



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00 pm

Date: Wednesday 7th May 2025

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

Enquiries regarding this agenda: Patrick Adams

Telephone: (01353) 616298

Email: patrick.adams@eastcambs.gov.uk

Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr David Brown (Vice-Chair)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Bill Hunt (Chair)
Cllr Alan Sharp

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Lucius Vellacott

Liberal Democrat and Independent members

Cllr Chika Akinwale
Cllr James Lay
Cllr John Trapp
Cllr Ross Trent
Cllr Christine Whelan
Cllr Gareth Wilson (Lead Member)

Liberal Democrat and Independent substitutes

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

Lead Officer: David Morren, Strategic Planning and DM I Manager

10:30 am Planning Committee members meet at The Grange reception for site visit.

AGENDA

1. Apologies and substitutions

[oral]

- 2. Declarations of interests** **[oral]**
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.
- 3. Minutes** **Page 5**
To confirm as a correct record the minutes of the meeting of the Planning Committee held on 2 April 2025.
- 4. Chair's announcements** **[oral]**
- 5. 24/00925/RMM** **Page 19**
Reserved matters application for approval of layout
Location: Millstone Park, Newmarket Road, Burwell
Applicant: This Land Limited
Public access link: <https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SJ8TKQGJST00>
- 6. 24/01108/FUL** **Page 53**
Agricultural dwelling
Location: Land North East of Maple Farm, West Fen Road, Ely
Applicant: AJ & NJ Lee
Public access link: <https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLPIE8GGMHT00>
- 7. 24/01135/OUM** **Page 85**
Outline planning application for up to 126 homes
Location: Land at Cambridge Road, Stretham
Applicant: Long Term Land Limited
Public access link: <https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SM4ISJGGMZ200>
- 8. 24/01323/FUL** **Page 149**
Change of use and retrospective for a mobile home and a caravan for gypsy and traveller accommodation
Location: The Heartlands Pools Road, Wilburton, Ely
Applicant: Mr Smith
Public access link: <https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SOR0SMGGI8700>
- 9. Planning performance report – March 2025** **Page 177**
- 10. Annual performance in resolving planning enforcement cases** **Page 179**

Exclusion of the public including representatives of the press

That the press and public be excluded during the consideration of the remaining items 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 items there would be disclosure to them of exempt information in categories 1, 2 and 7 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

11. Quarterly performance in resolving planning enforcement cases

Notes

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several [free public car parks close by](https://www.eastcambs.gov.uk/parking-open-spaces-and-toilets/car-parks/car-parks-ely) (<https://www.eastcambs.gov.uk/parking-open-spaces-and-toilets/car-parks/car-parks-ely>). The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

The livestream of this meeting will be available [on the committee meeting's webpage](https://www.eastcambs.gov.uk/node/1420) (<https://www.eastcambs.gov.uk/node/1420>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting) (<https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting>). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee democratic.services@eastcambs.gov.uk, to **register by 10am on Tuesday 6 May**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - Applicant/agent or supporters
 - Local Ward Councillor
 - Parish/Town Council
 - County Councillors
 - National/Statutory Bodies
3. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:

- if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
- the fire assembly point is in the front staff car park by the exit barrier
- the building has an auto-call system to the fire services so there is no need for anyone to call the fire services
- the Committee Officer will sweep the area to ensure that everyone is out

5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 2 April 2025

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr Christine Colbert
Cllr Lavinia Edwards
Cllr Martin Goodearl (Vice Chair)
Cllr Bill Hunt (Chair)
Cllr Alan Sharp
Cllr Ross Trent
Cllr Lucius Vellacott
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:

Patrick Adams – Senior Democratic Services Officer
Catherine Looper – Major Projects Planning Officer
David Morren – Strategic Planning and Development Management Manager
Cassy Paterson – Planning Officer
Charlotte Sage – Planning Officer
Angela Tyrrell – Senior Legal Assistant

In attendance:

Cllr Anna Bailey – Local Member for Downham
Cllr Kathrin Holtzmann – Local Member for Ely East
Dale Parson – Chair of Little Downham Parish Council
Richard Seamark – Agent
Ross Taylor – Applicant

Twelve other members of the public

ECDC Comms

74. Apologies and substitutions

Apologies for absence were received from Cllr David Brown, Cllr James Lay and Cllr John Trapp.

Cllr Lucius Vellacott attended as a substitute for Cllr Brown. Cllr Christine Colbert attended as a substitute for Cllr Trapp. Cllr Martin Goodearl was appointed as Vice Chair for the meeting.

75. Declarations of interest

None

76. Minutes

The Minutes of the meetings held on 5th March 2025 were agreed as a correct record.

77. Chair's announcements

Chair announced that sadly this was Senior Legal Assistant, Angela Tyrell's last Planning Committee meeting, before leaving to work at another authority. On behalf of the Committee, the Chair wished Angela happiness and success in her new role.

78. 24/01250/ADN – Church Way, Little Downham

Cassy Paterson, Planning Officer, presented a report (Z162, previously circulated) recommending refusal for the erection of an advertising board on land at Church Way, Little Downham. She explained that there were two reasons for refusal, it was in a conservation area and it would be detrimental to the rural nature of the junction at Church Way.

Dale Parson, Chair of Little Downham Parish Council, provided the following statement:

"Advertising has been taking place on the Green for many years through various means, using potato boxes, handmade signs and even agricultural trailers. It looks so untidy and we are trying to make it look a little more professional and presentable on the Green.

"Regarding the proposed noticeboard, we have tried to make it look really sympathetic. The diagram does not show how it will actually be made. Most advertising banners that have been provided by charities and local organisations are 6 feet by 3 feet. We would try and display the banners so that they can be seen each way, coming in and out of the village. The positioning has not been decided because we were hoping to work with highways to position it professionally. In the past, boxes had been put right on the junction, which was dangerous as it had restricted the view of drivers.

"We are trying to get a decent board to advertise local charities, rather than the eyesores that have been used in the past. It will be able to be removed. One of the officer's comments stated that it would be big and there would be no storage place on site. The parish council will be able to remove it if required and put it in storage when it is not being used. We are hoping to make the backboard removable so that the box frame will be black and not be visually intrusive and

would blend into the background when not being used. That's about it. We are trying to make it look more professional rather than having boxes that have been used in the past."

Members were invited to ask questions

Cllr Gareth Wilson asked how often signs were being displayed on the Green. Dale Parson replied that signs were put up by local charities and groups throughout the year. In reply to another question from Cllr Gareth Wilson, Dale Parson stated that local groups would have to approach the Parish Council to ask to advertise their events on the advertising board. In reply to a query from the Chair, Dale Parson confirmed that only village events would be advertised and the Parish Council would be responsible for the upkeep of the advertising board, including any repair work.

In response to a question from Cllr Christine Colbert, Dale Parson explained that the advertising board would be directly secured to the ground with pegs and so could be easily removed.

In response to questions from Cllr Christine Ambrose Smith, Dale Parson stated that the backboard could be removed from the advertising board, making it see-through when not in use. The size of 6 foot by 3 foot, was the industry standard size for advertising and anything smaller would not be clearly seen and read. With regards to the location, he explained that the village hall was a listed building, with limited space available for the board.

In response to a question from Cllr Alan Sharp, Dale Parson responded to the Conservation Officer's concern that the advertising board could lead to people walking on the Green by stating that people already walked on it to view the village sign or to access the public bench, which was well used.

Cllr Anna Bailey, local member for Little Downham, made the following statement:

"I think that I can count on the fingers of one hand the number of planning applications I have called in to the Planning Committee, so I do not do it very often, but I did feel strongly about this one. I lived in the village for nearly half my life and have been the local councillor for nearly the other half of my life, so I have had a long association with Little Downham and the parish. Advertising has been going on, on the village green for as long as I can remember, it has been much more informal in the past, with potato crates that people attach their signs to or lean them up against. The signs are hand painted and lovely and informal and frankly this goes on all over England, in every village and every parish. It is slightly regrettable to me that the Parish Council has to formalise this approach. This is not a criticism of East Cambridgeshire District Council because they received one complaint, from someone who had a particular angle, that is not shared by residents. So, the Parish Council were asked to bring forward a planning application to formalise the advertising process, but this is not going to change the practice that has been going on for the whole of my lifetime. It is just formalising it and controlling it.

“The Parish Council works incredibly hard to make the village a beautiful and lovely place to live. They recently repainted the school sign on the village green and it looks beautiful. Highways have not objected to the application, which has my absolute full support, so I hope you take that into consideration. I totally trust the Parish Council to avoid doing anything that is detrimental to the village green. They have been all about enhancing the village green and making it lovely. There are scarecrow competitions in the village and one year we had a bride and groom scarecrow sitting on the village bench, which was very popular. The adverts are only ever temporary and of course they are all about supporting community events, which bring the community together, that make the village a lovely place to live. So, I really do urge the Committee, notwithstanding comments from officers, to give this planning permission and let the Parish Council be in charge of it and support community activities and community cohesion.”

Cllr Lucius Vellacott asked if the design and scale of the proposed advertising board were suitable for the site. Cllr Anna Bailey replied that in the right location, the size of the proposed board was appropriate. The board could be removed when not in use.

Cllr Martin Goodearl asked if two separate notice boards had been considered, as there was a tree on one side of the lane and a road sign on the other, blocking the view. Cllr Anna Bailey stated that the notice board would have to be a little further back from the road than the informal signs had been to ensure that the Highways Agency did not object. If the sign was any smaller it would be ineffective. She suggested that any queries about having an additional notice board needed to be directed to the applicant.

The Chair suggested that if the application was approved then there would have to be further negotiation between the applicant and the Council to determine the appropriate location of the noticeboard.

The Committee moved on to debate.

Cllr Chika Akinwale expressed her support for the application because the benefits to the local community groups made this an exceptional case as it outweighed any detriment to the area listed in the report. Cllr Christine Ambrose Smith agreed, on the understanding that power would be delegated to the Strategic Planning and Development Management Manager to work out the finer details with the applicant.

Cllr Gareth Wilson stated that one large robust sign made more sense than two smaller ones. He supported the Parish Council's proposal to take over responsibility for advertising events in their village and so he supported the application.

Cllr Martin Goodearl supported the application on the understanding that out of date advertising would be removed from the noticeboard, which was properly maintained. He recognised that the noticeboard would be of benefit to the local community.

The Strategic Planning and Development Management Manager stated that as the exact location and specifications of the noticeboard had not yet been agreed, he suggested that the Committee give him delegated authority to agree these matters with the Parish Council and to impose any appropriate conditions, should the decision be taken to approve the application.

Cllr Chika Akinwale proposed and Cllr Christine Ambrose Smith seconded the recommendation in the report. A vote was taken and

It was resolved with 10 votes in favour, 0 votes against and 1 abstention:

- (i) To **approve** planning application 24/01250/ADN, contrary to the Officer's recommendations, on the grounds that the benefits to the community outweighed the negative impact of the erection of an advertising board on a greenfield site.
- (ii) Delegated powers be given to the Strategic Planning and Development Management Manager to determine the exact location and specification of the advertising board and to impose conditions as appropriate.

79. 21/00396/FUM – Willow Farm, Pymoor Common, Pymoor

Catherine Looper, Major Projects Planning Officer, presented a report (Z163, previously circulated) recommending approval for the redevelopment of the Corkers Crisp/Taylor Farms complex on land at Willow Farm, Pymoor Common, Pymoor. The size of the former complex was 7,098 square metres or 76,402 square feet. Planning consent given in 2018, which has since expired, was given for expansion to 8,101 square metres or 87,198 square feet. The application proposed an increase to 8,799 square metres or 94,712 square feet. This was approximately an 8.6% increase in floor space.

A statement from Mr Jack Eagle was read out by the Senior Democratic Services Officer:

"I believe that there are currently enforcement actions awaiting on the site with planning inspectorate APP/E0535/C/23/3334979 and APP/E0535/C/23/3334980. Can the application be determined if the site is under investigation?"

"The site has been used seasonally by Gressingham Foods, it is unclear what permission is associated with this operation.

"The site is currently being used for the storage of a large amount of lorries; it is unclear what permission is in place for this.

"It seems as though the application title has changed from Corker Crips redevelopment to now include Taylor Farms complex. It is unclear how this change will impact those in the local area?"

"It is still unclear as to why such an increase in the number of car parking spaces is required from the previous factory site.

"It is unclear what hours of operation will be and also the associated HGV and other vehicle movement which have a significant impact on local residents.

"I would be grateful if the committee could address my questions above and also take into account my previous comments on the application."

A statement from Professor Anthony Martin was read out by the Senior Democratic Services Officer:

"I wish to object to Planning Proposal 21/00396/FUM on the grounds of public health and public amenity. Specifically, I remain deeply concerned about the gaseous emissions from the factory, as I was about the emissions from the original factory. I refer Councillors to my previous note on this subject dated 13 March 2023 (Wigeon House).

"The basis of my objection is that still, to this day, Councillors do not know the human health impact of the air pollution that will be emitted by the factory that they are being recommended to approve, and I would respectfully suggest that this alone should be grounds for the proposal to be rejected. No analysis of the emissions has been presented, and no expert independent assessment of the health impacts has been received from the UK Health Security Agency or anyone else, despite advice from the ECDC Environmental Health Officer (dated 29 October 2021) that the Agency should be consulted because 'the ECDC Environmental Health Team does not have the expertise to comment'. Various documents provided by consultants hired by the factory proposers claim, without supporting evidence, that odours from the new factory would be lower than the those from the old one. Given that we residents sometimes had to retreat indoors to avoid the cloying stench from the earlier factory, that isn't saying much.

"Alarmed by the pollution emanating from Corkers Mk 1, I sought information and reassurance from the Council that had given it planning consent - ECDC. To my alarm, ECDC knew nothing, and referred me to Public Health England, who were similarly clueless and pointed me to the Environment Agency, who in turn told me that this was ECDC's responsibility. I hope and trust that, this time, Councillors will not consent to the construction of such a huge industrial process in our midst until they can be certain that it will not damage the health or amenity of the people they represent. Today we breathe clean, healthy air. Please do not take from us that basic right."

A statement from Mrs GH Taylor was read out by the Senior Democratic Services Officer:

"I live on the site of proposed development of Corkers Crisps 21/00396/FUM, I had no problems living so close to the old factory and welcome a new and even better factory being built. It will have all the latest technology and bring a vibrancy back to the area.

"It will offer lots of jobs for local people, the old factory had well over 100 employees. This new venture should be even better.

"It will take a lot of local commuters off the roads, making them much more eco-friendly travelling to work.

"Employment will be at a premium when all the new housing estates have been built in our near area and filled with people. Job creation is vital in a time of job cuts country wide.

"It will help revitalise the local shops and garage. They noticed a big difference in trade when the old factory went.

"It will help local farmers, by giving them another potato outlet with fair prices, not to mention cutting down on road transport of the crop. This new market is needed to help our local economy.

"Many different trades apart from farming, will benefit from the working needs of the factory.

"The benefits to the local community are many, and I hope you can agree to this project being passed."

Mr Ross Taylor gave the following statement:

"I would like to go back five years ago on the tragic day that we lost our family business. We supported a lot of jobs over the years and brought a lot of young people into work and trained them and it was a very good starting point for youngsters to learn and use skills. It has been a big journey for us as a family to lose our family farm. We were so proud of this business and it was such a big loss to the area.

"I am here today to answer any questions, regarding the worry about pollution and the factory being bigger. What we have done is to innovate and embrace technology. When we did the Mark 1 factory, we did it without any experience and we basically built it with our own hands. This time round we can harness all the energy and all the heat out of the chimney pots. There will not be any smells because it has a value to put back into the process, so every ounce of heat will be captured, using the new technology.

"It was a big loss for the local farmers, because we could help enhance the crops and use the smaller products that there was not a market for. 60% of UK's food is produced in this small area and it is very important that we try and find a market for these agricultural products at a time when the farming industry is in the worst state it has ever been.

"This is a massive investment. It will be a £10 million project. Since the journey started, everything has more than doubled in price to build. We are looking today for your support to try and get this business back on the road again. We had a visit from Princess Anne and she sent us a letter of support, saying that she will come back and open it. There are a lot of good things connected to this

business, which will help the local area. It is a perfect location for such an enterprise. If there are any questions that you want me to answer, please ask.”

Cllr Christine Whelan asked about the operating hours of the factory and the number of vehicles that will be visiting the site. Mr Ross Taylor said that like the previous factory, the new business will always be operating but there will be quieter times with seasonal peaks, depending on agricultural harvesting. He explained that they had developed a method of freezing their crisps that will take place on the premises, and this would reduce the amount of traffic coming to and from the site.

Cllr Christine Ambrose Smith stated that in his letter of objection, Professor Anthony Martin had raised concerns about air pollution, and she asked for some reassurance about this. Mr Ross Taylor replied that the original factory only emitted condensation and he and his family lived next to it. He did not remember receiving any complaints. The new factory would harness the steam and use it to power electric turbines through a water bath, so there will not be any emissions.

Cllr Alan Sharp stated that in his letter of objection, Mr Jack Eagle, had raised concerns about car parking and he asked for clarification on this matter. Mr Ross Taylor replied that at the original factory about 100 cars were parked on a nearby track. At the new factory, cars would be parked in properly laid out spaces on the site. There would not be any parking on the main road. The employees would work shift patterns, so that there would be enough parking spaces. The previous factory had car sharing and a minibus was provided to help employees get to work. It was noted that 15% of the spaces on site would be disabled parking.

In response to Cllr Sharp’s question regarding renewable energy, Mr Taylor explained that his aim was for the new factory to be carbon negative and use solar power and any other initiatives to achieve this.

The Major Projects Planning Officer explained that if the application was approved it would be subject to a number of planning conditions regarding an odour abatement system, lighting and emitted noise levels. It was noted that EV charging points would be covered separately under building regulations. The Strategic Planning and Development Management Manager explained that the provision of fire extinguishers would be covered under secondary legislation.

The Committee moved on to debate.

Cllr Lucius Vellacott expressed his support for the application, which did not deviate from the Council’s planning policies, was subject to suitable conditions and had a huge employment benefit to the area. Cllr Christine Ambrose Smith agreed with Cllr Vellacott.

Cllr Alan Sharp stated that the site already had permission for an existing use and the applicant was asking for a small, justifiable increase in floor space, as

the site was being redesigned to take advantage of improvements in technology and provide designated car parking spaces. He supported the officer's recommendations. Cllr Bill Hunt added that it had clearly been a difficult time for the applicant, following the fire at the premises, and he too would be supporting the officer's recommendations.

Cllr Lucius Vellacott proposed and Cllr Christine Ambrose Smith seconded the recommendations in the report. A vote was taken and

It was unanimously resolved:

To **approve** planning application 21/00396/FUM, subject to the conditions set out in Appendix 1 and in an addition of condition 30, to secure the uses recommended for approval, to provide clarity over the authorised uses and to ensure that any future changes to the operation of the site are considered.

80. 24/01076/FUL – Harlocks Farm, Soham Road, Stuntney

Charlotte Sage, Planning Officer, presented a report (Z164, previously circulated) recommending refusal for the development of four tennis courts, with external lighting, fencing, clubhouse, associated parking, drainage, utilities and landscaping on land north west of Harlocks Farm, Soham Road, Stuntney. The Planning Officer reported that a previous application, 23/00761/FUL, had been refused in October 2023. She explained that consistent decision making was important, and the Committee would need to provide good reasons to justify a departure from the original decision. In the view of the officers, the application had not provided this justification.

Mr Sebastien Scaux made the following statement:

"I am the founder of 10is Academy in Ely. I lead coaching and tennis matches in the community. 10is Academy started as a tennis provider for local clubs in September 2021 at Kings Ely school. Our ambition is to make tennis accessible and enjoyable to everyone, regardless of age, ability or background. In just three years we have grown to over 150 active members and we are still growing. We work hard to keep fees low and offer free sessions, so no-one is excluded due to cost. Every pound is invested into our programmes and the development of our coaching team. Despite limited court access, we only have the courts from 5:30 pm to 10:30 pm during the week and for the full day on Sunday, we deliver 21 hours a week for coaching. We have five to seven weeks of holiday camps a year. We offer regular family events, tournaments and matches. We are going to have over a 100 Lawn Tennis Association (LTA) sanctioned matches over the next few months. We offer free tennis in local schools and free weekend tennis as well. We have an inclusion programme ready to go but we do not have enough space to put them in place.

"It is not just about tennis; it is about the community as well. We have plenty of students, some of them are doing the DofE, plenty of them are doing work experience with us. We donate to local charities. For the last few years, we have donated to the Ely food bank. We are committed to give to Magpas Air

Ambulance for the next few years. We also work with local businesses, our uniforms are made locally and all the services that we use are also local.

“Our coaching team is made up of local people. With six juniors who are part of the team and we are training them to be LTA qualified. We have three adult coaches, including one who is fully employed, which is very rare for small clubs. We are proudly rooted in Ely, but we attract players across Cambridgeshire and even from London. We have the backing from tennis professionals, players and coaches. Most importantly the LTA is supporting this project, recognising our track record and social impact.

“But now our future is at risk. Access to King’s Ely is ending and without a permanent home we cannot continue. Having our own court would allow us to continue our work we are currently doing. We could start earlier, giving more opportunities for families, especially the young kids. We could reach the people who cannot play in the hours provided and so we could expand.

“The application is about protecting our club, that gives people a purpose and connection. We achieve a lot with limited resources. So can only imagine what we can achieve if we had a home.”

Richard Seamark, the agenda, gave the following statement:

“After the first application in October 2023, we arranged to meet with Simon Ellis and Cllr Holtzmann to see if there might be any other suitable sites for this club. At this meeting it was agreed that none of the other tennis courts were suitable because they were either linked to schools, therefore they would have the same access issues as Kings, or they were too small. We agreed that any potential development sites within settlement boundaries would either be in housing or commercial sites. We therefore agreed a list of eight alternative sites that potentially could be suitable and agreed the wording of the letter that would be sent out to the landowners. No expressions of interest were received. In March 2024 the Council asked us to consider a further four sites, so we wrote again to all 12 landowners. Three responses were received, all declining. We have therefore tested all the sites the Council has asked us to look at over a period of six months. The site near Bens Yard is the best opportunity to guarantee a long term future for the club. The site is already served by existing infrastructure, such as safe vehicle access and a café. Whilst we appreciate many travel here by car, most of our members already drive to the club at Kings, with many driving passed Bens Yard from their homes in the south, making this site more accessible to them.”

“External lighting will be directed downwards and into the court and will be screened by surrounding vegetation. It is also worth noting that Bens Yard and Harlocks Farm already use external lighting throughout the nighttime.”

The Chair invited Members to ask questions to Sebastien Scaux and Richard Seamark.

Cllr Chika Akinwale asked what had been done to try and secure an alternative venue site. Richard Seamark replied that after the first application was refused,

a meeting was held with representatives from the Council to try and identify a suitable alternative site, but none of the landowners of these 12 sites came back to express any interest. He explained that the tennis club did not have the resources that other developers might have to identify alternatives.

Cllr Kathrin Holtzmann, local member for the ward of Ely East, gave the following statement:

"I would like to speak in support of this application. I do understand that there are concerns about the site, as it is outside the development envelope. However, once King's Ely terminates the agreement there is no alternative place for the tennis club to rent and so they really do need a home. As Richard Seamark has already outlined, we tried very hard to find alternative sites after the last planning application was refused and various members from both sides have tried to find alternative options, but there was literally nothing available, beyond the sites that have already been tested. So, I think that we can say that within reason, the tennis club has tried everything to try and secure an alternative site and there is literally nothing else we can do. We appreciate that the site is not ideal in terms of the driving and the access, but given that this is all we have got, there is no alternative possible.

"The Club is actively growing. It is one of the few tennis clubs within the district. It does provide support for disabled children and wheelchair tennis and as such it is the only club in the district that does that. So, if we lose the club, those with special needs will have to go to Peterborough or Papworth, which is quite a stretch for them to access tennis provision. Basically, if the club cannot find a new home, it will have to close. The existing clubs that are already out there, do not have the capacity to take on the current members and so we would lose provision and that clearly shows that there is a need for more club space and more tennis space. The ECDC sports provision report from 2020 already highlighted that the club was in a very precarious position but was already providing excellent tuition. I have had many more e-mails from residents on this than any other topic that I have ever had to consider. It was lovely to see that there was such appreciation for what the club does locally. In light of this, I would like to express my heart felt support for this application, although I do understand that it is a very difficult choice because of the planning regulations and what the legal restraints are, but I would like to ask the members of the Planning Committee to kindly take into account the benefits that the club provides to the local community."

Cllr Bill Hunt asked what benefits the club provided to the wider community, when courts would be publicly available and when disabled people would be allowed play. Cllr Holtzmann expected that the club would be amenable to a planning condition that ensured free court time. Richard Seamark added that two hours a day would be made freely available to residents of Stuntney. Cllr Holtzmann explained that free tuition would be provided to disabled players, something no other clubs in the district offered. The membership fees were lower than for other commercial clubs and if children were not taught the game, there would not be enough tennis players to use the publicly available courts.

The Chair invited comments from officers.

The Strategic Planning and Development Management Manager reminded the Committee that it needed to consider the previous reasons given for refusal and whether or not they had been overcome. This was an issue regarding land use and the Committee need to decide whether the development should take place at the specified location. The Planning Officer added that three reasons had been given for refusal in October 2023, which were the design, the impact on the countryside and the loss of biodiversity. Officers were concerned regarding the lack of evidence justifying the proposed site and considered that alternative sites had not been fully explored. She explained that the ten floodlights proposed in the application were far more powerful than the existing lights at Bens Yard and Harlocks Farm and the two hours of free play a day would only be available to the residents of Stuntney.

In response to a question from Cllr Gareth Wilson, the Planning Officer confirmed that for a development this size, 63 parking spaces would be expected, whilst only 16 car parking spaces were proposed. During normal hours of play this could be sufficient, but Cllr Wilson expressed concerns about where players or spectators would park during tournaments or other important matches.

The Committee moved into debate.

Cllr Christine Colbert asked whether the Committee could defer the decision to allow the applicant to respond to the concerns that had been raised by officers. The Strategic Planning and Development Management Manager advised that whilst the Committee could agree to defer the decision, officers considered that the application was at a stage where it could be determined by the Committee without any delay. He advised that members have a full debate, before deciding whether to defer the application. Cllr Chika Akinwale suggested that the application should be deferred to allow the applicant to come up with more evidence to justify the exceptional circumstances required to agree the application, with particular attention to the sites assessment that had been carried out. The Strategic Planning and Development Management Manager warned that it would probably take months for such a report to be completed. There was a danger that this could result in an open-ended application which was contrary to the Council's negotiation protocol. He recommended that Members fully debate this application, before deciding whether to defer. Cllr Christine Ambrose Smith suggested that the applicants could withdraw the application and then bring back a new application, with more information regarding the sites assessment. The Strategic Planning and Development Management Manager replied that this was not something that the Committee should decide. He advised that the Committee had sufficient evidence to reach a decision on the application.

Cllr Martin Goodearl expressed his support for the officer's recommendation to refuse the application because the site was unsuitable. He expressed concern that there was only one disabled car parking space and that there was insufficient parking spaces in total. He welcomed the efforts made by the club

to provide free tennis to disabled players and non-members but the location was an unsuitable place for a tennis club.

Cllr Gareth Wilson expressed his concerns about parking, the flood lights, the availability of the courts to non-members and the environmental impact of the development. He concluded that even if these matters were addressed, he would still have doubts about the viability of the application due to its location.

Cllr Alan Sharp stated that whilst he was in favour of sports provision, he did not believe that the application fully addressed the reasons given for refusing the previous application 2023. He also expressed concerns about the provision of parking, flood lights in a rural area and the impact the development would have on wildlife. He disagreed with the suggestion that the decision be deferred, as it was unclear what this would achieve.

Cllr Christine Whelan expressed concerns about access to the site, from a busy road where accidents had occurred. She added that Stuntney was a small village of about 250 residents and only offering free tennis courts during the day to its population would have a limited benefit.

Cllr Ross Trent stated that he supported the project but it was in the wrong location.

The Strategic Planning and Development Management Manager explained that if there was an appeal, the Council would find it difficult to substantiate a highways related objection, due to a lack of technical support on that point. He added that there was support for parking and that could be integrated into one of the existing reasons for refusals. Objections regarding lighting could be mitigated through conditions.

Cllr Martin Goodearl proposed and Cllr Christine Ambrose Smith seconded the recommendations in the report, with concerns regarding parking being added to the reasons for refusal. A vote was taken and

It was resolved, with 6 votes in favour, 0 votes against and 5 abstentions:

To **refuse** planning application 24/01076/FUL, on the grounds set out in report Z164 with the addition of reference made to a lack of parking provision on the site as discussed by members.

81. Planning performance report – February 2025

David Morren, Strategic Planning and Development Management Manager, presented a report (Z165, previously circulated) summarising the performance of the Planning Department in February 2025. It was noted that information regarding Planning Enforcement actions would be brought to the Committee every quarter, with the first such report being received at May's meeting. These reports would contain confidential information and so would be discussed in private session at the end of the meeting and would be a part 2 agenda item.

It was resolved unanimously:

That the Planning Performance Report for February 2025 be noted.

The meeting concluded at 4:02 pm.

Chair.....

Date.....

DRAFT

24/00925/RMM

Millstone Park
Newmarket Road
Burwell

Reserved matters application for approval of layout

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SJ8TKQGGJST00>





24/00925/RMM

Millstone Park
Burwell

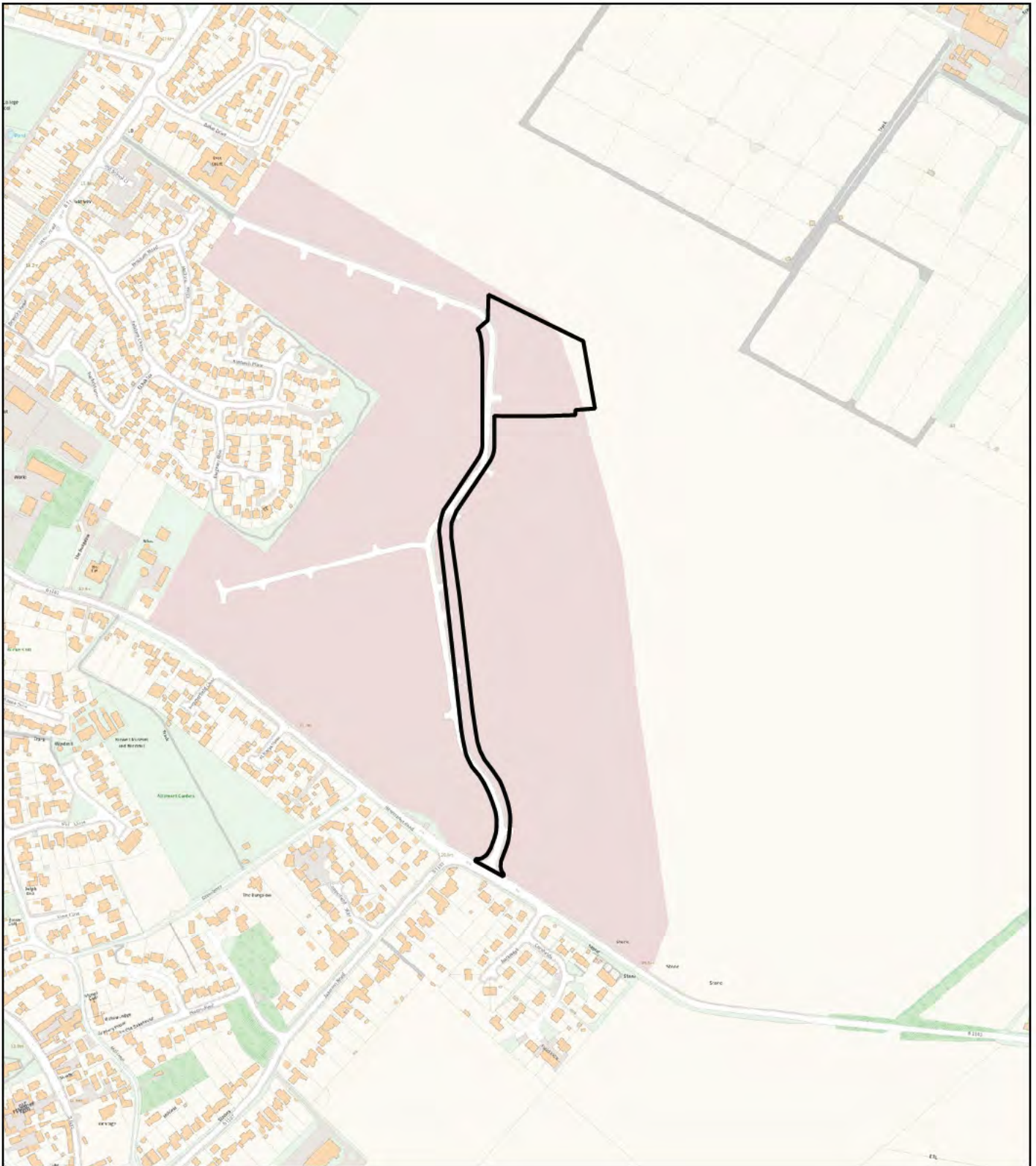


East Cambridgeshire
District Council

Date: 23/04/2025
Scale: 1:10,000



© Crown copyright.
All rights reserved 100023279 (2025)



24/00925/RMM

Millstone Park
Burwell



East Cambridgeshire
District Council

Date: 23/04/2025
Scale: 1:6,000



© Crown copyright.
All rights reserved 100023279 (2025)

TITLE: 24/00925/RMM

Committee: Planning Committee

Date: 7 May 2025

Author: Planning Team Leader

Report No: Z170

Contact Officer: Dan Smith, Planning Team Leader
dan.smith@eastcambs.gov.uk
01353 616306
Room No 011 The Grange Ely

Site Address: Millstone Park Burwell Newmarket Road CB25 0BA

Proposal: Reserved matters application of the approval of layout, scale, appearance and landscaping (Phase 4) in relation to the internal road layout and plot sub division of 18 development plots within a self-build zone, together with associated landscaping, drainage and ancillary infrastructure (including a substation), pursuant to 15/01175/OUM to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure (as varied by 15/01175/NMAA and 15/01175/NMAB).

Applicant: This Land Limited

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 3 September 2024

Expiry Date: 9 May 2025 (by agreed extension of time)

1.0 RECOMMENDATION

- 1.1** Members are recommended to APPROVE the application subject to the conditions set out in Appendix 1.
- 1.2** The application is being heard by committee because Committee resolved when it determined the outline permission to which this application relates that future reserved matters applications would be considered by Committee.

2.0 SUMMARY OF APPLICATION

- 2.1 The application relates to part of the Millstone Park site in Burwell which benefits from an Outline permission for up to 350 dwellings as well as the approved main access. The part of the site to which the application relates is the parcel identified for the delivery of self-build plots which were required as part of the s106 agreement completed in respect of the Outline permission, as well as an area of the perimeter landscape belt for the wider site.
- 2.2 The application seeks approval of the reserved matters of layout, scale, appearance and landscaping which were reserved for future consideration as part of the approval of the outline planning permission for the wider site. The decision notice for the outline permission can be found at Appendix 2.
- 2.3 The application only seeks the approval of the reserved matters in respect of the infrastructure such as roads, pathways, green spaces and landscaped areas of the parcel and the sub-division of the parcel into self-build plots, rather than in respect of any of the designs of the self-build dwellings, which would come forward at a later date. Detailed drainage designs have also been submitted and full details of a substation to be located on the parcel have also been provided. During the course of the application a highways technical note including amended proposals for bin collection points and visitor parking was submitted to address the comments of the Local Highways Authority and the Council's Waste Collection team.
- 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/>.

3.0 PLANNING HISTORY

- 3.1 The relevant planning history for the includes the outline permission to which the current application relates. That outline application followed an EIA Screening Opinion requests. Subsequently, the outline permission has twice been the subject of non-material amendments to make minor amendments to the wording of its conditions. A full application has also been approved in respect of the footpath/cyclepath link required by the outline permission.

14/00149/SCREEN

Screening Opinion for Residential Development

Environmental Statement Not Required

26 February 2014

15/01175/OUN

Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure.

Approved

31 October 2019

15/01175/NMAA

Non-material amendment to wording of Condition 14 (Energy and Sustainability Strategy) of 15/01175/OUM.

Accepted

8 December 2020

15/01175/NMAB

Non-material amendment to vary wording of conditions 2, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 28, 36 and 37.

Accepted

29 October 2021

21/01771/FUL

Provision of a shared cycleway/footway west onto Ness Road, landscape, drainage, and associated infrastructure.

Approve

2 November 2022

- 3.2 The following Reserved Matters applications have previously been made in respect of the outline permission for other parts of the site:

19/01578/RMM

Reserved matters for appearance, landscaping, layout and scale of planning application 15/01175/OUM (Phase 1)

Withdrawn

7 April 2020

20/01755/RMM

Reserved matters for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related infrastructure

Approved

13 July 2021

21/01508/RMM

Reserved matters infrastructure application (Phase 2) for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related

Approved

13 May 2022

22/00420/RMM

Reserved matters comprising layout, scale, appearance and landscaping for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Approved

10 November 2023

22/00479/RMM

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 133 dwellings, parking, internal roads, open space, landscaping, sustainable urban

drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

Approved

10 November 2023

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The wider application site for which outline permission was granted comprises 27.3 hectares (67.5 acres) of greenfield agricultural land and adjoins the existing built form of Burwell to the west and south. Open countryside adjoins the site to the east and the north, with Newmarket Road defining the south-west boundary of the site. To the west the wider site bounds Melton Farm, the Felsham Chase housing estate and other residential streets.
- 4.2 The wider site is allocated for residential development for approximately 350 dwellings, in the East Cambridgeshire Local Plan 2015, under Policy BUR1 – Housing allocation, land off Newmarket Road, and was granted outline permission in 2019 as detailed above.
- 4.3 The current application site is a parcel of land alongside the northern perimeter of the site. It occupies the northernmost part of the area designated for housing in the outline permission to the east of the main spine road. The parcel is approximately 1.4 ha (3.45 acres) in total. There is a soft landscaped open space proposed along the northern and eastern boundary of the parcel, inside which sits an internal road with vehicle access to the parcel taken from the main spine road at the north-west corner of the parcel. The 18 self-build plots sit towards the centre and south-west of the parcel with an east-west pedestrian green route and private drives bisecting them.
- 4.4 The wider site was previously arable agricultural land. It has since been topsoil stripped and some elements of the previous reserved matters approvals for infrastructure, such as the primary spine road, have been implemented on site. The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding from fluvial flooding, and is at a very low risk of flooding from surface water.

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 - 25 September 2024

Does not object and notes it continues to favour non fossil fuel heating.

Local Highways Authority - 18 September 2024

Does not object but noted that turning heads would be required on private roads as well as a requirement for an amendment to a landscaped margin as well as some minor changes to bin collection points and drainage channels which it was content could be addressed as part of the Section 38 process. The LHA has since confirmed it is content with the changes made to address its comments.

Lead Local Flood Authority - 27 September 2024

Does not object on the basis that the submitted drainage information demonstrates that surface water can be managed in line with the wider approved strategy, with the access road draining into the infiltration basin in Phase 2 or the proposed basin to serve Phase 3. Notes that permeable paving is proposed on the driveways and parking courts with infiltration directly through the base and that runoff from the dwellings will drain directly into individual plot soakaways within the curtilage of the dwellings.

Cambridgeshire Archaeology - 11 September 2024

Does not object or require further conditions as archaeological fieldwork has been completed across the development area. Notes it is currently working with the applicant's archaeological contractor over the remaining post-excavation requirements and reporting.

Waste Strategy (ECDC) - 24 September 2024

Commented on general requirements for waste collection and in detail on the need for swept path analysis and collection points. Minor changes to the scheme have since been made and the team has confirmed that these are sufficient to address its concerns.

Anglian Water Services Ltd - 25 September 2024

Does not object to the scheme. Notes there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary. States that the foul drainage from this development is in the catchment of Burwell Water Recycling Centre that will have available capacity for these flows, that the impacts on the public foul sewerage network are acceptable the surface water drainage infrastructure is outside of its jurisdiction and it does not wish to comment on that element.

Environment Agency - 9 October 2024

Does not object in respect of the development or drainage measures proposed.

ECDC Trees Team – 29 November 2024

Does not object and states the submitted landscape management plan provides appropriate management specifications and that the submitted soft landscaping scheme is acceptable with suitable trees and hedges for the development's layout.

Environmental Health - 11 September 2024

Does not object to the scheme or the proposed lighting noting it is a highways lighting scheme.

Design Out Crime Officers - 20 September 2024

Commented on various design issues including security and crime prevention measures and provided general advice on the benefits of good design in that regard. Made detailed comments in respect of door and window security and external lighting, suggestions for soft planting, boundary treatments and secure cycle storage.

Cambridgeshire Fire And Rescue Service – 21 November 2024

States that as part of the planning process, it would expect the developer to provide a water scheme to allow it to plot the locations of any required fire hydrants.

Housing Section – 21 November 2024

States it has no comment to make on the above application regarding Phase 4 as it will deliver Self Build units only.

Ward Councillors - No Comments Received

Conservation Officer - No Comments Received

Enforcement Section - No Comments Received

Community & Leisure Services - No Comments Received

Infrastructure & Strategic Housing Manager - ECDC - No Comments Received

Cambridgeshire County Council Education - No Comments Received

HSE (Planning Advice Team) - No Comments Received

Sport England - No Comments Received

Head Of Strategic Planning - No Comments Received

CCC Growth & Development - No Comments Received

The Ely Group Of Internal Drainage Board - No Comments Received

Cadent Gas Ltd - No Comments Received

West Suffolk District Council - No Comments Received

NHS England - No Comments Received

5.2 A site notice was displayed near the site on 13 September 2024 and a press advert was published in the Cambridge Evening News on 19 September 2024.

5.3 Neighbours – 420 neighbouring properties were notified. No responses were received to that consultation.

6.0 THE PLANNING POLICY CONTEXT

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015, as amended 2023) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

- 6.2 *East Cambridgeshire Local Plan 2015 (as amended 2023) [LP]*
- | | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 4 | Delivery of growth |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 1 | Housing Mix |
| HOU 2 | Housing density |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| ENV 14 | Sites of archaeological interest |
| COM 4 | New community facilities |
| COM 7 | Transport impact |
| COM 8 | Parking provision |
| BUR 1 | Housing allocation, land off Newmarket Road |
- 6.3 *Supplementary Planning Documents [SPD]*
Design Guide – Adopted March 2012
Flood and Water – Adopted November 2016
Contaminated Land - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013
Natural Environment SPD – Adopted September 2020
Climate Change – Adopted February 2021
- 6.4 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*
- | | |
|-----------|--|
| Policy 14 | Waste management needs arising from residential and commercial development |
|-----------|--|
- 6.5 *National Planning Policy Framework (December 2024) [NPPF]*
- | | |
|------------|--|
| Section 2 | Achieving sustainable development |
| Section 4 | Decision-making |
| Section 5 | Delivering a sufficient supply of homes |
| Section 6 | Building a strong, competitive economy |
| Section 8 | Promoting healthy and safe communities |
| Section 9 | Promoting sustainable transport |
| Section 11 | Making effective use of land |
| Section 12 | Achieving well-designed places |
| Section 14 | Meeting the challenge of climate change, flooding and coastal change |
| Section 15 | Conserving and enhancing the natural environment |
| Section 16 | Conserving and enhancing the historic environment |
- 6.6 *Planning Practice Guidance and National Design Guide (NDG)*

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.2 The site is part of a wider site which benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. That outline permission was granted on the basis that the site is allocated for residential development in the Local Plan. On that basis, the overriding principle of residential development on the site is acceptable.
- 7.3 The outline permission reserved consideration of the detailed matters of layout, scale, appearance and landscaping, requiring the submission of details of those matters at a later stage. This current application is made in that regard.
- 7.4 The requirement for self-build plots is set out in LP policy HOU 1 which states that developments of more than 100 dwellings will be expected to provide 5% self-build properties. This requirement was secured as a planning obligation in the s106 agreement completed as part of the outline permission. The proposed provision of 18 self-build plots would satisfy the quantum of plots required by the s106 agreement.
- 7.5 The principle of development is therefore acceptable in accordance with LP policies HOU 1, GROWTH 2 and BUR 1. The detailed consideration of this current application below, assesses whether the detailed matters pursuant to the Outline planning permission accord with the development plan when taken as a whole.
- 7.6 Residential Amenity**
- 7.7 While the detail of the dwellings would only come forward as part of future individual applications, the proposed plots shown in the layout proposed in the current scheme are considered to be laid out and proportioned in such a way that they would each offer the future self-builders the opportunity to propose and build a home which provides a good level of residential amenity. Most of the parcels are in excess of the 300m² plot size suggested by the Council's Design Guide, with the remainder close to that size and all would be sufficient to enable self-builders to provide private garden in excess of the 50m² minimum set out in the guide. It is considered that the layout of plots is such that individual dwellings will be able to be brought forward in a way which provides acceptable impacts on neighbouring residential amenity.
- 7.8 The open space and landscaping within and around the parcel will provide a good level of amenity to residents and the play space within the parcel as well as the access residents would have to other larger play space and open space areas on site which are easily accessible on foot will ensure a good level of provision and amenity.
- 7.9 The construction phase of any large residential development poses potential amenity issues in respect of noise, dust and light pollution. The outline permission was granted subject to Condition 19 which requires that no development commence until a Construction Environmental Management Plan for that phase has been submitted and approved. That condition satisfactorily secures the mitigation of the impact of development phase on any potential residential neighbours.
- 7.10 The proposed development is therefore considered to be acceptable in respect of its impact on residential amenity in accordance with LP policy ENV 2.

7.11 Design and Landscaping

- 7.12 The site is laid out with the proposed self-build plots either fronting onto the internal perimeter access road, the spine road to the west (although no accesses are proposed to be taken from that road) or the east-west green route. This is considered to be a sensible and acceptable arrangement. The proposed open space areas to the north and east are also appropriately located to tie in with the approved open space areas on Phase 2 and the potential future open space areas on parcels to the south.
- 7.13 The location of the plots would allow the dwelling on each one to have a suitable street presence, providing a level of enclosure to each street. It would provide a more regular, urban grain to the spine road and east-west green route while allowing a somewhat looser arrangement on the eastern edge of the site where it opens out onto wider countryside, making sense of the character of the wider site.
- 7.14 As detailed above, the proposed plot sizes are considered to be acceptable and would not lead to an overly dense character or present any obvious issues in delivering good quality housing with acceptable levels of residential amenity. The plots vary in size and would allow for a variety of individual layouts and building forms and sizes to come forward, as should be the aim of self-build plots, while retaining an acceptable relationship with the character and layout of the wider site.
- 7.15 The application includes 'Plot Passports' for each of the 18 self-build plots, which are intended to show parameters for future development and indicate how self-build units are likely to come forward on those plots including elements such as the suggested build zone, access point, principal elevation and spacing from boundaries. While these plot passports will not be formally approved as part of this permission (for reasons detailed below in paragraphs 7.39 to 7.44), they are considered to demonstrate that the self-build plots are workable and would allow dwellings to be brought forward that would contribute to a high-quality environment on the wider site.
- 7.16 The proposed landscaping of the site includes the provision of the tree-lined, pedestrian green route running east-west through the parcel, which will connect with the similar green route on Phase 2A to the west and provide a link to the public open space to the east of the plot. It also proposes hedge planting along the spine road to the west, which will give the parcel an attractive green frontage onto the spine road, complementing its street trees, and a well-landscaped area of open space to the north and east. That open space will have native planting along the northern boundary, feature trees alongside the pedestrian path to the north and down alongside the internal access road. The Council's Trees Officer has considered the scheme and confirmed their view that the proposal is acceptable providing suitable trees and hedges for the development's layout and land usage. They have also confirmed that the proposed management arrangements for the scheme are acceptable.
- 7.17 It is considered that the proposed landscaping of the site is of a high quality and sufficient to create an attractive environment for future residents.

- 7.18 The only building for which the scale and appearance are specified is the proposed substation to the north of the access road close to the vehicle entrance to the parcel. The proposed substation is considered to be modest in scale and acceptable in its design with brick built walls and a tiled, hipped roof.
- 7.19 The proposed development is therefore considered to be acceptable in respect of its design, providing an accessible layout for the plots which will allow for a high-quality self-build scheme to come forward in detail. The layout of the infrastructure is considered to be sensible, with each plot provided with both vehicle access and an attractive outlook. The provision of a central green route which, continuing on from that on Phase 2A, will provide an attractive link between housing parcels and the open space to the east enhances the layout.
- 7.20 The proposed design of the parcel and the landscaping of it is considered to be good quality and acceptable in respect of its integration into the wider site and would therefore comply with LP policy ENV 2.
- 7.21 Highways and parking**
- 7.22 The main access to the site, main spine road and the access point on to the parcel have been detailed as part of the outline and subsequent reserved matters applications. This application provides a detailed road layout for the parcel itself, which includes a perimeter road to the north and east of the housing and two private access roads alongside the green route which bisects the site.
- 7.23 The Local Highways Authority has confirmed that the proposed access roads are acceptable to serve the development. This includes the provision of emergency access turning arrangements via the use of grasscrete in the central area of the green route through the site.
- 7.24 The Council's Waste Team has confirmed that the layout and specification of the roads is acceptable to allow bin collection from each of the plots and a condition will be applied requiring a scheme of collection points to be provided.
- 7.25 The proposed development would provide safe vehicular access in and around the parcel and it is therefore considered the proposal complies with LP policy COM 7.
- 7.26 The layout of the development on individual plots is unknown at this stage, however the parcel has been subdivided in such a way and the plots are proportioned such that adequate off-street parking on each plot (two spaces) would be able to be incorporated into the future designs of the development and provided. This would ensure that each new dwelling has an adequate level of parking provision.
- 7.27 The proposal also provides for five visitor parking spaces adjacent to the open space to the north and east. This equates to a provision of one space per 3.6 dwellings, which is a slight over-provision when seen against the requirements of the Council's adopted parking standards of up to 1 space per four dwellings. This provision is considered adequate.
- 7.28 The proposed development is therefore considered to enable adequate parking on the parcel in accordance with LP policy COM 8.

7.29 Ecology

- 7.30 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated and included a condition requiring the carrying out of the development in accordance with the key recommendations and precautionary methods contained within the ecological surveys submitted at the time of that application.
- 7.31 Those enhancement recommendations included the installation of bat tubes; bird boxes suitable for house martins, house sparrow, dunnock and starling; native and wildlife attracting planting; hedgerow boundary planting or along access roads; and reptile hibernacula such as log and rock piles. Such measures are considered to remain appropriate.
- 7.32 In addition to the on-plot provision, the landscaping of the open space areas will provide further ecological enhancement. On the basis of the on-plot and open-space enhancements to biodiversity, the proposed development is considered to bring about an acceptable level of biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.

7.33 Flood Risk and Drainage

- 7.34 The site is at low risk of flooding and the outline application demonstrated that surface water could be dealt with on the wider site as it had been established that infiltration drainage was feasible. That application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase.
- 7.35 A detailed surface water drainage scheme has been submitted in respect of this phase and the Lead Local Flood Authority has confirmed that it is acceptable and sufficient to satisfy the requirements of the condition. On that basis, it is considered that the scheme has demonstrated that it can adequately provide surface water drainage and is acceptable in that regard. As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application.
- 7.36 The principle of the site to provide adequate foul drainage for 350 dwellings was considered at outline stage. Anglian Water advised that there was the capacity at Burwell Water Recycling Centre to accommodate the flows from the development. The outline permission was therefore granted subject to a condition requiring that no development commence until a foul water strategy has been submitted and approved. The applicant has submitted such a scheme and Anglian Water has confirmed it is acceptable.
- 7.37 On the basis of the above, the development is considered to comply with the requirements to provide adequate drainage in accordance with LP policy ENV 8.

7.38 Other Material Matters

7.39 *Applications for individual self-build dwellings*

7.40 While the proposed application provides a suitable number of self-build plots to meet the requirements of policy and the s106 obligation on the Outline permission, the individual dwellings themselves will not be able to be brought forward as individual reserved matters applications under that Outline permission, as the time period for making new reserved matters applications against the outline permission has now expired. As a result, proposals for the detail of the individual self-build dwellings will have to come forward as separate full planning applications.

7.41 The requirements of the outline permission for the provision of the self-build dwellings on the site, including the submission of details regarding the advertisement and promotion of self-build plots and the terms and conditions of their transfers, will remain secured by the original s106 agreement and any future applications for development of the plots on this site will be expected to be for self-build dwellings. The need for future applications to be separate planning applications is therefore not considered to undermine the provision of a policy compliant level of self-build dwellings on the wider site.

7.42 *Conditions*

7.43 As this application does not relate to the layout of individual dwellings or detail of any buildings, other than the substation, and as future applications would come forward under separate planning applications not tied to the outline permission or this reserved matters permission, it is not appropriate to secure details which ordinarily might commonly be secured by condition (such as external materials, on-plot bicycle storage, bin stores, parking spaces and biodiversity enhancements, etc). However, any future applications for the self-build dwellings will be expected to either provide those details or such details would be secured by condition on those individual applications.

7.44 The conditions applied therefore relate to the detailed proposals put forward as part of this application for the onsite road infrastructure, the substation and the landscaping of the site.

7.45 *Fire-fighting*

7.46 Notwithstanding the comments of the Fire Service, condition 13 of the outline permission already satisfactorily secures that details of hydrants are be agreed prior to commencement of development of each phase.

7.47 *Human Rights Act*

7.48 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party

interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

7.49 *Equalities and Diversities*

7.50 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

7.51 **Planning Balance**

7.52 The proposed development is considered to satisfy the requirements of policy and the provisions and expectations of the outline planning permission in delivering a suitable number of self-build plots on the parcel and providing a high-quality environment in which they will be set. The proposed development is therefore considered to be acceptable and is recommended for approval.

8.0 **COSTS**

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

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

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

9.0 **APPENDICES**

9.1 Appendix 1 – Recommended Conditions

9.2 Appendix 2 – Decision notice for outline permission 15/01175/OUM

Background Documents

Documents on the planning register for 24/00925/RMM

Documents on the planning register for 15/01175/OUM

| | | | | |
|---|----------|--------|-----------|---|
| National | Planning | Policy | Framework | - |
| 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 - 24/00925/RMM Recommended Conditions

Approved Plans

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

| Plan Reference | Version No | Date Received |
|----------------------------|------------|--------------------|
| 02C-PH4-PL-02 | A | 19th February 2025 |
| TL02a-SUB-01 | B | 20th February 2025 |
| Landscape Management Plan | | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-02001 | P06 | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-02002 | P07 | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-02004 | P07 | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-03001 | P06 | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-03002 | P06 | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-03003 | P06 | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-08001 | P06 | 3rd September 2024 |
| D3160-FAB-04-XX-DR-L-6001 | P06 | 3rd September 2024 |
| D3160-FAB-05-XX-DR-L-02003 | P06 | 3rd September 2024 |
| TL02B-PH4-LP-01 | 00 | 3rd September 2024 |
| WLC1095 WLC1095-1300-001 | R1 | 3rd September 2024 |

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

Landscaping

- 2 No development shall commence until a timescale for the implementation of the approved landscaping scheme on site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved landscaping scheme including all soft landscaping, paths and play equipment within the site shall be fully implemented in accordance with the approved timescale. Thereafter the landscaping shall be managed and maintained in accordance with the approved Landscape Management Plan, (or an alternative management plan submitted to and agreed in writing by the Local Planning Authority) for a minimum period of 20 years. Any plants which within that period die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.
- 2 Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity and biodiversity value of the development in accordance with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Lighting

- 3 No development shall commence until a lighting scheme for all streets which are not to be adopted by the Local Highways Authority has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall include the specification of lights, the locations and heights of lighting columns and the light levels to be achieved over the intended area and the surrounding area. The approved scheme shall thereafter be implemented on site prior to the first occupation of any dwelling served by an unadopted street and retained as such thereafter.

- 3 Reason: To safeguard the residential amenity of occupiers and the visual impact of the development in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Bin Collection Points

- 4 No development shall commence until a detailed scheme for the provision of those bin collection points which will be located off plots in the central green route area (as shown indicatively on the submitted Refuse Collection Strategy drawing) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented on site prior to first occupation of any dwelling served by those collection points.
- 4 Reason: To ensure waste collections can be adequately and safely undertaken and to safeguard the residential amenity of occupiers in accordance with policies ENV 2, COM 8 and COM 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Hard Landscaping materials

- 5 Prior to their use in the development precise details of the materials to be used in the surfacing finish of all roads, turning areas, paths, parking spaces and other hardstandings (excluding those surfaces which are proposed for adoption by the Local Highways Authority, but including the grasscrete area in the central green route) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Substation materials

- 6 No above ground construction shall take place on the substation until details of the external materials to be used in its construction have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Provision of access

- 7 Prior to the first occupation of any dwelling on site, the approved roads, turning area(s), and paths serving that dwelling and all visitor parking bays shall be levelled, surfaced, drained and made available to enable vehicles to enter, turn and leave the site in

forward gear and to park clear of the public highway. Thereafter the approved access(es), parking and turning area(s) shall be retained for that specific use.

- 7 Reason: In the interests of highway safety and to ensure adequate access and parking provision in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Removal of Permitted Development Rights for Means of Enclosure

- 8 Notwithstanding the provisions 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, walls or other means of enclosure shall be constructed on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 8 Reason: To safeguard the character and appearance of the area and in the interests of highway safety and to ensure adequate access and parking provision, in accordance with policies ENV1, ENV2, COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555

DX41001 ELY Fax: (01353) 665240

www.eastcambs.gov.uk

Cambridgeshire County Council
C/O Pegasus Group
Fao: Mr Robert Barber
Suite 4, Pioneer House
Vision Park
Histon
Cambridge
Cambridgeshire
CB24 9NL

This matter is being dealt with by:

Rebecca Saunt

Telephone: 01353 616357

E-mail: rebecca.saunt@eastcambs.gov.uk

My Ref: 15/01175/OUM

Your ref

31st October 2019

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following:

Proposal: Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure
Location: Land At Newmarket Road Burwell
Applicant: Cambridgeshire County Council

This consent for outline planning permission is granted in accordance with the application reference **15/01175/OUM** registered 2nd October 2015.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

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

| | | |
|---------------------------|--------------|------------------|
| Plan Reference | Version No | Date Received |
| CAM.0985_26 | | 2nd October 2015 |
| CAM.0985_03-8 | B Indicative | 15th March 2017 |
| PHASE 1 CONTAMINATED LAND | | 2nd October 2015 |
| RSA RESPONSE | | 11th May 2017 |
| PHASE 1 HABITAT SURVEY | | 2nd October 2015 |
| TRANSPORT ASSESSMENT | | 2nd October 2015 |

| | |
|----------------------------------|--------------------|
| FLOOD RISK ASSESSMENT | 2nd October 2015 |
| LANDSCAPE AND VISUAL STRATEGY | 2nd October 2015 |
| REPTILE SURVEY | 2nd October 2015 |
| BREEDING BIRD SURVEY | 2nd October 2015 |
| TRAVEL PLAN | 2nd October 2015 |
| ARCHAEOLOGICAL DESK BASED ASS | 2nd October 2015 |
| ARCHAEOLOGICAL EVALUATION REPORT | 2nd October 2015 |
| SERVICES APPRAISAL | 2nd October 2015 |
| PRE PLANNING ASSESSMENT REPORT | 2nd October 2015 |
| INFILTRATION RESULTS | 2nd October 2015 |
| HIGHWAYS POSITION STATEMENT | 15th March 2017 |
| J281/SK06 | 15th March 2017 |
| DRAINAGE | 13th November 2015 |
| J281/SK/01 | 15th March 2017 |

F

- 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 for phase 1 shall be made within 2 years and subsequent applications for the approval of the reserved matters within 5 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 Unless otherwise required by other Planning Conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B.
- 4 Reason: To ensure the development is carried out in accordance with the approved Development Framework Plan and accords with policy ENV2 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 5 As part of or prior to the determination of the first Reserved Matters application, a Site-wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site-wide Phasing Plan shall provide the following information and state when each of the requirements will be delivered:
 - a) Broad details of the intended sequence of development across the entire area;
 - b) The extent and location of the likely development phases and parcels and broad details of the type of development envisaged in each phase (which may include infrastructure only phases);
 - c) Location of vehicular access off Newmarket Road, roads, footpaths and cycleways associated with each phase;
 - d) The location of self-build dwellings;
 - e) The location of dwellings that are to be built to be suitable or easily adaptable for occupation of the elderly or people with disabilities (Lifetime Homes standard or equivalent)
 - f) Structural landscaping and advanced structural landscaping associated with each phase;
 - g) The sports hub; and
 - h) Informal open spaces and recreational areas.

No development other than Enabling Works shall commence until such a time as a Site-wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Site-wide Phasing Plan, or any subsequent amended plan pursuant to this condition.

- 5 Reason: To ensure the development is delivered in a structured way in accordance with the principles of the Development Framework Plan Drawing No. CAM.0985_03-8B, in accordance with policies HOU1, ENV2, COM7 and BUR1 of the East Cambridgeshire Local Plan 2015.
- 6 Within any reserved matters application for landscaping details pursuant to this approval, the details required by condition 2 shall include detailed landscape designs, specifications and timescales for implementation for the associated reserved matters site. The details shall be accompanied by a design statement that demonstrates how the landscaping scheme accords with any emerging or approved details and shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- a) The location and specification of structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- b) Details of all hard surfacing materials (size, type and colour)

The works shall be carried out in accordance with the approved details.

- 6 Reason: To ensure, as the development is built out in phases, it satisfactorily assimilates into the area and enhances the development in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) using the unique rural setting to provide a special place and provide multi functional green infrastructure as an integral part of the design and layout.
- 7 The dwelling mix for any phase of the development containing dwellings shall provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of submission of the Reserved Matters application for each phase. The Reserved Matters applications shall be accompanied by a statement explaining the approach taken to housing needs and demand. The dwellings shall be provided in accordance with the approved details.
- 7 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.

- 8 Any reserved matters application for residential development which includes 'self-build' plots shall include a plan showing the distribution of the 'self-build' plots. There will be 17 'self-build' plots in total across the whole of the site and they shall be provided in accordance with the approved details.
- 8 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with policy HOU1 of the East Cambridgeshire Local Plan 2015.
- 9 Any reserved matters application for residential development shall include a plan showing the distribution of market and affordable housing and a schedule of dwelling size (by number of bedrooms). All affordable housing shall, in accordance with best practice, be designed to be tenure blind. The affordable houses shall be provided in accordance with the approved details.
- 9 Reason: To ensure the delivery of a balanced community, in accordance with policy HOU3 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence in a particular phase 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. This written scheme will include the following components, completion of which will trigger the phased discharging of the condition:
- i) Approval of a Written Scheme of Investigation to include the excavation and recording of archaeological remains and an appropriate outreach element;
 - ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - iii) Completion of a Post-Excavation Assessment Report (PXA) and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
 - iv) Completion of the programme of analysis and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - v) Production of an archive report and the preparation of site archive for deposition at the Cambridgeshire Archive facility, or another appropriate store approved by the Planning Authority;
 - vi) Preparation of suitable materials for secure local display in an appropriate public space.
- Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.
- 10 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 Development in a particular phase shall not commence until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 If, during the development of a phase, contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 12 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 13 No above ground construction shall take place in a particular phase until a scheme for the provision and location of fire hydrants to serve that phase to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme for that phase shall be installed and completed in accordance with the approved details prior to the occupation of any part of that phase.
- 13 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with policies GROWTH3 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to or as part of the first reserved matters application for each phase, 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.
- 14 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in Policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 15 To the extent that the reserved matters applications include external public spaces or roads which are not intended to be adopted by the highways authority (e.g. private roads, playgrounds and sports pitches), such applications will be accompanied by a Light Management Plan (LMP) for the relevant areas, for approval by the Local Planning Authority. The LMP shall set out details of proposed permanent external lighting including luminosity and hours of operation. It shall also set

out timescales for implementation. The relevant external lighting shall only be provided and operated in accordance with the approved LMP.

- 15 Reason: To protect reasonable residential amenity of future occupiers of the site and those adjacent, to accord with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 16 Before any reserved matters application for development involving buildings, roads or other impermeable surfaces is approved, a detailed surface water drainage scheme for that reserved matters scheme, based on the agreed surface water drainage documents (CCE/J281FRA-02 dated July 2015) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

No development shall take place until details of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 16 Reason: To prevent the increased risk of flooding, to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 No development shall commence until a foul water strategy, which includes a scheme for the improvement and/or extension of the existing sewerage system, has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved details of the foul water strategy.
- 17 Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is prior to commencement as these details need to be agreed before construction begins.
- 18 Prior to the commencement of development in a particular phase, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
 - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste
 - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
 - d) any other steps to ensure the minimisation of waste during construction.
 - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
 - f) proposed monitoring and timing of submission of monitoring reports.
 - g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
 - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
 - i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external

segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles. The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

- 18 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 19 Prior to the commencement of development in a particular phase, a Construction Environmental Management Plan (CEMP), shall be submitted to an approved in writing by the local planning authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy. The CEMP shall include the consideration of the following aspects of construction:
- a) Site wide construction and phasing programme
 - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
 - c) Construction hours
 - d) Delivery times for construction purposes
 - e) Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883 (2009) and / or its subsequent amendments
 - f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - g) Maximum noise mitigation levels for construction equipment, plant and vehicles
 - h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009) and / or its subsequent amendments
 - i) Setting maximum vibration levels at sensitive receptors
 - j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
 - k) Site lighting
 - l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - m) Screening and hoarding details
 - n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
 - p) External safety and information signing and notices
 - q) Liaison, consultation and publicity arrangements including dedicated points of contact
 - r) Consideration of sensitive receptors
 - s) Prior notice and agreement procedures for works outside agreed limits
 - t) Complaints procedures, including complaints response procedures Membership of the Considerate Contractors Scheme
 - u) Location of Contractors compound and method of moving materials, plant and equipment around the site
 - v) An Emergency Incident Plan for dealing with potential spillages and / or pollution incidents.

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

- 19 Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 20 No development shall take place on the phase for the sports hub as detailed on the Development Framework Plan Drawing No. CAM.0985_03-8B until the following information has been submitted to and agreed in writing with the local planning authority:
- a) A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The works shall be carried out in accordance with the approved scheme within a timescale to be approved in writing by the Local Planning Authority.
- 20 Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 21 The playing fields shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 21 Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the bringing into use of the new playing fields and sports hub a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields.
- 22 Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport in accordance with National Planning Policy Framework (NPPF) paragraph 74 and to accord with policy BUR1 of the East Cambridgeshire Local Plan 2015.
- 23 The specific rated noise level emitted from plant or machinery (associated with the sports hub) located on the site shall not exceed the existing background noise level or 35dB, whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of the nearest noise

sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142:2014.

23 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

24 Construction times and deliveries during the construction and demolition phases shall be limited to within the following hours:

07:30-18:00 each day Monday - Friday

07:30-13:00 Saturdays

None on Sundays, Bank Holidays or Public Holidays

For the avoidance of doubt this means during the construction phase no machinery or plant shall be operated outside of the above times.

24 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

25 If piling activities are required within 40metres of the boundary of the application site, the method of piling shall be agreed in writing with the local planning authority prior to commencing the activity and the method agreed shall be adhered to.

25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

26 During construction any site based mobile plant (excluding HGV's) shall have broadband reversing alarms.

26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

27 The development shall be completed in accordance with the key recommendations and precautionary methods and additional recommendations of the Phase 1 Habitat Survey carried out by James Blake Associates, dated June 2015, the recommendations and enhancement recommendations of the Reptile Survey carried out by James Blake Associates, dated June 2015 and the recommendations of the Breeding Bird Survey carried out by James Blake Associates, dated June 2015.

27 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

28 The access(s), cycleway (s) and footway (s) are to be in accordance with the Designers Response (March 2017) and as per drawing number J281/SK/01 Rev F.

28 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.

29 Prior to the occupation of the first dwelling the provision of a 3 metre wide shared footway/cycle from the site access, continuing west to Burwell Surgery shall be constructed and brought into use as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.

- 29 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 30 Prior to the occupation of the first dwelling the site access off Newmarket Road shall be provided with a right turn lane as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 30 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 31 A 4 metre wide shared footway/cycleway shall be constructed and brought into use from the site, continuing west onto Ness Road, as shown in principle on drawing J281/SK/06 dated 28/04/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the second phase of development. As part of the submission, details of the timescale for delivery shall be submitted to and agreed in writing with the Local Planning Authority.
- 31 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 32 Prior to the occupation of the first dwelling a new bus stop shall be provided on the northern side of Newmarket Road, the stop shall include but not be limited to raised kerbs, flag, time table and painted bus cage, as shown in principle on drawing J281/SK/01 Rev F dated 31/08/2016, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 32 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 33 Prior to occupation of the first dwelling the two bus stops on the southern side of Newmarket Road directly opposite the site shall be upgraded, the upgrades shall include but not be limited to raised kerbs, flag, time table and painted bus cage, the details of which are to be submitted to and agreed in writing with the Local Planning Authority.
- 33 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 34 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator to give advice.
- 34 Reason: In the interests of sustainable travel to reduce reliance on private car transport in accordance with policies GROWTH3 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 35 Prior to occupation of the first dwelling, the Developer shall be responsible for the provision and implementation of welcome packs for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The packs shall be provided to the first occupiers of each new residential unit on the development site.
- 35 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 36 Prior to first occupation of any dwelling the road(s), footways(s) and cycleway(s), within a phase of development, shall be constructed to at least binder course surfacing level from the dwelling to the

adjoining County road in accordance with the details approved in writing by the Local Planning Authority.

- 36 Reason: In the interests of highway safety and connectivity, in accordance with policies COM7, COM8 and BUR1 of the East Cambridgeshire Local Plan.
- 37 No development shall commence, with the exception of below ground works, 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).
- 37 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.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 A Road Safety Audit 2 will be required and the design must include all of the details agreed within the designs response (March 2017) RSA 1.
- 2 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- 3 No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.
- 4 Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- 5 East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. All applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to complete the CIL Additional information Requirement Form - https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

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

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

- 6 East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take sacks/bins to the public 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 loose gravel/shingle driveways.

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

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

Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, 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.

- 7 This development should be carried out in strict accordance with the provisions of the Environment Agency letter, which attaches to this consent.
- 8 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The policies in themselves have been sufficiently explicit to guide the submitted application and acceptable plans and information has been submitted, therefore no amendments/improvements have been sought from the applicant.
- 9 This decision notice should be read in conjunction with the Section 106 Obligation dated 30th October 2019 and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Rebecca Saunt

Planning Manager

Dated: 31st October 2019

24/01108/FUL

Land North East of Maple Farm

West Fen Road

Ely

Agricultural dwelling

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLPIE8GGMHT00>





24/01108/FUL



Land North East Of Maple
Farm
West Fen Road
Ely

East Cambridgeshire
District Council

Date: 23/04/2025
Scale: 1:5,000



© Crown copyright.
All rights reserved 100023279 (2025)



24/01108/FUL



East Cambridgeshire
District Council

Land North East Of Maple
Farm
West Fen Road
Ely

Date: 23/04/2025
Scale: 1:2,500



© Crown copyright.
All rights reserved 100023279 (2025)

TITLE: 24/01108/FUL

Committee: Planning Committee

Date: 7 May 2025

Author: Planning Team Leader

Report No: Z171

Contact Officer: Selina Raj Divakar, Planning Team Leader
selina.rajdivakar@eastcambs.gov.uk
01353616359
Room No 011 The Grange Ely

Site Address: Land North East Of Maple Farm West Fen Road Ely Cambridgeshire

Proposal: Agricultural dwelling

Applicant: AJ & NJ Lee

Parish: Ely

Ward: Ely West

Ward Councillor/s: Christine Colbert
Ross Trent
Christine Whelan

Date Received: 7 November 2024

Expiry Date: 2 May 2025

1.0 RECOMMENDATION

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

The proposed development would be outside of the development envelope and therefore contrary to Policy GROWTH 2 of the Local. The proposal would result in a third dwelling for a rural worker on site however the need has not been adequately justified in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan. Whilst it is acknowledged that one of the owners seeks to retire it has not been demonstrated that the additional provision would be essential for the continued viability of the farming business through the farm succession process. It has not been demonstrated that there would be a continued need for three dwellings on site once the existing dwelling occupied by the retired agricultural occupant is no longer needed by them which would result in an excess provision. The proposal is contrary to Policies HOU 5 and GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 5 of the National

- 1.2 The application is being heard by committee because it was called in by Councillor Ross Trent for the following reason:
"Policy HOU 5: Dwellings for rural workers

They have demonstrated that the dwelling is essential for the business to thrive. A survey has suggested they need 2.7 workers for the farm to work, they currently only have 2 workers (1 which will be retiring). They need a worker on site for emergencies with the cattle / calving time. They have reduced the size of the plot from the last submission.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks planning permission for an agricultural dwelling on a parcel of land north of Maple Farm. The proposed development would comprise a two storey, 3-bedroom detached dwelling, associated parking and landscaping comprising a mix of grassed lawn, new trees and boundary planting.
- 2.2 An application for new agricultural workers dwelling in connection with Hurst Farm was refused on 20/00641/FUL on 30 June 2020 for the following reason:
1. *A need for an additional permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan, 2015. The proposal does not meet the functional test as the additional dwelling is not essential to meet the needs of the business, contrary to Policy HOU 5 and Policy GROWTH 2. Furthermore, the site is in close proximity to Ely and it is considered that an agricultural worker could live close to the site as to be able to attend in an emergency situation.*
- 2.3 An appeal (reference: APP/V0510/W/20/3262596) was subsequently lodged and dismissed on 13 May 2022 where the Inspector determined that in that case:
"...there is not an essential functional business need for an additional agricultural worker to live on-site, and not a demonstrable need for the proposed dwelling. As such, the proposal would conflict with Policies GROWTH 2 and HOU 5 of the LP, which together seek to focus new permanent residential development within defined development envelopes of market towns including Ely, unless special circumstances apply. This would result in significant harm through undermining the district's locational strategy for sustainable development, and control of housing development in the countryside."
- 2.4 During the course of this application, further information was submitted in support of the application on 24 April 2025, however the applicant was informed that the LPA would no longer be accepting any further amendments or information in respect of the application and therefore the LPA has not accepted this.
- 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 Simple Search.

3.0 PLANNING HISTORY

3.1 20/00641/FUL

Construction of 1 no. 2 bedroom, single storey detached agricultural worker's dwelling

Refused | Appeal Dismissed

20/00252/FUL

New agricultural worker's dwelling (re-submission 19/01616/FUL)

Refused

12 May 2020

19/01616/FUL

New agricultural worker's dwelling

Refused

6 February 2020

19/00646/AGN

Steel framed agricultural building and lean to addition

22 May 2019

12/00561/FUL

Extension to existing cattle sheds

Approved

2 August 2012

05/00530/FUL

Revised proposal of Planning Permission E/04/01275/Ful - Erection of a four bedroom agricultural dwelling.

Approved

15 June 2005

04/01275/FUL

Erection of an agricultural dwelling.

Approved

08 February 2005

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is a triangular parcel of land located to the north of Maple Farm and located across the A10 from Ely, outside of the development envelope and therefore considered to be in the countryside. The proposed dwelling would be accessed via a Public Right of Way. The larger site comprises both Maple Farm and Hurst Farm consisting of two existing dwellings, farm buildings and fields. It should be noted that the existing two dwellings are restricted to agricultural occupancy. The farm business is a well-established suckler cow beef farm.

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.

Ecology – 21 November 2024

No objection – subject to conditions

Waste Strategy (ECDC) - 15 January 2025

- 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; 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).
- Where a developer requires East Cambs District Council to collect waste and recycling from outside a new property and the road(s) are private and unadopted East Cambs District Council requires the developer to sign the developer's indemnity agreement to mitigate against possible compensation claims. Vehicles will not enter onto private roads without agreement. Until the indemnity agreement is signed then the waste and recycling collections will be made from the point of where the road meets the adopted highway. In this case that would be West Fen Road. The developer also has the responsibility to ensure that the new property owners sign a home_owners indemnity agreement at completion of sale (if the road is to remain private). Once the road is adopted by the Highways Authority the indemnity agreement becomes null and void.
- 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 (delivery and administration) 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 a set of receptacles; the contribution is currently £60.50 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council, and additionally, in 2026, the Council will be introducing a wheeled bin for refuse (replacing the current sacks), and a small kerbside caddy for food waste. These should be taken into consideration when planning any bin store and presentation point, and, if the development is post roll out of the service, implications for the charge for providing the additional bins.
- 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) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Local Highways Authority - 26 November 2024

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

None of the proposals included as part of this application look to materially impact the public highway.

ECDC Trees Team - 29 January 2025

Based on the case officers site photos and those contained in the ecology report there are trees in proximity to the development and in accordance with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020 an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels in accordance with BS 5837:2012 Trees in relation to demolition, design and construction - Recommendations.

It should be noted that contrary to the trees and hedges section on the application form there are several trees on and within falling distance of the proposed development which should have been identified and assessed in the information provided with the application in accordance with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020 and section 197 of the Town and Country Planning Act 1990. Falsely declaring that information is a criminal act and can come with a £5,000 fine under the Fraud Act 2006.

As the impact on the existing trees on and adjacent the site cannot be assessed the application is not currently suitable for approval.

CCC Growth & Development - No Comments Received

East Cambs Ecologist - No Comments Received

Parish - 26 November 2024

The City of Ely Council has no concerns with regards to this application.

Ward Councillors - 5 December 2024

I have no objections to this application.

The application is for a farm workers dwelling in the close proximity of the working cattle farm, which is essential to anyone working in this industry. the well being of the animals are the farm are of paramount importance. East Cambridgeshire is an important area for farming and the application will allow the business to continue.

There have been no objections from other consultees, the biodiversity is not affected and the footpath to the side of the site is well maintained.

The Ely Group Of Internal Drainage Board - 19 November 2024

This application for development is within the Littleport and Downham Internal Drainage District.

The application states that the surface water for the site is dealt with by using a sustainable drainage system. If this system discharges to a watercourse, then the Board's consent is required. If the proposed package treatment plant discharges into a watercourse, the consent of the Board is also required.

Asset Information Definitive Map Team - 22 November 2024

Public Byway No. 76, Ely is used to access the site. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the Byway must remain open and unobstructed at all times.

Informatives

Should you be minded to grant planning permission we would be grateful that the following informatives are included:

- Public Byway No. 76, Ely must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- The Public Byway must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Byway without lawful authority)
- No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them.
- It is the responsibility of the Applicant to ensure that any works which may result in a material loss of established vegetation and/or damage to existing ecosystems (including potentially both habitats and protected species) within the existing public right of way or adjoining land, comply with relevant legislation and that any supplementary permits or permissions are secured prior to undertaking their public rights of way works.

- If temporary closures are required during construction work, this requires a Temporary Traffic Regulation Order (TTRO). Please apply to the Street Works Team, further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>.

Cambridge Ramblers Association - No Comments Received

- 5.2 A site notice was displayed near the site on 29 November 2024 and a press advert was published in the Cambridge Evening News on 21 November 2024.
- 5.3 Neighbours – 2 neighbouring properties were notified and no responses have been received.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

| | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 5 | Dwellings for rural workers |
| 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

Design Guide
Flood and Water
Natural Environment

6.3 National Planning Policy Framework (December 2024)

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

7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

- 7.1 A full Environmental Impact Assessment Screening Opinion has been undertaken which concluded that an Environmental Statement is not required.
- 7.2 The main planning considerations relevant to the determination of this application relate to:
- Background

- Principle of development
- Visual Amenity
- Residential Amenity
- Highway Safety & Parking
- Biodiversity, Ecology & Trees
- Flood Risk & Drainage
- Climate Change and Sustainability

7.3 Background

7.4 By way of background, the current application follows on from three refused applications:

1. 19/01616/FUL – Refused under delegated powers due to lack of essential need and encroachment into the countryside caused by large curtilage;
2. 20/00252/FUL – Refused at Planning Committee for the same reasons. The planning statement had not provided any substantive changes which would change the previous view that there is no essential need for a further agricultural dwelling on site.
3. 20/00641/FUL – Refused under delegated powers and dismissed at Appeal (Ref: APP/V0510/W/20/3262596). Whilst there were notable changes to the curtilage which enable the proposal to overcome the visual amenity reason for refusal, it was not considered an essential need for a further agricultural dwelling on site was demonstrated.

7.5 There are some notable changes in the current application in comparison to the previous applications (shown below), including:

- The site is located to the rear of the farm, north of Maple Farm whereas all previous applications sites were located at the front of the site at Hurst Farm.
- The current application seeks permission for a two-storey dwelling whereas all previous applications sought permission for bungalows (single storey).
- The Planning Statement suggests that the main reason for the third occupational dwelling on the farm is that Mr. John Lee (part-owner of the farm) is intending to retire from business.

7.6 Principle of Development

7.7 The site is located in the countryside, outside of the development envelope of Ely, where development is strictly controlled. The development of the site would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan insofar as it seeks to focus new housing development within defined settlement boundaries. The National Planning Policy Framework (2024) states that ‘planning policies and decisions should avoid the development of isolated homes in the countryside other than in a limited number of defined circumstances one of which is where: *‘there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.’*’

7.8 Policy HOU 5 is consistent with that advice and sets out a number of criteria relevant to proposals for rural workers. Of additional relevance in this case is the NPPG (Paragraph: 010 Reference ID: 67-010-20190722) titled 'How can the need for isolated homes in the countryside for essential rural workers be assessed?' which considers it necessary to take into account '*whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.*'

7.9 In light of the above the main issues to consider are whether there is a continued need for two workers to live on site and a potential for a third dwelling, whether the farm succession process has commenced and whether the additional dwelling is essential for the continued viability of the farming business. Critically, it must be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more of the workers to be readily available at most times). There must also be no other accommodation within the site/holding or nearby which is currently suitable and available or could be made available. If these tests can be met then it must be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable and that the size of the dwelling proposed is no larger than required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income the enterprise can sustain.

Essential need to live on site most of the time

7.10 As noted above, this application follows on from three previous refusals at the site. The key change in this application relevant to the principle of development is that one of the owners of the farm is retiring from the business which would mean it would have a shortfall of one full-time, on-site employee. The existing dwelling which the employee currently resides will remain occupied by them and therefore a proposal for a third dwelling is proposed.

7.11 The National Planning Policy Guidance (NPPG), (paragraph: 010 Reference ID: 67-010-20190722, 22 July 2019, updated in May 2021 sets out further relevant considerations in addition to the aforementioned policy context, of note is the retirement clause relevant to this application (bold):

- Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- **Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;**
- Whether the need could be met through improvements to existing

accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and

- In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

- 7.12 The Planning Statement submitted states that approximately 104 acres of the land is owned by the applicants and a further 364 acres are rented for grazing and use for Haylage making. There are currently 160 cows and 6 bulls with approximately 150 calves on site as well reared to stores. The Statement goes on to state that the applicants are full-time, on-site staff with two part-time workers with a flexible arrangement. As one of the full time, on-site staff is retiring and continuing to reside in the existing dwelling a new dwelling is proposed to house new on-site, full time staff. Limited information has been provided with respect to working hours of all staff so it is unclear whether the existing workers are currently at capacity and / or their level of flexibility.
- 7.13 In demonstrating the essential need of the additional dwelling, the Planning Statement in section 8.1 discusses the welfare code of conduct within the Agriculture (Miscellaneous Provisions) Act 1968 under which stockkeepers are obliged to ensure that the upmost care and responsibility must be given to the welfare of the livestock. It is their responsibility that problems with livestock are anticipated or recognised at the earliest stages and immediate action is required where deemed necessary. The Statement goes onto to state that the business operates seven days a week, all year round with the peak labour period between October and May which require additional activities to be undertaken as a result.
- 7.14 With regard to the suckler and beef enterprise the peak calving period extends over the winter, with daily calving and 24-hour supervision crucial. With the experience of both owners and having two people on site it has ensured that the requirement of the veterinarian is kept to a minimum for Calving. With the veterinarian only required to carry out routine checks and tend to injured stock. By having two people on site 24 hours a day it ensures that the loss of calves is kept to a minimum. Furthermore, the statement construes that on site presence of two reliable employees ensures that the operations run smoothly, and the levels of animal husbandry remain high and the loss of calves remains at a minimum.
- 7.15 Regarding the growth of the enterprise it noted in the submission that should planning permission be received for an additional dwelling, that they could go into 'fattening element' which would involve the beef being reared to 18-months where they are reared to approximately 550kg. By having this element it will mean the overall head of cattle could exceed 400 at any one time. Thus, emphasising the requirement for two on site employees.
- 7.16 Having regard to paragraph 84 of the NPPF (2024) the size and nature of the business, the applicant argues that considerable investment has been made into the farming enterprise in recent years through new buildings and machinery all of which and other associated materials are stored at the site. The proposed dwelling would be at the centre of the farm unit allowing for the functioning of the business and would provide security for the storage of all the products.
- 7.17 In terms of other suitable, available accommodation the statement insinuates none

exist in the immediate vicinity or nearest settlement. The Applicant's go onto state that house prices are unaffordable to either rent or buy for potential employees on their salaries and the viable option would be to house them onsite.

7.18 Analysis

7.19 The analysis below has been derived from advice provided by the Council's Agricultural Consultant. As evidenced above, the main reason for the proposal is to facilitate the phased retirement of the one of the owners of the farm. The NPPG's retirement clause as noted above, sets out that consideration to take into account when determining such proposals include whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.

7.20 The age of the applicant alone does not provide evidence to demonstrate that the farm succession process has begun to facilitate the phased retirement of the applicant. This would mean that the remaining partner would be a substantial partner. However, no evidence has been put forward in respect of tenancy agreements, whether the land will be transferred over to the other owner, if there are mortgages involved or their repayment arrangements. With regard to the rented land, no information pertaining to who the tenants are has been provided and given there are a number of tenancies whether these arrangements are the same. It is noted that the agricultural consultant considers a Section 106 essential, if the succession / retirement process of one of the owners was occurring as it would be expected that the ownership and occupation of all the land and all three dwellings would be secured. The LPA concurs with this view. However, due to the recommendation for refusal none has been requested at this time and none has been sought or suggested by the applicant.

7.21 Whilst it is understood that the farm would require 2.7 workers (theoretically 2 to 3 full-time workers) to carry out the tasks required to successfully run the farm enterprise, with the lack of information of whether the current arrangement is at capacity and lack of demonstration of the imminent retirement of one of the owners (farming succession process) the submission has not demonstrated that this would constitute an essential need for a third workers dwelling at the site.

7.22 The retirement clause of the NPPF also requires the '...continued viability of a farming business...' to be taken into account. However, on the basis of the Agricultural Supporting Statement from May 2020 this summarised turnover and profit appeared to be relatively low. Furthermore, in Appendix 2 of the Acorus Statement submitted as part of the application the profit appears to have fallen substantially for the years ended December 2020, 2021 and 2022. Without more information, including the calculation methodology and cashflow statement, it is not possible to confirm whether the business will be viable. Based on the above, it is not considered that the need for a third isolated home in the countryside for an essential rural worker has been demonstrated contrary to the NPPF (2024) and NPPG (Paragraph: 010 Reference ID: 67-010-20190722).

- 7.23 The proposal therefore fails the essential needs test of the policy with respect to Policy HOU 5. Part one of Policy HOU 5 requires demonstration that the dwelling is essential to the needs of the business. In failing the NPPG tests noted above, which considered to be a prerequisite for adherence to part one of the policy it is not considered this has been met. There are currently two workers' dwellings on the farm that are occupied by the farm workers, in accordance with planning conditions. While one of the workers is said to be retiring, no evidence of this retirement and transfer of the business to the next generation has been given.
- 7.24 Part two of Policy HOU 5 requires that it can be demonstrated that the enterprise has been established for at least three years and is and should remain financially viable. The planning statement sets out that the farm has been in operation in excess of 30 years, however with regards to the expansion of the business whilst the applicant has discussed the introduction of fattening element it is likely this would require further buildings on site, further accommodation provision for the growing and fattening of animals and no further explanation has been provided in this respect. The financing of these buildings and the extra working capital required for the further rearing of these animals is not evident. On the basis that no accounts have been shown and no budgets have been produced to demonstrate financial viability, the LPA is unable to establish the soundness of the business.
- 7.25 Part three of Policy HOU 5 requires that there is no other accommodation within the site/holding or nearby which is currently suitable and available. The site is on the edge of Ely, a main settlement within the district, with housing on the opposite side of the A10, within one minutes' drive. The planning statement sets out that the cost of properties in Ely might prove prohibitive for an agricultural worker on normal farm wages however whether a property in Ely would be prohibitive would be based on the enterprise income and not the individual workers salary. Consideration of available, suitable sites within the vicinity has not been provided. This requirement has not been met.
- 7.26 Part four of Policy HOU 5 requires that a dwelling or building suitable for conversion within the site/holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last five years. It is understood that no dwelling or building that could be converted into a dwelling has been sold within the last five years. It is considered that this part of the policy has been met.
- 7.27 Part five of Policy HOU 5 requires that the proposed dwelling be no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain. The dwelling proposed is a two bedroom, two storey property, however it is noted that all previous applications comprised single storey bungalows which at the time were considered appropriate in scale. The need for an additional bedroom and two storey scale within this proposal has not been communicated, however a 3-bedroom two storey dwelling is not considered unreasonable in scale.
- 7.28 On the other hand, with regard to construction costs, it is stated in the supporting statement that the proposed dwelling will cost in the region of £250,000 to build. No source of these funds has been declared. However, if this sum is to be borrowed and placed on an overdraft, or on a farm loan, it is likely to be at a rate of around

3% over bank base rate. This is currently at 4.5%, so the total interest cost could be 7.5%. Applying a rate of 7.5% to the house building costs of £250,000 produces an annual interest cost of £18,750. As the business profits declared have averaged £36,497 per annum, this expense is likely to be unaffordable, especially after the notional costs such as labour contribution of the partners and imputed rent on owned land, and imputed allowance for the cost of working capital are considered, and business drawings have been deducted. Without clear evidence to demonstrate that these funds exist this part has therefore not been met.

- 7.29 Whilst not necessarily relevant to establish the acceptability of the principle of development, for clarity the remaining policy requirements of Policy HOU 5 and compliance with these is considered below.
- 7.30 Part six of Policy HOU 5 requires that the proposed dwelling is sensitively designed and in keeping with its surroundings and would adversely affect the setting of a heritage asset. The dwelling is considered to be of an appropriate design and of an appropriate scale, form and mass. There are no heritage assets in close proximity to the proposed dwelling. Therefore, the proposal is considered to comply with this part of the policy.
- 7.31 Part seven of Policy HOU 5 requires the dwelling to have satisfactory access. The Local Highway Authority have been consulted as part of the application and have raised no objections to the proposal and the Cambridgeshire County Council Public Right of Way Team also do not object. The access point has been altered under this application, however, the proposed dwelling would still be accessed from Byway 45 and 47 as before. Therefore, it is considered that this part of the policy has been met.
- 7.32 Part eight of Policy HOU 5 requires that the proposed dwelling is well landscaped, sited to minimise visual intrusion and in close proximity to existing buildings to meet the functional needs of the business. The proposed dwelling would not be highly visible given its location to the rear of the site and it is sited adjacent to the existing farm dwellings. It is therefore considered that visual intrusion is minimised and therefore it is considered that this part of the policy is met.
- 7.33 In summarising the above case, the requirements of Policy HOU 5 should be fully met for the proposed rural workers' dwelling to be acceptable. The following parts of the policy have not been met:

Part One: It can be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be readily available at most times). There are currently two workers' dwellings on site that are occupied by the farm workers, in accordance with their respective planning conditions. Whilst one of the workers is said to be retiring, no evidence of this retirement and transfer of the business to the next generation has been given. Compliance with the relevant retirement clause of the NPPG is considered a prerequisite to demonstrate that a third dwelling on site would be essential to the needs of the business.

Part Two: *It can be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable. Without essential accounting and budgeting information it has not been possible to determine.*

Part Three: *There is no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. No information pertaining to this requirement has been provided within this submission.*

Part Five: *The proposed dwelling is no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain. The cost of construction and / or the financing of these costs has not been provided.*

- 7.34 On the basis of the above, it is concluded in respect of the essential need for a third dwelling on this holding that it is not essential for a third worker to live on site to meet the needs of the business. Without essential evidence to demonstrate the imminent retirement of the owner it has not been justified that a third dwelling thereby accommodating a third worker would be required to reside on site. The proposal is therefore considered contrary to HOU 5 of the East Cambridgeshire Local Plan, 2015 and National Guidance.
- 7.35 Notwithstanding the above, the introduction of a third permanent dwelling to the site, in what is an open countryside location outside of the development framework would need to have regard to the future situation in which the dwelling which will be used for the retired agricultural occupant is no longer needed by them. In that situation, the need would be for two dwellings but there would be three on site. We consider that a temporary dwelling could potentially be accepted, however as this has not been proposed on the basis of the current application the need for a permanent dwelling is not justified.
- 7.36 Visual Amenity
- 7.37 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. Furthermore, in respect to Policy HOU 5 (with reference to points relevant to visual amenity) it is stated that the for proposals for permanent dwellings in the countryside for full-time workers in rural activities, these will be permitted as an exception to the normal policies of control where:
- The proposed dwelling is sensitively designed and in keeping with its rural surroundings and will not adversely affect the setting of any heritage asset.
 - The proposed dwelling will have satisfactory access.
 - The proposed dwelling is well landscaped, is sited to minimise visual intrusion and is in close proximity to existing buildings to meet the functional need of the business; and

- Where the proposal involves a new business that cannot yet demonstrate financial soundness, a temporary dwelling (in the form of a caravan, mobile home or wooden structure that can easily be dismantled and removed from the site) may be acceptable provided all the other criteria are met.

- 7.38 The proposed dwelling is situated in a field towards the rear of the site. The dwelling proposed is a two storey property measuring approximately 7.7m in width, 10m in height and 8m in depth. It is considered that the proposed dwelling is of an appropriate scale, form and mass given that the two existing dwellings at the site are both two storey. The materials proposed are brick walls and tile roof, however further material details could be secured by condition. Whilst it is noted that a two storey building would be larger than the single storey structures proposed previously, the siting towards the rear of the site and in close proximity to other farm structures mean that it is not overly prominent within the countryside setting. Furthermore, the appropriately sized curtilage would ensure it would not result in excessive encroachment within the countryside.
- 7.39 The proposed dwelling would be accessed via an existing public right of way which is considered to be acceptable and as noted above is sited to minimise visual intrusion, given its close proximity to existing structures as well as provides sufficient soft and hard landscaping around the site appropriate to its function.
- 7.40 It is considered that the proposal would not result in significant harm to the character and appearance of the area and is therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.
- 7.41 Residential Amenity
- 7.42 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.43 The closest adjacent residential property is Maple House, however this property is located approximately 25m south-east of the site which would ensure there is a sufficient distance between them so as not to impede on residential amenity.
- 7.44 The Design Guide SPD states that building plots should be 300sqm and built form should take up no more than one third of the plot. Private amenity space of 50sqm should be provided. The plot exceeds 300sqm and the built form takes up less than a third of the plot. The garden size shown in in excess of 50sqm.
- 7.45 In summary, it is considered that there would be no detrimental impact to residential amenity of the future occupiers or the neighbouring occupiers. The proposals are therefore in accordance with Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and the Design Guide SPD.
- 7.46 Highways Safety & Parking
- 7.47 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development

proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority have been consulted as part of the application and the highways authority have considered the application to be acceptable. The proposed access would be directly off Hurst Lane. The Definitive Map Team has been consulted and whilst they raise no objection have indicated that, the Byway must remain open and unobstructed at all times and an informative to this effect would have been added.

- 7.48 The applicant will also require consent from the County Council to provide access from the public byway. A condition would have been recommended for a Public Rights of Way scheme which is considered essential in securing the necessary safeguarding of the public highway.
- 7.49 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The plan does show space for parking and whilst not demonstrated would provide amply space for two cars to park and turn.
- 7.50 The proposal is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.
- 7.51 Biodiversity, Ecology and Trees
- 7.52 Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) sets out that all development proposals will be required to protect the biodiversity value of land and buildings and minimise harm to or loss of environmental features, such as trees.
- 7.53 Paragraph 180(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. The Council adopted its Natural Environment SPD on the 24th September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment, but also creates new areas for wildlife to thrive.
- 7.54 The proposal would be subject to statutory requirement to achieve 10% biodiversity net gain. As noted above Policy ENV 7 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and Policy NE.6 of the Natural Environment SPD, to provide a gain to Biodiversity. An Ecological Appraisal Report and Bat Roost Assessment Report was submitted in support of the application prepared by Acorus and dated November 2024. A Biodiversity Metric calculation has been conducted and submitted to the Council to demonstrate net gain.
- 7.55 The Ecological Report states that there are no habitats within the survey area

considered to have high ecological importance on an international, national, regional, county or local scale. Recommendations have been provided to reduce the potential impact on protected species, particularly Great Crested Newts (GCN) as the site is located in an Amber zone for GCNs. The Council's ecologist has reviewed the information and concurs with the findings of the report but states that *"As some of the GCN potential water bodies were unable to be surveyed through no fault of the applicant, a District level licence could be sought instead as this is an Amber zone for GCNs."* Had this application been otherwise accepted, conditions in respect of obtaining a DLL for GCN and submission of a Construction Environmental Protection Plan would have been recommended.

Biodiversity Net Gain

- 7.56 The proposed habitat plan identifies new native hedgerows and 22 x new trees around the site but does not seek the removal of any existing trees around the site. In assessing whether the 10% net gain as demonstrated on the plan is sufficient the Council's ecologist has confirmed that the baseline habitats is correct, however there are likely to be revisions to the post intervention metric which is dependant on the ownership and maintenance aspect of the proposed enhancements. This is because if the trees and hedgerow proposed would remain in the ownership of the farm and be managed for the next 30 years then the current metric is acceptable. However, if the trees and the hedgerow are to be part of the residential curtilage then they cannot be counted for BNG as they cannot be conditioned. They will form the ecological enhancements as described in the PEA but not meet BNG. In this case it is likely offsite units would be required.
- 7.57 Notwithstanding the above, the Council's ecologist has confirmed that given the baseline aspect of the matrix is accepted, the technical issues can be resolved as part of the BNG plan and revised metric with issues resolved to support the BNG plan at condition stage. Conditions to this effect as well as long term management and monitoring of onsite habitats would have been recommended.
- 7.58 *Trees*
- 7.59 The Council's tree officer has noted that there are several trees on and within falling distance of the proposed development which should have been identified and assessed as part of the submission through an Arboricultural Impact Assessment prior to determination. Whilst the applicant does not consider the boundary hedging to form part of the assessment site. The biodiversity habitat plan indicates that these are partly outside of the red line whereas the site location indicates that these would largely fall within the site. Notwithstanding this, given the lack of clarity and demonstration that the proposed development would not impact the existing boundary trees either by way of identifying acceptable routes for all main services in relation to tree root zones or protective fencing and construction method statements to ensure no harm would occur during construction. Despite this, given the distance of the built structure from these trees and the opportunities within the surrounding curtilage of the site warranted to its size to provide servicing, it is considered that on balance, these aspects could have been conditioned in this circumstance.

7.60 Flood Risk & Drainage

- 7.61 Policy ENV8 of the Local Plan 2015 sets out that all developments should contribute to an overall flood risk reduction and that the sequential and exception test will be strictly applied across the district. It sets out that development should normally be located in Flood Zone 1.

The development site is not located within an area at high risk of flooding. However, the Ely Group of internal Drainage Board has commented on the application and states that consent is required if the proposed sustainable drainage system, discharges to a watercourse or if the proposed package treatment plant discharges into a watercourse, the consent of the Board is also required.

7.62 Climate Change and Sustainability

- 7.63 Local Plan Policy ENV4 states: 'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable' and 'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'

- 7.64 The adopted Climate Change SPD and Chapter 14 of the NPPF encourages all development to include sustainability measures within their proposal. No specific measures have been put forward as part of the application. While this does weigh against the application, it would not form a reason for refusal on its own merit due to the minor scale and nature of the proposed development.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is

considered that the recommendation set out below would not undermine the objectives of the duty.

7.65 Planning Balance

7.66 The proposed additional dwelling to serve the farm enterprise is not justified as it is not essential to meet the needs of the business to have another full time worker living on site when the imminent retirement of the existing owner has been evidence. The financial viability, account information and forecasting figures have not been put forward within this submission which demonstrates that the business would be financially sound. Therefore it has not been demonstrated that an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process. The proposal is considered contrary to Policy HOU 5, not only because of need but because the site is close to Ely and therefore workers could be housed nearby within a settlement. The proposal is also contrary to GROWTH 2 as it proposes a dwelling outside of the development envelope which is contrary to the criteria of Policy HOU 5. The proposal has previously been refused under application references 19/01616/FUL, 20/00252/FUL, 20/00641/FUL and dismissed at appeal which is material consideration when assessing this application. The proposal is therefore recommended for refusal.

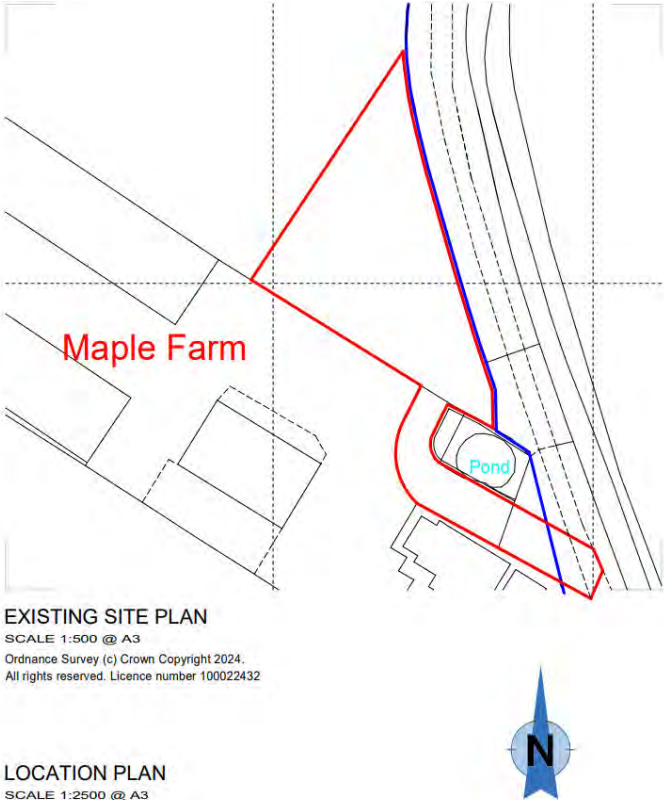
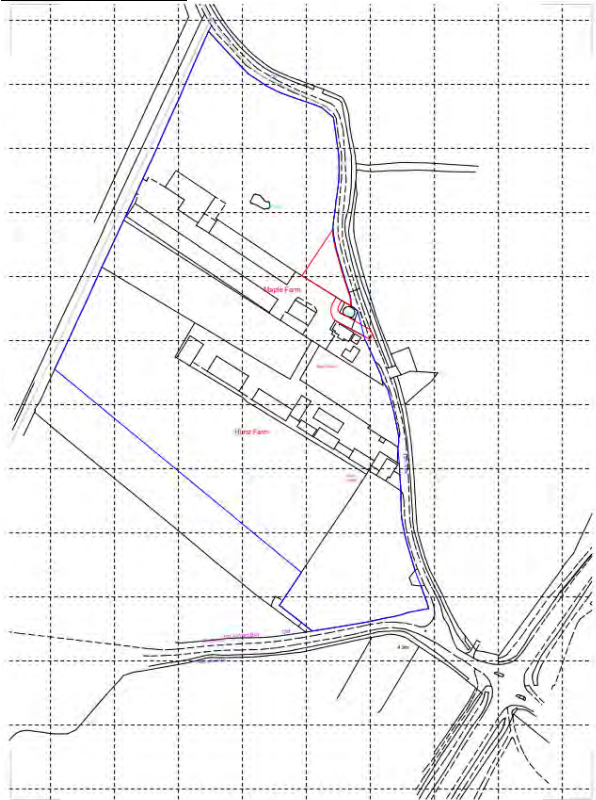
8.0 APPENDICES

- 8.1 Appeal Decision in relation to refused application Ref: 20/00641/FUL
8.2 24/01108/FUL Decision Notice

PLANS

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.

Site Location

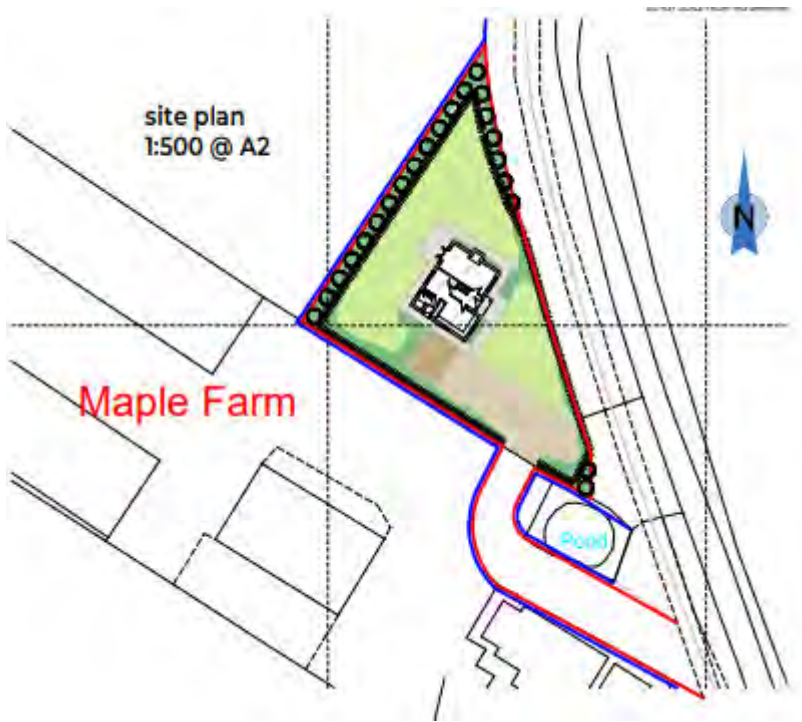


EXISTING SITE PLAN
SCALE 1:500 @ A3
Ordnance Survey (c) Crown Copyright 2024.
All rights reserved. Licence number 100022432

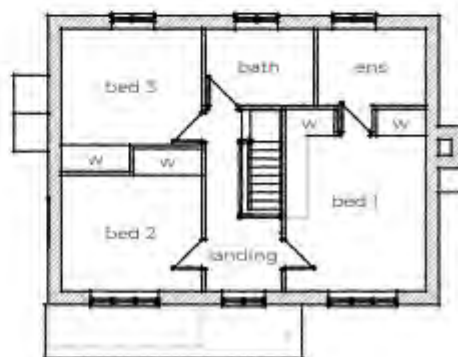
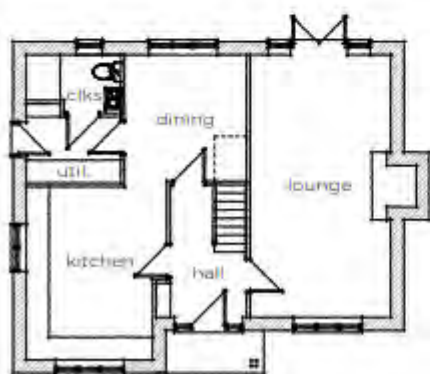
LOCATION PLAN
SCALE 1:2500 @ A3



Proposed Site Plan



Elevations





Appeal Decision

Hearing held on 14 December 2021

Site visit made on 14 December 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/V0510/W/20/3262596

Hurst Farm, West Fen Road, Ely CB6 2BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by AJ Lee and Sons against the decision of East Cambridgeshire District Council.
 - The application Ref: 20/00641/FUL, dated 20 May 2020, was refused by notice dated 30 June 2020.
 - The development proposed is a new agricultural worker's dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

Main Issue

3. The main issue in this case is whether there is a demonstrable need for the proposed dwelling, with particular regard to whether there is an essential functional business need for an additional agricultural worker to live on-site, considering: a) staffing requirements and capacity for care of livestock and the running of the farm's facilities, including 'out of hours' night time cover; and b) availability of alternative residential accommodation.

Reasons

4. The appeal site comprises part of a field located to the south-west of Hurst Farm, and part of its access lane. It is situated in the countryside, a short distance beyond the development envelope of the city of Ely. The farm business operated by the appellants is a well established suckler cow beef farm. The proposed two-bedroom bungalow would be in addition to two existing dwellings at the farmstead.

<https://www.gov.uk/planning-inspectorate>

5. Policy GROWTH 2 of the East Cambridgeshire Local Plan (LP) requires the majority of development in the district to be focused on its market towns, including Ely. The policy requires development outside defined development envelopes to be strictly controlled, and proposals to satisfy other policies including Policy HOU 5 of the LP. Policy HOU 5 restricts new permanent dwellings in the countryside for full-time workers in agriculture to special circumstances. One of HOU 5's criteria is demonstration 'that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be readily available at most times)'.
6. The appellants wish to develop a beef fattening unit (BFU) at the farm, utilising recently acquired land in the vicinity of the appeal site. However, no substantive delivery strategy, with a business plan and planning permission for such new facilities, for example is presented to substantively indicate the BFU's pending realisation. Furthermore, it is not shown that the continuation of the farm business would be dependent on such an expansion. As such, potential staffing requirements for an aspirational BFU are not part of the existing business need.
7. The parties' Standard Man Day Calculations indicates that there is sufficient work for an approximately additional 0.7 full time equivalent agricultural worker role on the farm (the 0.7 FTE role), to meet the existing farm business need. The role's duties are likely to include stock-keeping for the suckler cow herd and bulls, and assisting with other farm work such as hay, silage and straw collection and carting, grassland management and facilities upkeep. The role would include being available to assist with more intensive intervention in up to around 25 difficult calvings that apparently typically take place, mainly during a core period of about half the year with some 'straggler' births beyond that. Also assisting with care of livestock's health conditions such as pneumonia is likely to feature.
8. I therefore anticipate that much of the 0.7 FTE role's work would take place during daytime working hours, with some availability needed to assist with a relatively modest number of night-time emergencies.
9. The presence of an additional worker living on-site in the proposed dwelling, would assist with speedy response times for urgent situations involving difficult calvings and sick cattle, more quickly than if they lived a short drive away in Ely. Also, recruiting to this role would lessen the strain on the business partner who functions as the primary farm manager and worker, as the other business partner's farm labour input reduces as they get older. The 0.7 FTE role is necessary and would substantially assist the appellants, who are the farm's business partners and existing workers, with the functioning of the business.
10. However, there is not substantive detailed evidence presented, in the form of timesheets and a record of cattle health emergencies for the existing farm operation, for example, to decisively show that adequate care for the suckler cow herd, including for out of hours emergencies,

could not be provided from the existing residential accommodation on the farmstead. Furthermore, the identified 0.7 FTE need is for less than a full time worker.

11. The proposed two-bedroom bungalow and its occupants would increase surveillance of the farm and its environs, including the Hurst Lane public right of way. That said, there is already a residential presence in the form of the two existing dwellings at the farmstead, and it is not clear that the proposed third dwelling would significantly increase security at the farm, compared to other measures such as security cameras and guard dogs, for example. As such, I am not persuaded that there is a security justification for the proposed additional dwelling.
12. Consequently, it is not demonstrated that there is a need for an additional full-time agricultural worker to be readily available at most times.
13. Another criterion of Policy HOU 5 of the LP is that there is no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. A variety of housing is located a short drive away from the appeal site in the city of Ely. This includes some dwellings as close as around a minute's drive, on the opposite side of the A10. As such, there is a range of other accommodation located nearby.
14. Living within sight and sound of the farm would make it quicker and easier for an additional worker to respond to livestock in distress compared to living off-site in Ely. However, it is not clear that provision for livestock monitoring and staff changing/showering would be unachievable other than through the proposed dwelling. Given this, and the previous growth of the farm without a live-in worker at a third dwelling, I am not persuaded that the comparative convenience of the proposal is so great as to render nearby alternative accommodation in Ely unsuitable.
15. Housing market evidence indicates prices typically in the region of £250,00 for two-bedroom dwellings in Ely. At around £125,000, the cost of constructing the proposed two bedroom bungalow, would, judging by the estimates provided, be approximately half that. Thus, the new build proposal would be substantially cheaper than purchasing an existing dwelling in Ely. However, based on the limited farm business accounts information presented, I have no certainty whether either of these costs would or would not be affordable to the farm business. Given this uncertainty, the possibility that other suitable accommodation nearby could be made available is not ruled out.
16. Furthermore, even if the proposed new build, but not the purchase of an existing dwelling in Ely, were affordable to the business, it is not demonstrated that there is a need for an additional full-time agricultural worker to be readily available at most times.

17. It is undisputed that 'it frequently is the case that agricultural workers require decent accommodation these days as a part of the job'¹. The appellants indicate that having 'put out feelers' in the area, they consider the local pool of potential, reliable candidates to be limited in quantity. However, be that as it may, no advertising for an additional worker further afield, or consideration of a farm apprenticeship, for example, are presented. Thus, I have no certainty that options other than the appeal proposal have been reasonably explored as potential solutions to meet the identified labour need. Consequently, it is far from certain that absence of the proposed third dwelling at the farmstead is decisively an obstacle to recruiting the labour necessary to meet the functional business need.
18. Therefore, it is not demonstrated that there is a need for an additional full-time agricultural worker to be readily available at most times. Even if there were, it is not demonstrated that the proposed dwelling would be essential to achieve this. As such, the special circumstances to justify the dwelling in the countryside do not exist.
19. I therefore conclude that there is not an essential functional business need for an additional agricultural worker to live on-site, and not a demonstrable need for the proposed dwelling. As such, the proposal would conflict with Policies GROWTH 2 and HOU 5 of the LP, which together seek to focus new permanent residential development within defined development envelopes of market towns including Ely, unless special circumstances apply. This would result in significant harm through undermining the district's locational strategy for sustainable development, and control of housing development in the countryside.

Other Matters

20. The proposal would contribute to local housing supply in the form of one two-bedroom dwelling, within the context of around seven years supply of deliverable housing sites in the district. It would also
- a) assist with speedy response to urgent animal welfare situations on the farm, contributing to animal welfare and protection of the farm's stock,
 - b) reduce the strain of the primary farm manager and
 - c) provide an additional security presence. It would also give impetus to the appellants' ambition to develop a BFU at the farm, albeit the identified absence of a substantive delivery strategy limits the certainty of this being realised. These benefits would be limited in scale and not outweigh the significant harm identified.

Conclusion

21. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

¹ As per paragraph 6.6 of the Council's farm consultant's Appeal Statement.

APPEARANCES

FOR THE APPELLANTS:

| | |
|--------------|---------------------------------|
| Sam Franklin | Landscape Land and Property Ltd |
| Philip Kratz | GSC Solicitors LLP |
| Nick Lee | AJ Lee and Sons |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|--------------------|--------------------------------------|
| Rachael Forbes | East Cambridgeshire District Council |
| Barbara Greengrass | East Cambridgeshire District Council |

DOCUMENTS SUBMITTED AT THE HEARING

1. Standard Man Day Calculations (Appellants).
2. Right Move website extracts (Appellants).
3. Construction Quotations (Appellants).
4. Housing Options within Ely, with Right Move website extracts (Council).



East Cambridgeshire
District Council

www.eastcambs.gov.uk
ContactUs@eastcambs.gov.uk
01353 665555

AJ & NJ Lee
C/O Acorus Rural Property Services
FAO Mr Angus Bridges
Old Market Office
Risbygate Street
Bury St Edmunds
IP33 3AA

This matter is being dealt with by:

Selina Raj Divakar

Telephone: 01353616359
E-mail: selina.rajdivakar@eastcambs.gov.uk
My Ref: 24/01108/FUL
Your ref

25th April 2025

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

The Council hereby refuses the following development:

Proposal: Agricultural dwelling
Location: Land North East Of Maple Farm West Fen Road Ely Cambridgeshire
Applicant: AJ & NJ Lee

The Council hereby refuses full planning permission for the application reference 24/01108/FUL registered 7th November 2024.

REASONS FOR REFUSAL

- 1 A need for an additional permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan, 2015. The proposal does not meet the functional test as the additional dwelling is not essential to meet the needs of the business, contrary to Policy HOU 5 and Policy GROWTH 2 in the Local Plan. Furthermore, it has not been demonstrated that the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process contrary to the National Planning Policy Framework (2024) and its associated guidance.

INFORMATIVES RELATING TO THIS APPLICATION

25th April 2025



East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE

24/01135/OUM

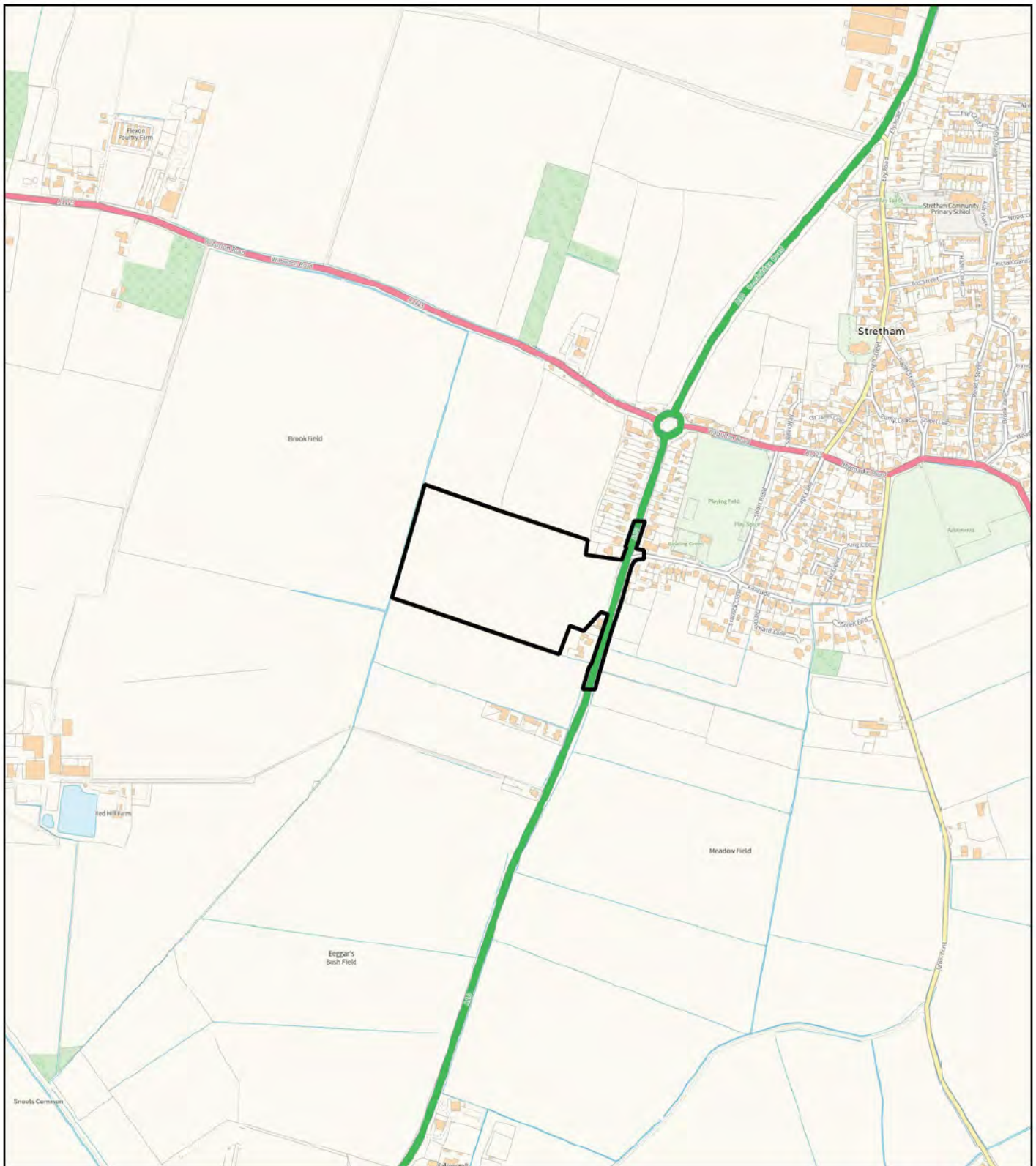
Land on Cambridge Road
Stretham

Outline planning application for up to 126 homes

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SM4ISJGGMZ200>





24/01135/OUM



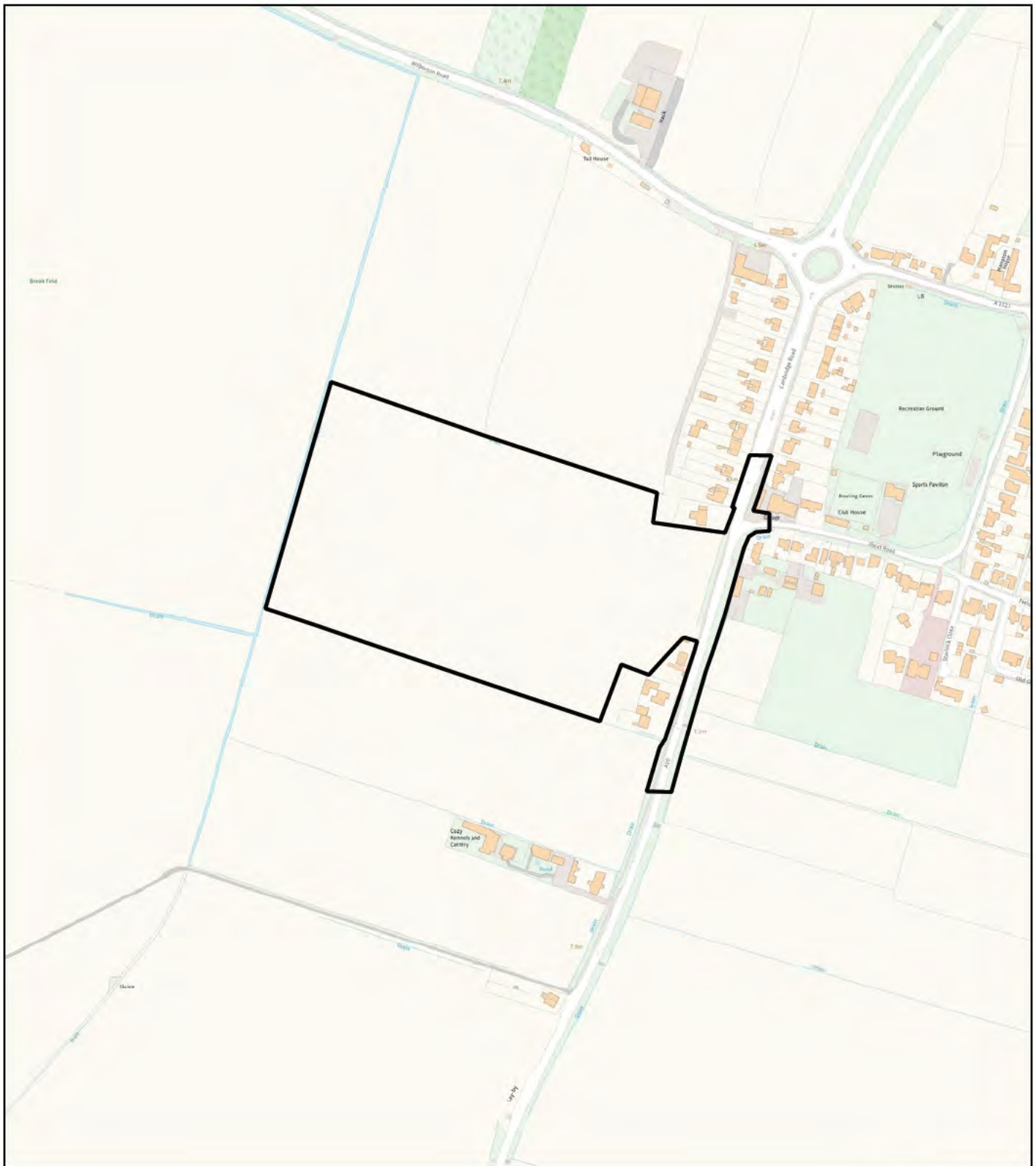
Land At Cambridge Road
Stretham

East Cambridgeshire
District Council

Date: 23/04/2025
Scale: 1:10,000



© Crown copyright.
All rights reserved 100023279 (2025)



24/01135/OUM



Land At Cambridge Road
Stretham

East Cambridgeshire
District Council

Date: 23/04/2025
Scale: 1:5,000



© Crown copyright.
All rights reserved 100023279 (2025)

TITLE: **24/01135/OUM**

Committee: Planning Committee

Date: 5 February 2025

Author: Major Projects Planning Officer

Report No: Z172

Contact Officer: Holly Durrant, Major Projects Planning Officer
holly.durrant@eastcambs.gov.uk
01353 616360
Room No 011 The Grange Ely

Site Address: **Land At Cambridge Road Stretham Cambridgeshire**

Proposal: **Outline planning application for the erection of up to 126 homes with associated access, parking and landscaping - all matters reserved except for Means of Access.**

Applicant: **Long Term Land Limited**

Parish: **Stretham**

Ward: **Stretham**

Ward Councillor/s: Bill Hunt
Caroline Shepherd (resigned as a councillor in March)

Date Received: **6 November 2024**

Expiry Date: **16 May 2025**

1.0 RECOMMENDATION

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

1. The proposed development seeks to introduce 126 affordable dwellings in the countryside on the edge of Stretham, where Policy GROWTH 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) seeks to strictly control development, save for a limited number of exceptions. Policy HOU 4 (Affordable exception sites) is one such exception and provides in-principle support for affordable exception sites subject to several criteria. The proposed development is considered to fundamentally conflict with Policy HOU 4 as it seeks to deliver a scale of development that is not appropriate to the level of identified local need or its location, as well as resulting in significant adverse landscape and character effects. The proposed development is therefore considered to fundamentally conflict with

Policies GROWTH 2 and HOU 4 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and Paragraphs 8, 82 and 83 and of the National Planning Policy Framework (December 2024) as the need for the development of this scale has not been robustly justified in this location and considered to result in an unsustainable form of development.

2. The proposed development seeks to introduce a form of development that is considered to be harmful by virtue of its considerable scale and depth; physical separation from the main village of Stretham; expansion across lower elevations away from steeper slopes within the village; and position within wider open fenland, where mitigation may also give rise to its own detrimental effects. The proposed is therefore considered to result in significant long-term/permanent adverse landscape and character effects on the local area. On the above basis, the proposed development is considered to be in conflict with Policies ENV 1, HOU 4 and GROWTH 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and Paragraphs 135 and 187 of the National Planning Policy Framework (December 2024), for failing to create positive, complementary relationships with existing development and to protect, conserve, and where possible enhance landscape and settlement character of the area.
3. The application proposes a residential housing scheme which would require contributions towards education, open space as well as securing affordable housing as a rural exception site. However, the application is not supported by a legal agreement deemed necessary to secure this, contrary to policy GROWTH 3 and HOU 4 of the East Cambridgeshire Local Plan, 2015 (as amended 2023) and Paragraph 56 of the National Planning Policy Framework (December 2024).

- 1.2 The application is being heard by committee because it triggers the Council's Constitution in respect of outline applications for over 50 dwellings (Clause 5.4, Part 3(C)).

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for the residential development of the site for up to 126 affordable dwellings. Only matters of access are committed, meaning that matters of layout, scale, appearance and landscaping are reserved for future consideration.
- 2.2 The Planning Statement supporting the application states that part of the application site is coming forwards as a Rural Exception Site (38 units) to meet local need, with the remaining 88 units proposed as affordable housing to meet the identified needs of the district with a mix of rented and intermediate tenures.
- 2.3 The application is supported by an access plan (2006314-ACE-XX-XX-DR-C-0501 Rev A) and footpath improvement plan (2006314-ACE-XX-00-DR-C-0502 Rev A) detailing how the access is proposed to be configured, which details an access directly from Cambridge Road (the A10 highway) into the site, with a general access arrangement also proposing amendments to Cambridge Road, in summary:

- Street lighting to be extended to include the new access;
- “Keep Clear” markings across the site’s proposed access;
- Puffin crossing (signal-controlled) across the A10;
- Widening of the western and eastern footpaths adjoining the A10 to 3-metres serving the site’s vehicular access, proposed Puffin crossing and Short Road junction;
- Infilling of “missing” section of footway in between No.42 and 44 Cambridge Road to enable access to the northern-bound bus stop along Cambridge Road;
- Widening of footpaths along Wilburton Road between Cambridge Road and Short Road and provision of tactile crossing point to serve north and south bound bus stops;
- Measures to encourage reduced vehicle speeds on Cambridge Road are also proposed, including:
 - creation of a “village gateway” (white gates either side of the road in the verges at the start of the 40mph limit) and “dragon’s teeth” road markings applied on the road;
 - 1m wide central hatched strip with red surfacing together with solid white lining 0.5m from the carriageway edges to reduce the running lanes to 2.85m wide (as requested by CCC);
 - “40” roundels on the carriageway and an additional “40” repeater sign

- 2.4 The majority of on/off-site highway works are to take place within the 40mph speed-restriction zone, with the exception of works along Wilburton Road to serve the bus stops, which is a 30mph speed restriction zone.
- 2.5 The application is accompanied by an illustrative layout plan and illustrative aerial layout plan to show how the quantum of dwellings could be arranged within the site, which shows a terrace of dwellings fronting the highway north of the access, with a looser planned development of dwellings behind, extending southwards behind No. 44 Cambridge Road and westward into the countryside, terminating at the westernmost field boundary. An area of open space is shown at the site’s frontage with Cambridge Road, with an indicative community orchard along the southern/western site boundary inclusive of play area. SuDS are shown indicatively predominantly along the site’s northern boundary, with a small area of SuDS shown along the southern boundary.
- 2.6 Whilst the detailed matters of the dwellings are not committed, the applicant has indicated that dwellings will be between 1 and 2 storeys in height, and passivhaus (‘passive house’) principles will be adopted for construction. However, this does mean that the proposed dwellings may not necessary be constructed to Passive House certification standards. A Design and Access Statement (DAS) has also been submitted with the proposals to provide an assessment of the site’s context, and the proposals are also supported by a Landscape Visual Impact Assessment (LVIA).
- 2.7 Further information relating to landscape visual impacts, highway and biodiversity impacts, as well as affordable housing need, were received by the Local Planning Authority during the course of the application and were appropriately consulted upon at the request of the Applicant. This has resulted in highway and biodiversity matters being resolved.

- 2.8 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 [Simple Search](#).

3.0 PLANNING HISTORY

3.1 22/00180/OUM

Outline planning application for the erection of up to 19 Affordable Homes with associated access, parking and landscaping - all matters reserved except for Means of Access

Refused

17 November 2022

Allowed on appeal – 4th September 2023

23/00712/OUM

Outline planning application for the erection of up to 38 Affordable Homes with associated access, parking and landscaping - all matters reserved except for Means of Access

Approved

28 November 2023

23/01338/OUM

Outline planning application for the erection of up to 83 Affordable Homes with associated access, parking and landscaping - all matters reserved except for means of access

Approved

6 December 2024

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises circa 8.26-hectares (c.20.4 acres) of agricultural land located to the southwest of Stretham, immediately adjoining the policy-defined settlement boundary to the north. This site area includes some of the off-site highway works, with the main body of the site measuring c.7.67-hectares (c.19 acres).
- 4.2 To the north of the site is a linear development of semi-detached properties and to the south is a loose knit arrangement of 3 dwellings, which the proposed development would partially sit behind. To the west of the application site is open countryside, and immediately opposite the site (to the east) beyond the A10 is paddock land enclosed in part by corrugated fencing along the A10 boundary. Cosy Kennels and Cattery lie further beyond the application site's southern boundary by some c.130-metres / 427 foot / 142 yards.
- 4.3 The site lies in Flood Zone 1 in respect of flooding from rivers and sea, and mainly at a low risk of flooding from surface water.
- 4.4 There are no nearby listed buildings or conservation areas that would be affected by the application proposals.

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.

Littleport & Downham Internal Drainage Board – 18 November 2024

The Board have commented that the site is outside of and does not drain into the Board's drainage area, so there are no comments to make from a drainage point of view.

Designing Out Crime Officer – 22 November 2024

The Designing Out Crime Officer (DOCO) does not raise any objections to the proposed development. The DOCO considers the Stretham Ward to be of a medium to high risk to the vulnerability of crime based on statistics for the last two years. The DOCO is content that crime prevention and security have been considered within the layout of the scheme and mentioned in the Design and Access Statement. The proposed layout is considered to look acceptable.

The DOCO recommends that Officers consider the following matters in their assessment:

- External lighting of all adopted and un-adopted roads, private roads, shared drives, footpaths, open spaces, parking areas & courts;
- Certifications/specifications for doorsets;
- Confirmation of proposed number of apartments;
- Certifications/specifications for windows, roof windows and roof lights;
- Boundary treatments are recommended to be 1.8-metres high and all gates are to be fitted with a self-closer and lockable from both sides, with trellis to any rear gardens onto footpaths, green space, school grounds or roads to reduce opportunities for would-be offenders.
- Cycle storage to be provided within rear gardens and/or garages, and not to front of houses, and Fire Service and Building Control to be alerted by Developer/Developer's Agent should there be any electric bike or scooter charging and storage facilities.
- Gable end walls should not be windowless/blank as this may attract inappropriate loitering, graffiti and anti-social behaviour if located onto open/green spaces.
- Public open spaces, LEAPs and linked footpath should be well lit to ensure good surveillance and consideration given to the locations of any seating.
- Landscaping scheme should be designed to ensure that it does not aid climbing over fences and kept at a low height to enable clear views.
- Should and solar panels and EV charging points be proposed consultation should be undertaken with the Fire Service for more information on fire safety.
- Given the location of the development and high crime statistics for poaching, boundary treatments need to be carefully considered given that Cambridgeshire has a problem with hare coursing and this could increase the fear of crime.

Recommended Conditions: None

Cambridgeshire Fire and Rescue Service – 26 November 2024

The Fire and Rescue Service requests that should the Planning Authority grant approval, the Fire & Rescue Service will require a planning condition against this application, for the provision of fire hydrants to be installed, for the purposes of providing water for firefighting.

Recommended condition: scheme of fire hydrants

County Council Education, Library and Strategic Waste – 27 November 2024

Summary table of requested contribution requirements to mitigate the impacts of the proposed development:

Table 1: s106 contributions – summary table

| | Contribution | Project | Indexation date | Trigger |
|-----------------|---|---------------------------------------|-----------------|---|
| Early Years | N/A | N/A | N/A | 50% prior to commencement 50% prior to occupation of 50% of the scheme |
| Primary | N/A | N/A | N/A | |
| Secondary | To be calculated in accordance with Table 9 | Expansion of Witchord Village College | 1Q2024 | |
| Libraries | £31,559 | Enhanced provision at Ely Library | 1Q2021 | 100% prior to occupation of 50% of the development |
| Strategic Waste | n/a | | | |
| Monitoring Fee | £400 | | | |

Table 9: Secondary School Detailed Mix Formula (£29,786/place)

| Size | Tenure | Detailed Multiplier | Cost per dwelling |
|--------|-----------------------|---------------------|-------------------|
| 2 bed | Market & Intermediate | 0.05 | £1,489 |
| | Affordable Rent | 0.15 | £4,468 |
| 3 bed | Market & Intermediate | 0.15 | £4,468 |
| | Affordable Rent | 0.6 | £17,872 |
| 4+ bed | Market & Intermediate | 0.3 | £8,936 |
| | Affordable Rent | 0.9 | £26,807 |

East of England Ambulance Service NHS Trust – 28 November 2024

The Trust requests a developer contribution to mitigate the impacts of this proposal and is calculated at £46,735, as set out within 'Table 2 Capital Cost' calculation of additional emergency ambulance health services arising from the development proposal

| No Dwellings | Infrastructure Cost* | Total |
|--------------|----------------------|---------|
| 126 | £371 | £46,735 |

**EEASTs baseline infrastructure cost calculation of £340 is based on 2.2 persons per dwelling adjusted pro-rata to £371 for 2.4 residents per dwellings*

The contribution is proposed to support one or more of the following:

- Support development of the new Cambridge Ambulance Hub including provision of new EV charging facilities for electric ambulance/rapid response vehicles or provision of additional response post to meet the increased local demand arising from the housing development
- Support expansion of the Ely Ambulance Station, built in 1971, if space permits
- Support provision of an additional ambulance to meet the population growth arising from this development. An ambulance costs in the region of £140,000 for 5 years.

Anglian Water Services – 02 December 2024

Anglian Water Services note that there are Anglian Water assets within or close to the development boundary of the site, which the layout should take into account. Anglian Water confirms that Stretham Water Recycling Centre (WRC) will have capacity for foul drainage from the development, and that the WRC is within acceptance parameters for dry weather flow and can accommodate flows from the proposed growth. It is confirmed that the sewerage system also has capacity for used water flows, and that whilst Anglian Water's preference is for sustainable drainage systems (SuDS), as the proposed development proposes three outfalls into local ditches, it does not relate to Anglian Water operated assets.

Lead Local Flood Authority (Second Response) – 16 December 2024

The Lead Local Flood Authority (LLFA) raise no objection in principle to the proposed development, removing earlier objection (03 December 2024).

The LLFA note that submitted documents demonstrate that surface water from the proposed development can be managed through the use of a series of three attenuation basins which take respective flows from three catchments via planted steps for treatment purposes, flow controls will restrict surface water discharge into the existing watercourses at 6.0, 3.3, and 0.5l/s respectively. Adequate maintenance clearance will be provided to both watercourses, additionally a maintenance plan has been provided. Water quality has also been adequately addressed within the proposals.

Recommended conditions:

- Pre-commencement requirement for the submission of a detailed surface water drainage scheme for the site;
- Pre-commencement requirement for the submission of a scheme to address surface water run-off during the construction of the development, including where necessary any collection, balancing and/or settlement systems for these flows.

ECDC Waste Team – 15 January 2025

The Waste Team note that they not enter private property to collect waste or recycling, therefore it should be the responsibility of private owners/residents to take sacks/bins to the public highway boundary. Distances for taking sacks/bins should be in accordance with RECAP guidance.

It is also noted that each new property requires a new set of receptacles, with the contribution currently set at £60.50 per set. It is recommended that the developer makes the contribution on behalf of the residents. The new proposals for the Waste Team in 2026, including food caddy, are also noted. Payment in advance of collection of waste is noted.

ECDC Housing Officer – 21 January 2025

Whilst in principle this application will support East Cambridgeshire District Council to address housing needs, the suggested scale of the latest application to supply 126 affordable homes as a rural exception site cannot be supported.

Rural exception sites are defined within the NPPF as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

The current need demonstrated by the housing register is for 69 affordable rental units for those with a local connection to Stretham and Little Thetford. I note that the application mentions supporting the housing needs of the district, but this is not what the rural exception site policy is designed for. Policy indicates that the size and mix and tenure of the affordable dwellings should reflect the identified needs at the time of the proposal and in the locality. This proposal is for an additional 45% above the indicative need from the housing register for those with a local connection.

Should the application be granted permission, developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing.

Detailed discussions are recommended with the developer prior to submission of the reserved matters application in order to secure an affordable housing mix that meets the housing needs of the area. Early indications suggest that we will be requiring an affordable housing mix of one to five-bedroom homes on site.

Further recommendations are made regarding S106 requirements and Affordable Housing Provisions to be included within this agreement.

Environmental Services (Domestic) – 11 March 2025

The Environmental Health Officer (Domestic) raises no objection to the proposed development. No concerns are raised with means of noise mitigation proposed (Mechanical Ventilation Heat Recovery Systems (MVHR), the use of passive house principles in construction and 2-metre high close boarded fencing around private amenity spaces). It is recommended that Building Control are consulted to ensure the proposed MVHR used is acceptable, and the following conditions are requested:

Recommended Conditions:

- Construction Hours and Delivery Restrictions to the Council's standard hours as set out in the Council's 'Noise' guidance.
- Preparation of a Construction Environmental Management Plan (CEMP) to control pollution (inc. noise, dust and lighting) during the construction phase of the development.
- Preparation of a method statement for ground piling should this be required as part of the development proposals, or restriction against the use of ground piling if this is known to not be required at this stage.

Cambridgeshire Historic Environment Team – 14 March 2025

The Historic Environment Team raises no objections to the proposed development, but given the site lies within an area of archaeological potential, recommend a further programme of archaeological investigation to be secure via a planning condition.

Recommended Condition: Pre-commencement condition requiring a programme of archaeological work, following agreement of a Written Scheme of Investigation with the Local Planning Authority.

County Council Transport Assessment Team (Third Response) – 24 March 2025

After amendment, the Highway Authority raise no objections to the proposed development (removing earlier objections on 10 December 2024 and 12 March 2025) subject to recommended conditions.

The Highways Authority note that the transportation assessment for the proposed development on Cambridge Road, Stretham, includes the construction of up to 126 affordable dwellings and a community orchard. Key aspects of the proposed off-site highway works associated with the development include a priority T-junction off the A10, footway improvements, and a signalised puffin crossing. Car and cycle parking will adhere to local standards, and the development is expected to generate 85 two-way trips in the AM peak and 80 two-way trips in the PM peak. The traffic impact on the site access junction is deemed acceptable. Whilst the A10/A1123 roundabout is anticipated to operate at capacity in the future under both existing and future layouts, the impact of the development traffic at the roundabout associated with the 126 homes is not severe and acceptable to the Highways Authority. Mitigation measures include Welcome Travel Packs to promote sustainable travel and the above scheme of off-site highway works. The Highway Authority has no objections, provided the developer implements these mitigation measures prior to first occupation.

Recommended conditions:

- Provision and implementation of Welcome Travel Packs to promote sustainable travel, including bus or active travel vouchers.
- Provision of the proposed off-site improvements in accordance with the approved plans.

Local Highways Authority – 25 March 2025

On the basis of the information submitted, the Local Highways Authority raise no objection to the proposed development in principle. The revised drawings have addressed concerns regarding pedestrian crossing and footway arrangements and any potential conflict with the existing petrol filling statement.

Recommended conditions: all conditions previously imposed upon LPA Ref. 23/00712/OUM (38-unit scheme)

- Closure of existing agricultural access(es) on the A10 and reinstatement of footpath.
- No gates, fences or walls to be erected across the approved vehicular access.
- Construction of access and all hardstanding so that it drains away from the public highway and not onto it.

ECDC Senior Ecologist – 31 March 2025

Does not object to the application proposals.

With regard to ecology, the Preliminary Ecological Assessment (PEA) supporting the application proposals is out of date. The PEA makes recommendations for precautionary measures and enhancements, but these do not reflect current policies, requirements or guidelines. Notwithstanding, this is a matter that could be conditioned, as the habitats on site have not changed since assessment.

The Applicant has incorrectly stated that there are no trees or hedges on the application site, despite acknowledging this within their metric. An arboricultural impact assessment would be required, and the trees officer consulted.

An assessment of recreational pressure impacts on the Wicken Fen is required as established by Natural England advice.

With regard to mandatory Biodiversity Net Gain:

From the information provided the Senior Ecologist has reviewed this application and, as of 25/3/25 agrees the baseline habitat and believes that the mandatory requirement can be met in combination of onsite and offsite units

Recommended Conditions:

- Scheme of biodiversity improvements (pre-occupation)
- Construction Environmental Management Plan (CEMP) for biodiversity, including additional (rolling) surveys, risk assessments of potentially damaging construction activities, mitigation measures, habitat protection zone mapping, construction times and when an ecologist needs to be present (pre-commencement)
- Lighting design strategy for biodiversity (prior to occupation)
- Biodiversity Gain Plan including final metric and evidence of purchase of off-site units (mandatorily imposed upon all grants of consent under the Environment Act 2021)
- Habitat Management Monitoring Plan for 30-year management
- S106 agreement to secure on-site biodiversity net gain (and where necessary off-site gains).

Stretham Parish Council – 03 April 2025

The Council would like to re-affirm its objection (provided in 04 December 2024) to the proposal on the grounds of vehicular and pedestrian access. It was felt that the proposal would substantially increase traffic and pedestrian footfall and would result in increased pressure on the village GP surgery and primary school.

The increased traffic on the A10 and A1123 is also a concern, as is the number of pedestrians that would need to cross these busy roads to access village amenities. Infrastructure improvements would be vital to support such a scheme and it is not clear what supporting infrastructure would be included. Upgrading the existing pedestrian crossing on the A1123 to a lighted crossing would improve pedestrian safety and should be considered a necessary part of any infrastructure plans.

No Response Received

The following consultees were consulted, but no responses received:

- Environment Agency
- Middle Level Commissioners
- Ward Councillors

- 5.2 A site notice was displayed near the site on 20 November 2024 and a press advert was published in the Cambridge Evening News on 21 November 2024.

5.3 Neighbours – 141 neighbouring properties were notified and the concerns raised are summarised below, and consideration has been given to these in this report. A full copy of the responses is available on the Council's website.

- Affects a Right of Access
- Biodiversity
- Foul water drainage
- Groundwater issues
- Highway safety
- Overbearing
- Parking and Turning
- Residential amenity
- Contrary to Policy
- Pollution issues
- Distance of the site from local facilities
- Active travel should be encouraged including cycling to access facilities
- Concerns over vehicle speeds and adequacy of 40mph, with preference for 30mph expressed
- Concerns over narrowness of footpaths proposed.
- Concerns over particulates and exposure impacts to human health from traffic increases, which a lower speed limit is considered to improve
- General concerns that irrespective of concerns raised, the Local Planning Authority will allow the proposals

27 letters of support have also been received via the 'Just Build Homes' platform from properties in and around East Cambridgeshire.

During the course of the application, it has become apparent that several of the addresses from which supportive comments were received do not exist or were not accessible (i.e. boarded up). Post to three addresses has been returned to the Authority and marked as undelivered. A call from local a resident also confirmed that comments had been submitted on behalf of their address but had not been written by that occupier. This puts into question the legitimacy of these comments.

Notwithstanding, a general summary of the supportive comments are as follows, and consideration has been given to them within this report although limited weight is given to the volume:

- Support for affordable housing
- Need for affordable housing and for young people
- Extra houses are good for people who need a home
- Everyone needs somewhere to live
- Affordable homes needed to get people on the ladder
- Stretham has good levels of services
- Will help to address overcrowding or those in HMO living
- Need affordable housing for those on middle incomes not just the rich people
- East Cambridge is one of the best places to live in the country
- People will not be pushed out of the area and can live near to family and friends
- Improve social cohesion between the haves and have nots which is better for society

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

| | |
|----------|--|
| 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 |
| HOU 4 | Affordable housing exception sites |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy and water efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| ENV 14 | Sites of archaeological interest |
| COM 7 | Transport impact |
| COM 8 | Parking provision |

6.2 Supplementary Planning Documents

- Design Guide
- Flood and Water
- Contaminated Land
- Natural Environment
- Climate Change
- Hedgehog Design Guide
- Developer Contributions

6.3 National Planning Policy Framework (December 2024)

- 1 Introduction
- 2 Achieving sustainable development
- 3 Plan-making
- 4 Decision-making
- 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 & enhancing the historic environment

6.4 Planning Practice Guidance

- Noise
- ProPG: Planning and Noise for New Residential Development, May 2017

Written Ministerial Statements (WMS) from Government

- Building the homes we need (30 July 2024)
- Social and Affordable Housing (28 October 2024)
- Building the homes we need (12 December 2024)

7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

7.1 Principle of Development

7.2 The site is proposed to come forward as 100% affordable housing in the countryside, with a social housing provider, Stonewater Housing Association.

7.3 Policy GROWTH 2 of the Local Plan 2015 (as amended 2023) seeks to strictly control development outside of policy-defined development envelopes, with a few exceptions. It must therefore be considered whether any of these exceptions would support the provision of the proposed scheme of 100% affordable dwellings in the countryside.

7.4 One such exception is Policy HOU 4 of the Local Plan, which specifically supports Affordable Housing exception sites. The policy reads as follows:

“Affordable housing development on exception sites can make an important contribution to meeting local housing needs, and schemes may be permitted on sites outside settlement boundaries where:

- *There is an identified local need which cannot be met on available sites within the development envelope (including allocation sites), or sites which are part of community-led development.*
- *The site is well related to a village which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities.*
- *No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.*
- *The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need.*
- *The scheme incorporates a range of dwelling sizes, types and tenures appropriate to the identified local need; and*
- *The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property.*

An element of open market housing will only be acceptable where there is insufficient grant available, and it is demonstrated through financial appraisal that the open market housing is essential to enable delivery of the site for primarily affordable housing, and does not significantly increase the land value above that which would be payable if sufficient grant were available to provide 100% affordable housing.”

- 7.5 Another exception is Policy GROWTH 6 of the Local Plan, which seeks to support community-led development, which can include affordable housing such as Community Land Trust developments. There is however no indication within the application submission that the proposed development is coming forwards as a community-led development, for example being proposed by a legitimate local community group such as a Parish Council or Community Land Trust, or that the scheme has general community support, with evidence of meaningful public engagement. On this basis this policy is of limited relevance to the assessment of the proposals.
- 7.6 There are no other policies that would support delivery of the proposed development outside of the defined settlement envelopes.
- 7.7 It is therefore considered that Policies GROWTH 2 and HOU 4 are the policies of most relevance when determining the principle of the proposed development. These policies are up to date on account of the Council's recent Single Issue Review of the Local Plan (2023), and their accordance with the National Planning Policy Framework (2024) as to be set out within this report and should therefore be afforded full weight in the decision-making process. Based on a demonstrable 5-year housing land supply and 113% housing delivery test result (2024), the tilted balance is also not engaged in the decision-making process.
- 7.8 Members are advised that three consents have been allowed at appeal or granted within the application site for 19, 38 and 83 dwellings respectively since September 2023. All three schemes were assessed against Policy HOU 4 as 'rural exception sites', this being to meet local affordable housing needs of the village of Stretham and Little Thetford.
- 7.9 Turning to the current application itself, consideration must be given as to whether the proposed development for 126 dwellings and associated infrastructure complies with Policy HOU 4.
- 7.10 Policy HOU 4 requires that any development for affordable housing exception sites (otherwise known as Rural Exception Sites within the Local Plan) meets a locally identified need and is of an appropriate scale for the location and to the level of identified local affordable housing need. The need for 'Rural Exception Sites' to demonstrate an identified local need is further echoed at Paragraph 82 and in Annex 2 (Glossary) of the NPPF.
- 7.11 To evidence this local need, the application is supported by a Housing Needs Assessment (HNA) (January 2024) which considers the needs of the villages of Stretham and Little Thetford, both of which are in the Stretham ward. The inclusion of Stretham and Little Thetford as part of the HNA was agreed for all of the previous consents within the application site and has therefore been taken forwards under the current scheme.
- 7.12 The results of the HNA indicate a need for at least 44 affordable dwellings for the parishes of Stretham and Little Thetford in the immediate term, 14 affordable dwellings required to support close relatives or those employed within the parishes who currently live elsewhere, and 14 affordable dwellings to support family members who have had to move away due to difficulty finding an affordable home. This data is

based upon a survey undertaken in 2021. The Applicant's own identified need therefore ranges from c.44 to 72 dwellings within the villages of Stretham and Little Thetford.

- 7.13 The Applicant has sought to rely on the data from this survey to support applications for 19, 38, 83 and now 126 dwellings within the application site. Whilst the survey data is four years old, the Council's Housing Team has advised that as of February 2025, there are still 67 people on the housing register with a 'local connection' to Stretham and Little Thetford. In February 2024, this figure stood at 75, which was a previous rise from c.45 in January 2022. The findings of the survey are not therefore disputed.
- 7.14 On the basis of data available to both the Applicant and the LPA, it is considered that a local need for affordable housing for Stretham and Little Thetford has already been appropriately met by the consented 83-unit scheme. Indeed, the latest 83-unit scheme even allowed for a small degree of flexibility above the demonstrable need within the areas (75 dwellings at the time of determination), acknowledging that housing need is unlikely to be a static figure.
- 7.15 In terms of the Application proposals before Officers therefore, the Applicant's own HNA assessment, further supported by the Council's housing data, concludes that there is no robustly demonstrated locally identified need for the proposed development of up to 126 dwellings within the application site. This figure would significantly exceed the locally demonstrable need for affordable housing within Stretham and Little Thetford combined by almost double, a matter raised by the Council's Housing Officer in their formal comments in January 2025.
- 7.16 Within their Tetlow King report the Applicant now seeks to challenge the definition of 'local need', stating, *"The focus is on "the housing needs of the local community" and while a local housing needs survey is given as an example of how this might be demonstrated, the Local Plan is not prescriptive in this respect. Nor is the geographical extent of 'local' defined. As I go on to discuss below, the Council has considered these matters in its determination of the previous application at this site."*
- 7.17 Officers consider the Local Plan's objectives for rural exception sites to deliver housing for local people in the local village are clear; the Applicant's own Housing Needs Assessment prepared by RCA Regeneration also appears to have understood this definition, as it seeks to *"understand the specific housing requirements of the Combined Parish Areas, and inform future developments. Indeed, it could be used to inform proposals for housing a Rural Exception Site, which needs to be supported by robust housing need evidence"* (Page 1).
- 7.18 Whilst the geographical extent of the 'local' is not explicit in the policy, it is considered to be implicit by virtue of the assessment criteria listed within the policy. Policy HOU 4 requires that *"The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need"*. This is considered to explicitly set a consideration of scale and proportionality in relation to both the size of the development and local housing need. A development site that encompasses the needs of a much wider area than its immediate locality will struggle to satisfy this test, as will be evidenced within this report. The pre-ambles to the policy to aid its interpretation is also clear that local housing need is village-specific.

- 7.19 It is therefore considered that to interpret 'local housing need' as encompassing a much broader or district-wide need in the context of a rural exception site policy is to over-interpret the policy itself, and indeed the NPPF's definition of these types of sites.
- 7.20 It is noted that the needs of Little Thetford were included in all three previous applications for 19, 38 and 83 units with the agreement of the Local Planning Authority and has been carried across into the assessment of this application and previous applications in the interests of consistency. Officer reports for 19 and 38-unit schemes are silent on Little Thetford's inclusion and therefore no assumptions are made as to why this village specifically was included. However, it can be said that the acceptance of including Little Thetford represented a pragmatic and flexible approach being taken by Officers to meet local affordable housing need within these two villages, at a time when no developments had come forward to fulfil this purpose or evidence of local need likely being met. However, to extend this need beyond these two villages is considered to be taking this pragmatism and flexibility beyond both the local and national understanding of the role of rural exception sites in being responsive to local circumstances and supporting housing developments that reflect local needs (Paragraph 82 of the NPPF).
- 7.21 For the above reasons, the scale of the proposed development is not therefore considered to be appropriate to the level of identified local need, as required by Policy HOU 4. Consideration must also be given as to whether the scale of the proposed development is appropriate to the location of the development (Stretham Parish).
- 7.22 The Council's Senior Strategic Planning Officer has provided specific advice on the proposed development (**Appendix 1**), which has been used to inform this assessment.
- 7.23 If delivered, the consented 83-unit scheme will already see an increase of households within Stretham (parish) by 9.2%. A further 43 units will see this increase by another 4.4% (totalling c.14% from 2021 census levels). If consented, the 126-unit scheme would also result in 19% of the households in the Stretham parish living in affordable/socially rented properties. Proportionally, the 126-unit scheme would therefore result in a concentration of affordable/socially rented properties notably higher than the local authority average (14.5%) and higher than averages in the three main settlements in the district Ely (14.3%), Soham (16.2%) and Littleport (18.1%).
- 7.24 These main settlements should be commanding the higher proportions of affordable/social rented properties, as they are the most sustainable places for development as set out in the Development Plan. As evidenced by the Council's Authority Monitoring Reports, the majority of affordable housing that is delivered in the district is delivered as part of open market developments, the requirement for which is triggered by Local Plan Policy HOU 3 (Affordable housing provision). This ensures that the overall quantity of affordable housing is delivered in line with the spatial strategy set out in the 2015 Local Plan as per Policy GROWTH 2 (Locational Strategy) thereby ensuring the housing is directed to the most sustainable places in the district; those providing a focus for jobs, shops, services and choices in terms of sustainable travel.

- 7.25 Rural exception sites on the contrary are intended to meet localised needs, proportionate to the village, where development would otherwise not be permitted; they are not intended to compete with or fulfil the functions of higher-order settlements. Whilst it is not disputed that the application site is well-related to the Stretham village, has services and facilities commensurate to a village of its size, good foot/cycle infrastructure facilitated by the proposed off-site highway works, and capacity to provide a range of dwelling sizes, types and tenures, Stretham cannot compete with the main settlements in terms of its sustainability. It is not therefore considered appropriate to direct increasing levels of district-wide affordable housing need to within its locality, where there is no such evidence of local need.
- 7.26 Furthermore, provision far in excess of the minimum of affordable housing in a rural community would, in practice, run the risk of future households who are in affordable housing need, potentially vulnerable households, being relocated away from more sustainable locations close to shops, services, schools, places of employment, and better public transport links.
- 7.27 The proposed development is not therefore considered to appropriate to the scale or location of Stretham. This matter of scale is a further compounded by the adverse landscape and visual impacts of the proposed development, which are considered to be significant as set out within the following section of this report; this is further in conflict with Policy HOU 4.
- 7.28 There is however no reason to believe that the scheme could not come forward as affordable housing in perpetuity. Whilst there is no S106 legal agreement before Officers, the Applicant had demonstrated under the three previous consents – and made a commitment within their supporting statements under this application – that affordability would be secured through the appropriate legal obligations.
- 7.29 On the above basis, the proposed development is considered to conflict with Policies HOU 4 and GROWTH 2 of the Local Plan and the objectives of the NPPF at Paragraphs 8, 82 and 83. The proposed development seeks to deliver a scale of development that is not appropriate to the level of identified local need or its location and is therefore considered to be unsustainable, and in fundamental conflict with the Development Plan.
- 7.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) however requires that consideration is given to any other material considerations that may warrant a departure from the Development Plan.
- 7.31 The Applicant seeks to justify the additional 43 affordable housing units (from the consented 83-unit baseline) on the basis of a “very significant need” for affordable housing within the district as a whole.
- 7.32 It is acknowledged that there is a significant need for affordable housing in East Cambridgeshire (paragraph 4.5.1 of the Local Plan) with an accepted under-delivery of sites in the plan period so far, and a growing housing register. This was accepted under all three previous consents on the site. Since 2020, the Applicant’s affordable housing statement (prepared by Tetlow King) highlights an accrued deficit of 470 affordable dwellings in the district against the Council’s annual target of 254 affordable dwellings (including affordable home ownership products). This target is

derived from the Council's 'Housing Needs of Specific Groups' report prepared by GL Hearn in 2021.

- 7.33 The Tetlow King report also points to historic under-delivery since 2011, the start of the plan period. On advice from the Council's Senior Strategic Planning Officer, this historic backlog was factored into the revised 254 figure within the GLHearn report, and therefore not considered material to the consideration of this scheme.
- 7.34 The matter of under-delivery is nevertheless compounded by median affordability ratios in the district being 10.6 times earnings as of 2023. This affordability ratio has increased more rapidly than the rest of England since 2011 (34% as opposed to 21%) but is generally comparable to the East of England in general.
- 7.35 Written Ministerial Statements (WMS) in July, October and December 2024 (as referenced above) also seek to boost the supply of housing nationally, including affordable housing. These aims have been given further impetus by 12th December 2024 NPPF, through the revised standard method for calculating housing need; this includes a much stronger affordability multiplier. These statements attract weight in the decision-making process, and it must be recognised that housing targets in general represent the floor and not the ceiling against which supply should be measured.
- 7.36 The Applicant further points to three 100% affordable appeals within their supporting Tetlow King statement, all allowed by the Planning Inspectorate. All three appeals are not considered to be relevant to the consideration of this application as the circumstances for their determination are not comparable. The appeals concern developments in Council areas unable to demonstrate a 5-year housing land supply, out of date local plans, significantly smaller development schemes or schemes that were not in conflict with the overarching spatial strategy in the Development Plan (i.e. infill). Notwithstanding, the sentiments of boosting overall housing supply within all three appeal are not disputed as has already been recognised.
- 7.37 However, it must also be noted that the district has seen the highest number of affordable housing completions between March 2021 and March 2024 compared with the rest of the plan period from 2011¹, demonstrating progress in addressing under-delivery. Delivery of affordable housing between 2011 to 2020 averaged 47 dwellings per annum (dpa) (median 54), whereas across 2020 to 2024 delivery averaged 137dpa (median 154). This is a substantial improvement, to the extent where the weighting afforded to the delivery of affordable dwellings warranted a downgrading from 'substantial' to 'significant' by a Planning Inspector when determining a major development scheme in Bottisham² in 2024.
- 7.38 The Council's 5 Year Housing Land Supply Report (December 2024) also shows a high number of affordable housing developments coming forwards over the next five years. As a cautious estimate, excluding the consents approved within the application site, approximately 500 affordable dwellings are expected to be delivered by 2029. This figure does not include any additionality of affordable housing that Officers are

¹ East Cambridgeshire Authority's Monitoring Report 2023 to 2024, [East cambridgeshire AMR 2023-24](#)

² 23/00205/OUM (Appeal Ref. APP/V0510/W/23/3324141) – allowed February 2024, comprising up to 170 extra care units including up to c.51 affordable homes as a 30% affordable housing requirement.

aware are coming forwards on many major open market development sites within the district, above and beyond policy-compliant levels. These estimations do not include applications currently pending for affordable housing, nor do they include the Applicant's multiple consents within the application site. The figure is therefore likely an underestimation of planned affordable housing stock.

- 7.39 It is also noted in recently published Government data³, East Cambridgeshire contains 222 vacant general needs dwellings under the control of private registered providers, with an addition 191 vacant dwellings under the control of private registered providers not currently available to let (for example due to repair). This points to a potential further supply of 413 affordable dwellings that are available or could become available for occupation to meet district-wide affordable housing need.
- 7.40 Noting all of the above matters, whilst improvements have been made and a reasonable level of affordable housing supply is planned, given the under-delivery and need for affordable housing within the district and Government direction of travel, the delivery of the proposed affordable housing is considered as a significant benefit of the scheme that attracts significant weight in the decision-making process, irrespective of policy-conflict.

7.41 LANDSCAPE AND VISUAL

- 7.42 Whilst layout is not a committed detail with this application, it is generally necessary for the applicant to demonstrate that the quantum of development could be satisfactorily accommodated within the site. In this respect, the applicant has submitted an indicative layout plan and an assessment of the scheme in the context of the wider Stretham village as set out within the Design and Access Statement (DAS).
- 7.43 The indicative layout demonstrates that the quantum could likely satisfactorily fit into the site and could achieve rear garden sizes and open space (inclusive of play space) compliant with standards expected within the adopted Design Guide and Developer Contributions SPDs.
- 7.44 In respect of policies GROWTH 2 and HOU 4 and the impact of the development on the countryside, the site is straddled by built form, but it is acknowledged that the development extends considerably beyond existing built form within the village. It is also acknowledged that views of the openness in this section would be lost through the development. This would need to be balanced against the benefits of delivering an affordable housing scheme where there is an identified need, and that the Local Plan accepts some loss of open countryside through rural exception sites.
- 7.45 For the 83-unit scheme, it was concluded that at a local scale at completion (taken to be Year 1), the proposed development could potentially result in development of a minor adverse landscape effect on the cusp of Significant and Not Significant. Officers concurred that the development at Year 1 and beyond, in the absence of any mitigation, would be clearly perceptible and would affect how the landscape/character of the area is appreciated, with the most perceptible impacts within the immediate locality of the site and its frontage to Cambridge Road. The

³ https://assets.publishing.service.gov.uk/media/67ee5052e9c76fa33048c6f8/Live_Table_615.ods

development at completion / Year 1 is therefore likely to result in moderate to high adverse impacts upon the immediate local landscape character, but these impacts quickly diminish with distance from the site, which is acknowledged itself to be adversely characterised by the A10 highway.

- 7.46 It was further agreed that to mitigate these potentially significant effects, mitigative planting to the south/west boundaries and reinforcement of existing eastern and northern boundaries would in the long-term result in Low Adverse Landscape Impact with a Negligible to Minor Landscape Effect/Not Significant/Long Term.
- 7.47 Under this application, the proposed development seeks to develop a c.7.67-hectare (18.95-acre) site, c.3-hectares (7.41-acres) larger than the site approved for the 83-unit scheme. The proposed development also seeks to increase the level of residential development within the site by c.52% since the 83-unit scheme.
- 7.48 To aid Officer assessment, a landscape architect (Alison Farmer Associates / AFA) was engaged to provide a review of the Applicant's Landscape Visual Impact Assessment (prepared by Harper Landscape Architecture LLP)(HLA LLP), with a particular focus on the differences between the 83-unit scheme and the 126-unit scheme now proposed. The landscape architect was not instructed to prepare their own LVIA, and therefore the assessment is limited to a review of the Applicant's submitted information. The review can be found in full at **Appendix 2** of this report.
- 7.49 The conclusions of this review can be summarised as follows.
- 7.50 With regard to landscape effects, the review concludes that the proposed development would have an adverse characterising effect on the local landscape, altering perceptions of settlement pattern on the fen islands and creating an urban extension which poorly relates to the existing settlement.
- 7.51 With regard to visual impacts, the review concludes the following will arise from the proposed development:
- When viewed from the north the development would be seen extending into open countryside on lower lying land, relative to the existing village.
 - The mitigation planting would not tie into existing vegetation structure given the openness of the landscape and would serve to create a harsh line of planting which would not create a characteristic edge to development, as seen on the existing margins of the village of Stretham.
 - The density and grain of development would not be in keeping with the linear development along the A10 and would not visually or physically relate to the existing village to the northeast.
 - In views from the west, the proposed development would appear to advance towards the viewer.
- 7.52 Overall, the review considers that HLA LLP LVIA has underestimated the effects of the proposed development. It concludes that the proposed development would give rise to adverse effects which would be significant (emphasis added), by virtue of:
- it's increased scale;
 - in-depth 'parcel' arrangement;
 - physical separation from the main village (located west of the busy A10);
 - lower elevation away from steeper slopes;

- position within wider open fenland (where mitigation may also give rise to effects).

7.53 While the site could accept some housing development (such as linear development along the A10 or some in depth development), the proposed scheme would extend into open arable farmland, would relate poorly to the village of Stretham, and would influence perceptions regarding the form and character of the village and its relationship with the fen island. This is considered to be contrary to Local Plan Policies ENV1, HOU 4 and GROWTH 2.

7.54 Specific consideration is given in the review to the differences between the consented 83-unit scheme and the proposed 126-unit scheme, with the following comments provided.

“In earlier consented schemes effects were considered to be acceptable where the development formed linear infill along the A10. Furthermore, the scheme for 83 dwellings, whilst creating in depth development on the site, included mitigation planting which tied into the existing hedgerow patterns both on the site and in the wider landscape to the north.

The current application by comparison is a c. 87% increase in development area and c. 46.5% increase in dwellings which would physically extend into wider countryside. By its very scale and location it is more difficult to mitigate, such that the proposed mitigation itself has characterising effects. This coupled with the location of the site away from the main village, separated by the busy A10 and on less distinct lower lying land, would result in adverse effects on perceived settlement pattern and landscape character.

These are material differences between the current application and previously consented schemes. It is concluded that the LVIA for the proposed scheme does not take these matters sufficiently into account when reaching judgements. The LVIA for 83 dwellings concluded landscape effects at a local scale would be Minor and would be ‘on the cusp of significant’ (para 7.1.1 of the relevant LVIA). The LVIA for the current scheme concluded that the landscape effects at a local scale would be Minor to Moderate but nevertheless it still concluded that the effects would be on the ‘cusp of significant’.

For the reasons set out above, taking account the increased visibility from the north, effects of mitigation planting and degree of fit with local character and settlement pattern, it is considered that landscape effects would be greater than predicted and significant overall.”

7.55 Whilst not requested, the Applicant subsequently provided a rebuttal to the AFA / Council’s review, as well as providing an updated LVIA prepared by HLA LLP and a new LVIA prepared by Pegasus Group.

7.56 The updated HLA LLP LVIA and new Pegasus Group LVIA address several of concerns raised in the AFA / Council’s review regarding methodological omissions, such as including an assessment from elevated viewpoints.

7.57 Notwithstanding, both the HLA LLP and Pegasus Group LVIAs conclude similar levels of long-term landscape and visual harm arising from the proposed 126-unit

development when compared to the 83-unit scheme. The Pegasus Group LVIA concludes specifically:

“When considered in the round, the additional units do not make a material change to the landscape assessment rankings at a Local, County or National level, and the residual level of harm at the Site level is predicted to reduce to acceptable levels over time.”

“There is no material difference between the findings of this LVIA (for the 126 unit scheme) and the previous LVIA (for the 83 unit scheme) in term of predicted visual effects. In both cases, the more important effects are limited to the immediate vicinity of the Site, and the limited visual envelope of the Proposed Development ensures that addition level of harm arising from the 126 unit scheme is not materially greater than that of the 83 unit scheme.”

7.58 Despite the revised / new LVIAs being provided, in further discussion with Alison Farmer Associates in response to the Applicant's rebuttal, Officers consider the following matters are pertinent.

- By the Applicant's own assessment, the development would result in a perceptible increase in scale and increase in harm. Is it therefore unclear how the resulting impacts of the development can be considered immaterially different to the previous and much smaller scheme.
- Caution should be given to the Applicant's implication that the existing approval for 83-units reduces the susceptibility of the landscape to further development, otherwise this argument could be used to justify the continual expansion of developments into the countryside. It must also be noted that the 83-unit scheme mitigated its impacts, resulting in negligible to minor long-term effects. To use its incursion into the countryside to justify further expansion is considered to be questionable.
- The submitted LVIAs have not addressed the concerns regarding the impact of the development on the ridgeline settlement of Stretham. Whilst the consented development of 83-units is acknowledged the result in some conflict with this matter specifically, it is considerably lesser than the effect resulting from the 126-unit scheme.
- The proposed mitigation for the proposed scheme itself is considered to give rise to its own harmful effects, as it is not considered to create an appropriate edge to the settlement.

7.59 Officers are therefore content to rely on the conclusions of the AFA review and the further discussions held to inform assessment of the development proposals, whilst noting that a degree of errors or discrepancies have been addressed as noted above.

7.60 By both assessing the proposed development against the 83-unit baseline within the site and considering it on its own merits, the proposed development is considered to result in significant adverse landscape and character effects by virtue of its scale, location and proposed mitigation. On the above basis, the proposed development is considered to be in conflict with Policies ENV 1, HOU 4 and GROWTH 2 of the Local Plan and Paragraphs 135 and 187 of the NPPF, for failing to create positive,

complementary relationships with existing development and to protect, conserve, and where possible enhance landscape and settlement character of the area.

7.61 Residential Amenity

- 7.62 Whilst matters of precise layout, scale and appearance e.g., specific location of window positions, would be matters to be considered at future time, the indicative layout suggests it is unlikely that the development would result in any severe overlooking, overshadowing or overbearing impacts on existing residents. Furthermore, and as noted above, each property would likely achieve adequate garden sizes for future occupiers.
- 7.63 Whilst the construction of the development could cause some disruption to living conditions for existing residents, this could reasonably be managed through an agreed Construction Management Plan, for example to ensure that hours of construction, use of plant and machinery and dust and mud suppression is controlled appropriately. The plan could reasonably be secured through planning condition as recommended by the Council's Environmental Health team.
- 7.64 As noted, the Noise Impact Assessment (NIA) submitted by the applicant indicates that ambient noise levels across the site are dictated by constant road traffic noise from Cambridge Road adjacent, with some noise impacts from the Cosy Kennels to the south of the site also. These impacts, predominantly road traffic noise, would need to be carefully managed, with the NIA confirming that the proposed layout would fail to achieve acceptable internal noise levels (as defined by ProPG guidance) for a high number of units without some reliance on closed windows, upgraded glazing, and a Mechanical Ventilation and Heat and Recovery system (MVHR), as well as screening to rear gardens in selected locations.
- 7.65 The reliance on these forms of mitigation has been accepted by the Council when approving the latest 83-unit scheme within the application site, and it is considered reasonable that they be found acceptable under these current proposals for an increased number of dwellings; this is on the basis that significant weight should be afforded to these previous approvals within the application site, including one appeal whereby mechanical ventilation was found to be an acceptable means of acoustic mitigation.
- 7.66 Indicative plots 55-126 would be able to rely on openable windows to control overheating and for general amenity purposes whilst achieving reasonable internal noise levels. The plots closest to Cambridge Road would however be reliant upon mechanical ventilation as a means of managing overheating in the warmer months, as the opening of a window would likely result in unacceptable noise levels internally.
- 7.67 It is acknowledged that this approach would likely achieve adequate ventilation, in-line with passivhaus standards/principles which the NIA concludes will be applied across the site's construction, and is a recognised and sustainable means of building, effectively recycling and re-circulating air to maintain internal temperatures and clean air in an energy efficient way. It is also recognised that ProPG guidance identifies this method as an acceptable means to mitigate noise.

- 7.68 The Environmental Health Officer has raised no objections to this MVHR approach under this application, or the Noise Impact Assessment submitted.
- 7.69 With regard to noise from the kennels, the NIA concludes that the proposed glazing and MVHR strategy would ensure acceptable internal noise levels to address any noise interference from this nearby use, reducing its impact to 'present and not intrusive', requiring no further specific measures. The Council's Environmental Health Officer has not raised any concerns with this approach. It is also concluded on this basis that the presence of the development would not result in detrimental impacts upon the operation of the existing business.
- 7.70 With regard to external amenity areas of the development, noise levels are predicted to be acceptable and compliant with national guidance, provided that 2m high close-boarded timber fencing is used around all gardens. The Environmental Health Officer has raised no objections to this approach.
- 7.71 As such, it is concluded based on the design standards and mitigation proposed and in giving significant weight to the associated application history to the site, the development would achieve high standards of general amenity as required under NPPF Chapter 12 and Local Plan Policy ENV 2.
- 7.72 Highways and Access**
- 7.73 Policy COM 7 of the Local Plan requires that *"Development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks."* Policy COM 7 also requires that development proposals ensure safe and convenient access to the highway network, as well as being supported by a Transport Assessment proportionate to the scale of development and extent of transport implications.
- 7.74 Policy COM 8 of the Local Plan requires that development proposals provide adequate levels of car and cycle parking for the uses proposed. In this instance, two car parking spaces per dwelling, 1 cycle space per dwelling, and up to 1 visitor parking space for every four dwellings/units.
- 7.75 Regarding parking, all matters are reserved apart from access, meaning that no details of layout or final quantum are for consideration. However, it is considered that the site provides sufficient opportunity for compliance with the standards set out under Policy COM 8.
- 7.76 With regard to means of vehicular access and associated off-site works, the proposed development largely replicates the highways scheme as approved under the consented 83-unit scheme within the site. This is shown on Drawing Refs. (2006314-ACE-XX-XX-DR-C-0501 Rev A) and footpath improvement plan (2006314-ACE-XX-00-DR-C-0502 Rev A), and includes a signalised puffin crossing across the A10, and a variety of localised improvement works to footpaths to improve connectivity to the wider village and bus stops along Wilburton Road. This highways scheme has been through a Stage 1 Road Safety Audit, which the Highways Authority has approved. Exact details of the off-site improvements are set out at Paragraph 2.3 of this report.

- 7.77 The highways scheme now proposed, and as approved for the 83-unit scheme, was developed by the Applicant following an independent review of the now-consented 83-unit scheme by Stantec, prepared on behalf of the LPA. This review was following a deferral at Planning Committee to address Member concerns regarding the suitability of the pedestrian crossing across the A10.
- 7.78 The Stantec report found that the previously proposed uncontrolled 'refuge' island would have excluded a high proportion of users, noting the potentially higher levels of child occupants and lower levels of car ownership due to the nature of the proposed development, factors which were considered likely to give rise to a higher dependence on walking, wheeling and/or cycling to and from the village. It was therefore resolved by Officers that a signalised pedestrian crossing would be the most appropriate means of crossing the A10, to ensure inclusive, safe and active travel to the wider Stretham village and its facilities.
- 7.79 In their consultation comments for this application, whilst the County Council's Transport Assessment Team raise concerns regarding the necessity of the puffin crossing in their earlier consultation comments, they have confirmed in their latest correspondence (March 2025) that they do not object to its inclusion in the scheme.
- 7.80 The previous consent for 83-units is a material consideration that attracts significant weight in the decision-making process. With even greater pedestrian movements predicted under the current proposals, it is considered that the need for the signalised pedestrian crossing is even more important to ensure an inclusive and safe means of crossing the A10.
- 7.81 In earlier consultation comments on this application The Transport Assessment Team raised concerns regarding the clarity of information provided for the off-site highway works, specifically footways and their delivery within the public highway. It was also recommended that additional improvements were required to further enhance the accessibility of the site to/from the rest of the village and its facilities; this includes widening the new proposed footpath around the Short Road junction and widening of the existing footpath along the eastern side of the A10, to improve connectivity from Short Road to Wilburton Road; this would include a new drop kerb crossing with tactile paving between the bus stops on Wilburton Road. Concerns were also raised regarding impacts upon the capacity of the A10/A1123 roundabout, which is understood to be already at capacity.
- 7.82 The requests of the Transport Assessment Team are considered to be reasonable. The scheme seeks to increase the quantum of the dwellings within the application site by over 50% from the 83-unit scheme, with an additional 16 two-way pedestrian trips and 13 two-way bus trips expected across the A10 throughout the day beyond the development already consented within the site. It is therefore implied from the data that existing footpaths and bus stops will be used more frequently, especially whereby these are for school travel.
- 7.83 Whilst it is not the responsibility of development to fix existing problems, for example sub-standard footpaths, it is considered the development itself will generate an increased need for these enhancement works and to ensure appropriate access to the primary school and limit means of sustainable travel that the village can offer.

- 7.84 The Applicant submitted a revised highways scheme for the consideration of the Highways Authority to address the outstanding comments and requests. Both the Local Highways Authority and the County Council Transport Assessment Team raise no objections to the revised programme of off-site highway works. Whilst it is noted that the A10/1123 roundabout will operate over capacity with the proposed development in both its existing and current arrangement (including planned works to the roundabout as part of the Waterbeach Barracks development), the impact upon the highway network is not considered to be severe when taking into account all reasonable future scenarios. This is the test as set out within the NPPF (2024) and the Highways Authority therefore does not object on this basis.
- 7.85 The conditions recommended by the Local Highways Authority and Transport Assessment Team are considered to be reasonable, and would need to be appended to any consent in the interests of highways safety. It was clarified with the Transport Assessment Team that, despite their recommended condition including the phrasing *“Details to be submitted to and agreed in writing with the Local Planning Authority”*, the Transport Assessment Team are not seeking any further plans or details than those submitted with the application. It is therefore considered that this element of the condition would need to be removed.
- 7.86 It is therefore considered that the revised highways scheme would ensure the safe crossing of the A10 and navigation of local routes for prospective occupiers of the proposed affordable housing development, as well as safe vehicular access and egress from the development itself. These measures are considered necessary to ensure that the development provides safe and convenient access to the highway network, whilst giving priority for active modes of travel.
- 7.87 The proposed development accords with the Development Plan on this basis, and Chapter 9 of the NPPF.
- 7.88 Ecology, Trees and Biodiversity**
- 7.89 Policy ENV 7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and 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. The Council’s adopted Natural Environment SPD sets out that all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed.
- 7.90 The application is supported by a preliminary ecological appraisal (PEA), comprising a Phase 1 habitat survey which formed consideration for the previous planning applications and assess the application site and the wider area for constraints and opportunities for biodiversity protection and enhancement. The PEA was undertaken in 2020 and is therefore out of date in accordance with CIEEM guidance, but it has nevertheless informed the three previous (extant) consents and provides a general overview of the site as follows.
- 7.91 The site features generally comprise arable bare ground with boundary hedgerow, perimeter scrubland and dry ditches. Whilst the site area has been extended further

with this latest application, the previous conclusions of the PEA (which captured a much wider site area in any case) can be generally relied upon and are proportionate to the nature and scale of the application and are sufficient to guide the Local Planning Authority in their statutory duties at this outline stage when considering the principle of development and access only.

- 7.92 It is noted that recommendations of the PEA include further pre-development surveys, such as for reptiles and badgers due to the transient nature of these species. Given the date of the PEA, it is also considered a future reserved matters submission would need to be supported by an up-to-date ecological appraisal of the site.
- 7.93 The Council's Senior Ecologist echoes these considerations, noting that whilst the PEA is a sufficient document, it lacks up to date recommendations for precautionary measures and mitigation; conditions are therefore recommended by the Senior Ecologist, requiring a detailed Construction Environmental Management Plan, lighting strategy and biodiversity enhancements to address the datedness of the report submitted. It is considered that all of these conditions are reasonable to ensure the development accords with Policy ENV 7 of the Local Plan, Natural Environment SPD and Hedgehog SPD, and in the interests of ensuring the protection of species and habitats during the construction and occupation of the proposed development. This approach is also consistent with the previous applications for residential development approved within the application site.
- 7.94 The Council's Senior Ecologist has not required a Habitats Regulation Assessment for this development.
- 7.95 With regard to tree impacts, for the previous three schemes within the application site, arboricultural impact assessments have not been requested by the LPA. There are several trees along the site's northern boundary where they border residential gardens and field margins, alongside which the development for the 83-dwellings has already been approved. It is not considered the proposed development would therefore justify additional tree assessments at this stage, and it appears that there is more than sufficient opportunity for detrimental impacts upon these trees to be avoided through site layout. The indicative plans and drainage documents show large swathes of SuDS and grassland to the north, providing a large buffer to these trees in which no development is likely to come forwards. Notwithstanding, further details of tree impacts could be secured under future reserved matters consents, should it be deemed necessary by virtue of the development's design.

Biodiversity Net Gain

- 7.96 Members are advised that the Application is subject to mandatory Biodiversity Net Gain as established by the Environment Act 2021, and the development proposals are therefore required to deliver a minimum of 10% net gain above baseline levels within the site. This is distinct from mitigation measures to mitigate impacts upon protected species, which are still required alongside net gain and have been addressed by the PEA.
- 7.97 The site is agricultural land with the main feature being the front and northern boundary hedge. It is considered that whilst at present the site likely yields low to modest biodiversity value, most likely in respect of invertebrates, and nesting/

foraging for birds and commuting/foraging bats through the hedge, there is sufficient opportunity for a scheme to come forward which would demonstrate biodiversity net gain through the retention of the hedge (with exception to where the access is proposed and highway visibility is necessary) and additional planting and habitat creation.

7.98 The Council's Senior Ecologist originally raised concerns regarding the baseline metric put forward, and the assumptions made regarding future condition scores. In simple terms, this means there was uncertainty as to the value of existing habitats on site, and how a 10% improvement on this baseline was to be achieved through the development. However, the Applicant clarified the baseline maps used to inform the metric, and this allayed the Senior Ecologist's concerns regarding any mismatch of baseline habitats. On this basis, the baseline metric is agreed.

7.99 Whilst concerns have been raised during the course of the application regarding post-development net gains on site and their achievability, Planning Practice Guidance sets out the following:

"The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.

The determination of the Biodiversity Gain Plan under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the Biodiversity Gain Plan is approved.

Given this, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met."

7.100 In discussion with the Council's Senior Ecologist, given the generally arable nature of the application site, it is considered that a net gain of 10% is achievable through a mixture of on-site and off-site units. These details could be secured via a Biodiversity Gain Plan as a condition of planning consent.

Recreational Pressure & Statutorily Protected Sites

7.101 Natural England were not consulted on the application proposals when considering consultation triggers in the General Development Management Procedural Order 2015 (as amended) and given that Statutory Advice was present for the development proposal when utilising Natural England's 'Impact Risk Zones for Sites of Special Scientific Interest'. This statutory advice requires an assessment of recreational pressure on SSSI likely to be affected by the development proposals.

7.102 The Council's Senior Ecologist also advised that recreational pressure impacts upon nearby SSSIs should be considered. The nearest SSSIs to the application site falling within the recreational pressure zones of influence / impact risk zones are Cam Washes SSSI and Upware Bridge/Pit SSSIs. Wicken Fen SSSI/RAMSAR and Fenland SAC lie beyond the 5km Zone of Influence for recreational pressure as

defined by Natural England Guidance and the Natural Environment SPD, but it is noted that Wicken Fen is subject of increasing recreational pressure, as defined by National Trust's 2019 survey. It is therefore acknowledged within Officer's assessment of the application.

- 7.103 Guidance to LPAs set out in Natural England's letter (dated 12 July 2019) and included within the LPA's Natural Environment SPD provides further guidance on recreational pressure impacts, and suitable alternative natural greenspace to mitigate these impacts. The advice is as follows:

"As a minimum, we advise that alternative accessible greenspace should include:

- High-quality, informal, semi-natural areas in accordance with SANG and ANGSt where possible;*
- Circular dog walking routes within the site and/or with links to surrounding public rights of way (PRoW) – the average requirement is ~ 2.7 km;*
- Dedicated 'dogs-off-lead' areas and dog waste bins;*
- On-site signage and/or information leaflets to promote these areas for recreation;*
- A commitment to the long term maintenance and management of these provisions.*

Green infrastructure / SANGS should be designed to absorb significant proportions of the day to day recreational needs of new residents, such as walking, dog-walking, jogging / exercise, children's play facilities, and other informal recreation including enjoyment of the countryside. It should also aim to provide a semi-natural character, with significant proportion of semi-natural grassland, woodland, scrub and wetland habitat. Dependent upon a range of factors, including the scale of development, consideration could be given to the provision of other amenities such as café / refreshment and toilet facilities."

- 7.104 East Cambridgeshire District Council does not operate a charging scheme to mitigate recreational pressure impacts, but instead assessments are made on a case-by-case basis as to what mitigation may be necessary.
- 7.105 This application has been submitted in outline form, and a fixed layout is not therefore for consideration at this stage. However, at its maximum capacity of 126 dwellings, the illustrative masterplan shows that more than 2-hectares (c.5 acres) of land could be allocated for open space, green/blue infrastructure and recreational uses. This includes a community orchard, large areas of open SuDS, woodland planting, an equipped play area and grassland areas. Scope for an extensive woodland buffer and internal planting is also illustrated. Whilst the indicative site layout plans does not appear to show sufficient open space to be policy compliant, it is considered the final layout of the proposed development could sufficiently accommodate policy-compliant levels of open space (c.8,200sqm / 0.82 hectares / c.2 acres) on top of additional green/blue infrastructure and the necessary biodiversity net gains given the site area proposed in accordance with Policy GROWTH 3.
- 7.106 With the benefit of the puffin crossing, the site is a short walk away from the existing recreational ground within Stretham and associated playpark, as well as a good variety of public rights of way in walking distance from the site providing circular routes.

- 7.107 It is therefore considered that the site will be able to appropriately absorb a large amount of the day-to-day needs of its prospective occupiers in terms of recreation. The site provides opportunities for circular routes, exercise, equipped play spaces, kickabout areas, open and wooded spaces, and open SuDS features to contribute to the recreational experience. It is also noted that the rear garden spaces for the properties are generous in most instances, significantly exceeding the 50sqm minimum. As a rural, edge-of-settlement site, the access to the public right of way network and the village facilities also acts as a further buffer to meet additional day-to-day needs.
- 7.108 It is also noted that at Paragraph 6.37 of the Council's Natural Environment SPD clarifies:
- "By applying Policy GROWTH3 of the Local Plan (which requires new infrastructure provision via development, including open space), most development is not likely to result in a significant increase in recreational pressure on designated sites, but it still could."*
- 7.109 The above comments are also made in the context of 83-dwellings already being approved in the application site.
- 7.110 On this basis, it is considered that the proposed development could appropriately absorb the day-to-day needs of its occupiers in terms of recreation and open space, to provide appropriate alternative greenspace and reduce recreational pressures upon the nearby SSSIs and statutorily designated sites.
- 7.111 On this basis, it is considered that the proposed development would satisfy Policies ENV 7 and GROWTH 3 of the Local Plan, the Natural Environment SPD and Chapter 15 of the NPPF, as it will protect, contribute to and enhance the natural and local environment. Officers are also content that the Biodiversity Net Gain condition could be reasonably discharged with a minimum of 10% net gain of the baseline levels achieved.
- 7.112 Flood Risk and Drainage**
- 7.113 The application site is generally agreed to be in an area at low risk of flooding (wholly within Flood Zone 1). The Flood Risk Assessment nevertheless suggests that the site is subject to surface water flooding, with the site frontage subject to a low risk of surface water flooding, and very small parts of the site at medium to high risk of surface water flooding (area already has planning approval).
- 7.114 Flood depths are predicted to be between 150mm to 300mm (c.6 to 12 inches) in the 'High' 1 in 30-year model (3.3% probability), and a maximum of 600mm (c. 24 inches) in the 'medium' (1:100 year) (1% probability) and 'low' (1:1000 year) (0.1% probability) events. Residential development should usually be considered as being in-situ for a minimum of 100-years, and there is no reason to consider this development as especially time-limited (i.e. no impacts of coastal change) to warrant a shorter flooding probability forecast.
- 7.115 In terms of alternative sites at a lower risk of surface water flooding, development of up-to 83 dwellings has been approved by the Council within the application site, including development within the areas of surface water flood risk. On this basis, it

is considered unreasonable for the LPA to conclude differently as to the acceptability of development within this portion of the application site, as now proposed under this application.

- 7.116 In terms of a site-specific sequential approach, the Applicant's Flood Risk Assessment puts forward a strategy for locating development, with the majority of residential development *indicatively* shown to avoid the majority of the low, medium and high surface water flood risk areas. Raised thresholds above finished floor levels of 300mm (12 inches) are recommended for the majority of the site within the FRA, with raised thresholds of 600mm (24 inches) for the parts of the site with the deepest flood depths, to mitigate the worst flooding impacts in a flood event (low risk). It is considered that at a detailed design stage, this strategy could be appropriately realised and a condition would need to be imposed to secure compliance of the detailed scheme with the recommendations of the FRA.
- 7.117 The Lead Local Flood Authority are also content that surface water from the proposed development can be managed through the use of a series of three attenuation basins which take respective flows from three catchments via planted steps for treatment purposes. Flow controls will also restrict surface water discharge into the existing (riparian) watercourses at 6.0, 3.3, and 0.5l/s respectively. Adequate maintenance clearance will also be provided to both watercourses, and a maintenance plan has been provided. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual. The LLFA therefore raise no objection to the outline drainage strategy, subject to conditions which are considered reasonable to ensure flood risks from the development's construction and occupation are appropriately managed.
- 7.118 Ultimately, the application is supported by a flood risk assessment which demonstrates that surface water can be adequately managed on site without causing flooding elsewhere, and that solutions are available to make the development safe for its lifetime. This would be subject to further demonstration a detailed design stage.
- 7.119 Matters of foul drainage would also need to be secured at detailed design stage (reserved matters) and there is nothing to indicate that solutions would not be available to the developer in achieving a satisfactory scheme in this regard, with Anglian Water confirming that the Stretham wastewater recycling centre has available capacity for the development.
- 7.120 On this basis, it is considered that the proposal complies at this stage with the aims of Local Plan Policy ENV 8 and Policy ENV 9 and the NPPF.
- 7.121 Other Material Matters**
- 7.122 Archaeology**
- 7.123 The County Council's Archaeology team has advised that the site lies in an area of potential interest and has sought a planning condition to secure a written scheme of investigation, in the interests of safeguarding archaeological assets. It's considered this would be necessary having regard to the aims of policy ENV 14 of the Local Plan and such a pre-commencement condition could be reasonably secured.

7.124 Community safety and security

- 7.125 The comments from the Local Policing team are noted and it would be for the developer to bring forward a detailed scheme which considers the recommendations as set out by the Police, in order to address security and the fear of crime in accordance with Local Plan policy ENV 2.

7.126 Infrastructure and S106 Planning Obligation

- 7.127 Policy GROWTH 3 of the East Cambridgeshire Local Plan, 2015 requires developments to mitigate their impacts through infrastructure provision, by way of planning conditions and / or S106 obligations – this includes where affordable housing, open space, sustainable drainage, and education contributions are to be secured.
- 7.128 As with the previous 38-unit and 83-unit consent, given the quantum of dwellings proposed it is considered that the education and library contributions sought by the County Council, the open space requirements (comprising on-site infrastructure inclusive of play-space and orchard), the sustainable drainage (SuDS), wheeled bin provision, and the affordable housing (which would include details of a nomination agreement and a guarantee of being retained as affordable housing and future transfer agreements), are necessary to mitigate the impacts of the development and meet the tests as set out under CIL 122 Regulations (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development). These would need to be secured via a S106 legal agreement, as well as mandatory Biodiversity Net Gain given the size of the application site and net gain to be achieved in accordance with the Council's Senior Ecologist's recommendation.
- 7.129 The East of England Ambulance Service Trust (EEAST) have requested a contribution towards increasing the capacity of ambulance provision. This contribution has been accepted by a Planning Inspector elsewhere in the district and therefore it is considered reasonably necessary to mitigate the impacts of the development proposals.
- 7.130 With specific regard to the affordable housing obligations, the Applicant has indicated (in their Tetlow King report and Letter from Future Planning and Development) that the S106 legal agreement would include a cascade mechanism to ensure priority is first given to those with a local connection to Stretham and/or Little Thetford, with this then widening out to surrounding areas and then the wider district. It is noted that this is different from the Applicant's initial position, whereby only the 83-rural exception site units were to be controlled through a cascade. However, the Applicant's latest documents are considered the most up to date understanding of the proposals.
- 7.131 Under the 83-unit scheme it was considered pertinent to secure the cascade mechanism given the notable uplift in affordable units being proposed under the current scheme, and to ensure that the housing was genuinely meeting the local identified needs as per Policy HOU 4.

- 7.132 However, in the absence of a locally identified need for the additional 43 units, it is questionable as to whether a cascade mechanism would be appropriate, as it could potentially have the effect of giving priority to those in lesser housing need by virtue of local connection as opposed to banding.
- 7.133 It would be necessary to secure the above via S106 legal agreement to make the development acceptable and ensure it would accord with the requirements of policies GROWTH 3 and Paragraph 56 of the NPPF.
- 7.134 A S106 agreement or draft heads of terms have not been submitted with the application. This therefore forms a reason for refusal. Should the application be refused and an appeal progressed, it is considered likely that the Council would not defend this reason should a satisfactory legal agreement be presented with the appeal submissions. However, its absence at this time means that the Council could not secure mitigation to make the development acceptable.

7.135 Planning Balance

- 7.136 The proposed development seeks to deliver 126-units of 100% affordable housing on the edge of the Stretham parish. Considering the recently granted and extant consent of 83-units of 100% affordable housing within the application site, this is an increase of 43 affordable units.
- 7.137 Whilst considerable progress has been made in addressing affordable housing delivery within the district, and the Council has a good pipeline of affordable housing over the next five years, there is still a significant need for affordable housing within the district and an accrued undersupply. The matter is compounded by an affordability ratio of 10.6 throughout the district. It must be further recognised that affordable housing targets are not a ceiling, but a baseline target that should be met. This is emphasised by the Written Ministerial Statements seeking to boost housing delivery, including a strengthened support for affordable housing.
- 7.138 On this basis, the delivery of the additional 43 units of affordable housing is still considered to be a significant benefit of the scheme that would attract significant weight in the overall planning balance, including the social benefits that would stem from the scheme.
- 7.139 The scheme itself would also be built to higher sustainability standards, encompassing passive-house principles, thereby likely giving rise to high environmental benefits. The scheme would deliver on-site and off-site biodiversity net gain, albeit the gains beyond the 10% mandatory levels are minimal, and the benefits are therefore considered to be limited. Low to moderate economic benefits would also stem from the proposed development through the construction of the development itself and spend by future occupiers in the village, although as a rural settlement this is likely to be restricted.
- 7.140 Together with the delivery of the affordable housing, the environmental and economic benefits of the scheme are considered to attract substantial weight in the overall planning balance.
- 7.141 The proposed development provides opportunities for public open space and blue and green infrastructure on-site, as well as securing off-site highways improvements

to support the development proposals. Whilst there are likely very modest benefits for the wider population of Stretham, the scheme largely seeks to mitigate its own impacts. The location of the development and absence of any directional 'pull' also means residents within wider Stretham are unlikely to visit the site regularly to realise these benefits. These very modest benefits are considered to attract limited weight in the overall planning balance.

- 7.142 However, the proposed development is considered to conflict with the key strategic policies of the Development Plan (GROWTH 2 and HOU 4), by failing to deliver sustainable development in a suitable location and in the absence of an identified local need.
- 7.143 The fact that a general affordable housing need exists within the district does not necessarily translate to a local need in Stretham. Indeed, the Applicant has failed to demonstrate that this need exists within Stretham and Little Thetford combined through their HNA, and the Council's data supports this conclusion. By their nature rural exception sites are exceptions to the general policy of restraint regarding development in the countryside, as established by Policy GROWTH 2 and the NPPF, and they require robust justification. On the evidence before Officers, the Applicant has not robustly demonstrated a local need for the proposed quantum of development.
- 7.144 The Council can demonstrate a robust 5-year housing land supply and excellent Housing Delivery Test result, and with the outcomes of the Single Issue Review (2023), the policies within the Development Plan should be given full weight. To depart from this is considered to result in significant to substantial harm, as it undermines the plan-led system that the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004 enshrines, and within which the public place their trust.
- 7.145 It is considered that a plan-led solution has already delivered an acceptable 83-unit scheme within the application site that is considered to more than sufficiently meet the locally identified need.
- 7.146 Whilst it is acknowledged that the proposed 126-unit scheme would equate to more than 50% of the Council's annual minimum for affordable housing, it is not considered that this annual target or the district need in general is an appropriate means of calculating a rural exception site's planned capacity. It is also not considered acceptable to focus a large proportion of this affordable housing need away from the district's more sustainable settlements. This risks perpetuating residential development at an unsustainable location contrary to the Plan's overall spatial strategy
- 7.147 The proposed development is also considered to result in significant long-term/permanent adverse landscape and character effects by virtue of its scale, location and proposed mitigation. On this basis, the proposed development is considered to be in conflict with Policies ENV 1, HOU 4 and GROWTH 2 of the Local Plan, for failing to create positive, complementary relationships with existing development and to protect, conserve, and where possible enhance landscape and settlement character of the area. This is considered to attract high weight in the overall balance, and whilst there is recognition that this harm must be balanced

against need, local and national planning policy does not anticipate that housing needs are to be met at the expense of all other planning matters.

- 7.148 In the round, the scheme is therefore considered to fundamentally conflict with the Development Plan as a whole in failing to deliver sustainable development. This is considered to attract substantial weight.
- 7.149 In the overall planning balance, although considerable, the material considerations referred to above are not considered sufficient in this case to outweigh the totality of the harm identified and the fundamental conflicts with the Development Plan.
- 7.150 The application is therefore recommended for refusal on this basis.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

APPENDICES

Appendix 1 – Response from the Council's Senior Strategic Planning Officer

Appendix 2 – Alison Farm Associates Review of Harper Landscape Architecture
LLP Landscape Visual Impact Assessment (January 2025).

Relevant History

24/01135/OUM

22/00180/OUM

23/00712/OUM

23/01338/OUM

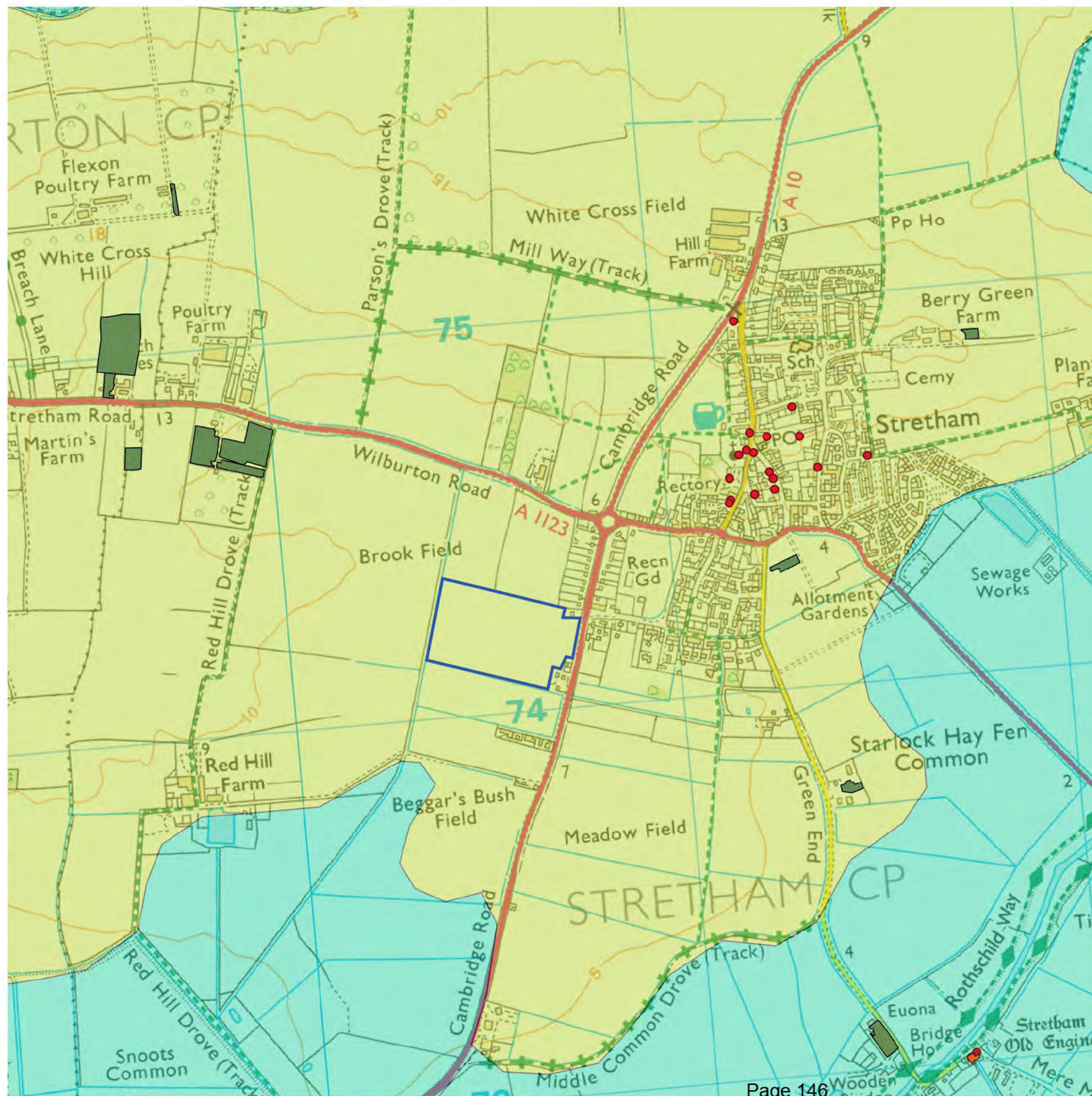
PLANS

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans and documents can be found on the Council's website.



Illustrative Site Layout Plan

Figure 1: East of England Typology



Key



Site



Lowland Village Farmlands



Planned Fen



Listed Building



Traditional Orchards

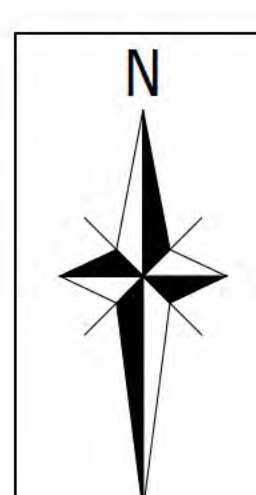
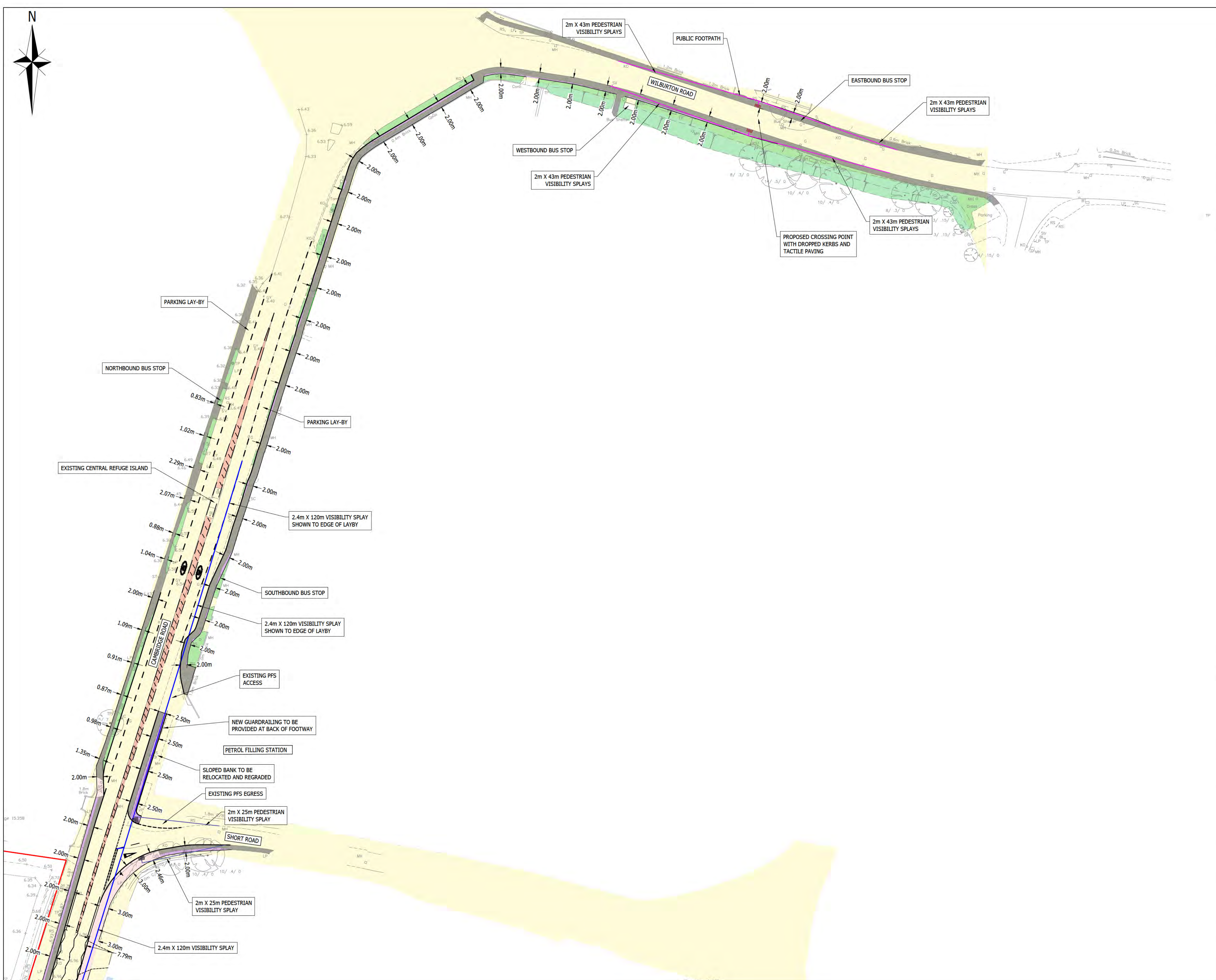


0m

500m

1km

© Crown Copyright and database rights 2024.
Ordnance Survey AC0000808122



NOTES:

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE RELEVANT SPECIFICATION, INC. RISK ASSESSMENTS AND ALL OTHER RELATED DRAWINGS ISSUED BY THE ENGINEER.
- DO NOT SCALE FROM THIS DRAWING. WORK FROM FIGURED DIMENSIONS ONLY.
- ALL DIMENSIONS SHOWN ON THIS DRAWING ARE IN METRES UNLESS OTHERWISE STATED.
- ALL DIMENSIONS, LEVELS AND SURVEY GRID CO-ORDINATES ARE TO BE CHECKED ON SITE AND THE ENGINEER NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF THE WORKS.
- NO DEVIATION FROM THE DETAILS SHOWN ON THIS DRAWING IS PERMITTED WITHOUT PRIOR PERMISSION FROM THE ENGINEER.
- ANY WORKS OUTSIDE RED SITE BOUNDARY ARE FOR INFORMATION PURPOSES ONLY. UNLESS SPECIFICALLY NOTED, ALL WORKS OUTSIDE THE SITE BOUNDARY WILL BE UNDERTAKEN BY OTHERS UNDER A SEPARATE CONTRACT.
- VISIBILITY SPLAYS TO BE KEPT CLEAR AND VEGETATION TO BE TRIMMED BACK AND MAINTAINED WITHIN HIGHWAY LAND WHERE APPLICABLE.

KEY:

- REDLINE BOUNDARY TRANSCRIBED FROM LAND REGISTRY PLAN
- HIGHWAY BOUNDARY TRANSCRIBED FROM CCC RECORDS
- EXISTING DITCH EXTENTS
- PROPOSED NEW SECTION OF FOOTWAY
- EXISTING FOOTWAY / FOOTPATH
- PROPOSED EXTENT OF FOOTWAY WIDENING
- EXISTING HIGHWAY VERGE TO BE RETAINED

| | | | | | |
|----------|-----------------------------|---------|------------------|-----|----------|
| A | SHORT ROAD JUNCTION AMENDED | BT | DV | ML | 17.03.25 |
| Rev | Description | Drm | Chk | App | Date |
| Purpose: | PLANNING | Status: | NOT YET APPROVED | | |

ARDENT CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

Third Floor
The Hallmark Building
52-56 Leadenhall Street
London
EC3M 5JE

Tel: 020 7680 4088
Web: www.ardent-ce.co.uk
E-mail: enquiries@ardent-ce.co.uk

worksafe consultant

www.smaistd.com

SSIP

BSI 9001

BSI 9001

Client:

LONG TERM LAND LTD

Project Title:

CAMBRIDGE ROAD, STRETHAM, ELY

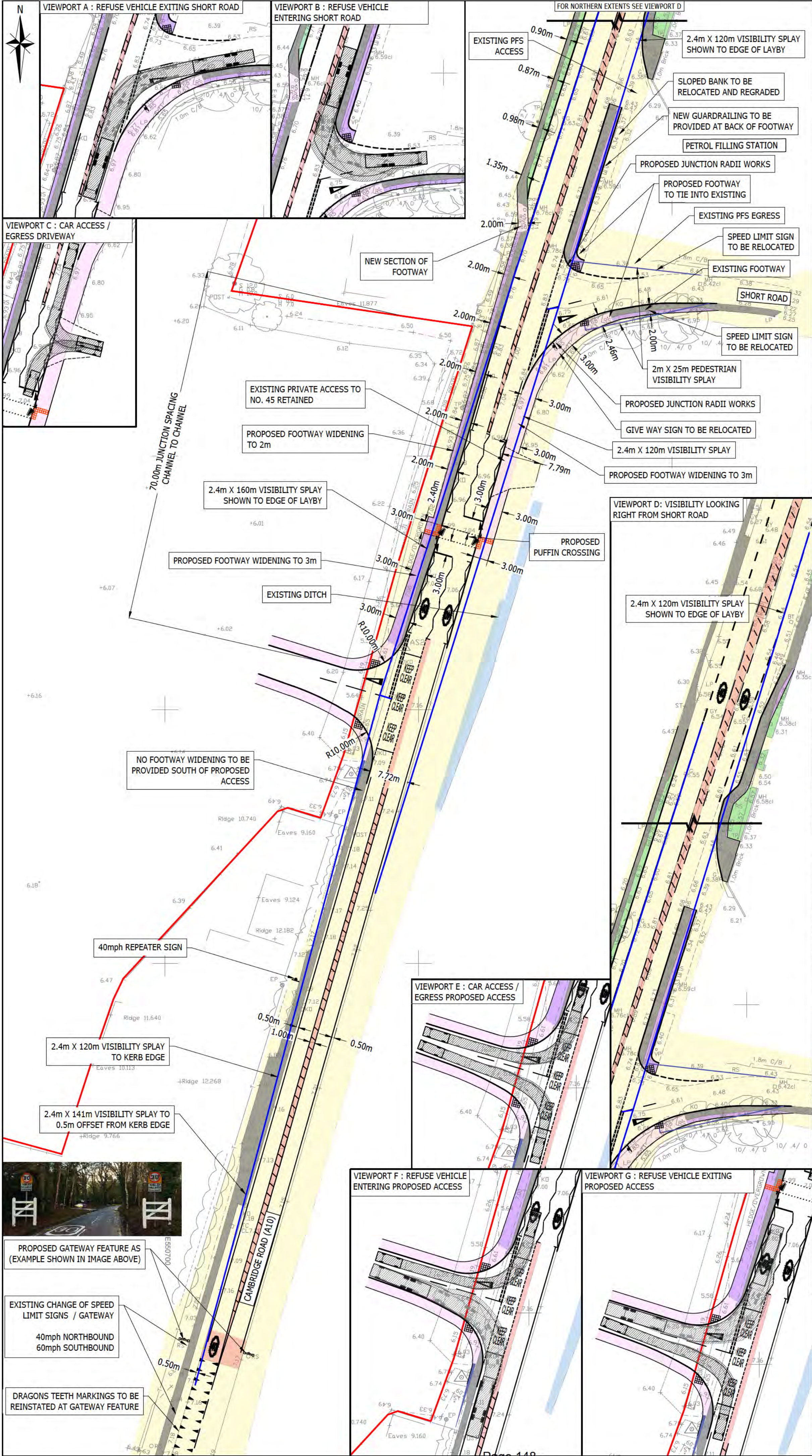
Drawing Title:

PROPOSED FOOTWAY IMPROVEMENTS

| | | | |
|----------|------------|-------------|----------|
| Drawn by | Checked by | Approved by | Revision |
| BT | DV | ML | A |
| A1 Scale | Date | | |
| 1:500@A1 | 17:01:25 | | |

Drawing Number

2006314-ACE-XX-XX-DR-C-0502



NOTES:

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE RELEVANT SPECIFICATION, INC. RISK ASSESSMENTS AND ALL OTHER RELATED DRAWINGS ISSUED BY THE ENGINEER.
- DO NOT SCALE FROM THIS DRAWING. WORK FROM FIGURED DIMENSIONS ONLY.
- ALL DIMENSIONS SHOWN ON THIS DRAWING ARE IN METRES UNLESS OTHERWISE STATED.
- ALL DIMENSIONS, LEVELS AND SURVEY GRID CO-ORDINATES ARE TO BE CHECKED ON SITE AND THE ENGINEER NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF THE WORKS.
- NO DEVIATION FROM THE DETAILS SHOWN ON THIS DRAWING IS PERMITTED WITHOUT PRIOR PERMISSION FROM THE ENGINEER.
- ANY WORKS OUTSIDE RED SITE BOUNDARY ARE FOR INFORMATION PURPOSES ONLY. UNLESS SPECIFICALLY NOTED, ALL WORKS OUTSIDE THE SITE BOUNDARY WILL BE UNDERTAKEN BY OTHERS UNDER A SEPARATE CONTRACT.
- DRAWING IS SUBJECT TO STAGE 2 ROAD SAFETY AUDIT AND DETAILED DESIGN
- VISIBILITY SPLAYS TO BE KEPT CLEAR AND VEGETATION TO BE TRIMMED BACK AND MAINTAINED WITHIN HIGHWAY LAND WHERE APPLICABLE.

KEY:

- REDLINE BOUNDARY TRANSCRIBED FROM LAND REGISTRY PLAN
- HIGHWAY BOUNDARY TRANSCRIBED FROM CCC RECORDS
- EXISTING DITCH EXTENTS
- PROPOSED NEW SECTION OF FOOTWAY
- EXISTING FOOTWAY / FOOTPATH
- PROPOSED EXTENT OF FOOTWAY WIDENING
- EXISTING HIGHWAY VERGE TO BE RETAINED

VEHICLES USED:

6x2 Refuse Vehicle

| | |
|-----------------------------|---------|
| Overall Length | 12.100m |
| Overall Width | 2.500m |
| Overall Body Height | 2.661m |
| Min Body Ground Clearance | 0.427m |
| Track Width | 2.500m |
| Lock to lock time | 4.00s |
| Wall to Wall Turning Radius | 11.400m |

Max Legal Articulated Vehicle (16.5m)

| | |
|-----------------------------|---------|
| Overall Length | 16.500m |
| Overall Width | 2.500m |
| Overall Body Height | 3.632m |
| Min Body Ground Clearance | 0.396m |
| Max Track Width | 2.500m |
| Lock to lock time | 6.00s |
| Kerb to Kerb Turning Radius | 6.870m |

Large Car (2006)

| | |
|-----------------------------|--------|
| Overall Length | 5.079m |
| Overall Width | 1.872m |
| Overall Body Height | 1.525m |
| Min Body Ground Clearance | 0.310m |
| Max Track Width | 1.831m |
| Lock to lock time | 4.00s |
| Kerb to Kerb Turning Radius | 5.900m |

| | | | | | |
|----------|-----------------------------|---------|------------------|-----|----------|
| A | SHORT ROAD JUNCTION AMENDED | BT | DV | ML | 17.03.25 |
| Rev | Description | Drn | Chk | App | Date |
| Purpose: | PLANNING | Status: | NOT YET APPROVED | | |

ARDENT CONSULTING ENGINEERS
AN EMPLOYEE OWNED COMPANY

Third Floor
The Hallmark Building
52-56 Leadenhall Street
London
EC3M 5JE

Tel: 020 7680 4088
Web: www.ardent-ce.co.uk
E-mail: enquiries@ardent-ce.co.uk

Client: LONG TERM LAND LTD

Project Title: CAMBRIDGE ROAD, STRETHAM, ELY

Drawing Title: PROPOSED SITE ACCESS WITH PUFFIN CROSSING

| | | | | | | | |
|----------------|-----------------------------|------------|------|-------------|----|----------|---|
| Drawn by | BT | Checked by | DV | Approved by | ML | Revision | A |
| A2 Scale | 1:500@A2 | | Date | 17:01:25 | | | |
| Drawing Number | 2006314-ACE-XX-XX-DR-C-0501 | | | | | | |

Cambridge Road, Stretham,

Application number: 24/01135/OUM

Description: Outline planning application for the erection of up to 126 homes with associated access, parking and landscaping – all matters reserved except for means of access.

The proposal is for the delivery of 126 affordable homes on land to the west of Cambridge Road, just outside the village of Stretham. The site area is 8.26 hectares. Land at this site currently benefits from planning permission as follows:

- A smaller parcel of land, fronting Cambridge Road has consent for the delivery of 19 affordable dwellings for rent and intermediate housing. The consent is subject to S106 Agreement that secures the affordable housing units. This was consented via appeal on 22 August 2023.
- Permission granted 28 November 2023 for the erection of 38 Affordable Homes on a site area of 3 hectares. The consent is subject to S106 Agreement that secures the affordable housing units.
- Permission granted 5 December 2023 on a site area of 5.18 hectares for the erection of up to 83 Affordable Homes with associated access, parking and landscaping – all matters reserved except for means of access. The consent is subject to S106 Agreement that secures the affordable housing units.

Planning policy response:

The relevant planning policy context to this application is:

East Cambridgeshire Local Plan 2015

- Policy GROWTH 2 ‘Locational Strategy’. In terms of its relevance to Stretham, this policy states that ‘limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs’. This policy also states that development will be strictly controlled outside defined development envelopes, providing a list of exceptional circumstances including affordable housing exception sites in line with Policy HOU 4.
- Policy HOU 4 ‘Affordable housing exception sites’. This policy supports the delivery of exception sites on sites outside of settlement boundaries subject to six criteria including

- ‘there is an identified local need which cannot be met on available sites within the development envelope (including allocation sites), or sites which are part of community-led development’
- ‘the scale of the scheme is appropriate to the location and to the level of identified local affordable housing need’.

National Planning Policy Framework (NPPF) 2024

- Paragraph 15 states the ‘plannings system should be genuinely plan-led’.
- Paragraph 82 applies to rural areas. It states that planning policies and decisions should be responsive to local circumstances and support housing development that reflect local needs and that ‘local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs’ and consider whether allowing some market housing on these sites would help facilitate this.
- The glossary to the NPPF 2024 defines rural exception sites as ‘small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection etc...’

Appropriate size of a rural exception site

Whilst national policy does not define a maximum site size for what could qualify as a ‘small site’, the site size of 8.26 hectares is exceptionally large and the strategic policy team is not aware of any other examples where a site of this size could qualify as a rural exception site.

The NPPF 2024 also supports the development of exception sites for ‘community-led development’ on sites that would not otherwise be suitable as rural exceptions sites. The NPPF 2024 does not state that a community-led development exception site needs to be small, suggesting a more flexible approach can be taken, given that the scheme would be driven by the community. However, even with this type of exception site footnote 36 states:

‘Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement, unless specific provision to exceed these limits is made in the development plan’

On site area alone, describing this site as a rural exception site is unusual. It is acknowledged, that the principle of delivering a rural exception site on a site area of 8.26 hectares may have been through the existing consent.

Appropriateness of the scale of the scheme

Overall dwelling stock in Stretham parish, ward and district. As at the 2021 Census, the parish of Stretham had 2,100 residents and 890 households¹. The district was home to 87,800 people and 37,200 households.

As at the Census 2021, Stretham parish was home to under 2.5 % of the district's population and under 2.5% of the district's households.

Stretham ward covers a larger area than the parish. It comprises the villages of Witchford, Little Thetford, Wilburton and Stretham. The Census 2021 records Stretham ward as having 6,600 people and 2,800 households. Stretham ward is therefore home to 7.5% of the district's population and the district's total dwellings.

Were this scheme to come forward, and based on the 2021 Census data, the additional 126 affordable homes would increase households in the parish by 14% and increase households in Stretham ward by 4.5%.

Tenure mix in Stretham parish and district. At the time of the Census 2021, of the 890 households in Stretham parish, nearly 15% live in socially rented homes, nearly 12% lived in privately rented homes with the remaining owning their own properties. This is a profile not too dissimilar to the local authority demographic profile although the district average records a higher proportion of households in privately rented properties (16.5%).

The number of households living in affordable/social rented properties in Stretham was recorded as 132 in the Census 2021 and the number of households living in shared ownership properties is recorded as 20. An increase of 126 affordable units would increase the existing stock of affordable units by 83% and result in a total of 278 households living in affordable housing.

As a proportion of all households in Stretham parish, existing households in affordable housing tenures equates to 17% of all households. This proposed scheme would result in the proportion of households living in affordable tenures comprising 27% of all households (calculated to be 1,016 households were the scheme to be built and all dwellings occupied).

It is uncertain what the proposed tenure would be on the 126 unit scheme were it to be permitted and built out. The most recently permitted scheme requires a 50:50 split between rent and intermediate tenures. Were the same split to be applied to this proposal, this would result in a further 63 affordable/social rented properties, resulting then in an overall 195 (132 + 63) households living in affordable/social rented

¹ Completions figures published in ECDC AMR reports show 13 dwellings were completed 2021 to March 2024, indicating a small increase in the number of households in the parish since the 2021 Census.

properties. Assuming a total number of households of 1,016 (existing households plus 126), the proposed scheme would then result in 19% of households in the parish living in social/affordable rented properties.

Proportionally this would result in a concentration of affordable/socially rented properties notably higher than the local authority average (14.5%) and higher than averages in the three main settlements in the district Ely (14.3%), Soham (16.2%) and Littleport (18.1%).

Proportions of affordable/social rented properties in these conurbations are approaching those typically found in urban areas:

- City of Cambridge (where nearly 23% of households are in socially rented properties)
- Birmingham (where 23.5 % of households are in socially rented properties)

Source: [Tenure of household - Census Maps, ONS](#)²

Delivering affordable housing in East Cambridgeshire District

The annual monitoring reports published by the local planning authority record the number of affordable homes delivered across the district every year.

The majority of affordable housing that is delivered in the district is delivered as part of open market developments, the requirement for which is triggered by Local Plan Policy HOU 3 'Affordable housing provision'.

This ensures that the overall quantity of affordable housing is delivered in line with the spatial strategy set out in the 2015 Local Plan as per Policy GROWTH 2 'Locational Strategy' thereby ensuring the housing is directed to the most sustainable places in the district; those providing a focus for jobs, shops, services and choices in terms of sustainable travel.

Affordable housing delivered in villages as part of rural exceptions sites is an important component of the overall supply in the district because it is targeted towards meeting specific affordable housing needs within rural areas and on sites where development would normally not be permitted. Rural exception sites help to sustain rural communities and it is not the function of rural exception site housing to either meet needs not in the locality or to meet needs that arise within non-rural areas.

Furthermore, an oversupply of affordable housing in a rural community would, in practice, run the risk of future households who are in affordable housing need,

² www.ons.gov.uk/census/maps/choropleth/housing/tenure-of-household/hh-tenure-5a/rented-social-rented/?ew=K04000001

potentially vulnerable households, being relocated away from more sustainable locations close to shops, services, schools, places of employment, better public transport links etc.

Summary

Whilst it is recognised permissions are already in place for the delivery of a rural exception site on this site, the scale set out in this current scheme is not appropriate for the location. The proposal conflicts with Policies GROWTH 2 'Locational Strategy' and HOU 4 'Affordable housing exception sites' in the Local Plan and is not appropriate when having regard to national policy, specifically paragraph 82.

Neither is the proposal appropriate having regard to paragraph 15 of the NPPF which is clear the planning system should be genuinely plan-led. To allow development of this scale in this location would establish an unwelcome precedent and create uncertainty with respect to other locations in other villages throughout the district.

East Cambridgeshire District has an up-to-date Local Plan and maintains a 5 year land supply. Having considered the proposal, there do not appear to be material considerations that would justify a departure from the Local Plan.

Comment prepared by Senior Strategic Planning Officer, 14 March 2025

Proposed residential development on Land off Cambridge Road, Stretham, East Cambridgeshire.

Application Ref: 24/01135/OUM

1.0 Introduction

Appointment

- 1.1. This report has been prepared by Alison Farmer Associates on behalf of East Cambridgeshire District Council. Work has included the review of the Landscape and Visual Impact Assessment (LVIA) for planning application 24/01135/OUM for 126 dwellings west of the A10, Stretham.

Scope of Review

- 1.2 This review considers the effects of the proposed development on the landscape including the settlement of Stretham. It has included desk-based review and has been informed by a site visit in January 2025.
- 1.3 The review has referred to documents associated with the planning application and in particular the LVIA, along with other background documents relevant to landscape matters. Comparison has also been made with earlier LVIA's associated with previously consented schemes on the same site.
- 1.4 Best practice guidance which has been referred to includes:
- Guidance on Landscape and Visual Impact Assessment (GLVIA 3rd edition),
 - Landscape Institute Technical Guidance Note clarifying aspects of GLVIA (2024) and
 - An Approach to Landscape Character Assessment (Natural England 2014).
- 1.5 The latter guidance on landscape character assessment notes that settlement makes an important contribution to landscape character. Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd edition) highlights that Landscape and Visual Impact Assessment (LVIA) may require an understanding of settlement, including the context or setting, topography and historic patterns.
- 1.6 This report includes:
- A review of the **planning policy and history** of the site including previous judgements regarding the site's capacity to accommodate development
 - A summary of the **current baseline**, including how it relates to the existing settlement
 - A description of the **proposed development**
 - A **review of the Landscape and Visual Impact Assessment (LVIA)**
 - **Acceptability of the planning application** relative to previous consented schemes
 - **Conclusions**
- 1.7 Where text is underlined in this report it is to provide emphasis.

2.0 Planning History of the Site

Existing National Policy

- 2.1 The National Planning Policy Framework (Dec 2024) sets out relevant policy in relation to landscape including Para 187 which states:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’

Local Plan Policy

- 2.2 East Cambridgeshire Local Plan April 2015 (Amended 2023) is the relevant Local Plan and contains policies relevant to landscape. These include landscape and settlement character (Policy ENV1). Paragraph 6.2.1 states that *‘New development that is well designed and helps to sustain and create landscapes and townscapes with a strong sense of place and local identity is important.’* It also makes reference to landscape character assessment (including The Cambridgeshire Guidelines) and conservation area appraisals.

- 2.3 Policy ENV1 specifically states:

‘Development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance:

- The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal.*
- The settlement edge, space between settlements, and their wider landscape setting.*
- Visually sensitive natural and man-made skylines, hillsides and geological features.*
- Key views into and out of settlements; this includes quintessential views of Ely Cathedral and the setting of the City as a historic ‘isle’ settlement close to the fen edge and the valley of the River Great Ouse.*
- The unspoilt nature and tranquility of the area.*
- Public amenity and access; and*
- Nocturnal character of rural areas free from light pollution.’*

- 2.4 Other relevant policy includes Policy HOU 4 on rural exception sites. This policy sets out that *'No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.'*
- 2.5 Policy GROWTH 2 on locational strategy is also relevant as it establishes that development should not result in *'significant adverse impacts'* and that development seeks compliance with other relevant Local Plan policies.

Planning History

- 2.6 Table 1 below sets out the planning history relevant to the site.

Table 1: History of Planning Assessments and Judgements

| Document and Date | Comment |
|---|---|
| Planning Application 23/0006/REFAPP 19 dwellings | Refused by LPA on three grounds. The second reason for refusal related to landscape: <i>'The site sits outside of the development envelope of Stretham where buildings are looser knit and as such the introduction of a terrace of properties in this location would fail to complement and enhance the local distinctiveness of the area, contrary to policies ENV 1 and ENV 2 and paragraph 130 of the NPPF.'</i> |
| Planning appeal for 19 dwellings | Scheme approved Inspector asked if the layout and scale of the development was compatible with the character and appearance of the area (para 21 Inspector's Report). He concluded at para 19: <i>'Noting the wider character of the area, the development of the site as suggested on the illustrative plans, with a mix of frontage development following the rhythm and pattern of closely grouped development along the A10, with a looser form of development to the rear would respect the density and character of the surrounding area, providing complementary relationships with the existing development.'</i> |
| Planning Application 23/00712/OUM 38 dwellings | Officer's report acknowledged weight to be given to past appeal decision that the development and frontage layout was acceptable. Officer accepted the findings of the associated LVIA which concluded that the effects of the proposed development were adverse but not significant. The LPA concluded that the effects on the local distinctive character were acceptable. The layout of this development introduced the concept of in-depth development on the site. |
| Planning Application 23/01338/OUM 83 dwellings | Officer's report at para 7.29 highlighted the previous decision associated with the 38 dwelling scheme (which had the same indicative frontage design as the 19 dwellings scheme), and therefore did not warrant sufficient grounds to refuse the application. It went on to consider that the same conclusions could be drawn for the current proposals. However, it did note the scheme for 83 dwellings occupied a larger area, utilising a deeper area of the agricultural field, and extended further into open countryside. It went on to concur with the findings of the LVIA that the effects of the development would be on the cusp of significance on completion and that mitigation planting would reduce effects to negligible to minor in the longer term. |

| | |
|---|---|
| | |
| Planning Application 24/01135/OUM 126 dwellings | Current application – the subject of this review. |

3.0 The Site and Context - Understanding the Baseline

Overview

- 3.1 The site sits outside of the development envelope of Stretham to the southwest of the village. It comprises a single arable field to the west of Cambridge Road (A10). The height of the road is c.7m AOD, with the land immediately adjacent to the road and within the site sitting slightly lower at c. 6.5m AOD. The lowest part of the site is in the northeast dropping to around c.6m AOD and the land gradually rises across the site to the northwest reaching c.7.5m AOD in the northwest corner (Drawing Number 90709e-01 of the Flood Risk Assessment). As is typical in the fenland landscape the topography of the area, whilst relatively flat, expresses some subtle variation. Land to the north of the site and north of the Wilburton Road comprises more pronounced slopes of the wider fen island known as the Isle of Ely which are readily perceived.
- 3.2 Stretham is located at the southeastern corner of the Isle of Ely in an elevated position overlooking low-lying fenland to the south and east. It forms one of a number of villages located on the Isle. The River Great Ouse flows approximately 1.5km to the south and is joined by the River Cam.
- 3.3 The Design and Access Statement accompanying the planning application sets out the historical development of the village indicating that its greatest period of growth was between 1926-1978 and especially following the construction of the A10 bypass to the west of the village. Areas of recent development are shown in section 2.0 and include Meadow Farm (5 dwellings) to the southwest of the village and Manor Farm (50 dwellings) to the southeast of the village. Linear development has occurred along the A10 south of the junction with Wilburton Road.
- 3.4 The historic core of Stretham village is a Conservation Area and sits predominately on land between the 10 and 15m contour. As the village has expanded, new development has encroached onto lower lying land, although the perception of the village sitting on the steeper slopes of the island above the fens is still discernible. To the southwest, the topography of the island is less pronounced forming lower and flatter land before it rises again towards the village of Wilburton.
- 3.5 Immediately south of the village there are small paddocks which form an important interface between the village and wider arable fenland. These paddocks, which are defined by mature hedgerows and trees, form a layering of vegetation which softens the build edge of the settlement. Beyond, the wider farmed fenland comprises larger scale fields which are often weakly defined by gappy hedgerows and scrub along drainage ditches.

Existing LCAs

- 3.6 The site is located within **The Fens National Character Area (NCA)**. The LVIA makes reference to the NCA noting key characteristics and opportunities. However, the LVIA does not refer to text on settlements in particular that settlement pattern reflects settlement history and past responses to the location of dry land - the more extensive and older settlements being located on clay islands. The NCA highlights that *'visually intrusive development at settlement margins includes road schemes, power lines, industrial and residential construction and has impacted upon local character. There has been much building outside urban and fringe areas.'*

The sensitive location of development on the fringes of settlement is therefore a relevant consideration for this character area. This is made explicit in the NCA text on landscape opportunities which state:

- *‘Protect the distinctive character of settlements throughout the landscape and consider the visual impact of new development.....*
- *Make use of village and town design statements and conservation area appraisals for informing future development proposals. Encourage design that minimises visual impact on local landscapes.’*

- 3.7 The LVIA also makes reference to the **Cambridgeshire Landscape Guidelines**. It places greatest weight on the Cambridgeshire Landscape Guidelines as being the most informative when considering the ability of the site to accommodate the proposed development. The Guidelines note that *‘At the transition area between fen and island, the creation of small grass paddocks surrounded by thick hedges and trees or areas of woodland would reinforce the contrast and sense of moving from one landscape to another.’* The Guidelines also highlight on page 19 that new development should *‘reflect local landscape character, particularly in the treatment of edges of development, through the choice of appropriate native species, the pattern of woodland/copses/hedgerows, the use of the landscape form and avoidance of harsh lines.’*
- 3.8 The **East of England Typology** whilst not accompanied by detailed descriptive material provides a finer grained understanding of local character distinguishing between the fens (Planned Fen) and settled islands (Lowland Village Farmlands) as illustrated on Figure 1 below.
- 3.9 The contours shown on Figure 1 also illustrate the lower lying and less distinct topography in the vicinity of the site when compared to the steeper slopes of the island on which the historic settlements of both Stretham and Willburton are located.

The Conservation Area Appraisal

- 3.10 The Stretham Village Conservation Area Appraisal (CAA) was published in October 2009. It provides information on the character and special qualities of the village. It sets out that:
- Stretham sits on the southern edge of the Isle of Ely on rising land
 - It was centred originally on the major route between Cambridge and Ely
 - The focus of the village is the church
 - The edge of the village merges into the surrounding agricultural fields
 - The roads and lanes in Stretham have for centuries formed the structure and framework of the village
 - When approached from Cambridge the settlement becomes evident by the presence of the church spire and the windmill.
- 3.11 In relation to the latter point this is also true when approach the village from the west.

4.0 The Proposed Development

- 4.1 The proposed development comprises 126 dwellings with the main access off Cambridge Road (A10). No other access points, either for vehicles or public rights of way, are proposed as part of the development.
- 4.2 The layout of the site is determined by a series of loop access roads which are described as forming a series of 'residential parcels'. Pedestrian linkage to the existing village would be via a proposed puffin crossing and central reservation across the A10. The A10 in the LVIA (para 2.1.1) is described as 'a very busy road'.
- 4.3 Table 2 sets out a comparison of the current application with that of the previously approved scheme. This highlights the quantum increase in the proposed scheme.

Table 2: Comparison of current application with previously approved scheme

| Feature | Previous scheme | Current application | Comparison |
|---------------------------|-----------------|---------------------|---------------|
| Area of site (hectares) | c. 4ha | c. 7.5ha | 87% increase |
| Number of houses | 83 | 126 | 52% increase |
| Parking spaces | 187 | 252 | 35% increase |
| Visitor spaces | 21 | 32 | 52% increase |
| Community orchard parking | 8 | 8 | same |
| Residential parcels | 4 | 8 | 100% increase |

- 4.4 This scale of the current proposed development can also be compared with more recent housing schemes in Stretham most notably Manor Farm which comprises 50 dwellings along with a new village green (c.1.08ha) and new footpaths and cycleways. In developing the masterplan for the Manor Farm site, consideration was given to boundary treatment, connections, street hierarchy, open spaces, scale and density and integrating the old with the new. The result has been a successful extension to the village which reinforces sense of place.
- 4.5 The landscaping associated with the proposed planning application, whilst including suds, hedgerow and linear woodland, play area and community orchard, is located at the margins of the site. The pattern of structural planting follows that of the straight boundaries associated with the parcel of land.

5.0 LVIA Review

Approach

- 5.1 The LVIA generally follows best practice as set out in Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd edition). However, it does not make reference to the Landscape Institute Technical Guidance Note (LITGN-2024-01) which was published in August 2024 and provides important clarifications on the Guidance.

Illustrative material and viewpoint selection

- 5.2 The position of the site red line boundary shown on Figures 5 and 6 has become misaligned.
- 5.3 The viewpoint locations as set out on Figure 1 do not appear to be in the same location as those for the previous approved application for 83 dwellings, making comparisons between past judgements problematic.
- 5.4 Where viewpoint images are shown in Appendix 1 of the LVIA, the top image appears to be from the earlier LVIA for 83 dwellings (although the date is incorrect) and the bottom image for the current LVIA. In some instances, the images are not taken from the same position or same focal point, for example Viewpoint 1 and Viewpoint 9. Again this makes comparisons between the judgements reached in the earlier LVIA (for 83 dwellings) and current LVIA difficult.
- 5.5 Viewpoint 13 is a useful example. The location of Viewpoint 13 on Figure 1 is not the same as Viewpoint 13 in the earlier LVIA. On closer inspection of the image for Viewpoint 13, which is described as 'south of 45 Cambridge Road', is in fact taken from north of 45 Cambridge Road adjacent to the site. The correct image for Viewpoint 13 should be that shown for Viewpoint 17.
- 5.6 Viewpoints 15-21 (with the exception of viewpoint 17) are new and were not included in the LVIA for the 83 dwelling scheme. Images are so dark it is difficult to determine the extent to which proposed development would be visible.
- 5.7 There is a concentration of public rights of way to the north of Wilburton Road, on elevated land (including the historic routes of Parson's Drove and Mill Way). The Zone of Theoretical visibility ZTV on Figure 1 of the LVIA appears to show no visibility of the site from this area. However, site work undertaken as part of this review has shown that there are views southwards across the site. No viewpoints have been identified from these public rights of way and this is considered to be an important omission. Viewpoints from these locations, although similar to those from the Wilburton Road, would be elevated and would have a higher sensitivity, reflecting receptors focused on enjoyment of the countryside and where there are views to the church and windmill landmarks which reinforce perceptions of Stretham village and sense of place.
- 5.8 These errors and issues raise concerns regarding the reliability of the evidence presented and judgements reached regarding level of effect.

Susceptibility

- 5.9 Susceptibility is defined in GLVIA as *'The ability of a defined landscape or visual receptor to accommodate the specific proposed development without undue negative consequences.'*
- 5.10 At para 4.4 of the LVIA it states that the previous planning consents at this site demonstrate its (the site's) ability to accommodate residential development. Whilst this might be the case in general terms, table 2 above demonstrates that the level of development now proposed is of a different order to past consents. This matters because the scale of development is an important consideration when determining the susceptibility of a site to accommodate development and in determining the magnitude of effects.
- 5.11 Clarification on this is provided in the LI Technical Guidance Note at para 5(4) on page 12. It states that *'landscape susceptibility will vary with the type or nature of change.'* This relates to the **type of development** (in this case housing) and the **relative size of the development** (i.e the difference between 19 or 126 houses or even 83 and 126 houses). It also sets out that the criteria used to judge susceptibility will be dependent upon the development type being considered and should be tailored to the project. It goes on to consider at para 5(6) the **link between susceptibility and policy**. Where policy refers to outcomes to be achieved, the susceptibility should reflect the likelihood that the proposed development may influence the intended policy outcome. In this case consideration is being given to the susceptibility of this site to housing development in the context of the village of Stretham and in relation to Policies ENV1, HOU 4 and GROWTH 2.
- 5.12 The methodology accompanying the LVIA defines the categories of susceptibility as follows:
- **Low susceptibility** is defined as *'a landscape where receptors are likely to make a minimal positive contribution so that it could accommodate the type of development being proposed without causing a detrimental change to the baseline condition.*
 - **Medium susceptibility** is defined as *'a landscape where receptors are likely to make a moderately positive contribution so that it could accommodate partial development or there is potential for effective mitigation to offset detrimental change to the baseline condition.*
 - **High susceptibility** is defined as *'a landscape where Receptors are likely to make a highly positive contribution so that it is unlikely that it could accommodate the type of development being proposed (even with mitigation) and would cause a detrimental and residual change to the baseline condition.*
- 5.13 It is notable that none of these definitions make reference to scales of development.
- 5.14 The susceptibility of the landscape resource is determined in the LVIA for the National Character Area, Cambridgeshire Landscape Guidelines character area, and at a local level through the definition of a Local Landscape Character Area. The extent of the latter is defined in the LVIA (Figure 9) and appears similar to the zone of visual influence (Figure 8). It does not include the wider local setting including the rising land to the north and the village of Stretham. Given the proposed development is seen as an extension of the village, this is considered to be an omission. The settlement of Stretham and the fen island on which it sits are fundamental to an

understanding and appreciation of the character of the local area. In this regard the Local Landscape Type as defined in the East of England typology along with information in the Conservation Area appraisal would have provided a better understanding of local character and susceptibility.

- 5.15 Furthermore, susceptibility of the local landscape is judged in the LVIA to be Low to Medium. The same rating was also concluded for the earlier scheme for 83 dwellings. Given the proposed scheme is double the scale of the former scheme and that susceptibility should take account of the relative size of development, it is concluded that the LVIA has underestimated the susceptibility of the local landscape to the type of development now proposed.
- 5.16 As noted above, the current settlement of Stretham sits on more pronounced slopes to the northeast of the site and is fringed by small scale pastures. This would suggest that land which is open, low lying and which is physically separated from the existing village by the busy A10, would have a higher susceptibility to in depth development of the scale proposed.

Visual Effects

- 5.17 This review has compared the judgements made in relation to viewpoints for the current scheme (126 dwellings) and earlier permitted scheme (83 dwellings).
- 5.18 It is noted that the LVIA for the current application makes some adjustments to the susceptibility of visual receptors for viewpoints 1, 2 and 3 increasing it from Low (for the 83 dwelling scheme) to Medium (for the current scheme). In contrast the Visual Susceptibility for Viewpoints 6, 8 and 9 has been reduced from Low-Medium and Medium (for the 83 dwellings scheme) to Low (for the current scheme). No explanation is given for these changes. For viewpoints 6,8 and 9 this results in a reduced sensitivity from Medium to Low.
- 5.19 Similarly, a comparison of the judgements made for each of the viewpoints indicates that for viewpoints 1 and 2 effects would increase in the long term from Negligible (for the 83 dwellings scheme) to Slight adverse for the current scheme. The reason for this is not clear.
- 5.20 The LVIA acknowledges for Viewpoints 9, 11, 12, 13 and 14, which are from the west, north and south, that effects would increase as a result of the current proposed scheme both during construction and on completion. The effects of the proposed development are judged to be Major or Moderate adverse (with the exception of Viewpoint 13, although the error associated with this is detailed above).
- 5.21 Reliance is placed on proposed mitigation planting to 'somewhat soften' views of houses. However, planting will be immature on completion, and the development will extend considerably further into open farmed fenland, compared to the previous consented scheme and the existing situation.
- 5.22 Similarly, in determining the effects in the long term (15 years post completion) the LVIA again relies on the mitigation planting to 'soften or screen' and 'predominately obscure views of built form'. This does not take into account the likely success or otherwise of the proposed mitigation to visually integrate development into existing landscape patterns. It is notable that the western half of the site is open with little discernible patterns of vegetation on the boundary or within the wider adjoining

landscape. Field boundaries are defined by ditches with only scrubby intermittent vegetation.

- 5.23 These issues can be illustrated with reference to Viewpoint 14. From this location the proposed development is likely to extend in front of the poplar trees which are seen just right of the centre of the image. This is a significant visual extension of development into this view which would be evident both during the day and at night.
- 5.24 The LVIA concludes that at worst the proposed development would cause a Slight Adverse change in the long term from some locations. This is defined as *'the proposals would cause a perceptible change to the view but would not materially affect the composition, the appreciation of the landscape character or the ability to take on or enjoy the view.'*
- 5.25 However, this review has identified that the following changes are likely to be perceived:
- When viewed from the north the development would be seen extending into open countryside on lower lying land, relative to the existing village.
 - The mitigation planting would not tie into existing vegetation structure given the openness of the landscape and would serve to create a harsh line of planting which would not create a characteristic edge to development, as seen on the existing margins of the village of Stretham.
 - The density and grain of development would not be in keeping with the linear development along the A10 and would not visually or physically relate to the existing village to the northeast.
 - In views from the west, the proposed development would appear to advance towards the viewer.
- 5.26 Overall, views which are from the north, south and west are likely to be most affected by the increased depth of development proposed on the site and nature of mitigation and structure planting proposed, when compared to previously consented schemes. In the longer term the effects on views are likely to be greater than predicted and more widespread, given the LVIA does not take account of elevated views to the north.

Landscape Effects

- 5.27 The viewpoint analysis helps to inform an understanding of landscape effects of the proposed development. As illustrated in the review of the viewpoints above, the LVIA relies heavily on the proposed mitigation in order to conclude that long term effects are not significant.
- 5.28 The current planning application extends housing development approximately 50% further west. This means that the perimeter planting extends beyond existing vegetation in the surrounding landscape and does not tie into other hedgerows simply because the fieldscape is predominately defined by ditches and is more open. By focusing mitigation planting within the site and around the perimeter, a harsher vegetated line would result, it is also noted that this mitigation planting will include a high percentage of evergreen species (para 6.6.2). On this basis the proposed mitigation planting is considered to also give rise to adverse landscape effects and is

unlikely to emulate the overlapping vegetation and small scale paddocks typical of the settlement edge.

- 5.29 Furthermore, mitigation planting is unlikely to screen views of development altogether. As noted in para 5.7 above, the LVIA omits viewpoints from elevated locations on public rights of way to the north. The elevation of these views would also negate the ability of perimeter planting to reduce the characterising effects of in depth development in this location.
- 5.30 It is concluded that the proposed development would have an adverse characterising effect on the local landscape altering perceptions of settlement pattern on the fen islands and creating an urban extension which poorly relates to the existing settlement.

6.0 Acceptability of Planning Application Relative to Previously Consented Schemes

- 6.1 In earlier consented schemes effects were considered to be acceptable where the development formed linear infill along the A10. Furthermore, the scheme for 83 dwellings, whilst creating in depth development on the site, included mitigation planting which tied into the existing hedgerow patterns both on the site and in the wider landscape to the north.
- 6.2 The current application by comparison is a c. 87% increase in development area and c. 46.5% increase in dwellings which would physically extend into wider countryside. By its very scale and location it is more difficult to mitigate, such that the proposed mitigation itself has characterising effects. This coupled with the location of the site away from the main village, separated by the busy A10 and on less distinct lower lying land, would result in adverse effects on perceived settlement pattern and landscape character.
- 6.3 These are material differences between the current application and previously consented schemes. It is concluded that the LVIA for the proposed scheme does not take these matters sufficiently into account when reaching judgements. The LVIA for 83 dwellings concluded landscape effects at a local scale would be Minor and would be 'on the cusp of significant' (para 7.1.1 of the relevant LVIA). The LVIA for the current scheme concluded that the landscape effects at a local scale would be Minor to Moderate but nevertheless it still concluded that the effects would be on the 'cusp of significant'.
- 6.4 For the reasons set out above, taking account the increased visibility from the north, effects of mitigation planting and degree of fit with local character and settlement pattern, it is considered that landscape effects would be greater than predicted and significant overall.

7.0 Conclusion

- 7.1 Overall it is considered that the LVIA has underestimated the effects of the proposed development. The proposed development would give rise to adverse effects which would be significant, by virtue of
- its increased scale;
 - in-depth 'parcel' arrangement;
 - physical separation from the main village (located west of the busy A10);
 - lower elevation away from steeper slopes;
 - position within wider open fenland (where mitigation may also give rise to effects).
- 7.2 While the site could accept some housing development (such as linear development along the A10 or some in depth development), the proposed scheme would extend into open arable farmland, would relate poorly to the village of Stretham, and would influence perceptions regarding the form and character of the village and its relationship with the fen island. This is considered to be contrary to Local Plan policies ENV1, HOU 4 and GROWTH 2.

24/01323/FUL

The Heartland Pools Road

Wilburton

Ely

Change of use and retrospective for a mobile home and a caravan for gypsy
and traveller accommodation

To view all of the public access documents relating to this application please use the
following web address or scan the QR code:

[https://pa.eastcambs.gov.uk/online-
applications/applicationDetails.do?activeTab=summary&keyVal=SOR0SMGGI8700](https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SOR0SMGGI8700)





24/01323/FUL

The Heartlands
Pools Road
Wilburton



East Cambridgeshire
District Council

Date: 23/04/2025
Scale: 1:2,500



© Crown copyright.
All rights reserved 100023279 (2025)

TITLE: 24/01323/FUL

Committee: Planning Committee

Date: 7 May 2025

Author: Harmeet Minhas (Senior Planner)

Report No: Z173

Contact Officer: Harmeet Minhas, Senior Planner (Agency)
harmeet.minhas@eastcambs.gov.uk
01353 616499
Room No 011 The Grange Ely

Site Address: The Heartlands Pools Road Wilburton Ely Cambridgeshire CB6 2UY

Proposal: Change of use and retrospective siting of 1no mobile home and 1no. touring caravan, outbuilding/shed for gypsy and traveller accommodation

Applicant: Mr Smith

Parish: Wilburton

Ward: Stretham

Ward Councillor/s: Bill Hunt
Caroline Shepherd

Date Received: 19 December 2024

Expiry Date: 13 February 2025

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Materials
- 3 Soft landscaping
- 4 Soft landscaping- retained
- 5 No further lighting
- 6 LEMP
- 7 Hedgehog Recovery
- 8 Boundary treatment
- 9 Surface Water
- 10 SUDs

1.2 The application is being heard by committee because it was called in by Councillor Bill Hunt for the following Reasons:

- Consideration of public interest in the application

2.0 SUMMARY OF APPLICATION

2.1 The application seeks retrospective planning permission for the change of use and siting of 1no mobile home and 1no touring caravan, outbuilding/shed for gypsy and traveller accommodation.

2.2 The application site utilises an existing access which was approved under application reference 13/01117/FUM and matters relating to pre-commencement conditions were discharged under application 13/01117/DISA.

2.3 The touring and static caravans are laid upon an area of hardstanding laid down and created within the site, with the remaining area of the site used as residential garden and parking associated with the on-going use of the land.

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 [Simple Search](#).

3.0 PLANNING HISTORY

On site

3.1 13/01117/FUM – Change of use of land to equestrian use, erection of livery stables and outdoor riding arena **(Permitted)**

3.2 13/01117/DISA – Discharge conditions 6, 8, 10 and 11 of application 13/01117/FUM **(Conditions Discharged)**

On adjacent site to the west

3.3 17/01560/FUM – Change of use of paddock to 10 pitches for traveller families **(Refused)**

3.4 18/01391/FUM – Change of use of land to 10 Gypsy/Traveller pitches comprising 10no. mobile homes, 10no. touring caravans, hardstanding, foul drainage. **(Refused)**

3.5 20/00678/FUM – Change of Use of Land to 10 Gypsy/Traveller Pitches each with a residential static caravan and touring caravan (temporary or permanent), establishment of access and formation of hardstanding for occupation – **(Withdrawn)**

3.6 22/00341/FUM - Change of use of land to 10 residential Gypsy / Traveller pitches each with a residential static caravan and one touring caravan (temporary or

permanent), works to access and formation of hardstanding. **(Refused and Appeal Dismissed)**

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a parcel of land located to the north of Pools Road nearest the junction with Grunty Fen Road. The site is served by a vehicular access which was introduced prior to the existing development, the subject of this application, as part of a previously consented development at the site under application 13/01117/FUM.
- 4.2 The in-situ arrangement has introduced hardstanding into the site in the form of tarmac upon which the proposed caravans and ancillary structures are placed. To the north of the site lies a barn and container associated with the on-going equestrian use of land abutting the site.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees Environment Agency, Ecology, parish Council(s) and these are summarised below. The full responses are available on the Council's web site.

Parish - 21 January 2025

Contrary to ENV1 of the ECLP (East Cambridgeshire Local Plan), the proposed development would have a visually detrimental impact on the surrounding countryside. The site is situated in open countryside characterised by flat open fields bounded by hedgerows and linear ditches, which are typical features of the area's landscape.

The proposal would result in the loss of both historic and natural environmental features, which is inconsistent with Policies ENV7 and ENV11-15 of the ECLP 2015. Furthermore, it conflicts with the NPPF 2021, Chapter 12, which emphasises conserving and enhancing the natural environment while respecting local character.

The development would be contrary to Policy HOU9 of the ECLP, which requires that proposals for Gypsy, Traveller, and Travelling Showpeople accommodation have no adverse impact on the character and appearance of the countryside.

The Witchford Landscape Appraisal, an adopted part of the Witchford Neighbourhood Plan, further underscores the inappropriateness of the proposal. The appraisal identifies the "visual sensitivity of the land south of the urban edge when viewed from the wider landscape" as a Key Landscape Sensitivity, emphasising the importance of protecting this valued environment from harmful development.

There are significant concerns regarding flood risk. While the Environment Agency has raised no objections, it acknowledges that the site lies predominantly within Flood Zone 3, which the Planning Practice Guidance (PPG) defines as having a

high probability of flooding. Annex 3 of the NPPF classifies the residential use of caravans as "highly vulnerable" development. Table 2 of the PPG makes it clear that such development is incompatible with Flood Zone 3 and should not be permitted.

The Planning Policy for Traveller Sites (PPTS) does not oppose sites in the countryside outright; however, Policy H (paragraph 25) advises that LPA should "very strictly limit" such developments in open countryside away from existing settlements. It is noted that this area already accommodates a significant proportion of the Gypsy, Traveller, and Travelling Showpeople population within East Cambridgeshire. Any additional development in this area would exacerbate an imbalance and further concentrate such uses in the countryside.

Parish - 13 January 2025

Planning permission has only been granted (April 2014) for an equestrian facility on this site (stables and outdoor riding arena). What is now present on the site, for which planning permission is requested, is residential and in our view is totally out of character with, and harmful to the area in which it is situated.

The site is not within either of the nearby village development envelopes of Witchford or Wilburton. It lies in an isolated position within the fenland landscape of Grunty Fen, a wide open, low-lying (much of it below sea level) agricultural area of large fields bounded by linear ditches, a few hedges and small pockets of woodland. The site of the proposed development is an integral part of this traditional rural landscape. Apart from a few farms and cottages around the site of the former railway station, there is no built development. Haphazard built development in this landscape would seriously harm its traditional appearance and use.

Parish - 9 January 2025

By allowing and giving permission for this application it sets a precedent. Previous planning on this site has been rejected (on four occasions). Council have concerns that the site will grow over time, posing higher safety concerns with access to the highway.

East Cambs Ecologist - 10 January 2025

BNG exemption, however, local policy and NPPF say that measurable environmental gains should be achieved to maximise opportunities for biodiversity this has not yet been achieved. Currently the retrospective works will have caused a net loss.

Environment Agency - 20 January 2025

We have reviewed the documents as submitted and we have no objection to this planning application.

Parish - 9 January 2025

There is a significant flood risk at this site. All of the above is contrary to Policy ENV8 in the 2015 ECDC Local Plan.

The proposed development is not suitable for the location in the open countryside and contravenes the 2015 ECDC Local Plan.

Policy ENV 1 Landscape and Settlement Character. The site is outside the development envelope and is contrary to the village vision and spatial strategy for Wilburton as set out in the 2015 ECDC Local Plan.

5.2 A site notice was displayed near the site on the 8th January 2025.

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

- East Cambs GTAA identifies no requirement for Gypsy and travellers between 2016-2034
- Site is located within Flood Zone 3 and no sequential test has been carried out
- No demonstrable need for the development

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 2: Locational strategy

GROWTH 3: Infrastructure requirements

GROWTH 4: Delivery of growth

GROWTH 5: Presumption in favour of sustainable development

ENV 1: Landscape and settlement character

ENV 2: Design

ENV 4: Energy and water efficiency and renewable energy in construction

ENV 5: Carbon offsetting

ENV 7: Biodiversity and geology

ENV 8: Flood risk

ENV 9: Pollution

HOU 9: Gypsies, travellers and travelling showpeople sites

COM 7: Transport impact

COM 8: Parking provision

6.2 Supplementary Planning Documents

East Cambridgeshire Design Guide

Developer Contributions and Planning Obligations

Flood and Water

Contaminated Land

Natural Environment

Climate Change

RECAP Waste Management Design Guide

6.3 National Planning Policy Framework (December 2024)

Chapter 2 – Achieving sustainable development

Chapter 5 – Delivering a sufficient supply of homes

6.4 **Planning policy for traveller sites (2024)**

7.0 **PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

7.1 **Background**

7.2 In 2022, a planning application was made to the local planning authority for the change of use of land to 10 residential gypsy/traveller pitches each with a residential static caravan and one touring caravan at land north of Pools Road, Wilburton. The application was subsequently refused by the LPA and the subject of an appeal (Appendix 2).

7.3 The Inspector concluded within the appeal decision that the depth and incursion of the pitches into the open land would have a harmful effect on the landscape, coupled with the natural increase in land levels resulting in the ten pitches appearing prominent causing conflict with Policy ENV 1 of the Local Plan.

7.4 The second matter considered within the appeal decision was whether the proposal was located within a reasonable distance of services and facilities. The Inspector concluded that the use of the land for gypsy and travellers sites, would be an exception set out in policy GROWTH2 meaning that sites were likely to be located outside of the development envelope. Owing to the sites location to Witchford, where a good range of services exist, the Inspector concluded that the proposal would not conflict with Policy HOU 9 (point one).

7.5 Furthermore, the Inspector concluded that whilst there was a lack of five-year supply of traveller sites within the district with a likely substantial unmet need, that the proposal would have a significant adverse impact on the character and appearance of the countryside which weighed against the proposal.

7.6 The appeal site is located directly to the west of the application site, the subject of this report. The appeal decision is considered a material consideration within the assessment of the application and reference is made to this within the main body of this committee report.

7.7 **Principle of Development**

7.8 The application site falls outside of the development envelope of any settlement within the district and as such, is considered to be an area within the countryside for the assessment of applications against planning policy. GROWTH policies within the development plan aim to focus development within or on the edge of towns and villages, and to minimise unnecessary development of open fields and countryside areas of the district.

- 7.9 Policy HOU9 states that proposals for Gypsy, Traveller and Travelling Showpeople accommodation should meet the following criteria:
- Adequate schools, shops and other community facilities are within reasonable travelling distance.
 - There is no significant adverse impact on the character and appearance of the countryside and the setting of settlements.
 - The site would not lead to the loss or adverse impact on historic and natural environment assets as defined in Policies ENV7 and ENV11-15.
 - There is no significant risk of land contamination.
 - There is no unacceptable risk of flooding.
 - The scale of the proposal is not disproportionate to the size of the nearest settlement and the availability of community facilities and infrastructure.
 - The site provides a suitable level of residential amenity for the proposed residents and there is no significant adverse impact on the amenity of nearby residents.
 - Safe and convenient vehicular access to the local highway network can be provided together with adequate space to allow for the movement and parking of vehicles.
 - Essential services (water, electricity and foul drainage) are available on site or can be made available.
- 7.10 The Planning Policy for Traveller Sites (PPTS) revised in 2024 does not expressly restrict Traveller sites in the countryside. Para 26 of the PPTS sets out that Local planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. In addition, para 26 sets out that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 7.11 Within the assessment of application 22/00341/FUM, which related to a proposal for 10 Gypsy and Traveller pitches at a neighbouring site, officers commented that the PPTS anticipated traveller sites to be located in the countryside (outside of the Green Belt). It was concluded that when having regard for the PPTS and local policy, the location of the site outside of the development envelopes, were not considered to have any significant weight in the determination of the application as being within the countryside did not mean the application for traveller sites should be refused in principle. The comments within the 2022 application remain relevant for the current proposal, in light of the designation and local development plan remaining the same as that against which both applications would be considered.
- 7.12 Within the PPTS (2024) Policy B, Para 10, it states that: local planning authorities should, in producing their Local Plan:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets⁴;
 - b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15;
 - c) consider production of joint development plans that set targets on a cross_authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area

(local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries);

d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surround

7.13 Policy H, paragraph 23 of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. The PPTS in its introduction sets out that it should be read in conjunction with the National Planning Policy Framework. Within these, applications should be assessed and determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS. It says that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:

a) the existing level of local provision and need for sites

b) the availability (or lack) of alternative accommodation for the applicants

c) other personal circumstances of the applicant

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections.

7.14 As such, in respect of Policy H, officers have considered the following:

(a) The existing level of provision and need for traveller pitches

In 2016 the Council commissioned a Gypsy and Traveller Accommodation Assessment to inform a Local Plan Review. Published in October that year it concluded that there was no need for any additional pitches in the district for gypsy & traveller households that meet the 2015 PPTS definition, a need of up to 40 additional pitches for those households that may meet the new definition (although it is indicated that this might be considerably less), and a need for 10 additional pitches for households which do not meet the new definition. It is noted that the review was carried out against the 2015 PPTS definition, which is now outdated and a review has not been subsequently carried out against the 2024 PPTS.

An assessment of the 2015 PPTS was found to be unsound during an appeal (ref: APP/V0510/W/19/3243732) with the Inspector concluding that there is likely a higher unknown need for pitches across the district than the assessment identifies. In this regard, the Council accepts that notwithstanding the age of the evidence, there is highly likely a need for more pitches in the District. This has resulted in the approval of several pitches in recent years in the Wentworth and Wilburton area.

7.15 Since the assessment of the 2019 appeal and the application at the neighbouring site (22/00341/FUM), it is considered that the Council remain unable to adequately demonstrate that they have a 5-year supply of traveller pitches at the current time. As such, the Council are unable to deliver on section 5 of the PPTS (2024) relating to delivery of sites or future growth locations.

(b) the availability (or lack) of alternative accommodation for the applicants

7.16 Based on the current status of the GTAA therefore, it is concluded that the Council is unable to adequately demonstrate that they have a 5-year supply of traveller pitches at present. Therefore, it can be reasonably concluded that the Council would be unable to confirm the availability of alternative accommodation for the applicants as per part (b) of the PPTS. Policy H states that where an authority cannot demonstrate an up-to-date five-year supply of pitches, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

7.17 Para 28 of the PPTS (2024) sets out that, if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;
- b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events);
- c) limiting the maximum number of day for which caravans might be permitted to stay on a transit site.

(c) other personal circumstances of the applicant

7.18 The application is not supported by an assessment of the needs of the applicant. Officers do note that the application should be assessed against the currently unmet needs of a single gypsy traveller household which will be considered separately but also within the planning balance and weighted accordingly.

(d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites

7.19 For gypsy and traveller accommodation, Policy HOU9 sets out criteria as to a site's suitability for occupation by those who meet the planning definition set out in Planning Policy for Traveller Sites 2015 (PPTS). Decisions are made on a "case by case" basis subject to the following;

- There is no significant adverse impact on the character and appearance of the countryside and the setting of settlements.
- The site would not lead to the loss or adverse impact on historic and natural environment assets as defined in Policies ENV7 and ENV11-15.
- The scale of the proposal is not disproportionate to the size of the nearest settlement and the availability of community facilities and infrastructure.

These matters have been considered within a later stage of this report and the development has been identified not to be in conflict, having regard for all material considerations. For the purposes of considering the planning principle, there is no conflict with part (d).

(e) that they should determine applications for sites from any travellers and not just those with local connections. [This is a fixed requirement and is noted throughout the assessment]

7.20 The application proposal does not clarify the relationship of the applicant to the area. However, officers note the requirement of this element.

7.21 In light of the above, the proposal for a traveller site in the countryside would be supported. The method for ensuring new traveller development is delivered and controlled are set out within the PPTS and local policies and these are to be considered in further detail below.

7.22 **Residential Amenity**

7.23 Policy ENV2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.

7.24 The application site is located within an isolated location, with the nearest habitable dwelling being located to the north, over 150m away. Officers are mindful that the retained use being sought is for a residential use which would generate modest degrees of noise when occupants are using the private garden. The noise generated from residential activity would be unlikely to be impact on the amenities of 'Woodlands', owing to the distances between the sites. As such, no policy-based concerns are raised in this regard.

7.25 **Visual Amenity**

7.26 Policy HOU9 sets out criteria as to a site's suitability for occupation by those who meet the planning definition set out in Planning Policy for traveller Sites (2024) PPTS. Decisions are made on a 'case by case' basis subject to the considerations, such as those laid out below which relate to visual amenity;

- There is no significant adverse impact on the character and appearance of the countryside and setting of settlements.
- The site would not lead to the loss or adverse impact on historic and natural environment assets as defined in Policies ENV7 and ENV 11-15.
- The scale of the proposal is not disproportionate to the size of the nearest settlement and the availability of community facilities and infrastructure.

7.27 The PPTS (2024) sets out within policy H that Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community; which is considered consistent with the context of Policy HOU9.

- 7.28 The in-situ arrangement of the site comprises single storey caravans, ancillary structures and associated hardstanding. It is noted that the site has been enclosed by 'picket style' low level fencing. Lighting exists on mounted poles within the site.
- 7.29 Within the assessment of application 22/00341/FUM, the case officer identified Pools Road to have in essence two-character areas. The area to the east, within which the application site is located, was characterised as being open fen landscape with open fields which included paddocks. The land upon which the development is located had previously demonstrated these traits and the land around and beyond the in-situ arrangement maintains this character. This character assessment is consistent with the comments of the planning Inspector within the appeal decision of application 22/00341/FUM where it was considered that, 'development away from the main settlements is generally sparse and sporadic and focused along straight road frontages.'
- 7.30 Para 26 of the PPTS (2024) sets out that 'local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'. The 'PPTS' seeks to limit but not resist sites within the countryside meaning there would be a degree of harm to the character and appearance of the countryside in the event of plots being proposed. This was accepted by the Inspector under the assessment of the neighbouring within the appeal against the refusal of 22/00341/FUM.
- 7.31 The appeal decision remains a material consideration in the assessment of this application, as a result of being considered under the same development plan and no other material changes to policy, the comments remain relevant.
- 7.32 The Inspector further noted that the proposal for 10 pitches to the east of the application site was considered to have a greater impact on the setting of the countryside. This was owing to the pitches running deeper into the countryside with a vertical element where it was noted that land levels rose gently which would exacerbate the harm. The Inspector noted that other traveller sites in the locality were mainly on shallower plots that run along the public highway, considered to confine the visual impact. '
- 7.33 The in-situ arrangement appears to have responded to the Inspector's comments by arranging the development horizontally across the frontage of the public highway. Whilst officers note there is an incursion into the countryside, the buildings are viewed against the backdrop of equestrian buildings immediately to the north of the site which creates a visual breakage between open land within the countryside and the enclosed development. The visual perception of the development within the wider setting could be further mitigated through the delivery of robust landscaping and planting, which if appropriately designed, could limit views from the road and adjoining public vantage points. This would focus the perception of the development within this pocket of Pools Road, being consistent with the Inspector's comments that existing traveller sites in the locality and on shallower plots that run along the public highway.
- 7.34 Having regard for the impact on visual amenity, officers consider there would be a moderate degree of harm to the setting when considering the in-situ arrangement

with the previously open nature of the land. The harm arising from the retention of the development has been considered having regard for the appeal decision at the neighbouring site (APP/V0510/W/23/3320862) which forms a material consideration in the assessment of this application and is given significant weight. In light of the comments raised by the Inspector within the assessment of the appeal, the concentration of the development along the highway when coupled with a landscaping scheme would serve to minimise the harm to the landscape setting. The development would in turn be more consistent with other traveller and gypsy sites to the west which is also identified within the appeal decision. As such, the moderate degree of harm that arises to the setting of the countryside is outweighed by these matters.

7.35 Highways

- 7.36 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way.
- 7.37 The application site is served by an existing and lawfully established access road which was granted as part of a scheme at the site to change the use of the land to equestrian use, including the erection of livery stables and outdoor riding arena under application 13/01117/FUM. The access appears to remain unaltered in its siting and extent from the highway into the site when compared to the current, in-situ arrangement. Officers note that the access was previously considered acceptable by the Local Planning Authority; having regard for the presence of a ditch adjacent the site and land immediately abutting the access being outside of the applicant's ownership, it is unlikely there would be capacity for the introduction of planting or highway paraphernalia which would limit visibility splays in each direction.
- 7.38 The application site has been identified as being within the countryside and it is noted that it is in a rural location, absent of pedestrian footpaths that would connect the site to Witchford, nearby settlements or Ely. Within the appeal decision at land North of Pools Road (22/00341/FUL), the Inspector noted the absence of footpaths along this part of Pool Road as well as the 'lack of a convenient bus service', with Witchford identified as the nearest settlement with a good range of services and Ely being a shorter distance away thereby increasing the reliability on cars for development in this part of the road. Whilst this led officers to the initial conclusion that the neighbouring site was in a less sustainable location, the Inspector identified that Gypsy and traveller sites were one of the exceptions given in policy GROWTH 2 thereby naturally leading to such provision within the District being further from established settlements where development would primarily be focused. It was concluded that slightly longer car trips to Witchford and Ely would be available and that there would be no significant harm from any conflict with Policy COM7. In light of this decision at a site approximately 150m away from the site, the subject of this application, it would be reasonable to conclude that the occupants would have reasonable access to local services and provisions within the district.

7.39 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking. There remains sufficient parking within the site for the likely level of occupancy associated with the use of land and no policy-based concerns are raised in this regard.

7.40 **Ecology**

7.41 Policy ENV 7 of the East Cambs District Council Local Plan 2015 seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features such as trees, hedgerows, woodland, wetland and ponds. The Natural Environment SPD Policy SPD NE6 seeks to ensure that all new development proposals contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

7.42 The application is supported by a preliminary ecological appraisal of the site. The report concluded that there were no roosts on site or impact on protected species as a result of the development. It is noted that the PEA was undertaken post the works having been carried out on site, with the land having previously been open land. As the works had been carried out, a pre-development assessment of the site would have been more appropriate in considering any loss of habitat from the land, although officers conclude that the retrospective nature of the proposal would not now allow for this.

7.43 The application was assessed by the Council's ecologist who considered there to be potential for BNG opportunities within the site. In this instance, BNG exemption applies to retrospective planning permissions, notably those under Section 73A of the Town and Country Planning Act meaning there would be no lawful mechanism to deliver 10% BNG within the site. Notwithstanding this, there remains opportunities to increase the ecological value of the site through the delivery of enhancements such as bird/bat boxes and hedgehog houses. This is proposed as a condition within Appendix 1.

7.44 **Flood Risk and Drainage**

7.45 The application site is located within Flood Zone 3, as identified within the EA Maps for planning meaning it has a high probability of fluvial flooding. The Environment Agency were consulted on the application and highlighted that the site is considered to be at risk from flooding from an internal watercourse as opposed to rivers and seas. Officers note that this is consistent with the advice offered by the EA to the Local planning authority within the assessment of application 22/00341/FUM.

7.46 Within the assessment of development at the neighbouring site, officers had concluded that whilst the site was shown to be at high risk of flooding, that the information provided by the EA would have superseded this given the distance of the site from the nearest water course. It was not considered that a sequential test was required for the development of 10 pitches to the west and in light of the consistency in advice from the EA, it would be unreasonable to trigger this requirement for a smaller scale development, of a similar use, within the same flood zone.

7.47 The application proposal is supported by a Flood Risk Assessment prepared by MTC Engineering. The report identifies that the proposal lies within Flood Zone 3 and that the drainage systems for which the IDB are responsible are primarily pumped systems. It also sets out that the EA are responsible for a number of defences in the area including Hundred Foot Washes and Nene Washes. The report considers that the data for the Fens and surrounding area remains out of date as it relies solely on data from prior to the Fens being drained and the subject of protection measures. This is consistent with comments received by officers during the assessment of application 22/00341/FUM where it was commented by the EA that,

“...there is no [hazard mapping] Product 8 data available for this site (NGR TL5017877983). The site is not located within an area of Tidal or Fluvial Breach Hazard Mapping. “Additionally, the site is located around 4km from the nearest designated Main River and therefore there is no Product 4 data available.”

7.48 The FRA demonstrates that the occupiers of the land would unlikely be at risk owing to the outdated mapping and the required failure of all defences and pumps in parallel for water to collect and group, which would represent a very low likelihood scenario. As this justification was previously agreed by officers within the neighbouring site, there are no material considerations presented by the EA or available to officers which would reasonably progress to a different conclusion. As such, the proposal is considered to broadly comply with the Local Plan and Chapter 14 of the NPPF (2024).

7.49 Other Material Matters

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected

characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

7.50 **Planning Balance**

7.51 The proposal involves the retention of an existing static caravan, mobile caravan and associated development with the use of land for the gypsy and traveller community. The local planning authority are unable to demonstrate an appropriate level supply of pitches/sites for the gypsy and traveller community, as set out by an Inspector under ref (APP/V0510/W/19/3243732). In assessing the merits of the application, officers have given substantial weighting to the appeal decisions within the associated appendices as well as the updated PPTS (2024). The provision of one unit would contribute moderately to the likely demand for pitches, although in the absence of an updated consideration of the supply it would not be possible for officers to set out the true contribution of the single site.

7.52 Having consideration for other matters, it has been identified that there would be moderate harm to the setting of the countryside. In having regard for the comments of the Inspector following the refusal of application ref 22/00341/FUM, it is considered that the harm identified would be moderate and outweighed by the arrangement of the site and capacity to deliver landscaping provision within the site which would mitigate any greater harm from occurring. In addition, the proposal satisfies the context of Policy HOU9 which would contribute to outweighing the harm identified to the landscape.

7.53 On balance, it is considered the merits of the proposal and other material considerations considered, to include recent appeal decisions, demonstrate that the retention of the development would contribute to an unknown level of need in the District. Any harm that would arise to the setting of the countryside would be outweighed by the proposal broadly satisfying the broad context of Policy HOU9 and the PPTS (2024).

8.0 **APPENDICES**

8.1 Appendix 1 – Proposed Conditions

8.2 Appendix 2 – Appeal Decision (APP/V0510/W/23/3320862)

PLANS

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.

24/01323/FUL

APPENDIX 1 – 24/01323/FUM Conditions

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

| Plan Reference | Version No | Date Received |
|----------------------------|------------|---------------|
| P-8741-01 | | 19.12.2024 |
| P-8741-02 | | 19.12.2024 |
| P-8741-03 | | 19.12.2024 |
| Preliminary ecological App | | 19.12.2024 |
| Flood Risk Assessment | | 19.12.2024 |
| Planning Statement | | 19.12.2024 |

- 1 Reason: To define the scope and extent of this permission.
- 2 The materials of the existing static caravan, hereby retained, shall be maintained for the duration of the use of the land, hereby approved.
- 2 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 3 Within two months of the date of the decision, a scheme for the maintenance of the soft landscaping for a minimum period of 5 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 4 All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

- 5 Notwithstanding the approved plans, no further external lighting shall be erected within the application site until details of the proposed lights, their specification, location, the orientation/angle of the luminaries, predicted light spill and hours of proposed use, have been submitted to and approved in writing by the Local Planning Authority. Any external lighting that is installed shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.
- 5 Reason: To safeguard the character and appearance of the area and local biodiversity and ecology, in accordance with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD.
- 6 Within two calendar months of the date of the decision notice, a detailed scheme for biodiversity enhancement measures, including a timescale for implementation and a Landscape and Ecological Management Plan covering a minimum of 30 years from the implementation of the measures, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should have regard for (i) landscaping to be retained, and methods of their protection during construction. Thereafter the approved scheme shall be implemented in accordance with the approved timescale and managed in accordance with the approved LEMP.
- 6 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 7 Within three months of the date of the decision notice, a scheme of hedgehog recovery measures has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved measures shall be maintained for a minimum of 10 years following their installation.
- 7 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and in accordance with policy SPD HR1 of the Hedgehog Recovery SPD 2024.
- 8 Within two calendar months of this decision notice, details of the boundary treatments shall have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details within two calendar months of the approval of such details, by the Local Planning Authority.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



Appeal Decision

Hearing held and site visit made on 22 August 2023

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/V0510/W/23/3320862

Land north of Pools Road, Wilburton, Ely, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by A Buckley against the decision of East Cambridgeshire District Council (The Council/ECDC).
 - The application Ref 22/00341/FUL, dated 18 March 2022, was refused by notice dated 24 October 2022.
 - The development proposed is change of use of land to 10 residential Gypsy/Traveller pitches each with a residential static caravan and one touring caravan (temporary or permanent), works to access and formation of hardstanding for occupation by the applicant and members of their family.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (NPPF) was published on 5 September 2023. The policies pertaining to this proposal remain unaltered, so I have not sought the further views of parties. As Government policy the NPPF is a material consideration of considerable weight, as is the associated Planning Practice Guidance (PPG) and Planning Policy for Traveller Sites (PPTS).
3. A Statement of Common Ground (SoCG) between the main parties was provided on 17 August 2023. The most recent Gypsy and Traveller Accommodation Assessment for East Cambridgeshire (GTAA) was published in October 2016, with a base date of 1 February 2016. The main parties agree that the GTAA is effectively out of date and the Council is unable to adequately demonstrate a five-year supply of traveller sites at the present time. Furthermore, it would be unable to confirm the availability of realistic alternative accommodation for the appellant. I find no reason to disagree with any of the above, nor that there is sufficient information to demonstrate that the proposed occupants satisfy the definition of Gypsies and Travellers within the PPTS.

Main Issues

4. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the site would provide safe access, and be within a reasonable distance of regularly-required services and facilities.

Reasons

Character and appearance

5. The appeal relates to a rectangular parcel of land within countryside lying to the south of the nearest settlement of Witchford. It is laid mainly to grass and has been sub-divided into 10 paddocks; five either side of an access track running perpendicularly from a centrally located entrance from Pools Road. The rectangle of land extends to its greatest length away from the road and runs up to a drainage ditch along the rear boundary.
6. The wider landscape is quite typical of the Cambridgeshire Fens. Main settlements are often concentrated on slightly higher areas of land, such as at Witchford to the north and the city of Ely to the east. Outside of these, the rural landscape is mainly that of expansive areas of level farmland, drained by a network of ditches. This landscape mostly comprises large rectangular fields under arable cultivation. The relative lack of woodland, trees and hedging **within a flat topography provides the long, 'large sky' views across the open** farmland from the straight and narrow roads that traverse it. Most fields are defined by the rectilinear network of drainage channels, rather than less prevalent hedgerows.
7. Development away from the main settlements is generally sparse and sporadic and focused along straight road frontages. Traveller sites comprise a common component of this prevailing development. I noted the many examples of these along roads in the vicinity, such as further to the west on Pools Road and south on Grunty Fen Road and White Cross Road. These often comprise fenced or walled compounds with gated entrances leading onto hardstanding areas. These areas are occupied by static and touring caravans, vehicles, lighting and **other items reflective of the occupiers' livelihoods.**
8. The contents of Traveller sites are generally low height, not always including tall, two-storey houses. Nevertheless, much like modern farm buildings, they can appear rather stark and less visually sympathetic than more traditional forms of rural development. However, the PPTS implicitly accepts that rural areas play a part in meeting the housing needs of Gypsies and Travellers. A level of harm to the character and appearance of the countryside becomes an inevitable outcome of this.
9. The immediate surroundings of the appeal site are somewhat less typical of the Fenland landscape. Travelling east along Pools Road, the arable prairies give way to smaller horse paddocks and generally more vegetation. This includes the hedging around the appeal site and the plantation on the opposite side of the road. This greenery provides the area with a more intimate and attractive rural character. Although the vegetation provides some degree of visual enclosure, the proposed pitches would run deep into land that rises gently. This proposal would have a comparatively greater impact than existing Traveller sites in the locality. These are mainly on shallower plots that run along the public highway, from where the visual impact would mainly be confined.
10. This proposal would be along a stretch of road lacking Traveller sites and much development at all. In such a context, the harm to the landscape from a deep incursion of ten caravan pitches would be particularly pronounced. The rising land would reduce the effectiveness of the front hedging in screening the pitches towards the rear of the site. Views from the road and through the

vegetation, particularly during winter months, would be of development extending deep into the open landscape, accentuating the adverse visual impacts of the caravans and associated features.

11. The proposal would have a particularly harmful effect on views from the public right of way running at an elevated height alongside the rear site boundary. From here, as well as approaching from the north along Grunty Fen Road, the ten pitches and their contents would be very prominent. The existing vegetation would not fully screen the pitches, but the hedging around the site might be maintained to soften views. The caravan pitches would nevertheless comprise a discordant feature within a surrounding undeveloped area of horse pastures, tree planting and farm land.
12. For the above reasons, the change of use would conflict with Policy ENV 1 of the East Cambridgeshire Local Plan of April 2015 (LP). This is insofar as the pitches would neither protect nor enhance the character of the landscape and its unspoilt nature. There would be a significant adverse impact on the character and appearance of the countryside and the setting this provides to Witchford village. As a consequence, this proposal would not satisfy the second criterion of LP Policy HOU 9 for allowing unallocated Gypsy and Traveller accommodation.
13. LP Policy GROWTH 2 strictly controls development outside defined settlement envelopes, to protect the countryside and the settings of towns and villages. Gypsy and Traveller sites comprise one of the main categories of development which may be permitted as an exception to this. However, because this proposal would have a significant adverse impact on the countryside, failing to satisfy both policies ENV 1 and HOU 9, there would be further conflict with Policy GROWTH 2.
14. Meeting a need for Gypsy and Traveller accommodation requires an inevitable degree of harm to the character and appearance of the rural landscape. However, due to the relatively attractive and unspoilt nature of the countryside along this section of Pools Road, the scale and depth of the incursion into this and the public views available from both the front and rear of the site, the degree of harm attracts substantial weight.

Whether the site would provide safe access, within a reasonable distance of regularly-required services and facilities.

15. The appeal site fronts onto a straight section of Pools Road. This is an adopted C-class public highway of about 5.5m carriageway width. It is unlit and runs through an unbuilt area, subject to the 60 mph national speed limit. Some 200 metres from the edge of the appeal site, to the east, is a marked give way junction onto Grunty Fen Road. This leads north to the nearest main village of Witchford. There are no roadside footways alongside the connecting highway, although this settlement can be reached from the rear of the appeal site along alternative public rights of way.
16. The centrally placed access onto Pools Road maximises visibility in either direction. For the recorded traffic speeds along Pools Road, the local highway authority requires the 2.4m by 215m visibility splays at either side of the **access shown in the appellant's highways statement¹**.

¹ PSB Services (Norfolk) Limited Report ref. 20216/A March 2020.

17. Much of this visibility would be provided through the highway verge being maintained free of obstruction. However, the appeal site fronts onto a ditch running **behind the verge, which is outside the appellant's ownership and not** part of the public highway. The hedge along the front of the appeal site has grown outwards, over this drainage ditch.
18. To provide the visibility requires a relatively small amount of trimming back of this hedge, reducing to either side of the access as the splay tapers. There would be less trimming back required in the more critical right hand direction, where traffic approaches on the nearside of the road. There is a theoretical possibility of third party land ownership preventing the required visibility being achieved. However, the provision of visibility and the maintenance of the ditch are mutually compatible. In practical terms, adequate visibility could be achieved and maintained. Therefore, a highway safety objection to this proposal cannot reasonably be substantiated.
19. **In addition to the issue of safe vehicular access onto the highway, the Council's** second reason for refusal referred to the lack of safe/easy routes for pedestrians to access services and facilities, meaning that future occupiers would be reliant on using their motor vehicles. The SoCG confirms that the parties agree that LP Policy HOU 9 is consistent with the PPTS in that Gypsy and Traveller sites may be located in rural and semi-rural areas, subject to other relevant criteria.
20. Despite the lack of footways alongside the intervening highway, there is a route into Witchford along public rights of way. However, these are unlit and the distances involved would make private car use more attractive to reach regularly required facilities, given the lack of a convenient bus service.
21. Witchford provides a good range of services, including primary and secondary schools, a post office and general store, a public house and a hot food takeaway. These are only a very short car drive from the site. The fuller range of services in Ely are further away but may be conveniently accessed by slightly longer car journeys.
22. Gypsy and Traveller sites are one of the exceptions given in Policy GROWTH 2, which otherwise focuses development to within settlements to support local services, shops and community needs. As such services are within reasonable travelling distance of the appeal site, I find this proposal to satisfy the first of the bullet point criteria of Policy HOU 9.
23. On this basis I find the transport impact of this proposal would cause no significant harm from any conflict with LP Policy COM 7. This is insofar as this seeks to reduce the need to travel, particularly by car, and to promote sustainable forms of transport appropriate to the particular location. The proposal would provide occupiers safe access, within a reasonable distance of regularly-required services and facilities in compliance with LP policies COM 7 and HOU 9.

Other Matters

Flood Risk and Drainage

24. The NPPF provides Government policy over planning and flood risk. The PPG provides further advice over how this should be applied. The appeal site lies primarily within Flood Zone 3 (FZ3) as shown on the Environment Agency (EA)

flood maps. This is land defined by the PPG as having a high probability of flooding. Caravans are classed as highly vulnerable in the PPG and not compatible with FZ3, where these should not be permitted.

25. **However, the EA has accepted the appellant's** site specific Flood Risk Assessment (FRA) and concurs with its conclusions over there not being a high probability of flood risk from tidal and designated main river sources. The EA considers that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB), which the FRA considers to be low. As such, the EA has confirmed that it has no objection to the proposed development on flood risk grounds. The IDB and Lead Local Flood Authority are satisfied in principle with the proposed surface water drainage strategy and find that a detailed scheme could be reasonably secured through planning conditions.
26. The FRA finds that the development could be made safe for its lifetime through conditions requiring raised floor levels and occupiers signing up to the EA flood warning service. The Council had accepted this and not refused the proposal on flood risk grounds. It had referred to the sustainability benefits of meeting a high need for Traveller pitches as satisfying the exception test in relation to flood risk². However, Government advice in the PPG is clear that the exception test does not apply to highly vulnerable development within FZ3, which should not be permitted³. Even if I were to depart from the requirements of the PPG and find the proposal acceptable on flood risk grounds, this would amount only to an absence of harm. It would be a neutral factor in the overall planning balance.

Planning balance and conclusion

27. The proposal would satisfy a number of LP policies, including those that address highway safety, access to services and facilities, supporting infrastructure and the general principle of a development beyond settlement boundaries. However, the cross-cutting requirement to avoid significant adverse impact on the character and appearance of the countryside means that, in my view, the proposal would conflict with the development plan considered as a whole.
28. There is a lack of a five-year supply of traveller sites in East Cambridgeshire and the unmet need is likely to be substantial. The ten pitches proposed would provide significant benefits by addressing both of these matters.
29. I have had regard to the personal circumstances provided and the proposal would provide a settled and secure base for the ten growing households. They are currently living in sites dispersed around the county and in situations which are often less secure, overcrowded and where there is not the support of close family members that this proposal would provide.
30. These personal circumstances also weigh significantly in favour of the proposal. In considering these, I have borne in mind Article 8 of the European Convention on Human Rights as this relates to a respect for private and family life. I have considered this in regard to the cultural aspects of Gypsy and Traveller life and the benefits of this proposal in bringing together a currently

² Officer report dated 24 October 2022, p14.

³ PPG Paragraph: 079 Reference ID: 7-079-20220825 Revision date: 25 08 2022 Table 2: Flood risk vulnerability and flood zone 'incompatibility'.

dispersed extended family. In this context, the best interests of the children involved has been my primary consideration. It is forefront in my mind that the mutual family support provided through a collective and settled base could be particularly beneficial towards meeting the health, welfare and educational needs of the children involved.

31. However, these combined benefits are insufficient to outweigh the development plan conflict and associated adverse impacts. This is particularly given the substantial degree of harm found to the character and appearance of the countryside and the weight given to this.
32. The Council cannot demonstrate an up-to-date five year supply of deliverable Traveller sites. Applying paragraph 27 of the PPTS, this should be a significant material consideration over a granting of temporary permission. However, this would not materially alter the balance of considerations, as the harm found to the character and appearance of the countryside would remain substantial and the overall benefits, in not providing a permanent settled base, would be less. Therefore, permission on a temporary basis would not be appropriate and, for the reasons given, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Philip Brown BA(Hons)

FOR THE LOCAL PLANNING AUTHORITY:

Gavin Taylor ECDC

Shane Luck, Cambridgeshire County Council highways department

INTERESTED PARTIES:

Philip Kratz BA(Hons) LMRTPI Solicitor

Councillor Bill Hunt (ECDC and Cambridgeshire County Council)

Planning Performance – March 2025

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.

Determinations

| | Total | Major | Minor | Householder | Other | DIS /NMA | Trees | Pre App |
|-------------------------------|------------|--------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--------------------------------------|------------|
| Determinations | 112 | 1 | 13 | 33 | 14 | 24 | 27 | 11 |
| Determined on time (%) | | 100% (90% within 13 weeks) | 85% (80% within 8 weeks) | 94% (90% within 8 weeks) | 93% (90% within 8 weeks) | 88% (80% within 8 weeks) | 100% (100% within 8 weeks) | n/a |
| Approved | 102 | 1 | 10 | 31 | 10 | 21 | 27 | n/a |
| Refused | 5 | 0 | 3 | 2 | 4 | 3 | 0 | n/a |

Validations – 99% validated within 5 working days (ECDC target is 85%)

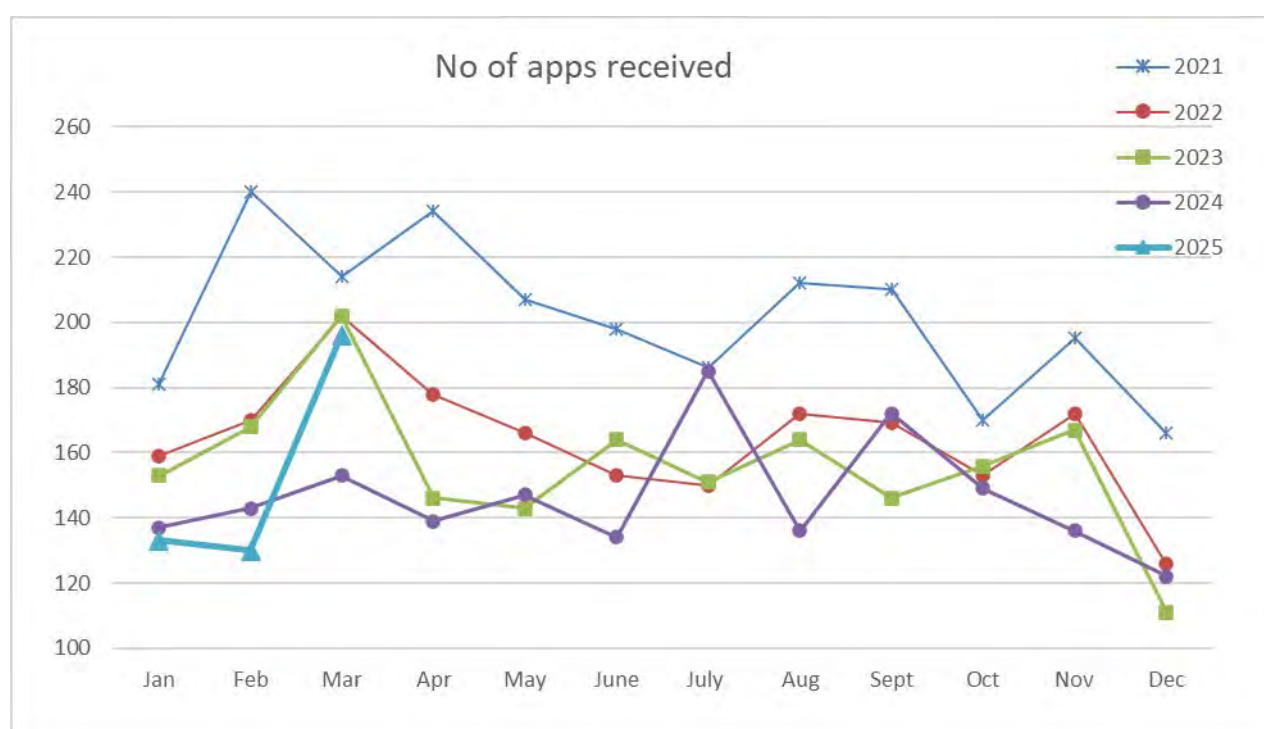
| | Total | Major | Minor | Householder | Other | DIS /NMA | Trees | Pre App |
|--------------------|------------|----------|-----------|-------------|-----------|-----------|-----------|-----------|
| Validations | 178 | 3 | 26 | 44 | 29 | 35 | 30 | 11 |

Open Cases by Team (as at 16/04/2025)

| | Total | Major | Minor | Householder | Other | DIS /NMA | Trees | Pre App |
|---------------------------|------------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|
| Team North (5 FTE) | 224 | 15 | 63 | 36 | 28 | 64 | 0 | 18 |
| Team South (6 FTE) | 149 | 10 | 18 | 27 | 26 | 52 | 0 | 16 |
| No Team (3 FTE) | 28 | 0 | 0 | 0 | 1 | 3 | 23 | 1 |

(No Team includes – Trees Officer and Conservation Officer)

The Planning department received a total of 196 applications during March which is 28% increase of number received during March 2024 (153) and a 51% increase to the number received during February 2025 (130).



Valid Appeals received – 4

| Planning reference | Site Address | Decision Level |
|--------------------|--|----------------|
| 24/00808/FUL | Old Orchard House 1B Upton Lane Littleport | DEL |
| 24/01141/FUL | 19 St Ovins Green Ely | DEL |
| 24/01242/FUL | 12 Swaffham Road Burwell | COMM |

Appeals decided – 1

| Planning reference | Site Address | Decision |
|--------------------|--|----------|
| 24/00441/FUL | Land North West of 3 Arthurs Way Fordham | DISMISS |
| 24/00472/FUL | 16 Barton Road Ely | ALLOW |
| 24/00767/FUL | 4 Chapel Close Little Thetford | ALLOW |

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 20 (0 Proactive)

Cases closed – 22 (3 Proactive)

Open cases per Officer (2.6fte) – 190 (16 Proactive)/2.6fte = 72 FTE

Notices served – 3

Comparison of Enforcement complaints received during March

| Code | Description | 2024 | 2025 |
|---------------|---|-----------|-----------|
| ADVERT | Reports of unauthorised adverts | 1 | 0 |
| COND | Reports of breaches of planning conditions | 4 | 2 |
| CONSRV | Reports of unauthorised works in a Conservation Area | 0 | 0 |
| DEM | Reports of unauthorised demolition in a Conservation Area | 0 | 0 |
| HEDGE | High Hedge complaints dealt with under the Anti-Social Behaviour Act | 0 | 0 |
| LEGOB | Reports of breaches of Legal Obligation (NEW CODE) | 0 | 0 |
| LISTED | Reports of unauthorised works to a Listed Building | 1 | 1 |
| MON | Compliance Monitoring | 0 | 0 |
| OP | Reports of operational development, such as building or engineering works | 8 | 8 |
| OTHER | Reports of activities that may not constitute development, such as the siting of a mobile home | 1 | 0 |
| PLAN | Reports that a development is not being built in accordance with approved plans | 5 | 4 |
| PRO | Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions | 0 | 0 |
| TRECON | No notice of tree works in a Conservation area | 0 | 0 |
| TREHDG | Hedgerow Regulations breach | 0 | 1 |
| TRETPO | Unauthorised works to TPO tree | 0 | 1 |
| UNTIDY | Reports of untidy land or buildings harming the visual amenity | 0 | 0 |
| USE | Reports of the change of use of land or buildings | 2 | 5 |
| TOTAL | | 22 | 22 |

Title: Annual performance in resolving enforcement cases

Committee: Planning Committee

Date: Wednesday 7 May 2025

Author: Planning Enforcement Team Leader

Report number: Z175

Contact officer:

Juleen Roman, Planning Enforcement Team Leader

juleen.roman@eastcambs.gov.uk 01353 616211, room number 007, The Grange, Ely

Purpose of report

This report details the Council's performance in resolving planning enforcement cases and its development monitoring caseload between 1 April 2024 and 31 March 2025.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the content of the report.

2.0 Introduction

- 2.1 This is an annual report to the Planning Committee on the Council's performance in respect of planning enforcement and development monitoring. As this is a new report some historic data is not available but will be captured in the future. The general availability of enforcement data is being reviewed as part of the Enforcement Review which is referred to later in this document.

3.0 Report Details

- 3.1 The table below sets out a range of statistical information relating to the number of planning enforcement and development monitoring cases between 1 April 2023 and 31 March 2025 with details of formal action taken.

| Year | 2023/2024 | 2024/2025 |
|---|----------------------|------------------|
| Planning enforcement complaints received (including high hedges, trees & hedgerows) | 172 | 200 |
| Proactive cases opened | 5 | 17 |
| Development monitoring cases opened | 7 | 0 |
| Total cases received/opened | 184 | 217 |
| Planning enforcement complaints closed (including high hedges, trees & hedgerows) | 171 | 199 |
| Proactive cases closed | 13 | 13 |
| Development monitoring cases closed | 8 | 2 |
| Total planning enforcement complaints on hand at end of year (as of 31st March) | Not available | 163 |
| Total proactive cases on hand at end of year (as of 31 st March) | Not available | 17 |
| Total development monitoring cases on hand at end of year (as of 31st March) | Not available | 8 |
| Total planning enforcement/proactive/monitoring caseload at end of year (as of 31st March) | Not available | 188 |
| Enforcement Notices & Listed Building Enforcement Notices served (excluding any issued by Cambs County Council within the district) | 2 | 6 |
| Breach of Condition Notices served | 0 | 0 |
| Section 215 Untidy Land Notices served | 0 | 0 |
| Temporary Stop Notices served | 0 | 0 |
| Advert related Notices served | 0 | 0 |
| Planning Contravention Notices served | 5 | 23 |
| Section 330 Notices (requisition for information) served | 0 | 0 |
| High Hedge Notices served | 1 | 1 |
| Total Notices Served | 8 | 30 |

3.2 The table below sets out a range of statistical information relating to the number of planning enforcement and development monitoring cases for the past year 1 April 2024 to 31 March 2025 with details of formal action taken.

| Quarter | Quarter 1 (1 Apr – 30 Jun 2024) | Quarter 2 (1 Jul – 30 Sept 2024) | Quarter 3 (1 Oct – 31 Dec 2024) | Quarter 4 (1 Jan – 31 Mar 2025) |
|--|--|---|--|--|
| Planning enforcement complaints received | 53 | 56 | 41 | 50 |
| Proactive cases opened | 7 | 6 | 1 | 3 |
| Development Monitoring cases opened | 0 | 0 | 0 | 0 |
| Planning enforcement cases resolved | 43 | 67 | 41 | 48 |
| Proactive cases resolved | 4 | 3 | 1 | 5 |
| Development Monitoring cases resolved | 1 | 0 | 1 | 0 |
| Planning enforcement cases on hand at end of quarter | Not available | Not available | Not available | 163 |
| Proactive cases on hand at end of quarter | Not available | Not available | Not available | 17 |
| Development Monitoring cases on hand at end of quarter | Not available | Not available | Not available | 8 |
| Total case load on hand at end of quarter | Not available | Not available | Not available | 188 |
| Enforcement Notices & Listed Building Enforcement Notices (excluding any issued by Cambs County Council within the district) | 1 | 1 | 1 | 3 |
| Breach of Condition Notices | 0 | 0 | 0 | 0 |
| Section 215 Untidy Land Notices | 0 | 0 | 0 | 0 |
| Temporary Stop Notices | 0 | 0 | 0 | 0 |
| Advert related Notices | 0 | 0 | 0 | 0 |
| Planning Contravention Notices | 7 | 7 | 2 | 7 |
| Section 330 Notices (requisition for information) | 0 | 0 | 0 | 0 |
| High Hedge Notices | 0 | 0 | 0 | 1 |

4.0 Conclusion and any recommendations

- 4.1 The number of new complaints received over the past 12 months is fairly consistent. With the team comprising of 2.6 FTE this means an average of 62 cases per officer as at year end.
- 4.2 In the third quarter of 2024 the team took over tree enforcement and now record and progress enforcement matters relating to unauthorised tree works in conservation areas, unauthorised works to TPO trees and breaches of the Hedgerow Regulations, as well as High Hedges which we already dealt with.
- 4.3 The Enforcement review commenced at the end of February 2025 and includes reviews on the following: tech (such as using tablets on site visits), templates, data storage, reporting, procedures, customer information, how we accept reports and development monitoring.
- 4.4 Officers are committed to taking a firm and consistent approach for breaches of planning control where material harm has taken place. Now that the team has guidance from a manager who has extensive experience in enforcement, this has enabled us to draw on that experience to review some complex and long-standing cases which has led to an increase in the numbers of planning contravention notices in particular which have been served over the past few months and the progression or closure of some of these cases.
- 4.5 You will note that there are some proactive cases which have been opened over the past two years. These include breaches identified by Planning Enforcement Officers, reviewing the use of public houses which were not trading, additional cases opened to hold notice and appeal information where there are multiple breaches on one site and cases where the team has been asked to monitor a specific situation by colleagues.
- 4.6 There are also some development monitoring cases which the team has undertaken. Some were a test sample of single dwellings to check condition compliance and some involved the monitoring of large developments. However, the team does not currently have the capacity to undertake development monitoring properly due to the reactive nature of our role and the additional tree and hedge related work recently taken on. The condition monitoring module on Uniform is therefore being explored as part of the Planning and Enforcement reviews to try and reduce the manual work required to undertake this monitoring.

5.0 Consultation

- 5.1 N/A

6.0 Alternative Options and Reasons for Rejection

- 6.1 N/A

7.0 Implications

Financial and Resource Implications

7.1 None.

Comments checked by:

David Morren Strategic Planning & Development Management Manager

david.morren@eastcambs.gov.uk

Legal Implications

7.2 None.

Comments checked by:

David Morren Strategic Planning & Development Management Manager

david.morren@eastcambs.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

Corporate priorities of preserving what's special and protecting our quality of life.

Lead Councillor

Councillor Bill Hunt

Bill.Hunt@eastcambs.gov.uk