

TITLE: 21/01549/OUM

Committee: Planning Committee

Date: 05 November 2025

Author: Major Projects Officer

Report No: AA80

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Proposal: Proposed development of up to 13 dwellings to include affordable contribution and access

Applicant: Victoria Stanley Ltd

Parish: Kennett

Ward: Fordham and Isleham

Ward Councillor/s: Julia Huffer
Kelli Pettitt

Date Received: 22 October 2021

Expiry Date: 21 November 2025 (Extension of Time Agreed)

1.0 RECOMMENDATION

1.1 Members are recommended to:

- a. APPROVE the application for the following reason(s): delivery of housing in the district, including affordable housing; potential community and environmental benefits, when compared to the previous employment use;
- b. Grant delegated authority to the Strategic Planning Policy and Development Management Manager to finalise the terms and completion of the s106 legal agreement securing affordable housing provision; as well as financial contributions towards wheeled bins, education and libraries and lifelog learning; and then
- c. APPROVE the application subject to the conditions set out in Appendix 1, or, in the event that the applicant does not agree to any necessary extensions to the statutory determination period to enable the completion of the legal agreement, to REFUSE the application on the grounds that the necessary legal agreement has not been entered into.

- 1.2 The application is being heard by committee because it triggers the Councils Constitution in respect of a departure from the Statutory Development Plan.

2.0 SUMMARY OF APPLICATION

- 2.1 The application is for outline permission for the erection of up to 13 dwellings, except for access, for which permission is sought. Other matters including scale, appearance, layout and landscape will be reserved to future planning stages. The submitted layout is indicative only and aims to demonstrate that the site has capacity for the amount of development sought.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link [Simple Search](#).

3.0 PLANNING HISTORY

- 3.1 The relevant planning history is presented in below:

17/02031/FUM	Proposed 76 Dwellings with associated access, open space and drainage, replacing the dis-used commercial yard and part agricultural land.	Refused	8th November 2018
19/00886/FUM	Proposal for 38 dwellings (40% affordable units) with associated access, open space & drainage, one commercial unit (B1 Office) to be included within 38 dwellings	Refused Appeal dismissed	06.02.2020 27.05.2021
20/00966/FUL	Demolition of a tennis court and construction of 1no. five bedroom 1.5 storey detached dwelling with improvements to existing associated access	Approved	20.01.2021

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises approximately 1ha (2.47 acres) of brownfield land located to the south of Kennett village. To the west of the site is a continuous linear frontage of dwellings along Station Road. Immediately adjacent to the site on the western edge are 2 buildings currently understood to be in E(g) use. To the east is mature woodland and mixed open fields. The river Kennett to the east boundary with the A14 running to the north. Further to the south of the site along B1506/ Bury Road lies Kentford and the boundary with Suffolk.
- 4.2 A vehicular access into the site is gained via a single track on the eastern side of Station Road with a pedestrian and cycle access off Station Road. The site is relatively open but contains features from its former use as an aggregate sorting and storage site e.g., steel and timber boundary treatments and small aggregate piles.
- 4.3 The site lies in Flood Risk Zone 1, an area at low risk of flooding, and is not located in an area at risk from surface water flooding. There are no Tree Protection Orders

(TPOs) on the site. There are no Conservation Areas or listed buildings which could be affected by the proposals. There are no Listed Buildings on the site, and the site is not located within a Conservation Area, however it is located in an area of archaeological interest.

5.0 RESPONSES FROM CONSULTEES

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

Design Out Crime Officers - 22 March 2023

No objection. Noted the area is considered of low risk to the vulnerability of crime, and the changes to the layout seem to have considered previous comments dated of 03 November 2021, despite the Design and Access Statement (DAS) not specifically mentioning crime, disorder, and the fear of crime. Reiterates the importance of security and crime prevention being considered and discussed at the earliest opportunity to ensure that the security of buildings, and the environment provide a safe place for residents and visitors.

Provides advice in relation to Secured by Design aspects (SBD) and invites the applicants to discuss SBD measures to reduce the risk and vulnerability to crime, indicating the development could attain the SBD residential award with consultation.

Cambridgeshire Fire and Rescue Service - 16 March 2023

No objection. Should the Planning Authority be minded granting approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. This has been added as condition 14 in Appendix 1.

Advise on agreement of the position of fire hydrants and noting that where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

Notes that access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access. If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required. Offers further advice on the matter.

Local Highways Authority - 5 November 2021

No objection. Notes the site benefits from access with prior approval (20/00966/FUL). The access was permitted for use by a single dwelling which does not automatically mean that it is acceptable for use by a larger scheme. However, in this instance the access has been designed in such a way that it is appropriate for use by the proposed development.

Notes the indicative nature of the submitted layout highlighting uncertainty regarding Local Highway Authority (LHA) adoption of the road. Notes that in the event the road is offered for adoption, applicants should consider the Council's Highway

Development Management - General Principles for Development guide when preparing any subsequent applications for layout.

Provides further comments relating to the indicative layout, for information only and stating the comments do not impact on the application 21/01549/OUM. No conditions recommended at this stage.

Local Highways Authority - 21 March 2023

Please append the following conditions to any permission granted.

HW8A: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on TAB609-01B.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

ECDC Trees Team - 5 April 2023

Objects the proposal as it represents a significant ingress of built form into an area of open countryside and the indicative soft landscaping will have unknown ownership responsibilities. Reiterates that if trees are in private ownership in gardens, they will have an uncertain retention probability with those plants on the eastern, southern and western aspects at the highest risk of removal once they are of sufficient size to create shading. Previous responses have noted that the indicative soft landscaping did not seem to aid the integration of the development into this rural location.

ECDC Environmental Health - 12 January 2023

No objection. Confirms that the revised floor plans and site layout have been carefully considered, and that the layout could achieve acceptable internal sound levels if the targets are relaxed by 5dB (as afforded by the Standard). Recommends that during any further planning applications there is a Noise Impact Assessment (NIA) submitted to reflect the final layout and design of the site to ensure that acceptable sound levels can be achieved. This secured with condition 6 in Appendix 1.

Recommends conditions relating to construction hours, and Construction Environmental Management Plan (CEMP), and pilling. These were added as conditions 20, 7 and 21 respectively in Appendix 1.

Previous comments have highlighted previous assessments of noise impact and clarified that the proposals were in line with national guidance, reason why no objections were raised. Pointed out that, notwithstanding this position, it is unlikely that the local planning authority (LPA) will find a Mechanical Ventilation with Heat Recovery (MVHR) system acceptable and will expect internal levels to be met with a partially open window. This justifies the requirement for a NIA to be submitted with future planning applications detailing the site layout.

ECDC Waste Strategy - 26 May 2023

No objection, however, noting that the site does not seem to be suitable for a refuse vehicle to enter and turn. Reversing down the road would not be possible due to the road's length of the site's road. Vehicle tracking of a refuse vehicle entering the site,

turning in the turning heads, and leaving is needed. Requests applicants to refer to the Cambridgeshire and Peterborough Waste Partnership (RECAP) Waste Management Design Guide.

Offer advice on maximum wheeled bins dragging distances, charges for and the provision of waste collection receptacles, and instructions for payment of the charges. Highlights that ECDC would 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.

ECDC Ecologist - No Comments Received.

CCC Growth & Development - 11 October 2023

No objection. Assesses impact of proposed development on education and library provision and recommends securing contributions towards early years provision, primary and secondary education and its library service.

Lead Local Flood Authority - 26 May 2023

No objection, following submission of further information demonstrating that surface water from the proposed development can be managed through the use of infiltration basins and plot soakaways to treat and discharge water into the ground. Contamination remediation would be required to ensure that the infiltration would not pose a risk to underlying groundwaters. In the event the contamination cannot be removed from the site, surface water will discharge to the river Kennett, through land under control of the developer. Attenuation will be provided in small basins and treatment will be through permeable paving and the basins. In this 17 May 2022 response, the LLFA had recommended conditions regarding surface water run-off and surface water drainage, added as conditions 8 and 13 in Appendix 1, and informative relating to Ordinary Watercourse Consent and Pollution Control.

Cambridgeshire Archaeology - 16 March 2023

No objection. Reiterates that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Recommends informative and a condition to secure a programme of archeological work. This latter has been added as condition 12 in Appendix 1.

Anglian Water Services Ltd - 21 March 2023

States it has assets close to or crossing this site or such assets subject to an adoption agreement. Suggests the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. Offers further advice on the matter and notes that the diversion works should normally be completed before development can commence.

States that the foul drainage from the development is in the catchment of Newmarket Water Recycling Centre that will have available capacity for the anticipated flows.

States that the proposal to install a pumped connection, to the foul sewer in Bury Road, for a development of 13 dwellings is acceptable. It does not require a planning condition for foul water. It notes that if the developer wishes Anglian Water to be the adopting body, the proposed pumping station will need to be designed in accordance with the Design and Construction Guidance, and noting that the technical details including proposed pumped rate, will need to be raised at S104/S106 stage upon engaging with Anglian Water's drainage team.

States that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Offer further advice on the matter.

Notes that from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets and therefore does not comment on the suitability of the surface water management. Offers advice on consulting relevant statutory bodies and reiterate that if the developer wishes Anglian Water to be the adopting body for the SuDS, these will need to be designed in accordance with the Design and Construction Guidance.

Environmental Health (Scientific Officer) - 16 March 2023

No objection. Notes that a site investigation carried out in support of a previous application highlighted contamination issues connected with the site's previous industrial and recommended further investigation. Recommend standard contaminated land conditions, which have been added as conditions 9, 10, 11, and 19 in Appendix 1.

Parish - 18 May 2022

No objection, however expresses some concern in relation to the above development which is close to a flood plane, noting Anglian Water have committed to keeping water in the river at Kennett, and querying this would increase the risk of flooding in the future as the development is in close proximity to the river. In previous responses have expressed concerns that no charging points appeared to be included in the proposals.

Technical Officer Access - 12 November 2021

No objection. Makes recommendations regarding the detailed nature of the footpaths, ramps and dropped kerbs. States its objection to shared surfaces and the position of the garage for unit 13. Expresses concern for residents who are disabled regarding the lack of facilities in the vicinity including poor street lighting, inadequate pavements, busy cross-roads, lack of a bus route and doctors' surgery in the village. Notes that people with disabilities can require extra warm light and water. Notes requirements of Building Regulations in respect of disabled access/living.

Consultee For Other Wards in Parish - 23 November 2021

(Kentford Parish Council) Objects on the basis of its concerns regarding design and layout being out of character with this rural area specifically the continual encroachment on the recognized gap between the two parts of our village, physically separated by the River Kennett. States to be keen, and supported by planning

authorities and the recent Planning Inspectorate report, to maintain this important visual gap. Expresses concerns regarding unacceptable noise levels for residents from the adjacent A14, flood risk and drainage, contaminated land and impact on groundwater. Notes that tree-felling on or near the site has opened up views through to the site from Station Road.

Ward Councillors - No Comments Received.

5.2 A site notice was displayed near the site on 17 March 2023 and on 05 November 2021, and a press advert was published in the Cambridge Evening News on 4 November 2021.

5.3 Neighbours – 27 neighbouring properties were notified and in total 7 letters have been received from 4 different properties. The summary of their responses are below, noting that a full copy of the responses are available on the Council's website:

- Lack of housing need
- Increase in traffic and highway safety;
- Parking problems;
- Issues with flooding and groundwater.
- Detrimental to wildlife and trees;
- Need creation of woodland on the site to buffer noise;
- Noise pollution;
- Air pollution;
- Climate change;
- Contaminated land from previous uses;
- Lack of drainage infrastructure locally.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1	Levels of Housing, Employment and Growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
Part Two	Village/Town Visions 8.18 Kennett

6.2 Cambridgeshire and Peterborough Waste and Minerals Local Plan 2021

POLICY 5 Mineral Safeguarding Areas (MSAs)

6.3 Supplementary Planning Documents

Cambridgeshire Flood and Water SPD
Climate Change SPD
Contaminated Land SPD
Design Guide SPD
Developer Contributions SPD
Natural Environment SPD
Hedgehog Recovery Design Guidance SPD

6.4 National Planning Policy Framework (December 2024)

- 2 Achieving Sustainable Development
- 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
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.5 Planning Practice Guidance

7.0 **PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

7.1 **Principle of Development**

7.2 Policy GROWTH 1 of the Local Plan 2015 sets out the levels of housing to be delivered in Local Plan period, expected to be of 5,400 dwellings in the district, with Policy GROWTH 2 setting out the overall strategy for the distribution of growth across the district. The Local Plan is up to date, and these policies aim to ensure that growth takes place in appropriate locations across the district. Within the defined development envelopes, housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied. The proposal is located inside the defined development boundary for Kennett as set out in the policies maps under the Local Plan.

7.3 Notwithstanding the location within the village's envelope, the proposal is for the development of residential use, on a site with previous use as cement aggregates, and therefore an employment use. The buildings' last known use dates of 2020, and was for light industrial/ office use, currently falling under Class E of the Town and Country Planning (Uses Classes Order) 1987 (as amended). The use was previously defined as a B1 Class use, and imagery confirms that at least since 2020 the site appears to be vacant.

- 7.4 Local Plan policy EMP 1 seeks to retain land or premises currently or last used for employment purposes (B1 - now Class E -, B2 and B8 uses). As an exception, planning applications for mixed-use re-development involving an element of employment uses may be permitted, where it can be demonstrated that:
- a. Continued use of the site for 100% employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or,
 - b. The redevelopment of the site would bring significant environmental or community benefits which outweigh the partial loss of employment uses.
- 7.5 Policy EMP 1 further sets out that planning applications for re-development which propose the loss of all employment uses (as in this case) will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of the scheme. Planning applications for redevelopment/ development for other purposes will be assessed on their merits, taking account of criteria a and b above, and other policies in the Local Plan (particularly those relating to development in the countryside and impact on local character).
- 7.6 In relation to criteria (a) of Policy EMP1, evidence of the lack of viability of the site has not been submitted. As set out in Policy EMP1, the Council will seek to retain employment allocations for their designated B1/B2/B8 uses, and this would be in particular given the flexibility associated with what would be the current E-class uses. Nonetheless, it does appear that there is a lack of demand and interest for commercial premises in the area. This has been identified previously in the Planning Inspector report assessing appeal ref. APP/V0510/W/20/3256802 made against the refusal of the planning application ref. 19/00886/FUM for the same site, where it states that the 2017 report
- "records that there were a significant number of commercial properties for sale or to let within 5 miles of the site, and a significant number of existing employment sites within a 3 mile radius of the site. The report concluded that there is not likely to be any significant demand for commercial use of the site. This conclusion is based on the number of alternative properties available in the area, rather than any particular aspect of the site which might limit its commercial attractiveness."*
- 7.7 In relation to criteria (b) of Policy EMP 1, given this location surrounded by residential use (including from the implementation of planning permission ref. 20/00966/FUL, sharing access with the site), it is reasonable to admit that existing residents may be concerned over compatibility of the use in this regard. Arguably, the site may have become less compatible and is now more appropriate to come forward as a residential use, subject to an assessment and mitigation of any associated adverse impacts that may arise from this. This would bring about some community benefit, as housing in this location may be more compatible in any case. The redevelopment of the site would bring about opportunities to secure additional planting and other long-term biodiversity enhancements, against what is currently a relatively sterile, brownfield site.
- 7.8 As noted above, the site is within the development envelope in Kennett and is surrounded by residential properties along Station Road. Notwithstanding that the proposed development could be perceived from other points including from Bury

Road and surrounding open countryside, the residential development of the site would accord more with the built pattern and character of the settlement. Moreover, it has potential to avoid harm to the open character of the countryside, subject to final design and landscaping, which will be detailed in next planning stages, should outline permission be granted.

- 7.9 In summary, considering the site's characteristics and location within the development envelope, alongside the potential lack of market demand for the previous employment use, it is concluded that the site would bring about some community benefit, and the proposal would be aligned to criteria (b) of Policy EMP1. Housing in this location may be more compatible and, subject to suitable design detailed in the next planning stages, the development would not result in harm to the character of the area.
- 7.10 Further to the above, the site being vacant for 5 years or more would lead to an argument as to whether the site remains as an employment site, considering the main structures of the previous use are no longer present. Any enforcement action against a potential unlawful demolition of the employment site would not be feasible or expedient, given the time lapsed. Furthermore, the site is not designated as employment use on the Local Plan. It is considered therefore that the principle of the development is supported through Local Plan policies GROWTH1 and GROWTH2 and does not conflict with Policy EMP 1 of ECDC's Local Plan.
- 7.11 Access and Impact on Highways**
- 7.12 Policy COM7 of the Local Plan states 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. Development proposals shall provide safe and convenient access to the highway network and be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM8 requires development proposals to provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Council's parking standards (including parking for people with impaired mobility).
- 7.13 Kennett has a range of services and facilities, and walkers and cyclists are in easy access to a network of footpath and bridleways. The site is also at approximately 350 metres (0.22 miles) away from Kennett train station, which makes it a sustainable location in terms of transport, for the scale of development proposed and the context where it is inserted. Provision for parking, including for cycles, will be assessed with the submission of reserved matters in accordance with the parking standards set out in Policy COM8.
- 7.14 The Local Highways Authority (LHA) has reviewed the submission and noted that the site benefits from an access with prior approval (permission ref. 20/00966/FUL). The LHA confirmed that, whilst the access was permitted for use by a single dwelling, it has been designed in such a way that it is appropriate for use by the proposed development as well.
- 7.15 Concerns raised by the Technical Officer Access are noted, and applicants will be required to meet requirements of Policy COM7 and consider the travel and transport

needs of people with disabilities, when the final layout is submitted in the future for approval with the relevant reserved matters. This will include the design of the internal road, including foot/cycleway as applicable, as permission for the layout is not sought with this outline application. Conditions have been applied on this topic.

- 7.16 In conclusion, the development would be in a location where sustainable travel could be promoted. The access to highway would be safe and convenient and it would be capable of accommodating the level and type of traffic generated without detriment to the local highway network, as required by Policy COM7.

7.17 Landscape and Character

- 7.18 Policy ENV1 of the Local Plan requires that development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance the settlement edge and the wider landscape setting.

- 7.19 Whilst approval of layout, appearance and landscape matters are not sought with this application, an indicative layout has been submitted to demonstrate how likely the development would fit into the area, should outline permission be granted and details for such reserved matters approved. It can be concluded from the indicative layout the arrangement would not result in visual harm sufficient to warrant refusal of the application and that a suitable scheme could likely be secured at reserved matters, responding positively to the character and settlement pattern of the area. After planting would have established, ultimately it is possible to conclude that the site is capable of change, and the proposed development would not be incongruous or result in significant harm to the character of the countryside or the village.

- 7.20 Requirements for the design of the internal road made by the ECDC's Waste Team and the LHA are noted, and it is acknowledged that these could affect the proposed layout. These aspects however will be assessed against the relevant policies when reserved matters are submitted for approval in the future.

- 7.21 Consequently, the development as indicated would not conflict with Policy ENV1 of the Local Plan, as well as with the Design Guide SPD, as it is likely that a scheme could come forward which would complement the local distinctive character of the area which protecting the intrinsic beauty of the countryside.

7.22 Residential Amenity

- 7.23 Whilst approval of layout is not sought with this application, an indicative layout has been submitted to demonstrate that the quantum of development could be satisfactorily accommodated within the site and be compliant with other design requirements within Policy ENV2 and the Design Guide SPD.

- 7.24 The submitted indicative layout demonstrates that the quantum could likely satisfactorily fit into the site and could achieve rear garden sizes and could provide some form open space proportionate to the scale of the development. Whilst the proposed quantum of development would not trigger open space requirements in the Developer Contributions SPD, requirements for SuDS to be explored and for the

proposed buffer to assist with alleviating any visual impact from development, may be taken as opportunity to deliver public/ communal open spaces in the next planning stages. This could also address concerns raised by ECDC's Trees officer.

7.25 Consultation responses raised concerns regarding the impact from air and noise pollution from the traffic on the A14. Whilst the proximity to the A14 would justify the submission of an Air Quality Assessment prior to determining this application, we recommend one is submitted prior or at the same time as the reserved matters seeking approval for layout. This and the noise impact on the future residential amenity will be controlled by recommended conditions. The suggestion for the creation of a woodland in this site is noted; however, this is not part of the proposal and the site is not designated as local green/ open space.

7.26 The comments from the Fire and Rescue Service, the Designing Out of Crime team, the ECDC's Waste Strategy team and the LHA are noted, and it would be for the developer to bring forward a detailed scheme which considers the recommendations, to address requirements within Local Plan Policy ENV 2.

7.27 Historic Environment

7.28 The County Council's Historic Environment Team has reviewed the application in relation to the archaeological potential of the site. In their comments they note that records indicate that to the northwest of the application area is the nationally important Howe Hill Bronze Age tumulus, designated as a Scheduled Monument (National Heritage List for England reference 1015011).

7.29 Further evidence for ploughed out barrows is recorded in the vicinity as noted by the Team, in an area where geophysical survey in advance of a solar farm has recorded settlement enclosures, and evidence for prehistoric settlement and flint working is known to the west. Archaeological investigations comprising aerial photographic and geophysical surveys as well as intrusive evaluation undertaken to the north-west of the site between the Howe Hill tumulus and Kennett Station have also identified evidence for prehistoric activity. In addition, a moated site of probable medieval date is located to the west at Dane Hill Farm. The Team also notes that the site is at a short distance from the River Kennett to the east, and that historic records from the neighbouring county Suffolk include evidence for Saxon settlement in the vicinity.

7.30 Given this context, the Team whilst not objecting to the proposal requires a condition to secure a programme of archaeological investigation, to ensure that any archaeological remains are not destroyed or damaged by the proposed development. This is agreed as in line with Policy ENV 14, and a condition is recommended accordingly.

7.31 Ecology

7.32 Policy ENV7 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 Natural Environment SPD requires that all development proposals would be expected to provide environmental enhancements proportionate to the

scale and degree of the development proposed. In line with Policy ENV 7 and the Natural Environment SPD, the Hedgehog Design Guide SPD requires all residential developments that are not householders to provide a scheme of hedgehog recovery proposals, irrespective of whether hedgehogs are known to be on the site or not.

7.33 It is noted that the proposed development is exempt from the Biodiversity Net Gain requirements in current legislation, as the application has been made before day one of mandatory BNG on 12 February 2024. The site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone, however given the proposal is for less than 50 residential units, it is unlikely that it would affect a SSSI, in line with the guidance provided by Natural England.

7.34 Whilst the application was not supported by a preliminary ecological appraisal (PEA), and comments have not been received from the relevant team at ECDC, it is possible to ascertain that given the site's characteristics and former use that the proposal would not affect biodiversity and geology. During the assessment of future stages of layout and landscape, the proposals would be expected to demonstrate that opportunities for creation of natural habitats and for providing environmental enhancements have been maximised, as required by Policy ENV7, the Natural Environment SPD and the Hedgehog Design Guide SPD. A condition to secure biodiversity improvements with the next planning stages has been recommended in the regard.

7.35 Flood Risk and Drainage

7.36 The application site is in an area at low risk of flooding, and not in an area of risk of surface water flooding. The application is supported by a flood risk assessment (FRA) which demonstrates that surface water can be adequately managed on site without causing flooding elsewhere. This would be subject to further demonstration a detailed design stage – but nonetheless the Lead Local Flood Authority has accepted the outline drainage strategy and it is considered that the proposal complies at this stage with the aims of Local Plan policy ENV 8.

7.37 Matters of foul drainage would also need to be secured at detailed design stage 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 wastewater recycling centre has available capacity for the development.

7.38 Housing Mix

7.39 Developments of 10 or more dwellings are required by Policy HOU1 of the Local Plan to provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs, and Policy HOU2 seeks to secure that the appropriate density is achieved. The proposal is for the development to incorporate different house types while remaining within the character of Station Road and Kennett as a whole. This will be assessed with any future submission to approve layout and appearance, in line with policies HOU1 and HOU2 of the Local Plan.

7.40 Furthermore, the appropriate mix for the market and affordable units will need to be, should outline approval be granted, as part of a reserve matter application. The proposal also includes the provision of 40% of the units to be made affordable homes.

This is recommended to be secured by a S106 Legal Agreement, in line with Policy HOU3 of the Local Plan and the Developer Contributions SPD. Subject to the completion of the necessary S106 agreement, the development would accord with the requirements of Policy HOU3 of the Local Plan.

7.41 Other Material Matters

7.42 Policy GROWTH 3 of the Local Plan requires developments to mitigate their impacts through infrastructure provision, by way of planning conditions and/ or S106 obligations. The requirements for education and library contributions sought by the County Council are necessary to mitigate the impacts of the development, meet the tests as set out under CIL Regulations and align with the Council's Developers Contributions SPD. Subject to the completion of the necessary S106 agreement(s), the development would accord with the requirements of the Local Plan and SPD in respect of infrastructure.

7.43 Policy ENV9 of the Local Plan requires development proposals located where there is reason to suspect contamination to include an assessment of the extent of the contamination and any possible risks. As assessment has not been provided with the application, however in reviewing the proposals, the Environment Health officers noted that a site investigation carried out in support of a previous application highlighted contamination issues connected with the site's previous industrial and recommended further investigation. A condition is recommended to address the matter, which will allow the proposals to accord with Policy ENV9 regarding land contamination.

7.44 Planning Balance

7.45 Having considered the Local Plan Policies and the site context, it is concluded that the redevelopment of this previously employment site into residential to deliver up to 13 residential units should be supported. The benefits of the redevelopment would outweigh the loss of an employment site, which in fact is not allocated as such in the Local Plan, and has not been in use and has been vacant for at least five years, and therefore it could be argued that it is not effectively an employment site.

7.46 Notwithstanding this, the redevelopment of the site by introducing the residential use would be more compatible to the surrounding use and character of Station Road and would deliver environmental benefits by being more compatible and capable of protecting the residential amenity of the neighbouring properties, by reducing emissions likely to occur in an employment site, such as the previous use as cement aggregates. A less pollutant community benefits which outweigh the partial loss of employment uses. Pending details of layout, appearance, scale and landscape, the development could be well integrated and avoid harm to the open countryside to the east, and when viewed from this and gaps along Bury Road.

7.47 Further to the above, the redevelopment would meet policy requirements in relation to delivering 40% affordable homes, contributing to the need in the district and locally. The expectation is for the next planning stages to confirm the development could be delivered following policy-compliant standards for sustainable construction and design, as well as sustainable drainage and biodiversity improvements.

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.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The policies of the Development Plan;
 - The location of the site entirely within the development envelope of Kennett;
 - The introduction of a less pollutant use that is more compatible with the surrounding residential area;
 - The Council's need for affordable housing provision;

- That details of layout, appearance, scale and landscape, are not approved with this application and, pending these, the development could be well integrated and avoid harm to the open countryside.

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

Background Documents

21/01549/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 - 21/01549/OUM Conditions

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

Plan Reference	Version No	Date Received
TAB609-01 Access	C	23rd March 2023
TAB609-SK01 Location Plan	A	10th March 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Climate Change SPD, 2021. This condition is pre-commencement as some of the measures may be below ground level.
- 5 As part of the any residential reserved matters application, an air quality impact assessment to demonstrate the effect on the residential amenity of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved document and any mitigations to identified impacts, if applicable.
- 5 Reason: To safeguard the residential amenity of future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 6 As part of the any residential reserved matters application, a noise impact assessment demonstrating that acceptable internal noise levels will be achieved for the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved document and any mitigations to identified impacts, if applicable.

- 6 Reason: To safeguard the residential amenity of future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7 Prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the LPA.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.
- 8 Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.
- 9 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. 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.

- 9 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 10 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 10 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 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 Prior to the commencement of any development, the remediation scheme approved in Condition 10 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved 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 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) The statement of significance and research objectives;
 - b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The timetable for the field investigation as part of the development programme;
 - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

- 12 Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).
- 13 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy prepared by G.H. Bullard & Associates LLP (ref: 101/2022/FRA Rev P1) dated April 2022 and Drainage drawing prepared by TAB Architecture Ltd (ref: TAB609-16) dated 15 May 2023 and shall also include:
- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
 - d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - e) Site Investigation and test results to confirm infiltration rates;
 - f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
 - h) Full details of the maintenance/adoption of the surface water drainage system; and
 - i) Permissions to connect to a receiving watercourse or sewer.
- 13 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.
- 14 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 14 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 97 of the NPPF.
- 15 No above ground construction shall commence until full details of hard landscape works in relation to the access showing in drawing ref. TAB609-01 Access Rev C have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 Prior to occupation (or as part of any reserved matters application) a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 16 Reason: To ensure that the proposal meets with the requirements to maximise opportunities for creation of habitats as an integral part of the proposal, as stated in policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 17 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 17 Reason: To ensure construction of a satisfactory access, in accordance with Policy COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown in drawing ref. TAB609-01 Access Rev C.
- 18 Reason: To ensure construction of a satisfactory access, in accordance with Policy COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified

in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

- 19 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 (as amended 2023).
- 20 Construction times and deliveries during the construction phase are restricted to the following: 07:30 - 18:00 each day Monday – Friday; 07:30 - 13:00 on Saturdays and None on Sundays or Bank Holidays.
- 20 Reason: To safeguard the residential amenity of neighboring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 21 If it is necessary to undertake ground piling a method statement shall be submitted and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place, they can contact the contractor. If the method of piling involves impact driving, works will be restricted to the hours (specifically for piling) between 09:00 - 17:00 each day Monday - Friday and none on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling, this shall be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

- 21 Reason: To safeguard the residential amenity of neighboring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).