managing and maintaining the site for a period of a least 25 years. The applicant has submitted a S106 Agreement with the application and this provides details of the LEMP as well as maintenance contributions and nomination agreement.

## **7.7 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. LP25 of the Submitted Local Plan seeks to ensure proposals for new development appropriately manage flood risk and protect the water environment. The site is located in Flood Zone 1 and therefore is at low risk of flooding. As the site comprises over 1ha a Flood Risk Assessment [Peter Brett Associates dated July 2018] has been submitted with the application.

7.7.2 As before the surface water drainage strategy seeks to replicate the existing greenfield run-off regime by restricting the rainfall run-off generated by the development and provide attenuation in the form of permeable paving, swales, permanent wet ponds and an attenuation basin located in the south-western corner of the site which will comprise an outfall pipe into the ditch which runs parallel to the southern boundary.

Overland flow from offsite areas has been addressed through the introduction of cut off drains and a proposed rainwater garden within the northern area of the site.

- 7.7.3 The LLFA has raised no concerns with this method of surface water drainage and as such the drainage strategy meets the requirements of policies COM8 and LP25 as well as the principles for surface water and sustainable drainage systems contained within the Cambridgeshire Flood and Water SPD. The S106 Agreement would ensure the SUDS would be installed and completed to the written satisfaction of the Council and a contribution paid in full for the ongoing maintenance thereof.
- 7.7.4 Foul drainage from the site is proposed to connect to an existing foul sewer south of the site. Anglian Water has confirmed that foul drainage from the development is in the catchment of Witcham Water Recycling Centre that will have available capacity. In addition, the sewerage system at present has available capacity via a gravity fed regime.
- 7.7.5 On the basis of the information submitted it is considered that the surface water drainage strategy meets the requirements of policies COM8 and LP25 together with the principles for surface water and sustainable drainage systems contained within the Cambridgeshire Flood and Water SPD. This factor is afforded neutral weight.

## 7.8 Other Matters

### *Contaminated land*

- 7.8.1 A Phase I Ground Condition Assessment has been submitted with the application. This has been reviewed by the Council's Scientific Officer, who confirms that the recommendation within the report to carry out a Phase II Assessment should be followed. The submission of this assessment can be secured by planning condition.

### *Energy and water efficiency*

- 7.8.2 A Renewable Energy and Water Consumption Assessment has been submitted with the application. This outlines a number of key policy targets for the development in relation to energy, CO2 emissions and water consumption and how these can be met. It is expected that all developments will optimise energy efficiency and that consideration will be given to the use of renewable and low carbon energy sources. Developers should also consider how the design and orientation of buildings can affect their efficiency and the installation of items such as electric vehicle charging points. It is considered that these matters will be addressed further at reserved matters stage and applicants will be required to demonstrate that the requirements and aspirations of policies ENV4, LP 23 and LP24 are met.

### *CIL*

- 7.8.3 The development will be subject to the Community Infrastructure Levy and health facilities are included on the Council's Regulation 123 List.

### *Sutton Neighbourhood Plan*

- 7.8.4 Sutton Parish Council at its meeting on 26<sup>th</sup> June 2018 approved the Draft Neighbourhood Plan for consultation. The consultation on the draft NP started on 16<sup>th</sup> July and ran until 10<sup>th</sup> September 2018. In view of the early preparation of the Neighbourhood Plan, no weight can be attributed to the Plan.
- 7.8.5 Concerns raised that the development will result in a reduction in the value of existing dwellings is not a material planning consideration.

### *PROW*

- 7.8.6 There are no public rights of way running through the application site. PROW 221/2 runs in an east west direction approximately 30 m from the southern boundary where passes through the adjacent recreational field. Rights of access are not a material planning consideration and therefore not referred to in this report.

### *Public Open Space*

- 7.8.7 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. Policy LP21 of the Submitted Local Plan 2018 requires a level of open space, sport and recreational facilities. For a development of this size and scale the provision of on-site open space is assessed on a case by case basis, informed by local evidence, discussions with the parish council.
- 7.8.8 The scheme proposes a nature reserve of approximately 0.84 ha with the remaining level of POS equating to 0.77 ha. This comprises a centrally located POS with a children's' Locally Equipment Area of Play (LEAP) as well informal open space. The level of POS is in excess of the Council's adopted standards and a contribution towards the management and maintenance of these areas is included in the s106 Agreement, alongside a requisite to provide this amount of open space.

## **7.9 Planning Balance**

- 7.9.1 The NPPF seeks the delivery of a wide choice of high quality homes and there is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which significant weight should be given.
- 7.9.2 In the context of the Council currently being unable to demonstrate a 5 year housing land supply such weight is tempered given its location outside the settlement envelope so that only moderate weight can be afforded. In this case, the benefits to which positive weight can be given are firstly, the provision of 53 dwellings, 30% of which would be affordable, which would add to the District's housing stock. Given the reduction in weight attached to Policy GROWTH 2 should only be modest and taking into account the level of growth already anticipated for Sutton in the future through the allocation of sites in the Submitted Local Plan 2018, it is considered that this should be given moderate positive weight. The provision of affordable housing was raised by the Inspector in the Gladman appeal (see paras



7.1.9 and 7.1.12) and this is now afforded significant positive weight. The provision of public open space which is in excess of the Council's adopted standard is also afforded significant positive weight.

- 7.9.3 It is considered that the construction of 53 houses would have temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme are afforded limited weight. There would also be an impact on the local economy, which in Sutton's case supports a number of services and facilities within the village and the development through the increase in population would continue to serve this as well as support future services through increased local spending. The increase in population may also contribute to the local labour market. This factor is afforded moderate positive weight.
- 7.9.4 The application is made in outline form with only access to be determined at this stage. It is considered that residential amenity could be adequately addressed at reserved matters stage and the specific requirements/needs of the occupiers of 10 Oates Lane have been noted.
- 7.9.5 The Local Highway Authority is satisfied that access to the site via Garden Close can be achieved and that the scheme as a whole will not be to the detriment of highway safety and that the local highway network can safely accommodate the traffic generated by the development.
- 7.9.6 The applicant has presented a satisfactory scheme to address surface water drainage and it is considered that this can be adequately addressed at reserved matters stage and through the imposition of planning conditions.
- 7.9.7 The proposal would result in the loss of some amenity grassland, improved grassland and species-poor intact hedgerow. The applicant has however put forward a comprehensive scheme of mitigation, including the creation of a nature reserve to enhance and protect the local Great Crested Newt population. The scheme put forward attracts weight in favour of the proposal but only on the basis that its long-term future is secured. The applicant has provided sufficient detail of future costs associated with the management and maintenance of the biodiversity features and secure a public body to take on this role. On this basis the weight afforded to the biodiversity improvements is afforded neutral weight.
- 7.9.8 In terms of the landscape character the scheme is considered to provide sufficient natural buffer so that its impact on the visual amenities has been mitigated as such the impact on the visual amenities of the area is afforded limited negative weight. So too as the impact on the heritage assets. The scheme has been amended to enhance views of the heritage assets located within the Conservation Area and therefore this factor is now afforded neutral weight.

## **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 and the Submitted Local Plan 2018. The

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

8.2 In view of the above factors it is considered that the planning balance that applies in determining applications is a straightforward balancing exercise of weighing the benefits of the proposed development against the harm, having regard to the three dimensions to sustainable development.

8.3 The scheme is considered to represent sustainable development and as such the benefits of the development do not significantly and demonstrably outweigh the adverse impacts of the scheme.

## 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 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.

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:

- No objections from statutory consultees.
- Previously refused by Planning Committee but only on the basis of the Council having a 5 year housing land supply.
- The Council is now unable to demonstrate a 5 year housing land supply

## 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>
18/01053/OUM	Anne James Room No. 011 The Grange	Anne James Planning Consultant 01353 665555

Ely

anne.james@eastc  
amb.s.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - CONDITIONS

### REF: 18/01053/OUM - LAND REAR OF GARDEN CLOSE, SUTTON

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

Plan type	Rev	Received
36783_5501_SK02	B	27.07.2018
CSA/3881/100	C	27.07.2018
CSA/3881/101	C	27.07.2018
CSA/3881/102	A	27.07.2018
CSA/3881/103 A		
Geophysical survey		27.07.2018
Renewable Energy and Water Consumption Assessment		27.07.2018
Statement of community involvement		27.07.2018
Phase 1 ground conditions assessment		27.07.2018
Arboricultural Assessment		27.07.2018
Archaeological Evaluation		27.07.2018
Contaminated Land Study		27.07.2018
Design & Access Statement		27.07.2018
Ecological Assessment		27.07.2018
Flood Risk Assessment		27.07.2018
Heritage Assessment		27.07.2018
Landscape Impact Assessment		27.07.2018
Planning Statement		27.07.2018
Topographical Survey		27.07.2018
Transport Assessment		27.07.2018
Utilities Statement		27.07.2018

1. Reason: To define the scope and extent of this permission.
2. Approval of the details of the appearance, landscaping, scale and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
2. Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

3. Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
4. The proposal is for up to 53 dwellings.
4. Reason: To allow for a design led approach in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
5. No development shall take place until details of the position and number of fire hydrants required has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details, including any phasing arrangements.
5. Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with Policies Growth 3 and ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as it would be unreasonable to require the applicant to confirm these details until the principle of development has been established.
6. Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:  
  
08:00 – 18:00 each day Monday – Friday  
  
08:00 – 13:00 on Saturdays and  
  
None on Sundays or Bank Holidays.
6. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
7. 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.
7. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
8. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall

subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the Flood Risk Assessment (FRA) and Drainage Strategy prepared by Peter Brett Associates (ref: 36783 FRA Rev B) dated July 2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Site Investigation and test results to confirm infiltration rates;
- f) 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;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) 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 and PPG.

8. Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
9. 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 purpose. The maintenance plan shall be carried out in full thereafter.

9. Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of para 103 and 109 of the NPPF AND ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
  
10. 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.
  
10. Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017.
  
11. 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.
  
11. Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
  
12. 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.
  
12. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and

other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

13. 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
13. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
14. 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. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI which shall include:
  - The statement of significance and research objectives;
  - The programme and methodology of site investigation and recording;
  - The nomination of a competent person(s) or organisation to undertake the agreed works;
  - The programme for post-exavation assessment and subsequent analysis, reporting, publication and dissemination, and deposition of the resulting archive. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.
14. Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement



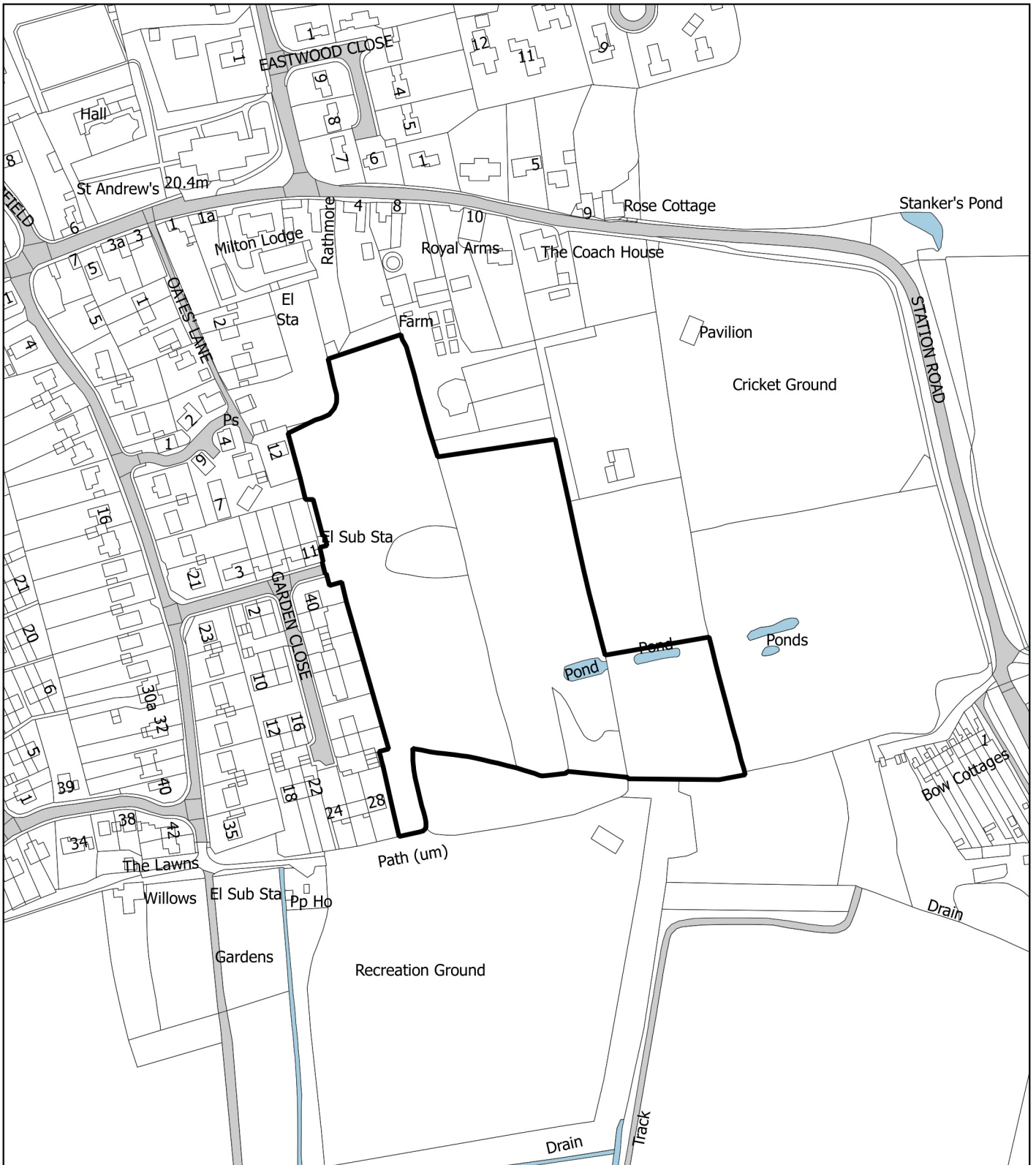
as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

15. No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation of the dwellings.
15. Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it is detailed as one of the model conditions.
16. Prior to first occupation the form and content of Welcome Travel Packs to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.
16. Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.
17. Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on Drawing Nos 36783\_5501\_SK02 B and CSA/3881/102 A, in writing by the Local Planning Authority.
17. Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the Local Plan 2015 and LP17 of the Submitted Local Plan 2018
18. 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).
18. Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
19. No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any

tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

19. Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Proposed Submission Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
20. Prior to the first occupation or commencement of use of the development, details of replacement tree planting, including any trees for removal that can be moved to a suitable location with a tree spade, indicating positions or density, species, and planting size shall be submitted to and approved by the Local Planning Authority. Planting shall take place in accordance with the approved details within the first planting season following completion of the development or in accordance with the program of planting approved by the LPA. Any such trees that are removed die or become, in the opinion of the LPA, seriously damaged or defective within a period of five years of planting shall be replaced with specimens of a similar size and species as originally required.
20. Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018.
21. All works shall be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment [Hayden's Arboricultural Consultants dated 27<sup>th</sup> July 2018]. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. A written schedule shall be submitted to and approved in writing by the Local Planning Authority.
21. Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018.

22. Woodland Management Plan: Prior to completion or first occupation of the approved development, whichever is sooner, a Woodland Management Plan shall be submitted to and approved by the Local Authority. The Management Plan should be prepared by a qualified arboricultural/forestry consultant and include the following elements:
- A statement for the overall vision of the woodland as part of the development
  - Type and frequency of management operations to achieve a sustainable woodland
  - Frequency of safety inspections
  - Special measures relating to protected species or habitats
  - Special recommendations for trees located in close proximity to properties
  - Identification of any other proposed actions
22. Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 23 In pursuant of Condition No 2, the design and layout of the site shall take into account the setting of the Conservation Area and key views across the site as detailed on Drawing No: CSA/3881/102
23. Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2018.



18/01053/OUM

Land rear of  
Garden Close  
Sutton



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:3,000



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**MAIN CASE**

**Reference No:** 18/01241/OUT

**Proposal:** Proposed residential dwelling, garaging, parking access and associated site works.

**Site Address:** Land Adjacent Castle Farm, Hasse Road, Soham, Ely, Cambridgeshire, CB7 5UW.

**Applicant:** Mr & Mrs J S Stevens

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

**Parish:** Soham

**Ward:** Soham North

Ward Councillor/s: Councillor Carol Sennitt  
Councillor Mark Goldsack

**Date Received:** 7 September 2018      **Expiry Date:** 9 November 2018

[T128]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reasons.

1. The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Soham, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework. The proposal fails to comply with the policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1 and LP17 of the Submitted Local Plan 2018, and Paragraphs 11 and 79 of the National Planning Policy Framework, as it fails to promote sustainable development.

2. The proposed dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Soham with a lower probability of flooding and is therefore contrary to policy ENV 8 of the East Cambridgeshire Local Plan, policy LP25 of the Submitted Local Plan 2018 the Cambridgeshire Flood and Water SPD, the provisions of the Planning

Practice Guidance on Flooding and Coastal Change and the National Planning Policy Framework.

3. Policy ENV1 of The East Cambridgeshire Local Plan 2015, and policy LP28 of the Submitted Local Plan 2018 state that development proposals should have a location, scale and form which creates a positive and complementary relationship with the surrounding unspoilt rural area. The proposal is contrary to policy ENV2 of the Local Plan 2015 and policy LP22 which seek to ensure that proposals respect the density and landscape of the surrounding area and are of a scale and massing that relate sympathetically to the nearby development. The introduction of a dwelling in this location, including the provision of residential driveway and detached two storey garage would be harmful to the rural character and appearance of the area and create an urbanising impact which erodes the predominantly undeveloped and agricultural nature of the area. The proposal would result in an incursion of development into open countryside, which would significantly change its rural character and appearance. This would cause significant and demonstrable harm to the character of the countryside. As a result the application is considered to be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

4. Insufficient information has been submitted regarding the impact of the proposal on the trees on the site. Without a tree survey the proposal cannot be fully assessed, and therefore the development cannot be determined to be acceptable. This is contrary to policy ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2018.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 This planning application has been called into Planning Committee by Cllr Carol Sennitt for the following reason: "The reasons being is that since the plot has increased in size since its original application and it is now of reasonable size compared to some plots on new estates. This would also add to our much needed housing stock."
- 2.3 The proposed application seeks outline planning permission for a single dwelling. Scale and access form part of the application with appearance, landscaping and layout to remain reserved matters. The proposed dwelling would have a maximum height of 8 metres, width of 19 metres and depth of 15 metres.
- 2.4 The proposed garage has a maximum height of 7 metres a width of 7.5 metres and depth of 10 metres.
- 2.5 The current proposal differs from the previous refusal in terms of size and scale. The site area has been increased from the previous 945m<sup>2</sup> to 1995m<sup>2</sup>. The scale of

the proposals have also increased and the differences can be seen in the table below:

	17/01279/OUT	18/01241/OUT
<b>Site Area:</b>	945m <sup>2</sup>	1995m <sup>2</sup>
<b>Dwelling</b>		
Width	17.4m	19.0m
Depth	12.2m	15.0m
Height	7.1m	8.0m
<b>Garage</b>		
Depth	8.6m	7.5m
Width	6.7m	10.5m
Height	5.9m	7.0m

### 3.0 PLANNING HISTORY

- 3.1 17/012769/OUT – Proposed residential dwelling, garaging, parking and associated site works – Refused 5 October 2017 by Planning Committee.

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located approximately 1.65 miles from the edge of Soham's development framework and a further mile from the main facilities and services found in the town centre. As a result the site is considered to be in a countryside location. The site is also within Flood Zone 3. The site has mature vegetated boundary treatments to the south and a tree within the site. The site itself appears to be of a paddocks nature and the highway runs along the south of the site with agricultural fields further to the south.

### 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** – Object as outside the development envelope in breach of Policy LP32.

**Ward Councillors** – Cllr Carol Sennitt *“I would like to CALL IN the application ref no 17/01279/OUT 51 Hasse Road, Soham I would like this to be considered by the planning committee due to the remote area it could be considered unsustainable.”*

**Local Highways Authority** – The Highway Authority has no objections in principal to this application.

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

**Minerals And Waste Development Control Team** - No Comments Received

**Trees Officer** – The new layout works slightly better for the oak tree no 3 than the previous application. The root protection area and the location of tree protection fencing should be shown on the layout. A Method Statement will be required for the two trees on Hasse Road regarding the access construction.

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

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

**The Ely Group Of Internal Drainage Board** – Does not object to the use of soakaways, however, the culverting of the ditch would require permission from the Board.

**Environment Agency** – Do not object to the proposal providing the mitigation measures within the Flood Risk Assessment are conditioned and the proposal complies with a sequential test applied to the site.

**Environmental Health (Scientific)** – Thank you for consulting me on the above application. I have read the Envirosearch report dated 10th July 2017 and accept the findings. A condition requiring further investigation for contamination is not required. As this application is for a sensitive end use (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

5.2 Neighbours – three neighbouring properties were notified, and a site notice posted. An advert was also placed in the Cambridge Evening News. No responses have been received.

## 6.0 The Planning Policy Context

### *East Cambridgeshire Local Plan 2015*

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development

### *Supplementary Planning Documents*

Design Guide  
Flood and Water  
Developer Contributions and Planning Obligations



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

*National Planning Policy Framework 2018*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

*Submitted Local Plan 2018*

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP5 Community-led development
- LP6 Meeting Local Housing Needs
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

7.0 **PLANNING COMMENTS**

7.0.1 The main issues to consider when determining this application relate to the principle of development, flood risk, the impact upon character and appearance of the area, residential amenity, highways safety and other matters.

7.1 **Principle of development**

7.1.1 The application site lies outside of the defined development boundary. The development of the site for housing would therefore conflict with policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 and policy LP3 of the Submitted Local Plan 2018 which seek to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policy GROWTH 2 and policy LP3 cannot be considered up to date in so far as they relates to supply of housing land.

7.1.2 In this situation the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

7.1.3 Paragraph 79 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. This site is considered to be isolated from any built settlement, being approximately 1.65 miles from the nearest settlement of Soham. The site is located in an isolated, rural location, with only a few sporadic dwellings in the locality. It is therefore considered to be an unsustainable

location for the erection of a new dwelling, similar to the conclusions of the Inspector in a recent appeal decision which forms a material consideration to be given significant weight in determining this application.

- 7.1.4 The appeal decision for The Cotes in Soham, bears similarities with this proposal and followed the refusal by the Planning Committee for two dwellings at 14 The Cotes, located 1.8 miles north of Soham, in an isolated cluster of dwellings. The proposed development site in this case is some 1.65 miles north of Soham and 2.65 miles from the centre of Soham where local shops and services are located.
- 7.1.5 The appeal decision for The Cotes in Soham (APP/V0510/W/16/3143840) cited the location as unsustainable due to the reliance on the car. The appeal stated that *“both (sites) would be reliant on the car to gain access to services and facilities. This would not accord with the Framework or the environmental dimension of sustainable development”* and *“the isolation of the sites from community facilities would weigh against the social dimension and would not accord with paragraph 55 of the Framework regarding the location of rural housing”*. Furthermore, the appeal also stated *“given the distance of the sites from local facilities and the unsuitability of the road for pedestrian access, I conclude on this issue that the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities”*. As previously stated, the Cotes is approximately 1.8 miles to the centre of Soham, and this application site is approximately 1.65 miles from the edge of Soham and approximately 2.65 miles from the centre of Soham where local shops and services are located. Members are also aware of subsequent appeal decisions in Little Downham and Isleham relating to unsustainable locations and reliance on the private motor vehicle (APP/V0510/W/3158114 and APP/V0510/W/3160576 respectively).
- 7.1.6 It is considered that the proposal is contrary to policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018 which require that development is designed to reduce the need to travel, particularly by car, and to promote sustainable forms of transport. This site is located 4 miles from the centre of Soham and, as such, the Local Planning Authority view it as isolated and unsustainable as there are a number of sites within Soham which are in a more sustainable location and are either allocated for development or could be windfall sites.
- 7.1.7 The Local Planning Authority have recently received a further appeal (APP/V0510/W/17/3173190 – The Chequers, Malting End, Kirtling) relating to sustainability. While the appeal was allowed it is considered that as the site was previously developed, it carries little weight in determining this application as this site is undeveloped agricultural land. In any event each site needs to be treated on its own individual merits.
- 7.1.8 This proposal differs from residential permissions granted in the small rural settlements in the District. This is due to the fact that encouraging growth at these rural sites will improve their sustainability and since they are presently reliant on nearby villages and reliable on the car already; the introduction of new dwellings ultimately helps their long-term sustainability and keeps these communities alive. The NPPF supports this by stating in paragraph 79 that development can support services in a village nearby and that isolated new homes in the countryside should be resisted unless there are special circumstances.

## 7.2 **Flood Risk**

- 7.2.1 Paragraph 11 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Paragraphs 155-159 of the NPPF state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.2.2 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.
- 7.2.3 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Table 3 of the NPPF Planning Practice Guidance makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted unless the development is necessary.
- 7.2.4 Paragraph 158 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding.
- 7.2.5 Policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2018 state that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites within the Parish of Soham suitable for the erection of a single dwelling which are outside of Flood Zone 3.
- 7.2.6 A Flood Risk Sequential Test has not been submitted and states that “The Sequential Test and Exception Test will require to be applied by the Local Planning Authority”, however, the Flood and Water SPD states this should be completed by the applicant. In the absence of one the LPA have considered the requirements of the Sequential Test. There are a number of allocated sites for housing within the Parish of Soham, as specified within the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018. In addition, a number of planning applications for new dwellings have recently been approved in more sustainable locations within the Parish of Soham and windfall sites not within Flood Zone 3 are also available. It is therefore considered by the Local Planning Authority that there are a number of other reasonably available sites for the erection of a single dwelling within the Parish of Soham which are at a lower probability of flooding. Therefore, the proposed additional dwelling is not necessary in this location and the application fails the Sequential Test for this reason.

- 7.2.7 It should also be noted that the Cambridgeshire Flood and Water SPD advises that applications for sites in Flood Zone 2 and 3 where there is no Sequential Test information provided will be deemed to have failed to Sequential test.
- 7.2.8 Had the Sequential Test be passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.2.9 The exception test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- 7.2.10 A site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall food risk, Both elements need to be passed for development to be allocated or permitted under paragraphs 159-161 of the NPPF.
- 7.2.11 The application fails to demonstrate that the dwelling provides wider sustainability benefits to the community that outweigh flood risk and therefore fails part one of the exception test. However, the Environment Agency have advised they have no objections to part two of this test providing conditions are applied and that the proposal has passed the Sequential Test.
- 7.2.12 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place a dwelling in an area at significant risk of flooding, contrary to policy ENV8 of the East Cambridgeshire Local Plan 2015, policy LP25 of the Submitted Local Plan 2018, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.

### 7.3 **Visual amenity**

- 7.3.1 Under policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2018 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. Under policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 this application should take care to ensure that the location, layout, form, scale, massing and materials are sympathetic to the surrounding area.
- 7.3.2 The Design Guide SPD suggests that dwellings should occupy one third of a plot which should be a minimum of 300sqm. The site and scale of the proposed dwelling would comply with these guidelines.
- 7.3.3 The proposed dwelling is relatively detached from neighbouring dwellings due to the significant distances in between, and would not be viewed as infill development. The area is characterised by sporadic historic dwellings set within large plots, and are of significantly smaller dimensions in terms of bulk and massing, than the proposed scheme.

- 7.3.4 The surrounding area is generally devoid of development, however, what development there is, is generally found on the same side of the road as this application.
- 7.3.5 There is a hedgerow and trees to the south of the site where the main views from the highway would be taken which would offer partial screening to the proposed development. However, it is considered that the development would result in a hardening and urbanisation of the landscape, as there would be views of the proposed dwelling and garage from the highway due to their height and scale, which has increased since the previous application. The Council note the increase in plot size which has been made in order to overcome the previous reason for refusal on the grounds of dense and urbanising development. However the Council also note the increase in height and built footprint and as such the urbanising effect on the rural character and appearance of the area would still be very evident if the proposal were to gain approval.
- 7.3.6 The introduction of a dwelling in this location, including the provision of residential driveway and detached two storey garage would be harmful to the rural character and appearance of the area and create an urbanising impact which erodes the predominantly undeveloped and agricultural nature of the area. The proposal would result in an incursion of development into open countryside, which would significantly change its rural character and appearance. This would cause significant and demonstrable harm to the character of the countryside. As a result the application is considered to be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

#### 7.4 **Residential amenity**

- 7.4.1 Under policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 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 proposed.
- 7.4.2 The Design Guide SPD requires new dwellings to provide a minimum of 50sqm private amenity space. The proposal will provide sufficient space as to comply with this.
- 7.4.3 Due to the location of the proposed in relation to neighbouring dwellings it is not considered to cause a significant loss of privacy for neighbouring occupiers that could not be dealt with at reserved matters stage.
- 7.4.4 While layout is a reserved matter the indicative plan has demonstrated how the dwelling could be situated a suitable distance from neighbouring properties as to ensure that it does not have an overbearing or loss of light impact.
- 7.4.5 As a result the application is not considered to result in a significantly detrimental harm to the residential amenity of nearby occupiers or future occupiers that could not be dealt with at reserved matters. As a result it is considered to broadly comply with the residential amenity aspect of policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.

## 7.5 **Highways safety and parking provision**

- 7.5.1 Under policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018 this application should ensure that it can provide safe and convenient access to the highway network. The Local Highways Authority did not object to the principle of the application but have requested a number of necessary conditions which can be attached to any approval. As a result the application is considered to comply with policy COM7 and policy LP17 in relation to safe and convenient access.
- 7.5.2 Local Plan policy COM8 requires new dwellings to provide a minimum of two parking spaces. The indicative layout shows adequate parking at the dwelling for two motor vehicles. As a result the application is considered to comply with policy COM8.

## 7.6 **Trees**

- 7.6.1 Under policy ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2018 this application is required to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees.
- 7.6.2 The previous application was deemed acceptable in terms of its impact upon trees upon receipt of additional information and no objections from the Councils Trees Officer were offered at the time. There is mature planting along the southern boundary of the site and a tree within the rear of the site. The Tree Officer has requested additional information in the form of an arboricultural impact assessment so that the potential impacts can be properly assessed. At the time of writing, this information has not been received from the applicant, and therefore the Local Planning Authority is unable to adequately assess the impact to the trees as part of the proposed application.

## 7.7 **Other matters**

- 7.7.1 A scheme to deal with surface water can be secured by way of condition as can unexpected contamination due to the sensitive end use.
- 7.7.2 Consideration has been given to the ecological value of the site. The site upon visit had a paddock type appearance to it and appeared to be used and well kept. There are a number of ponds in close proximity but generally separated from the site by the highway, and as a result of this and their distance from the site are not considered to result in a significant impact. Policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. It is recommended 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.

7.8 **Planning balance**

- 7.8.1 The proposal would provide the following benefits:- the provision of an additional residential dwelling to the district's housing stock which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.8.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm visually and by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to gain access to services and facilities. Further harm is caused by the increased risks as a result of an additional dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere with a lower probability of flooding. The applicant has also failed to demonstrate it would not significantly impact trees on and surrounding the site.
- 7.8.3 The application is therefore considered to be contrary to policies GROWTH5, ENV1, ENV2, ENV7, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1, LP17, LP22, LP25 and LP30 of the Submitted Local Plan 2018, the NPPF and the Cambridgeshire Flood and Water SPD.

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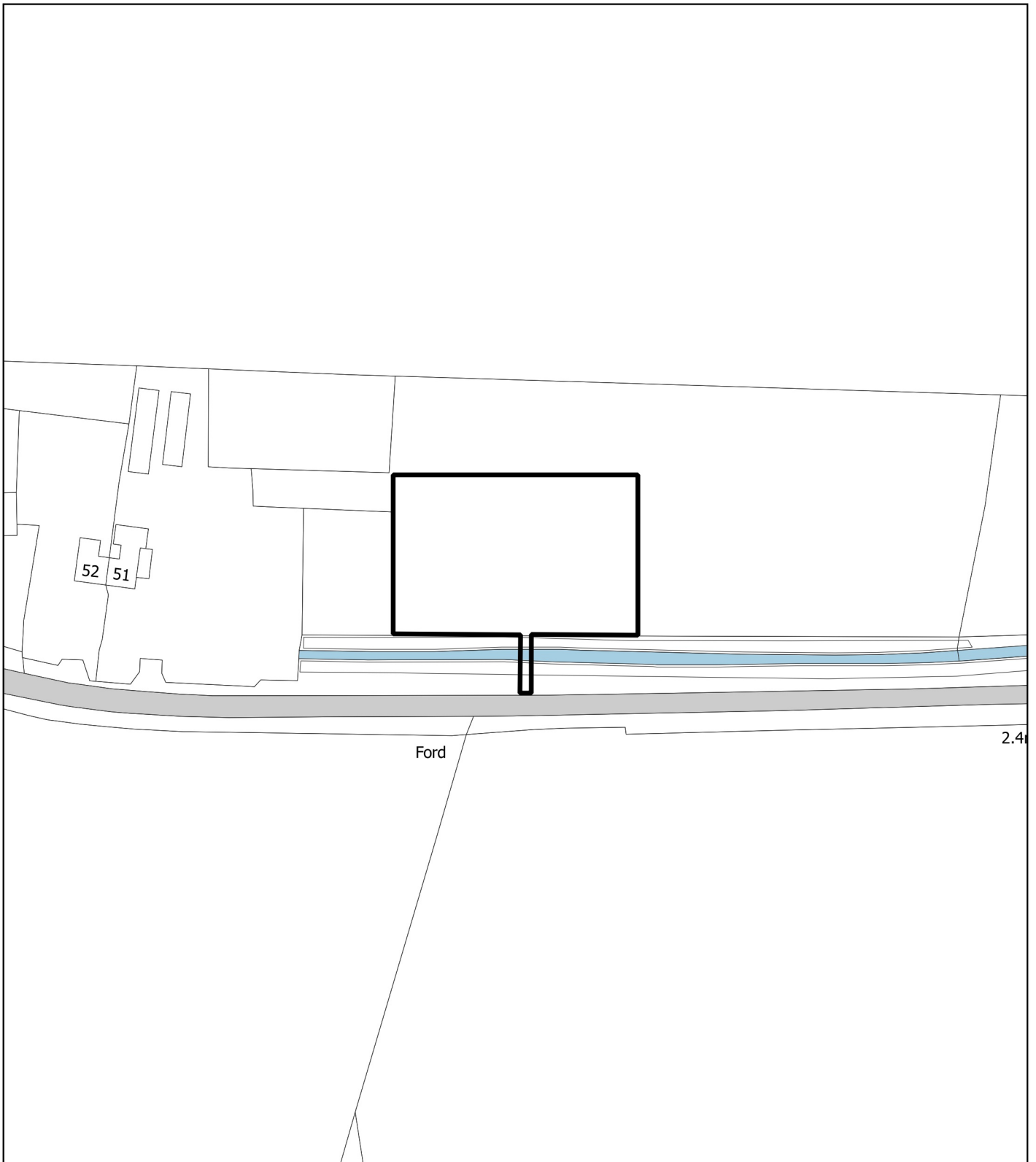
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01241/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



18/01241/OUT

Lad adjacent to  
Castle Farm  
Hasse Road  
Soham



East Cambridgeshire  
District Council

Date: 23/10/2018  
Scale: 1:1,250



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## **Planning Performance – September 2018**

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

All figures include all types of planning applications.

	<b>Total</b>	<b>Major</b>	<b>Minor</b>	<b>Householder</b>	<b>Other</b>	<b>DIS /NMA</b>	<b>Trees</b>
<b>Validation</b>	<b>165</b>	<b>4</b>	<b>58</b>	<b>26</b>	<b>14</b>	<b>24</b>	<b>39</b>
<b>Determinations</b>	<b>151</b>	<b>3</b>	<b>40</b>	<b>34</b>	<b>21</b>	<b>24</b>	<b>29</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>90%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>63%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>133</b>	<b>3</b>	<b>33</b>	<b>33</b>	<b>12</b>	<b>24</b>	<b>28</b>
<b>Refused</b>	<b>18</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>9</b>	<b>0</b>	<b>1</b>

<b>Open Cases by Team</b>							
<b>Team 1 (2.5 FTE)</b>	<b>143</b>	<b>13</b>	<b>57</b>	<b>1</b>	<b>7</b>	<b>65</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>173</b>	<b>10</b>	<b>41</b>	<b>63</b>	<b>19</b>	<b>40</b>	<b>0</b>
<b>Team 3 (0 FTE)</b>	<b>19</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>17</b>	<b>0</b>
<b>No Team (5 FTE)</b>	<b>121</b>	<b>15</b>	<b>36</b>	<b>0</b>	<b>6</b>	<b>20</b>	<b>44</b>

### **No Team includes – Planning Manager, Trees Officer and Agency Workers (x3)**

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

### **Valid Appeals received – 1**

187 High Street Bottisham – Delegated Decision

### **Appeals decided – 2**

Land Adjacent 43 Mepal Road Sutton – Committee Decision – Allowed – 26/09/2018

Tanners 18 Newmarket Road Cheveley – Delegated Decision – Dismissed – 17/09/2018

### **Enforcement**

New Complaints registered – 31 (12 Proactive)

Cases closed – 28 (7 Proactive)

Open cases/officer (2FTE) – 213 /2 = 106.5 per FTE (45 Proactive)

### **Notices served – 0**

**Other Information**

17/000893/FUM - Blackberry Lane Soham Appeal Inquiry date has been set for 11/12/2018. It will be held in the Council Chamber and will run for 3 days.

17/01371/OUM & 17/01732/OUM – Land North of 17-45 Toyse Lane & Land North of Ness Road, Burwell. Appeal Inquiry date has been set for 29/01/2019. It will be held at Mandeville House, Burwell and will run for 4 days.

The Council adopted its Tree Strategy 2018-2028 at its Regulatory Services Committee on 10<sup>th</sup> September 2018. A copy is available to view on our website at <http://www.eastcambs.gov.uk/trees-landscaping/trees>