



# East Cambridgeshire District Council

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## Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 6 November 2024

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

Enquiries regarding this agenda: Cameron Overton

Telephone: (01353) 616330

Email: [cameron.overton@eastcambs.gov.uk](mailto:cameron.overton@eastcambs.gov.uk)

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## 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 members

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

### Liberal Democrat substitutes

Cllr Christine Colbert  
Cllr Lorna Dupré  
Cllr Mary Wade

**Lead Officer:** David Morren, Interim Planning Manager

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**09:30am:** Planning Committee members meet at The Grange reception for site visits.

## 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 7]  
To confirm as a correct record the minutes of the Extraordinary meeting of the Planning Committee held on 13 August 2024 and of the Planning Committee meeting held on 4 September 2024.

**4. Chair's announcements** [oral]

**5. TPO/E/05/24** [Page 45]  
Confirmation of Tree Preservation Order E/05/24  
Location: Land South East of 4 Meadowbrook, Aldreth, Cambridgeshire

**6. 23/01088/FUM** [Page 71]  
Full planning permission for the development of retirement housing with support (use class C3) (age restricted to over 60s) comprising 21 dwellings, a residents community building, landscaping, access and associated infrastructure  
Location: Land East Of 19 Station Road, Fordham, Cambridgeshire  
Applicant: SageHaus Living  
Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S1YJX4GGG0K00>

**7. 23/01403/FUM** [Page 135]  
Replacement of existing marquee with proposed extension including new ceremony room and guest bedrooms below, together with a new separate office building and associated works.  
Location: The Old Hall, Soham Road, Stuntney, Ely, Cambridgeshire, CB7 5TR  
Applicant: The Old Hall  
Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S6C2OLGGI9T00>

**8. 24/00160/ESF** [Page 169]  
Battery energy storage facility and associated works  
Location: Site At Anchor Lane Farm, Newnham Drove, Burwell  
Applicant: Burwell AL Ltd  
Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S8R4XWGGJKQ00>

**9. 24/00323/FUL** [Page 243]  
Change of use of agricultural field to a dog park with fencing, double access gate and proposed footpath  
Location: Land North West of Harlocks Farm, Soham Road, Stuntney, Cambridgeshire  
Applicant: Cole Ambrose Limited  
Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SARDZHGGKOH00>

Demolition of single garage, construction of two semi detached bungalows and associated works

Location: 12 Swaffham Road, Burwell, Cambridge, CB25 0AN

Applicant: Mr & Mrs M Smith

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCPEZDGG0CU00>

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## 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/car-parks-ely) (<https://www.eastcambs.gov.uk/parking/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 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/meetings/planning-committee-061124) (<https://www.eastcambs.gov.uk/meetings/planning-committee-061124>). 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/committees/public-speaking-planning-committee) (<https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>). 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](mailto:democratic.services@eastcambs.gov.uk), to **register by 10am on Tuesday 5th November**. 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 Parish/Town Council
  - 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](mailto: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).”

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# East Cambridgeshire District Council

## **Minutes of an Extraordinary Meeting of the Planning Committee**

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on  
Wednesday 13 August 2024

### **Present:**

Cllr David Brown  
Cllr Lavinia Edwards  
Cllr Julia Huffer (substitute for Cllr Martin Goodearl)  
Cllr Bill Hunt (Chair)  
Cllr James Lay  
Cllr Alan Sharp (substitute for Cllr Christine Ambrose-Smith)  
Cllr John Trapp  
Cllr Ross Trent  
Cllr Christine Whelan  
Cllr Gareth Wilson

### **Officers:**

Maggie Camp – Director, Legal  
Catherine Looper, Planning Team Leader  
Leah Mickleborough, Interim Senior Democratic Services Officer  
Yole Milani Medieros, Planning Consultant  
David Morren, Interim Planning Manager  
Cameron Overton, Trainee Democratic Services Officer  
Amy Robinson, Senior Ecologist  
Karen See, Senior Environmental Health Officer  
Christopher Smith, Environmental Health Officer

### **In attendance:**

Dr Richard Brixey, Applicant  
Alan Cunningham, Agent  
County Cllr Mark Goldsack  
Town Cllr Keith Horgan  
Town Cllr Alec Jones  
Annabelle Le Lohe, Agent  
Tom Kershaw, Agent  
David Parke, Cambridgeshire and Peterborough Clinical Commissioning Group (for  
the applicant)  
Richard Seemark, Agent  
Ashley Seymour, Agent  
Khalid Shaban, Agent  
Jez Tuttle, Cambridgeshire County Council (Transport Assessment Team)  
Cllr Lucius Vellacott

Louisa Wood, Applicant

**In attendance for agenda item 4 only:**

Ben Corne, Environment Agency

Phil Duff, Objector

Sarah Fairhurst, Objector

Shane Luck, Cambridgeshire County Council (Local Highways Authority)

Harry Pickford, Cambridgeshire County Council (Lead Local Flood Authority)

Liam Robson, Environment Agency

Hamish Ross, Objector

13 other members of the public

Lucy Flintham – Development Services Office Team Leader

Melanie Wright – Communications Officer

## **24. Apologies and substitutions**

Apologies for absence were received from Cllrs Christine Ambrose-Smith, Chika Akinwale and Martin Goodearl

Cllrs Julia Huffer and Alan Sharp were attending as substitutes.

## **25. Declarations of interest**

Councillor Chrstine Whelan declared that she was a former member of Mereside Patient Participation Group but would be remaining in the meeting room and voting.

Councillors Alan Sharp and Bill Hunt declared that they were members of Cambridgeshire County Council, the owners of This Land Development Ltd (applicant, agenda item 4) and This Land Ltd (joint applicant, agenda item 5). Councillor Sharp confirmed that he was not part of This Land Ltd, whilst Cllr Hunt confirmed that similarly, he was not part of This Land Ltd and had not taken part in decision making at the County Council in relation to This Land, and therefore would be participating.

A member of the public raised a point of order regarding members participation in the committee when they are also members of the County Council, given this could give rise to a conflict of interest. The Chair confirmed that both he and Councillor Sharp had set out their positions as County Councillors. He had taken advice on his position and would be approaching all matters with an open mind.

## **26. Chairman's announcements**

To assist members of the public present in the room, the Chair introduced those present at the meeting and explained that given the significance of the applications before the Committee, he had agreed to extend public speaking to 10 minutes per category of speaker. Given the range of matters that may be covered by the Committee, he requested that questions and responses be kept succinct.

## 27. 19/01600/ESO – Soham Gateway

Catherine Looper, Planning Team Leader, reminded the Committee of the updates that had been published on Friday, 9 August. Following the completion of the report before the Committee (reference Z48), the inspector had published their report on the Soham and Barway Neighbourhood Plan. The amendments have been accepted by both Soham Town Council and East Cambridgeshire District Council, and so the Neighbourhood Plan will proceed to referendum. This meant that the Planning Committee was obliged to have regard to the neighbourhood plan in its decision making, however in officers view, the changes to the plan were not so significant to materially impact the assessment of either application as detailed in the officer reports for agenda items 4 and 5.

Yole Milani Medeiros, Planning Consultant, presented the application to the Committee. In doing so, she reminded members that this was an outline application to guide the reserved matters, which would be subject to separate applications, and confirmed to members which matters they were determining at this stage.

The Committee were informed that one further letter of representation had been received since the agenda publication, however this did not alter the recommendations within the Committee report.

The main considerations for the application were deemed to be:

- **Principle of development** – It was confirmed that the site was included as part of the allocation SOH3, and officers confirmed how the proposals aligned to the local plan policy.
- **Flood risk and drainage** – as the site was at risk of flooding, a surface water drainage strategy had been agreed by all parties
- **Highways access and movement** – a new roundabout was proposed from the A142 to provide site access. The local highways authority had accepted the proposals, subject to conditions
- **Green Infrastructure and landscape** – The officer explained that a landscape management plan would be required, and whilst the general arrangements were accepted, soft and hard landscaping and tree planting would require re-submission
- **Biodiversity and trees** – there was the potential for a biodiversity net gain of 10%, but this fell short of the 20% required by the neighbourhood plan. Concerns regarding the impact of domestic pets and potential mitigation would be secured through conditions.

- **Housing mix** – Officers confirmed that at this stage, the housing mix was not fixed. The proposed level of affordable housing was 20%, which was below the 30% that the local plan aimed for, however there would be review mechanisms established at each stage of the reserved matters applications to confirm whether the affordable housing levels could be increased.
- **Design, character and density** – Officers explained that the site had been designed to protect views of St Andrews Church, with higher elevations proposed towards the middle of the site.
- **Residential amenity** – The site is allocated in the local plan. Officers confirmed that the layout and scale of development is not fully defined at the outline stage.
- **Historic environment** – Officers reiterated the protection of the views of the Church, however there are no impacts on locally listed buildings.
- **Energy and sustainability** – It was expected the development would meet the local carbon reduction targets in the local plan, however a sustainability and energy statement would be submitted at each stage of reserved matters.
- **Infrastructure and s.106 agreement** – Officers set out the proposed requirements within the s.106 agreement, as identified in the report.

In summary, officers were proposing approval of the application, subject to the conditions and s.106 agreement obligations set out in the report and the update sheet circulated.

Hamish Ross, objector, addressed the committee, accompanied by Phil Duff and Sarah Fairhurst.

Mr Ross set out that this was the site represented a unique, historic environment of importance, with a site of special scientific interest in close vicinity to the application. He outlined the concerns raised by both the local wildlife trust and the Campaign to Protect Rural England (CPRE), that the development did not comply with the landscape guidance within policy GROWTH 3. The Soham Town Commons are recognised as a strategic green infrastructure, so permission should only be given where there is a need for development which significantly outweighs the negative impact on the infrastructure as expected by policy COM 5. The Soham Vision within the local plan makes clear the need to protect the Commons.

Mr Ross explained that an independent noise consultant had raised concerns regarding the information submitted by the applicant, and the Council's assessment of this, which the consultant believed was fundamentally flawed. He highlighted that on similar sites significant mitigation had been required because of the noise assessments and queried why the same mitigation was not required for this application. Given the flaws in the noise assessments, he queried whether the outline application should be allowed.

Mr Ross returned to the concerns of CPRE, who had raised that the loss of open space was unacceptable and the impact on the historic landscape, ecology and protected species may not be truly understood.

The site is located within flood zones, and Mr Ross highlighted local experiences which appeared different to the applicant's statement, and in particular residents who are unable to obtain home insurance to cover floods. For other residents there would be a loss of view which impacted their residential amenity, and the sewerage system was already struggling to cope.

It was explained that Brewhouse Lane is a narrow, residential street and the proposed highways links were not reflective of the Soham Vision.

Concluding, Mr Ross raised a recent appeal case in Haddenham, which the same developer had lost, due to the development's impact and design, which he believed set precedent to reject this application on similar grounds. He felt that the proposals overall did not offer the Gateway scheme envisaged and set out the significant local opposition to the proposed scheme.

The Chair invited members to ask questions of the objectors. Cllr Trapp requested further information about the noise mitigation required at a site further to the South of the current proposals and how close this was to a roundabout. In response, it was confirmed the other site is not close to a roundabout and that the location of the roundabout on the current site could create a higher noise environment.

Councillor Trapp also sought clarity on the flood insurance issues experienced by local residents. It was confirmed that the objectors do not have specific details of the number of residents affected but gave examples of those that had been impacted by this issue.

The Chair queried the figures on the number of homes used by the objectors in their statement. Mr Ross confirmed that he had meant 540 homes, which was the maximum proposed by this application, but regardless of the number, his arguments against the application remained the same.

The Chair invited the applicant to speak.

Richard Seamount, agent for the applicant, thanked officers for bringing the application forward. He set out that the applicant had made a number of changes since the application was first submitted in 2019. The changes had been subject to consultation and significant public scrutiny, so that now, no technical objections to the proposals remained.

He outlined what the application would include, and how he felt it complied with policy SOH3. A roundabout access from the A142 had been included, with provision for future access to the other sites included in the local plan allocation. The highways authority considered that a single point of access to the site was acceptable, but the applicant had provided a secondary access through Brewhouse Lane as part of the medical centre development.

The open space included in the development was in line with the policy requirement. The biodiversity net gain assessment demonstrated a potential

for 10%, which had been reviewed by the county wildlife trust, Natural England and the county biologist. Whilst a detailed plan would need to be developed, the financial contributions required by the s.106 agreement could help to enhance the Town Commons.

He recognised that this was the biggest scheme in Soham since 2015 and set out the levels of consultation undertaken. He felt that the development would provide social and economic benefit to the Town, most notably through provision of the medical centre, jobs, houses, open space and the CIL and s.106 contributions.

Louisa Wood, Chief Operating Officer for Mereside Medical (joint applicant for agenda item 5), who operate Staploe Medical Centre in Soham, spoke in relation to the importance of the new medical centre proposed.

She explained that the practice had spent 13 years seeking a new location for the medical centre due to the growing population and regulatory constraints. The only viable option available is for a new facility, in a new location, and that development of the medical centre is contingent on the Eastern Gateway development. Any delays in the planning process would have a direct impact on service delivery; at present, the services the medical centre can provide are limited. The medical centre development had broad support from local parishes and other partners.

Councillor Sharp queried why the medical centre development was contingent on the Eastern Gateway, and whether the access into Brewhouse Lane was a separate issue to construction of the medical centre.

In response, Louisa Wood confirmed that the land allocation for the new medical centre was within the Eastern Gateway development, and there has been no other suitable site found. The land would only be available for a medical centre if the Eastern Gateway receives permission.

Councillor Trapp referenced his concern that the medical centre was contingent on the Eastern Gateway development and considered whether it might be possible to build a centre in another local village. He then asked whether the self-build plots will be serviced, whether there will be a significant increase in traffic through Brewhouse Lane, and why different noise mitigation was required on other sites.

Richard Seemark confirmed that the self-build plots would be serviced, and that the reason for the difference in noise mitigation was due to the position of the houses on the site compared to other sites. The proposals were that the houses would sit at least 68 metres back from the road, and that the traffic speed, and therefore noise, would be lower due to calming measures.

The Interim Planning Manager reminded members that the proposals were at outline stage, and noise mitigation for properties would be fully considered at the reserved matters stage.

Councillor Trapp noted that the Local Plan envisaged 30% affordable housing. He asked why the site was only able to deliver 20%, when it included high density housing.

The Chair reminded the Committee that the level of contributions and infrastructure requirements were set out in the committee report. This was confirmed by Richard Seemark, who explained due to the infrastructure and contribution requirements, 20% is the viable affordable housing provision, which had been confirmed by a viability assessment.

Councillor Lay sought clarity on the affordable housing mix, which was confirmed as 78% affordable rental and 22% shared ownership.

The Chair invited Town Councillors Alec Jones and Keith Horgan to address the Committee.

Cllr Jones set out that there had been many concerns and objectors to the application and that the Town Council's view was that the proposals failed to address the concerns. Whilst many issues were to be resolved at the reserved matters stage, the Town Council's experience of this on past applications had not been positive.

He referred to the comments that had been submitted by the Town Council which was included in the report before Committee. This included the desire for 30% affordable housing, and that the level of social rent was below that set out in the neighbourhood plan, which was important in an area with a low wage economy. The Town Council had also raised concern about the accuracy of public rights of way information provided, the lack of genuine connection to the town and the desire for a new transport survey to be undertaken. Whilst the Town Council recognised that the Lead Local Flood Authority and Environment Agency had removed their objection through conditions, there was still concern locally over the potential for flooding and the need for robust technical solutions to avoid this.

He highlighted that the Soham and Barway Neighbourhood Plan expected 20% biodiversity net gain, not the 10% proposed, and emphasised the importance of the Town Commons, a key part of Soham's identity, and concern over their potential deterioration and the problems that could be caused by domestic pets.

Cllr Horgan confirmed that the statement provided by Cllr Jones had been agreed by the Town Council.

Councillor Trapp asked the Town Councillors if they had concerns about the potential for additional traffic on Brewhouse Lane.

Cllr Horgan referred to inconsistency between the applicant's view that there would be a 3.5% increase in traffic, and the local highways authority that there could be a 10% increase in traffic. He was not clear if this issue was resolved.

Following on, Councillor Trapp queried whether there could be a risk that Brewhouse Lane became a cut-through from the Town to the A142. In response, Cllr Horgan re-iterated there appeared to be some discrepancies in the experts view over transport flows as explained previously.

As an additional question, Councillor Trapp asked whether the site will generate employment in Soham, or will the new residents commute away from the Town.

Cllr Horgan confirmed he could only speculate in responding. He understood the plan was to use local constructors to undertake the development, and that the proposals included employment use which would create work, but it was not clear this would create a significant difference to Soham employment.

Councillor Sharp asked the Town Councillors for their view on traffic congestion at pick-up and drop-off times around local primary schools. Cllr Jones indicated that there is congestion at these times both outside the schools and in side roads, and the potential development could exacerbate this.

Leading from this question, Councillor Huffer queried which school students from the new development would attend. Cllr Horgan indicated that he understood there was capacity at the local primary schools, as The Weatheralls Primary School had been reducing its intake. He confirmed that the future of the school was not under threat because of this.

Councillor Lucius Vellacott, Ward Councillor for Soham South, addressed the Committee. He noted the significant of the applications and had met with both applicants and objectors separately to understand the issues involved.

In terms of highways, he noted that those accessing the medical centre from outside Soham would be able to use the A142 access moving forwards, but he sought more clarity on the volume of traffic due to the link to the medical centre through Brewhouse Lane.

He recognised the special nature of the Commons and noted that the proposal included contributions for the Commons. He believed that the proposals included significant benefits for the town including infrastructure funding, school contribution, safety improvements on the A142 and it would facilitate a new medical centre. He recognised that accepting the proposals would help mitigate future issues if the Council failed to meet its housing targets and it was the only way to deliver the new medical centre.

Overall, Councillor Vellacott felt there needed to be a degree of pragmatism on the application; there was much needed improvements required in Soham, and this application could help to deliver it. He encouraged the Committee to focus on the material planning considerations in reaching their conclusions.

The Chair asked Councillor Vellacott his thoughts on the potential for building the new medical centre at other sites such as Chippenham, and the impacts

on transport that would arise. In response, Councillor Vellacott confirmed his understanding was the medical centre had looked at many options, and this was the only proposal that the NHS supported and could deliver the latest facilities.

Councillor Trapp raised a point of explanation that he had previously sought clarity on whether it would be possible to build a satellite medical facility elsewhere, not to build the whole facility elsewhere. Councillor Vellacott urged caution regarding speculation on other sites as ultimately the proposals before the Committee are the only ones available and approved by the NHS.

The Chair invited Louisa Wood to address the Committee regarding the option of other sites. She reiterated Councillor Vellacott's view that this would be speculative. The medical centre had considered other branches elsewhere but it is not as cost effective to run multiple locations, and the only viable option is the one proposed.

County Councillor Mark Goldsack addressed the Committee. He reminded members of the history of the proposals on the site, which pre-dated the current local plan. The 2015 local plan included the site as part of the overall allocation within Soham to meet the Town's housing needs.

He was aware that both The Shade and Weatheralls Primary Schools had capacity with the potential to grow and confirmed that traffic could be busy around school times. The Town had a new train service and improved bus services to support its growth, but the medical centre was struggling, and residents had to go out of the area for services that could be delivered through the new medical centre. He recognised that there were still highways issues to resolve, especially how the traffic flows will change as a result of the development.

He believed that the need for housing was significant and there was a particular shortage of affordable housing, with young people moving out due to the costs of housing. The Town needed houses to help with the vibrancy of the local community. The style of the development proposed, in his view, was better than unplanned development and on balance, he was supportive of it due to the potential benefits that could arise, whilst recognising the local concerns.

Councillor Whelan raised that whilst the primary schools may have capacity, the situation with the secondary school had not been explained. She also raised whether it would be families with older children or younger children moving on to the site.

In response, Cllr Goldsack confirmed that there was capacity within Soham Village College, the secondary school. He could not know who would move on to the development, but there had been migration of families from Cambridge to other towns in the County due to house prices. Cambridgeshire County Councils had algorithms to calculate the expected numbers of children as a result of housing development. He also mentioned the potential that with

improvements in rights of way, there may be an increase in children walking to school although inevitably some parents would still drive their children.

The Planning Consultant reminded members of the contributions required from the developer for primary, secondary and early years education, which will depend on the number of houses ultimately built. The site was not on the commons, and as it was allocated within the Local Plan, could not be refused on the grounds of the allocation.

The Interim Planning Manager raised the matter of the planning appeal at Haddenham, referenced by the objectors. In that case, the proposed development sat outside the development boundary, which was the primary reason for refusal. The current proposals are within the development boundary, and so materially different to the Haddenham case.

Councillor Huffer sought clarification on the gap between the current properties on Brewhouse Lane and the proposed development, which was shown to the Committee on site plans. She then asked the Lead Local Flood Authority on how the risk of flooding would be mitigated on site.

Harry Pickford, Cambridgeshire County Council, referenced the drainage strategy and that there were concentrated areas of risk on the site. The details of how flood risk would be addressed would come forward at the reserved matters stage. There would be attenuation and swales to discharge into the water courses, the approach to which had been agreed with the Internal Drainage Board and there was potential that this would reduce the peak rates of water leaving the site. Based on the information provided to the County Council, he was confident the development would not cause flooding.

Turning to the concerns raised about Brewhouse Lane, Councillor Huffer asked the Transport team what could be done to address risks at this access point.

Jez Tuttle, Cambridgeshire County Council, confirmed that they had reviewed the walking and cycling routes, and evaluated the traffic movements. The 10% potential increase in traffic through Brewhouse Lane referenced previously by Cllr Horgan had been agreed with the applicant, and the traffic assessment was based upon this figure. He had reviewed the junction and studied data, which, taking into account national guidance, indicated that there was no grounds for objection albeit a dropped crossing for pedestrians would be provided.

Councillor Lay returned to the issue of the 20% affordable housing and how this complied with the Council's planning policy which expected 30%. The Interim Planning Manager confirmed that the local plan allowed variation from the 30% where it is suitable to do so, based on the viability of the site. He emphasised the review mechanism which would allow the Council to re-evaluate viability as the reserved matters applications came forward and to increase the volume of affordable housing if achievable.

Councillor Sharp raised concern that the proposed traffic calming measures would prevent bus access to the site. He noted that the train station would be between 1-1.5km from the site, and there may be residents who would have to use a taxi if there were no buses available.

The Planning Consultant explained that at this stage, bus routing was not planned for the site, however changes could be made through the s.278 highways agreement to the traffic calming which would allow for bus access. Shane Luck, Cambridgeshire County Council, confirmed that the infrastructure could be redesigned to support bus routing, but that the present transport strategy for the site did not require bus provision.

Councillor Sharp noted his ongoing concern this may not align to the emerging Cambridgeshire and Peterborough Combined Authority bus strategy and the importance of considering public transport. He went on to query what work highways had undertaken to review the capacity of the traffic network on the A142.

Jez Tuttle confirmed the traffic assessment reviewed junctions to the north and south of the site on the A142. Funding contributions had been requested that, alongside funding from other planning applications, would be used to increase capacity for the junctions on the A142.

Councillor Wilson thanked the highways team for attending. He raised concern that the roundabout on the A142 may encourage people to use the development to avoid traffic in Soham Town Centre. Jez Tuttle recognised this was possible but it was anticipated that the majority of vehicles will continue to use other routes, hence why contributions were required for junction capacity. Shane Luck confirmed the reserved matters will include internal road layout, which would be designed to make the option of transitioning through the site unattractive.

Councillor Trapp addressed the design of the roundabout on the A142, and how this would impact traffic flow. It was confirmed that other roundabouts were larger, as they had more points of access, and the design of the roundabout had been subject to a safety audit.

In addition, Councillor Trapp raised concerns about the affordability of the self-build housing, and what provisions were in place if the self-build plots were not sold. It was confirmed by the planning consultant that the Council's policies required the provision of self-build plots, but the Council could not control the value they were sold at. There would be provision within the s.106 to cover the eventuality that they could not be sold.

Councillor Trapp also raised concern about the scale of the other use development, and whether this was sufficient. The Planning Consultant confirmed the size of the proposed other uses and that the scale related to the need to avoid competition with the Town Centre.

In response to questions from Councillor Huffer, the Interim Planning Manager confirmed that the land was previously farmed. The Senior Ecologist explained that the risk of domestic pets to local wildlife would be addressed through the s.106 agreement, and mitigation measures could include safe zones, habitat restoration and mitigating increased nitrogen.

Regarding Councillor Huffer's question about the position of Anglia Water, the planning consultant confirmed that Anglia Water have a statutory duty to deal with water provision and sewerage on the site, and they had confirmed they have sufficient capacity to do so. At the invitation of the Chair, the applicant confirmed Anglia Water were satisfied, in part due to the proposal to include a new pumping station on the site.

Councillor Lay raised concern as to whether this site was needed if the authority had sufficient housing for the next 5 years. The Interim Planning Manager confirmed that this site was allocated in the local plan, and therefore was included in calculating the 5-year land supply. If this was not approved, then the 5-year land supply would be negatively impacted.

The Chair invited debate on the application.

Councillor Huffer indicated she had been concerned about making a decision on the application and recognised that many residents were opposed to it. However, the application included a broad range of contributions to be made, and if a similar application had come forward in other parts of the district, it could have made a big difference to local communities, who have experienced housing without the benefits it can bring. She indicated she was concerned about the existing junctions on the A142 and was hopeful that the new roundabout could increase road safety.

Councillor Huffer reminded members of the impact of not having a 5-year land supply, as it can mean housing development without the same level of benefit and can see the Council lose control over its planning process.

The Chair indicated that his views were similar to that of Councillor Huffer. He could see many benefits arising from the application including affordable housing, financial contributions for maintenance of the commons, sports facilities, education and libraries, as well as provision of community meeting space and open space land. He emphasised there was no building proposed on the Commons, and the potential for a safer link to the A142. He noted that his desire was to see 30% affordable housing but had to take into account the overall proposals available and noted the importance of the new medical centre. Overall, a lot of work had gone into the application and this was a pragmatic solution that offered many opportunities. With that in mind, he proposed to accept the officer recommendations.

Councillor Wilson seconded the Chair's proposal. He recognised the benefits of the scheme and was pleased with the biodiversity considerations being made on the site. The proposals were significantly better than many others he had seen.

Councillor Trapp indicated he could see reasons for and against the application. He noted the concerns raised by the Town Council, and the potential flooding risk. The financial contributions required meant that the proportion of affordable housing was lower, and the site was designed for cars with a lack of bus provision, which could cause problems at school times. He remained concerned with the affordability of the properties, and particularly the self-build plots. He recognised that the site was allocated in the local plan but was concerned it was ultimately not suitable.

Councillor Brown requested that the subsequent reserved matters applications were brought back to committee, which Councillors Lay and Sharp supported.

Councillor Sharp went on to raise his concerns with traffic, and how people would access the site and medical centre. He believed there was a missed opportunity to create connectivity to the railway station, and the additional traffic generated could create pressure on all junctions on the A142. He added his preference to ensure any education contributions stayed within Soham.

The Chair noted the point raised re traffic and hoped that as the application progressed, the situation over a bus service could be reviewed. He agreed with the proposal by Councillor Brown to bring reserved matters to the Committee and amended his proposal to include this; Councillor Wilson indicated his assent to this amendment.

It was resolved with 7 votes in favour, 2 against and 1 abstention that:

That planning application ref 19/01600/ESO be APPROVED subject to the signing of the S106 Agreement, extension of time to cover the period in which the S106 is finalised, the draft conditions set out in paragraph 1.2 and appendix 1 of the report, with authority delegated to the Planning Manager and Director, Legal to make minor changes to the wording of the proposed conditions; to complete the S106; to issue the planning permission and for all reserved matters applications to be referred to the Committee for determination

## 28. 24/00146/FUM – Soham Medical Centre

Catherine Looper, Planning Team Leader, presented the report (Z49, previously circulated) which set out the proposals for a new medical centre in Soham. She confirmed that the report covered all material and relevant matters to the application.

The main considerations for the application were deemed to be:

- **Principle of development** – The proposed development is within the development envelope, and policy SOH3 expects the land to provide for a medical centre. The proposal complies with Soham and Barway Neighbourhood Plan policies 9 and 10

- **Residential amenity** – It is recognised that there will be an impact on amenity as a result of the development. The officers set out proposals included in conditions designed to reduce the impact, including operating hours and glazing to windows.
- **Visual Amenity** – Officers set out the design of the proposals, and that landscaping would be secured through condition
- **Highways, access and movement** – The officer confirmed the access through Brewhouse Lane until such time as the site could be accessed through the Eastern Gateway site, which was considered acceptable by the local highways authority. There was an under-provision of car parking and bicycle storage on the site, however it was recognised that this is an improvement on the current provision and the variety of appointment types reduces demand for parking. The cycle parking proposals are compliant with BREEAM standards, meaning that the proposals. On balance the proposals were considered acceptable.
- **Ecology, biodiversity and trees** – It was expected the development would deliver a biodiversity net gain of 21%. Conditions are proposed to support tree species, ecology enhancements and bat surveys.
- **Flood risk and drainage** – The site is within flood zone 1. There had been no objections from statutory bodies
- **Other matters** – to ensure compliance with policy ENV 4, a condition regarding sustainable building standards (BREEAM) was included.

In summary, the proposals were recommended for approval in line with the conditions included at appendix 1.

The Chair invited Louisa Wood, on behalf of the joint applicant, Mereside Medical, to address the Committee.

Ms Wood thanked the committee for the opportunity to bring forward the site, and introduced the team accompanying her who were working to develop the proposals.

Ms Wood outlined that the current site was built to serve a population of 13,000 residents but was now servicing 24,000. The current site has a detrimental impact on service provision, staff welfare and staff retention, and it is important to keep up with housing development across the area.

The new building had been designed following feedback from a range of consultations and to comply with excellent building standards. It will enable the surgery to double its consultation capacity, reinstate services and have two dedicated rooms for trainees. It was hoped this would improve the recruitment offer for staff.

Concerns were raised relating to the proposed condition for obscured glazing on the upper floor. Whilst this was not business critical, it can impact on staff wellbeing and as a result it was requested that the condition be amended for further assessment.

In conclusion, it was highlighted that a patient survey indicated a 90% support for the centre, as well as support from the parish and town councils locally and the Integrated Care Board. The site could be operational from 2027.

Councillor Wilson asked whether introducing the new facility in Soham could reduce the use of other sites by the practice, particularly that in Haddenham. It was confirmed by Dr Richard Brixey that there would be no desire to reduce the use of other sites. In response to a query regarding the provision of dentistry, Dr Brixey confirmed it was not proposed for the centre.

Councillor Trapp asked what would happen to the former site. Richard Seemark confirmed that there was no decision at this stage and options would be considered as it became free. Councillor Trapp asked further questions relating to whether there was provision for staff parking and disabled parking. It was confirmed by Louisa Wood that there were 7 disabled spaces, which was considered adequate, and staff parking would be managed on site.

Councillor Brown queried the level of staff numbers presently on the site, given it was expected to double. It was confirmed this is difficult to estimate as staff work across different sites; Mereside Medical currently employs 163 staff overall.

Councillor Sharp complimented the design of the proposals and asked how the highways layouts would change. In response, the Interim Planning Manager demonstrated the phasing of the road layouts as the construction road was built, the previous site demolished and the Eastern Gateway access provided.

The Chair invited Councillors Alec Jones and Keith Horgan from the Town Council to speak. Cllr Horgan stressed the significance of a positive decision for the future of Soham and the surrounding district, and the Town Council was supportive of the application even though some members were opposed to the provision of housing on the Eastern Gateway site.

Cllr Horgan went on to demonstrate the level of support from local representatives and residents and highlighted that if the medical centre did not materialise, the existing surgery might have to close its books to new patients which would harm the ability of the Town to accommodate expansion, and impact on all new residents in the area. The application represented a significant milestone for the community to support better healthcare facilities.

As there were no questions for the Town Councillors, the Chair invited Councillor Lucius Vellacott, local ward member, to speak. Councillor Vellacott provided his unconditional support for the application. Community healthcare is at the heart of the Town's wellbeing, and the current facility is badly oversubscribed. The proposals provide, in his view, a beautiful setting, and the opportunity to use the latest technology. The proposals are in line with planning policy and it is the only meaningful application accepted by the NHS and that those who were against the Eastern Gateway development supported the medical centre.

To conclude, Councillor Vellacott felt the application must be approved to support the housing that had already been approved earlier in the meeting.

With no questions to Councillor Vellacott, County Councillor Mark Goldsack was invited to speak. Councillor Goldsack echoed the comments made by Councillor Vellacott. He wanted to pay tribute to the existing medical team, who are currently working to serve residents from inadequate facilities and this provides the opportunity to create a service for the whole of East Cambridgeshire.

Councillor Brown drew Councillor Goldsack's attention to the fact the existing facility was used to deliver anti-Covid vaccinations for a wider area. Councillor Goldsack felt this was a demonstration of what the team is capable of, and what they could achieve with the right facilities.

The Chair invited questions to officers. Councillor Lay raised the obscured glazing on the rear elevations of the first floor and felt that 50% obscured shading, as was present in some parts of the Council's offices, may provide a solution.

The Planning Team Leader highlighted that the issue of glazing was not straightforward. She highlighted the distance from the rear elevation of the building to nearby properties, and the potential for overlooking of gardens which could impact on personal privacy, which had been important in drawing up the proposed conditions. The Interim Planning Manager highlighted that members could seek to change the condition to require partial obscuring if they wished.

The Chair invited Louisa Wood to comment on the issue. She explained that it was important to the practice, as they cared about the work environment of staff and a view is important to that. Taking into account average heights, she suggested a compromise proposal of a clear window up to a height of 0.7m; a fully obscured window between 0.7m and 1.6m and a partially obscured window between 1.6m and 1.8m.

The Interim Planning Manager indicated that if members were supportive of this proposal, the recommendation could be revised to allow the applicant to formally submit this, and he be delegated authority to resolve this.

The Chair proposed that the officers recommendation be accepted, subject to the amendment set out by the Interim Planning Manager relating to glazing. This was seconded by Cllr Huffer.

Councillor Trapp asked whether there was provision for electric vehicle charging and photovoltaic panels on the roof. It was confirmed there was, and the whole approach was to achieve a net carbon zero site, with excellent building standards.

Councillor Wilson queried the speed of the build and whether this would have to be phased with the Eastern Gateway development. The Interim Planning Manager confirmed this was covered within the s.106 agreement, which would include requirements for site handover. It was in the interests of all parties to progress the medical centre development as soon as possible.

Louisa Wood was requested to recap the proposal for glazing, as stated above, and the Interim Planning Manager clarified the terms of the amendment to the proposal to ensure there was clarity on the vote.

It was resolved unanimously:

That planning application ref 24/00146/FUM be APPROVED subject to the recommended conditions listed in the report, with authority delegated to the Interim Planning Manager to amend condition 15, obscured glazing, subject to a proposal put forward by the applicant, and for an informative to be added to the conditions in respect of the proposals put to the Committee by the applicant, namely for obscured glazing to include clear glass up to a height of 0.7m; fully obscured glazing 0.7m-1.6m in height, and partially obscured glazing between 1.6m and 1.8m (with the pattern of obscured glazing to be agreed)

The meeting concluded at 5:38pm

Chairman.....

Date.....





# 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 4 September 2024

### **Present:**

Cllr Chika Akinwale  
Cllr Christine Ambrose Smith  
Cllr David Brown (Vice Chair)  
Cllr Martin Goodearl  
Cllr Keith Horgan (substitute for Cllr Lavinia Edwards)  
Cllr Bill Hunt (Chair)  
Cllr Alan Sharp  
Cllr John Trapp  
Cllr Ross Trent  
Cllr Christine Whelan  
Cllr Gareth Wilson

### **Officers:**

Holly Durrant – Senior Planning Officer  
Catherine Looper – Major Projects Officer  
Leah Mickleborough – Interim Senior Democratic Services Officer  
David Morren – Interim Planning Manager  
Cameron Overton – Trainee Democratic Services Officer  
Angela Tyrrell – Senior Legal Assistant

### **In attendance:**

Alex McDonnell (Public Speaker, Agenda Item 5)  
Sarah-Jane Stebbing (Applicant (Agent), Agenda Item 5)  
Chris Frost (Applicant (Agent), Agenda Item 6)

4 other members of the public

Lucy Flintham – Development Services Office Team Leader  
Sarah Parisi – Development Services Senior Support Officer  
Melanie Wright – Communications Officer

**29. Apologies and Substitutions.**

Apologies for absence were received from Cllr Lavinia Edwards, who was substituted by Cllr Keith Horgan.

**30. Declarations of Interests.**

Cllr Sharp declared a prejudicial interest on Item 5. He indicated that he would speak as a ward member before leaving the room until the end of the Item.

**31. Minutes.**

Members received the minutes of the meeting held on 7<sup>th</sup> August 2024.

It was resolved unanimously:

That the minutes of the Planning Committee meeting held on 7<sup>th</sup> August 2024 be confirmed as a correct record and be signed by the Chair.

**32. Chairs Announcements.**

The Chair welcomed Cllr Alan Sharp to the Planning Committee as a full Member.

The Chair wished every luck to Toni Hylton and Andrew Phillips, who had left East Cambridgeshire District Council. He commended and thanked them both on their various and lengthy contributions to the Planning Committee.

**33. 23/00450/FUL – Site to West of 10-20 Sheriffs Court Burrough Green, Suffolk**

Catherine Looper, Major Projects Officer, presented a report (Z50, previously circulated) recommending approval of an application seeking full planning approval to carry out part retrospective construction of five 1.5 storey detached dwellings with detached garages.

The Major Projects Officer presented Members with slides showing the location, outlining the proposal and associated photos. The Major Projects Officer informed Members that the application proposed changes to the previously approved scheme, such as alterations in elevation and obscuring of various windows.

The main considerations for this application were deemed to be:

- **Principle of Development** – The original outline application was approved in August 2019 and subsequent reserved matters in September 2020. Works had commenced on the site and the purpose of this application was to seek part retrospective planning approval for an altered scheme. It broadly followed the previously approved scheme. Alterations

to the design and increases in scale to some of the dwellings were proposed.

- **Residential Amenity** – The introduction of obscured glazing to prevent overlooking onto neighbouring plots. General layout and arrangement remained similar to the approved scheme. The footprint of dwellings were comparable to previous schemes with no reduction in distance to neighbouring plots when compared to the previous scheme. Increase to the height of dwellings was not significant enough to impose on the amenity of neighbours. It was possible to impose conditions on the extensions of dwellings to allow the Local Planning Authority to fully assess any future proposals. The applicant had agreed a construction environmental management plan with Environmental Health.
- **Visual Amenity & Heritage** – The applicant was seeking Hemspan Biohaus construction, which is comparable to Passivhaus construction. The proposed increases in height to the dwellings was considered to be acceptable. The surrounding buildings were mostly 2 storeys in height, and the designs were in keeping with a countryside setting. The Council's Trees Officer did raise concern with the tree species proposed in the scheme, therefore this was recommended to be made subject to condition.
- **Highways** – The access proposed was previously agreed and this remained unchanged. This scheme provided parking arrangements in excess of those required under policy COM8 of the Local Plan 2015, with a minimum of four external parking spaces shown for each plot.
- **Ecology** – An ecology report noted that it was an active construction site and so further surveys were required to complete an impact assessment for Great Crested Newts. The proposed scheme was submitted prior to mandatory Biodiversity Net Gain legislation coming into effect. To secure biodiversity net gain, the applicant was securing the purchase of biodiversity credits totalling 2.45 units, which exceeded the 1.94 units suggested.
- **Flood Risk and Drainage** – The development was in flood zone 1, meaning that the principle of development was acceptable for flood risk. Surface water concern would be finalised and assessed at building control stage and therefore did not influence the planning decision.

In summary, Members were recommended to approve the application, subject to the conditions set out in appendix 1 of the report.

The Chair invited Cameron Overton, Trainee Democratic Services Officer, to read out two statements which were sent in:

Statement from Mrs Carla Nicholson – “Pure Eco Homes and Hemspan had planning approved for 5 single storey bungalows, but always intended to build 1.5 storey, million pound plus houses on this site. So, they did. They then applied for retrospective planning permission once development had

commenced, thinking that they could ride roughshod over the planning rules and more importantly, over the local community. This unfortunately has been the developer's arrogant attitude from the start.

My main objection is regarding the destruction of the natural environment. They have ripped up hedgerows, felled trees and dug up the land outside of the boundary destroying the local habitat. Long gone are the foxes, deer, newts and barn owls that were a daily sight on this land. Calling their homes 'eco' leaves a sour taste for local residents when their motivation is greed and profiteering.

This retrospective, 'we're going to build it anyway' planning application sets an awful precedent for future development in Burrough Green. The land to the south of the site is also owned by this developer for 9 further properties to be built. What will happen next? 3 storey townhouses? A block of flats? If they get away with it this time, they will do it again. More greed, more habitat loss and no care for the impact on the small, rural community of Burrough Green."

Statement from Mr Simon Finch – "the land in the then planning area adjacent to 1 Church Lane has been significantly built up to the point where anyone standing on the ground in the new planning area can see straight over our existing 6-foot fence into our garden and conservatory. The land is now 4-foot higher and sloping down to our land so I am expecting that during a heavy rain shower it will now flood our garden. I assume that you will get them to lower the land back to where it was, the same height as our land. The verge along Sheriffs Court Road has also been significantly damaged by the sites lorries which I assume you will make them repair."

The Chair then invited Alex McDonnell to speak, using the remaining 3 minutes of the 5 minutes afforded to the objector group.

"I live with my family at Hall Lodge, Church Lane. The property currently at plot five of the development spans the entire back fence of our garden and is now parallel to it. Its approximately 2 metres from our back fence. We provided photographs of our objection to the retrospective application, which demonstrated the proximity of the property. Our garden is wide and shallow and so the property is very close to ours. Given its position, the increased height of the current house has a significant adverse impact on our property. It overshadows, it is overbearing, and it provides a greater sense of enclosure than the single storey house for which the permission has been granted. We recognise we don't have a right to review, that's not the focus of our objection. We've read the Planning Committee's recommendations and have made the following comments: throughout the Planning Committee document, references are made to the height increase of circa 1 metre and there's zero mention of the changed angles of the houses. Even a cursory review of the plans demonstrates its more likely 1.5 metres and perhaps slightly higher. Its

telling that the revised plans don't state what the original height of the building was going to be. Even if it was just 1.5 metres, that's a third of a gain higher than the original granted permission – as mentioned, the new height of the buildings are over 6.5 metres, the average height of a 2-storey house is between 5.5 and 7 metres. These are now clearly and effectively 2 storey houses. It is very concerning that throughout the Planning Committee document, there's not one mention of the fact that these houses have been built in breach of the planning permission. Not one criticism of a developer who obtained planning permission for single storey properties, entirely ignored that permission and has instead built 2 storey properties. We are concerned the Council has not considered properly the fact that they have allowed the developer to breach its permission. There was a reason single storey houses were applied for and on appeal subsequently approved – simply put: planning permission would never have been granted for the current properties, as built, if it would have been, no doubt that application would have been made back in 2018. It wasn't. Other than the fact that the building work has now commenced at the developer's own risk, nothing has changed. So, it is not clear why the retrospective planning application would, or should, be granted now. There's no indication anywhere in the documentation about why now it is considered that these buildings are appropriate. Perhaps most importantly, we've been very surprised by the apparent lack of legal guidance or involvement in this matter. We've been informed the Council did not seek to stop the progression of the development, despite it clearly being conducted in breach of planning permission because it considered that if the developers suffered losses, it might then claim them the Council. I don't need a wife, who's a senior litigation partner to tell me that's simply not correct. The only way there might have been a risk, would have been if there was some uncertainty as to whether the developer had permission to complete the build. This is not the case here. Given the apparent lack of legal input, we'd like to understand, to what extent the Council has consulted lawyers to consider this retrospective application, if at all. The fact that the Council was alerted to the issue a year ago and did nothing about it is extremely concerning. We, perhaps, expect developers to breach the rules, but the Council act as a cheque and balance to that. To us, it has failed to perform its role adequately and follow the proper process and it continues to seem reluctant to hold the developer to account."

The Chair informed Mr McDonnell that he had gone over the time and encouraged him to promptly finish his statement.

Mr McDonnell continued: "after we raised concerns about the second storey window, which would have been directly overlooking our property, the developer removed the window from the plans, however, given that the planning portal has not proved to be a reliable or up-to-date record, we do need it confirmed today that the window does not form part of the current

plans. And that planning consent would be required for any such window to be introduced in the future into perpetuity. Thank you.”

The Chair invited Members to put questions to Mr McDonnell.

Mr McDonnell confirmed the location of his property in relation to the site plan when asked by Cllr Wilson.

The Major Projects Officer conferred with speaker as to which window he had referred to in his statement.

The Chair invited the applicant's agent to speak and gave notice that they would be given an extra 30 seconds, in line with the excess time afforded to the objectors' group.

Sarah-Jane Stebbing, agent: “Thank you Chair, and thank you to the planning officer for setting out the scheme so comprehensively.

I want to take this opportunity to say how pleased we are to be here today so that we can present to you the current proposals and explain the design approach that underpins this scheme.

For clarity, I want to say that this planning application was submitted in April 2023, so it's been a long time coming to this point.

These proposals are for 5 dwellings, that will meet the highest of environmental standards.

This is achieved by the adoption of market-leading high-performance construction methods, sustainable materials and the latest carbon reduction technology, to create sustainable homes that go beyond zero; set within an enriched high quality biodiversity landscape environment to provide a new development of the highest quality, in Borrough Green.

The dwellings are being constructed using Hemspan's innovative BIOHAUS system. This is a new concept, which has only featured in a handful of developments worldwide.

The BIOHAUS standard for design incorporates an offsite manufactured panel system, which is used alongside a series of other significant eco measures, including solar shading, breathable construction materials to take the development beyond net zero. It is a holistic whole house and whole life cycle approach that is pioneering in the housing and construction industry.

This is not lip service; it is reflected by the predicted energy performance ratings for each dwelling. These are submitted as part of supporting documents with this application. Every dwelling exceeds 100 – the top of the current scale – for both energy efficiency and environmental impact.

This is possible because, the current proposals, have been informed on every level with this exceptional benchmark for sustainability in mind.

The plot layout and orientation has been set out to optimise natural light, whilst avoiding overheating in summer and ensure that each dwelling benefits

from natural ventilation, whilst respecting the surrounding neighbouring buildings privacy and amenity.

The site levels have not changed.

It is this environmental performance that is the design driver behind the distinctive architectural form and appearance of the development, with its roofscape created by the extended overhang creating the perimeter canopy around each dwelling.

The eaves of the canopy is modestly set at a height of 2.2m, just above a standard door. The ridge line of each dwelling is the result of the intersection of the roof planes. Whilst there is a modest increase in the height, compared to the extant consent, it is within 1m, which the drawings reflect, and within the outline of the chimney stacks from the previous scheme. It continues to be commensurate to the surrounding buildings north of the site and subservient to the two storey dwellings east of the site on Sheriffs Court.

The proposals make use in part of the resulting roof space to provide a limit amount of accommodation in the attic space.

This has been carefully placed to avoid overlooking of the proximate neighbouring properties and is limited to the part of the footprint that faces into the site. These rooms are lit with high level rooflights, with no potential overlooking, supplemented with fixed windows in the gable ends, obscured where appropriate.

The open plan kitchen and living space, at the rear of the dwellings, where the relationship with neighbouring amenity spaces is most proximate is always single storey.

During this application, we have engaged proactively with your planning officers to amend the design proposals to address any concerns about any potential impact on neighbouring amenity.

Plot 1, which has the most direct relationship with a neighbouring building has been revised to increase the distance between the building line and the east boundary of Sheriffs Court. It is now further away from the boundary than the previously approved scheme. There are no high-level windows on this gable and the overall glazing is also no greater than the previously approved scheme.

Plot 2 has a high-level window in the gable end of the single storey living space. To address the potential perceived overlooking it is proposed that this is fixed and obscured.

The relationship to the boundary has not changed and the current proposal has substantially less glazing than the previous scheme which featured a fully glazed gable end. This reduces light pollution and mitigates impact on neighbouring amenity.

On plot 5, I can confirm that the first-floor window to the north elevation, was omitted. This room, which serves as a home office space, is served by rooflights at high level, looking west, with no potential for overlooking.

As with plot 2 the high-level window in the single storey living space will be fixed and obscured.

The roofscape of the development enables the dwellings to harness and harvest energy on site through integrated solar panels. Each dwelling's array is designed to generate more energy than is used over the course of the year, offering a potential of a 75% reduction in energy running costs.

As a local authority you have committed to delivering a cleaner, greener East Cambridgeshire and to work on initiatives to fight against the climate change emergency, support zero-carbon living and restoring wildlife spaces. As a local authority, you in East Cambridgeshire, are leading the way on this.

The applicant's ambition is to create beautiful, sustainable homes that go beyond zero. The application documents provide the evidence base to demonstrate that these proposals can deliver this and lead the way too.

These proposals are on target to not only reach but exceed the Royal Institute of British Architects (RIBA) 2030 targets for domestic housing.

This scheme can be an exemplar for new homes and the construction industry not simply another small-scale infill housing development that all stakeholders can take credit for.

Thank you for your time and consideration today."

The Chair invited Members questions to the agent.

Cllr Ambrose Smith asked if the whole house is sealed, with the air inside being recycled within the building. The agent informed her that there was a whole house ventilation system, but that the whole house was not sealed, and there were windows which open.

Cllr Ambrose Smith followed her question by asking if the properties would be marketed with a certification of validation for the BIOHAUS scheme. The agent confirmed that there would be an investigation into buildings technical performance, both at design and finalised construction stage, meaning that people will absolutely be able to buy these properties with a degree of certainty.

Cllr Trapp enquired as to why the applicant did not await approval before proceeding to build under changed parameters. The agent stated that when the work commenced, it was under the extant consent; and since they joined as the agent in November 2023, they had worked with the planning officers on the issues of moving Plot 1 and Plot 2.

The agent confirmed that work was commenced prior to receiving planning approval to have their permission changed, when asked by Cllr Trapp.

Cllr Akinwale asked if the previous speaker's concern on the overlooking window had been addressed. The agent informed the committee that it had been, as the North Elevation window in question had been removed.

Engaging with a question put to the agent by Cllr Horgan on the previous planning application's energy efficiency goals, relating to the implementation of Hemspan design, the Chair encouraged members to stay focused on the application at hand.

Cllr Horgan queried whether all windows above ground level were to utilise obscured glazing. The agent responded that all windows facing out were obscured, but others were not necessary to obscure because they overlooked the common areas or garages, and all windows had been assessed individually with the planning officers to determine this.

The Interim Planning Manager assisted in illustrating which windows would be obscured and which were not covered by the conditions.

Cllr Trent enquired if the additional height was necessary to make the new system of housing work. The agent stated that it was and that the houses were designed based on need for canopy, to ensure that the solar panels did not overheat.

The Chair invited Cllr Alan Sharp to address the committee.

"In my eight and a half years as the district councillor, the boundaries have changed, but I've represented Burrough Green for eight and a half years. I've never known a situation like this. I first became aware of it back in September 2023, as was mentioned, when a resident rang me and told me that building was being done without permissions. I did ask the previous Planning Manager to stop construction, unfortunately he decided not to agree with me. There is, and I think this is relevant, a lot of anger and distrust in the village at the moment because of an apparent disregard for planning permission – and it leads to the conspiracy theories about building the nine dwellings on the next-door plot, but I'll leave it there.

What was significant by what has just been said is, as I understand it from the applicant, the development was bought speculatively as a five-home scheme from the previous owners and is not of a similar bill to what the original application was given. So, it's totally different and it seems they've just gone ahead with putting that in now, straight away, rather than what the village felt, which was 'they've built one storey and they've now gone up to one and a half because part way through the development they thought that would be better'. So, I'm quite astounded by that.

Moving on to biodiversity: 48.85% loss. Part of that was because the whole of the site was cleared before the ecology report was done. Again, I can't find it, but I'm surprised there wasn't an ecology report on the original application – but if I've missed it (...). Damage to a sycamore tree, that was specifically asked, by the Trees Officer, to be left, which has just been knocked to bits by bulldozers. Yes, another one will be planted, but it shows the arrogance that

I'm feeling. Again, with biodiversity – the purchase of suitable units. I know it's the rules, but I don't like that. If we're having biodiversity, it should be on that site, it shouldn't be on another site. Tree landscaping: the Tree's Officer is not happy, and certainly from what I see in the papers, he's not written that this offer is going to be 100% acceptable. I know the Planning Officer has said this will be conditioned, but with the amount of time this application has taken, we should be getting all of this right in the first place.

The obscured glazing: if this application goes ahead, there should be a covenant preventing any future purchaser of these properties, actually going ahead and changing those windows. I don't know whether that can be done, because otherwise we have unacceptable overlooking.

The increased height: I have been in the gardens of one of the neighbours and yes, it does look a lot higher than the original application. It does look intrusive.

Moving on to the significant number of comments on the developers' behaviour: I know one of the public letters read out speaks about damage to verges and ditches, and I know officers quite rightly say that it's not a planning issue, but the village feel let down by that. The village feel that they're not being protected. The developer is not doing anything to win friends, I would suggest.

The other issue: the increased number of parking spaces to four spaces on each property. If we're trying to encourage sustainable development and compliance with NPPF, I would've thought there wouldn't be four spaces.

To summarise: obviously, this has got to be decided on planning rules, but if this does go through today, then the residents will feel very let down that the developer has been able to blatantly put two fingers up to the rules, with no consequences.

Thank you, Chair."

The Chair invited question from Members to Cllr Sharp

Cllr Ambrose Smith noted her commendation for there being four parking spaces, as it allowed for larger families and prevented cramped living conditions, which may be found on estates where only 2 parking spaces are available.

The Chair invited Cllr Sharp to leave the room until the end of the item and moved to comments from the Planning Officers.

The Interim Planning Manager informed members that while he sympathised with resident's dismay, it is not an offence to commence construction before permission is granted and is done so entirely at the applicant's own risk. He

continued that while there had been mention of stop notices, such action should only be undertaken when serving a full enforcement notice at the same time.

The Interim Planning Manager asserted that the NPPF and case law was clear in not allowing consideration to be given to the thoughts nor actions of the developer and focus could only be given to the application in relation to local, or national, planning policy.

The Interim Planning Manager noted the previous mention of chimneys but commented that there was no logical grounding, in planning terms, to ask for them, whether they are appreciated or not.

The Major Projects Officer confirmed that the window mentioned by the objector on Plot 5 had been omitted from the most recent scheme.

The Major Projects Officer informed members that any development on the land south of the site would be likely be presented before committee, as it is outside of the development envelope.

Addressing concerns over biodiversity, the Major Projects Officer noted that the site was cleared prior to mandatory Biodiversity Net Gain legislation being enforced. Further to this, the applicant committed to provide 2.45 biodiversity units rather than the ecologist's recommendation of 1.95 units, at a higher cost to themselves.

The Major Projects Officer acknowledged the concerns of the Trees Officer, but informed members that the concern was minor and related to the location of fruit trees, given that falling fruit may have caused a slip hazard to residents.

To the point on the number of parking spaces, in relation to sustainability, the Major Projects Officer mentioned there was intent to implement electric vehicle charging docks adjoined to each dwelling.

On parking, the Interim Planning Manager reminded members that within the constitution, Policy COM8, there was no mention of a maximum number of parking spaces, but rather a minimum (2 for properties of this type).

The Chair invited Members questions to the Officers.

Cllr Trapp sought clarification whether the window in Plot 5 had been omitted from the plans, or if there was no window. The Interim Planning Manager confirmed that the window had been omitted from the plans and would not be present in the final construction.

Cllr Horgan queried if the decision on whether, or not, properties were overbearing was subjective or if there was guidance, i.e. the height of a building, in relation to distance from the neighbouring properties. The Major

Projects Officer informed him that there was no specific guidance – an assessment is made on site considering various measurements, particularly the height of a building against the height of a neighbouring property and distance in between.

When asked by Cllr Horgan, the Major Projects Officer confirmed that the rear elevation of Plot 1 was a single storey extension and was close to height of the overall property but had been set down by approximately 20-25cm.

Cllr Goodearl queried whether checks were carried out to ensure planning conditions were complied with. The Interim Planning Manager informed members that for the majority of developments, proactive checks were not feasible due to the strain on resources it would cause. However, for larger developments and/or developments which had been reported to The Council for potential non-compliance, checks are carried out.

The Chair invited Members to debate the issue.

Cllr Horgan noted the merits of the planning application and that overall, it is one he supported and proposed to approve. However, he strongly warned that conditions must be explicitly followed.

The Chair concurred with Cllr Horgan's comments and invited further debate.

Cllr Trapp acknowledged the merits of this application, but asserted all of which could have been achieved with single storey dwellings, as were the original plans. There had been, however, material changes which encroached on the neighbouring residents, therefore proposed refusal.

The Interim Planning Manager reminded members that if they were leaning towards refusal, then material planning reasons, applicable policies and detail of the harm caused must be provided for it to be permissible. The Chair indicated he would provide Cllr Trapp the opportunity to consider his reasons for refusal in light of the Interim Planning Manager's advice.

Cllr Ambrose Smith stated that she understood the objections and anger of neighbouring residents, and that the retrospective nature of this application was not desired. Despite this, Cllr Ambrose Smith felt that the developments were not overly intrusive and of a good design, she therefore seconded Cllr Horgan's proposal to approve.

The Chair confirmed with Cllr Horgan that he proposed approval on the recommendation of the officers, which was seconded by Cllr Ambrose Smith.

Cllr Goodearl noted the high standard of development, despite his concerns of the application being retrospective. He did, however, concede that due to legal constraints, they felt forced to approve, something which he felt ought to be reassessed nationally.

Cllr Wilson objected to the retrospective nature of the application, but stated that were the houses not already built, he would have no objection to approving this application.

Cllr Trapp queried if the application could be refused on grounds that the development had been made too high, which went against the original planning approval.

The Interim Planning Manager reiterated that material planning reasons including the policies which were breached and the impact of this on the residents must be provided.

Further discourse took place between Cllr Trapp and the Interim Planning Manager as to grounds for refusing the application. Whilst Cllr Trapp stated that he felt there was undue harm caused to residents as the application was not expected or as agreed, the Interim Planning Manager encouraged Cllr Trapp to clarify the explicit harm caused by the current proposals. Arising from this debate, no formal grounds for refusal were brought forwards.

The Chair noted a collective disappointment in the manner which this situation had occurred, but that this application must be considered on its own merit, as though it were a fresh application.

Upon query from Cllr Trapp, the Major Projects Officer clarified that conditions were in place to prevent the construction of any windows or doors outside of those already agreed upon. To venture from this permission would require further planning applications to the local planning authority.

The Chair invited Members to vote on Cllr Horgan's proposal to approve.

It was resolved with 8 votes in favour and 2 against:

That planning application 24/00450/FUL be **APPROVED** on the grounds set out in report Z50.

*A short break was taken from 15:20 until 15:25*

#### **34. 23/01338/OUM – Land at Cambridge Road, Streatham**

Holly Durrant, Senior Planning Officer, presented a report (Z51, previously circulated) recommending approval of an application seeking outline planning approval for the erection of up to 83 affordable homes with associated access, parking and landscaping.

The Senior Planning Officer presented Members with slides showing the location, outlining the proposal and associated photos. The Senior Planning Officer gave a reminder of the previous proposals attached to this application.

The Senior Planning Officer reminded members that the application had been to both April and June 2024 Planning Committee meetings where it was deferred on both occasions, with the latest deferral to address matters of highway safety, pending an independent report undertaken by Stantec.

The main consideration for this application was:

- **Highway Safety and Transport Impacts** – Following the issuing of the report, a revised highways scheme had been put forward, including extended street lighting, 'keep clear' markings on the road, a Puffin Crossing, dragon teeth markings along the road and the infill of missing footpaths, among other measures. There were no objections from the Highways Authority. It was deemed acceptable and would reduce the overall intimidation of pedestrians and satisfied the overall intention of the Stantec report.

In summary, Members were recommended to approve this application, in accordance with the prior outlined reasoning and on the following terms:

- The committee delegated authority to finalise the terms and completion of the S.106 legal agreement to the Planning Manager; and
- Following the completion of the S.106 agreement, this application be approved subject to the planning conditions on Appendix 5; or
- The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the statutory determination period to allow completion of the S.106 legal agreement.

The Chair invited the Agent, Mr Chris Frost to speak.

"Members of the Planning Committee. My name is Chris Frost and I am the agent for this application.

The application before you seeks approval for 83 affordable homes and follows a previous approval for 38 similar homes on broadly the same site.

The scheme is brought forward in association with Stonewater Housing Group, a registered affordable housing provider, who will be developing the site.

This application was originally deferred at Planning Committee in April for a third-party review of the transport and access matters relating to the scheme, which was subsequently undertaken by transport consultants, Stantec.

The Stantec report raised no fundamental concerns in respect of the transport and access elements of the scheme and made five recommendations including suggesting that there was the opportunity for further discussions with the County Highway Authority in respect of a signalised pedestrian crossing.

In response, at the Planning Committee in June, we undertook to do everything that we could to get agreement from the County Highway Authority to introduce a new signalised pedestrian crossing.

The crossing has been designed by our highway engineers and has been subject to an independent Road Safety Audit, which confirms that the proposed road layout and pedestrian crossing will be safe for road users and pedestrians.

Following further consultation, both the Highways Authority and the County Council's transport assessment team have confirmed that the application scheme have confirmed that they do not object to the inclusion of a signalised crossing.

As you have already been advised by your officers, we are therefore delighted to confirm that the application scheme has been revised to include a pedestrian crossing, along with a range of traffic calming measures, including a 'village gateway' feature to encourage reduced vehicle speeds when approaching the village from the south, and wider pavements and street lighting to improve the pedestrian crossing.

The revised road layout and the pedestrianised crossing will be constructed at the applicant's expense under a Section 278 agreement.

We note that there are no objections to the proposals from statutory consultees, and that the application has received significant support from local residents, including 70 comments from people who wish to support affordable housing for the area.

The minutes of the June Planning Committee record that members confirmed that there were no concerns relating to any other aspects of the scheme. Members made it clear in their discussion of the proposals at that meeting that, if an acceptable highway layout and crossing could be achieved, they would support the approval of the application.

I am therefore very pleased to be back before you with a scheme that includes a pedestrian crossing and I am hopeful that we have now done enough to secure your support for the application, but if you have any questions about the proposals, I would be happy to answer them."

The Chair invited questions to the speaker from Members.

The agent confirmed that all roadworks and crossings would be completed prior to anyone moving in, when queried by Cllr Goodearl.

Cllr Wilson thanked the applicant for returning and producing what had been asked for by the Committee.

The agent confirmed that they are happy to agree to all previous conditions and that the maintenance of Condition 17 in perpetuity would be the responsibility of the Highways Authority, when questioned by Cllr Horgan.

Cllr Trapp enquired as to whether the affordable housing would be related to renting or buying. The Agent informed him that 50% would be affordable rented housing and 50% would be shared ownership housing; all of which was to be run by a housing association: Stonewater Housing Association.

Upon questioning from Cllr Ambrose Smith, the agent confirmed that there would be a letting policy whereby those with a close connection to Streatham would be afforded priority, being that the scheme is designed specifically for local needs.

The Interim Planning Manager reminded members that all other matters, barring the highways concerns, had been debated and voted upon at previous meetings.

Cllr Sharp enquired as to whether the 3m wide footpaths on both sides were going to be LTN 1/20 compliant (guidance relating to the delivery of high-quality cycle infrastructure) and if the pathways were intended to be shared with cyclists. The Agent informed Cllr Sharp that the pathways were not intended to be shared with cyclists.

When invited by The Chair, there were no additional comments from the Planning Officers.

The Chair invited questions to the Planning Officers.

When asked by Cllr Sharp, the Interim Planning Manager confirmed that there was generally a standardised amount of time at a Puffin Crossing that allows for people to get across safely, but that this was not within the remit of the Local Planning Authority.

The Interim Planning Manager clarified that all reserved matters would be brought back to the Planning Committee, as indicated in the minutes from June 2024.

The Chair invited debate.

Cllr Wilson proposed approving this application per the officer's recommendations, seconded by Cllr Goodearl.

Cllr Sharp noted that the speed limit may well have been adjusted to 30mph rather than 40mph, but that overall, he liked and supported this scheme.

Cllr Horgan noted that the applicant managed to make 100% of this development affordable homes, while other applications struggle to reach even 20% and queried if there were any lessons which could be taken from this case.

The Chair invited the Members to vote on Cllr Wilson's proposal to approve this application on the officer's recommendation.

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

That planning application 24/01338/OUM be **APPROVED** on the grounds set out in report Z51.

### **35. Planning Performance Report**

David Morren, Interim Planning Manager, presented a report (Z52, previously circulated) summarising the performance of the Planning Department in July 2024.

The Interim Planning Manager informed Members that statistics relating to the volume of pre-application enquiries had been added, per Member requests. The Interim Planning Manager did note that it was not possible to include whether matters had been determined 'on time' as there was no statutory timetable upon which to work from, but assured members that work was, and would continue to be, completed in a timely fashion as the pre-application process was a commercial offering.

Cllr Trapp enquired if it was possible to receive an indication of how many applications were outstanding. The Interim Planning Manager informed Members that a statutory time frame for application processing of 8-12 weeks was in place, and any applications processed after that period may be considered out of time. However, if an extension had been agreed with the applicant, then it would be considered in time. Information may be provided on if applications are out of time.

Cllr Horgan queried if it was possible to receive a year-to-date running total of appeals received. The Interim Planning Manager informed Cllr Horgan that it could be provided.

It was resolved unanimously that the Planning Performance Report for July 2024 be noted.

The meeting was concluded at 16:00

Chairman.....

Date.....





**MAIN CASE**

Proposal: Confirmation of Tree Preservation Order E/05/24

Location: Land South East of 4 Meadowbrook, Aldreth, Cambridgeshire

Applicant: N/A

Agent: Keith Hutchinson

Reference No: TPO/E/05/24

Case Officer: Kevin Drane, Trees Officer

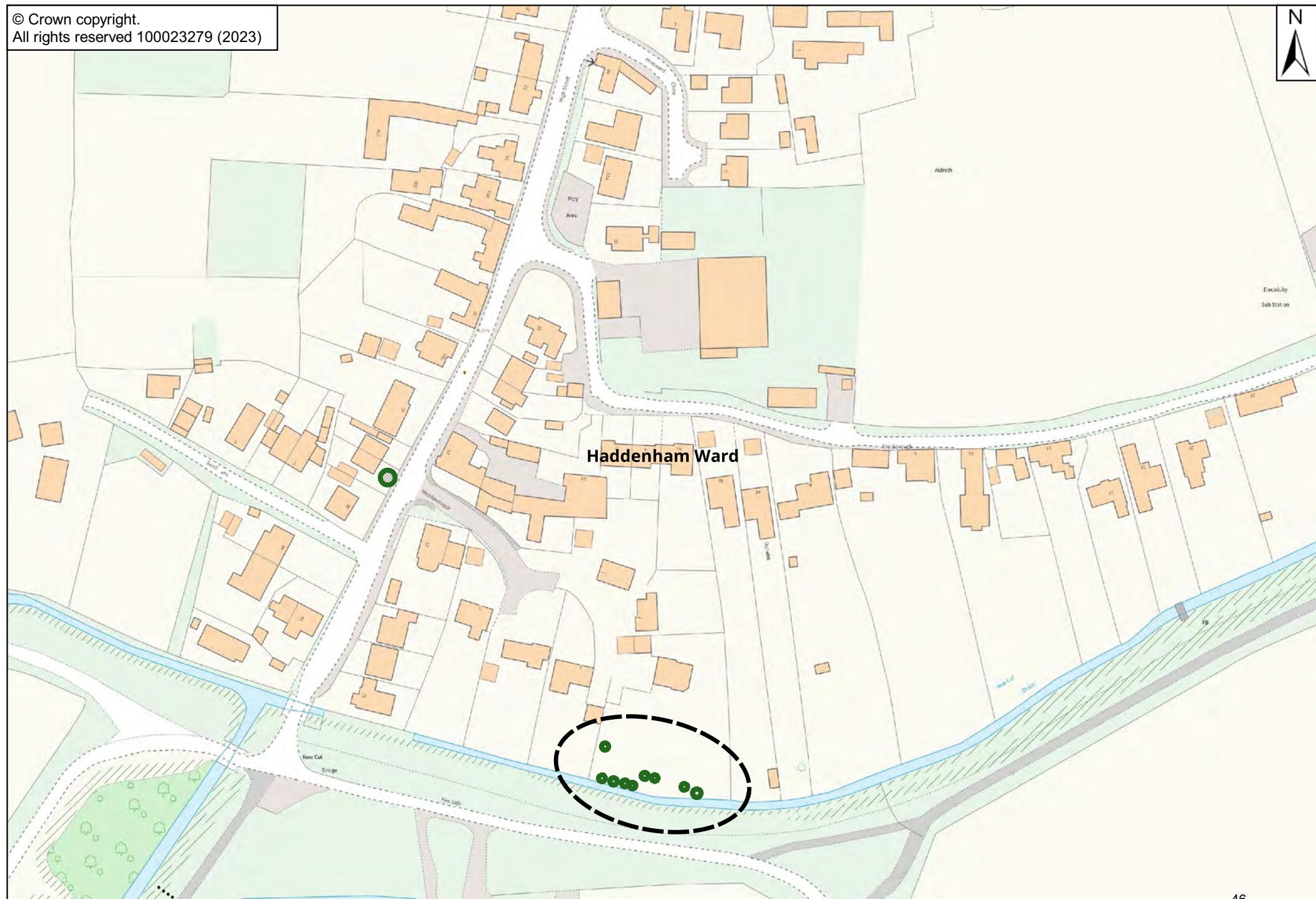
Parish: Ely

Ward: Haddenham

Ward Councillors: Councillor Gareth Wilson

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**[Z81]**



1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for nine trees on Land South East of 4 Meadowbrook Aldreth Cambridgeshire. This matter is being referred to Committee due to objections received within the 28 days consultation period relating to one of the trees only, which ended on 17 September 2024, and for the requirement to confirm the TPO within six months to ensure the tree is protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

The TPO is confirmed including the one tree objected to, for the following reasons: The trees are prominent features of the garden, visible from the public realm and neighbouring properties, in good health, offering a significant visual contribution to the amenity of the local landscape in this part of Aldreth.

### 3.0 **COSTS**

If a TPO is made and confirmed and a subsequent application for works to the tree are refused then the tree owner would have an opportunity to claim compensation if, as a result of the Council's decision, the tree owner suffers any significant loss or damage as a result of the tree within 12 months of that decision being made costing more than £500 to repair.

### 4.0 **BACKGROUND**

4.1 The Order was made following receipt of a notification that tree T1 was imminently going to be removed following the refusal of a planning application identifying this tree as a reason for refusal. This report stimulated the subsequent tree officers visit to the site and making of the TPO. Due to the objection only relating to one tree, this report will focus on this tree primarily.

4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 9 January 2024 because:  
The trees assessed were considered to be of public amenity value in this part of Aldreth, contributing to the biodiversity and green infrastructure of the local area and as such worthy of retention.

4.3 One objection to the serving of the TPO was received in writing from the site owner's agent relating to tree T1 only. The letter of objection is attached in full in Appendix 1. The details of the objection were:

- Tree T1 is not considered worthy of protection there is no objection to the Order in respect of the remaining trees (T2-T9), since they perform an important landscape function in marking the edge of the built-up area and screening the houses to the north, providing continuity to the green edge separating the residential area from the agricultural land and open countryside beyond.
- T1, this is separate from the trees on the southern boundary and is visible only from the head of the cul-de-sac at Meadowbrook and not from any longer distance views. In our opinion its' removal would have negligible impact on the overall landscape or the character of the area and no impact whatsoever on the integrity of the boundary trees T2-T9. T1 is also situated close to the western boundary, where there is an existing swimming pool, which will increase pressure to maintain a smaller stature crown to limit tree debris from accumulating in the neighbour's pool, resulting in regular tree work applications to the Council.
- T1 is an ash, already affected by dieback, and whilst this is not currently excessive, the tree is clearly vulnerable to the disease and cannot be relied upon to provide amenity in the longer term.
- Our clients are prepared to replace tree T1 with 6 replacement trees as set out in the accompanying report and we consider these replacement trees will more than compensate for the loss.

- It is accepted that trees T2-T9 are clearly visible in the public domain, and they contribute strongly to the wider landscape. We would emphasise, however, that it has never been our client's intention to fell any of these trees and we have always indicated that sufficient precautions would be taken to safeguard their wellbeing during any on-site construction works. The need for a Tree Preservation Order is therefore questioned, when the trees have never been under threat.

4.4 No response to the TPO consultation was received from the Parish Council. Written support for the long-term protection of the tree was received from the two neighbouring property owners as per Appendix 2.

4.5 Given the comments received, including the single objection to the serving of the TPO in relation to tree T1, it was considered appropriate for the Planning Committee Members to consider all the matter and reach a democratic decision on the future protection of the TPO Ash tree T1.

## 5.0 **CONCLUSIONS**

5.1 As part of the process for making the new TPO the all the trees on site were assessed relating to their current condition and no issues were noted relating to the foreseeable failure of the trees protected by the TPO and there was no visible indication that the trees are in significantly poor health as per the TEMPO assessment in appendix 4.

- A trees amenity value is a subjective assessment and the gov.uk website states that 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order, the trees amenity value was assessed using the TEMPO assessment method which is a recognised assessment methodology used by most planning authorities in England Tree T1 scored 16 points out of a maximum 25 points, which puts it in the defiantly merits TPO category (see appendix 4).
- The tree is located internally on the site in proximity to the western boundary where there is a swimming pool in the adjacent garden as such the tree has undergone minor pruning to its western crown. Although public views of the tree is limited the tree is of a size to make it visible to neighbouring properties both of which have expressed support for the TPO. The presence of a TPO would not stop the continued maintenance pruning of T1 only cause it to be formalised.
- Tree T1 is a native species with Ash being recorded as a moderate water demanding species generally resulting in less impact on shrinkable soils.
- As can be seen in the photo attached as appendix 3 tree T1 had some of its upper canopy leaves eaten by Ash saw fly but there was no evidence that the tree is infected by Ash dieback. The genetic variability of Ash makes it unclear if this tree will be infected in the future or the extent of harm that could result.

- Should the tree require removal in the future via a tree work application the TPO legislation only requires the replacement planting of one tree, if the tree were approved via the approval of a planning application the number of replacements would depend upon its size and quality with six being required to comply with the Natural environment SPD but could be above this via the biodiversity net gain legislation. The removal of this tree in the most recent planning application was partly not acceptable as the submitted tree location plans were incorrect and indicated that there was insufficient space for mitigation planting of sufficient quantity.
- The protection of tree T2-T9 during construction was not a consideration when serving the TPO but to protect them if the use of the land changes as it is possible that in the future development of this site could be approved at which point the trees could be removed at the discretion of any future occupier, so with the recent planning decision stated as being appealed it was reasonable to protect all the suitable trees at the same time.

5.2 Whilst determining if the trees were of sufficient amenity value or not is to some extent subjective, these trees are visible just from the public footpath and several neighbouring properties. The Trees Officer remains of the opinion that the trees including T1 make a significant visual contribution to the local landscape, the amenity and character of the area.

5.3 Amenity is a subjective term open to individual interpretation. Public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the trees are early mature and mature and visible from the public footpath as well as neighbouring gardens and are considered to benefit the area in relation to their contribution to the landscape and therefore considered a significant public amenity.

5.4 If the Planning Committee decide not to confirm the TPO or part of it, the TPO will lapse, and the owner can then remove the trees without any permission required from the Council. If the committee confirm the TPO on all the trees it ensures that suitable evidence is provided before a decision to remove the trees can be made.

Appendix 1 - Letter of objection to the TPO from the property owners agent.

Appendix 2 - Email of support from the neighbouring properties.

Appendix 3 – Photo of tree and photo of leaf damage

Appendix 4 – Documents:

- ECDC TPO Assessment Sheet & user guide
- Copy of the TPO/E/05/24 document and plan

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
Town & Country Planning Act 1990 Town & Country Planning (Tree Preservation) (England) Regulations 2012 National Planning Policy Guidance from 6 <sup>th</sup> March 2014 <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/">http://planningguidance.planningportal.gov.uk /blog/guidance/tree-preservation-orders/how- are-offences-against-a-tree-preservation- order-enforced-including-tree-replacement/</a>	Kevin Drane, Trees Officer Room No. 008 The Grange Ely	Kevin Drane Trees Officer 01353 665555 kevin.drane@eastcambs.gov.uk

Appendix 1

# HUTCHINSONS

Planning & Development Consultants

## TREE PRESERVATION ORDER TPO/E/05/24

Trees on land south-east of 4 Meadowbrook, Aldreth, Cambs.

Representations on behalf of

Meadow Barn Developments Ltd.

July 2024

HUTCHINSONS  
15 Castle Gardens, Kimbolton, Cambridgeshire. PE28 0JE

Agenda Item 5

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## 1 REPRESENTATIONS

- 1.1 We are instructed by Meadow Barn Developments Ltd., who are owners of the land to the south-east of 4 Meadowbrook, Aldreth. We request that these representations are considered alongside the attached updated arboricultural report by Greenlight Environmental Consultancy.
- 1.2 We are instructed to object to the Tree Preservation Order (TPO/E/05/24) solely in respect of tree T1 as shown on the plan attached to the Order, which we do not consider is worthy of protection. We raise no objection to the Order in respect of the remaining trees (T2-T9), since they perform an important landscape function in marking the edge of the built-up area and screening the houses to the north, providing continuity to the green edge separating the residential area from the agricultural land and open countryside beyond.
- 1.3 It is accepted that trees T2-T9 are clearly visible in the public domain, and they contribute strongly to the wider landscape. We would emphasise, however, that it has never been our client's intention to fell any of these trees and we have always indicated that sufficient precautions would be taken to safeguard their wellbeing during any on-site construction works. The need for a Tree Preservation Order is therefore questioned, when the trees have never been under threat.
- 1.4 With regard to tree T1, this is separate from the trees on the southern boundary and is visible only from the head of the cul-de-sac at Meadowbrook and not from any longer distance views. In our opinion its' removal would have negligible impact on the overall landscape or the character of the area and no impact whatsoever on the integrity of the boundary trees T2-T9.
- 1.5 Tree T1 is also situated close to the western boundary, where there is an existing swimming pool, which will increase pressure to maintain a smaller stature crown to limit tree debris from accumulating in the neighbour's pool, resulting in regular tree work applications to the Council.
- 1.6 Most importantly, tree T1 is an ash, already affected by dieback, and whilst this is not currently excessive, the tree is clearly vulnerable to the disease and cannot be relied upon to provide amenity in the longer term.

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- 1.7 The previous planning decision for a dwelling on the site (Ref 20/01295/FUL) contained no reason for refusal relating to trees, even though tree T1 was to be felled. Indeed, the Inspector confirmed in his report in respect of the subsequent appeal that the trees to be felled (including T1) were not considered to be "*of such quality and stature that they should be retained and protected.*"
- 1.8 Whilst we consider the Tree Preservation Order insofar that it relates to tree T1 is not justified, our clients are prepared to replace tree T1 with 6 replacement trees as set out in the accompanying report and we consider these replacement trees will more than compensate for the loss. This course of action has previously been seen as satisfactory by the Council's Tree Officer.
- 1.9 We request, therefore, that the Order is amended to exclude reference to tree T1 and relate to trees T2-T9.

## Appendix 2

4 Meadowbrook, Aldreth, Ely, Cambridgeshire, CB6 3UZ

East Cambs District Council  
Nutholt Lane  
Ely  
CB7 4EE

18 September 2024

**For the attention of Kevin Drane**

Dear Kevin

24/00133/FUL Meadowbrook Aldreth – Tree Preservation Order

As a resident adjacent to this proposed development, I support the TPO recently put in place to protect a mature ash tree (tree T2 in the plan of this site). The tree has been referred to by myself in all recent objections to the proposed development and was specifically flagged by the planning committee in the January 2024 refusal letter. Insufficient information had been provided about the tree in the application.

I feel the TPO is entirely valid to protect this tree, which is a local amenity and also a potential bat roost.

The developer hired a contractor to remove the tree on 2 July this year. This seemed to be an attempt to remove the tree, rather than address the issue raised by the planning committee, in an attempt to aid any future appeal.

I hope the planning committee is therefore able to confirm the TPO.

Many thanks for your assistance.

Yours sincerely

Jezz Davies

Agenda Item 5

## Tree Preservation Order - Land between 3&4 Meadowbrook, Aldreth.



Ian Bayes

To: PLServices; Kevin Drane; jezz davies; Gareth Wilson

Reply Reply All Forward ...

Wed 31/07/2024 06:26

Follow up. Start by 02 August 2024. Due by 02 August 2024.  
You replied to this message on 06/08/2024 13:57.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Sir, Madam,

As a neighbour, I support the TPO recently put in place to protect a mature tree the developer was intending to remove. This particular tree was related to the recent refusal of planning permission ref 24/00133, the developer was intending to remove the tree to aid their planning appeal. The reason for the TPO is entirely valid, to protect a mature tree that provides local amenity that was intended to be removed, contractors were present at site.

The tree is also a potential bat roost, both neighbours at no.3 and no.4 have witnessed bats flying around the tree during the summer months. We also have a registered maternity bat roost at no.3.

I understand that East Cambs have a legal requirement to ensure ecological surveys are undertaken for any developments. Please can we request a specific requirement to undertake appropriate bat surveys is added to this TPO to ensure any removal of trees at this site considers impacts to protected species.

Thank you

Ian Bayes

3 Meadowbrook

Sent from [Outlook for Android](#)

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Agenda Item 5

### Appendix 3



Agenda Item 5



Agenda Item 5

**Appendix 4****ECDC TPO Assessment Sheet & user guide & Copy of the TPO/E/05/24 documents**

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**  
SURVEY DATA SHEET & DECISION GUIDE

<b>Postal Address/Location</b>		<b>Land South East Of 4 Meadowbrook Aldreth Cambridgeshire CB6 3UZ</b>	
<b>Date:</b>	<b>2 July 2024</b>	<b>Surveyor:</b>	<b>Kevin Drane</b>

<b>DESCRIPTION OF TREE(S)</b> – Please continue on separate sheet if needed		
<b>Category (=report No.)</b>	<b>Description (incl. species)</b>	<b>Situation</b>
T1 (T1)	Ash - minor historic pruning on west side, Ash saw fly damage evident, no significant deadwood, crown break at 1m from ground level. Located approx. 4m from boundary and neighbours shed.	Located as per plan
T2 (T3)	Sycamore – 10degree lean to north for lowest 1.5m of stem then growing vertical, no excessive deadwood, some acute unions but no included bark or signs of structural weakness. Located approx. 2m from ditch bank.	Located as per plan
T3 (T4)	Ash – Ivy shrouded stem, very straight trunk, some crown phototropism but no noticeable effect of stability or structural integrity.	Located as per plan
T4 (T5)	Ash - Ivy shrouded stem extending into crown, crown phototropism due to proximity with T3 and T5 but no noticeable effect of stability or structural integrity.	Located as per plan
T5 (T6)	Ash - Ivy shrouded stem extending into crown, crown and stem phototropism due to proximity with T4 leading to a leaning trunk but no imminent concern for the stability or structural integrity.	Located as per plan
T6 (T7)	Field Maple - Ivy shrouded stem extending into crown, some crown phototropism due to proximity with T7 but no noticeable effect of stability or structural integrity.	Located as per plan
T7 (T8)	Field Maple - Ivy shrouded stem extending into crown, some crown phototropism due to proximity with T6 but no noticeable effect of stability or structural integrity.	Located as per plan
T8 (T10)	Crack Willow – Ivy shrouded trunk, heavy lean and crown weighting to north due to proximity with T9. Likely to require some significant pruning/pollard creation in the future.	Located as per plan
T9 (T11)	Crack Willow – Ivy shrouded trunk, twin stemmed from 1.5m, large feature of the site and neighbouring property, some small cavities visible likely high bat potential.	Located as per plan
T10 (T14)	Purple Plum – multi stemmed, good shape, vigour and health. Assessment limited due to location in neighbour's garden.	
T11 (T15)	Ash – relatively young tree, twin leader, sub optimum branch structure. Close to property (>2m).	
(T2, T9, T12)	Trees were small and obviously poor quality so no detailed assessment undertaken.	

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

**Score & Notes T1=3, T2=3, T3=3, T4=3, T5=3, T6=3, T7=3, T8=3, T9=3, T10=3, T11=3. T1, T3-T5, T11 reduced from maximum due to risk of Ash dieback. Other trees have identifiable defects that reduce their condition but could be**

*\* Relates to existing context and is intended to apply to severe irremediable defects only*

#### b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

**Score & Notes T1=4, T2=2, T3=4, T4=2, T5=2, T6=2, T7=2, T8=2, T9=4, T10=4, T11=1. T1, T3-T5 reduced from maximum due to risk of Ash dieback.**

*\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

#### c) Relative public visibility & suitability for TPO

*Consider realistic potential for future visibility with changed land use*

5) Very large trees with some visibility, or prominent large trees	Highly suitable
4) Large trees, or medium trees clearly visible to the public	Suitable
3) Medium trees, or large trees with limited view only	Suitable
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable
1) Trees not visible to the public, regardless of size	Probably unsuitable

**Score & Notes T1=3, T2=2, T3=3, T4=3, T5=2, T6=2, T7=2, T8=2, T9=3, T10=2, T11=1.**

#### d) Other factors

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes T1=1, T2=1, T3=1, T4=1, T5=1, T6=1, T7=1, T8=1, T9=3, T10=1, T11=0. T9 scored higher due to its habitat potential.**

## Part 2: Expediency assessment

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes T1=3, T2=3, T3=3, T4=3, T5=3, T6=3, T7=3, T8=3, T9=3, T10=3, T11=3. Report received that contractors attempted to fell trees on site.**

## Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible just
16+	Definitely merits TPO

**Add Scores for Total:**  
**T1=16, T2=11, T3=14,**  
**T4=12, T5=11, T6=11,**  
**T7=11, T8=11, T9=16,**  
**T10=11, T11=6.**

**Decision:** trees T1, T3, T4 and T9 score high enough to warrant protection by TPO. Trees T2, T5, T6, T7, T8 and T10 are just below the threshold for meriting a TPO but due to the sites dynamic and linked feature as a whole it is the trees officers opinion that the trees within the site should be protected by TPO.

## **Part 1: Amenity Assessment**

### **a) Condition**

This is expressed by five terms, which are defined as follows:

**GOOD** Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so

**FAIR** Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse

**POOR** Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult

**DEAD** Tree with no indication of life

**DYING** Trees showing very little signs of life or remaining vitality, or with severe,

**DANGEROUS** irremediable structural defects, including advanced decay and insecure roothold.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

### **b) Retention span**

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

### **c) Relative public visibility**

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection.

### **Sub-total 1**

The prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

Any 0 equating to do not apply TPO - 1-6 equating to TPO indefensible

**d) Other factors**

Only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero-score disqualification (under part 3).

**Sub-total 2**

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

**Part 2: Expediency assessment**

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

### **Part 3: Decision Guide**

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- 1-6 TPO indefensible This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO This covers trees which have qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Dated: 2nd July 2024

TPO/E/05/24

=====  
**TOWN AND COUNTRY PLANNING ACT 1990**  
=====

**TREE  
PRESERVATION  
ORDER**

Relating to: - Land South East Of 4 Meadowbrook Aldreth  
Cambridgeshire

=====  
Printed and Published by:  
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE  
=====

ORDER.TPO

Agenda Item 5

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)  
REGULATIONS 2012**

**TREE PRESERVATION ORDER**

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**Town and Country Planning Act 1990  
The Tree Preservation Order at Land South East Of 4 Meadowbrook Aldreth  
Cambridgeshire , TPO/E/05/24 2022**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the Tree Preservation Order at Land South East Of 4 Meadowbrook Aldreth Cambridgeshire , TPO/E/05/24 2022

**Interpretation**

2. (1) In this Order "the authority" means the East Cambridgeshire District Council  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 2nd day of July 2024

Signed on behalf of the East Cambridgeshire District Council



Authorised by the Council to sign in that behalf

#### **CONFIRMATION OF ORDER**

This Order was confirmed by East Cambridgeshire District Council without modification on the day of

OR

This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by , on the day of

Authorised by the Council to sign in that behalf

#### **DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by East Cambridgeshire District Council on the day of

Authorised by the Council to sign in that behalf

#### **VARIATION OF ORDER**

This Order was varied by the East Cambridgeshire District Council on the day of under the reference number

Authorised by the Council to sign in that behalf

#### **REVOCATION OF ORDER**

This Order was revoked by the East Cambridgeshire District Council on the day of under the reference number

Authorised by the Council to sign in that behalf

**SCHEDULE  
SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
T1	Ash Tree	Located as per plan
T2	Sycamore Tree	Located as per plan
T3	Ash Tree	Located as per plan
T4	Ash Tree	Located as per plan
T5	Ash Tree	Located as per plan
T6	Field Maple	Located as per plan
T7	Field Maple	Located as per plan
T8	Crack Willow	Located as per plan
T9	Crack Willow	Located as per plan

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
	<b>NONE</b>	

**Groups of trees**  
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	<b>NONE</b>	

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
	<b>NONE</b>	



East Cambridgeshire  
District Council

Town and Country Planning Act 1990  
Town and Country Planning  
(Tree Preservation) (England)  
Regulations 2012

**TREE PRESERVATION  
ORDER**  
No. E/05/24

Land South East Of  
4 Meadowbrook  
Aldreth  
Cambridgeshire  
CB6 3UZ

**T1, T3, T4, T5 - Ash  
T2 - Sycamore  
T6, T7 - Field Maple  
T8, T9 - Crack Willow**

**PLANNING SERVICE**

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE  
D. Moren. Planning Manager

The tree locations are indicative and  
may not reflect the exact locations

Date: 02/07/2024  
Scale: 1:510.596066



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Agenda Item 5



**23/01088/FUM**

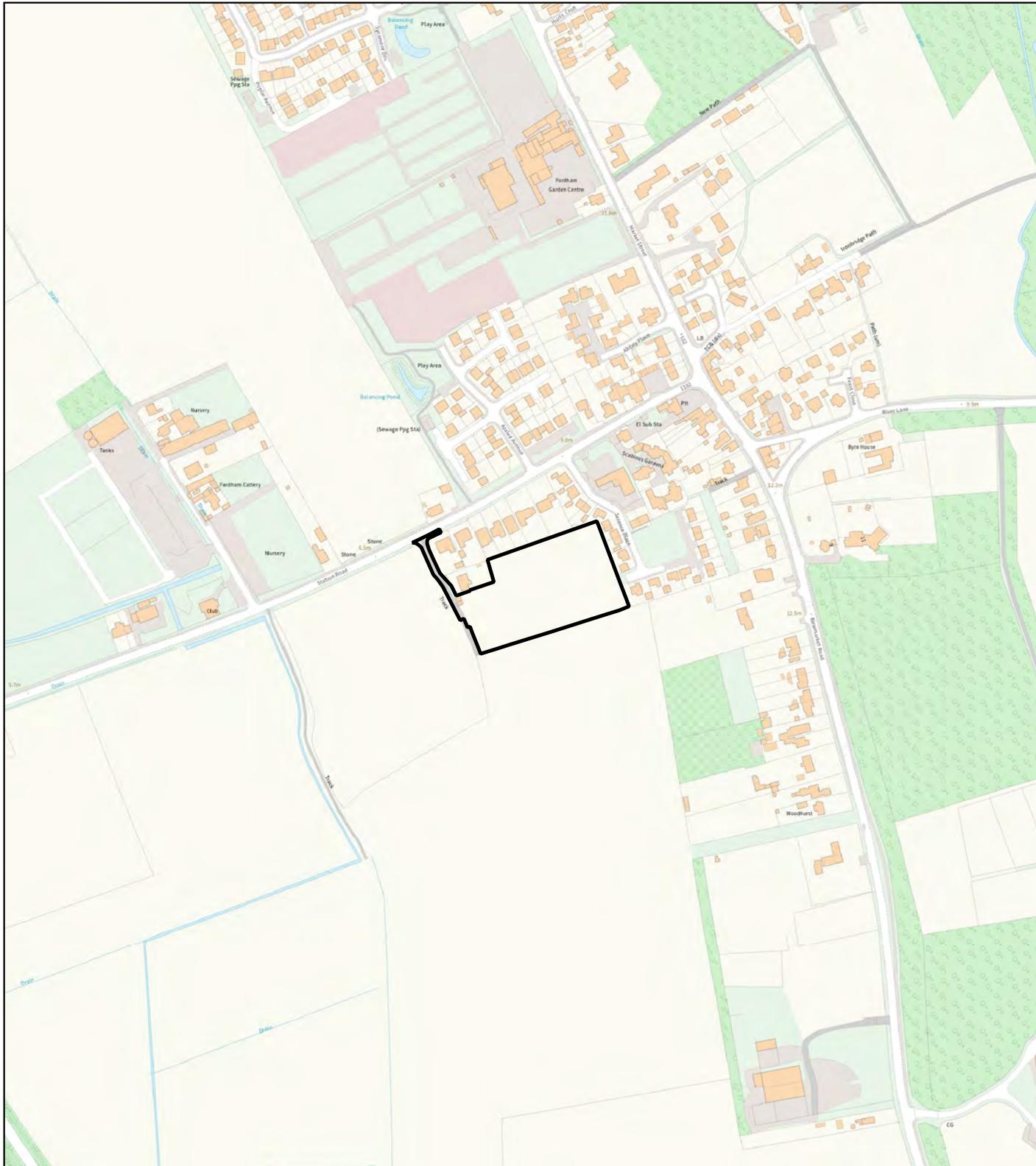
Land East Of 19  
Station Road  
Fordham  
Cambridgeshire

Full planning permission for the development of retirement housing with support (use class C3) (age restricted to over 60s) comprising 21 dwellings, a residents community building, landscaping, access and associated infrastructure

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=S1YJX4GGG0K00>





23/01088/FUM



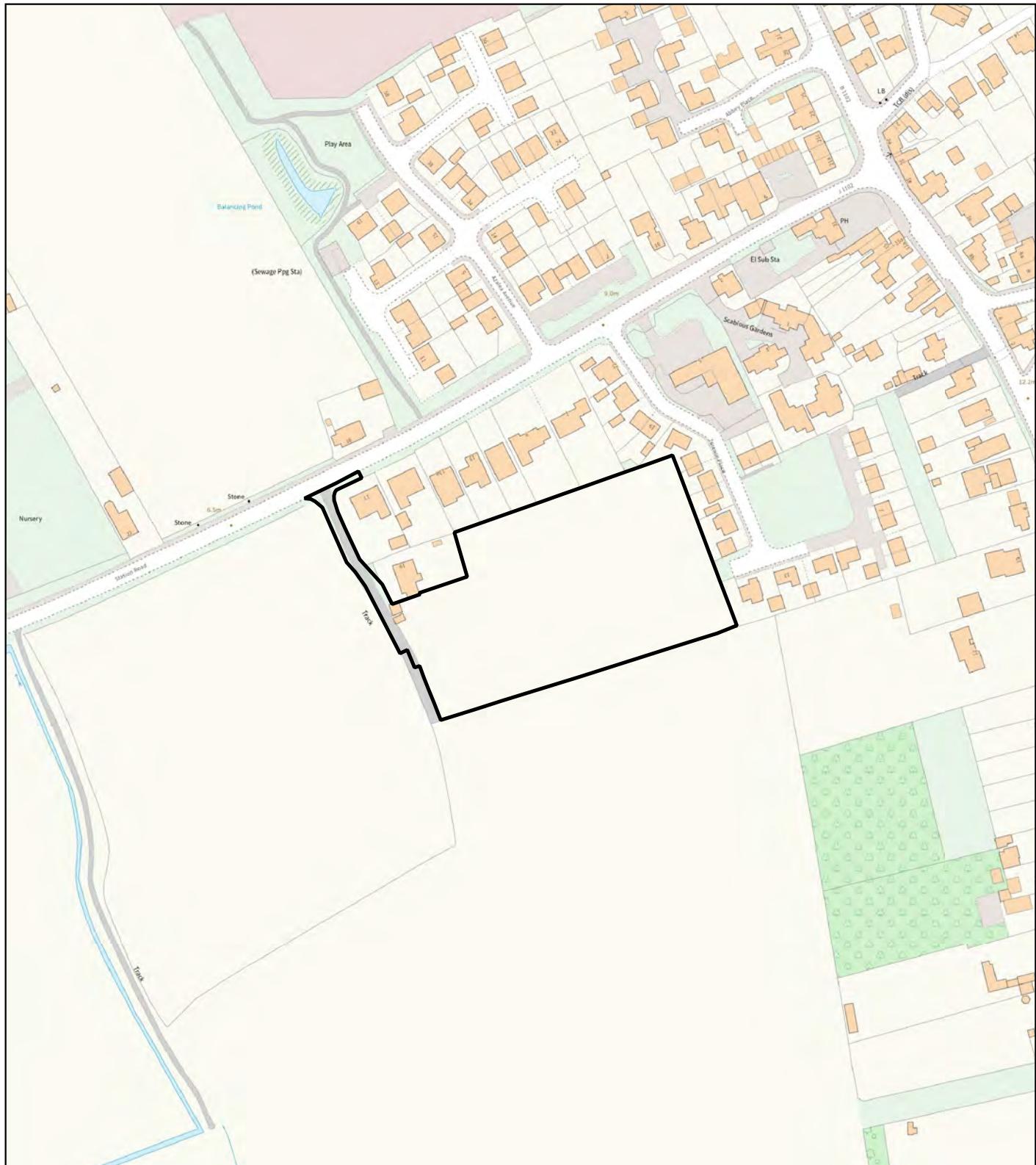
Land East Of  
19 Station Road  
Fordham

## East Cambridgeshire District Council

Date: 24/10/2024  
1:5,000



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23/01088/FUM



Land East Of  
19 Station Road  
Fordham

East Cambridgeshire  
District Council

Date: 24/10/2024  
1:2,500



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**TITLE:** 23/01088/FUM

Committee: Planning Committee

Date: 6 November 2024

Author: Senior Planning Officer

Report No: Z82

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

**Site Address:** Land East Of 19 Station Road Fordham Cambridgeshire

**Proposal:** Full planning permission for the development of retirement housing with support (use class C3) (age restricted to over 60s) comprising 21 dwellings, a residents community building, landscaping, access and associated infrastructure

**Applicant:** SageHaus Living

**Parish:** Fordham

**Ward:** Fordham And Isleham

Ward Councillor/s: Julia Huffer  
Kelli Pettitt

**Date Received:** 6 November 2023

**Expiry Date:** 09 October 2024

## 1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the following terms:

- The Committee delegates authority to finalise the terms and completion of the S.106 legal agreement covering the Heads of Terms set out within this report to the Planning Manager; and,
- Following the completion of the S.106, application 23/01338/OUM be approved subject to the planning conditions at **Appendix 1** (and summarised below); or,
- The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the S106 legal agreement.

## Recommended Conditions

- 1 Approved Plans
- 2 Time limit
- 3 On and off-site highway works
- 4 Construction Ecological/Environmental Management Plan
- 5 Archaeological investigation
- 6 Detailed drainage scheme
- 7 Surface water run off during construction
- 8 Tree protection measures
- 9 Hard landscaping
- 10 Fire hydrant(s)
- 11 External materials
- 12 Accessibility measures
- 13 Soft landscaping
- 14 Maintenance of soft landscaping
- 15 Air source heat pumps and photovoltaic panels
- 16 Biodiversity enhancements
- 17 Parking provision, access and hardstanding drainage
- 18 Noise Management Plan (community building)
- 19 Removal of permitted development rights – gates, fences and walls
- 20 Unexpected contamination
- 21 Hours of use – community building
- 22 Piling foundations
- 23 Sustainability and energy efficiency measures
- 24 Removal of permitted development rights for dwellings (extensions/alterations)

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application proposals comprise the erection of 21 age-restricted (over 60s) retirement bungalows (Use Class C3 – residential). A 100m<sup>2</sup> (1076sqft) community building is also proposed at the site's entrance, with associated landscaping, access and associated infrastructure.
- 2.2 The proposed 2-bed and 3-bed bungalows are arranged largely in pairs around a central oval green which contains a SuDS pond. Each property has its own driveway with parking for two cars. Each parking space has an additional buffer to allow for restricted mobility.
- 2.3 The proposed community building is intended as a multi-purpose space for prospective occupiers, with an outdoor/patio terrace area. The building is designed to act as an amenity and well-being space. The community building has designated parking of four spaces.
- 2.4 The proposals seek to utilise Modern Methods of Construction (MMC) and renewable energy technologies (solar photovoltaic panels and Air Source Heat Pumps). As a result, the dwellings are expected to have an upfront embodied carbon saving of 47% compared to the Royal Institute of Chartered Surveyor's whole life benchmark and energy consumption is expected to be reduced by over 50%.

2.5 Regarding the type of retirement living proposed, as set out within the Applicant's Planning Statement: "*SageHaus Living retirement living model is most comparable to Sheltered Living with all homes coming with a 24-hour monitored alarm and the Site Manager/ Warden on site who will be available to assist residents with any issues. For those residents who require additional care the SageHaus Living domiciliary care package will be made available via the applicant's care partner Oak Retirement.*"

2.6 Each dwelling will also be fitted with the following devices to allow independent living:

- Motion sensors – to track occupiers' daily habits to detect emergencies;
- Video doorbell intercoms - to provide an extra level of security;
- Smart home control - allowing temperature and light to be controlled via automation;
- Smart Smoke and Carbon Monoxide detectors;
- Voice activated assistants - to allow easier control of devices around the house.

2.7 All homes will be Part M4(ii) compliant with Building Regulations and as such they will benefit from level access thresholds both internally and externally. All dwellings have been designed in accordance with the Housing LIN Age Friendly design guidelines. This means that all internal spaces are large enough for wheelchair access and include design features such as flush skirting boards, which will enable residents to adapt and install mobility equipment if needed in the future.

2.8 The development proposals will be underpinned by a comprehensive soft landscaping scheme including attenuation pond, with upgrades to the site's vehicular and pedestrian access onto Station Road with an uncontrolled pedestrian crossing, linking to the existing northern-edge footpath.

2.9 The application has been called into Planning Committee by Cllr. Julia Huffer (Ward Member) on the following basis: "*My objections remain the same and I would ask that should you be inclined to recommend approval for this scheme it is called into committee for further scrutiny*".

2.10 The application was also automatically referred to Planning Committee on the basis that it represents a departure from the Development Plan. This is in line with the Council's Constitution.

2.11 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### **3.0 PLANNING HISTORY**

3.1 The application site does not have any related planning history.

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

- 4.1 The application site comprises an existing largely rectangular agricultural field along the southern edge of Station Road. The site immediately adjoins but falls outside of the development envelope as set out within the Fordham Neighbourhood Plan 2018. It is therefore located in the countryside for the purposes of planning policy.
- 4.2 The site sits behind existing residential development along Station Road and to the west of Terrence Place, a recently completed residential development. To the south and west lie agricultural fields. An existing back-land bungalow sits adjacent to the application site's north-western corner and is to be retained, falling outside of the Applicant's ownership.
- 4.3 The site measures c.1.06 hectares (c.2.6 acres) and has an existing singular vehicular access point onto Station Road.
- 4.4 There are no listed buildings, structures or monuments within the vicinity of the site. The site is within Flood Zone 1 (low risk of flooding) and is also at a low risk of surface water flooding.
- 4.5 The site is not covered by any landscape designations and does not fall within any Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC) or RAMSAR sites. It does nevertheless fall within a SSSI Impact Zone (Brackland Rough SSSI and Chippenham Fen SSSI/Ramsar/SAC).

## **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 – 29<sup>th</sup> November 2023**

This application falls outside of Fordham's Development Envelope and Neighbourhood Plan.

Fordham Parish Council expect all applicants or their representatives to have familiarised themselves with the East Cambridgeshire District Council (ECDC) website. This includes having a full understanding of Trees, Hedgerows and Wildlife. This can be found on the website under 'P' for Planning.

One of the Parish Council's values is 'biodiversity' we uphold this value very seriously. The precious but limited land we have should be preserved and protected for future generations including the wildlife that lives within it.

As a Parish Council we want to support local enterprise and development, but by not respecting our values or to comply with our values may result in a fine by ECDC or a referral to the Cambridgeshire Police Force.

### **Parish – 18th January 2024**

Having spoken to my Chair our updated position is as follows: ' We object to the plans because they fall outside the development envelope, and should therefore not be considered'.

**Parish – 21<sup>st</sup> May 2024**

As Fordham Parish Council we would refer you back to our original comment on the 18th January, we object to this development as it is outside the Fordham Development Plan and should therefore not be considered.

**Parish – 21<sup>st</sup> August 2024**

We would refer you back to our comments made on the 29th November 2023, 18th January 2024 and 21st May 2024, we object to this application as it falls outside the Fordham Development Plan and should not be considered.

**Cllr. Julia Huffer - Ward Councillor, Fordham & Isleham – 25<sup>th</sup> September 2024**

My objections remain the same and I would ask that should you be inclined to recommend approval for this scheme it is called into committee for further scrutiny.

**East Cambs Ecologist – 16th August 2024**

Headline: Net loss of biodiversity, trading rules not satisfied.

With the information provided with the application currently I Object to this application in its current form.

Non mandatory Biodiversity Net Gain

This application has used the appropriate metric at the time of submission. But the scheme does not provide a gain overall. Trading rules by the v4 standard of like for like or better have not been met at the overcompensation of hedgerow does not make up for the loss of other habitats of a different heading.

In the v4 user guide it states "If trading rules have not been satisfied then a net gain in biodiversity cannot be claimed unless trading rules are resolved. The trading rules are not influenced by the spatial risk multiplier and are applied before any spatial risk multiplier deductions." This is clearly marked on the metric see image.

There is a deficit of 2.28 to achieve no net loss to biodiversity.

Conclusion:

In its current form I Object to this application for the above reason.

**East Cambs Ecologist – 30th September 2024**

Offsite information missing/inaccurate

Purchasing units from an offsite provider or creating their own? Metric says the site is in formally identified strategic area but there are no maps to confirm offsite location or details included in the accompanying report. No link to a registered provider to as evidence or information to validate the metrics input. Says "theoretical" option in the notes this needs to be decided.

Current onsite area habitats net loss -6.81% and relies on the offsite provision to create net gain for area habitat units. The metric is stating that 3.38 units of other neutral grassland to be provided offsite in a strategically significant location but provides no details.

Given the small area for biodiversity improvements I would expect to see offsite provision for this site, however this is costly.

Conflicting information/ inaccurate

Does this BNG plan supersede the landscape plans? They do not seem to correlate. For example Unknown orchard trees and bulb planting is not consistent

with traditional orchard. Heritage fruit trees with species rich grassland would be expected for traditional orchard. Fruit trees and bulbs is more of a garden. Landscape plan shows Allotment - missing from Metric or are these the ground level planters? Buffer strip of wildflowers or other neutral grassland - high hedges, lots of trees and fences tend to mean poor growing conditions for Other Neutral Grassland, they are narrow areas shaded and often not managed successfully. Trees near allotments tend to result in the trees being removed when overshadowing occurs, careful consideration to species is needed to assure that BNG isn't lost along with the trees.

#### Management of onsite habitats

Currently there is no HMMP or LEMP submitted to assess the viability of these habitats succeeding to the set targets. Understanding how these habitats will be created and managed long term will be crucial in assessing the viability of the habitats selected. Please note that the site isn't expected to have the habitats in the condition stated for another 27 years from when the habitats have been created and this will only happen if the right management is in place.

Having several habitats in such a small area keeping them at a moderate quality will be difficult, potentially costly and could result in further onsite BNG losses in time.

At this stage I am unconvinced that the site can achieve these habitat goals.

#### **Environmental Health (Domestic) – 7th December 2023**

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that 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

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc.) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. 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 I would request a commitment to the following restricted hours specifically for piling - 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 then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

From reading the D&AS it would appear as though there is the possibility of ASHPs forming part of this proposal. As this department does receive noise complaints concerning ASHPs I have attached some guidance for the applicant to consider when choosing, siting and installing the ASHPs. I would ask that these details are either provided before determination or as a Condition to be discharged later. I would also recommend the following condition -

"The specific rated noise level emitted from the air source heat pump shall not exceed the existing background noise level. The free field sound level 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 BS 4142:2014+A1:2019."

I would be seeking hours of use for the Community Building but I would be happy to discuss this element with you at a later date.

No other comments to make at this time but please send out the environmental notes.

#### **Environmental Health (Domestic) – 25th July 2024**

There doesn't appear to be anything additional specifically for me to comment on but if I'm mistaken, please let me know.

#### **Environmental Health (Scientific) – 5th January 2024**

I have read the Factual Ground Investigation Report dated February 2023 prepared by Delta Simons. Although the investigation was carried out to support drainage design rather than for land contamination purposes the report states that the site is assumed to have been in continuous agricultural use and the borehole logs show no obvious signs of contamination. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

#### **Housing Section – 15th November 2023**

The Strategic Housing Team does not support the above application as the proposed site is located outside of the development envelope and cannot be brought forward unless as an exception site. In principle, however, the application will support East Cambridgeshire District Council to address housing need.

In accordance with policy HOU 3 of the East Cambridgeshire Local Plan a minimum of 40% of the total number of dwellings to be provided will be required for affordable housing provision (9 units).

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.

It is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards. Please see link: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_\\_\\_Final\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard___Final_Web_version.pdf)

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

1. That 30% Affordable Housing is secure with the tenure requirement of 77% rented and 23% intermediate housing.
2. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
3. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an alms-houses society).
4. That the tenure of each dwelling will be Affordable Rent, Social Rent or Shared Ownership, and no subsequent alteration will be permitted without the Council's prior approval.
5. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
6. That the Affordable Dwellings are constructed to DCLG, National Described Space Standards or as a minimum all new dwellings should meet Building Regulation Park M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.
7. That the affordable dwellings are not clustered in parcels larger than 15 dwellings as this will help to create a balanced and sustainable community.
8. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
9. That occupation will be in accordance with a nomination agreement.
10. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

#### **ECDC Trees Team – 21st November 2023**

Tree T1, T10 and group G8 require crown pruning in order to facilitate the planned layout this indicates that there will not be sufficient room for the trees future development and will likely result in conflict between the tree and the residents resulting in either further excessive pruning or the removal of the trees. BS 5837:2012 states that 'Structures should therefore be designed and/or located with due consideration for a tree's ultimate growth, so as to reduce the need for frequent remedial pruning or other maintenance'. And that 'Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread'. The current layout does not appear to have considered these points.

The Arboricultural reports tree protection plan indicates that the trees in group G5 will be removed but the report itself does not include any information in relation to this?

The indicated removal of sections of hedge H3 in order that the sections will fit between the garden fences will remove the linier connection of the feature as a whole likely resulting in a miss mash appearance where sections are maintained at different heights and with some sections removed. H3 is a mixed native species hedge of ecological importance according to the submitted ecology report as such it should be retained as a whole and there are way this can be achieved while still providing a secure garden boundary. The hedges on site should be assessed in accordance with the criteria in the 1997 Hedgerow regulations to assess if they are important hedgerows.

Due to the indicative nature of the soft landscaping scheme it is not possible to fully assess its suitability but this could be confirmed by condition. When developing the soft landscaping scheme it will be vital that the characteristics of the trees are taken into consideration such as fruiting habit (soft fruit and hard surfacing is not a good combination especially if there are mobility difficulties with occupiers), desirable aphid habitats (the resulting Honey Dew on cars and other surfaces can result in early tree removal) and mature size (trees that will develop to significant dimensions are unlikely to be retained if they are in close proximity to properties or over shadow gardens). As such it may be more appropriate to plant no native species of tree in some of the proposed locations as they could be more suitable for long term retention, right tree for the right location.

Due to the issues detailed above in relation to the trees and hedges it is not possible to support this application at this time.

#### **ECDC Trees Team – 21st August 2024**

The revised layout has reduced the impacts on the trees on site though it does now require the removal of 1 category B tree (T10), to comply with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020 nine new trees will be required as part of the soft landscaping scheme and the indicative soft landscaping scheme illustrates that it would be possible to comply with this stipulation. Subject to the submission of a suitable soft landscaping scheme (which could be provided by condition) there are no tree related objections remaining. Previous comments regarding the soft landscaping should be taken into consideration when designing the scheme.

#### **Waste Strategy (ECDC) – 9th November 2023**

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).

Considering the site layout and the number of properties in the development, enough space should be allowed for on the highway boundary to present bins. Arrangements should be made to ensure bin presentation does not affect the street scene appearance and the neighbouring property. We would advise to provide further details on any arrangement that has been planned.

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 £57 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.

Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

**Anglian Water Services Ltd – 29<sup>th</sup> November 2023**

#### ASSETS

##### Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### WASTEWATER SERVICES

##### Section 2 - Wastewater Treatment

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

##### Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment and Drainage Strategy report issued date May 2023 Part 1 and part 2 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. 1.

INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on

this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

### 3. INFORMATIVE - Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

**4. INFORMATIVE:** The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## Section 4 - Surface Water Disposal

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

From the Flood Risk Assessment and Drainage Strategy report issued date May 2023 Part 1 and part 2 submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

### **Technical Officer Access – 15<sup>th</sup> November 2023**

All development should comply with BS8300:2009 and Building Regulation Part M.

#### Areas of concern

##### Approach

Parking, Transport links, Street furniture, External steps/ramps

##### Principal entrance

Visibility, Entry controls, Doors, Thresholds, Lobbies, Reception area, Reception desk, Signs, Visual & acoustic factors

##### Horizontal Circulation

Ease of navigation, Corridors, Doors, Internal surfaces

Vertical circulation  
Internal steps/ramps, Stairs, Lift

Facilities  
WCs, Changing areas, Baths/showers, Refreshments, Service areas, Meeting rooms

Emergency Egress  
Escape routes, Refuges, Alarms, Fire protected lifts, Emergency lighting

Signs & Wayfinding  
Overall layout, Landmark features, Sign, type & location, Maps & Guides, Colour & contrast, Lighting: General & workplace

Other  
Communication systems (Telephones, Voice announcers/ Audio-visual, Displays), Controls & Equipment (Coin & card operated devices, Building service controls, Alarms/entry systems)

Preferable to have ensuites in main bedroom. The shown ensuite bathroom is not wheelchair accessible in terms of the door opening inwards and the shower being a small cubicle. The bathroom on the other hand looks like it could be a wet room. Preferably the other way around.

The front doors open against the wheelchair cupboard. Preferably to have the front door handed.

Refuse collection has been confirmed will be kerbside from Station Road, this would not be possible for those with disabilities and is excessive even for able bodied people. The refuse team will not enter a private gated community.

Where are wheelie bins stored at properties and set aside in a non obstructive location on Station Road for collection?

Are there ramps into properties?

No lighting on pathways indicated on plans.

If this is a gated community, how are deliveries to be made, refuse collection, fire engines and removal lorries entering the site? If the driver of a car is wheelchair bound are the gates openable by a remote control or does the driver need to get out of the car?

Paths and shared surfaces should be firm, level and slip resistant.

There should be a clear distinction between paths and roads in shared surface areas for the visually impaired.

More details of allotments required. Will there be raised beds and footpaths around the area for wheelchair access? The artists impression in the design statement looks much larger than the actual space on the drawing.

There should be firm, level and slip resistant footpaths into green spaces, so that people in wheelchairs can sit alongside people on the bench.

It would appear the gate to the development cuts across the two parking bays of the first property.

The location of the television in the lounge is on the wall behind their seating layout. Difficult for an able-bodied person, impossible for someone with physical disabilities.

We would welcome contact from the applicants to discuss this site.

#### **Design Out Crime Officers – 22<sup>nd</sup> November 2023**

Thank you for the opportunity to comment on this planning application, I have read the design and Access Statement (DAS) and all associated documents, in relation to crime, disorder, and the fear of crime. I have searched the Constabulary crime and incident systems for the last 2 years I would consider this to be an area of low/medium risk to the vulnerability to crime at present.

##### **Crimes and Incidents of note:**

All Crime	Fordham Ward Total = 353	All Incidents	Fordham Ward Total = 1762
Burglary Residential	20	Suspicious Circumstances	104
Burglary Business	9	Rowdy Nuisance and Anti-social Behaviours	16
Robbery Personal		Vehicle Nuisance	45
Theft From Vehicle	44	Malicious Nuisance	13
Theft Of Vehicle	9	Burglary Other	6
Vehicle Interference	3	Crime Other	7
Other Theft	32		
Public Order	24		
Criminal Damage	19		
Possession Drugs	4		
Trafficking Drugs	1		
Possession Weapons	1		
Violence	124		

While there is no specific crime prevention or security section in the Design and Access Statements (DAS), some security measures have obviously been mentioned and considered. It is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, amenity space and the environment provide a safe place for employees and visitors.

NPPF Para127 (f) - Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of

amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

I note that some of the below have been considered within the design and layout of this proposed development.

- Natural Surveillance of public and semi-private spaces entrances to a development, paths, play areas, open spaces, and car parks, which allows for vehicles to be parked in curtilage of homes and overlooked from active rooms in a property.
- Defensible space and the clear definition, differentiation, and robust separation of public, private, and semi-private space, so that all the spaces are clearly defined and adequately protected in terms of their use and ownership.
- External lighting should be column lit all to the standard of an adopted road to include shared parking courts and footpaths. This office would not support bollard lighting in shared parking court areas.
- Design and layout of pedestrian, cycle, and vehicle routes into and within the site, including how these integrate with existing patterns in the village.
- Landscaping and planting potential hiding places which ensures that dark or secluded areas are not created.

Whilst I note that this will be a gated community, I do have the following comments.

The layout and general appearance look to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbour's properties with many homes facing each other, the majority have been provided with back-to-back protected rear gardens which reduces the risk and vulnerability to crime, and most properties have some defensible space to their front. Vehicle parking in-curtilage between and to the sides of properties, vehicular and pedestrian routes are aligned which should encourage natural surveillance on this development.

External:

Doors -

- All door sets allowing direct access into to the home, e.g. front and rear doors, interconnecting garage door sets, French doors, bi-fold or sliding patio door sets, dedicated private flat or apartment entrance door sets, communal door sets, easily accessible balcony door sets (Note 23.4a), etc., shall be certificated to one of the following standards:

- PAS 24:2022 (Note 23.4b), or
- PAS 24:2016\* (Note 23.4b), or
- STS 201 Issue 14:2021 (Note 23.4c), or
- LPS 1175 Issue 7.2:2014 Security Rating 2+ (Note 23.4d), or
- LPS 1175 Issue 8:2018 Security Rating A3+, or

- STS 202 Issue 10:2021 Burglary Rating 2 (Note 23.4d), or
- LPS 2081 Issue 1.1:2016 Security Rating B (Notes 23.4d and 23.4e), or
- STS 222 Issue 1:2021
- PAS 24:2016 has been withdrawn by the British Standards Institute and replaced by PAS 24:2022, however PAS 24:2016 will continue to be an acceptable route to compliance until 31st December 2024.

Windows -

- All easily accessible (Note 24.2a) windows (including easily accessible roof lights and roof windows) shall be certificated to one of the following standards:
  - PAS 24:2022 (Note 24.2b), or
  - PAS 24:2016\* (Note 24.2b), or
  - STS 204 Issue 6:2016 (Note 24.2c), or
  - LPS 1175 Issue 7.2:2014 Security Rating 1 (Note 24.2d), or
  - LPS 1175 Issue 8:2018 Security Rating 1/A1, or
  - STS 202 Issue 10:2021 Burglary Rating 1, or
  - LPS 2081 Issue 1.1:2016 Security Rating A, or STS 222 Issue 1:2021

Easily accessible is defined within Approved Document Q Appendix A as:

A window or door set, any part of which is within 2 metres vertically of an accessible level surface such as a ground or basement level, or an access balcony, or

A window within 2 metres vertically of a flat roof or sloping roof (with a pitch of less than 30 degrees) that is within 3.5 metres of ground level

- External lighting - It would be good to see a full External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and unadopted roads, any private driveways, shared drives, and parking areas should all be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for most dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn LED lights. (There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution!).

The DAS mentioned cycle storage, Unfortunately I couldn't see where these are proposed to be positioned. Please could you provide a design for the cycle storage. If sheds or stores are to be provided, please see below.

- Cycle Sheds - Will there be sheds provided in rear gardens - If being provided I would like to see a design for these once available.
- The issues we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor and should be within view of active windows (to make you aware there is now a Sheffield stand that has been SBD accredited)
- Door hinges should be coach-bolted through the shed structure or secured with security/non-return screws.
- Two hasp and staples that meet 'Sold Secure' Silver should be used. One positioned 200mm - 300mm down from the top of the door, and one positioned 200mm - 300mm up from the bottom of the door. Additionally, hasp and staples should be coach bolted through the shed structure or secured with either security or non-return screws.
- Both padlocks should meet 'Sold Secure' Gold or LPS 1654 Issue 1.1:2014 Security Rating 1.
- Shall be securely fixed to a suitable substrate foundation. See "Secured By Design" (SBD) website link below
- Within secure garden sheds care must be taken to ensure that this will be robust and secure enough to protect what is being stored in it, particularly cycles or similar e.g. (gardening equipment). There should be No Windows.

I would encourage the applicant considers submitting a "Secured by Design" (SBD) residential 2023 application as I believe this development could attain accreditation with consultation.

Guide and application form attached for your reference.

[HOMES\\_GUIDE\\_2023\\_web.pdf](HOMES_GUIDE_2023_web.pdf) (securedbydesign.com)

[securedbydesign.com/images/HOMES\\_APP\\_FORM\\_REGCHECKLIST\\_2023\\_v2.pdf](securedbydesign.com/images/HOMES_APP_FORM_REGCHECKLIST_2023_v2.pdf)

I am happy for the above to be conditioned.

If you require any further assistance, please do not hesitate to contact me.

#### **Design Out Crime Officers – 1<sup>st</sup> August 2024**

Having viewed the documents, I note the changes made to the layout and I am supportive of these, most properties still benefit from protected rear gardens, including some natural surveillance over the central landscaped communal space from active rooms.

The Design and access statement mentions gated vehicular access to the site, will this be access-controlled residents only, or will it be opened in the mornings and closed at night? I would like to see a design for the proposed gate once available.

Also, the re-design of the bungalows shows a large store, is this for wheelchairs? - What provisions/safety measures will be implemented to ensure electric/battery

chairs are safe when charging? Or will there be provision of an external store for mobility scooters?

My previous comments 22nd November 2023 still stands.

As previously mentioned, I would encourage the applicant consider submitting a "Secured by Design" (SBD) residential 2024 application as I believe this development could attain accreditation with consultation.

I have no further comment at this time, I am happy for the above to be conditioned.

**Cambridgeshire Archaeology – 20<sup>th</sup> November 2023**

I am writing in regards to the archaeological implications of the above referenced planning application.

Our records indicate that the development sits in an area of high archaeological potential to south-east of the historic core of Fordham. Archaeological investigations have been undertaken to the adjacent north of the development area, which revealed evidence for early to middle Saxon pitting, and Iron Age to Roman ditches including the find of a Roman brooch (Cambridgeshire Historic Environment Record reference. MCB27160). This evidence is likely a continuation of activity found during investigations at Scotsdale Garden Centre to the north, where pits, ditches and buried soils relating to Saxon to medieval activity were encountered (CHER ref. MCB25851). The post-medieval period saw the development of gardens around Shrubland House to the north of the development area (CHER ref. MCB19367). Investigations within the bounds of the gardens revealed post-medieval activity, as well as medieval pitting and ditches of 12th to 14th century date (CHER ref. MCB25852). Activity to the south of the development area consists of a yet undated series linear and enclosures known from cropmarks to the south (CHER ref. MCB23914), lying close to an area of prehistoric activity found during investigations to the south-east (CHER ref. MCB26616).

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. Usage of the following condition is recommended:

**Archaeology Condition**

No demolition/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.

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).

**Informatives:**

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

Please let me know if you require anything further.

**Cambridgeshire Archaeology – 25<sup>th</sup> July 2024**

We have reviewed the amended documentation and can confirm that they do not alter the advice given by this office previously. Namely 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. Usage of the following condition is recommended:

**Archaeology Condition**

No demolition/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 (Wintertree Software Inc.) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the Wintertree Software Inc., no demolition/development shall take place other than under the provisions of the agreed Wintertree Software Inc., 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.

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 (DLUHC 2023).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the Wintertree Software Inc..

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

**Cambridgeshire Fire And Rescue Service – 15th November 2023**

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager  
Community Fire Safety Group  
Hinchingbrooke Cottage  
Brampton Road  
Huntingdon  
Cambs  
PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

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, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given.

Should you require any further information or assistance I will be pleased to advise.

*[NB: Full response also included technical specification details of Scania fire trucks and associated apparatus.]*

**Cambridgeshire Fire And Rescue Service – 8th August 2024**

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager  
Community Fire Safety Group  
Hinchingbrooke Cottage  
Brampton Road  
Huntingdon  
Cambs  
PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

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, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given.

**Lead Local Flood Authority – 22nd November 2023**

Thank you for your consultation which we received on 8th November 2023

At present we object to the grant of planning permission for the following reasons:

1. Infiltration testing results

The applicant has provided infiltration testing that is not in accordance with BRE365 guidance. The following provides good practice minimum requirements:

- Minimum of 3 tests undertaken in quick succession at each location/trial pit
- Lowest value obtained across the site to be used for calculating the required volume of soakaways. It is noted that the applicant has used an average of two infiltration test results which is unacceptable.
- Depth of testing to be representative of drainage proposals (i.e. shallower tests for permeable paving and deeper tests for conventional soakaways)

The minimum infiltration rate the LLFA accepts is  $1.0 \times 10^{-6}$  m/s. Please note that extrapolated results will not be accepted.

To protect groundwater from pollution, the applicant should show that the infiltration structure will be constructed with the base set at a minimum of 1.2 m above the anticipated groundwater level, not be located within an area of contaminated land or in made ground. The applicant must demonstrate that water quality has been adequately addressed.

It is noted that the proposed infiltration basin has a proposed depth of 1.0 m; however, the groundwater levels monitored on the 13th of February 2023 appears to indicate that DS101 recorded groundwater at 1.87 m bgl (below ground level). Therefore, the infiltration structure will be located 0.87 m above the anticipate groundwater level which is unacceptable. Should infiltration be deemed not feasible, a second viable option must be proposed.

## 2. Detailed drainage layout plan

The applicant should provide a detailed drainage layout plan which is fully labelled and show details (e.g. pipe numbers, gradients, diameters, locations and manhole details) of every element of the proposed drainage system (including all SuDS and pipes). This should align with the associated hydraulic calculations. Full details of the type and size

of any flow controls should be included either with the report or on the detailed drainage layout plan.

## 3. Hydraulic calculations

The applicant has provided hydraulic calculations that are insufficient in details. Therefore, the LLFA requires that the applicant address the following points:

- The applicant has used a 'Quick Storage Estimate' to calculate the volume of attenuation required. This is not appropriate for a full planning application where a greater level of detail is required.
- Full network hydraulic calculations are required for the LLFA to suitably review the proposed system showing pipe 'node numbers', SuDS and flow controls. These should show the full pipe network and results for the 100%, 3.3% and
- 1% Annual Exceedance Probability (AEP) storm events.
- The surface water strategy must demonstrate that the infiltration rate and storage volume required to attenuate surface water run-off from the critical 1% Annual Exceedance Probability (AEP) critical storm event, including an appropriate allowance for climate change can be provided on site.
- The correct factor of safety should be applied to the infiltration structure. Paragraph 5.15.5 in the Cambridgeshire County Council's Surface Water Drainage Guidance document outlines the appropriate safety factors for
- development areas and potential consequence of failure.
- In the simulation settings, the drain down time should be set to 1440 minutes (1 day) minimum and the additional storage (MADD factor) should be set to 0.

- The lowest mass balance values should be >99%. Please note, that the lower values suggest that the network calculations may not account for all surface water entering the drainage system, which could imply an unstable simulation.
- Since the modelling is for the impermeable area, Cv values (volumetric runoff coefficient) for the winter and summer storms should be set to 1.0 to account for the total runoff during storm events.

#### 4. Water quality treatment

Section 6.5 of the SPD states that runoff from a site should be of an acceptable water quality to protect receiving waters. The applicant proposes using proprietary systems for water quality treatment. Above ground SuDS (e.g. swales, filter drains, permeable paving) should be prioritised for pre-treatment of surface water. Only if such features are demonstrated as not viable, then approved proprietary engineered pollution control features may be used. However, the applicant has provided no justification for the proposed utilisation of proprietary systems. Furthermore, it is unclear why the proposed permeable paving and the infiltration basin is not included in the mitigation indices table.

#### 5. Exceedance flow plan

An exceedance flow plan illustrating flow conveyance routes that minimise the risks to people and property both on and off site should be provided to consider the safe routing of floodwater in the event of blockage or the design event is exceeded.

#### Informatics:

##### Signage

Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

##### Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

#### **Lead Local Flood Authority – 31st July 2024**

At this time, the LLFA remain unable to recommend the grant of planning permission. The applicant has not provided any new information since our last response. Therefore, the LLFA would like to reiterate the following:

##### 1. Infiltration testing results

The applicant has provided infiltration testing that is not in accordance with BRE365 guidance. The following provides good practice minimum requirements:

- Minimum of 3 tests undertaken in quick succession at each location/trial pit
- Lowest value obtained across the site to be used for calculating the required volume of soakaways. It is noted that the applicant has used an average of two infiltration test results which is unacceptable.
- Depth of testing to be representative of drainage proposals (i.e. shallower tests for permeable paving and deeper tests for conventional soakaways)

The minimum infiltration rate the LLFA accepts is  $1.0 \times 10^{-6}$  m/s. Please note that extrapolated results will not be accepted.

To protect groundwater from pollution, the applicant should show that the infiltration structure will be constructed with the base set at a minimum of 1.2 m above the anticipated groundwater level, not be located within an area of contaminated land or in made ground. The applicant must demonstrate that water quality has been adequately addressed.

It is noted that the proposed infiltration basin has a proposed depth of 1.0 m; however, the groundwater levels monitored on the 13th of February 2023 appears to indicate that DS101 recorded groundwater at 1.87 m bgl (below ground level). Therefore, the infiltration structure will be located 0.87 m above the anticipate groundwater level which is unacceptable. Should infiltration be deemed not feasible, a second viable option must be proposed.

## 2. Detailed drainage layout plan

The applicant should provide a detailed drainage layout plan which is fully labelled and show details (e.g. pipe numbers, gradients, diameters, locations and manhole details) of every element of the proposed drainage system (including all SuDS and pipes). This should align with the associated hydraulic calculations. Full details of the type and size of any flow controls should be included either with the report or on the detailed drainage layout plan.

## 3. Hydraulic calculations

The applicant has provided hydraulic calculations that are insufficient in details. Therefore, the LLFA requires that the applicant address the following points:

- The applicant has used a 'Quick Storage Estimate' to calculate the volume of attenuation required. This is not appropriate for a full planning application where a greater level of detail is required.
- Full network hydraulic calculations are required for the LLFA to suitably review the proposed system showing pipe 'node numbers', SuDS and flow controls. These should show the full pipe network and results for the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm events.
- The surface water strategy must demonstrate that the infiltration rate and storage volume required to attenuate surface water run-off from the critical 1% Annual Exceedance Probability (AEP) critical storm event, including an appropriate allowance for climate change can be provided on site.
- The correct factor of safety should be applied to the infiltration structure. Paragraph 5.15.5 in the Cambridgeshire County Council's Surface Water Drainage Guidance document outlines the appropriate safety factors for development areas and potential consequence of failure.

- In the simulation settings, the drain down time should be set to 1440 minutes (1 day) minimum and the additional storage (MADD factor) should be set to 0.
- The lowest mass balance values should be >99%. Please note, that the lower values suggest that the network calculations may not account for all surface water entering the drainage system, which could imply an unstable simulation.
- Since the modelling is for the impermeable area, Cv values (volumetric runoff coefficient) for the winter and summer storms should be set to 1.0 to account for the total runoff during storm events.

#### 4. Water quality treatment

Section 6.5 of the SPD states that runoff from a site should be of an acceptable water quality to protect receiving waters. The applicant proposes using proprietary systems for water quality treatment. Above ground SuDS (e.g. swales, filter drains, permeable paving) should be prioritised for pre-treatment of surface water. Only if such features are demonstrated as not viable, then approved proprietary engineered pollution control features may be used. However, the applicant has provided no justification for the proposed utilisation of proprietary systems. Furthermore, it is unclear why the proposed permeable paving and the infiltration basin is not included in the mitigation indices table.

#### 5. Exceedance flow plan

An exceedance flow plan illustrating flow conveyance routes that minimise the risks to people and property both on and off site should be provided to consider the safe routing of floodwater in the event of blockage or the design event is exceeded.

#### Informatics

##### Signage

Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

##### Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

##### Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the

watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

### **Lead Local Flood Authority – 16th August 2024**

At this time, the LLFA remain unable to recommend the grant of planning permission for the following reasons:

#### **1. Infiltration in chalk**

Single point Infiltration features must be located no less than 5 metres from any building or road, or no less than 10 metres when used in areas of chalk. Since the site is underlain by bedrock deposits described as West Melbury Marly Chalk Formation, the applicant should demonstrate that the infiltration basin is located no less than 10 metres from any building or road.

#### **2. Hydraulic calculations**

The applicant has provided hydraulic calculations that are insufficient in details. Therefore, the LLFA requires that the applicant address the following points:

- Full network hydraulic calculations are required for the LLFA to suitably review the proposed system showing pipe 'node numbers', SuDS and flow controls. These should show the full pipe network and results for the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm events. The applicant has only provided 1% AEP storm event calculations. Please note, the drainage system should be designed under full pipe conditions to accept a 1 year design storm without surcharging above the pipe soffit on sites with average ground slopes of greater than 1%.
- In the simulation settings, the drain down time should be set to 1440 minutes (1 day) minimum and the additional storage (MADD factor) should be set to 0.
- The lowest mass balance values should be >99%. Please note, that the lower values suggest that the network calculations may not account for all surface water entering the drainage system, which could imply an unstable simulation.
- Since the modelling is for the impermeable area, Cv values (volumetric runoff coefficient) for the winter and summer storms should be set to 1.0 to account for the total runoff during storm events.
- The applicant has used FSR data which is unacceptable. For storm durations less than 1 hour, Flood Studies Report (FSR) rainfall data should be used. For storm durations greater than 1 hour, Flood Estimation Handbook (FEH) rainfall data should be used.
- The applicant appears to not have applied a climate change allowance for the 3.3% AEP storm event. In accordance with the latest climate change peak rainfall intensity allowances, a climate change allowance should be incorporated into the surface water management scheme for the 3.3% AEP rainfall event. The allowance used should be based on the lifetime of the development and therefore should include a 35% climate change allowance on the 3.3% AEP hydraulic calculations.

Informatives:

#### **Signage**

Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The

signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

#### **Pollution Control**

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

#### **Construction Surface Water Maintenance**

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

#### **Lead Local Flood Authority – 9th October 2024**

At present we object to the grant of planning permission for the following reasons:

Having reviewed the revised documentation we can confirm that the LLFA has no further comments beyond those set down in our response of the 16th September 2024. Our position therefore remains opposed to the development.

#### **Lead Local Flood Authority – 10th October 2024**

We have reviewed the following documents:

- o Infodrainage Results, Dated: 10th September 2024
- o Proposed Surface Water Drainage Plan, Delta Simons, Ref: 88167, Rev: -, Dated: September 2024
- o Flood Risk Assessment and Drainage Strategy, Delta Simmonds, Ref: 88167, Rev: 3, Dated: 17th May 2024

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of tanked permeable paving and central infiltration basin. All buildings are clear of the 10m buffer zone from chalk infiltration features, despite some of the roads being within the buffer due to the site constraints this is acceptable.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

We request the following conditions are imposed:

**Condition 1**

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 and Drainage Strategy, Delta Simmonds, Ref: 88167, Rev: 3, Dated: 17th May 2024 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;
- i) Measures taken to prevent pollution of the receiving groundwater and/or surface water

**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.

**Condition 2**

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.

#### 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.

#### Informatives:

##### Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

##### Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

##### **Local Highways Authority – 14th February 2024**

Following review of the plans and information submitted as part of this application, I have no objection in principle. However, please note my following recommendations and concerns.

Upon reviewing plan reference: 21.072\_SP(XX)02\_XX, the proposed internal road layout is not designed to CCC adoptable standards. If it is the applicants' intention is to get the internal roads adopted, changes to the layout will need to be made in lien with the CCC general principles document, see link below.

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/ highways-development>

I note that a plan has been provided within the design and access statement for the junction proposals. Please provide this as a standalone plan for more accurate review. The proposals included within this plan appear to cross outside of the red line application boundary.

The visibility splays included will need to be increased to 2.4m x 160m as the stopping sight distance for a 50mph speed limit is 160m. If the required 160m visibility splay cannot be achieved, a speed survey will be required to determine the 85th%tile speed of the vehicles using Station Road.

The footway proposals included should be 2m in width in line with Department for Transport inclusive mobility guidance. This is to allow two wheelchairs to pass safely within the full footway width. Given the nature of this development, a wider footway of 2m would be preferable to the 1.5m width as currently shown. The proposed uncontrolled pedestrian crossing will require the footway on northern side of Station Road to be widened locally.

I note from plan reference: 21.072\_SP(XX)02\_XX that a shared surface road is proposed as the main form of access. Accessing a 23-house retirement village via a shared surface would not be recommended. Instead, a full height kerbed road would be more advisable as it offers better pedestrian protection and is easier to use for pedestrians with visual impairments to use.

Please inform me if the applicant is unwilling or unable to update the plans, to allow me to make further comment or recommendation.

#### **Local Highways Authority – 5th August 2024**

Following review of the updated plans and information submitted as part of this application, I note that all of my previous concerns and recommendations have been addressed.

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informative to any consent granted:

#### Conditions

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 plan reference: ITY18022-GA Revision A.

HW22A: The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Non-Standard Condition: Before the dwellings hereby permitted are occupied, the vehicular access from the nearside footway edge shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

#### **The Ely Group Of Internal Drainage Board – 16th November 2023**

This application for development is outside of an Internal Drainage Board area.

The Board have no comment to make on this application.

#### **The Ely Group Of Internal Drainage Board – 30th September 2024**

This application for development is outside of an Internal drainage Board District. Therefore we have no comment to make.

#### **Natural England – Standing Advice**

Using Natural England's recently created advice tool, the Local Planning Authority can generate automatic advice for development proposals which may affect protected and designated sites of ecological importance. This is based upon DEFRA's Magic Map tool.

Using the tool for the application site directs Officers to consider recreational pressures upon the nearby Sites of Special Scientific Interest (SSSI) – Chippenham Fen SSSI and Brackland Rough SSSI.

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

**Cambs Wildlife Trust** - No Comments Received

**Strategic Planning** - No Comments Received

**Enforcement Section** - No Comments Received

5.2 A site notice was displayed near the site on 25<sup>th</sup> July 2024 and a press advert was published in the Cambridge Evening News on 16 November 2023.

5.3 Neighbours –16 neighbouring properties were notified and the responses received are summarised below. Full copies of the responses are available on the Council's website.

The application has received both neighbouring comments of support for the proposed development and objections. The concerns have been summarised:

- Concerns of the retention of the existing sycamore tree and its potential effects on the proposed dwellings gardens.
- Concerns of increased vehicular traffic and parking on station road and the potential for increased overspill parking on Terence Place.
- Loss of natural habitats
- Over urbanisation of the village
- Out of date plans
- Insufficient infrastructure for the retirement village function
- The proposed access meeting highways requirements.

## **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 6: Residential care accommodation  
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 Fordham Neighbourhood Plan 2018

Policy 1: Housing Growth  
Policy 2: Character & Design  
Policy 8: Wildlife & Habitats  
Policy 9: Services and Facilities  
Policy 11: Car Parking  
Policy 12: Cycle Parking & Storage

6.3 National Planning Policy Framework 2023 (December)

2 Achieving sustainable development  
4 Decision-making  
5 Delivering a sufficient supply of homes  
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 Supplementary Planning Documents

Design Guide 2012  
Flood and Water 2016  
Contaminated Land 2015  
Natural Environment 2020  
Climate Change 2021  
Developer Contributions 2013  
Hedgehog SPD

6.5 Planning Practice Guidance (March 2014 onwards)

6.6 Other Material Documents

- Written ministerial statement UIN HCWS161 – The Next Stage in Our Long Term Plan for Housing Update - 19 December 2023
- ECDC - Interim Guidance Prior to Mandatory Biodiversity Net Gain – November 2022

**7.0 PLANNING COMMENTS**

**7.1 Specialist Housing for Older People**

7.2 The application proposals seek to deliver 21 age-restricted bungalows (over 60s) on the edge of Fordham village, outside of the development envelope. The proposals will benefit from a community building, and a site warden/manager.

7.3 The types and definitions of specialist housing for older people is very varied. This means that terminologies and definitions can be difficult to translate across assessments of need. However, as a material consideration to the assessment of this application, Planning Practice Guidance (Paragraph 010) defines the types of specialist housing for older people as follows:

- **Age-restricted general market housing:** This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services.
- **Retirement living or sheltered housing:** This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.
- **Extra care housing or housing-with-care:** This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.
- **Residential care homes and nursing homes:** These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.

7.4 The proposed development aligns with the **retirement living/sheltered housing** bracket of the above definitions, which is also known as '*housing with support*' or '*housing without care*'.

*Older Persons Housing Need Assessment – Local, District and National*

7.5 With regard to need, at the local level, the Housing Needs for Specific Groups (2021) report identifies at Paragraph 8.60 that within Cambridgeshire and West Suffolk "*all areas show a significant shortfall of leasehold housing with support (retirement housing) and also shortfalls of housing with care (i.e. extra-care and enhanced sheltered) in both the leasehold and rental tenures.*"

7.6 The report also provides the following assessment of provision and need:

**Table 98: Specialist housing need using SHOP@ assumptions, 2020-40 –  
East Cambridgeshire (units)**

Housing type	Housing demand per 1,000 75+	Current supply	2020 demand	Current shortfall/surplus	Additional demand to 2040	Shortfall/surplus by 2040
Rented Housing with Support	43	724	356	-368	280	-88
Leasehold Housing with Support	74	127	614	487	482	969
Rented Housing with Care	19	154	155	1	121	122
Leasehold Housing with Care	23	77	195	118	153	271
<b>Total</b>	<b>158</b>	<b>1,082</b>	<b>1,320</b>	<b>238</b>	<b>1,036</b>	<b>1,274</b>

Source: Derived from demographic projections and housing LIN/HOPSR/EAC

7.7 The Fordham Neighbourhood Plan also notes at Paragraph 2.17 that the population of the village is ageing much like the rest of East Cambridgeshire with “*older people often gravitating to quieter village life, and having the income and savings to achieve this.*”

7.8 The Local Plan also notes at 4.7.2 that “*The forecast change in population by broad age groups for the period 2011-2031 predicts significant growth in the over 60 age group. The proportion of people aged 75+ years will rise by 93% and those aged 85+ years will grow by 144%.*”

7.9 At the national level, Practice Guidance (001) is also clear:

*“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.”*

7.10 The Written Ministerial Statement underpinning the December 2023 version of the NPPF also set out the following:

*“The Government will also encourage the delivery of older people’s housing, including retirement housing, housing-with-care and care homes by requiring these to be specifically considered in establishing need.”*

7.11 The requirement to establish this need was then realised within the most recent NPPF, as is the delivery of housing to meet the needs of groups with specific housing requirements, stating at Paragraphs 60 and 63:

*"60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.*

*63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes."*

7.12 Echoing much of the above, the Applicant prepared their own Older Persons Needs Assessment (prepared by Tetlow King). Officers sought an independent review of this report to understand the existing provision, surplus and deficits in supplies of housing with and without care within the district. This review, prepared by SPRU, also considered this provision at a ward (Fordham and Isleham) and village (Fordham) level.

7.13 The findings of this report for East Cambridgeshire as summarised as follows:

- There will be a 69% increase in the number of residents over 75 by 2043.
- 864 persons per 1000 over the age of 75 reside in a market dwelling, but market older persons housing is just 26 units per 1000.
- Of existing owner occupiers over 75, some 93% reside in dwellings with 3 or more bedrooms.
- There are 2,348 residents of market dwellings aged 75 and over who occupy a dwelling with 3 or more bedrooms and are deprived in health and disability.
- Only 2.6% of residents over 75 currently reside in specialist older persons market housing with care.
- The net need for specialist older persons housing to 2043 is 330 units for dwellings without 24/7 care, and 1,088 dwellings with care.

7.14 A tabular summary of the need at a district, ward and village level as provided within the independent review is provided below (with the red/negative values representing surplus):

**Table 1. Summary of older persons housing need for the period to 2043 for East Cambridgeshire, Fordham and Isleham Ward, and the Settlement of Fordham**

Type	Tenure	East Cambridgeshire	Fordham and Isleham Ward	Fordham Settlement
Older Persons Housing without Care	Social Landlord	-24	-39	-53
	Market	330	34	15
Older Persons Housing with Care	Social Landlord	141	21	10
	Market	1,088	77	35

7.15 An important distinction to note is that the use of the 75-age-bracket is common for assessing prevalence rates across many different methodologies. The SPRU report is however clear at 1.21 that *“In these circumstances it would be incorrect to assume that the need calculated by the model is a need for just those who are over 75 years of age.”*

7.16 The report specifically highlights the lack of market provision for both housing with and without care; the prevalence for older persons to occupy larger dwellings; and the very low levels of individuals over the age of 75 who live in specialist accommodation. This is despite a high number of these individuals being deprived in health and disability.

7.17 It is therefore established that at a local, district and national level, there is an urgent need for the delivery of specialist housing for older people.

## **7.18 Principle of Development**

7.19 The proposed development is immediately adjoining but outside of the policy-defined development envelope of Fordham on two sides. Policy GROWTH 2 of the Local Plan and Policy 1 of the Neighbourhood Plan seek to strictly control development in the countryside, with a number of limited exceptions. It is therefore important to consider whether any of these exceptions would support the delivery of the development proposals.

7.20 Policy HOU 6 for ‘Residential care accommodation’ is one such exception to GROWTH 2, and the policy of most relevance to the application proposals. This policy states:

*“Residential care accommodation should be located within a settlement that offers a range of services and social facilities. The design and scale of schemes should be appropriate to its setting and have no adverse impact on the character of the locality or residential amenity. Applicants will be expected to provide evidence of need for the provision.*

*As an exception, proposals for care or nursing homes may be acceptable on sites outside development envelopes where:*

- The site is located adjoining or in close proximity to a settlement which offers a range of services; and facilities, and there is good accessibility by foot/cycle to those facilities.*
- The proposal would not cause harm to the character or setting of a settlement or the surrounding countryside; and*
- There is an identified need for such provision that is unlikely to be met within the built-up area.”*

7.21 The first paragraph of the policy is relevant to the application proposals while the second is not, as the proposals do not comprise a care or nursing home. The application site is not within the Fordham settlement, and therefore there is a conflict with the locational requirement of Policy HOU 6 of the Local Plan, and thus also Policy 1 of the Neighbourhood Plan. Whilst there is a locational conflict, it is noted that for

the reasons set out elsewhere within this report, there are no other conflicts with the policies identified.

7.22 Noting the locational conflict, in discussion with the Applicant, consideration was given to whether there were suitable sites which could accommodate the development within the villages of Fordham and Isleham, which falls within the same ward. A sequential site search was submitted by the Applicant and reviewed by Officers.

7.23 This site search considered thirteen sites within Fordham and Isleham, and Officers also conducted a further review as part of the assessment process. All sites identified were discounted for the following reasons:

- Sites were already built out / under construction;
- Too small;
- Landlocked;
- Not available due to applications for other dwellings/uses already consented and/or pending;
- Contracts exchanged and not available for purchase.

7.24 Consideration was given to whether the site could be split across multiple parcels, however, the nature of the site and its management meant that this was not a suitable option. The successful function of the community building was also uncertain when considering a potentially segregated approach.

7.25 On the basis of the site assessment, Officers are content that the application site presents a logical location for the proposed development, with no other suitable alternatives put forward. It is relevant that neither the Local Plan nor Neighbourhood Plan contain site allocations for specialist housing for older people. The location of the proposed development is therefore considered to be expected for these types of developments at this point in the plan period.

7.26 Whilst therefore a technical conflict with Policies GROWTH 2 and Policy HOU 6 and Policy 1 of the Neighbourhood Plan and a departure from the Development Plan, the application proposals are nevertheless considered to satisfy the main thrust of the policies in delivering high quality, specialist housing for older people in a sustainable location.

7.27 Consideration must then be given to any material considerations that could outweigh the policy conflicts identified.

7.28 The need for specialist housing for older people nationally and within the district has been evidenced above. At a ward level, the local need is also evident. The need for 'housing-without-care' is prevalent, and whilst the short-fall is not as significant as 'housing-with-care,' a notable short-fall still exists and particularly at the market/leasehold level, which the application proposals seek to deliver. National and local guidance is also clear that the needs of older people are to be met through a variety of specialist housing types, and that the emphasis is on keeping people living independently in their own homes as long as possible. The application proposals align with this objective.

7.29 The bungalows would also benefit from optional care packages, to be delivered by Oak Retirement. A site warden would manage the site day-to-day, ensure properties were inspected, well-being checks and regular interaction with residents, assisting with the securing of extra services, managing the community building, and managing bins/refuse. This is not an exhaustive list.

7.30 The proposals themselves provide high quality, accessible bungalows in a woodland setting with a community building to meet the needs of residents and beyond. The proposals provide opportunity for individuals under-occupying dwellings to down-size or 'right-size' into dwellings that do not compromise on quality or space, with the possibility of this freeing up existing properties within the village and potentially further afield.

7.31 The application site is also considered to be in a sustainable location for the nature of the development proposed, with a variety of facilities in walking, wheeling and cycling distance. Fordham is also well-connected to higher-order settlements such as Ely, Cambridge and Newmarket via the regular bus services from Carter Street, Harry Palmer Close, and River Lane.

7.32 In line with Paragraph 83 of the NPPF, the development is considered to enhance and maintain the village's vitality and contributes to meeting a need across both Fordham and Isleham for specialist older person's housing.

7.33 The Applicant has also committed to the provision of a cascade principle within the S106 legal agreement to ensure priority is given to local people, widening out to the district, and then to further afield after a 9-month total period. This follows a similar approach to affordable housing allocations for rural exception sites.

7.34 It is the cumulation of the above material considerations that are considered to outweigh the technical policy conflict with Policies GROWTH 2 and HOU 6 of the Local Plan and Policy 1 of the Neighbourhood Plan, and warrant support of the proposed development in this location.

**7.35 Housing Mix and Affordability**

7.36 In accordance with Policy HOU 3 of the Local Plan, residential schemes over 10 units are required to provide a percentage of affordable housing. In Fordham, this value is 40% of the scheme, requiring 8.4 (or rounded to 8) units of affordable housing. The Neighbourhood Plan echoes this requirement under Policy 1.

7.37 The application proposals seek to deliver 21 retirement bungalows, three of which will be offered at Discount Market Sale (DMS). The three DMS units will be offered at 80% of open market value and are a recognised type of affordable housing as set out within the NPPF. The provision of affordable housing therefore falls short of the policy requirement.

7.38 The application proposals were supported by viability appraisals, which were then independently reviewed by a property consultant appointed by the Council.

7.39 Whilst making some minor adjustments to the Applicant's calculations, the independent review concluded overall that:

*"This appraisal based on a scheme including 3 Discount Market Sale units derives a residual land value of £186,252 which is £84,491 below the Benchmark Land Value and therefore we consider that this is the maximum level of Affordable Housing that can be delivered on site, bearing in mind the applicant's stated target of a 15% profit margin blended across all uses/tenures.*

*This result is contingent on the Community Hub generating no income (rent) except enough to maintain it for the future. The right for it to be freely available to the community as well as residents of the scheme is a large cost to the scheme. If the viability is to remain as assumed, then this benefit must be secured in the S.106 agreement."*

7.40 On the basis of the independent review, Officers are content that the proposed development is seeking to deliver the maximum level of affordable housing that the scheme is viably able to. This is in accordance with Policy HOU 3 which allows for a reduction in the provision of affordable housing where that is justified by assessment of financial viability.

7.41 The weight to be attributed to the viability appraisal is the responsibility of the decision maker. It is considered that the evidence is up-to-date and has been verified by independent experts. Officers find no reason to dispute the appraisal. It should also be noted that age-restricted housing is a form of restricted sale, and whilst not fully meeting the targeted affordable housing contributions it is meeting another identified need as outlined above.

7.42 Given the under-provision of affordable housing, it is also considered necessary to secure a viability review mechanism within the S106 legal agreement.

7.43 Regarding mix and tenure, the proposed two and three-bedroom units are considered to satisfy the need for smaller units as identified in the Housing Needs of Specific Groups (October 2021) report prepared by GL Hearn, which states:

*"2.21 Evidence from the Cambridge Sub-Region Strategic Housing Market Assessment indicates that East Cambridgeshire needs more 2 and 3-bed dwellings to cater to smaller families and older people. This need feeds into Policy HOU1 Housing Mix where developments of 10 or more should provide an appropriate mix of dwelling types and sizes to contribute to future needs."*

7.44 It is on the above basis that the proposed development is considered to comply with Policies HOU 1 and HOU 3 of the Local Plan and Policy 1 and Policy 2 of the Neighbourhood Plan, as well as Chapter 4 of the NPPF.

#### **7.45 Residential Amenity**

7.46 The proposed development comprises the erection of 21no. single-storey bungalows (with a maximum height of 3.4-metres / c.11.2-feet), and a single-storey community building.

7.47 Where back-to-back relationships between existing and proposed dwellings exist, these exceed the 20-metre requirement within the Design Guide. The proposed development is not considered to give rise to any significantly detrimental residential amenity impacts upon nearby existing occupiers in terms of overlooking, overshadowing, overbearing, loss of light or loss of privacy by virtue of their scale, location and design.

7.48 It is recognised that the rear gardens for several of the proposed bungalows are small proportionate to the dwellings they serve and curtailed by tree cover. The development is however a product of its intended end-user, this being individuals aged 60+ and looking to move into a retirement property, often downsizing or 'right-sizing'. The mixture of plot sizes reflects the fact that these bungalows are not intended to be family homes, but instead seek to provide their occupants with a choice of curtilage sizes. This includes smaller gardens for those who do not wish to maintain large areas of amenity space, to more regular and larger sizes for those who desire this option. In any case, each dwelling benefits from an integral terrace area to the rear of the property, connecting to the main living space. This terrace provides a semi-open amenity space that is supplemented by the variably sized gardens.

7.49 Prospective residents of the proposed development would also benefit from the use of the community building and on-site orchard, as well as policy-compliant levels of open space in accordance with Policy GROWTH 3 of the Local Plan and the Developer Contributions SPD 2013; this is noting that specialist older persons housing does not attract contributions towards children's play space. The central SuDS feature also contributes to the overall public open space and landscaping strategy for the site.

7.50 The Environmental Health (Domestic) Officer has requested several conditions relating to a Construction Environmental Management Plan, piling, hours of opening for the community building and Air Source Heat Pump specifications (including noise level controls). These are considered necessary in the interests of residential amenity.

7.51 On the basis of existing community centres and village halls within the village and wider district, the Applicant has proposed the hours of 8:00am to 10:00pm each day. These are considered to be acceptable given the small size of the hall itself. As the community building is envisaged to also serve the wider community for a number of events, it is considered that a Noise Management Plan would be required prior to the commencement of use of the community building. This is in the interests of residential amenity both within and outside of the site.

7.52 The comments of the Access Group and Designing Out Crime Officer are noted. It is considered that the nature of the scheme itself is designed to facilitate walking, wheeling and cycling, with level shared-surface roads and accessible dwellings. Notwithstanding, many of the details requested by these consultees will be secured via conditions.

7.53 It is on the above basis that the proposed development is considered to be acceptable in accordance with Policy ENV 2 of the Local Plan regarding residential amenity, Policy 2 of the Neighbourhood Plan and Chapter 8 of the NPPF.

## 7.54 Visual Amenity

7.55 The application site comprises an existing field, bounded by hedgerows and trees, on the edge of Fordham's settlement. The site lends itself to a natural infill and rounding off of development along Station Road, being bordered by development along its entire frontage and eastern edge. An existing access track runs along the site's western edge, serving an existing bungalow in a back-land position.

7.56 The proposed bungalows are modest in their height and footprint and would be clad in real timber which would weather over time. The site's landscaping strategy, including retention and enhancement of the existing hedgerows, create a woodland setting to the development.

7.57 Whilst open the site is influenced by its already urbanised setting, and the addition of the proposed development is considered to assimilate well into this existing character. The stepping down in scale of the proposed development, materials palette and landscaping strategy also help to create a softer edge to the development envelope and complement existing bungalows both along Station Road and set into the site itself. With regard to overall density, the proposed development is comparable to Terrence Place adjoining to the east.

7.58 The development is supported by a landscape visual impact assessment (LVIA), which concludes the following:

*“11.1.10 The proposals would lead to a localised change in character through the loss of an enclosed grassland field and the introduction of a low-level single storey residential scheme. There would be beneficial effects arising from the mitigation planting across the Site which would assist in assimilating the scheme into its setting. The loss of the grass field and introduction of built form would have an adverse effect on landscape character. However, this would be a very localised and limited effect on landscape character, due to the low profile nature of the proposed dwellings and the containment provided by the existing built form and vegetation. The proposals would also accord with the landscape management and development guidelines for LCT 13.”*

*11.1.11 Visual effects are localised and mainly affect locations close to the Site and mainly limited to road users, pedestrians and some residents most noticeably from Station Road. There are few public rights of way within the locality but views are largely screened by vegetation, with effects limited to a section of one public footpath.”*

*11.1.12 It is considered that the Site could accommodate the proposed development with only limited effects arising on landscape and visual receptors.”*

7.59 Officers concur with the LVIA's overall conclusions. Whilst some minor residual visual and landscape harm is likely to remain from the proposed development it is at a very localised level. This harm is also countered by the delivery of a high-quality development scheme, which itself is considered to result in modest beneficial effects both in terms of dwelling design and landscaping scheme.

7.60 Given the nature of the development proposals and the modular construction, it is considered important to restrict several permitted developments rights for extensions and alterations to the dwellings, and erection of boundary treatments within the site. This is to safeguard the design quality of the proposals, assimilate the development proposals within the wider landscape, and ensure the openness within the site is not eroded.

7.61 On this basis, the proposed development is acceptable in accordance with Policies ENV 1, ENV 2 and HOU 2 of the Local Plan 2015 (as amended 2023), Policy 2 of the Neighbourhood Plan and Chapter 12 of the NPPF.

**7.62 Highways, Access and Safety**

7.63 The Local Highways Authority has no objection to the proposed development following amendments to the layout and access road leading into the application site.

7.64 The internal shared-surface access road is to be arranged around a central green space and attenuation pond. Whilst the internal 'ring' road is not intended to be offered for adoption by the LHA, in discussion with the LHA there are no highway safety concerns with the internal layout.

7.65 The access road has been designed with a full-width (2-metre/6.5-foot) wide footpath leading to Station Road. A new section of footpath along the southern edge of Station Road and an uncontrolled pedestrian crossing is proposed as part of the development proposals, connecting to the existing footpath along the northern edge of Station Road. There are several dwellings already served by this northern footpath to the north and south of the road, and it provides access to Fordham's main services. This includes the new convenience shop as part of the residential development around Scotsdales Garden Centre, and the garden centre itself. The creation of the footpath and crossing does require works in the highway boundary and outside of the Applicant's ownership and red line, and a Grampian condition will therefore be required to ensure these works are undertaken prior to delivery of the proposed development itself. This is an acceptable and a standard practice for highway works.

7.66 A vehicular turning head has been provided at the end of the access road to the Local Highway Authority's satisfaction to allow for larger vehicles and waste vehicles to manoeuvre. The Fire Service and Waste Team have both been consulted and no objections raised regarding access for these services, with the Waste Team noting the need to provide appropriate bin storage facilities near the highway boundary.

7.67 Regarding bin storage, a communal bin store is provided, as is a covered mobility scooter store attached to the proposed community building. It is relevant that the site would be managed by a Warden, who would be responsible for collecting and delivering bins to the appropriate bin store when required.

7.68 All dwellings benefit from policy-compliant levels of car parking (2 per dwelling). All properties benefit from secure rear gardens for the storage of bicycles as well as semi-enclosed terraces.

7.69 The application proposals are therefore considered to be acceptable in accordance with Policies COM 7 and COM 8 of the Local Plan.

**7.70 Ecology & Trees**

7.71 The application was submitted in October 2023, and is therefore pre-mandatory Biodiversity Net Gain under the Environment Act 2021. Local policies regarding net gain therefore apply (Policy ENV 7 of the Local Plan and Policy 8 of the Neighbourhood Plan).

7.72 Net gain is measured across area-based habitat units (i.e. grassland), linear units (i.e. hedgerows) and watercourse units (i.e. ditches). In very simple terms, the trading rules of these units means that one unit type cannot ordinarily be traded for another.

7.73 Policy ENV 7 requires all development proposals too:

- *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.*
- *Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and*
- *Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.*

7.74 The Natural Environment SPD supplements Policy ENV 7 of the Local Plan and requires a 'significant' net gain in biodiversity for development proposals. 'Significant' is not defined, but the following statement is provided:

*"whilst 'significantly' is not defined precisely in this SPD, it should be taken to read that very minor net gains (such as a new bird box) would not constitute a significant gain. The gain should be more considerable, preferably creating habitat gains which support a larger variety of biodiversity. Where space is tight, integrating a variety of measures within the development may be appropriate, such as targeted bird boxes, insect 'hotels', bee blocks, bat boxes, hibernation holes and 'green' roofs."*

7.75 Policy 8 of the Neighbourhood Plan requires:

*"Development proposals that would have a significant adverse effect (including through recreational pressure) on the nationally and internationally protected sites at Fordham Wood or Chippenham Fen will not be approved.*

*Development proposals should, wherever possible, seek to enhance connectivity of green networks through the inclusion of strong landscaping schemes that include trees, shrubs, hedgerows, green roofs and green walls, for example.*

*Wherever possible, development proposals should avoid the loss of wildlife habitats or natural features such as trees, hedgerows, watercourses or ponds. Where the loss of a feature is unavoidable, mitigation may be acceptable through the introduction of new features that will result in at least a neutral impact on the wildlife.*

*Overall a net gain in biodiversity should be achieved, demonstrated by appropriate evidence prepared by a suitably qualified person on behalf of the applicant.”*

7.76 The application proposals are underpinned by an Ecological Assessment, Biodiversity Impact Assessment and completed Metric 4.0 (non-mandatory).

7.77 The Ecological Assessment notes that impacts upon birds, bats and hedgehogs should be included as mitigation within the development proposals but concludes no significant effects. No other impacts to protected or notable species are concluded.

7.78 On-site enhancements include tree planting, hedgerow retention and enhancement, and planting of wildflower grassland. A SuDS pond with reed planting and a sedum roof on the community building is also proposed.

7.79 Overall, the development proposals would result in a significant net gain in hedgerow units. For habitat units (predominantly grassland), the metric and impact assessment conclude that, following on-site enhancements, the proposed development would result in a -6.81% loss. The Applicant would therefore need to purchase 2.68 ‘units’ of other neutral grassland off-site to achieve a 12.95% net gain and satisfy trading rules.

7.80 The Council’s Senior Ecologist has raised objection to the proposals given the absence of information regarding where the off-site units are to be purchased and the viability of the habitats on-site achieving target condition. This is largely due to the lack of a management plan to understand how the target conditions of these habitats would be achieved, and conflicts between the landscaping plan and metric.

7.81 Regarding the suitability of habitats and species proposed, a full soft landscaping scheme can be secured via a condition. Regarding management and achievement of these target habitats, a Landscape Ecological Management Plan (LEMP) condition could suitably cover the creation and management of the proposed on-site habitats.

7.82 Within their viability appraisal, the applicant has also committed a total of £99,500 to cover S106 obligations. Originally, £42,000 was identified to address biodiversity net gain enhancements off-site through the purchase of units from a registered habitat bank. However, following a review of biodiversity unit pricings in July 2024 by Biodiversity Units UK, ‘Other Neutral Grassland’ unit prices from habitat banks within the north and south of the UK were between c.£27-29,000. The Applicant has therefore committed the majority of the £99,500 (minus wheeled bin provision) to cover off-site net-gain, which is considered likely to be sufficient and necessary to cover the 2.68 units required as a minimum to achieve a net gain. The purchasing of these units or allocation of money for this use will be secured via a S106 legal agreement.

7.83 The use of planning conditions and a S106 legal agreement can therefore be used to secure further details as to the types of habitats, their management, and a degree of off-site habitat creation to mitigate some of the on-site loss. It is not however possible to confirm the exact percentage of net gain achieved at this stage, on the information provided.

7.84 Notwithstanding, it should be noted that the securing of 10% minimum net gain is not a requirement of the Local or Neighbourhood Plan but is targeted where possible on non-mandatory sites (Interim Statement, 2022). The proposed development cannot therefore be held to the delivery of 10% as a minimum.

7.85 It is clear that the development will deliver on-site landscaping and enhancements, as well as mitigating for its impacts upon protected species. The introduction of new above ground SuDS features and sedum roofing introduces new infrastructure to the application site that can support a larger variety of biodiversity, and the proposed development will be required to deliver a scheme of other biodiversity enhancements such as hibernacula via a condition. The development also targets a net gain in habitat units for other neutral grassland through the purchasing of off-site units, albeit the exact net gain is not known at this stage. Off-site provision is also in line with the mitigation hierarchy as set out within the NPPF.

7.86 On this basis, whilst it is not possible to quantify the exact net gains in habitat units on the basis of the information submitted, the scheme will deliver several on-site enhancements and ecological benefits that are also not reflected in the metric and seeks to mitigate for its own impacts as well as providing net gains wherever possible. A contribution to off-site enhancement also ensures a net gain overall will be achieved for the development proposals.

7.87 Regarding recreational pressure upon the SSSI, the site provides suitable on-site open space to compensate for the needs of the development proposal.

7.88 The Council's Trees Officer has raised no objection to the proposed development scheme following amendments to the arboricultural reports and suitable mitigative tree planting being indicated. A full soft landscaping scheme and tree protection measures will be secured via conditions.

7.89 It is on this basis that the proposed development on-balance accords with the objectives of Policies ENV 7 of the Local Plan and Policy 8 of the Neighbourhood Plan, Chapter 15 of the NPPF and the Natural Environment SPD.

**7.90 Flood Risk and Drainage**

7.91 The application site is in excess of 1-hectare (c.2.5-acres) in size, and whilst at a low risk of flooding (Flood Zone 1) and low risk of surface water flooding, this means a Flood Risk Assessment must be undertaken for the development proposals.

7.92 After several amendments, the application proposals were supported by an acceptable Flood Risk Assessment and Drainage Strategy, Surface Water Drainage Plan and Info-drainage results. As confirmed within the Lead Local Flood Authority's (LLFA) October 2024 consultation response, these documents demonstrate that surface water from the proposed development can be managed through the use of tanked permeable paving and central infiltration basin. All buildings are also clear of the 10m buffer zone required by the LLFA from chalk infiltration features, and despite some of the roads being within the buffer due to the site constraints this is deemed to be acceptable.

7.93 Water quality issues have also been adequately addressed when assessed against as confirmed within the LLFA's response.

7.94 The IDB and Anglian Water raise no objections to the proposed development.

7.95 The Sequential Test and Exception Tests are not applicable to the development proposals given the low risk of flooding at the site from all sources.

7.96 On this basis, the proposed development is considered to be acceptable in accordance with Policy ENV 8 and ENV 9 of the Local Plan, Policy 2 of the Neighbourhood Plan, Chapter 14 of the NPPF and the Flood and Water SPD.

## **7.97 Historic Environment**

7.98 The application site is not located within proximity to any heritage assets, designated or non-designated. It is therefore considered that the proposed development would not result in any harm to these identified heritage assets.

7.99 Regarding archaeological heritage assets, the County Council's Historic Environment Team has requested a pre-commencement condition securing a programme of archaeological work. It is considered that this condition is necessary to appropriately safeguard any archaeological heritage assets in accordance with Policy ENV 14 of the Local Plan and Chapter 16 of the NPPF.

## **7.100 Contamination**

7.101 The Council's Environmental Health (Scientific) Officer has reviewed the submitted contamination reports and concludes that no further investigative testing is required prior to the development of the application site. Notwithstanding, as a precautionary approach, a condition requiring the reporting of unexpected contamination will be imposed upon any consent. The proposed development is therefore considered to be acceptable in accordance with Policy ENV 9 of the Local Plan, the Contaminated Land SPD and Chapter 8 of the NPPF.

## **7.102 Climate Change**

7.103 The proposed dwellings are to be constructed using Modern Methods of Construction (MMC). In this instance, the proposed development will use structurally insulated panels (SIPS) rather than bricks and mortar. These SIPS are manufactured off-site and minimise wastage, material use and vehicle trips to site. They are also thermally efficient.

7.104 As set out within the Applicant's Energy and Sustainability Statement, because of the use of MMC and other embedded sustainability measures, the proposed dwellings will benefit from the following:

- Overall energy efficient building fabric exceeding Part L1:2021 Edition
- All units designed to meet EPC A Rating
- Air source heat pumps to all plots
- Dedicated energy efficient lighting throughout

- Solar Photovoltaic arrays to all plots
- Carbon emission savings of 109% over the baseline (TER) standard
- Water efficiency of no more than 110l per person per day
- Predicted energy cost savings of around £2000\* year over the minimum Building Regulations compliant specification (\*at the time of writing – August 2023)

7.105 The scheme is considered to be wholly compliant with the objectives of Policy ENV 4 of the Local Plan, Policy 2 of the Neighbourhood Plan, the Climate Change SPD and the objectives of Chapter 14 of the NPPF.

**7.106 Heads of Terms – S106 Legal Agreement**

7.107 Following recommendations of the independent viability report and the nature of the development proposals, the following heads of terms have been agreed:

1. Cascade principle to give priority to local individuals for the affordable housing units and market units as follows:

*DMS units to be restricted to persons who satisfy the Residency of Local Connections Test for Fordham and its immediate hinterland (3 miles) in perpetuity.*

*For the units to be sold on the open market all prospective occupiers of the development shall be selected in accordance with the following priorities:*

- *Firstly, persons who satisfy the residency or local connection test for Fordham and the immediate hinterland (3 miles);*
- *Secondly, in addition to those continuing to qualify as per the above, if places remain within a period of not less than 3 months of the date of first advertising the sale of the residential units' persons who satisfy the residency of local connection test for East Cambridgeshire and or Newmarket.*
- *Thirdly, in the absence of sufficient persons falling within these categories to complete occupancy of the development by the end of a period of not less than 6 months of the date of first advertising the sale of the residential units' persons from beyond the above catchments*

2. Securing of affordable housing (3 DMS units) in perpetuity;
3. Ensuring age-restriction to 60+ years – to ensure that the scheme is retained for older persons;
4. Delivery of the community building and ensuring that it does not generate a profit – this is because the right for it to be freely available to the community as well as residents of the scheme is a large cost to the scheme. If the viability is to remain as assumed, then this benefit must be secured in the S.106 agreement;
5. Viability review mechanism – as the scheme falls below the policy requirement of affordable housing provision on the basis of viability;

6. Open space and SuDS management – to ensure that these spaces are appropriately maintained for the life of the development;
7. Biodiversity net gain – financial contribution to the purchase of habitat units to ensure that the scheme can achieve a net gain and mitigate biodiversity impacts;
8. Wheeled bin contribution - £57 per dwelling;
9. Site Management and Care Packages – securing the provision of a site warden/manager and care packages with SageHaus' care partner Oak Retirement (or alternative provider), including:
  - **Remote Care:** This package is an affordable option that ensures residents have access to care and assistance in the event of an emergency. All homes are single level and highly accessible that comply with Building Regulations Part M4 (3). All homes include smart technology to monitor the running of services and wellbeing of residents as well as personal 24-hour monitored alarms ensure residents stay connected in the event, they become unwell. Concierge services are offered for residents in order relieve the burden of daily tasks and enhance everyday lifestyle.
  - **Domiciliary Care:** A range of expert and personalised home care services are provided by trained professions including registered nurses and clinical experts that mean our residents can be cared for in the comfort of their home. These tasks may include housekeeping, meal preparation and personal care or mobility support. The frequency and intensity of care will be distinctive to each resident need and economic plan.
  - **Live in Care:** Residents that reached a critical stage can receive on-to-on specialist 24-hour care whilst staying in their homes as all dwellings are built with two bedrooms as standard meaning a live in carer can be easily accommodated.

7.108 The above contributions and stipulations are considered necessary and satisfy the tests set out under Paragraph 122 of the CIL Regulations.

#### **7.109 Planning Balance**

- 7.110 The application proposals comprise the erection of 21 age-restricted bungalows (over 60s), a community building, landscaping and associated works.
- 7.111 The proposed development is located outside but immediately adjacent to the development envelope of Fordham. The proposals would therefore conflict with the locational requirement of Policies GROWTH 2 and HOU 6 of the Local Plan and Policy 1 of the Neighbourhood Plan.
- 7.112 On the basis of viability, the proposed development would result in an under-provision of affordable dwellings by five units, delivering three Discount Market Sale units at 80% open market value. The proposals would result in a very localised minor adverse impact upon the character and visual amenity of the area through its introduction.

7.113 All of the above considerations weigh negatively against the application proposals.

7.114 Notwithstanding, it has been evidenced that the development proposals seek to address a deficit in specialist older persons housing within the village of Fordham, as well as Isleham falling within the same ward. The need for specialist older persons housing is deemed critical at the national level, and the Council's own data and commissioned independent report have highlighted the under-delivery of this type of housing within the district, particularly within the market/leasehold tenure.

7.115 The construction and delivery of the proposals will also deliver several social, economic and environmental benefits.

7.116 The proposals represent a scheme that is fully designed around its intended occupiers. The proposals provide a choice of high quality, accessible and future-proofed bungalows in a sustainable location, with variably sized gardens to suit a variety of needs. Each dwelling will be designed to enable independent living in later life, supported by smart technology and a site warden to aid day to day living and optional care packages available. The community building will also benefit residents and the wider community alike, facilitating engagement and reducing isolation.

7.117 The provision of the retirement bungalows will also likely release local market housing and family homes back into the villages of Fordham and Isleham.

7.118 The dwellings are constructed to a very high level of efficiency and sustainability, with EPC A ratings and significantly reduced energy and water usage. The Modern Methods of Construction also encourage sustainable practices within the fabrication and construction of the dwellings, with wastage also reduced.

7.119 Whilst below policy targets for affordable housing, the site will deliver a mix of tenures across the site, including the three DMS units, making a contribution to local affordable housing stock.

7.120 No other conflicts with the Development Plan are identified, and the proposed development seeks to mitigate for its own impacts through conditions and a S106 agreement.

7.121 Cumulatively, all of the above benefits are considered to weigh significantly in favour of the application proposals to warrant a departure from the Development Plan. It is on this basis that the application proposals are 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.

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

- Local and national policy on the specialist housing for older people.
- The findings of the Applicant's Older Persons Housing Needs Assessment Report, the independently prepared SPRU report prepared on behalf of the Council, and the Housing Needs of Specific Groups (2021) report (Cambridgeshire Insight).

## **9.0 APPENDICES**

9.1 Appendix 1 – Recommended Conditions

### Background Documents

23/01088/FUM

National Planning Policy Framework (December 2023)

[National Planning Policy Framework](#)

East Cambridgeshire Local Plan 2015 (as amended 2023)

[East Cambridgeshire Local Plan 2015 \(as amended 2023\) | East Cambridgeshire District Council](#)

Supplementary Planning Documents

[Supplementary Planning Documents | East Cambridgeshire District Council](#)

Fordham Neighbourhood Plan 2018

[Fordham Neighbourhood Plan | East Cambridgeshire District Council](#)

Housing Needs of Specific Groups (2021)

[Housing Needs of Specific Groups](#)

## Appendix 1 – Recommended Conditions

1 The development shall be carried out in accordance with the following plans and drawings:

Ecological Assessment	C	4th October 2023
Oak Retirement Care Plan July 2023		3rd October 2023
Sustainability and Energy Statement		3rd October 2023
9898-AIA	A	5th July 2024
ITY18022-GA-0	A	5th July 2024
Flood Risk Assessment and Drainage Strategy	3	5th July 2024
21.072-SA-GF-ZZ-DR-A-20-01 TYPE 2.2	P10	23rd July 2024
21.072-SA-RF-DR-A-20-07 TYPE 2.5	P10	23rd July 2024
21.072-SA-RF-DR-A-27-05 TYPE_3.1	P10	23rd July 2024
21.072-SA-RF-DR-A-27-06 TYPE_3.2	P10	23rd July 2024
21.072-SA-RF-XX-DR-A-27-01 TYPE 2.1	P10	23rd July 2024
21.072-SA-RF-XX-DR-A-27-02 TYPE 2.2	P10	23rd July 2024
21.072-SA-ZZ-DR-A-20-10 TYPE 2.5	P10	23rd July 2024
21.072-SA-ZZ-DR-A-20-10 TYPE 3.1	P10	23rd July 2024
21.072-SA-ZZ-DR-A-20-11 TYPE 2.5	P10	23rd July 2024
21.072-SA-ZZ-DR-A-20-11 TYPE 3.2	P10	23rd July 2024
21.072-SA-ZZ-DR-A-20-12 TYPE 2.5	P10	23rd July 2024
21.072-SA-ZZ-DR-A-20-13 TYPE 2.5	P10	23rd July 2024
21.072-SA-ZZ-ZZ-DR-A-20-01	P10	23rd July 2024
21.072-SA-ZZ-ZZ-DR-A-20-02 TYPE 2.1	P10	23rd July 2024

21.072-SA-ZZ-ZZ-DR-A-20-03 TYPE 2.2	P10	23rd July 2024
21.072-SA-ZZ-ZZ-DR-A-20-10	P10	23rd July 2024
21.072_LP(XX)01_XX	P10	23rd July 2024
21.072_SP(XX)02_XX	P10	23rd July 2024
21.072-SA-GF-DR-A-20-06 TYPE 2.5	P10	23rd July 2024
21.072-SA-GF-DR-A-20-08 TYPE_3.1	P10	23rd July 2024
21.072-SA-GF-DR-A-20-08 TYPE_3.2	P10	23rd July 2024
21.072-SA-GF-ZZ-DR-A-20-01 TYPE 2.1	P10	23rd July 2024
88167.645624.001		16th September 2024
ID Calcs		16th September 2024
Biodiversity Impact Assessment		18th September 2024

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

#### Grampian

3 No development shall commence until details of the proposed uncontrolled pedestrian crossing and footpath along Station Road, and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be based upon Drawing Ref. ITY18022-GA-0 REV A. The agreed works shall thereafter be implemented in accordance with the approved timetable prior to first occupation or commencement of use of the hereby approved development.

Reason: In the interests of Highway safety in accordance with Policy COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Chapter 9 of the National Planning Policy Framework (December 2023). This is a Grampian condition as it requires works on highways land that is not within the Applicant's control.

#### Pre-Commencement

4 No development shall commence until a Construction Environmental / Ecological Management Plan (CEMP) has been submitted to and agreed in writing with the Local

Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. Details shall include, but not be limited to, construction times and deliveries, ecological protection measures, access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, Policy 2 of the Fordham Neighbourhood Plan, and Chapter 8 of National Planning Policy Framework (December 2023). The condition is pre-commencement as it requires details of safeguarding measures prior to construction starting on site.

5 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.

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 Policy ENV 14 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and the National Planning Policy Framework (December 2023). This condition is pre-commencement as it requires below-ground investigations.

6 No development 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 and Drainage Strategy, Delta Simmonds, Ref: 88167, Rev: 3, Dated: 17th May 2024 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;
- i) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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. This is in accordance with Policies ENV 8 and ENV 9 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and the National Planning Policy Framework (December 2023). This condition is pre-commencement as it requires works below ground.

7 No development, including preparatory works such as site clearance, 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.

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. This is in accordance with Policies ENV 8 and ENV 9 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and the National Planning Police Framework (December 2023). This condition is pre-commencement as it requires details prior to commencement of works on site.

8 No development, site works or clearance shall commence until the tree protection measures as shown on 9898-D-AIA Rev A have been in accordance with the approved details. Thereafter the measures shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to assimilate the development into its surroundings, and to enhance biodiversity, in accordance with Policies ENV1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Policies 2 and 8 of the Fordham Neighbourhood Plan 2018, and Chapter 12 and 15 of the National Planning Policy Framework (December 2023).

### Above Ground

9 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include boundary treatments (including gates), details of the proposed communal bin store, hard surfacing materials (including but not limited to roads, paths, driveways and private gardens), street-furniture, a lighting scheme in accordance with 'Bats and Artificial Lighting at Night' Guidance Note 08/23 or any guidance superseding this (including low level lighting and wayfinding) and CCTV. 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 with the Local Planning Authority prior to first occupation.

Reason: To safeguard the character and appearance of the area and protect biodiversity, in accordance with Policies ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), and Policies 2 and 8 of the Fordham Neighbourhood Plan 2018, the Natural Environment SPD and Chapters 12 and 15 of the National Planning Policy Framework (December 2023).

10 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.

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 101 of the National Planning Policy Framework (December 2023).

11 No above ground construction shall take place on site until details of the external materials (including walls, roof covering, windows, doors, rainwater goods) to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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), Policy 2 of the Fordham Neighbourhood Plan 2018, and Chapter 12 of the National Planning Policy Framework (December 2023).

12 No above ground construction shall take place until a detailed scheme of accessible measures (including smart home monitoring and assistance devices) for each dwelling

and the community building hereby approved has been submitted and approved in writing by the Local Planning Authority. The hereby approved development shall be carried out in accordance with these approved details.

Reason: The development has been submitted and found acceptable on this basis.

#### First Occupation / Commencement of Use

13 Prior to first occupation of any dwelling hereby approved a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To assimilate the development into its surroundings, and to enhance biodiversity, in accordance with Policies ENV1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Policies 2 and 8 of the Fordham Neighbourhood Plan 2018, and Chapter 12 and 15 of the National Planning Policy Framework (December 2023).

14 Prior to first occupation of any dwelling hereby permitted, a scheme for the maintenance of the soft landscaping scheme for a minimum period of 15 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All landscaping shall be maintained in accordance with the agreed scheme. The scheme shall include the following:

- i) methods for the creation of and maintenance regime for on-site habitats and landscaping scheme;
- ii) detailed schedule of works;
- iii) details of who will be responsible for the continuing implementation;
- iv) details of any phasing arrangements

Reason: To ensure the longevity of the landscaping scheme, and in the interests of enhancing biodiversity, in accordance with Policies ENV1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Policies 2 and 8 of the Fordham Neighbourhood Plan 2018, the Natural Environment SPD and the National Planning Policy Framework (December 2023).

15 Prior to first occupation of any dwelling hereby approved, details of the air source heat pumps and photovoltaic panels for each dwelling and community building shall be submitted to and approved in writing by the Local Planning Authority. The approved

measures shall be installed and operational prior to first occupation of any dwelling hereby approved and thereafter maintained for the lifetime of the development.

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 Chapter 14 of the National Planning Policy Framework (December 2023).

16 Prior to first occupation of any dwelling hereby approved a scheme of biodiversity enhancement measures shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be based upon the conclusions of the Ecological Assessment prepared by DWA Ecology (Revision C – dated 31<sup>st</sup> August 2023). The biodiversity improvements shall be installed prior to the first occupation any dwelling hereby approved and thereafter maintained for the lifetime of the development.

Reason: In the interests of protecting and enhancing biodiversity, in accordance with Policy ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Policies 2 and 8 of the Fordham Neighbourhood Plan 2018, the Natural Environment SPD and the National Planning Policy Framework (December 2023).

17 Prior to the first occupation of any dwelling, the proposed access, footpath, parking and turning areas shall be laid out, demarcated, levelled and surfaced in accordance with the approved plan reference 21.072\_SP(XX)02\_XX Rev P10 and the details approved under Condition 9. They shall also be constructed so as to drain entirely within the site and avoid any surface-water run-off onto the adjacent public highway. Thereafter they shall be retained for the specific purpose of access, parking and turning.

Reason: In the interests of highway safety, and to prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV8, ENV 9 and COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Policy 11 of the Fordham Neighbourhood Plan, and Chapter 8 and 9 of the National Planning Policy Framework (December 2023).

18 Prior to first use of the community building hereby approved a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority which will detail how the applicant will maintain appropriate noise levels. This shall include, but not be restricted to, details of the layout and position of any speaker system, along with mitigation measures to reduce the impact of noise from music on nearby residents. The details agreed within the Noise Management Plan shall thereafter be implemented whenever the community building is in use. A management log shall be kept by the site owner/manager, recording the checks that have been made to ensure compliance with the Noise Management Plan for each event held, together with the time and date of these checks. This log shall be made available to the Local Planning Authority within 3 days of any request to view it.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Policy 2 of the Fordham Neighbourhood Plan 2018 and Chapter 8 of the National Planning Policy Framework (December 2023).

## Other Conditions

19 Notwithstanding Condition 9 and 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 within the application site, unless planning permission is first granted by the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard the character and appearance of the area, in accordance with Policies ENV1, ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Policy 2 of the Fordham Neighbourhood Plan 2018, and Chapters 9 and 12 of the National Planning Policy Framework (December 2023).

20 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.

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) and Chapter 8 of the National Planning Policy Framework (December 2023).

21 The use of the community building hereby approved shall not take place other than between the hours of 0800 to 2200 each day.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy 2 of the Fordham Neighbourhood Plan 2018, and Chapter 8 of the National Planning Policy Framework (December 2023).

22 In the event that the foundations from the proposed development hereby approved requiring piling, prior to the use of piling the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Policy 2 of the Fordham Neighbourhood Plan 2018, and Chapter 8 of the National Planning Policy Framework (December 2023).

23 Notwithstanding Condition 14, the hereby approved development shall be carried out in accordance with the submitted Sustainability and Energy Strategy (Quoda – June 2024) and these measures thereafter retained for the lifetime of the development.

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 Chapter 14 of the National Planning Policy Framework (December 2023).

24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, C, D or E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and protect biodiversity, in accordance with Policies ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), and Policies 2 and 8 of the Fordham Neighbourhood Plan 2018, the Natural Environment SPD and Chapters 12 and 15 of the National Planning Policy Framework (December 2023).





**23/01403/FUM**

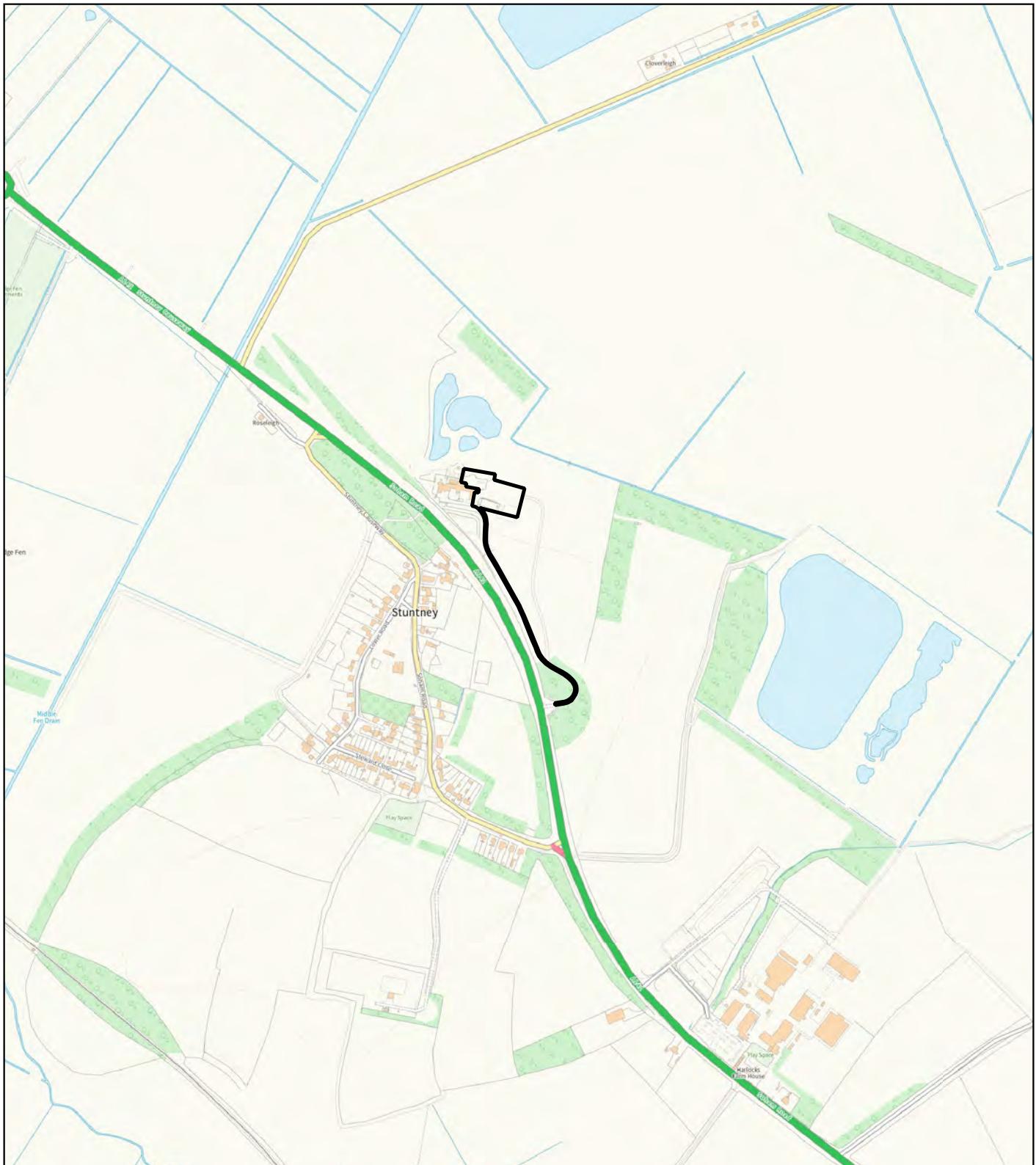
The Old Hall  
Soham Road  
Stuntney  
Ely  
Cambridgeshire  
CB7 5TR

Replacement of existing marquee with proposed extension including new ceremony room and guest bedrooms below together with a new separate office building and associated works

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=S6C2OLGGI9T00>





23/01403/FUM



The Old Hall  
Soham Road  
Stuntney

East Cambridgeshire  
District Council

Date: 24/10/2024  
1:10,000



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23/01403/FUM



The Old Hall  
Soham Road  
Stuntney

East Cambridgeshire  
District Council

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1:5,000



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**TITLE:** 23/01403/FUM

Committee: Planning Committee

Date: 6 November 2024

Author: Senior Planning Officer

Report No: Z83

Contact Officer: Gemma Driver, Senior Planning Officer  
gemma.driver@eastcambs.gov.uk  
01353 616483  
Room No 011 The Grange Ely

**Site Address:** The Old Hall Soham Road Stuntney Ely Cambridgeshire CB7 5TR

**Proposal:** Replacement of existing marquee with proposed extension including new ceremony room and guest bedrooms below together with a new separate office building and associated works

**Applicant:** The Old Hall

**Parish:** Ely

**Ward:** Ely East

Ward Councillor/s: Kathrin Holtzmann  
Mary Wade

**Date Received:** 15 January 2024

**Expiry Date:** 10 November 2024

## **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.

- 1 Approved Plans
- 2 Time Limit
- 3 BREEAM Phase 1
- 4 BREEAM Phase 2
- 5 WSI - Phase 1
- 6 WSI - Phase 2
- 7 Construction Surface Water - Phase 1
- 8 Construction Surface Water - Phase 2
- 9 Surface Water Drainage

- 10 Ecology
- 11 Piling
- 12 Sample materials
- 13 Noise Management Plan
- 14 Biodiversity
- 15 Parking and turning
- 16 Landscaping works
- 17 Construction times
- 18 Holiday accommodation
- 19 Lighting

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The proposals comprise removal of the existing marquee structure and replacement with an extension. The extension would include provision of a new ceremony room, dance floor and associated uses at ground floor (referred to as the 'garden pavilion'). The extension would also incorporate a new wedding prep room / bridal suite which would be accommodated over the ground and first floor in a two-storey extension.
- 2.2 Due to the topography of the site, the proposals would also allow for the incorporation of below ground accommodation, this would comprise 4no. additional bedrooms at the lower ground floor below the main proposed garden pavilion.
- 2.3 The proposals also include the provision of a new detached office building located to the South East of the main building. The office building would house the main staff office and meeting rooms that are currently located within the main Old Hall building itself. The office building also incorporates a Groom's preparation room with attached plant and store area that encloses the currently exposed service compound.
- 2.4 Finally, the proposals would facilitate the re-surfacing and formalisation of the existing car parking area together with associated landscaping improvements.
- 2.5 The application is being presented to Planning Committee in accordance with the Council's Constitution as it comprises a full application for major employment use (major is defined as where the floor space created is 1,000 square metres or more).
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

## **3.0 PLANNING HISTORY**

- 3.1 **21/01337/FUL**  
Retention of existing marquee on permanent basis  
**Approved**  
10 November 2021

### **20/00676/FUL**

To construct a single storey gabled rear extension to accommodate male & female WC with existing landscaped terrace adapted to suit

**Approved**

20 July 2020

**20/00104/FUL**

Erection of new single storey Orangery for wedding ceremonies

**Approved**

13 March 2020

**19/01136/VAR**

To vary condition 1 (Approved Plans) of previously approved 17/01384/FUL for new dwelling house for manager, storage building & associated landscaping relating to the facilities of existing bed and breakfast and wedding/function venue

**Approved**

11 October 2019

**17/01665/FUL**

To add a new extension which will consist of a kitchen and bedroom.

**Approved**

14 November 2017

**17/01384/FUL**

New dwelling house for manager, storage building & associated landscaping relating to the facilities of existing bed and breakfast and wedding/function venue.

**Approved**

5 October 2017

**16/00358/VAR**

To vary Condition 1 (Time Period) of planning permission 12/01012/FUL to extend the time period for the use of the site for weddings and functions and the siting of associated marquees.

**Approved**

11 May 2016

**16/00255/FUL**

Change of use of The Old Hall to provide bed and breakfast accommodation with 14 rooms and 2 staff bedrooms, change of use to provide kitchen, bar, WCs and storage space within The Old Hall to support the wedding and party business. The construction of an outbuilding for a biomass boiler, fuel store, laundry and storage all ancillary to the operation of The Old Hall, and the retention of the extended car park and the construction of additional car parking

**Approved**

9 January 2017

**12/01012/FUL**

Retrospective Application for - (1) Variation of planning permission 11/00748 to amend the layout of the marquees and permit the marquee to be on site without dismantling until 7 January 2017, (2) the retention of a larger service yard and decking, and (3) permission for the use of an extra part of the garden in connection with events

**Approved**

5 December 2012

**12/00702/VAR**

Variation of Condition 4 to retain the marquees on site from the 1st October and 30th November 2012.

**Approved**

10 September 2012

**11/00823/FUL**

Alterations to previously approved proposals to extend existing dwelling comprising of two storey brick faced cross wing and one and half storey weatherboarded wing (10/00217/FUL)

**Approved**

3 November 2011

**11/00748/FUL**

A temporary five year consent for the period from 1 April 2012 to 7 January 2017 inclusive for the erection and use of summer and Christmas marquees for the periods from 1 April to 30 September in each year and from 1 December in each year to 7 January in the following year

AND a permanent gazebo

**Approved**

2 April 2012

**10/00217/FUL**

Extension to existing dwelling comprising of two storey brick faced cross wing and one and half storey weatherboarded wing

**Approved**

4 May 2010

**02/00844/LBC**

Part two storey part single storey extension to existing dwelling

**Approved**

4 November 2002

**02/00843/FUL**

Part two storey part single storey extension to existing dwelling

**Approved**

4 November 2002

**98/00656/FUL**

Change of use of agricultural land to domestic garden, landscaping and alterations to existing access

**Approved**

8 October 1998

**95/00243/LBC**

Proposed New House including the re-use of the existing structure (Part Demolition)

**Approved**

29 June 1995

**95/00242/FUL**

New House including the re-use of existing building for residential use

**Approved**

29 June 1995

**92/00507/LBC**

Alteration of Two Storey Building for Residential Use

**Approved**

5 November 1992

**92/00506/FUL**

New House including Re-Use of Existing Building (Residential)

**Approved**

5 November 1992

**4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The application site is Stuntney Old Hall, a rural manor house of C16 origins, de-listed in 1983 and substantially rebuilt and extended from 2002 onwards for use as a wedding venue. It also nominally incorporates a separately-listed barn (NHLE ref 1262252; Grade II) although little trace of this survives, and a de-listing application is currently in progress.

4.2 The site has a well-established use as a wedding venue and utilises the 15-bedroom venue to provide hotel accommodation. The site has a varying topography and the access road into the site slopes down towards the main building, that is set amongst a well-manicured garden and landscaping.

4.3 The site lies outside of a defined development envelope and is therefore considered to be a countryside location. The site is accessed via the A142 although no views can be obtained into the site from its access point. Due to the flat and open fen landscape, views to the rear of the site can be obtained from some distance at Queen Adelaide Way.

**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.

**Conservation Officer - 12 February 2024**

"When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale [or] prominence...of a development.'

In the first instance I must reiterate the point that I have made here repeatedly since 2019: no building has an infinite capacity for absorbing piecemeal additions, and the site would benefit from a masterplan. The detached office block is a case in point: as recently as September 2023 this was proposed as guest accommodation (with a completely different design).

Given that previous permissions have conceded the principle of a ballroom, the flat roofed design proposed here minimises its bulk and continues the architectural language successfully established by the 2020 orangery extension. However the building has now reached its limit.

Recommendation: no objection”

**Technical Officer Access - 31 January 2024**

“Of 80 car parking spaces, only two are marked disabled. Could you consider increasing this amount (should be 6%)?”

**Natural England – 1<sup>st</sup> Consultation: 27 February 2024**

“NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England’s generic advice on other natural environment issues is set out at Annex A.

**European sites**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

**Sites of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

**Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website”

**East Cambs Ecologist – 3<sup>rd</sup> Consultation: 4 October 2024**

“Object main reason: Net loss

**Objection reason**

This is a pre mandatory BNG site and has been judged in accordance with the Natural Environment SPD.

A metric hasn't been submitted for review but the screenshot in the updated PEA shows a net loss of habitats. Area habitats -0.29 and hedgerow habitat -0.16

This has not fully addressed the previous objection.

The following need to be implemented:

Incorporate ecological enhancements as detailed in Preliminary ecological survey, September 2024 into the development.

During construction the mitigation measure are to be implemented in accordance with Preliminary ecological survey, September 2024.

Prior to planning consent submit a main metric detailing how no net loss is achieved and showing a gain to meet the Natural Environment SPD.

Purchase the units and provide proof of allocation of units from a local registered provider OR provide a plan for onsite BNG enhancements."

**East Cambs Ecologist – 2<sup>nd</sup> Consultation: 19 August 2024**

"The PEA that has been submitted, has not covered the main ecological concern is there a likelihood of bats or protected species onsite.

The PEA shows the habitats of the gardens etc but has not commented on the potential for bats/birds in the part of the building where the works are likely to take place. I believe the plan is to extend the building into the marquee area, are there any bats/ birds in the building (loft, other suitable nooks that are a potential) if any.

There was no mention of the local Natural Environment SPD requirement to show a gain for biodiversity and how the project may enhance the biodiversity (bat/bird boxes, where to put them) which would need to be addressed in this application.

A small site metric is required if they cannot provide the information in a previous version of a metric which would have been valid at the time. The site is a pre mandatory BNG site but this would fall under the requirements to provide a measurable net gain under local policy. How will the site increase BNG?"

**East Cambs Ecologist – 1<sup>st</sup> Consultation: 2 February 2024**

"I can see no ecological surveys have been conducted for me to comment upon. Preliminary Ecological Survey is recommended, check for likelihood of protected species like bats, especially as this site is in a SSSI/SAC/SPA/Ramsar impact zone. Natural England will need to be consulted."

**Ely City Council – 2<sup>nd</sup> Consultation: 20 August 2024**

"The City of Ely Council supports the application but hopes that the proposal will not adversely increase noise and traffic and will remain sensitive to the surroundings."

**City of Ely – 1<sup>st</sup> Consultation: 30 January 2024**

“The City of Ely Council supports the application but hopes that the proposal will not adversely increase noise and traffic and that they will remain sensitive to their surroundings.”

**Lead Local Flood Authority – 2<sup>nd</sup> Consultation: 9 September 2024**

“We have reviewed the following documents:

- Existing Site Block Plan, Nicholas Jacob Architects, Ref: 22090, Rev: PL1, Dated: December 2023
- Proposed Site Plan, Nicholas Jacob Architects, Ref: 22090, Rev: PL6, Dated: December 2023
- Surface Water Drainage Concept and Construction Scheme, JMS Group, Ref: 100, Rev: P1, Dated: 3rd April 2020

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the new proposed development can be managed through the use of a system of drains discharging into an attenuation pond which then discharges via flow control at 1l/s from site. The applicant has requested to provide the full Flood risk Assessment and Drainage strategy at the Discharge of Condition stage and due to the nature of the extension this is acceptable.”

[Conditions requested in relation to a detailed design of the surface water drainage of the site and details of measures indicating how additional surface water run-off from the site will be avoided during the construction works]

**“Pollution Control**

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

**Construction Surface Water Maintenance**

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.”

**Lead Local Flood Authority – 1<sup>st</sup> Consultation: 22 August 2024**

“At present we object to the grant of planning permission for the following reasons:

## 1. No Surface Water Strategy

Paragraph 173 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a. Take account of advice from the Lead Local Flood Authority;
- b. Have appropriate minimum operational standards;
- c. Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d. Where possible, provide multifunctional benefits

As a flood risk assessment/surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

In order to assist developers with the preparation of surface water strategies Cambridgeshire County Council has prepared a guidance document which is available to view [here](#).

For a full application the following should be included within the surface water strategy:

- i. Existing impermeable area
- ii. Proposed impermeable area / developable area (including an allowance for urban creep)
- iii. A description of site topography
- iv. A description of ground conditions (using site investigation where possible)
- v. Identification of any surface water flood risk
- vi. Existing site drainage arrangements
- vii. Proposed method of surface water disposal
- viii. Existing and proposed runoff rates (if discharging off-site)
- ix. Existing and proposed runoff volumes (if discharging off-site)
- x. Required volume of attenuation (m<sup>3</sup> per m<sup>2</sup> of impermeable area)
- xi. Preliminary SuDS proposals
- xii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)
- xiii. Drainage layout drawing and supporting hydraulic calculations

Informatics:

### Infiltration

Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If for an outline application it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

### IDB Consent

This site falls within the Middle Fen and Mere Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

### Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

### Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned."

### **Local Highways Authority – 2<sup>nd</sup> Consultation: 28 August 2024**

"I have no further observations or comments to provide in relation to this application."

### **Local Highways Authority – 1<sup>st</sup> Consultation: 7 February 2024**

"The Local Highway Authority raises no objections to the proposed development.

The existing junction with the highway is suitable for the proposed development and intensification of use. However, the LPA / Parking Authority should ensure that the parking provisions within the site are suitable for a development of this size and in keeping with the NPPF and Local Parking Policies."

### **Environment Agency - 14 August 2024**

"As the proposed development does not have any constraints that fall within our remit, we have no comments to make except that as it appears to be on a dry island, you may want to ensure that your Emergency Planners review the application."

### **ECDC Trees Team - 13 March 2024**

"The proposal includes the loss of existing trees and hedging yet there is no Arboricultural Impact Assessment (AIA) provided as would be expected. There is some soft landscaping indicated on the submitted plans but it comprises very little detail, it may be the case that the soft landscaping may suitable mitigate the losses. If the six trees to be lost are considered to be category B trees which is our only option without an AIA then there would be a requirement for the replacement planting of a minimum of 15 trees to be compliant with policy SPD.NE8: Trees and Woodland

Natural Environment Supplementary Planning Document 2020. Without either an AIA or a soft landscaping plan that includes a minimum of 15 new trees it is not possible to support this application at this time."

**Environmental Health – 2<sup>nd</sup> Consultation: 9 August 2024**

"Additional detail has been provided regarding the expected foundation designs for the buildings construction.

The applicant has also advised that there is an existing fire hydrant on site.

I have no additional comments to make at this time."

**Environmental Health – 1<sup>st</sup> Consultation: 22 January 2024**

"Thank you for consulting us on the above application.

If Peter wishes to make any comments he will respond separately.

The Application Form has been completed to state that there will be no trade waste generated as part of this proposal. This is incorrect and so I would be grateful if you could forward the attached Commercial Waste Duty of Care document to the applicant so that they can ensure they are disposing of their waste legally.

I would advise that 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

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. 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 I would request a commitment to the following restricted hours specifically for piling - 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 then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

I have read the Planning Statement and note the following -

"There is no intention for the Garden Pavilion to allow dual ceremonies to be hosted, it will remain the strict policy of The Old Hall to only host one wedding in any one day."

"A permanent construction is going to have much more appropriate acoustic solutions in place, but the applicant is more than willing to keep the existing NMP if it offers comfort."

If there are existing conditions relating to hours of use for the site I would ask that they are also applied to this proposal if approved.

The Planning Statement makes reference to the Noise Management Plan which was a requirement for the temporary permissions for the existing marquee and that

"As part of the permanent marquee application, the applicant upgraded their Noise Management Plan and this was included as part of the planning application. The applicant is happy to continue with a NMP if the Council deems it necessary."

I can't see if the updated NMP has been included as part of this application but if there is one I would be grateful if you could direct me to it.

No other comments to make at this time but please send out the environmental notes."

#### **Waste Strategy (ECDC) - 2 February 2024**

"The waste generated from the premises would be commercial, no comment is required from the Waste Team."

#### **Cambridgeshire Archaeology – 2<sup>nd</sup> Consultation: 13 August 2024**

"Thank you for the reconsultation with regards to the archaeological implications of the above referenced planning application. Having reviewed the additional documents and due to the archaeological potential from medieval and post medieval finds in the area, we believe the site should be subject to a programme of archaeological investigation secured by the inclusion of an archaeological condition."

#### **Cambridgeshire Archaeology – 1<sup>st</sup> Consultation: 22 January 2024**

"Thank you for the consultation with regards to the above referenced planning application. The proposed development lies in an area of archaeological potential, with The Old Hall situated right at the northern most edge of the 'Fen Island' of Stuntney. Areas on the edge of the fen and drier areas are often exploited throughout history and prehistory by past communities. Stuntney is known to have Roman activity with a possible Roman Dock known to the southwest of the settlement (Cambridgeshire Historic Environment Record 07118). A number of Roman findspots were identified during construction of the Stuntney bypass just to the south of the hall (CHER 07116, 07371b). In fields to the south east is recorded a possible medieval fishpond (CHER 07371), whilst to the north east are the cropmark remains of a trackway (CHER MCB30775). Within the area now occupied by the carpark cropmarks have been identified, likely associated with post medieval Hay stack platforms (CHER MCB30773).

The archaeological evidence of the area is mixed and the proposed development is located with the footprint of the previous marquee or one other previously concreted platforms. If we could get some more information about the nature of the proposed foundations in particular proposed ground depths and treatments, this would help us to determine any impacts to potential archaeology."

**Cambridgeshire Fire and Rescue Service - 23 January 2024**

"With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

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, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given."

**The Ely Group Of Internal Drainage Board - 11 March 2024**

"The Board has no objection from a drainage point of view."

**Ward Councillors** - No Comments Received

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

**Technical Officer Access** - No Comments Received

**County Highways Transport Team** - No Comments Received

- 5.2 A site notice was displayed near the site on 30 January 2024 and a press advert was published in the Cambridge Evening News on 25 January 2024.
- 5.3 Neighbours – 20 neighbouring properties were notified no responses have been received. A full copy of the responses are available on the Council's website.

**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 5 Presumption in favour of sustainable development
  - EMP 2 Extensions to existing businesses in the countryside
  - ENV 1 Landscape and settlement character
  - ENV 2 Design
  - ENV 4 Energy efficiency and renewable energy in construction

ENV 6	Renewable energy development
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

*Contaminated Land*

*Developer Contributions and Planning Obligations*

*Cambridgeshire Flood and Water SPD*

*Natural Environment SPD*

*Climate Change SPD*

*Design Guide*

## 6.3 *National Planning Policy Framework (December 2023)*

2 Achieving sustainable development

4 Decision-making

6 Building a strong competitive economy

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed and beautiful places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

15 Conserving and enhancing the historic environment

## 6.4 *Planning Practice Guidance*

## **7.0 PLANNING COMMENTS**

7.1 The main considerations in the determination of this application are:

- Principle of Development
- Character, Appearance and Heritage
- Highways and Parking
- Residential Amenity
- Ecology and Trees
- Flood Risk and Drainage
- Other Material Considerations

## **7.2 Principle of Development**

7.3 Policy GROWTH 2 of the Local Plan 2015 sets out the overall strategy for the distribution of growth across the district. The policy is up-to date and aims to ensure that growth takes place in appropriate locations across the district. Outside defined development envelopes development will be restricted and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.4 Policy EMP 2 states that proposals to expand existing businesses in the countryside will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality

*Following revisions to the design of both the extension and the massing of the office building, the proposals would be sympathetic to the surrounding character of the buildings and the locality.*

- The proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.

*The proposal is not considered to generate a significant increase in traffic beyond the existing situation. As elaborated in the relevant section of the report below, the proposals would be re-locating the existing office functions into a separate building to allow for modern-day office functions. Furthermore, the addition of 4no. guest rooms is not considered to be of a significant increase in context of the scale of the site. Overall, the proposals would not generate a significant amount of traffic beyond the existing situation.*

- The extension is for the purpose of the existing business; and

*The application has been supported by a planning statement that includes details of the business case and justification for the proposals. The statement notes that the Old Hall business has had to respond and adapt quickly to the hospitality and wedding business over recent years, particularly since the Covid-19 pandemic that resulted in making changes to the old business model. During its recovery from the pandemic, the corporate function offering has expanded to fill in missing wedding booking gaps. Furthermore, the Old Hall as a wedding venue is gaining traction nationally.*

*Due to the inefficient office space in the main building, the team has been divided into two groups which leads to breakdowns in team efficiency. The statement explains that there is a need to accommodate the staff in a central location without being overcrowded and to avoid health and safety issues. Furthermore, the business case notes that in the last three years, the office based staff has increased from 7 to 15 people.*

*It is therefore clear that the Old Hall is competing with wedding venues nationwide and in supporting their business ventures, need to adapt to competition and demands of industry. Furthermore, it is clear that the business has been resilient to the COVID-19 pandemic and the business has a strong backing.*

- Any intensification of use will not detract from residential amenity.

*As outlined below, there are no nearby neighbouring properties that would be detrimentally impacted by the proposals.*

7.5 The Old Hall has been operating as a successful wedding venue for a number of years. Permission was originally granted for the marquee in 2012 (planning permission ref. 11/00748/FUL). This was limited to a temporary period because

marquees are a temporary structure, and it would allow any impact on residential amenity and highway safety to be fully assessed. Planning permission was subsequently granted in 2013 (ref. 12/01012/FUL) to retain the marquee on site throughout the year without dismantling during certain months. The consent was extended under application reference no. 16/00358/VAR until 7th January 2022. Following this, consent for the marquee to be retained on a permanent basis was given under application reference 21/01337/FUL on the basis that the marquee supports an existing and thriving business and without this, its main event function and wedding offering would struggle to operate.

7.6 The application seeks to find a replacement of the marquee with a permanent solution.

7.7 As summarised above, and for the reasons discussed in the report below, it is considered that the proposals have been suitably designed to reflect the character and scale of the existing building and its surrounding locality. The proposals have been supported with clear justification of how the proposals would benefit the existing business and why, given the nature of the wedding venue industry, these proposals are required. The intensification of use is not considered to harm or detract from residential amenity, and it is not expected that there would be a significant adverse impact in terms of amount of nature of traffic generation.

7.8 It is considered that the proposal complies with policy EMP2 of the Local Plan 2015 (as amended 2023) by providing an expansion of the existing business through the extension of an existing building and provision of a new office block that would support the current wedding venue business that supports a number of local jobs that would mean that the site would continue to be used for such purposes. The principle of development is therefore considered to be acceptable providing the proposed development accords with all other relevant planning policies.

7.9 **Character, Appearance and Heritage**

7.10 Policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Paragraphs 131 and 135 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions.

7.11 Policy ENV1 of the Local Plan 2015 seeks to ensure that proposals provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV1 also requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area.

7.12 Policy EMP2 states that proposals to expand existing businesses in the countryside will be permitted where the proposal does not harm the character and appearance of any existing buildings, or the locality and the proposal is in scale with the location.

7.13 It should be noted that the site nominally incorporates a separately listed barn (NHLE ref 1262252; Grade II) although little trace of this survives and therefore a de-listing application is currently in progress. Whilst the outcome of the de-listing application is unknown, given the scale of development that has taken place in recent years, the impact of the proposed development on the heritage asset is considered negligible. Furthermore, the Conservation Officer holds no objection to the proposal.

7.14 Revisions have been received during the course of the application due to Officer concerns regarding design, massing and scale of development.

7.15 The proposed extension follows the same form as the previously approved and implemented orangery extension. The extension would be made up of an oak framed structure with large areas of glazing and bays that create a modular appearance to the extension.

7.16 Whilst historically the building took a linear east-west aligned form, the proposals would now extend out to the North East, creating extensive views north towards Ely and Ely Cathedral. The requirement for a deep plan, unrestricted space has dictated its flat roofed form, as any pitched roof over such a large span would be unacceptably dominant. There is no denying the scale of this development is large, however in acknowledging the applicants' efforts in replacing the temporary marquee structure with something more permanent the difficulty to reconcile this with traditional building proportions is acknowledged. Whilst the footprint of the extension occupies a large area, the use of the bay window structure breaks up its form and the large expanse of glazing mean that the proposals allow views to and connection with the large, but sympathetically extended, original building.

7.17 The revised proposals have seen the re-modelling of the roof of the extension that replaces the marquee. The roof needs to incorporate the air handling plant for the proposals; however, the revisions now utilise a single extract point and any other ducts and the main section of the plant is set back into the roof. By pushing the extraction back this will be concealed from close view of the proposals. The rationalisation of the air handling plant has enabled the bulkiness of the roof of the extension to be lessened.

7.18 The proposals have revised the proposed East end 'block' by re-orientating the bridal preparation suite and re-positioning the green room in this form. The bulk of this element of the extension has been rationalised and now presents a brick gable to the North which visually bookends the garden pavilion extension with the existing matching gable at the West end of the building.

7.19 The proposed replacement marquee extension would facilitate the introduction of 4 no. guest bedrooms at the lower ground level below the proposed garden pavilion. Due to the topography of the site, this would make use of existing space and would integrate well given that it would not protrude beyond the built form of the garden pavilion.

7.20 Regarding the proposed office building, the deep plan structure has not been reduced due to the need to accommodate a set space. However, the scale appears more proportionate and reflective of the original Old Hall building through the introduction of a double pitched roof with hipped ends. This element of the proposal includes buff

clay pantiles on the roof and black stained cladding to the walls with a red brick plinth. Both the materials and the architectural qualities mirror the adjacent building and give the appearance of a less bulky form than the previously proposed flat roof.

7.21 The office building also incorporates a 'Groom's prep room' and service accommodation adjacent. Whilst the combined uses do not appear to be typically compatible, it is for the business to determine their suitability in terms of the function they provide. The overall form of the building as a whole has been amended in its roof form, as outlined above, to reflect officer concerns and it is recognised that there is merit in concealing the waste collection containers and machinery storage. This will assist in screening the currently exposed service courtyards and providing a most positive appearance for visitors arriving to the site.

7.22 The surrounding landscape is sensitive to change due to its simple and open nature and it is acknowledged that the proposals introduce a large amount of built form in this open area of the site. Due to the sensitivity of the site (both in terms of the building itself and wider views) together with acknowledging the needs of the business, the application has been subject to extensive discussion with the applicant and the architect. It is considered that any further extensions should not be ad hoc, and it is advised that the applicant consider a masterplan for the site, in discussion with the LPA, should further expansion be required.

7.23 The revised proposals have rationalised the plans and the proposed architecture would harmonise with existing extensions. Subject to a condition for sample materials, the proposals are considered to comply with the relevant national and local policies referred to above.

7.24 **Highways and Parking**

7.25 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. Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking.

7.26 Policy COM7 requires proposals to provide safe and convenient access to the highway network. The access from the A142 was subject to a detailed assessment at the time of the first application. Arrangements were put in place to make sure that all traffic could enter the site on days when weddings and parties are held without hindrance so as to preserve the free flow of traffic on the main road. It was also accepted that the majority of traffic accessing the site would be outside the hours of peak demand in the rush hour and this has proved to be the case. The Highways Officer has commented as part of the application, noting that the existing junction with the highway is suitable for the proposed development and intensification of use.

7.27 The Council's parking standards are clear in parking provision being required for each use class. Class C1 (hotel) use requires 1 parking space per guest bedroom. Whilst the garden pavilion extension and the office block will increase the floor area beyond the existing provision, the proposals seek only to accommodate existing uses in these

proposals. The proposals do include the provision of 4no. additional bedrooms, however it is clear that given the size of the existing car park there is sufficient room to cater for this increase. The plannings statement notes that there will be no increase in the number of ceremonies taking place at any one point and the venue will continue to operate one wedding ceremony at a time. Furthermore, due to the access off the A142 there is no potential for overspill parking onto the highway.

7.28 Therefore, whilst the proposals seek only to formalise the existing car park arrangements that would result in the addition of 3no. additional parking spaces, this is considered sufficient to accommodate the intended uses. The new parking arrangements will be secured via condition.

7.29 The proposal is therefore not considered to have a detrimental impact on traffic or parking provision and would be in accordance with Policies COM 7 and COM 8 of the Local Plan.

### 7.30 **Residential Amenity**

7.31 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.32 LP Policy ENV 9 seeks to protect residential occupiers from noise, smell, vibration and other forms of pollution.

7.33 The proposed development would be within the grounds the Old Hall estate, some distance from the nearest other neighbors. The proposal to replace the marquee with a permanent extension would provide a more substantial measure at controlling noise from the site due to its construction and permanence.

7.34 The provision of the new accommodation rooms and office block would not lead to an intensification of activities on the site that would have an adverse effect on neighboring residential amenity in the wider area, nor is this expected to increase the comings and goings to the site to significant extent.

7.35 The Environmental Health Officer has noted the previous submission of a Noise Management Plan (NMP). This related to the site's operations with the marquee structure, as opposed to the permanent solution sought here. Whilst the proposal would provide greater screening of noise, it is acknowledged that through the opening of doors and windows sound can travel in a similar way. It is therefore considered necessary to condition submission of this detail via condition to ensure that occupiers who are situated away from the site are not detrimentally impacted by the travelling noise.

7.36 Subject to conditions for the NMP, construction hours and piling statement the proposals are considered to comply with the requirements of Policies ENV2 and ENV9 of the Local Plan together with the NPPF.

### 7.37 **Ecology and Trees**

7.38 Policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquility of the area. Policy ENV 7 of the ECDC 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.

7.39 The Natural Environment SPD Policy SPD.NE6 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

7.40 Chapter 15 of the NPPF seeks to ensure that development proposals should contribute to and enhance the natural and local environment, by protecting and enhance valued landscapes, site of biodiversity or geological value and soils, as well as recognising the intrinsic character and beauty of the countryside. The NPPF also places emphasis Paragraph 180(d) on the provision of net gains for biodiversity.

7.41 It is noted that the site has undergone a range of landscaping improvements outside of any application that aids the tranquility of the site. A comprehensive soft landscaping scheme has been incorporated into the design and provided as part of the application. This has aided the assimilation of the proposals into the sloping topography of the site. The Trees Officer has noted that the plans appear to remove six trees and without an AIA to confirm their classification, it is assumed that these are category B trees. In accordance with policy NE8 of the Natural Environment SPD, this requires replacement planting of a minimum of 15 trees. The extensive landscaping plans include the extension of the existing yew hedging to the North of the office building together with the provision of 15no. new deciduous trees planted in the belt to the south and east of the office and service buildings.

7.42 The Ecologist has raised concerns that the proposals do not demonstrate a net gain in accordance with the Natural Environment SPD. The submitted PEA acknowledges that the site had very limited potential to support protected species, and no habitats of value/priority habitats were identified. This is further appreciated in Officer site visits in acknowledging the urbanisation of the site and primary use itself being unlikely suitable for breeding and habitats. Therefore, although overall there is a net loss on the site, the baseline condition was also considered to be very low. Given the ongoing use of the site, it is considered that standard biodiversity improvements such as the provision of bat and bird boxes would be sufficient to acknowledge both the requirement of the SPD together with the low biodiversity value of the site. The mitigation measures set out in the PEA will therefore be secured through condition.

7.43 In terms of European Sites and SSSI's, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

7.44 Notwithstanding, no proposals have been put forward with regards to external lighting. Due to the site's proximity to the SSSI it is considered necessary to control this provision through a suitably worded planning condition, requiring the LPA's prior written approval of any proposals for external lighting.

7.45 Subject to the aforementioned conditions, the proposals are considered to result in an acceptable impact to trees and ecology.

7.46 **Flood Risk and Drainage**

7.47 Paragraph 6.9.1 of the East Cambridgeshire Local Plan 2015 is clear that “flood risk is an important issue for the district, particularly given the topography of the area and the context of climate change with related sea-level rises and increased incidents of heavy rainfall”. The Cambridgeshire Flood and Water SPD sets out that the general approach to flood risk and planning is that development should be directed to the areas at the lowest risk of flooding.

7.48 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. Although it is noted that a small portion of land to the North, located within the blue line, is within Flood Zone 3, the red line boundary of the application site itself is located in Flood Zone 1.

7.49 The Lead Local Flood Authority (LLFA) originally raised an objection to the scheme due to the lack of a surface water strategy. The applicant noted that there would be little change to surface water disposal as the existing buildings, car park and service compound already send rainwater down the hill to the lakes and the heavy clay subsoil means that the existing situation results in surface run off from the grass areas, planting beds etc. The applicant indicated on the site plan that the proposals would take rainwater from the car park, office and service buildings to an attenuation tank and then into the ditch system. The LLFA reviewed the response and the plans that have been approved on site for previous schemes, noting that the documents demonstrate that surface water from the new proposed development can be managed through the use of a system of drains discharging into an attenuation pond which then discharges via flow control at 1l/s from site.

7.50 The LLFA have therefore suggested the provision of the surface water drainage proposals and proposals to manage surface water run off during construction can be secured via condition.

7.51 **Other Material Matters**

7.52 *Archaeology*

7.53 Policy ENV 14 states that development proposal affecting sites of known archaeological interest should have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings and require the submission of an appropriate archaeological evaluation/assessment of significance.

7.54 The Historic Environment Team noted proposed development lies in an area of archaeological potential, with The Old Hall situated right at the northern most edge of the ‘Fen Island’ of Stuntney. The archaeological evidence of the area is mixed and area on the edge of the fen and drier areas are often exploited throughout history and prehistory by past communities.

7.55 The applicant provided additional information and clarification regarding the nature of the proposed foundations. It has since been recommended by the Historic Environment Team that due to the archaeological potential from medieval and post medieval finds in the area, the site should be subject to a programme of archaeological investigation secured by the inclusion of an archaeological condition.

7.56 *Energy Efficiency and Renewables*

7.57 Policy ENV4 of the Local Plan 2015 sets out that 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. Applications are required to demonstrate how sustainable design and construction has been considered, and all non-domestic developments of 1000m<sup>2</sup> or more are required to meet BREEAM Very Good standard or equivalent. The applicant has noted that improved sustainability will be provided by a ground source heat pump installation using the existing small lakes as the heat source. To ensure the development meets the BREEAM Very Good standard this will be secured via condition.

7.58 *Phasing*

7.59 The agent has advised that it is likely that the proposals will be brought forward in two phases. Phasing Document dated 24 October 2024 notes that Phase 1 will comprise the office and service yard buildings and Phase 2 will comprise the Garden Pavilion (replacement marquee) and attached works, including carpark resurfacing and access arrangements. As such, conditions are reflected to allow the phasing of the development.

7.60 **Planning Balance**

7.61 The proposals would provide a replacement extension for the existing marquee structure which, although granted a permanent consent, is temporary in its form and structure. The proposal to replace the marquee would result in a purpose built, permanent and architecturally well-designed extension. The proposals would also provide for an identified need in the re-location of the exiting office uses into a separate office building. The proposals would therefore allow for the business's successful operation and continued employment in the area. The proposals comply with the above referenced local and national policies and therefore the application is therefore recommended for approval.

**8.0 COSTS**

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

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with, or substantive i.e. relating to the 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 business case put forward for the proposals
- The architectural quality of the proposals
- The employment opportunities the business brings to the district

## **9.0 APPENDICES**

9.1 Appendix 1 - Conditions

9.2 Background Documents

23/01403/FUM	21/01337/FUL	20/00676/FUL	20/00104/FUL
19/01136/VAR	17/01665/FUL	17/01384/FUL	16/00358/VAR
16/00255/FUL	12/01012/FUL	12/00702/VAR	11/00823/FUL
11/00748/FUL	10/00217/FUL	02/00844/LBC	02/00843/FUL
98/00656/FUL	95/00243/LBC	95/00242/FUL	92/00507/LBC
92/00506/FUL			

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

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

## APPENDIX 1 - 23/01403/FUM Conditions

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

Plan Reference	Version No	Date Received
22090-110	PL6	2nd August 2024
22090-111	PL6	2nd August 2024
22090-003	PL6	2nd August 2024
22090-004	PL2	2nd August 2024
22090-211	PL3	2nd August 2024
22090-112	PL3	2nd August 2024
22090-210	PL6	2nd August 2024
22090 001 Preliminary Ecological Appraisal Phasing Document	PL1 Rev A	27th December 2023 20th September 2024 24th October 2024

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

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

3 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to the commencement of any development in Phase 1 (as defined by Phasing Document dated 24 October 2024) it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

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

3 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.

4 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to the commencement of any development in Phase 2 (as defined by Phasing Document dated 24 October 2024) it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

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

- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Climate Change SPD, 2021.
- 5 No demolition/development shall commence on Phase 1 (as defined by Phasing Document dated 24 October 2024) until a programme of archaeological work, commencing with the evaluation of the application area, 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.
- 5 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 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.
- 6 No demolition/development shall commence on Phase 2 (as defined by Phasing Document dated 24 October 2024) until a programme of archaeological work, commencing with the evaluation of the application area, 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.
- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 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.
- 7 Prior to the commencement of development in relation to Phase 1 (as defined by Phasing Document dated 24 October 2024), including preparatory works, details of measures indicating how additional surface water run-off from the site will be avoided during the construction works shall be 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.

- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 (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 and the details need to be agreed before construction begins.
- 8 Prior to the commencement of development in relation to Phase 2 (as defined by Phasing Document dated 24 October 2024), including preparatory works, details of measures indicating how additional surface water run-off from the site will be avoided during the construction works shall be 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 prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 (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 and the details need to be agreed before construction begins.
- 9 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 surface water drainage proposals shall 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;
  - i) Permissions to connect to a receiving watercourse or sewer;

- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- 9 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 10 No development shall take place other than in strict accordance with the mitigation recommendations contained within the Preliminary Ecological Appraisal Rev A dated September 2024.
- 10 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.
- 11 In the event of the foundations from either phase of the proposed development requiring piling, prior to the commencement of the piling a report/method statement shall be submitted to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 12 No above ground construction shall take place on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 12 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).
- 13 Prior to the commencement of use of the garden pavilion constructed under Phase 2 (as defined by Phasing Document dated 24 October 2024), a Noise Management Plan (NMP) shall be submitted to and agreed in writing with the Local Planning Authority. The NMP shall include the opening of doors and windows and the hours of operation for amplified music.

The agreed NMP shall be implemented for every event held on the site.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 14 Prior to use of any phase of the development hereby approved, a scheme of biodiversity improvements shall be submitted to and approved 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.
- 14 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.

15 Prior to the commencement of use of any development constructed under Phase 2 (as defined by Phasing Document dated 24 October 2024) the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan no. 003 Rev PL6 and thereafter retained for that specific use.

15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

16 All hard and 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.

16 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

17 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.

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

18 The accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as any person's sole or main residence.

18 Reason: The application has been assessed as acceptable and complying with policy GROWTH 2 on this basis.

19 Notwithstanding the approved plans, no 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.

19 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.





**24/00160/ESF**

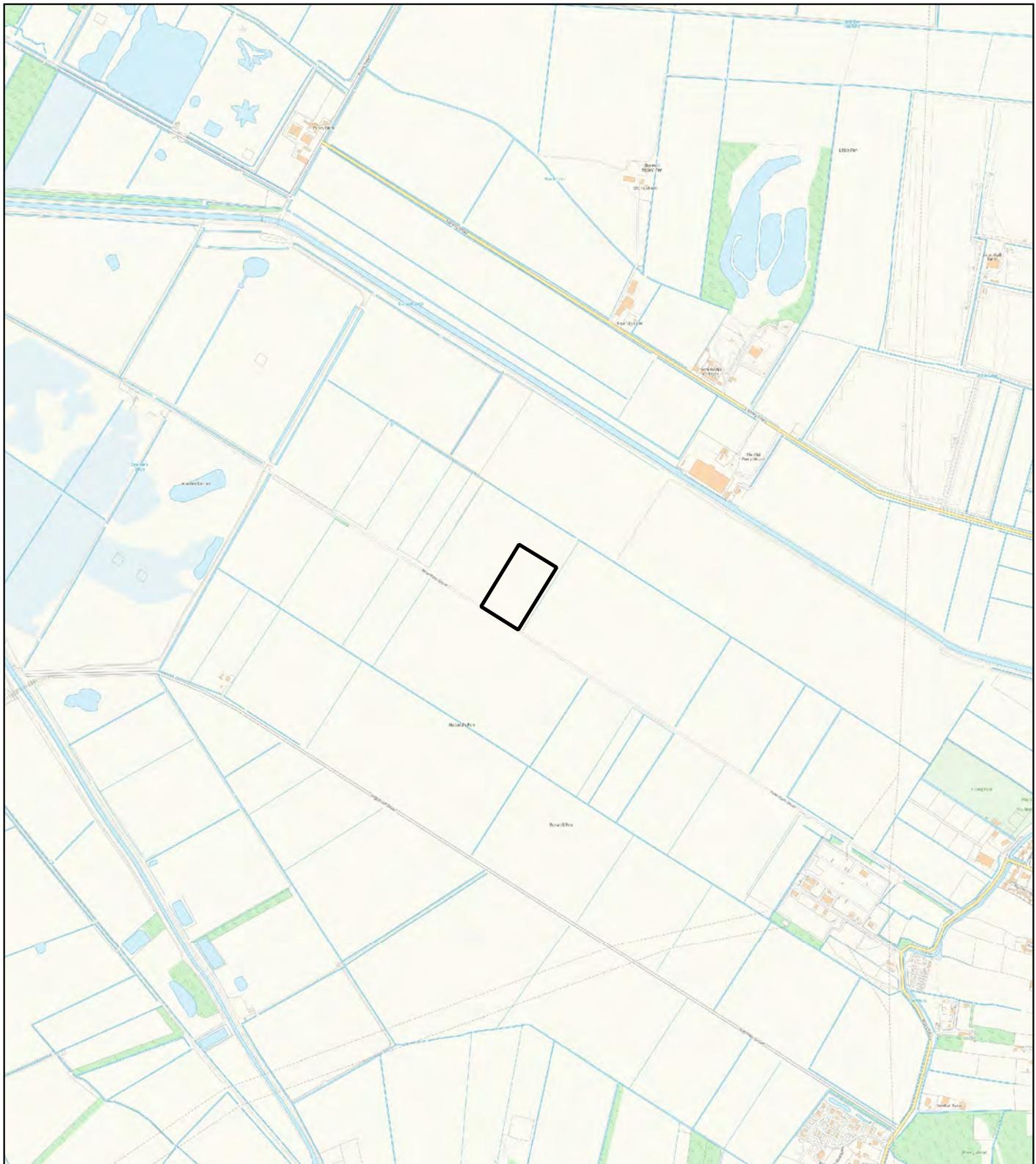
Site At Anchor Lane Farm  
Newnham Drove  
Burwell

Battery energy storage facility and associated works

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=S8R4XWGGJKQ00>





24/00160/ESF



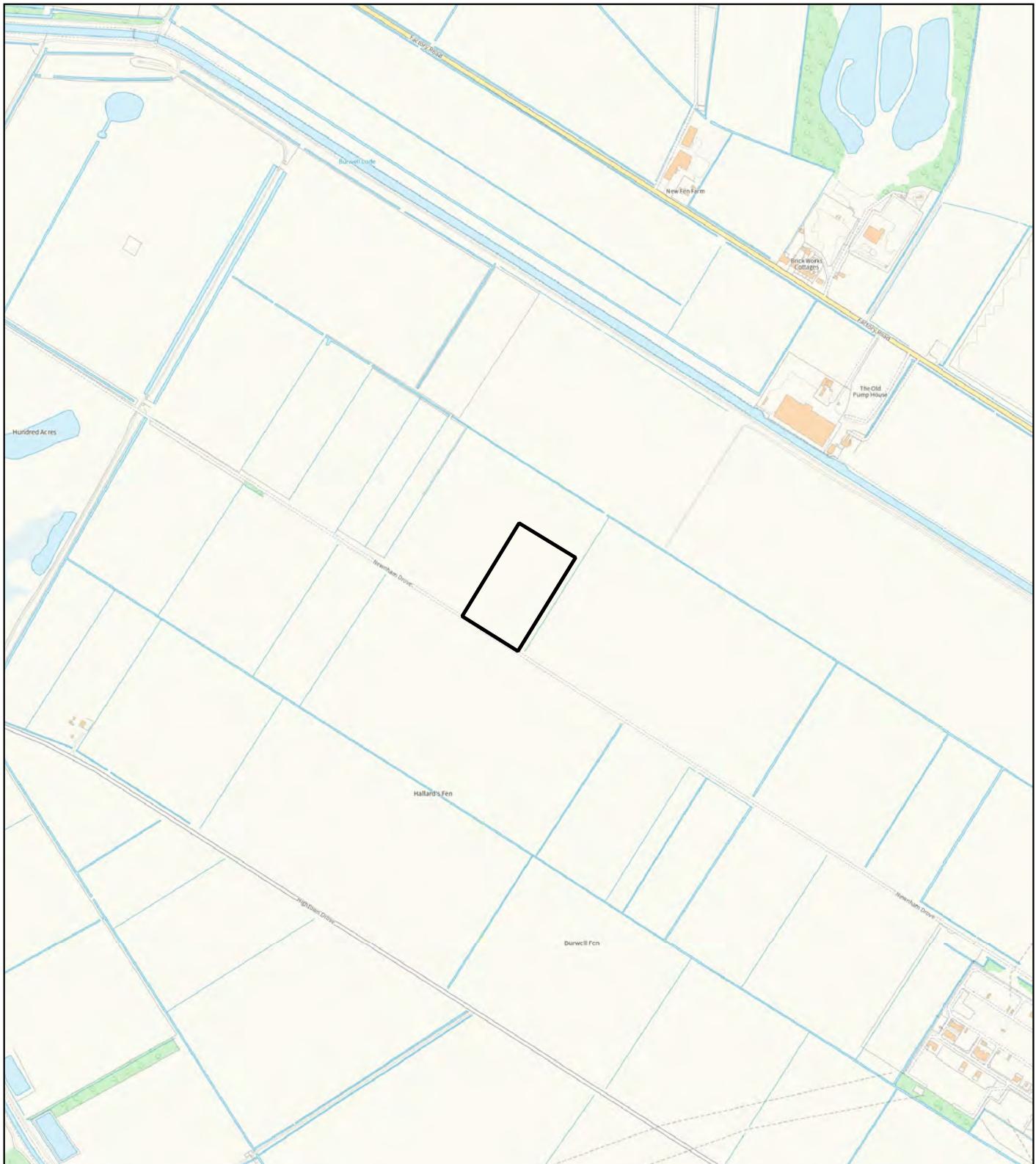
**Site At Anchor Lane Farm  
Newnham Drove  
Burwell**

**East Cambridgeshire  
District Council**

Date: 24/10/2024  
1:15,000



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24/00160/ESF



**Site At Anchor Lane Farm  
Newnham Drove  
Burwell**

**East Cambridgeshire  
District Council**

Date: 24/10/2024  
1:10,000



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**TITLE:** **24/00160/ESF**

Committee: Planning Committee

Date: 6 November 2024

Author: Senior Planning Officer

Report No: Z84

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

**Site Address:** **Site At Anchor Lane Farm Newnham Drove Burwell**

**Proposal:** **Battery energy storage facility and associated works**

**Applicant:** **Burwell AL Ltd**

**Parish:** **Burwell**

**Ward:** **Burwell**

Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received:** **1 July 2024**

**Expiry Date:** **15 November 2024**

## **1.0 RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to following terms:

1. The Committee delegates authority to finalise the terms and completion of the S.106 legal agreement to secure biodiversity net gain the Planning Manager; and,
2. Following the completion of the S.106, application 24/00160/ESF be approved subject to the planning conditions at **Appendix 1** (and summarised below); or,
3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the S106 legal agreement.

(Summarised conditions)

- 1 Approved Plans
- 2 Time period for implementation
- 3 Construction hours
- 4 Temporary consent – 40 years and 6 months
- 5 Landscape Ecological Management and Monitoring Plan
- 6 Construction Environmental Traffic Management Plan
- 7 Archaeological investigations
- 8 Detailed surface water drainage scheme
- 9 Full details of plant and equipment
- 10 Details of fire-fighting water supply
- 11 Hard landscaping
- 12 Flood Action Plan
- 13 Risk Management Plan, Emergency Response Plan, Incident Response Plan, and Operation & Maintenance Plan
- 14 Soft landscaping works
- 15 Noise Verification Report
- 16 Mitigation measures for non-compliance with noise verification report
- 17 Noise Management Plan
- 18 External lighting
- 19 Biodiversity enhancement measures
- 20 Low frequency noise exceedance
- 21 Access road and hardstanding drainage
- 22 Decommissioning (prior to expiry of consent or planned cessation)
- 23 Decommissioning (in event of becoming non-operational)
- 24 Ecological mitigation during construction and operation
- 25 Unexpected contamination

+ Mandatory Biodiversity Net Gain Condition

## **2.0 SUMMARY OF APPLICATION**

2.1 As set out within the Applicant's Planning Statement, the application proposals comprise the delivery of a “49.95MW *Battery Energy Storage Facility (BESF) on a 3-hour system to provide energy balancing services to the National Grid. This type of facility operates by taking electricity from the Grid at times of low demand, storing it in batteries, and releasing it back to the Grid when demand is high. Energy storage facilities therefore improve the efficiency of existing energy production facilities, notably from renewables where production is intermittent and based on external conditions.*” The Applicant is seeking consent for a period of 40 years (operational period), with a commencement period of 3 years. The Applicant already benefits from a grid connection.

2.2 The compound will be served via Newnham Drove, an adopted unclassified road, and will be surrounded by an emergency access road. An acoustic screen in the form of a 2.5-metre-high bund surrounds the site, enclosing the access road, compound and associated infrastructure.

2.3 The full proposed site layout is illustrated on the drawing Site Layout - Overview (ref. ALP-CB25-0AH-02 Rev F, comprising the following equipment all to be mounted on concrete plinths, or screw piles:

- 1 no. DNO (Distribution Network Operator) Control Room with an approx. height of 4.8m;
- 78no. TrinaStorage BES Containers with an approx. height of 3.2m;
- 13no. Power Conversion System with an approx. height of 3.4m;
- 1no. Power Plant Controller with an approx. height of 3.3m;
- 1no. 33 kV Customer Switch Room with an approx. height of 4.8m;
- 1no. 132/33 KV Transformer with an approx. height of 7m;
- 1 no. T-AUX Transformer with an approx. height of 3m;
- 23no. Internal Pole lighting with an approx. height of 3.2m (8 of them also contain CCTV).

2.4 The site lies wholly within Flood Zone 3 and is supported by a Flood Risk Assessment, Fire Rescue Safety Management Plan and Fire Water Management Plan. The development will be underpinned by a comprehensive surface water drainage strategy. The site is to be primarily drained via herringbone permeable paving and a perimeter filter drain around the development extents, discharging to a lined attenuation pond to the north of the site to prevent discharge to ground of potentially contaminated run off. The site would ordinarily discharge from the pond into the nearest IDB watercourse at controlled rates.

2.5 A full soft landscaping scheme is proposed emulating a traditional fen landscape, as is a targeted 58.48% biodiversity net gain. The bund and site are to be landscaped with new native tree, shrubs and meadow planting.

2.6 The application has been referred to Planning Committee by the Interim Planning Manager due to the nature of the development.

2.7 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

2.8 For the avoidance of doubt, the terms Battery Energy Storage System (BESS) and Battery Energy Storage Facility (BESF) are used interchangeably in this report and supporting information and their meaning is the same.

### **3.0 PLANNING HISTORY**

3.1 The site has no direct planning history. However, it is relevant that under LPA Ref. 20/0557/ESF (and later 22/00160/VARM) consent was granted for a c.80-hectare solar development, which sits immediately to the east and south of the site. The solar development is built out and operational.

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

4.1 The application site measures c.2.32-hectares (c.5.73 acres) and comprises an agricultural field falling within Grades 2 and 3a agricultural land (considered to be 'Best and Most Versatile (BMV) for the purposes of the National Planning Policy Framework (Grades 1 – 3a).

4.2 The site lies wholly within Flood Zone 3. The site is not covered by any formal landscape designations but falls within the Fenland Landscape Character Area (local) as set out within the Cambridgeshire Landscape Guidelines 1991. The site does not lie within or nearby a Conservation Area or any designated or non-designated heritage assets.

4.3 The site lies within the SSSI Impact Risk Zone Consultation Area for Wicken Fen. The site is also within proximity to the Wicken Fen RAMSAR, Fenland SAC, Cam Washes SSSI and Upware South SSSI but does not fall within any Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar Site.

4.4 There are several public rights of way and informal routes surrounding the application site, providing routes into Wicken Fen and the surrounding countryside. These include Footpath CB Burwell 7 and Footpath CB Burwell 6#1 and Footpath CB Burwell 6#2, which run along Burwell Lode to the north and provide in part elevated views across the site. Footpath CB Burwell 9 running north-south to the west of the site. Newnham Drove also acts as a link route to National Cycle Route 11 and into Wicken Fen.

4.5 The site is well-removed from residential properties and businesses, with the nearest dwellings including Priory Cottages, Brick Work Cottages, and New Fen Farm, all along Factory Drove to the north, in excess of 500 metres (547 yards). The McGowan Rutherford Ltd factory is also located along Factory Drove, as is the Burwell Scout Hut.

## **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 - 13 March 2024**

"Please ensure lighting is environmentally friendly and screened from residential properties. Adhere to advice from consultees."

### **Parish - 31 July 2024**

"Liz Swift proposed that all consultees responses to be taken into consideration and be able to review the outcomes of this. Clive Leach seconded the proposal. Proposal agreed by all."

### **Parish - 9 October 2024**

"The Parish Council request that there needs to be an emergency number to contact when alarms sound as local councillors are being called in the middle of the night. Nearby residents are concerned about the noise - it was noted that environmental

health have requested this is measured, but we have concerns about how this would be effective with additional road noise. We take the advice of other consultees and that they have requested.”

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

#### **Design Out Crime Officers - 8 August 2024**

“Fencing/Gates:

Having viewed the documents, I note the positive changes made, the introduction of acoustic gates to the primary access points in line with the 2.5m bund within the external boundary, (both the main gate and secondary gates), the addition of palisade fencing around the perimeter to complement the DNO compound. Whilst it should be noted I would always recommend black or green security tested fencing (LPS1175 Issue 7 Security Rating 2 A3+) anti-cut, anti-climb, close welded mesh panel, the introduction of Palisade fencing is an improvement on the deer fencing and should offer additional delay, I would recommend that this fencing is set into the ground to further delay would be offenders.

Acoustic gates:

Having viewed the design for the acoustic gates, these appear to be of a robust design, however, there are two openings within these gates where the flat slide latches are positioned, these could provide a foot hold, I would recommend that some form of cover/grill be positioned over these to prevent climbing whilst enabling access. Could you clarify if these gates will be padlocked or on an access control system?

Lighting and CCTV.

I understand the applicants' comments regarding lighting, if the lights are emergency activation only, the CCTV must be fitted with infrared capabilities to provide facial recognition, should the lights fail or not trigger. As per my previous comments dated 1st March 2024.”

#### **Design Out Crime Officers - 7 October 2024**

“Thank you for the opportunity to comment on this revised planning application having viewed the documents my previous comments dated 1st March 2024 still stand. As previously mentioned, I would like to see a design all fencing types being proposed for the solar farm.”

#### **Design Out Crime Officers - 1 March 2024**

“Having viewed the documents, I have the below comments. I would like to see the proposed fencing for the site once available.

Nationally there has been an increase in reported thefts associated with solar farms, experience would suggest that installing large amounts of expensive and desirable equipment (E.G. Solar Panels and associated cable and infrastructure) in isolated rural locations will attract criminals. It should be noted that some of the offences have involved violence). A location in Norfolk has experienced repeated attacks, where over half a million pounds of cable was stolen, and evidence that further cable had been prepared for a return visit. It is important that these farms are enclosed with appropriate security fencing as mentioned below in this response.

I am aware planning has been approved for the adjacent field the risks of crime increase with larger installations.

It is important appropriate and proportionate security measures, are considered this should be to be on a site-specific basis. Basic crime prevention is about putting layers of security in place to delay and deter criminals. As well as physical security measures such as fencing, there must be either sufficient natural surveillance, monitored electronic security measures, or both prompting an appropriate response.

- o Fencing - the planning document proposes the use of deer fencing, this type of fencing, provides demarcation but is not secure, sites of this nature should be enclosed with black or green security tested (LPS1175 Issue 7 Security Rating 2 A3+) anti-cut, anti-climb, close welded mesh panel fencing which generally has a low visual impact while also providing a good level of site security and surveillance. Keeping the existing hedging, and landscaping to a level-maintained height of 1metre, defensible planting will assist with site security, security fencing should be installed on the solar farm side of the existing hedgerow without hindering surveillance.
- o Lighting - A fully qualified lighting engineer should be able to design a lighting plan to provide security and safety of people and the property on site as well as reducing the effects on ecology and local wildlife habitat. Consideration could be given to utilising a PIR system which operates when motion is detected and incorporates a slow rise in the lighting level, minimising glare, and light pollution. This must link in with the CCTV plan to ensure that it would provide the correct images for evidential requirements and facial recognition should the need arise.
- o CCTV - I note that the proposal is for whole site will be covered by CCTV this must comply with BS EN 50132-7:2012+A:2013 (CCTV surveillance systems for use in security applications). It is unlikely to be effective if not monitored. Monitored systems should detect an offence being committed and able to alert a monitoring service who can provide a physical response (Including Police). Relevant signage compliant with the Information Commissioners Office CCTV Code of Practice must be placed around the site. If the circumstances and risk dictate, consideration could be given to installing a monitored alarm system e.g., Perimeter Intrusion Detection System to detect intruders attempting to breach the perimeter fence or boundary.
- o Alarm - If the circumstances and risk dictate, consideration could be given to installing a monitored alarm system e.g., Perimeter Intrusion Detection System to detect intruders attempting to breach the perimeter fence or boundary.

With many of these proposals being for a period of 40 years and the ever-increasing cost of electricity and metal (particularly copper), implementing relevant security measures according to proposed location and perceived risk, at the outset and early design stages, would appear to be an effective and efficient approach.

I am happy for the above to be conditioned."

**Cambridgeshire Archaeology - 9 July 2024**

"We have reviewed the documentation and can confirm that our comments made previously on 26 February 2024 still remain.

However we would advise that the proposals for a 'Watching Brief' found in the Environment Statement is wholly inappropriate approach to the archaeological works on site, and site works should instead be led by evaluation works as advised in our previous email.

As previously, we recommend 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. Usage of the following condition is recommended:

#### **Archaeology Condition**

No demolition/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.”

#### **Cambridgeshire Archaeology - 25 September 2024**

“We have reviewed the additional documents and confirm they do not alter our previously issued advice, in short, a 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, this can be secured by use of a condition.”

#### **Cambridgeshire Archaeology - 26 February 2024**

“Thank you for the consultation with regards to the archaeological implications of the above refenced planning application. Our records indicate that the development lies in an area of archaeological potential, close to the fen edge of Burwell an area commonly exploited in prehistory. In the vicinity of the development area this has been implied by a large number of find spots dating between the Mesolithic to Bronze Age periods (Cambridgeshire Historic Environment Record references. (06786, 06452, 06413, 06414). The frequency of finds in the vicinity has lead to the interpretation that a Neolithic to Bronze Age settlement lies to the south, due to the large concentrations of worked flint and arrow heads found in the area (CHER ref. MCB7752). Archaeological evaluation to the south found evidence for later activity including coprolite workings (CHER ref. MCB31724) and Marl pits (CHER ref. MCB31894).

Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

#### Archaeology Condition

No demolition/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 (Wintertree Software Inc.) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the Wintertree Software Inc., no demolition/development shall take place other than under the provisions of the agreed Wintertree Software Inc., 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.

**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 (DLUHC 2023).

#### Informatics:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the Wintertree Software Inc..

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges."

#### **Cambridgeshire Fire And Rescue Service - 10 October 2024**

"With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager

Community Fire Safety Group  
Hinchingbrooke Cottage  
Brampton Road  
Huntingdon  
Cambs  
PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

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, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given."

**Cambridgeshire Fire And Rescue Service - 29 February 2024**

"With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager  
Community Fire Safety Group  
Hinchingbrooke Cottage  
Brampton Road  
Huntingdon  
Cambs  
PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

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, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given."

### **County Highways Transport Team - 21 March 2024**

#### **"Introduction**

The document reviewed is titled '49,9mw/149,7 Mwh, Battery Storage Facility, Anchor Lane Farm Burwell Cambs'. The document is referred to as a Transport Management Statement and the application was prepared for on behalf of Burwell AL Ltd. The Transport Management Statement is in support of a planning application for 49.95/150 Megawatt (MW) Battery Storage Facility (BSF) on land off the Newnham Drove, Burwell, Cambridgeshire.

#### **The Local Highway Network**

The site is located off Newnham Drove on a single-track minor road which has a 60mph speed limit. Newnham Drove is located off Weirs Drove, Burwell which is also is the national speed limit at 60mph.

#### **Accident Data**

The Local Highway Authority do not accept accident data from Crash map. The latest up to date official CCC accident data can be found in the link below. This is where the latest 60-month accident data can be obtained from: <https://data.cambridgeshireinsight.org.uk/dataset/cambridgeshire-road-tstraffic-collision-data>. However, the official CCC accident shows there have been no accident is proximity to the site.

Thus, the data is acceptable in this instance.

#### **Automatic Traffic Counts (ATCs)**

It is noted that there is talk of 2016 traffic counts, the Highway Authority would not accept any data which is over 3 years old. Given the construction phase is short, it is felt count data is necessary.

#### **Access Arrangements**

It is noted that a new access junction of Newnham Drove would be created. This would be a righthand turn going North from Newnham Road. This will be approximately 1.5km north west of Newnham Drove/ Weirs Drove junction. This will need to be confirmed with the Highway Development Management Team to see if it acceptable.

#### **Trip Generation**

It is noted that post construction of the site it is expected that only one two trip a month will be needed for maintenance.

The construction of the site will be in stages the estimated trip generation for each stage follows:

- o Enabling works- In 8 weeks 30 trips would be made (60 two-way movements).
- o Main Construction Phase - In 20 weeks 120 HGV trips would be made (240 two-way movements).
- o Post Construction Phase - In 4 weeks 10 HGV trips would be made (20 two-way movements).
- o For the construction - In 32 weeks 160 HGV trips would be made (320 two-way movements).
- o It should be noted that in a 4-week period 125 HGV trips are expected happen. This would mean there is potential for 6 trips per day (12 two-way movements).

During construction there is also expected to be 5 LGV trips from staff daily (10 two-way movements).

Due to the LGVS and HGV trips being minimal on a day-to-day basis the trip generation is acceptable.

#### Development Traffic Distribution

It is expected that the HGVs will travel from B1102 via Reach Road and Weirs Drove to get to Newnham Road then then to site. This is acceptable.

#### Conclusion

The Highway Authority does not wish to object to the planning application as submitted.”

#### **Environment Agency - 30 July 2024**

“We have reviewed the documents as submitted and have no objection to this proposal. See the below sections for further information.

##### Flood Risk

We have reviewed the submitted Flood Risk Assessment (FRA) dated 1 July 2024 and consider this to be acceptable for the scale and nature of the proposed development.

The FRA has identified that the site is at residual risk of flooding in the event of a failure of local flood defences, with flood depths over 1m at the site in such an event. We have no objection to the proposed development but strongly recommend that a detailed Flood Action Plan is prepared for the site, as recommended in section 4.2 of the FRA.

In all circumstances where flood warning and emergency response is fundamental to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

##### Permitted Activities

Whilst the battery storage itself does not fall under the permitting regime yet, the application states a diesel generator will be part of the facility. I could not see the proposed size of the generator, but the applicant should be aware that if the thermal input is between 1MWth and 50WWth then it is likely they will fall under the requirements of Medium Combustion Plant and/or Specified Generator requirements. Consequently, a permit will be required to operate the generator. The applicant is

advised to check whether the regulations apply by visiting our website for information.”

**Environment Agency – 14 October 2024**

“Thank you for the consultation dated 24 September 2024. We have reviewed the documents as submitted and have no objection to the amendments of this proposal, as they do not relate to our previous comments or relate to our remit. The comments from our previous consultation response (referenced AE/2024/129646/01 and dated 30 July 2024) still apply.”

**East Cambs Ecologist - 2 October 2024**

“From the information provided the Senior Ecologist has reviewed this application and supports, with conditions. Currently this site is ecologically low value and this would significantly increase the biodiversity of the area.”

*NB: Full response available on the Council’s Planning Portal website includes recommendations for mandatory BNG condition, S106 agreement, HMMP and compliance with the Ecological Impact Assessment prepared by Greenwillows Associates.*

**East Cambs Ecologist - 30 August 2024**

“Headline: With the information provided with the application currently I Support this application, with conditions.

Ecological Context:

This site is close to designated sites and has SSSI IRZ in place but not expected to impact the designated sites.

There are protected species found in the area but expected onsite due to lack of suitable habitat.

Local and international significance: NONE

Habitats: arable land with species poor margin.

There are no priority habitats.

Protected and priority species:

What does submitted information conclude and is this acceptable?

Proposed Mitigation: Precautionary measures set out in section 7 of the EIA.

Ecological enhancements: Bird boxes.

Query: Although I support the idea of Suds for environmental enhancements, I must query the wildlife impact of using it as part of fire plans. If polluted water is discharged into the pond there will be biodiversity implications. Especially should the site be used by a protected species, water vole or Great crested Newt in the future for example, it could be a criminal act. I think careful consideration towards this element is still to be addressed.

Under Section 17 of the Crime and Disorder Act 1998, local authorities are required to do everything they reasonably can to prevent crime, including wildlife crime. This detail may have been thought of already and I haven't seen it, but I must raise it as a concern. However, I am confident that a solution could be reached.

Biodiversity Net Gain

This application has used the appropriate main statutory metric

I agree with the baseline habitats as set out in the metric.

Irreplaceable habitats: none.

Bespoke mitigation required: no

This site is expected to be a significant site for BNG and does require a s106 to secure this site. This is significantly more than 10% uplift achieving 6.78 of other neutral grassland.

Conclusion:

In its current form I support in principle this application, they need to address the query regarding SUDs and fire plan.

Further information/actions required: S106 and HMMP for the securing of significant BNG onsite.

Conditions required:

BNG condition

Mitigation measures as set in section 7 of the EIA to be implemented.

Ecological enhancements in appendix 5 of the EIA as LEMP or incorporated as part of the HMMP.”

#### **Environmental Health (Scientific Officer) – 16 October 2024**

“Thank you for consulting me on the above proposal. I have read the Phase I Geoenvironmental Site Assessment report dated 7<sup>th</sup> June 2024 prepared by E3P and accept the findings. The report finds that the site is suitable for use without the requirement for any remediation measures but recommends that a Phase 2 investigation is carried out to confirm this. I recommend that contaminated land conditions are not required for any permission.

Fires at BES facilities typically require large quantities of water to bring them under control, which in turn generates large quantities of firewater which could present a contamination risk if it is not adequately contained. This has been addressed in the Firewater Management Plan dated 30/01/24 prepared by Gondolin Land & Water. The plan appears to be adequate in terms of pollution prevention.

Section 3 of the report states that water for firefighting purposes would be abstracted from local land drains. I recommend that the applicant confirms with the Environment Agency that the conditions of the abstraction licence referred to allow water to be abstracted for firefighting purposes and in the quantities required.

Although EA flood maps show that the site lies within an area of high flood risk, a Flood Risk and Drainage Assessment Report dated 01/07/2024 produced by Gondolin presents the results of a detailed technical flood risk assessment utilising EA Modelling data to demonstrate that the site lies within an area of low flood risk (the text refers to Drawing FRDA-003, although it is labelled FRDA-004.) This further reduces the contamination risk from firewater in the event of a fire.

I have no objection to the proposal subject to the Firewater Management Plan being approved by Cambridgeshire Fire and Rescue Service.”

#### **Environmental Health (Domestic) - 22 July 2024**

“I have read the revised NIA dated June 2024 which takes account of changes to the initial site layout and a correction to the separating distances between the site and the nearest receptor to the north.

It was previously stated that -

"The site will be surrounded by a 3.6m high acoustic earth screen which will shield the 3.15m containers. The fans being at 2.65m"

It is now proposed -

"The site will be surrounded by an equivalent 2.5m high screen, shielding the containers and fans. The highest point of the fans is 2.65m."

It was previously stated that -

"As stated, the site will have a solid acoustic screen running around the perimeter in the form of a 3.5m high earth bund. This will provide at least 7dB and up to 10dB attenuation from the noise of the cooling fans and inverter, subject to the exact location of the units within the compound."

It is now proposed -

"As stated, the site will have a solid acoustic screen running around the perimeter in the form of an effective 2.5m high earth bund. Close fitting gates will be provided on the northern access to the bund to maintain its acoustic effectiveness. This will provide at least 13-14dB attenuation from the noise of the cooling fans and inverter, subject to the exact location of the units within the compound. A figure of 10dB has been used within the assessment."

These changes have now resulted in a change from -

"The combined sound level at the nearby residential property boundary has been calculated at 22.2dB(A), this is with all fans and inverters operating.

Given a 15dB attenuation<sup>1</sup> for an open window the sound levels to be experienced internally will be 7.2dB(A)."

To -

"The combined sound level at the nearby residential property boundary has been calculated at 17.4dB(A), this is with all fans and inverters operating together with the transformer which will site above the bund.

Given a 15dB attenuation<sup>1</sup> for an open window the sound levels to be experienced internally will be 2.4dB(A)."

The findings of the BS4142 calculation has now also changed from a Rating Level of 27.8dB during the day and 26.8dB during the night to 17.4dB during the day and night.

Ultimately, the report indicates an overall improvement over the previous design and therefore still finds that the site "[...] will not result in any adverse impact on the nearby properties".

From examining the Site Layout documents it would appear as though the CSR and DNO Control Room have been relocated from the perimeter of the site toward the centre.

I will repeat my previous comments which still remain valid -

Page 24 of the Acoustic Survey in the appendices includes a CHINT product data sheet which outlines predicted noise levels and advises that "the specific value will be issued after the completion of the equipment in actual test report". This implies that there will be a further NIA undertaken once the site is operational in order to determine what the actual sound pressure levels will be. I assume that this NIA will be undertaken by CHINT (or their contractors) and this will purely be looking at sound pressure levels 1 meter away. At other battery storage facilities we have attached conditions along the lines of the two below -

Prior to commencement of the operation of the development, a verification report to show compliance detailing the methodology, measurement positions, detail of any results, calculation method (where appropriate) and a report of findings, shall be prepared by an independent qualified Noise Consultant and submitted to, and agreed by, the Local Authority.

Where the assessment shows non-compliance, the report shall detail an action plan and proposals for further mitigation to comply with the noise limits within an agreed timetable.

Prior to commencement of the operation of the development, a Noise Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The Noise Management Plan shall include details for a schedule of regular noise monitoring and any mitigation of noise levels to ensure compliance with the original assessment.

I would recommend that similar conditions are attached in this instance. If you are in agreement I would be happy to discuss wordings with you.

I would also recommend the following condition -

"Low frequency noise from the site shall not exceed the criteria in any single 1/3 octave-band between 10 Hz and 160 Hz of the criterion curve set out in Section 4.1 of NANR45."

It is not clear from the 3D view plans if the poles on site are lighting columns or for the proposed CCTV. If the intention is to have external lighting at the site then I would want to see a supporting lighting impact assessment to demonstrate the potential impact from this.

No other comments to make at this time but please send out the environmental notes."

**Environmental Health (Domestic) - 24 September 2024**

"I have no additional comments to make at this time."

**Environmental Health (Domestic) - 29 February 2024**

"Thank you for consulting us on the above application.

We have commented on the Screening application for this site in the past.

If Peter wishes to make any comments he will respond separately.

I would advise that 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

I have read the Acoustic Survey dated November 2023 which advises - "The site will be surrounded by a 3.6m high acoustic earth screen which will shield the 3.15m containers. The fans being at 2.65m." I have examined the 3D view plans and there would appear to be several gaps in the earth screen which appear to be necessary for vehicle access. This does not appear to be addressed within the acoustic assessment and will impact upon the mitigating properties if there is a line of sight to the site (it is not known if there is).

Ultimately, the report finds that the site "[...] will not result in any adverse impact on the nearby properties".

Page 24 of the Acoustic Survey in the appendices includes a CHINT product data sheet which outlines predicted noise levels and advises that "the specific value will be issued after the completion of the equipment in actual test report". This implies that there will be a further NIA undertaken once the site is operational in order to determine what the actual sound pressure levels will be. I assume that this NIA will be undertaken by CHINT (or their contractors) and this will purely be looking at sound pressure levels 1 meter away. At other battery storage facilities we have attached conditions along the lines of the two below -

Prior to commencement of the operation of the development, a verification report to show compliance detailing the methodology, measurement positions, detail of any results, calculation method (where appropriate) and a report of findings, shall be prepared by an independent qualified Noise Consultant and submitted to, and agreed by, the Local Authority.

Where the assessment shows non-compliance, the report shall detail an action plan and proposals for further mitigation to comply with the noise limits within an agreed timetable.

Prior to commencement of the operation of the development, a Noise Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The Noise Management Plan shall include details for a schedule of regular noise monitoring and any mitigation of noise levels to ensure compliance with the original assessment.

I would recommend that similar conditions are attached in this instance. If you are in agreement I would be happy to discuss wordings with you.

I would also recommend the following condition -

"Low frequency noise from the site shall not exceed the criteria in any single 1/3 octave-band between 10 Hz and 160 Hz of the criterion curve set out in Section 4.1 of NANR45."

It is not clear from the 3D view plans if the poles on site are lighting columns or for the proposed CCTV. If the intention is to have external lighting at the site then I would want to see a supporting lighting impact assessment to demonstrate the potential impact from this.

No other comments to make at this time but please send out the environmental notes."

#### **UK Power Networks – 15 July 2024**

"In response to the planning application attached, my company has the following comments.

We note there are overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

In the instance of overhead cables within the vicinity, GS6 (Advice on working near overhead powerlines) and a safety visit is required by UK Power Networks. Information and applications regarding GS6 can be found on our website <https://www.ukpowernetworks.co.uk/safety-equipment/power-lines/working-near-power-lines/advice-on-working-near-overhead-power-lines-gs6#Apply>

Should any diversion works be necessary because of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

You can also find support and application forms on our website Moving electricity supplies or equipment | UK Power Networks."

#### **National Grid - Electricity - No Comments Received**

#### **HSE (Nationally Significant Infrastructure Projects) - 10 July 2024**

"This application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of Major Hazard Sites and Major Accident Hazard Pipelines.

When potential development sites are identified, if any of them lie within the Consultation Distances for either a Major Hazard Site or Major Accident Hazard Pipeline Council can use Web App which is HSE's on-line decision support software tool, to see how HSE would advise on any proposed development - <https://pa.hsl.gov.uk>.

HSE has no comment to make on:

Application Number: 24/00160/ESF

Location: Site At Anchor Lane Farm Newnham Drove Burwell - CB25 0DT"

**HSE (Nationally Significant Infrastructure Projects) - 25 September 2024**

"HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

However, this application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- o residential accommodation;
- o more than 250m<sup>2</sup> of retail floor space;
- o more than 500m<sup>2</sup> of office floor space;
- o more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- o transport links;
- o or which is otherwise likely to result in a material increase in the number of persons

working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: [//www.hse.gov.uk/landuseplanning/methodology.htm](http://www.hse.gov.uk/landuseplanning/methodology.htm)"

**HSE (Nationally Significant Infrastructure Projects) - No Comments Received**

**Local Highways Authority - 26 July 2024**

"Recommendation

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

**Comments**

The revised development has taken account of previous comments regarding the extent of highway boundary. The works are now suitably set back from Newnham Drove.

While not explicitly shown, this set back will also provide sufficient space for small / medium sized vehicles to turn in advance of the gates, thus addressing another previous comment.

I have reviewed the peak construction trip generation and based on the volumes of anticipated vehicles, I do not consider the temporary impact on the highway network to be material. However, I do recommend that a construction traffic management plan is conditioned prior to commencement of works. Such a plan should include details of construction traffic routing, timing of deliveries, temporary vehicle turning, control

parking, measures to prevent mud being dragged onto the highway and any other controls to maintain highway safety during the construction phase.

#### Conditions

HW22A: The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

#### Informatics

Works in the Public Highway: This development may involve 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."

#### **Local Highways Authority - 8 October 2024**

"I have been reconsulted on the above application in Burwell. Upon review of the supplementary information I can confirm that I have no comments to make beyond those outlined in my response dated 13th March 2024 and I consider that the development remains acceptable in highway terms."

#### **Local Highways Authority - 13 March 2024**

##### "Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I have no objection in principle to the proposals. However, the below comments require attention to make the development acceptable in highway terms. If the applicant is unwilling or unable to amend the application or provide additional information in response to the below comments, please advise me so I may consider making further recommendations, possibly of refusal.

##### Comments

The application redline boundary extends to the carriageway edge of Newnham Drove, but the highway boundary extends several metres beyond the visible carriageway edge meaning highway verge has been included within the application. The applicant must procure a verified copy of the highway boundary, impose the information upon their submission documents and if necessary, amend the proposals to reflect the boundary location. Any works within the highway boundary (hard or soft landscaping) must be to CCC's specification; as an example the proposed perimeter bund is within the highway and will need to be relocated. A copy of the highway boundary can be procured by following the instructions at the link below.

<https://www.cambridgeshire.gov.uk/business/highway-searches>

The trip generation referred to in the Transport Assessment lists total vehicle numbers over the construction period. I will require disaggregated forecasts (to be agreed with the County's Transport Assessment team) which show daily two-way trip generation during the construction and operational phases. Such information will need to be categorised into vehicle types (light vehicles, heavy goods vehicles etc.). Depending on the trip generation, mitigation along the length of Newnham Drove in the form of regular and appropriately sized passing places may be necessary to maintain highway safety. Any material intensification is likely to require such works.

The proposals include adequate on-site vehicle turning, but this is located beyond a gated access. In light of the linear character of Newham Drove and the risk of incidental trip attraction, it's recommended that the applicant include a turning area suitable for light vehicles e.g., a 7.5t van, in advance of any gates.

The applicant will need to include appropriate measures to ensure that private surface water from the site does not discharge onto the public highway. The applicant will either need to grade the site away from the highway or include a means of surface water interception.

It does not form an objection, but the applicant should note that Newham Drove is only maintained to a condition suitable for agricultural traffic or four-wheel drive enabled vehicles. The applicant should ensure that it is suitable for their own needs as its condition will not be enhanced to facilitate this development."

### **Lead Local Flood Authority – 16 October 2024**

"Having reviewed the revised documentation we can confirm that the LLFA has no further comments beyond those set down in our response of 6 August 2024 (ref: 20111007). Our position therefore remains supportive of the development subject to the imposition of the previously suggested conditions."

### **Lead Local Flood Authority - 7 August 2024**

"We have reviewed the following documents:

- o Flood Risk and Drainage Assessment Report, Gondonlin Land & Water Ltd, Ref: GON.0304.0185 Version 4, Dated: 1 July 2024

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of a perforated collector drain and detention basin, before discharge into the IDB watercourse at a rate of 1.1 l/s/ha. It has also been demonstrated that the site can be built out whilst protecting the adjacent watercourse.

We request the following condition is imposed:

#### **Condition**

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 and Drainage Assessment Report prepared by Gondonlin Land & Water Ltd (ref: GON.0304.0185 Version 4) dated 1 July 2024 and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance,

storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- b) 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);
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Permissions to connect to a receiving watercourse or sewer;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water

#### 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.”

#### **Lead Local Flood Authority - 5 March 2024**

“At present we object to the grant of planning permission for the following reasons:

##### 1. Hydrobrake diameter

The hydrobrake orifice diameter for the attenuation basin is too small at 52mm. In line with Cambridgeshire County Councils Surface Water Planning Guidance (2021), controls should have a minimum opening size of 75mm for non-adopted systems. Whilst it is accepted that the applicant is required to discharge at a rate of 1.1l/s as per IDB requirements, appropriate pre-treatment should be provided to prevent blockages.

##### 2. FEH rainfall data required

For storm durations less than 1 hour, Flood Studies Report (FSR) rainfall data should be used. For storm durations greater than 1 hour, Flood Estimation Handbook (FEH) rainfall data should be used. FEH data must be used in these longer duration storms as it uses more up to date rainfall data and is more accurate for the purpose of modelling the future storm events over other data sources such as FSR for the larger duration storms.

##### 3. Cv values

The applicant has provided hydraulic modelling for the proposed impermeable areas across the site. It is noted that the Cv values for the winter and summer storms have been input as 0.84 and 0.75 respectively. However, as the modelling is for the impermeable area, these values should be set to 1 to account for the total runoff during storm events.

##### 4. Half drain times

The calculations currently do not show the half drain time for the system. The half drain time for the system should be less than 24hours in order to ensure that the system has the capacity to accommodate rainfall events occurring in quick

succession. Until the half drain time for the system is demonstrated as less than 24 hours, the LLFA is unable to support this application.

Where it is not possible to achieve a half drain time of 24 hours, it must be demonstrated that the system has capacity to accommodate an immediate and subsequent 10% AEP (1 in 10 year) rainfall event.

#### 5. Freeboard

In line with the CIRIA SuDS Manual, the basin should provide 300mm freeboard. At present only 266mm of freeboard is provided for the 1% AEP +CC.

#### 6. Clarification on impermeable areas

The report states that the impermeable area is approximately 1ha. The site layout drawing states a construction area of 12,775.7m<sup>2</sup> (1.27ha). Further clarification is required as to which areas are to be impermeable. It also remains unclear as to whether the attenuation basin is included in the impermeable area. During larger storm events, the basin will fill with water and any further rainfall landing on this surface will need to be managed within the basins. Therefore, the basins must be treated as an impermeable surface in calculations.

#### 7. Drainage layout plan

A drainage layout plan showing pipe networks and any SuDS features should be included. This plan should show any pipe 'node numbers' that should be referred to in network calculations and it should also show invert and cover levels of manholes.

### Informatives:

#### Infiltration

Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

#### IDB Consent

This site falls within the Swaffham Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

#### Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall."

#### Minerals And Waste Development Control Team - 7 March 2024

"Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:

It is noted that the agent has not recognised that the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) (the MWLP) is part of the

development plan (section 6.2 of the Planning Statement - PWA Planning February 2024).

The site lies within a Mineral Safeguarding Area (MSA) for Chalk and a MSA for Sand and Gravel which are safeguarded under Policy 5 of the MWLP. This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) - (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) - (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently criteria (i) - (k) have not been demonstrated, leaving criterion (l), which states that:

"development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible) \*\*\*".

It is noted that the proposed development site is relatively small. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the development and size of the site means that complete prior extraction is, in this case, unlikely to be feasible.

Should the Local Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed, subject to the following informative being included in any permission:

"The site lies within a Chalk Mineral Safeguarding Area and a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be underlying chalk and sand and gravel resources. The Minerals and Waste Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any chalk and sand and gravel that may be incidentally extracted as part of the development.""

#### **Minerals And Waste Development Control Team - 9 August 2024**

"Having reviewed the available documentation, the MWPA wishes to make the following comments:

It would appear that 24/00160/ESF and 24/00160/FUM are the same application under a different reference. The MWPA previously submitted comments dated 7 March 2024 in relation to 24/00160/FUM. Those comments concluded:

Should the Local Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan has been addressed, subject to the following informative being included in any permission:

"The site lies within a Chalk Mineral Safeguarding Area and a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be underlying chalk and sand and gravel resources. The Minerals and Waste Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any chalk and sand and gravel that may be incidentally extracted as part of the development."

Having reviewed additional documentation, I have no additional comments."

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

**Ambulance Service - No Comments Received**

**The Ely Group Of Internal Drainage Board - 16 August 2024**

“The Board has no objection to the development in principle. The Surface Water design for the site is to be limited to the Board's greenfield run off rate of 1.1 litres/sec/ha. The applicant will require the consent of the Board for the proposed discharge, prior to any works starting on site. The granting of planning permission does not guarantee the Board's consent.

Any culverting or infilling of watercourses on the site will also require the Board's consent.”

**Natural England - 26 July 2024**

“SUMMARY OF NATURAL ENGLAND'S ADVICE

**NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.”

**Natural England - 2 October 2024**

“Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our response dated 8th March 2024, reference number 468649 (attached).

The advice provided in our previous response applies equally to this. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.”

**Natural England - 8 March 2024**

“Thank you for your consultation on the above dated 22 February 2024 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## SUMMARY OF NATURAL ENGLAND'S ADVICE

### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A."

### Planning Casework Unit - No Comments Received

### Asset Information Definitive Map Team - 28 February 2024

"As there is no Public Right of Way is on the application site the Definitive Map Team has no objection to this proposal.

Please note however that there is a public highway and we have received 2 applications, one to record a bridleway and a second to record a byway open to all traffic along this route - application numbers M196 LH and M232 LH. The applicant may wish to take their own legal advice on this.

The details of these applications can be found at

<https://www.cambridgeshire.gov.uk/asset-library/M196-LH.pdf>  
[https://www.cambridgeshire.gov.uk/asset-library/M232-LH.pdf"](https://www.cambridgeshire.gov.uk/asset-library/M232-LH.pdf)

and

### Secretary Of State - No Comments Received

### ECDC Trees Team – 14 October 2024

"As per previous comments the revised soft landscaping scheme is a significant improvement especially with the inclusion of locally native tree species. The reduction in height and alteration to the grading of the bund is more suitable within the surrounding landscape as such I'm satisfied that the proposals are acceptable as such please condition their compliance."

### ECDC Trees Team - 12 July 2024

"The revised soft landscaping scheme is a significant improvement especially with the inclusion of locally native tree species. The reduction in height and alteration to the grading of the bund is more suitable within the surrounding landscape as such I'm satisfied that the proposals are acceptable as such please condition their compliance."

### ECDC Trees Team - 15 March 2024

"The 3.5m high bund round whole site with very steep sides will not be in keeping with the locality due to the flat topography of the area a bund any higher than 1.5m would be highly visible and detrimentally effect the wider landscape. The bund also appears to be very steep and located in close proximity to the road this will make any maintenance operations extremely difficult other than for being to use a tractor mounted flail where access allows.

The soft landscaping plan includes some strange plant choices such as *Salix caprea* 'Kilmarnock' the Kilmarnock Willow which is a small weeping variety normally planted as a garden tree when space is limited, this is also a very short lived species there are better native species of Willow that would be more suitable and native to the area such as common Goat Willow (*Salix caprea*), Grey Willow (*Salix cinerea*), Eared

Willow (Salix aurita), Purple Willow (Salix purpurea) and common Osier (Salix viminalis). The other none beneficial cultivars indicated are Upright Holly (Ilex aquifolium 'Pyramidalis') and large leaved Whitebeam (Sorbus aria 'Majestica') even the none cultivar versions of these trees are not native to the locality. The soft landscaping plan does not appear to include any significant planting in relation to the northern and western elements of the perimeter bund and none at all for the attenuation pond. The attenuation pond planting could also include Willows trees that are native to the locality Crack Willow , White Willow, Goat Willow, Grey Willow and common Osier) this would soften the man made appearance of the pond. Guidance for the design of SUDS states that SUDS including attenuation ponds should look to create new habitats enhancing nature conservation and amenity space. The use of native Willow trees should be considered as part of the design as they have an important ecological role that relates to their affiliation with wetlands such as found in fenland areas. Willows have a high wildlife value, providing rich habitat and food for a diverse range of organisms. There is evidence of up to 450 species of insect associated with Willows. Willows aid fast stabilization of chemically degraded land surfaces and the re-establishment of a biologically active soil can be achieved using Willow species, which possess the major requirements for plant survival in environmentally disrupted areas such as development sites.

Tolerance of soil chemical contamination is an important requirement for survival in many situations and Willow trees potential can be emphasized by the fact that, of the seven most important metal contaminants in soil, Willow has been reported to have tolerance to at least four (cadmium, copper, zinc, lead). Willows ability to sequester heavy metals and other contaminants in their root systems, halting their circulation within the environment, can be of great practical use when dealing with water runoff. Willows dense root system and high transpiration rates provide efficient control of soil water and high filtering capacity for pollutants, along with continuous growth of some species during the whole growing season, create an efficient dehydration plant that locks up the pollutants. The fast growth of willow can sequester more carbon than softwoods within a single growing season which could prove invaluable in the pursuit of being carbon neutral. The size of the tree can be easily managed by pollarding or coppicing. The cutting rotation cycle depends on species and growing conditions, and ranges from 3-5 years. Pollarding/Coppicing, minimizes wind damage, enhances branching appearance of willows and supports a higher density of breeding birds. The attenuation pond should also have a naturalistic shape including its internal contours so as to be able to provide a significant habitat.

The soft landscaping scheme is very poor and not acceptable at this time and due to the issues with the bund as mentioned above this application cannot be supported at this time.”

- 5.2 Two site notices were displayed near the site on 11<sup>th</sup> March 2024 and a press advert was published in the Cambridge Evening News on 28<sup>th</sup> February 2024, 18<sup>th</sup> July 2024 and most recently on the 26<sup>th</sup> September 2024.
- 5.3 Neighbours – Nine neighbouring properties were notified and the four responses received are summarised below. Full copies of the responses are available on the Council’s website.
  - Biodiversity and impacts on wildlife and conflict with construction traffic
  - Noise sensitive and adequate noise screening

- Pollution issues and toxic release to air and ground
- Safety concerns
- Affects a right of way
- Groundwater issues
- Failure of landscaping to establish
- Poor state of roads and impacts on Sustrans route

## **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  
 ENV 1 Landscape and settlement character  
 ENV 2 Design  
 ENV 4 Energy and water efficiency and renewable energy in construction  
 ENV 6 Renewable energy development  
 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  
 BUR 5 The Weirs/Riverside

6.2 *Cambridgeshire and Peterborough Waste and Minerals Local Plan 2021*  
 Policy 5 – Mineral Safeguarding Areas

6.3 *National Planning Policy Framework (December 2023)*

2 Achieving sustainable development  
 4 Decision-making  
 8 Promoting healthy and safe communities  
 9 Promoting sustainable transport  
 11 Making effective use of land  
 12 Achieving well-designed and beautiful 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 *Supplementary Planning Documents*

Developer Contributions and Planning Obligations  
 Design Guide  
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
 Flood and Water  
 Natural Environment SPD  
 Climate Change SPD East Cambridgeshire Local Plan 2015 (as amended 2023)

- 6.5 National Policy Statements
  - EN – 1: Overarching National Policy Statement for energy*
  - EN – 3: National Policy Statement for renewable energy infrastructure*
- 6.6 Planning Practice Guidance (March 2024 Onwards)
- 6.7 *Battery Energy Storage Systems: Research Briefing – House of Commons, 19<sup>th</sup> April 2024*

## **7.0 PLANNING COMMENTS**

### **7.1 Environmental Statement**

- 7.2 The application was screened in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) under planning reference 24/00158/SCREEN, under which it was concluded that the application warranted the preparation of an Environmental Statement. This was based on the potential impacts of the cumulative loss of Best and Most Versatile agricultural land and cumulative erosion of the fen landscape and its openness when considering planned, consented and operational solar farms and renewable energy developments in the surrounding area and district.
- 7.3 The Applicant subsequently prepared an Environmental Statement valid as of the 1<sup>st</sup> of July, with further information provided in September 2024 to supplement this. A summary of the Environmental Statement's conclusions are set out below.

#### *Best and Most Versatile Land – Agricultural Land and Soils*

- 7.4 The site measures c.2.32-hectares (c.5.73-acres) and is predominantly Grade 2 agricultural land, with small areas of Grade 3a. The land is therefore considered to be largely of very good quality, falling within the category of 'Best and Most Versatile' (BMV) land as defined by Appendix 2 of the National Planning Policy Framework.
- 7.5 Across the 40-year operational lifespan of the development, the proposals would result in the loss of c.2.32-hectares (c.5.73-acres) of BMV land due to the proposed development. Whilst only c.1.28-hectares (c.3.16-acres) of land would be lost to the compound, batteries and hard landscaping itself, the remaining c.50% of land for use as BNG and attenuation would also be functionally removed from agricultural use by virtue of its intended use. The Environmental Statement recognises that there is therefore potential for cumulative impacts on soil and agricultural land quality, when assessed against other consented and operational developments.
- 7.6 When assessing the loss of the site cumulatively with nearby solar developments (Hightown Drove/Burwell Farm, Bracks Farm, North Angle Farm, Goosehall Farm and Sunnica (West), the Environmental Statement at Chapter 7 concludes a cumulative impact of 0.40045% loss of BMV within the district, with the development itself only representing a 0.00045% loss of BMV. This is a very small proportion. The committed developments assessed were based on the accepted assessment for LPA Ref. 20/00557/ESF immediately to the east and south of the site.

7.7 Reference is also made to the long-term (100 year) vision to expand Wicken Fen over 53-square kilometres, within which the site would fall, and which would see substantial losses of agricultural land in favour of restoring the traditional fen landscape. This was a consideration of the adjoining solar farm, and although not a committed project, provides context for this area of the fens.

7.8 The Environmental Statement concludes that, whilst over a 40-year period, the proposals would not lead to a permanent long-term loss of arable farmland nor would they result in changes to the fundamental quality of the land, only its utilisation. Whilst cumulative effects in respect of BMV are identified, this is a very small impact resulting in a minor level of effect and is not therefore significant.

7.9 This conclusion is based upon the following embedded mitigation required to reduce the effects of the development on soils and agricultural land:

- **Soil protection** – site management to prevent driving over agricultural land and soil rutting, which can damage soil structure and cause compaction.
- **Soil handling** – preparation of a Soil Management Plan prior to any soil handling on site.
- **Drainage and water** – protection of existing surface water drainage systems, and maintenance of existing subsurface drainage.

7.10 Chapter 8 also recommends *additional* mitigation measures for the protection of soil in respect of passing bays, turning areas, soil handling methods, soil handling conditions, separate handling of different soils and water supply via an attenuation pond.

7.11 The targeted 58.48% biodiversity net gain is also proposed as a mitigation for this minor level effect (Chapter 8), which whilst delivering a significant benefit on its own, would also aid in the reduction of artificial fertilisers and sprays on the land during the cessation of agricultural use.

7.12 Chapter 8 of the Environmental Statement also clarifies that, “*Once decommissioned and returned to agricultural use, the soil condition is likely to have improved compared to the current baseline and this would have long term benefits in term of the agricultural quality of the Site*”. The Statement considers this a Minor Beneficial effect. The Statement also concludes a Major Beneficial effect of the targeted 58.48% biodiversity net gain, and the nature of the development in supporting renewable energy infrastructure is also concluded as positive.

7.13 If not developed, Chapter 7 of the Environmental Statement concludes that the site “*will most likely continue in intensive arable use. This will cause continued oxidation of organic matter in the topsoil reducing its value as a carbon sink, with a general lowering of agricultural land quality. This is not suggesting that the ALC grades would be reduced, but that the lower organic matter could affect the workability and resilience to structural damage in wet conditions and reduce the available moisture capacity in dry conditions. If the development proposal is given planning consent, intensive arable production would cease for 40 years, with a possible consequence of improving the organic status of the topsoil with a general improvement in long-term quality on the land.*” It is therefore inferred that the quality of the soil and agricultural

land quality would be similar, if not marginally worse, if the site was not developed as opposed to developed.

7.14 Overall, due to the temporary and reversible nature of the proposed development and its scale, it is considered that cumulatively, the proposed development would result in low-level harm to agricultural land and soils in the short to long-term, with potentially modest long-term benefits (post 40 years). However, subject to appropriate mitigation, no significant effects on the environment are identified upon agricultural land and soils either individually or cumulatively.

#### *Landscape, Character and Openness*

7.15 With regard to landscape and visual impacts, at a local level the site sits within the Fenland Character Area (as defined within the Cambridgeshire Landscape Guidelines 1991). At regional level it sits within the East of England Landscape Framework – Landscape Character Type ‘Planned Peat Fen’. At a national level, it sits within National Character Area 46 The Fens.

7.16 The Cambridgeshire Landscape Guidelines 1991 summarise the key characteristics of the ‘fenland’ as follows: *“Fenland is a landscape of contrasts and variety. Superimposed upon the regimented and highly organised drainage patterns is a much more haphazard pattern of settlement and tree cover. It is a large open landscape and although appearing monotonous, it is in fact characterised by continuous change as the visual characteristics of one fen merge into the next. The open landscape provides distant views where the scattering of clumps and individual trees merge together to produce a feeling of a more densely tree-covered horizon.”*

7.17 When considering site specific and cumulative impacts, the Environmental Statement and supporting Landscape Visual Impact Assessment (LVIA) have taken into consideration the following committed and operational developments:

- 22/01154/CCA – Land between North Angle Solar Farm and Swaffham Prior Energy Centre (Cambridge Brick and Tile); and
- EN010106 – Sunnica NSIP (cabling and substation)
- North / South Angle Farm (Soham);
- Bracks Farm / Meadow View Farm (Wicken);
- Chittering Farm (Stretham);
- Six Oaks (Bottisham);
- Breach Farm (Exning);
- Heath Road (Swaffham Prior); and
- Hightown Drove (EDF) (Burwell)

7.18 Except for the most immediate sites, the majority of the above sites are considered to result in negligible cumulative impacts. This is on the basis that the supporting LVIA considers views from receptors beyond 2km will be at such distances that the proposals would form only a very minor proportion of the wider view, meaning impacts are barely perceptible to the casual observer.

7.19 When considering the overall impacts of the proposed development, the Environmental Statement concludes the following: *“In summary, it is considered that*

*the Application Site will, whilst wholly replacing portions of the landscape character at the Site level, sit within the existing retained landscape character at the local, regional and national level. Whilst some negative adverse landscape and visual effects will arise from the proposed development, landscape and visual effects are largely limited to the Application Site and local level receptors only, as identified in this Assessment. Where adverse impacts have been identified these have been mitigated through the proposed landscape strategy, which seeks to soften the edge of the development and set built form back from sensitive edges. Any anticipated effects are expected to reduce overtime as planting matures.”*

7.20 When taking into consideration embedded mitigation, the Environmental Statement ultimately concludes only residual Minor Adverse cumulative effects of the development proposals, and no significant environmental effects. This embedded mitigation includes the following:

- To provide a landscape context for the proposed development that is consistent, in scale with, and reinforces the landscape character of the locality and of the surrounding landscape context as set out within the local landscape management guidance;
- Set development to the south of the field parcel, away from the more sensitive northern boundary;
- Built form within the BESS compound is set behind new landscaped bunds;
- New native tree and hedgerow planting of appropriate species characteristic of the local landscape to provide screening to the main BESS compound;
- The sowing of species rich wildflower meadow to the areas surrounding the compound and the field parcel to the north of the Site to improve biodiversity;
- New wetland meadow planting surrounding the proposed waterbody.

7.21 It can therefore be concluded that at a localised level, the proposed development would result in moderate levels of harm into the short to medium term, reducing to low levels of harm as the planting and site establishes (Year 15+). With distance from the site, these impacts lessen considerably, and no significant effects on the environment are identified regarding landscape and character impacts individually or cumulatively. Some minor beneficial effects are also anticipated in the long term, with the introduction of new green and blue (water) infrastructure. Major beneficial long-term effects are anticipated in regard to the biodiversity net gain achieved on the site.

*Reasoned Conclusion on the Significant Effects of the Development on the Environment*

7.22 On the basis of the information provided and embedded mitigation, whilst local level harms are identified in the short to medium term, the Local Planning Authority is content that in the medium to long term, impacts of the proposed development upon the landscape, agricultural land and soils would not lead to significant adverse effects on the environment either individually or cumulatively, subject to the embedded mitigation identified. Long-term modest to significant benefits are however expected from the development, which is significant in EIA terms.

7.23 An Environmental Statement Summary is provided at Appendix 2 of this report.

## 7.24 Principle of Development

7.25 The site lies wholly outside the defined development envelope for Burwell within the countryside, as defined by Policy GROWTH 2 of the Local Plan which seeks to strictly control development in the countryside, with a few exceptions. It must therefore be considered whether any of these exceptions would support the provision of a BESS facility in the countryside.

7.26 One such exception is the presumption in favour of the delivery of renewable energy developments, under Policy ENV 6. Policy ENV 6 states (emphasis added):

*"Proposals for renewable energy **and associated infrastructure** will be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated and made acceptable in relation to:*

- *The local environment and visual landscape impact.*
- *Impact on the character and appearance of the streetscape/buildings.*
- *Key views, in particular those of Ely Cathedral.*
- *Protected species.*
- *Residential amenity.*
- *Safeguarding areas for nearby airfields; and*
- *Heritage assets.*

*Renewable energy proposals which affect sites of international, national and local nature importance or other irreplaceable habitats will be determined against the relevant sections of Policy ENV 7.*

*The visual and amenity impacts of proposed structures will be assessed on their merits, both individually and cumulatively.*

*Provision should be made for the removal of facilities and reinstatement of the site, should they cease to operate."*

7.27 Whilst not a neat fit, BESF sites are considered to fall within the "associated infrastructure" bracket of Policy ENV 6, which is considered to be the policy of most relevance when determining this application. This is consistent with the development of other BESS sites along Weirs Drove and Factory Road, Burwell.

7.28 Whilst they are not a renewable energy source, BESF sites are a complementary and increasingly necessary supporting element of renewable energy schemes. In very simple terms, BESF sites work by drawing energy from the grid during off-peak/low demand periods and surplus energy (often when renewable energy schemes such as solar and wind may be producing peak energy outputs), storing this energy, and discharging it back into the grid during peak demand (most often the evenings). BESF sites therefore help to balance the grid and make the most efficient use of renewable energy developments, whilst reducing the pressure to use non-renewable sources in times of high demand.

7.29 Regarding overall need for BESF sites, the NPPF makes clear at Paragraph 154 that:

*When determining planning applications<sup>57</sup> for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;*
- b) approve the application if its impacts are (or can be made) acceptable<sup>58</sup>. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and*
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.*

7.30 Whilst not a renewable energy development itself, it is considered that Paragraph 154 applies to the development proposals as supporting infrastructure to renewable energy and low-carbon developments, for the reasons previously outlined. This matter is further compounded by National Policy Statement (NPS) for Energy (EN-1).

7.31 Whilst EN-1 applies to Nationally Significant Infrastructure Projects, Paragraph 1.2.1 of EN-1 states: *"In England, this NPS, in combination with any relevant technology specific NPSs, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended)."* How much weight is to be attributed to the NPS will be at the discretion of the decision maker on a case-by-case basis.

7.32 Paragraph 2.1.1 of EN-1 sets out clearly the Government's position on energy infrastructure, which was first outlined in The Energy White Paper (December 2020), this being to *"transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses."* As part of this overarching objective, the UK became the first major economy to legislate for 2050 net zero Greenhouse Gases (GHG) emissions (2.2.1). Other legislated targets include a 68% reduction in GHG by 2030 from 1990 levels, and a 78% reduction in GHG emissions by 2035 compared to 1990 levels (2.2.1), all of which are imminently approaching.

7.33 It is important to note that to meet the 2035 target, all of the UK's electricity will need to come from low carbon sources, whilst meeting a 40-60% increase in demand (3.3.57).

7.34 In terms of meeting these objectives, Paragraph 3.3.4 of EN-1 states: *"There are several different types of electricity infrastructure that are needed to deliver our energy objectives. Additional generating plants, electricity storage, interconnectors and electricity networks<sup>39</sup> all have a role, but none of them will enable us to meet these objectives in isolation."*

7.35 Paragraph 3.3.25 of EN-1 also states: *“Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.”*

7.36 National Policy Statement for Renewable Energy Infrastructure (EN-3) is also considered to be a material consideration, setting out the importance of renewable energy sources in meeting the UK's net zero and statutory targets.

7.37 As well as national objectives, the Council itself declared a climate emergency in 2019, and introduced the Climate Change SPD in response (adopted 2021).

7.38 It should also be noted that grid connections into the system are heavily constrained, with approximately 76 projects currently pending a grid connection, with delays most likely until 2030 and beyond, averaging 10 years. The Applicant has already secured a grid connection, and subject to planning is ready to connect. This is an important factor weighing very strongly in favour of the development, as it is a project that could see a prompt increase in capacity to the system and contribute towards 2030 and 2035 renewable energy targets and net zero goals. This is a significant benefit of the scheme, a weighting which is consistent with the appeal decisions for BESS sites appended to the Applicant's Planning Statement.

7.39 All of the above evidences that there is an urgent need for low-carbon energy developments, and a local, national and international impetus behind its delivery. BESF sites are increasingly recognised as a key facilitator of low-carbon energy, and in meeting the Government's energy objectives. The principle of the proposed development is therefore considered to be acceptable in accordance with the Local Plan, NPPF, Climate Change SPD, and when considering all other material considerations including EN-1. For the reasons to be set out within the following sections of this report, any identified harm is considered able to be mitigated to acceptable levels.

7.40 *Site Selection*

7.41 Regarding site selection, it has been well-established by the solar and battery developments within the district that Burwell's Electricity Substation is a key locational factor when considering suitable sites for renewable and BESS developments.

7.42 This is clarified within Volume 1 of the Environmental Statement, which sets out the following locational assessment regarding a suitable grid connection:

- It must be located on a part of the electricity network that has available capacity;
- It must be located at a strategic substation: and,
- It must be located at a substation with available demand capacity.

7.43 It is clarified within the Statement that Burwell substation is the only publicly available GSP (Grid Supply Point) in the district appropriate for the proposed development, meaning that it transforms power from high voltage to lower voltages and relays to other substations. It is also clarified that UK Power Networks (UPKN) only allows connections to the network within 2km of a substation. It was on this basis that the application site was chosen.

7.44 Planning Practice Guidance (Paragraph 005) also clarifies that “*There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to.*”

7.45 A detailed assessment of the site's suitability for development is set out within the following sections of this report. For the purposes of site selection, it is nevertheless considered that this assessment is robust and justified and complies with the objectives of planning practice guidance.

#### **7.46 Landscape and Visual Impacts**

7.47 As set out at Paragraphs 7.13 to 7.20 of this report, the Environmental Statement supporting the application concludes the following regarding the landscape and visual impacts of the proposed development:

*“In summary, it is considered that the Application Site will, whilst wholly replacing portions of the landscape character at the Site level, sit within the existing retained landscape character at the local, regional and national level. Whilst some negative adverse landscape and visual effects will arise from the proposed development, landscape and visual effects are largely limited to the Application Site and local level receptors only, as identified in this Assessment. Where adverse impacts have been identified these have been mitigated through the proposed landscape strategy, which seeks to soften the edge of the development and set built form back from sensitive edges. Any anticipated effects are expected to reduce overtime as planting matures.”*

7.48 The LVIA supporting the application provides a more in-depth assessment of landscape and visual impacts at the national (The Fens), regional (Planned Peat Fen), local (Fenland) and site level and concludes the following in summary:

	<b>Year 1 (short term)</b>	<b>Year 15 (long term) (with establishment of planting)</b>
<b>Landscape Impacts</b>		
<b>National – National Character Area 46 ‘The Fens’</b>	Negligible	Negligible
<b>Regional – East of England Landscape Framework: Landscape Character Type ‘Planned Peat Fen’</b>	Negligible	Negligible

<b>Local – Landscape Character Area 8: 'Fenland'</b>	Minor Adverse	Negligible
<b>Site – Arable field</b>	Moderate to Minor Adverse	Minor Adverse
<b>Visual Impacts</b>		
<b>Residential Receptors</b> <i>Priory Cottages, Brick Work Cottages, New Fen Farm</i>	Moderate Adverse to Negligible	Minor Adverse to Negligible
<b>Road users</b> <i>Newnham Drove (Link Route to NTS 11 and Wicken Fen)</i>	Minor Adverse	Negligible
<b>Public Rights of Way</b> <i>Footpath CB Burwell 7, Footpath CB Burwell 6#1 and Footpath CB Burwell 6#2. Some of these routes are elevated.</i>	Moderate to Minor Adverse	Minor Adverse
<b>Heritage</b>	None	None
<b>Users of Public Open Space</b>	None	None
<b>Employees at place of work (solar farms nearby)</b>	Negligible	Negligible

*Table is a summary of information within the Updated LVIA – Pages 43 to 48*

7.49 The LVIA concludes no impacts upon the Chalklands Character Area at national, regional or local levels. It is also evident that even without establishment of planting, many further-afield viewpoints would remain largely unaffected by the development proposals.

7.50 Whilst there are no significant adverse landscape and visual amenity effects of the proposed development individually or cumulatively, harm would still be introduced at a very localised level by the wholesale change from the site's currently arable character. This harm would be the highest in the short to medium term and with proximity to the site or from elevated vantage points. With the establishment of planting however the residual harm is negligible in the majority of cases, with some areas of minor adverse harm remaining for the lifetime of the development. In real terms, this resulting minor adverse harm "*would entail only limited change to the existing landscape...*" (Page 55 of the LVIA).

7.51 Some low-level benefits in the long-term are also envisaged through the introduction of blue (water) and green infrastructure, such as the SuDS pond and biodiversity net gain enhancements, all of which seek to re-introduce a typical fen landscape.

7.52 The proposed planting scheme and bund (as set out at Paragraph 7.18 of this report and within Chapter 6 of the Environmental Statement) are therefore crucial to mitigate the impacts of the proposed development and will be secured via conditions. These conditions will also include a management and maintenance plan for these works over the lifetime of the development.

7.53 Lighting columns are proposed as part of the development proposals, but these are to be activated by motion and in emergency only for security and safety purposes. The landscape and visual impacts will therefore be highly controlled, and short term. A condition will be imposed requiring details of any external lighting prior to its installation which will include ensuring that they are not in continuous use.

7.54 In summary, whilst not significant, the proposed development and scheme of mitigation would result in some immediate (short to medium term) moderate harm and residual low-level (minor adverse) harm to the fen landscape and its openness at a very localised level. This harm is however counteracted with some long-term low-level benefits to the local character of the area through the introduction of blue and green infrastructure. On balance, the proposed development is therefore considered to be acceptable in accordance with Policies ENV 1, ENV 2, ENV 6 and BUR 5 of the Local Plan, Chapter 12 and 15 of the NPPF.

**7.55 Agricultural Land and Soil**

7.56 The Local Plan does not contain any specific policies regarding the loss of agricultural land or soil impacts but has a presumption in favour of renewable energy developments under Policy ENV 6. As above, the provision of BESS sites is considered to fall under this policy, which itself requires any significant adverse impacts in relation to the local environment. It is considered the loss of agricultural land and soil impacts falls under this criterion.

7.57 The Council's 'Renewable Energy' SPD does however encourage all renewable energy developments to provide an assessment of their impacts upon agricultural land, as well as encouraging the use of lower quality land for the siting of developments.

7.58 The NPPF sets out a stronger presumption against the use of high quality (best and most versatile) agricultural land where significant losses of agricultural required are deemed to be necessary, clarify at footnote 62:

*"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development."*

7.59 Whilst temporarily removing an entire field from agricultural use, the proposals would not on their own result in a significant loss of agricultural land given the scale of the proposed development. Whilst the Environmental Statement has concluded that there would be cumulative impacts upon BMV agricultural land availability because of the proposed development, these impacts were not deemed to be significant and residual impacts were considered to be minor as set out in preceding sections of this report.

7.60 It is also considered that based on locational factors, the siting of the development in this location is justified. The area is characterised by higher grades of agricultural land, as is much of the district, and therefore opportunities to use lower grades of agricultural land are limited.

7.61 As well as appropriate soil management, the provision of a targeted 58.48% biodiversity net gain – which is significantly above the mandatorily required 10% - is proposed to mitigate for the loss of the agricultural land. Whilst not immediately addressing matters of food security, it is relevant that biodiversity brings with it a wide variety of benefits that can have direct and indirect benefits for food production, including improving soil quality. Climate change itself is also inherently linked to faltering food yields, a key focus of the Dimbleby Review (2020/2021)<sup>1</sup>, giving further impetus to developments that can help stall global temperature rises.

7.62 Overall, it is considered that the loss of the agricultural land across the lifetime of the development is justified, and accords with the Development Plan and the NPPF, with any harms appropriately mitigated through the proposals themselves.

**7.63 Residential Amenity**

7.64 The proposed development is enclosed by a solid acoustic screen running around the perimeter in the form of a 2.5m (c.8.2 feet) high earth bund, providing attenuation from the noise of the cooling fans and inverter.

7.65 The Applicant's Noise Impact Assessment (NIA) concludes the following:

*"The combined sound level at the nearby residential property boundary has been calculated at 17.4dB(A), this is with all fans and inverters operating together with the transformer which will site above the bund. Given a 15dB attenuation for an open window the sound levels to be experienced internally will be 2.4dB(A)"*

7.66 The above conclusion is a marked improvement from the scheme's originally submitted form in February 2024, although the NIA concludes that the actual sound pressure levels will need to be determined post-implementation. The NIA itself ultimately concludes that the site's development would not result in any adverse impact on the nearby properties.

7.67 The Council's Environmental Health Officer (Domestic) has reviewed the Noise Impact Assessment submitted, and does not raise any concerns, but recommends conditions securing:

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<sup>1</sup> [Impact of climate change and biodiversity loss on food security - House of Lords Library \(parliament.uk\)](https://www.parliament.uk/documents/reviews-and-inquiries/commissioners-reports/2020-2021/2020-2021-dimbleby-review-of-climate-change-and-biodiversity-loss-on-food-security/)

- Prior to commencement of use verification report showing compliance with the NIA, and any remedial measures required to remedy non-compliance;
- Prior to commencement of use, the preparation of a Noise Management Plan;
- Controlling of low frequency noise; and
- Provision of a lighting impact assessment if external lighting is required.

7.68 All recommended conditions are considered to be reasonable in the interests of safeguarding residential amenity and have been imposed upon nearby BESS sites to appropriately control noise levels. It is however noted that the location of the application site away from nearby residential receptors minimises the risk of unacceptable noise impacts to low levels in any event.

7.69 Whilst not in close proximity to residential properties, it is considered that a Construction Environmental Management Plan (CEMP) would be appropriate given the nature of the development proposed and the delivery of the equipment to the site along rural droves, potential piling, as well as surface water during construction, construction lighting, and general amenity controls.

7.70 On the basis of the above, the proposed development is considered to be acceptable in accordance with Policies ENV 2 and ENV 9 of the Local Plan and Chapter 12 of the NPPF. Matters of pollution and public health are outlined in the following section.

#### **7.71 Fire Safety, Pollution and Public Health**

7.72 With the growing prevalence of BESS sites across the country, battery fires are of growing public concern, attracting increasingly greater media coverage. Battery technology advancements are fast-moving but so is the understanding of the risks associated with BESS sites and batteries in general. More nuanced concepts such as thermal runaway are now widely recognised, meaning these events can be planned for and mitigation embedded into the proposals instead of retrofitted. Until recently planning guidance on BESS sites was also scarce, but the preparation of guidance to reflect National Fire Chief Council guidance is now material to all BESS applications.

7.73 The above being noted, the prevalence of BESS fires are still very rare due to high levels of site monitoring and fail safes to prevent a malfunction event, such as a fire. Whilst rare, the Local Planning Authority and Applicant nevertheless recognise that should a malfunction event occur, it could pose a significant risk to human health and the environment.

7.74 It is on this basis that, in accordance with National Fire Chief Council's guidance and at the request of the LPA at pre-application stage, the Applicant has prepared a comprehensive Fire Rescue Safety Management Plan and Fire Water Management Plan. These reports were used to guide the site's layout, including the provision of an emergency access ring-road, lined attenuation pond, fire isolation valve, and drainage network.

7.75 The reports provide a comprehensive assessment of fire and operational risk, and how these risks have been minimised. Equipment specifications are provided as are the regulations they have been tested against. The reports provide a comprehensive response to a malfunction event, with varying levels of automatic, remote and on-

site/manual response. The reports also cover engagement with the relevant authorities, and how the site will be restored to baseline levels prior to resuming operation. A process of site monitoring, management and improvement is also clear throughout the reports, as is a clear understanding of public health and environmental risks, and how these are to be minimised.

7.76 Cambridgeshire Fire and Rescue Service have also been made aware of the site. No objection has been received. In informal discussion with the Fire and Rescue Service, they are aware of the application site, and should consent be granted, it is the intention of the Fire and Rescue Service to provide an action plan for the proposed development as a post-consent matter.

7.77 Regarding fire suppression specifically, each battery pack is to be actively heated, ventilated and/or cooled as appropriate. The site is designed to operate in accordance with the following three principles of battery safety:

**Fire prevention** – using battery technology proven to be at low risk of thermal runaway/fire, including liquid cooling, aluminium casing.

**Equipment monitoring** – automatic and remote monitoring of operational parameters to promptly respond to warnings and prevent faults. This includes remote temperature management.

**Fire suppression** – in the event that fire, smoke, or other gases are detected, then systems are in place to suppress any ignition to prevent a runaway event. Fire Protection Fluid is proposed to extinguish any open flame upon activation.

7.78 Regarding surface water and firewater management, the following is a summary of the surface and fire water management plan (FWMP), which aims for full containment on-site of firewater run-off:

- Impermeable engineered base for development areas;
- Herringbone surface water drainage system draining to a subsurface perforated pipe network, diverting to the attenuation pond;
- Perimeter drain to capture any residual runoff not collected by the stormwater drain, diverting to the attenuation pond;
- Lined attenuation pond to prevent discharge to ground of potentially contaminated water;
- Manual fire isolation water valve within the attenuation pond;
- Location and testing of the valve to form part of the site's Operation & Maintenance and Incident Response Plans;
- 2,525m<sup>3</sup> of firewater storage capacity on site or 12 hours of storage (NFCC guidance requires 2 hours minimum);
- Enter into an agreement with a local emergency waste disposal service, who can provide a sealed mobile tanker to the site within a 22-hour period;
- Perimeter access track for emergency vehicle access;
- Review of FWMP following an event, and any remediation measures;
- Closure of isolation valve, removal of damaged equipment, and cleaning of site and drainage system following an event. Stripping and disposal of attenuation pond topsoil if necessary;

- Only once the Topsoil is deemed safe or is replaced, the drainage system has been suitable washed and the water entering the attenuation pond has been suitably tested and satisfies the relevant Environmental Quality Standards (EQS), will the Fire Isolation Valve be re-opened and surface water runoff be allowed to discharge to the land drain adjacent to the site as per the normal operating procedure for management of stormwater.
- Following the fire incident, updates to the O&M and Incident Response Plans will be made using site observations, feedback from CFRS and 'lessons learned'.

7.79 In summary, the on-site drainage network has been designed to capture and divert firewater to the lined attenuation basin in the event that water is used as a means of suppression. An isolation valve ensures the containment of this water, which would be tankered away, instead of discharged to the nearest water body. Perimeter drainage channels provide a secondary line of defence, to ensure that any other water is diverted to the attenuation pond. Appropriate site de-contamination and 'lessons learned' are to be incorporated into the response, prior to any operations resuming as normal and surface water being discharged to the local IDB watercourse.

7.80 Regarding an emergency response plan, a condition will be imposed requiring its preparation, as well as a risk management plan, site operation and maintenance plan, and incident response plan, all to be prepared in accordance with the principles set out in the Fire Rescue Safety and Management Plan, which follows the NFCC's guidance. All of these documents would be subject to further consultation at discharge of condition stage, including with the Council's emergency planner.

7.81 The site's operation in accordance with the Fire Water Management Plan and the Fire Rescue Safety and Management Plans will also be secured via conditions as appropriate (for example through drainage design).

7.82 Regarding water supply, the attenuation pond within the site is designed with a permanent water level of 1,365m<sup>3</sup> of water to provide an alternative or additional water supply. The proposals also seek to deliver a fire water connection point within the south-east corner of the site by connecting to local land drains, for which the Applicant already holds an extraction licence. Details are provided on FWMP-001 and FWMP-003. It would be expected that evidence of this connection and abstraction licence for fire-fighting purposes are required prior to the site's operation (or an alternative means of water connection/hydrant), in the interests of fire safety, public health and environmental impacts.

7.83 The Council's Environmental Health department have not raised any objections to the proposals on the basis of the reports prepared and recommendations made. The Scientific Officer notes that the abstraction licence would need to cover water for fire-fighting purposes specifically, as well as ensuring adequate quantities. The above-mentioned condition should appropriately satisfy this concern. The Scientific Officer also raises no concerns regarding ground pollution, with no further investigations required.

7.84 The Scientific Officer has also raised no concerns with regard to the Fire Water Management Plan, subject to the approval of the Fire and Rescue Service. As above, the Fire and Rescue Service are aware of the site and have informally confirmed that

as a post-consent matter, they would engage further with the site in creation of an action plan.

7.85 It should be noted that the submitted Fire Rescue Safety and Management Plan and Fire Water Management Plans are highly technical documents, and it is beyond the expertise of the Local Planning Authority itself to consider or comment on their technical acceptability. Therefore, in accordance with the NPPG, statutory consultees with technical expertise in matters of fire safety, environmental pollution and public safety were consulted on the document to provide the Local Planning Authority with expert guidance on these matters.

7.86 This consultation was extensive, being sent for consultation with the Fire and Rescue Service (as per the NPPG), Health and Safety Executive, Environment Agency, the Council's Environmental Health Department, Lead Local Flood Authority (LLFA), Internal Drainage Board, Ambulance Service and Police Service. The Parish Council, Ward Councillors and neighbours were also consulted.

7.87 In the absence of technical or safety concerns being raised by statutory consultees to suggest otherwise, it is concluded that the Applicant has complied with the NPPG's guidance and that the submitted reports and those to be secured via conditions are acceptable to address matters of fire safety, pollution and public health, as well as environmental impacts.

7.88 It is on this above basis only that the proposals are considered to be acceptable in accordance with Policy ENV 2 and ENV 9 of the Local Plan and the NPPF, subject to the development being carried out in accordance with the Fire Rescue Safety and Management Plan and Fire Water Management Plan recommendations, Emergency Response Plan, contamination reports and drainage strategy.

**7.89 Biodiversity Net Gain, Trees and Ecology**

7.90 The application proposals were submitted in February 2024, when mandatory biodiversity net gain (BNG) regulations came into effect. The site is therefore required to deliver a 10% improvement upon the site's baseline as part of the development proposals following the mitigation hierarchy and would be subject to the General Biodiversity Gain Condition. These improvements must be maintained for a minimum of 30 years if deemed significant.

7.91 The site is currently an arable field and is targeting a 58.48% net gain above baseline levels. This is a significant benefit of the scheme.

7.92 Given the level of net gain to be achieved, this would be deemed as significant, and in accordance with practice guidance would require a S106 legal agreement for its maintenance, management and monitoring over a period of 30 years as a minimum.

7.93 As the net gain is however being proposed as part of the mitigation strategy for the loss of the agricultural field and landscaping strategy, it is considered important to maintain this net gain for the lifetime of the development, a minimum of 40 years from commencement of operation of the site. This 40 year period will a requirement of the S106 agreement supporting the application, should a resolution to grant be reached.

7.94 The site is also supported by an Ecological Impact Assessment, which recommends a number of ecological enhancement measures and mitigation measures during construction. Given the introduction of an attenuation basin which may be required to hold contaminated firewater, it is considered important that barrier fencing for water voles and newts is secured via a condition. Whilst this limits the ecological potential of the pond, it is the ecologically best scenario to ensure minimal harm to local wildlife.

7.95 The Council's Senior Ecologist has raised no objections to the proposed development subject to conditions ensuring compliance with the EIA and the securing of a S106 legal agreement for BNG purposes. The Council's Senior Ecologist also recommends the securing of a Habitat Management and Monitoring Plan, to detail how the site's net gain will be managed. It is considered that this can be secured under the General Biodiversity Gain Condition.

7.96 The Council's Trees Officer is also content with the soft landscaping scheme proposed, and seeks a condition to secure the development's compliance with it.

7.97 On the above basis, the site is considered to wholly accord with the objectives of Policy ENV 7 of the Local Plan, the Natural Environment SPD and Chapter 15 of the NPPF.

**7.98 Transport and Highways**

7.99 The application proposals are not likely to be a significant generator of additional traffic during their operation but will likely contribute to increased traffic flows during their construction and decommissioning, particularly with larger vehicles.

7.100 The Local Highways Authority and Transport Assessment Team raise no objections to the proposed development but recommend the imposition of a Construction Traffic Management Plan. A CTMP would seek to control construction traffic routing, timing of deliveries, temporary vehicle turning, control parking, measures to prevent mud being dragged onto the highway and any other controls to maintain highway safety during the construction phase. It is likely the CTMP and CEMP could be combined as a singular document.

7.101 It is not considered appropriate at this stage for the CTMP to cover decommissioning, as it would unlikely be able to appropriately forecast for conditions 40-years in advance. A separate decommissioning plan and CTMP will therefore be a conditional requirement prior to the site's decommissioning.

7.102 It is acknowledged that the Newnham Drove is not of a high quality and better suited to agricultural vehicles. The site is not proposed to be a source of high levels of on-site employment, with limited inspection trips required. The quality of the road is not therefore considered to be of significant material concern in this regard.

7.103 Any damage to the road during construction would however need to be made good as it is a public highway, and these controls can be included both within the CTMP/CEMP, but also fall under separate highway legislation.

7.104 The Asset Information Definitive Map Team (the County Council team concerned with Public Rights of Way, have not raised any objection to the proposed development

upon Public Rights of Way. It is noted in their response that Newnham Drove is the subject of applications for bridleways. These applications have been in since 2022 and when seeking clarification from the Asset Information Definitive Map Team the determination date or outcome is still unclear. Very limited weight is therefore attributed to these applications.

7.105 It is on the above basis that the site is considered to be acceptable in accordance with Policies COM 7 and COM 8 of the Local Plan and Chapter 9 of the NPPF.

**7.106 Flood Risk and Drainage**

7.107 The site's surface water and fire-water drainage strategy have been set out above.

7.108 The site lies within Flood Zone 3 for the purposes of Environment Agency mapping, and the Local Plan (ENV 8) and NPPF directs that the Local Planning Authority must undertake the Sequential and Exception Tests. Whilst falling within 'essential infrastructure' for the purposes of flood vulnerability classification (Annex 3 of the NPPF), the sequential test still applies, as does the exception test as the development falls within Flood Zone 3.

7.109 As a sequential approach to locating flooding in lower risk areas, the site selection process has evidenced that proximity to Burwell's substation is required. The majority of land between Wicken Fen and Burwell falls within high-risk flood zones, particularly within the Applicant's 2km (1.24-mile) search area. Sites further to the south and east would bring development closer to residential properties, which is less preferable. On this basis, it is considered that the Sequential Test is passed.

7.110 Regarding the exception test, paragraph 170 of the NPPF requires that it must be evidenced that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

7.111 The Environment Agency raise no objections to the proposed development but recommend that a detailed flood action plan is prepared for the site as recommended within the Applicant's Flood Risk Assessment. It is considered necessary in the interests of flood risk management for this to be conditioned.

7.112 The Lead Local Flood Authority raise no objection to the site's surface water drainage strategy, which discharges into the nearby IDB watercourse at the appropriate 1.1 litre/second. The LLFA do however recommend a condition relating to detailed surface water design, based upon the Flood Risk and Drainage Assessment Report submitted. It is considered necessary that this is conditioned.

7.113 The scheme is considered to inherently provide wider sustainability benefits to the community to outweigh the flood risk, as it is contributing to the efficiency of renewable energy amongst other benefits such as grid balancing and low-carbon

development. On this basis and the comments from statutory consultees, the exception test is considered to be passed.

7.114 Matters of water pollution have been addressed under the fire safety and pollution section of this report.

7.115 On the above basis, the development is considered acceptable in accordance with Local Plan Policy ENV 8, Chapter 14 of the NPPF and the Flood and Water SPD.

**7.116 Other matters**

7.117 *Heritage Impacts* – the proposed development is considered to be located a sufficient distance from any designated and non-designated heritage assets so as to result in no impact upon their setting or significance. The County Council's Historic Environment Team raise no objection to the proposed development subject to a pre-commencement archaeological condition, which is considered to be acceptable to appropriately safeguard any archaeological heritage assets. The development is therefore acceptable in respect of Policy ENV 14 of the Local Plan or Chapter 16 of the NPPF.

7.118 *Site Security* – the Designing Out Crime Officer generally raises no concerns with the scheme's design in respect of its susceptibility to crime. Matters of infrared cameras, boundary treatment/fence details and gates will all be secured via conditions.

7.119 Minerals and waste – the Minerals and Waste Authority raise no objection to the proposed development, noting that “*the proposed development site is relatively small. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the development and size of the site means that complete prior extraction is, in this case, unlikely to be feasible.*”

7.120 The MWPA advise that, should the Local Planning Authority be of the view that there is an overriding need for the development, they would be content that Policy 5 has been addressed, subject to the following informative being included in any permission:

*“The site lies within a Chalk Mineral Safeguarding Area and a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be underlying chalk and sand and gravel resources. The Minerals and Waste Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any chalk and sand and gravel that may be incidentally extracted as part of the development.”*

7.121 The extraction of any chalk, sand and/or gravel from the development would need to be carefully balanced against the proposed soil protection measures set out within the Environmental Statement. Ultimately, compliance with the Minerals and Waste Local Plan is concluded, subject to the above.

7.122 *Implementation of Development* – the BESS is intended to have a 40-year operational life, followed by decommissioning. The Applicant originally requested a longer implementation period due to potential grid connection delays, which are guided by

the National Grid. A period of 10 years implementation was originally sought, on the basis that grid connection delays are currently extending to similar periods of time, with 76 connections waiting connection in 2030 or beyond. It is nevertheless important to note that the Applicant has secured a grid connection secured, and a three-year standard implementation is considered justified. This matter has been clarified with the Applicant's Agent.

### **7.123 Planning Balance**

7.124 The application seeks consent for the erection of a Battery Energy Storage Facility with associated works.

7.125 Subject to the mitigation set out within the Environmental Statement, the proposed development would not result in any significant adverse cumulative environmental effects in terms of loss of agricultural land and soils, or landscape and character impacts.

7.126 The development will still give rise to localised moderate visual harm in the short-to-long term, with a residual low level of harm. This is based on the temporary loss of an entire agricultural field for active cultivation for a period of over 40 years, and introduction of urbanising development that will adversely affect the character of the area. Whilst weighing against the proposals, embedded and additional mitigation measures identified seek to reduce this harm to acceptable levels, resulting ultimately in some modest benefits. This is namely through the resting of the soils and introduction of traditional fen landscaping and noting that the impacts are not permanent. Ultimately, compliance with the Development Plan and the NPPF is concluded regarding landscape and character impacts, as well as loss of agricultural land. This attracts an overall neutral weighting.

7.127 The development proposals are considered to be acceptable in all other technical respects. This also attracts an overall neutral weighting.

7.128 Regarding the proposed benefits of the scheme, the urgent need for low-carbon developments is clearly outlined in local and national policy, which calls for recognition of the contribution of schemes both small and large to meeting renewable energy targets and addressing the climate emergency. The development benefits from an immediate grid connection (subject to planning), with a targeted operational date in 2025, meaning it could make a prompt contribution to the network and achieving net zero targets. The proposals also seek to deliver a 58.48% biodiversity net gain, significantly in excess of the mandatory 10% minimum. In combination these benefits are cumulatively considered to attract substantial weight in favour of the proposals.

7.129 On the basis of the above, the compliance with the Development Plan and National Planning Policy Framework, and substantial material benefits of the scheme, direct that planning permission should be granted for the development.

7.130 Members are therefore recommended to approve the development proposals subject to the recommended conditions contained at **Appendix 1** and the preparation and signing of a S106 legal agreement to secure biodiversity net gain.

## **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 Council's declaration of a Climate Emergency;
- The national policy position on net zero, low carbon and renewable energy, as set out within National Policy Statements (EN-1 and EN-3);
- The Applicant's agreed grid-connection; and
- The locational requirements of the development as defined by the technology and network operators' guidelines.

## **9.0 APPENDICES**

9.1 Appendix 1 – Recommended Conditions  
9.2 Appendix 2 – Environmental Statement Summary

### Background Documents

24/00160/ESF

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

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

## Appendix 1 – Recommended Conditions

### Plans and compliance

1. The development shall be carried out in accordance with the following plans and drawings:

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
Topo		13th February 2024
ALP-CB25-0AH-12	B	18th June 2024
ALP-CB25-0AH-13	A	18th June 2024
ALP-CB25-0AH-15	A	18th June 2024
ALP-CB25-0AH-16	A	18th June 2024
ALP-CB25-0AH-17	A	18th June 2024
ALP-CB25-0AH-18	A	18th June 2024
ALP-CB25-0AH-04	D	18th June 2024
ALP-CB25-0AH-05-D- INNER	D	18th June 2024
ALP-CB25-0AH-05-D- OUTER	D	18th June 2024
ALP-CB25-0AH-06	B	18th June 2024
ALP-CB25-0AH-07	A	18th June 2024
ALP-CB25-0AH-10	B	18th June 2024
ALP-CB25-0AH-11	C	18th June 2024
ALP-CB25-0AH-14	C	18th June 2024
ALP-CB25-0AH-01	D	1st July 2024
ALP-CB25-0AH-02	F	1st July 2024
Fire Rescue Safety Management Strategy	2.0	1st July 2024
Fire Water Management Plan Summary	V4	1st July 2024
Noise Assessment		1st July 2024

Ecological Impact Assessment	005	1st July 2024
UG_2272_LAN_GA_D RW_101	P15	1st July 2024
UG_2272_LAN_GA_D RW_301	P15	1st July 2024
Flood Risk and Drainage Assessment Part 1	V4	1st July 2024
Flood Risk and Drainage Assessment Part 2	V4	1st July 2024
Flood Risk and Drainage Assessment Park 3	V4	1st July 2024

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

3. There shall be no construction, demolition, deliveries to, from or vehicle movements within the site outside the hours of 0730-1800 Monday - Friday and 0730-1300 on Saturdays, with no working on Sundays or Bank and Public Holidays, except in an emergency or in the case of alternative temporary working hours first agreed in writing with the LPA.

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.

4. This permission shall be for a limited period only, expiring 40 years and six months after the date of the facility hereby permitted being first being brought into operational use (taken as when the development hereby approved has started to store or distribute electricity to/from the Grid). Written notification of the date of the facility hereby permitted being first brought into operational use shall be provided to the LPA no later than 14 days after the event.

Reason: To define the temporary permission, as the application has been assessed and determined on this basis, and in order to comply with the provision of Section 72 of the Town and Country Planning Act 1990.

#### Before Development Commences

5. No development, including vegetation/site clearance, shall commence on site until a detailed 'Landscape and Ecology Management & Monitoring Plan' (LEMMP) for all soft landscaping (including bunds and attenuation pond(s)) and habitat creation within the application site has been submitted to and approved in writing by the Local Planning Authority. This plan shall cover the operational lifetime of the development and include long term design objectives, management responsibilities, creation timescales and maintenance schedules for all landscaped areas of the development site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority for the duration of the development's lifetime. The Plan shall include, as a minimum, the following:

- a) Details on the creation and management of all landscaping (including bunds and attenuation pond) and target habitats identified within the Biodiversity Net Gain Assessment Report and Metric and approved landscape plan (Ref. UG\_2272\_LAN\_GA\_DRW\_301 REV P15) for on-site net gain.
- b) Survey and monitoring details for all target habitats identified within the Biodiversity Net Gain Assessment Report and Metric, including targeted review years.
- c) Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report.
- d) Details of and scheme of installation, inspection and maintenance of water vole/newt fencing for any attenuation pond(s) to be created as part of development.

Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), to secure the mitigation measures as set out within Chapters 6, 7 and 8 of the Environmental Statement, and in accordance with the Environment Act 2021 (Schedule 7A). This condition is pre-commencement as it relates directly to and informs the pre-commencement biodiversity condition set out under Schedule 7A of The Environment Act 2021.

6. No development including enabling works, demolition, site clearance and ground works shall commence on site, until a Construction Environmental and Traffic Management Plan (CETMP) to cover the construction phase of the hereby approved development has been submitted to and approved in writing by the local planning authority. The CETMP shall include, but not be limited to, the following issues:

- a) Parking and turning areas for construction and delivery vehicles and site personnel,
- b) Site security and site compound for the construction phase,

- c) Loading, unloading and storage of plant and materials used in constructing the development,
- d) Temporary vehicle turning,
- e) Measures to prevent mud/debris being deposited onto the public highway,
- f) Construction lighting and measures to minimise light pollution,
- g) Construction traffic routing and means of access,
- h) any other controls to maintain highway safety during the construction phase,
- i) Mitigation measures for noise, dust and lighting during the construction phase,
- j) Soil management, soil protection and drainage measures (including subsurface).

The agreed CETMP must be adhered to at all times during all phases of the hereby approved development.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and to secure the mitigation measures to protect soil quality as set out in Chapter 7 and 8 of the submitted Environmental Statement and in accordance with Policy ENV 6 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Renewable Energy SPD. The condition is pre-commencement as it requires the submission of details that are required prior to construction works starting on-site.

7. 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.

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 Policy ENV 14 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and national policies contained in the National Planning Policy Framework (December 2023). This condition is pre-commencement as it requires investigation of potential archaeological heritage assets below ground.

8. No development 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 for the duration of the development's lifetime.

The scheme shall be based upon the principles within the agreed Flood Risk and Drainage Assessment Report prepared by Gondonlin Land & Water Ltd (ref. GON.0304.0185 Version 4) dated 1 July 2024, the Fire Water 'Strategy Principles and Design Proposals' (pages 10 and 11) of the Fire Water Management Plan (V4 – June 2024) and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) 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);
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Permissions to connect to a receiving watercourse or sewer;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water

Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2, ENV8 and ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). This condition is pre-commencement as it requires details of below-ground works.

#### Prior to above ground

9. Prior to above ground works, notwithstanding the submitted plans, full details, materials and colours of the approved battery solution, inverters, transformers, control room, switchgear substations, fencing, gates and CCTV cameras including their position on

site, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained for the duration of the development's lifetime.

Reason: To safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

10. No above ground construction shall take place until details of a means of water supply for fire-fighting purposes within the application site has been submitted to and approved in writing the Local Planning Authority. The details provided shall be to a standard recommended by the Cambridgeshire Fire and Rescue Service. and shall include details of the abstraction licence where necessary. The approved means of fire-fighting water supply shall be installed and completed in accordance with the approved details prior to the first operational use of the hereby approved development and thereafter maintained for the operational lifetime of the development.

Reason: In the interests of public safety and ensuring any risks associated are suitably identified and an appropriate mitigation plan is devised in accordance with Chapter 8 of the National Planning Policy Framework (December 2023).

11. No above ground construction shall commence until full details of all hard landscape works 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 first operational use of the hereby approved development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to the first operational use. Thereafter the approved hard landscaping shall be maintained for the lifetime of the development.

Reason: To safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

12. Prior to the commencement of development above ground level, a detailed Flood Action Plan shall be prepared for the site and submitted for approval in writing by the Local Planning Authority. The Flood Action Plan shall be prepared in accordance with the principles established at Section 4.2 of the agreed Flood Risk and Drainage Assessment Report prepared by Gondonlin Land & Water Ltd (ref. GON.0304.0185 Version 4) dated 1 July 2024. The agreed Flood Action Plan shall be adhered to for the lifetime of the development.

Reason: In the interests of public safety and ensuring any risks associated are suitably identified and an appropriate mitigation plan is devised in accordance with Chapter 8 of the National Planning Policy Framework (December 2023).

## Before Operation

13. Prior to first operational use of the development hereby approved, a Risk Management Plan, Emergency Response Plan, Incident Response Plan and site Operation and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the local Fire and Rescue Service. These plans shall be developed using the best practice guidance as detailed and required in the published Grid Scale Battery Energy Storage System planning - Guidance for FRS (Version 1.0 dated November 2022 or, where any subsequent guidance that supersedes this, in accordance with the most up-to-date guidance) published by National Fire Chiefs Council, and the principles established in the submitted Fire Rescue Safety and Management Strategy (Version 2.0, June 2024). Where the aforementioned guidance cannot be adhered to in full, an explanation of why shall be provided within the requested plans. Thereafter, these plans shall be implemented prior to the first operational use of the development and the operation of the site shall not take place other than in full accordance with them during the lifetime of the development.

Reason: In the interests of public safety and ensuring any risks associated are suitably identified and an appropriate mitigation plan is devised in accordance with Chapter 8 of the National Planning Policy Framework (December 2023).

14. Prior to first operational use of the development hereby approved, all soft landscaping works (including bunds) shall be carried out in accordance with the approved scheme as shown on Drawing Ref. UG\_2272\_LAN\_GA\_DRW\_301 REV P15. If during the lifetime of the development any tree or plant dies, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and same species as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its consent to any variation.

Reason: To safeguard the character and appearance of the area, safeguard and enhance biodiversity, and secure the mitigation measures set out within Chapter 6 and 8 of the submitted Environmental Statement, in accordance with Policies ENV 1, ENV2, ENV6, ENV 7 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

15. Prior to the first operational use of the development hereby approved, a verification report to demonstrate compliance with the sound pressure levels as set out at Page 24 of the approved Acoustic Report prepared by Martin Environmental Solutions Ltd (dated June 2024), and detailing the methodology, measurement positions, detail of any results, calculation method (where appropriate) and a report of findings, shall be prepared by an independent qualified Noise Consultant and submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 and ENV6 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

16. Where the assessment under Condition 15 shows non-compliance with the sound pressure levels as set out at Page 24 of the approved Acoustic Report prepared by Martin Environmental Solutions Ltd (dated June 2024), a report detailing an action plan and timetable of works for further mitigation to comply with these levels shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall thereafter be carried out in accordance with the approved timetable and maintained for the lifetime of the development.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 and ENV6 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

17. Prior to the first operational use of the development hereby approved, a Noise Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Noise Management Plan shall include details for a schedule of regular noise monitoring and any mitigation of noise levels to ensure compliance with the rating level contained within the BS4142 assessment table on Pages 10 and 11 of the Acoustic Survey prepared by Martin Environmental Solutions Ltd (dated June 2024). The operation of the hereby approved development shall thereafter be carried out in accordance with the approved Noise Management Plan.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 and ENV6 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

18. Prior to the first operational use of the development hereby approved, details of any external lighting to be used as part of this facility shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be designed in accordance with Bat Conservation Trust/Institution of Lighting Professionals Guidance Note 08/23 Bats and Artificial at Night (or any guidance superseding this). Submitted lighting plans should be accompanied by contour diagrams that demonstrate minimal levels of lighting on receptor habitats, including trees and hedges. The lighting shall then be installed in accordance with the approved details and shall be retained as such for so long as it remains on site. No other lighting shall be installed without the prior written permission of the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring occupiers, to safeguard the character and appearance of the area, and to protect and enhance species, in accordance with policy ENV1, ENV2, ENV7, ENV6 and BUR5 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

19. Prior to first operational use of the development hereby approved, the scheme of biodiversity enhancement measures as set out at Section 7.3.2 Ecological Impact Assessment prepared by Greenwillows Associates Ltd (dated February 2024, Version 005) shall be implemented and thereafter retained for the duration of the development's lifetime.

Reason: To protect and enhance species, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

#### Other Conditions

20. Low frequency noise from the site shall not exceed the criteria in any single 1/3 octave-band between 10 Hz and 160 Hz of the criterion curve set out in Section 4.1 of NANR45.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 and ENV6 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

21. The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway. These measures shall thereafter be maintained for the lifetime of the development.

Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

22. Not less than 12 months before the expiry of this permission (as defined by Condition 4), or the planned cessation of the site's operational use as a battery energy storage system/facility, whichever is the sooner, a decommissioning method statement (DMS) and Decommissioning Environmental and Traffic Management Plan (DETMP) shall be submitted to and approved in writing by the Local Planning Authority, detailing the removal of any building(s), plant/equipment and associated infrastructure approved under this consent, and restoration of the site and the timetable for doing so.

The site shall be decommissioned in accordance with the approved DMS, timetable and DETMP within 6 months of the expiry of this permission as defined by Condition 4 of this consent or within 6 months of the planned cessation of the site's use, whichever is sooner. (Note: nothing in this condition supersedes the requirements of mandatory Biodiversity Net Gain).

Reason: Because the consent is for a limited (temporary) period and to safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

23. If following implementation of the permission the site fails to become operational within 24 months or having become operational becomes non-operational for a period exceeding 18 months within the time limit set by Condition 4, unless otherwise agreed in writing by the Local Planning Authority, the use shall be considered to have ceased. Within 3 months of such ceasing of the use, a decommissioning method statement (DMS) and Decommissioning Environmental and Traffic Management Plan (DETMP) shall be submitted to and approved in writing by the Local Planning Authority, detailing the removal of any building(s), plant/equipment and associated infrastructure approved under this consent, and restoration of the site and the timetable for doing so.

The site shall be decommissioned in accordance with the approved DMS, timetable and DETMP within 6 months of the ceasing of the use as defined above. (Note: nothing in this condition supersedes the requirements of mandatory Biodiversity Net Gain).

Reason: Because the consent is for a limited (temporary) period and to safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

24. No construction or operation of the hereby approved development shall take place other than in accordance with the ecological mitigation measures and recommendation set out within Section 7.0 of the Ecological Impact Assessment prepared by Greenwillows Associates Ltd (dated February 2024, Version 005).

Reason: To protect and enhance species, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

25. 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. Unless otherwise agreed in writing by the Local Planning Authority, 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.

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).

### **Mandatory Biodiversity Net Gain**

If approved, the application is also subject to the mandatory General Biodiversity Gain Condition, which requires that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

This condition is ‘automatically’ applied to all major planning applications submitted after 12<sup>th</sup> February 2024, subject to transitional arrangements and exemptions apply. It is not to be applied as a ‘standard’ condition in the main list of conditions, nor is it worded as such, but the Local Planning Authority are still required to provide a certain level of information on the decision notice to advise the Applicant/Developer of where the appropriate legislation and details can be found.

## **Environmental Statement Summary by East Cambridgeshire District Council**

### Recommended Decision and Conditions

Planning Committee is being asked to grant approval for this application on the 6<sup>th</sup> November 2024, subject to the recommended conditions set out at Appendix 1 of the Committee Report and the preparation of a S106 agreement to secure biodiversity net gain.

Application details can be found on: [24/00160/ESF | Battery energy storage facility and associated works | Site At Anchor Lane Farm Newnham Drove Burwell \(eastcambs.gov.uk\)](https://eastcambs.gov.uk/24/00160/ESF%20Battery%20energy%20storage%20facility%20and%20associated%20works%20Site%20At%20Anchor%20Lane%20Farm%20Newnham%20Drove%20Burwell%20(eastcambs.gov.uk))

### Reasoned conclusion on the significant effects of the development on the environment

It was considered that an Environmental Statement was needed to cover the significant amount of energy farm developments having taken and potentially taking place in the locality in respect of the potential for there to be a cumulative significant impact upon the visual character of the area and the amount of high-quality farmland being used.

This was detailed under reference 24/00158/SCREEN.

The developer submitted an Environmental Statement to address matters of cumulative impact, with supporting documents including a Soil Assessment and Landscape Visual Impact Assessment.

The Non-Technical Summary of the Environmental Statement concludes:

*“41. The overall conclusion of this ES is that the proposed development would have no effects which in EIA terms are considered to be significantly adverse.*

*42. A major beneficial effect which is significant in EIA terms is expected as a result of the habitat enhancement measures proposed across the Site as part of the Proposed Development, including a comprehensive landscaping scheme, a significant amount of Biodiversity Net Gain at 58.48%.*

*43. In addition to the advantages associated with the production of renewable energy, the long-term effects of the Proposed Development are considered to be positive.*

*44. Overall, the conclusion of the ES is that, in environmental terms, the development is acceptable, and its impacts would be positive, helping to promote renewable energy delivery on an available site.”*

### Main reasons and considerations on which the recommended decision is based

The recommended decision was based on the information provided by the Applicant that formed the Environmental Statement. 'Further information' was also received in September 2024, at the request of the Local Planning Authority, in order to inform their reasoned assessment of likely significant effects. In addition to this it was based on consultation responses.

The application was considered and recommendation made with regard to the East Cambridgeshire Local Plan 2015 (as amended 2023); the Supplementary Planning Documents adopted by East Cambridgeshire District Council; the National Planning Policy Framework 2023 (December); National Planning Policy Statements (EN-1 and EN-3); Cambridgeshire and Peterborough Minerals and Waste Plan 2021; and Planning Practice Guidance.

It was not considered necessary to seek independent specialist advice on agricultural land or landscape impact given the detail of the information submitted by the Applicant.

### Summary of results of the consultations undertaken and how these results have been incorporated or otherwise addressed

A range of consultees and local residents mentioned biodiversity and wildlife impacts; noise impact; fire safety and pollution concerns; landscaping concerns; and impacts to roads and rights of way.

The committee report covers relevant material planning considerations and the concerns raised. The relevant parts in the committee report relating to the Environmental Statement are as follows:

#### **7.1 Environmental Statement**

- 7.2 The application was screened in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) under planning reference 24/00158/SCREEN, under which it was concluded that the application warranted the preparation of an Environmental Statement. This was based on the potential impacts of the cumulative loss of Best and Most Versatile agricultural land and cumulative erosion of the fen landscape and its openness when considering planned, consented and operational solar farms and renewable energy developments in the surrounding area and district.
- 7.3 The Applicant subsequently prepared an Environmental Statement valid as of the 1<sup>st</sup> of July, with further information provided in September 2024 to supplement this. A summary of the Environmental Statement's conclusions are set out below.

#### *Best and Most Versatile Land – Agricultural Land and Soils*

7.4 The site measures c.2.32-hectares (c.5.73-acres) and is predominantly Grade 2 agricultural land, with small areas of Grade 3a. The land is therefore considered to be largely of very good quality, falling within the category of 'Best and Most Versatile' (BMV) land as defined by Appendix 2 of the National Planning Policy Framework.

7.5 Across the 40-year operational lifespan of the development, the proposals would result in the loss of c.2.32-hectares (c.5.73-acres) of BMV land due to the proposed development. Whilst only c.1.28-hectares (c.3.16-acres) of land would be lost to the compound, batteries and hard landscaping itself, the remaining c.50% of land for use as BNG and attenuation would also be functionally removed from agricultural use by virtue of its intended use. The Environmental Statement recognises that there is therefore potential for cumulative impacts on soil and agricultural land quality, when assessed against other consented and operational developments.

7.6 When assessing the loss of the site cumulatively with nearby solar developments (Hightown Drove/Burwell Farm, Bracks Farm, North Angle Farm, Goosehall Farm and Sunnica (West)), the Environmental Statement at Chapter 7 concludes a cumulative impact of 0.40045% loss of BMV within the district, with the development itself only representing a 0.00045% loss of BMV. This is a very small proportion. The committed developments assessed were based on the accepted assessment for LPA Ref. 20/00557/ESF immediately to the east and south of the site.

7.7 Reference is also made to the long-term (100 year) vision to expand Wicken Fen over 53-square kilometres, within which the site would fall, and which would see substantial losses of agricultural land in favour of restoring the traditional fen landscape. This was a consideration of the adjoining solar farm, and although not a committed project, provides context for this area of the fens.

7.8 The Environmental Statement concludes that, whilst over a 40-year period, the proposals would not lead to a permanent long-term loss of arable farmland nor would they result in changes to the fundamental quality of the land, only its utilisation. Whilst cumulative effects in respect of BMV are identified, this is a very small impact resulting in a minor level of effect and is not therefore significant.

7.9 This conclusion is based upon the following embedded mitigation required to reduce the effects of the development on soils and agricultural land:

- **Soil protection** – site management to prevent driving over agricultural land and soil rutting, which can damage soil structure and cause compaction.
- **Soil handling** – preparation of a Soil Management Plan prior to any soil handling on site.

- **Drainage and water** – protection of existing surface water drainage systems, and maintenance of existing subsurface drainage.

7.10 Chapter 8 also recommends *additional* mitigation measures for the protection of soil in respect of passing bays, turning areas, soil handling methods, soil handling conditions, separate handling of different soils and water supply via an attenuation pond.

7.11 The targeted 58.48% biodiversity net gain is also proposed as a mitigation for this minor level effect (Chapter 8), which whilst delivering a significant benefit on its own, would also aid in the reduction of artificial fertilisers and sprays on the land during the cessation of agricultural use.

7.12 Chapter 8 of the Environmental Statement also clarifies that, “*Once decommissioned and returned to agricultural use, the soil condition is likely to have improved compared to the current baseline and this would have long term benefits in term of the agricultural quality of the Site*”. The Statement considers this a Minor Beneficial effect. The Statement also concludes a Major Beneficial effect of the targeted 58.48% biodiversity net gain, and the nature of the development in supporting renewable energy infrastructure is also concluded as positive.

7.13 If not developed, Chapter 7 of the Environmental Statement concludes that the site “*will most likely continue in intensive arable use. This will cause continued oxidation of organic matter in the topsoil reducing its value as a carbon sink, with a general lowering of agricultural land quality. This is not suggesting that the ALC grades would be reduced, but that the lower organic matter could affect the workability and resilience to structural damage in wet conditions and reduce the available moisture capacity in dry conditions. If the development proposal is given planning consent, intensive arable production would cease for 40 years, with a possible consequence of improving the organic status of the topsoil with a general improvement in long-term quality on the land.*” It is therefore inferred that the quality of the soil and agricultural land quality would be similar, if not marginally worse, if the site was not developed as opposed to developed.

7.14 Overall, due to the temporary and reversible nature of the proposed development and its scale, it is considered that cumulatively, the proposed development would result in low-level harm to agricultural land and soils in the short to long-term, with potentially modest long-term benefits (post 40 years). However, subject to appropriate mitigation, no significant effects on the environment are identified upon agricultural land and soils either individually or cumulatively.

#### *Landscape, Character and Openness*

7.15 With regard to landscape and visual impacts, at a local level the site sits within the Fenland Character Area (as defined within the Cambridgeshire

Landscape Guidelines 1991). At regional level it sits within the East of England Landscape Framework – Landscape Character Type ‘Planned Peat Fen’. At a national level, it sits within National Character Area 46 The Fens.

7.16 The Cambridgeshire Landscape Guidelines 1991 summarise the key characteristics of the ‘fenland’ as follows: *“Fenland is a landscape of contrasts and variety. Superimposed upon the regimented and highly organised drainage patterns is a much more haphazard pattern of settlement and tree cover. It is a large open landscape and although appearing monotonous, it is in fact characterised by continuous change as the visual characteristics of one fen merge into the next. The open landscape provides distant views where the scattering of clumps and individual trees merge together to produce a feeling of a more densely tree-covered horizon.”*

7.17 When considering site specific and cumulative impacts, the Environmental Statement and supporting Landscape Visual Impact Assessment (LVIA) have taken into consideration the following committed and operational developments:

- 22/01154/CCA – Land between North Angle Solar Farm and Swaffham Prior Energy Centre (Cambridge Brick and Tile); and
- EN010106 – Sunnica NSIP (cabling and substation)
- North / South Angle Farm (Soham);
- Bracks Farm / Meadow View Farm (Wicken);
- Chittering Farm (Stretham);
- Six Oaks (Bottisham);
- Breach Farm (Exning);
- Heath Road (Swaffham Prior); and
- Hightown Drove (EDF) (Burwell)

7.18 Except for the most immediate sites, the majority of the above sites are considered to result in negligible cumulative impacts. This is on the basis that the supporting LVIA considers views from receptors beyond 2km will be at such distances that the proposals would form only a very minor proportion of the wider view, meaning impacts are barely perceptible to the casual observer.

7.19 When considering the overall impacts of the proposed development, the Environmental Statement concludes the following: *“In summary, it is considered that the Application Site will, whilst wholly replacing portions of the landscape character at the Site level, sit within the existing retained landscape character at the local, regional and national level. Whilst some negative adverse landscape and visual effects will arise from the proposed development, landscape and visual effects are largely limited to the Application Site and local level receptors only, as identified in this Assessment. Where adverse impacts have been identified these have been mitigated through the proposed landscape strategy, which seeks to soften the edge of the development and set built form back from sensitive edges.*

*Any anticipated effects are expected to reduce overtime as planting matures.”*

7.20 When taking into consideration embedded mitigation, the Environmental Statement ultimately concludes only residual Minor Adverse cumulative effects of the development proposals, and no significant environmental effects. This embedded mitigation includes the following:

- To provide a landscape context for the proposed development that is consistent, in scale with, and reinforces the landscape character of the locality and of the surrounding landscape context as set out within the local landscape management guidance;
- Set development to the south of the field parcel, away from the more sensitive northern boundary;
- Built form within the BESS compound is set behind new landscaped bunds;
- New native tree and hedgerow planting of appropriate species characteristic of the local landscape to provide screening to the main BESS compound;
- The sowing of species rich wildflower meadow to the areas surrounding the compound and the field parcel to the north of the Site to improve biodiversity;
- New wetland meadow planting surrounding the proposed waterbody.

7.21 It can therefore be concluded that at a localised level, the proposed development would result in moderate levels of harm into the short to medium term, reducing to low levels of harm as the planting and site establishes (Year 15+). With distance from the site, these impacts lessen considerably, and no significant effects on the environment are identified regarding landscape and character impacts individually or cumulatively. Some minor beneficial effects are also anticipated in the long term, with the introduction of new green and blue (water) infrastructure. Major beneficial long-term effects are anticipated in regard to the biodiversity net gain achieved on the site.

*Reasoned Conclusion on the Significant Effects of the Development on the Environment*

7.22 On the basis of the information provided and embedded mitigation, whilst local level harms are identified in the short to medium term, the Local Planning Authority is content that in the medium to long term, impacts of the proposed development upon the landscape, agricultural land and soils would not lead to significant adverse effects on the environment either individually or cumulatively, subject to the embedded mitigation identified. Long-term modest to significant benefits are however expected from the development, which is significant in EIA terms.

### Description of measures to avoid, prevent, reduce or offset

In regard to landscape impact, it was considered that a condition was required in order to ensure suitable landscape measures were incorporated, as well as associated maintenance.

In addition a landscape and ecology management plan is required to ensure the long term maintenance of the landscaping as well as biodiversity improvements.

Conditions for soil protection, handling and drainage are also required, to protect soil quality.

Finally a condition is required to ensure that the site is suitably restored once the BESS no longer required and/or the consent has expired or the site remained non-operational for an extended period of time. At this stage this could be a return to farm land and/or biodiversity enhancement (subject to compliance with mandatory Biodiversity Net Gain)

The specific conditions are listed below:

4. This permission shall be for a limited period only, expiring 40 years and six months after the date of the facility hereby permitted being first being brought into operational use (taken as when the development hereby approved has started to store or distribute electricity to/from the Grid). Written notification of the date of the facility hereby permitted being first brought into operational use shall be provided to the LPA no later than 14 days after the event.

**Reason:** To define the temporary permission, as the application has been assessed and determined on this basis, and in order to comply with the provision of Section 72 of the Town and Country Planning Act 1990.

5. No development, including vegetation/site clearance, shall commence on site until a detailed 'Landscape and Ecology Management & Monitoring Plan' (LEMMP) for all soft landscaping (including bunds and attenuation pond(s)) and habitat creation within the application site has been submitted to and approved in writing by the Local Planning Authority. This plan shall cover the operational lifetime of the development and include long term design objectives, management responsibilities, creation timescales and maintenance schedules for all landscaped areas of the development site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority for the duration of the development's lifetime. The Plan shall include, as a minimum, the following:
  - a) Details on the creation and management of all landscaping (including bunds and attenuation pond) and target habitats identified within the

Biodiversity Net Gain Assessment Report and Metric and approved landscape plan (Ref. UG\_2272\_LAN\_GA\_DRW\_301 REV P15) for on-site net gain.

- b) Survey and monitoring details for all target habitats identified within the Biodiversity Net Gain Assessment Report and Metric, including targeted review years.
- c) Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report.
- d) Details of and scheme of installation, inspection and maintenance of water vole/newt fencing for any attenuation pond(s) to be created as part of development.

**Reason:** To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), to secure the mitigation measures as set out within Chapters 6, 7 and 8 of the Environmental Statement, and in accordance with the Environment Act 2021 (Schedule 7A). This condition is pre-commencement as it relates directly to and informs the pre-commencement biodiversity condition set out under Schedule 7A of The Environment Act 2021.

6. No development including enabling works, demolition, site clearance and ground works shall commence on site, until a Construction Environmental and Traffic Management Plan (CETMP) to cover the construction phase of the hereby approved development. has been submitted to and approved in writing by the local planning authority. The CETMP shall include, but not be limited to, the following issues:
  - a) Parking and turning areas for construction and delivery vehicles and site personnel,
  - b) Site security and site compound for the construction phase,
  - c) Loading, unloading and storage of plant and materials used in constructing the development,
  - d) Temporary vehicle turning,
  - e) Measures to prevent mud/debris being deposited onto the public highway,
  - f) Construction lighting and measures to minimise light pollution,
  - g) Construction traffic routing and means of access,
  - h) any other controls to maintain highway safety during the construction phase,
  - i) Mitigation measures for noise, dust and lighting during the construction phase,
  - j) Soil management, soil protection and drainage measures (including subsurface).

The agreed CETMP must be adhered to at all times during all phases of the hereby approved development.

**Reason:** To safeguard the residential amenity of neighbouring occupiers in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and to secure the mitigation measures to protect soil quality as set out in Chapter 7 and 8 of the submitted Environmental Statement and in accordance with Policy ENV 6 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Renewable Energy SPD. The condition is pre-commencement as it requires the submission of details that are required prior to construction works starting on-site.

14. Prior to first operational use of the development hereby approved, all soft landscaping works (including bunds) shall be carried out in accordance with the approved scheme as shown on Drawing Ref. UG\_2272\_LAN\_GA\_DRW\_301 REV P15. If during the lifetime of the development any tree or plant dies, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and same species as that originally planted shall be planted at the same place, unless the Local Planning Authority gives it consent to any variation.

**Reason:** To safeguard the character and appearance of the area, safeguard and enhance biodiversity, and secure the mitigation measures set out within Chapter 6 and 8 of the submitted Environmental Statement, in accordance with Policies ENV 1, ENV2, ENV6, ENV 7 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

22. Not less than 12 months before the expiry of this permission (as defined by Condition 4), or the planned cessation of the site's operational use as a battery energy storage system/facility, whichever is the sooner, a decommissioning method statement (DMS) and Decommissioning Environmental and Traffic Management Plan (DETMP) shall be submitted to and approved in writing by the Local Planning Authority, detailing the removal of any building(s), plant/equipment and associated infrastructure approved under this consent, and restoration of the site and the timetable for doing so.

The site shall be decommissioned in accordance with the approved DMS, timetable and DETMP within 6 months of the expiry of this permission as defined by Condition 4 of this consent or within 6 months of the planned

cessation of the site's use, whichever is sooner. (Note: nothing in this condition supersedes the requirements of mandatory Biodiversity Net Gain).

**Reason:** Because the consent is for a limited (temporary) period and to safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

23. If following implementation of the permission the site fails to become operational within 24 months or having become operational becomes non-operational for a period exceeding 18 months within the time limit set by Condition 4, unless otherwise agreed in writing by the Local Planning Authority, the use shall be considered to have ceased. Within 3 months of such ceasing of the use, a decommissioning method statement (DMS) and Decommissioning Environmental and Traffic Management Plan (DETMP) shall be submitted to and approved in writing by the Local Planning Authority, detailing the removal of any building(s), plant/equipment and associated infrastructure approved under this consent, and restoration of the site and the timetable for doing so.

The site shall be decommissioned in accordance with the approved DMS, timetable and DETMP within 6 months of the ceasing of the use as defined above. (Note: nothing in this condition supersedes the requirements of mandatory Biodiversity Net Gain).

**Reason:** Because the consent is for a limited (temporary) period and to safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

### Monitoring measures

The process of monitoring the mitigation measures will be covered by planning conditions. The recommended conditions can be enforced (Breach of Condition Notice) if a developer fails to comply with them.

### Public participation process

The application has been advertised in accordance with the Town and Country Planning (development Management Procedure) (England) Order 2015 (as amended).

Two site notices were displayed near the site (at the entrance to Newnham Drove and along Hythe Lane, Burwell) on 11<sup>th</sup> March 2024 and a press advert was published in the Cambridge Evening News on 28<sup>th</sup> February 2024, 18<sup>th</sup> July 2024

## **Appendix 2**

and most recently on the 26<sup>th</sup> September 2024. Nine neighbouring properties were also consulted.

The application and all supporting documents have also been available to view on the Council's Planning Portal for the duration of the application.

The Planning Committee process allows for the Parish Council and members of the general public to speak.



**24/00323/FUL**

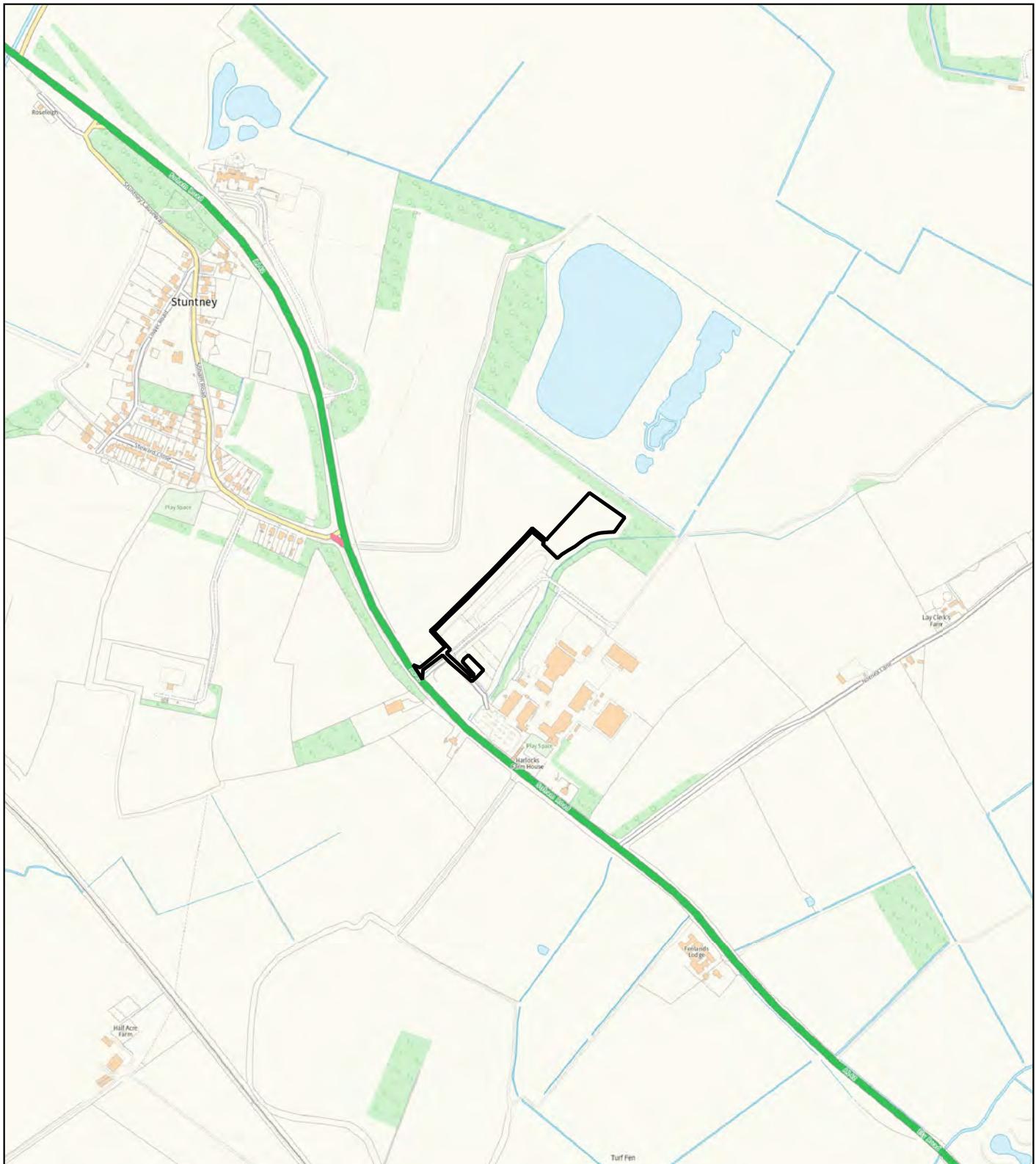
Land North West Of Harlocks Farm  
Soham Road  
Stuntney  
Cambridgeshire

Change of use of agricultural field to a dog park with fencing, double access gate and proposed footpath

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=SARDZHGGKOH00>





24/00323/FUL



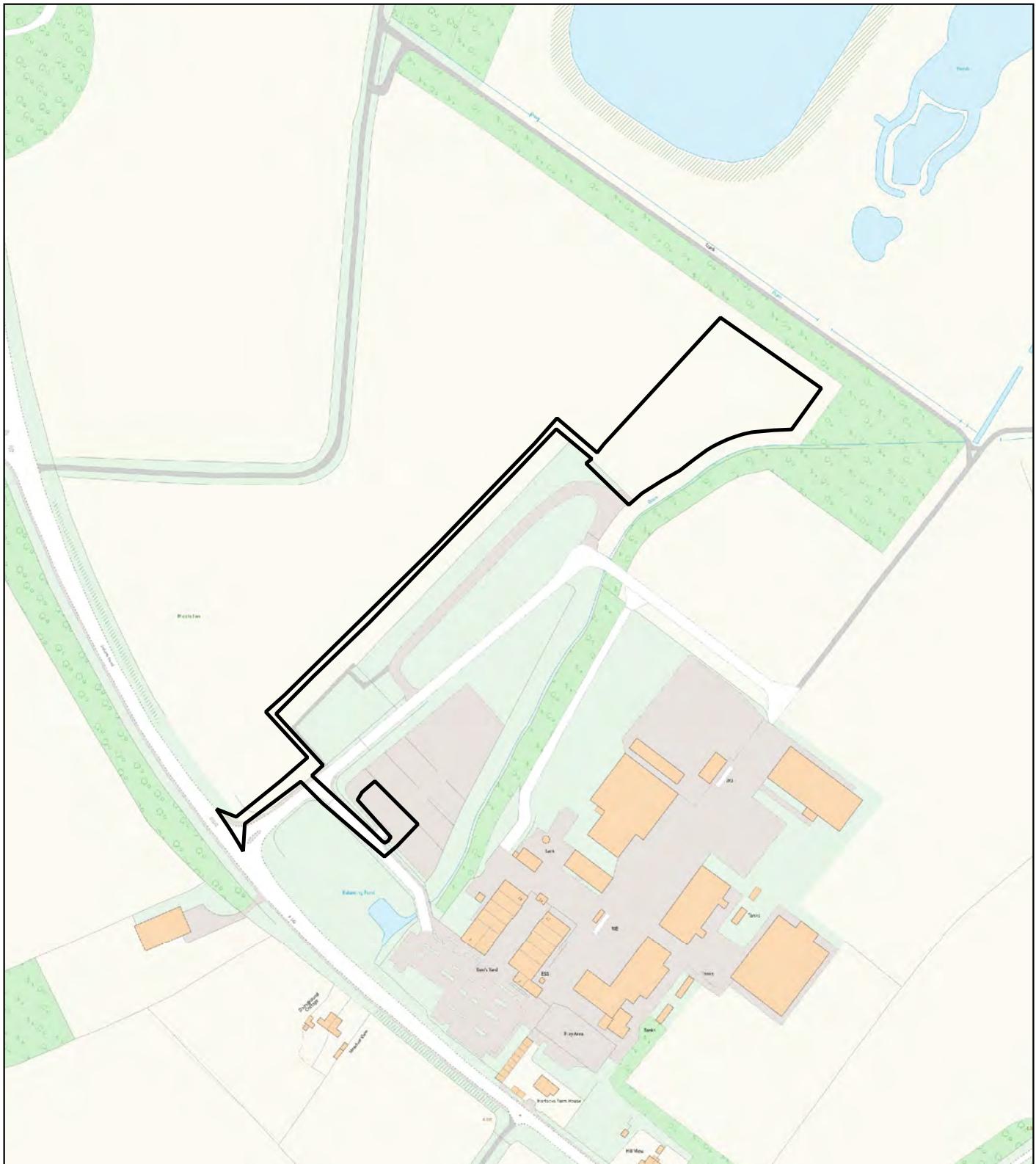
Land North West Of  
Harlocks Farm  
Soham Road  
Stuntney

East Cambridgeshire  
District Council

Date: 24/10/2024  
1:10,000



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24/00323/FUL



Land North West Of  
Harlocks Farm  
Soham Road  
Stuntney

East Cambridgeshire  
District Council

Date: 24/10/2024  
1:3,500



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**TITLE:** 24/00323/FUL

Committee: Planning Committee

Date: 6 November 2024

Author: Senior Planning Officer

Report No: Z85

Contact Officer: Gemma Driver, Senior Planning Officer  
gemma.driver@eastcambs.gov.uk  
01353 616483  
Room No 011 The Grange Ely

**Site Address:** Land North West Of Harlocks Farm Soham Road Stuntney Cambridgeshire

**Proposal:** Change of use of agricultural field to a dog park with fencing, double access gate and proposed footpath

**Applicant:** Cole Ambrose Limited

**Parish:** Ely

**Ward:** Ely East

Ward Councillor/s: Kathrin Holtzmann  
Mary Wade

**Date Received:** 21 May 2024

**Expiry Date:** 16 July 2024

## **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.

- 1 Approved Plans
- 2 Time Limit
- 3 Fence Details
- 4 Biodiversity Improvements
- 5 External Lighting Restriction
- 6 Equipment and Paraphernalia Restriction
- 7 Restriction of Gates, Fences and Walls
- 8 Hours of Operation
- 9 Dog park Restriction

## **2.0 SUMMARY OF APPLICATION**

2.1 The application comprises the change of use of an agricultural field to a dog park facility. The site falls just below 1 hectare in size, measuring c. 0.98ha. The site is currently bounded by wooden post and rail fencing on all sides with associated access gate. The proposal includes the provision of new fencing although specific details have not been provided. No further equipment is proposed as part of this application.

2.2 The site is accessed via an existing access off the A142 that serves the main Ben's Yard retail site via a primary access road. The site itself provides pedestrian access via an existing landscaped footpath taken from the primary access road over the field to the North East. The proposals would utilise the over-flow car park provided on the Ben's Yard site to the South and no additional access or parking provision is proposed as part of the development.

2.3 The application is being presented to Planning Committee following the request from the Chair of Planning Committee that “the decision would be better dealt with via Planning Committee”.

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 *Adjacent Site History:*

**23/00761/FUL – Land Northeast of Ben's Yard and Harlocks Farm access road**  
Development of four tennis courts with external lighting, fencing, clubhouse and associated parking, drainage, utilities and landscaping

**Refused**

10 October 2023

**23/00404/FUL – Building to rear of Ben's Yard**

Change of use of existing agricultural building to flexible B2, B8 & agricultural use, and erection of additional hardstanding and associated infrastructure

**Approved**

29 August 2023

3.2 *Harlocks Farm (Ben's Yard):*

**18/01793/FUM – original application**

Proposed demolition of existing buildings and the erection/ conversion of buildings to provide Class A1 (Retail), Class A3 (Cafe/ Restaurant), Class D2 (Leisure/ well-being), Sui Generis (Micro-brewery) uses (together with ancillary storage, office & administration space in association with these uses) access, parking, children's play area, landscaping, service yards & associated infrastructure

**Approved**

7 May 2020

**23/00367/VARM**

To vary condition 25 (floor space limit) of previously approved 18/01793/FUM for the proposed demolition of existing buildings and the erection/ conversion of buildings to provide Class A1 (Retail), Class A3 (Cafe/ Restaurant), Class D2 (Leisure/ well-being), Sui Generis (Micro-brewery) uses (together with ancillary storage, office & administration space in association with these uses) access, parking, children's play area, landscaping, service yards & associated infrastructure

**Withdrawn**

11 May 2023

**23/00161/VARM**

To vary condition 31 (no retail floor space to be occupied by a retail multiple) of previously approved 18/01793/FUM for proposed demolition of existing buildings and the erection/ conversion of buildings to provide class a1 (retail), class a3 (cafe/ restaurant), class d2 (leisure/ well-being), sui generis (micro- brewery) uses (together with ancillary storage, office & administration space in association with these uses) access, parking, children's play area, landscaping, service yards & associated infrastructure

**Withdrawn**

2 May 2023

**23/01056/VARM**

To vary Condition 18 (opening hours) of 18/01793/FUM, relating only to the restaurant and café

**Approved**

16 July 2024

**4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The application site comprises an existing agricultural field located to the North West of the Ben's Yard retail site. The field is within the same ownership at the wider Ben's Yard site and there are existing landscaped walks that provide access around the field subject to this application.

4.2 To the North and East of the site is dense vegetation made up of trees and hedging, although none lie within the field itself. Beyond the tree belts to the North and East are agricultural fields and to the West of the site are existing agricultural fields.

**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.

**Ely City Council - 18 June 2024**

"The City of Ely Council recommends refusal due to intensification of use of an already troubled junction and loss of agricultural land without good reason."

**Local Highways Authority - 19 June 2024**

"Recommendation

On behalf of the local highway authority, I raise no objections to the proposals.

## Comments

None of the proposals included within this application look to materially impact the public highway. The district council should be satisfied that proposed use of the overflow car park does not have any detrimental impact on any committed development that may be reliant on this car park.”

### **East Cambs Ecologist – 3<sup>rd</sup> Consultation: 7 October 2024**

“Support

#### Conditions required:

Ecological enhancements as detailed in the Preliminary Ecological Report, 2/10/2024”

### **East Cambs Ecologist – 2<sup>nd</sup> Consultation: 23 September 2024**

“Documents Reviewed: PEA 13/09/2024

Headline: No objection, ecological enhancement recommendation to remain inside the redline boundary.

Ecological Context: low biodiversity value grassland to remain.

Protected and priority species: n/a

Enhancement suggested: bird and bat boxes note this would be outside the redline boundaries, alternative recommendation for onsite could be 2 invertebrate hotels on the fence in full sun.

Biodiversity Net Gain: exempt”

### **East Cambs Ecologist – 1<sup>st</sup> Consultation: 25 June 2024**

“There are no ecological considerations submitted to comment on. This application is exempt from mandatory Biodiversity Net Gain if there is no impact to the habitats onsite.

Please provide evidence the habitat present and details if any protected species will be impacted by this.”

### **Cadent Gas Ltd - 6 June 2024**

“After receiving the details of your planning application, we have completed our assessment. We have no objection in principle to your proposal from a planning perspective”.

### **Cadent Gas Ltd - 3 June 2024**

“Holding objection

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application which is in the vicinity of our gas asset/s. We are placing a holding objection on the proposal whilst our engineering team reviews the available information. We will be in touch once we have reviewed the proposals in more detail. In the meantime, we may contact you for more information to help us make the decision.”

**The Ely Group of Internal Drainage Board - 4 June 2024**

“This application for development is within the Middle Fen and Mere Internal Drainage District.

The Board has no objections from a drainage point of view.”

**Chair of Planning Committee – 28 June 2024**

“As discussed with case officer. This decision would be better dealt with via Planning Committee. I would anticipate variations of views which would best be dealt with by x11 pairs of eyes.”

**Environment Agency - 26 June 2024**

“Thank you for the consultation dated 06 June 2024. As the proposed change of use does not include any built development or ground level raising within undefended Flood Zone 3, we have no objection to the proposed change of use on flood risk grounds.”

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

**Ward Councillors - No Comments Received**

5.2 A site notice was displayed near the site on 3 June 2024 and a press advert was published in the Cambridge Evening News on 6 June 2024. Neighbours – No neighbouring properties were notified.

5.3 One response has been received are summarised below. A full copy of the response is available on the Council’s website.

- Support received from an individual who is a local dog trainer, Behaviourist and boarding kennel owner
- Secure dog walking fields offer dog owners the facility of walking their pets off lead without the risk of interference of other dogs, or their dogs interfering with other members of the public.
- Such facilities are often booked out indicating that demand is currently far greater than supply.
- Should be encouraging this kind of diversification.

**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 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood Risk
COM 4	New community facilities

COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents  
*Cambridgeshire Flood and Water SPD*  
*Natural Environment SPD*  
*Climate Change SPD*

6.3 *National Planning Policy Framework (December 2023)*  
 2 Achieving sustainable development  
 4 Decision-making  
 6 Building a strong competitive economy  
 9 Promoting sustainable transport  
 11 Making effective use of land  
 12 Achieving well-designed and beautiful places  
 14 Meeting the challenge of climate change, flooding and coastal change  
 15 Conserving and enhancing the natural environment  
 16 Conserving and enhancing the historic environment

6.4 *Planning Practice Guidance*

**7.0 PLANNING COMMENTS**

7.1 The main issues in the consideration of this applications are:
 

- Principle of development
- Residential amenity
- Character and appearance
- Highways safety and parking
- Biodiversity
- Other matters

7.2 **Principle of Development**

7.3 The application site is located wholly outside of the development framework of Stuntney, Ely and Soham, and therefore located in a countryside location.

7.4 Paragraph 83 of the Framework seeks to support the sustainable growth of all types of business and enterprise in rural areas.

7.5 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for the district and sets out that development is to be concentrated within defined settlement envelopes. It stipulates that outside development envelopes, development will only be permitted in exceptional circumstances. Policy COM 4 relates to new community facilities and is one of those exceptions.

7.6 Policy COM 4 states:  
 “Proposals for new or improved community facilities should be located within settlement boundaries wherever possible. In exceptional circumstances facilities may be permitted in the countryside, where there is a lack of suitable and available

land within settlements, or where a rural location is required. Proposals for all new or improved community facilities should:

- *Be well located and accessible to its catchment population (including by foot and cycle).*
- *Not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated.*
- *Not have a significant adverse impact on the character of the locality, or the amenity of nearby properties.*
- *Demonstrate that opportunities to maximise shared use have been explored; and*
- *Be designed to facilitate future adaptation for alternative community uses or shared use*

7.7 When considered in isolation, the site is located some distance from the built-up settlements of Ely and Soham. Furthermore, those visiting the site on foot from Stuntney would be required to cross the A142 using the traffic island. Therefore, these journeys are not considered to be the most appealing walkable or cyclable routes and in terms of accessibility to the site it is unlikely for users of the site to walk from neighbouring settlements. The site's location would therefore rely on users accessing the site via private vehicle. Whilst this is not promoted by Policy COM 4, the proposed end use is for a dog park, where there would be comings and goings from the site and noise of dog's barking. This end use is not reliant on being close to an existing settlement and would not be suitable to be situated in proximity to built-up residential areas where other concerns may arise with regard to the amenity of occupiers. It is therefore accepted that this specific end use requires a location removed from residential properties and this is likely to be towards the edge of, or outside of, settlements given the size of the site required.

7.8 In terms of trip generation, given the nature of the use being to provide an enclosed environment for dogs to walk and run safely it is unlikely that a high frequency of users will visit the site at any one time. Furthermore, as elaborated below, the highways officer does not consider the proposal to have a material impact on the public highway.

7.9 The visual impact of the proposal will be discussed further within the contents of this report. However, the proposal would have a limited impact on the visual character and appearance of the area given the only physical structures being limited to boundary fencing which, subject to the height and appearance, would not interrupt views within the wider landscape.

7.10 The final two criteria of policy COM4 relate to maximising shared use and being designed to facilitate adaptation for future community uses. The proposal is designed for the specific use of exercising dogs, and it is not considered appropriate, given the nature of the use requiring such location, for the site to be promoted for shared use. Additionally, it is considered that this specific use and the amount of land required, in this instance, is appropriate in a location away from the built-up residential areas; whereas future adaption for other community uses would need to demonstrate that they would be appropriate in this rural countryside location. Notwithstanding this, it is considered that given there are to be no structure or built form on the site, that the

site could easily revert to an agricultural use if the proposed use ceased to be required.

7.11 For these reasons it is considered that the proposal meets the requirements of policy COM4 of the Local Plan 2015.

## 7.12 **Residential Amenity**

7.13 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.14 Policy COM 4 states that proposals for all new or improved community facilities should not have a significant adverse impact on the character of the locality, or the amenity of nearby properties.

7.15 Paragraph 135(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

7.16 The nearest dwelling to the site is in excess of 380m away to the South of the site, beyond the Ben's Yard site. Given this significant separation there are no concerns with regards to the impact of the proposal on neighbouring properties. The proposals do not include the provision of any external lighting that could result in light spill. On the basis of the above information, and subject to a condition restricting external lights, the application is not considered to cause harm to the amenity of neighbouring occupiers in accordance with the above mentioned local and national policies.

## 7.17 **Visual Amenity**

7.18 Policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.

7.19 Policy COM 4 states that proposals for all new or improved community facilities should not have a significant adverse impact on the character of the locality.

7.20 Paragraphs 135 and 139 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions.

7.21 The application seeks a change of use from an agricultural field to a dog park. The physical development proposed is the erection of fencing. Given that no structures other than boundary fencing required to facilitate the change of use, the impact of the proposal on the character and appearance of the landscape is considered minimal. Notwithstanding, specific details of the proposed fencing have not been provided with the application and it is therefore necessary to secure this through condition given the openness of the site.

7.22 With the exception of boundary fencing, no built form or structures are proposed at the site. Introduction of such structures and other equipment or paraphernalia are likely to cause some conflict with the openness of the surrounding countryside landscape. The minimal physical structures involved in facilitating this development weigh in its favour given that this not only ensures harmony with the surrounding openness of the countryside but also allows for easily reversible development, should the use be no longer required in the future. There are concerns from Officers that introduction of lighting and additional infrastructure could result in urbanisation in this otherwise unspoilt countryside location and undermine the merits weighing in favour of this low development level proposal.

7.23 In order to ensure compliance with the relevant policies in protecting both immediate views and wider landscape character, and to ensure the development does not result in an urbanisation of the countryside, it is considered necessary to append relevant conditions to restrict additional development. In this instance, a condition would be applied to ensure no structures, equipment or associated paraphernalia are brought onto site. Furthermore, no lighting has been proposed as part of the application, given that the introduction of lighting can result in light pollution and detrimental impact to the countryside setting it is necessary to restrict this through condition.

7.24 As outlined further in this report, it is also relevant to note that the application has been accepted as being 'de minimis' in respect of BNG on the grounds that no built structures, with the exception of the fencing, are being introduced. It is therefore relevant to restrict the introduction of any additional fencing to ensure that the proposals would not fall foul of the de minimis exemption in compliance with the mandatory BNG requirements.

7.25 Subject to the aforementioned conditions, the proposal is considered to comply with Policies ENV 1, ENV 2 and the relevant part of Policy COM 4 of the East Cambridgeshire Local Plan, 2015 (as amended 2023).

7.26 **Highways**

7.27 Policy COM 7 of the Local Plan states that development should be designed to reduce the need to travel and requires that development proposals provide safe and convenient access to the highway network whilst being capable of accommodating the level/type of traffic generated without detriment to the local highway network. Policy COM 4 of the East Cambridgeshire Local Plan, 2015 states that proposals for all new or improved community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated.

7.28 Policy COM 8 seeks to ensure that proposals provide adequate levels of parking.

7.29 The City of Ely Council have raised concerns with regards to the intensification of use of an already troubled junction. The Highways Authority have confirmed that they have no objections to the application as the proposals would not materially impact the public highway. Whilst Officers understand the concerns raised by the City of Ely, given the satisfaction of highways officers and the existing provision of an access to the site, the proposal would not fall foul of Policy COM 7 that requires a safe and convenient access.

7.30 In terms of parking provision, whilst no details have been provided regarding the booking process of the dog park, given the established junction off the A142 together with the proposal relying on the overspill car park for Ben's Yard for its car parking, it is considered that the site is set up to accommodate this likely low additional parking increase.

7.31 The increase in trips coming and going from the site is therefore not considered to be a significant increase beyond the existing situation and parking can be accommodated within an existing area providing over-spill parking for Ben's Yard.

7.32 On this basis the proposal is considered to meet the requirements of policies COM7 and COM8 of the East Cambridgeshire District Council Local Plan 2015 (as amended)

7.33 **Ecology and BNG**

7.34 The application form states that the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) does not apply. Further stating that the proposal is exempt as the development is subject to the de minimus exemption and that the development does not impact a priority habitat.

7.35 Paragraph 180 (d) of the NPPF seeks for developments to contribute and enhance the natural environment by minimizing impacts and providing net gains for biodiversity. In addition, the Natural Environment SPD seeks to establish biodiversity net gain through policy NE6. The Local Plan 2015 (as amended 2023) includes policy ENV7 which seeks to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species.

7.36 In order to comply with national and local policy regarding the needs for ecological enhancement the proposal would require a scheme of biodiversity improvements. Measures are proposed in the submitted Preliminary Ecological Appraisal by provision of invertebrate hotels on the fence in full sun. A condition will be appended to secure these prior to first use.

7.37 On that basis, the proposed development is considered to be acceptable in terms of its impact on biodiversity interests on site in accordance with policies ENV1 and ENV7 of the ECDC Local Plan 2015. (as amended 2023) and policy NE.6 of the Natural Environment SPD.

7.38 **Other Material Matters**

7.39 *Flood Risk and Drainage*

7.40 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The application site is located within Flood Zone 3. The change of use is considered to be less vulnerable and therefore a sequential test is not required, and standing advice applies.

7.41 **Planning Balance**

7.42 Officers acknowledge that there is policy conflict with COM 4 of the Local Plan due to the sites rural location requiring visitors to rely on private vehicle to access the site. However, as noted above, a location removed from residential properties and with a large site area is required for this specific use and it is unlikely that a suitable location delivering these requirements would be found within a defined settlement boundary. Furthermore, dog walking, by its very nature is considered a rural activity, with the wider Ben's Yard site itself being set up to accommodate dogs both within the site and on the walking trails.

7.43 Officers note that an application adjacent to the site for proposed tennis courts (ref. 23/00761/FUL) has been previously refused. The merits of each application have been carefully considered on their own basis. The current application is considered to complement the existing offering at Ben's Yard, which hosts a range of 'social dog walks' on a monthly basis. Furthermore, with the wider site itself being considered as 'dog friendly', this provides the potential for those using the proposed dog park to go on to enjoy activities provided at Ben's Yard. In this regard, the intended dog park could be considered an ancillary offering to the Ben's Yard site, and albeit a very modest economic benefit, this does weigh in support of the application.

7.44 Officers have drawn distinct differences between the current proposed dog park proposal and the previously refused application for tennis courts on the neighbouring site in balancing the application. The current proposals bring significant benefits in being minimal in its built infrastructure and a reversible use should its function cease in the future.

7.45 Therefore, for the reasons outlined above the application is recommended for approval, subject to the conditions listed below.

## **8.0 COSTS**

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

8.2 Unreasonable behaviour can be either procedural 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 specific use of a dog park requiring a location removed from residential properties
- The lack of physical structures required to facilitate the development

## **9.0 APPENDICES**

### Background Documents

24/00323/FUL

23/00761/FUL

18/01793/FUM

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

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

## **9.1 Appendix 1 - Conditions**

## APPENDIX 1 - 24/00323/FUL Conditions

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

Plan Reference	Version No	Date Received
P24_032_PL_003_V1		21st May 2024
P24-032-PL-002	V1	24th April 2024
P24_032_PL_001_V1		22nd March 2024
HW1118.1.0 Preliminary Ecological Appraisal	1.1	2nd October 2024

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

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

3 Prior to the commencement of use, details of the boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to first use and retained for the lifetime of the development.

3 Reason: To safeguard the character and appearance of the countryside, in accordance with policies GROWTH2, ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

4 Prior to commencement of use, the biodiversity enhancements as specified within the Preliminary Ecological Appraisal dated 2 October 2024 shall be installed. Details shall be maintained in accordance with the approved details and retained for the lifetime of the development.

4 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.

5 No external lighting shall be erected within the site (either freestanding or building mounted) without the prior written approval of the Local Planning Authority.

5 Reason: To safeguard the character and appearance of the countryside, in accordance with policies GROWTH2, ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

6 Notwithstanding details agreed within condition 3, no structures, equipment or other paraphernalia other than those identified on drawing no. P24\_032\_PL\_001\_V1 shall be brought onto the site without the prior written approval of the Local Planning Authority.

- 6 Reason: To safeguard the character and appearance of the countryside, in accordance with policies GROWTH2, ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7 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 within the curtilage of the site other than as shown on the plans listed in condition 1, or as otherwise may be agreed pursuant to details submitted under any other conditions attached to this permission.
- 7 Reason: To safeguard the character and appearance of the countryside, in accordance with policies GROWTH2, ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 8 The premises shall only be used between the hours of 07.00 - 19.00 Monday - Saturday, and 08.00 to 17.00 Sunday and Bank Holidays.
- 8 The application has been assessed as acceptable and complying with policy COM 4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) on this basis.
- 9 The use of the development hereby approved shall only permit a dog park on the land and therefore shall exclude any professional training, obedience, agility classes or similar.
- 9 The application has been assessed as acceptable and complying with policies GROWTH 2, ENV 2 and COM 4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) on this basis.





**24/00366/FUL**

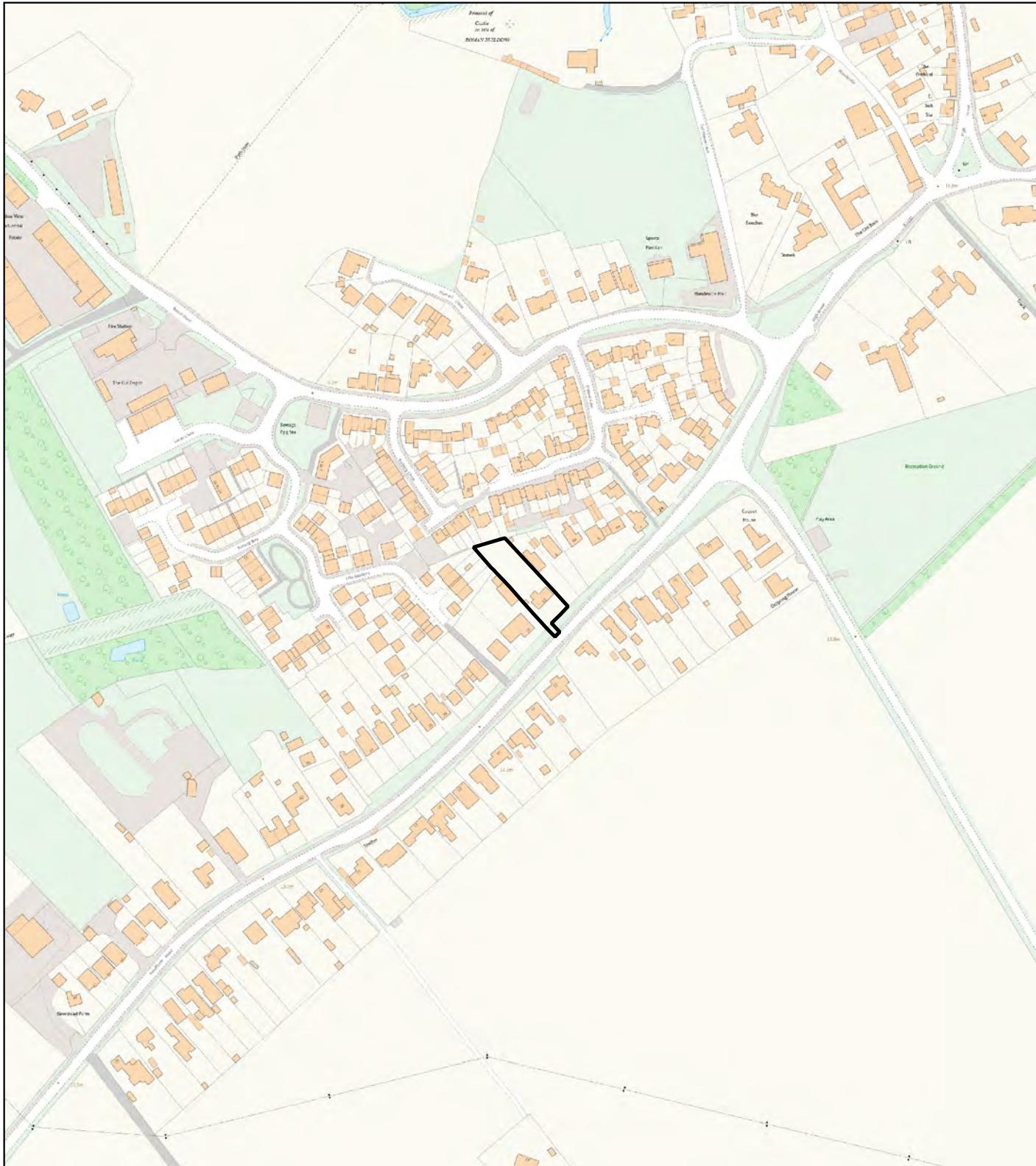
12 Swaffham Road  
Burwell  
Cambridge  
CB25 0AN

Demolition of single garage, construction of two semi detached bungalows and associated works

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=SCPEZDGG0CU00>





24/00366/FUL



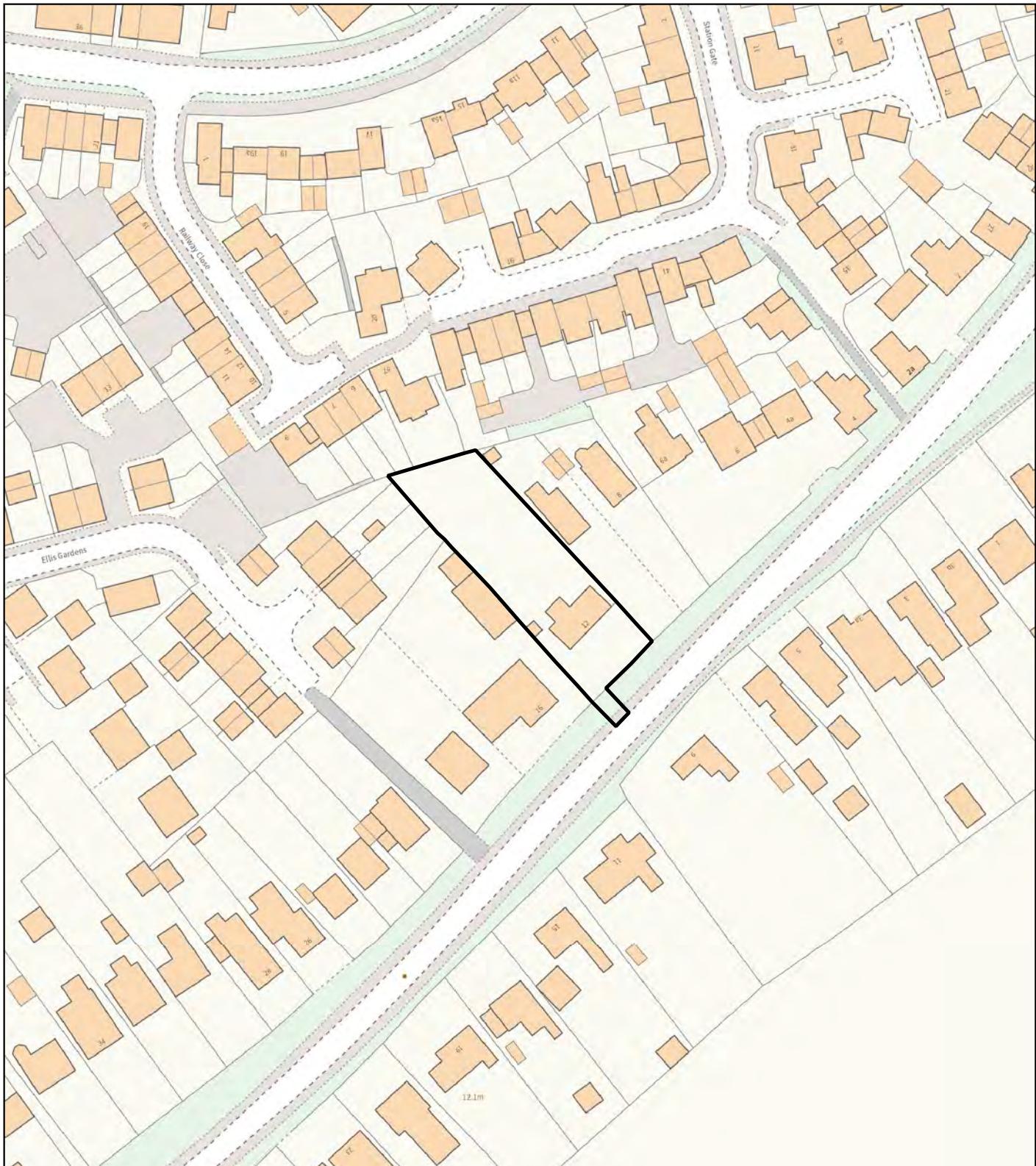
12 Swaffham Road  
Burwell

East Cambridgeshire  
District Council

Date: 24/10/2024  
1:3,500



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24/00366/FUL



12 Swaffham Road  
Burwell

East Cambridgeshire  
District Council

Date: 24/10/2024  
1:1,250



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**TITLE:** 24/00366/FUL

Committee: Planning Committee

Date: 6 November 2024

Author: Planning Officer

Report No: Z86

Contact Officer: Charlotte Sage, Planning Officer  
Charlotte.Sage@eastcambs.gov.uk  
01353 616353  
Room No 011 The Grange Ely

**Site Address: 12 Swaffham Road Burwell Cambridge CB25 0AN**

**Proposal: Demolition of single garage, construction of two semi detached bungalows and associated works**

**Applicant: Mr & Mrs M Smith**

**Parish: Burwell**

**Ward: Burwell**

Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received: 17 June 2024**

**Expiry Date: 12 August 2024**

**1.0 RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reasons outlined below.

1.2 Principle of Development

The application proposes in-depth development in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal creates an incongruous form of development which would harm the settlement pattern of the area, and the proposal by virtue of its siting, scale, and massing, would represent overdevelopment, detrimental to the character and appearance of the area.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks planning permission for the demolition of a single garage to the left of the host dwelling, to make way for a new driveway and the construction to two single storey bungalows to the rear.
- 2.2 The proposed layout includes two parking spaces for each of the proposed dwellings and the retention of two parking spaces from the host dwelling to the front of the site. No provision has been made for the inclusion of cycle parking spaces.
- 2.3 Landscaping has been proposed including new trees and hedgerows to the front and middle of the site, as shown on the submitted Soft Landscaping Scheme.
- 2.4 The application has not received any amendments to the design or layout during the course of the application.
- 2.5 Additionally, details were submitted in the form of a streetscene plan and a written statement from the agent in response to the neighbours' comments to the application.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.7 This application has been brought to planning committee at the request of Cllr Edwards due to "a precedence for back land development has already been set with other properties elsewhere."

## **3.0 PLANNING HISTORY**

- 3.1 There is no relevant on site planning history.
- 3.2 There is relevant planning history on nearby dwellings along Swaffham Road, as shown below:

### **23/00973/FUL**

58 Swaffham Road, Burwell

2 x single-storey dwellings, amended access, double garages, parking and site works

**Refused**

25 October 2023

**Appeal Dismissed**

### **19/00950/OUT**

58 Swaffham Road, Burwell

Outline planning application (all matters reserved except access) for the erection of five dwellings with a new access and associated works

**Refused**

13 September 2019

**Appeal Dismissed**

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

- 4.1 The application site comprises of an existing residential garden for No.12 Swaffham Road. The site is predominantly amenity grass land with trees, hedgerows and shrubs along the side and rear boundaries.
- 4.2 There is an existing driveway with access from Swaffham Road, and parking for the host dwelling at No.12 on the existing driveway. The existing front garden to No.12 is also used for the parking of vehicles for this existing dwelling.
- 4.3 There is an existing single garage to the rear of the driveway located next to the existing Leylandii Tree within the neighbouring boundary.
- 4.4 To the north eastern boundary, the bungalow dwelling of No.10 Swaffham Road abuts the boundary fence, and to the south western boundary the Garage and large leylandii tree to No.14 Swaffham Road.
- 4.5 To the rear of the site are dwellings situated on Station Gate and Railway Close, and large 3 storey dwellings to Ellis Gardens abutting the north western corner of the development site.

## **5.0 RESPONSES FROM CONSULTEES**

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

### **Cambridgeshire Archaeology - 1 July 2024**

Records indicate that the development lies in an area of high archaeological potential within an area of early Anglo Saxon settlement (Cambridgeshire Extensive Urban Survey 2015), and to the south of the scheduled remains of Burwell Castle (National Heritage List Entry reference. 1015596). Archaeological evaluation works have been undertaken to the adjacent north and west of the development area, which revealed ditches, post holes and pitting of an Anglo-Saxon to medieval date (CHER ref. MCB31195).

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. An archaeological condition and informative is required.

### **Cadent Gas Ltd - 25 June 2024**

Application to review the attached plans, which detail the Cadent gas asset/s in the area. If the application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. A standard informative is suggested for the decision notice.

### **Cadent Gas Ltd - 24 June 2024**

The application received a holding response from Cadent Gas. This is superseded by the response dated 25 June 2024.

**Parish - 9 October 2024**

Burwell Parish Council have no objections to this amendment.

**Parish - 10 July 2024**

Burwell Parish Council Objects to this application.

Previously it was stated that there should be no back fill properties on Swaffham Road. Allowing this would set a precedent for allowing back filling along the rest of the road.

**Environmental Health - 10 July 2024**

As stated in the Existing Use section of the application form, where land contamination is known or suspected, or the proposed use would be particularly vulnerable to the presence of contamination, an appropriate contamination assessment will be required with the application. Residential use is a proposed use that would be particularly vulnerable to the presence of contamination. The applicant will need to supply an appropriate contamination assessment with the application. A basic environmental search report may suffice.

**East Cambs Ecologist - 11 October 2024**

Currently this application provides a net loss -39.20% Biodiversity Net Gain. However, it would be ecologically acceptable to purchase offsite units from a local provider within the LPA area or the East Anglian Chalk National Characteristic Area. They require 0.0898 habitat biodiversity units.

BNG pre-commencement conditions for nonsignificant onsite are required. A LEMP or Small Site HMMP is also required and should include Ecological Enhancements.

Precautionary construction measures must be followed as set out in the PEA.

**Environmental Health - 19 June 2024**

A condition for Standard Construction and Demolition times has been suggested. If piling is required, then a method statement should be agreed in writing with the LPA before work takes place.

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

**ECDC Trees Team - 14 October 2024**

No tree related objections to the proposal, please condition compliance with the two tree reports' recommendations.

The Soft landscaping scheme will need to be revised as the use of soft fruit baring trees over parking areas will be un-suitable for their long-term retention as will the use of trees that support a high aphid population due to the sticky residue (honey dew) that will be deposited on parked vehicles.

The current scheme has 4 trees out of the 7 proposed that are unsuitable for long-term retention. A revised soft landscaping scheme can be agreed by condition if required.

**Waste Strategy (ECDC) - 26 June 2024**

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 smooth surface level).

**Local Highways Authority - No Comments Received****CCC Growth & Development - No Comments Received****The Ely Group Of Internal Drainage Board - No Comments Received****Ward Councillors - No Comments Received**

5.2 A site notice was displayed near the site on 28 June 2024.

5.3 Neighbours – 11 neighbouring properties were notified, and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Character
- Density
- Contrived Layout
- Proposed is for backland development.
- Plot Sizes under recommended size
- Impact on Residential Amenity
- Noise and disturbance to host dwelling from driveway
- Concerns with privacy for No.12
- Two storey properties on Railway Close will overlooking the gardens of the proposed dwellings.
- The distance from the rear elevation of plot 2 to the rear boundary does not comply with 10m guideline set out in the Design Guide SPD.
- Concern over the construction works required for the demolition of the garage and alterations to the driveway due to the neighbouring Leylandii tree.
- Proposed bin storage locations exceed the East Cambridgeshire District Council maximum acceptable distance.
- Proximity of proposed bungalows to rear boundary fence
- Loss of light and overshadowing to property and garden.
- Concerns with Tree retention
- Concerns with the Biodiversity Net Gain Assessment. Bats will be severely hindered by the erection of the proposed bungalows.
- Removal of PD rights for windows

## **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 5	Presumption in favour of sustainable development
HOU 2	Housing density
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
COM 7	Transport impact
COM 8	Parking provision

### **6.2 Supplementary Planning Documents**

Developer Contributions and Planning Obligations
Design Guide
Flood and Water
Natural Environment SPD
Climate Change SPD

### **6.3 National Planning Policy Framework (December 2023)**

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

### **6.4 Planning Practice Guidance**

### **6.5 National Design Guide**

6.6 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).

## **7.0 PLANNING COMMENTS**

### **Principle of Development**

7.1 Section 5 and 11 of the National Planning Policy Framework (NPPF) seeks to promote the delivery of a sufficient supply of homes and secure the efficient use of land within settlements.

7.2 The application site lies entirely within the development envelope for Burwell, where Policy GROWTH 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) applies. This seeks to permit development within the policy defined development envelope, provided there is no significant adverse effect on the character and appearance of the area, and that all other material planning considerations and relevant Local Plan Policies are satisfied.

7.3 Concerns in relation to Backland Development is discussed later in the report. Whilst the Design Guide SPD is not afforded the same weight as Policies within the Local Plan 2015 (as amended 2023) it is a material consideration in the determination of the application. The concerns Officers have with the backland development, are combined with concerns raised within the Character and Visual Amenity Section of this report but are briefly discussed below.

7.4 The Design Guide SPD states that Backland Development will only be acceptable if supported by a contextual analysis of the locality.

7.5 *Officers do not consider this development site to have any backland development context. The development pattern of Swaffham Road is strictly linear on both the north and south of Swaffham Road. To the rear of the site is a large 2000s housing estate which is afforded a completely different character and appearance to that of the development site. This does not contribute towards any backland or density context for these proposals.*

7.6 *To the north east of the development site, are two bungalows that are set back a significant distance from the highway. The two bungalows have unusually large front gardens for the area with a long shared driveway. Their position is an anomaly within the streetscape and are entirely uncharacteristic of the locality. Their position cannot be considered contextual backland development by virtue that there is no dwelling to the front of the site, they are simply built rewards of the building line.*

7.7 There are no other instances of backland development on Swaffham Road, from the entrance to the settlement of Burwell (west) to the junction with Reach Road where the B1102 changes to High Street. The linear characteristics and dwelling appearances along Swaffham Road change substantially beyond the junction with Heath Road. Therefore, Officers are confident that no other backland development is apparent on Swaffham Road, and there is no contextual background to the provision of backland development.

7.8 There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway.

7.9 *The proposals appear to have a sufficient amount of space to accommodate an access road to the rear. Highways have not commented on the application; therefore, Officers are unable to provide any technical response to the proposals. However, matters relating to highways and parking are discussed later in this report.*

7.10 Adequate protection against noise and disturbance must be provided for the host dwelling;

7.11 *The proposed bungalows have been set back from the host dwelling (also a bungalow) with a wooden fence to the rear boundary, and the driveway and parking areas for proposed dwellings thereafter.*

7.12 *Neighbours have raised concerns over the increase in noise and disturbance that is likely to be experienced by the Host Dwelling, through the use of the new access road for vehicles to the rear. There are also existing windows to the side of the bungalow that residents have raised concerns as the key area for potential noise disturbance. The use of the driveway will be intensified through the provision of two new dwellings, therefore there will be an increase in noise and disturbance. Whilst an impact may occur, Officers have received no concerns from Environmental Health with regards to the movement of vehicles or the increase in noise and disturbance, therefore only limited weight will be applied to the impact on residential amenity.*

7.13 Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;

7.14 *There is no adjacent land that could be included within this proposal due to the constraints of the site. The site is surrounded on all sides by existing residential dwellings and gardens.*

7.15 The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;

7.16 *The proposals seeks to construct two dwellings in a backland location. Officers consider the provision of two dwellings in this location to be an overdevelopment of the site, and in great contrast to the density of dwellings along Swaffham Road. It is however, noted that the proposals include a statement in response to neighbours' comments. The statement looks to justify the provision of two dwelling by making comparisons of the proposed density and a justification for the smaller plot sizes than recommended in the Design Guide SPD. Whilst this is a consideration, Officers must also have due regard to the overall character and appearance of the site, including visual and residential amenity. It is considered that overall, there is not sufficient justification for the construction of two dwellings in a backland location.*

7.17 There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots. It is important to retain a stock of housing that can accommodate the growth aspirations of Ely and the larger settlements in East Cambridgeshire, where there will be a demand for 'executive' style dwellings.

7.18 *This point has been indirectly discussed in the above paragraphs.*

7.19 **Residential Amenity**

7.20 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 135(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

7.21 The dwellings are single storey and would be arranged to afford future occupiers with sufficient private amenity space, on-site manoeuvrability, waste bin storage and without exposure to any adverse overshadowing or overbearing impacts. Likewise, having regard to the same impacts, existing residents would be unlikely to be

adversely affected through the development. There may be some element of overlooking perceivable from the two-three storey dwellings set back from the rear of the site, however, these are considered to be above and beyond the suitable back to back distances as required in the Design Guide SPD, and therefore, is considered to have limited impact on the residential amenity of the proposed dwellings.

7.22 Concerns have been raised by neighbours about the noise and disturbance that could be produced as a result of the new access road to the rear of the host dwelling. Officers agree that there will be additional noise, vibration and disturbance from use of the access road by a minimum of 4 vehicles. These vehicles would be travelling behind the existing building line, in line with neighbouring gardens and other bungalows. Officers consider the increased vehicle movements to cause some noise and disturbance impact to the host dwelling, however, not of an amount that would warrant a reason for refusal on its own.

7.23 The proposal is therefore considered to accord with the aims of Policy ENV 2 in this regard.

7.24 **Visual Amenity**

7.25 Section 12 of the National Planning Policy Framework is concerned with creating high quality, beautiful and sustainable buildings and places. It is necessary for new development to achieve good design to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and be visually attractive. It also states, development that is not well designed should be refused, especially where it fails to reflect local design policies.

7.26 Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

7.27 Policy HOU 2 of the ECDC Local Plan 2015 (as amended 2023) requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.

7.28 The proposal comprises back-land development by virtue of its location to the rear of No.12 Swaffham Road. This in-depth arrangement is clearly at odds with the single-depth, frontage character of the area in this locality. Whilst there is no recent planning history on the site application 23/00973/FUL at 58 Swaffham Road has recently been refused, with a subsequent dismissed appeal. The application at 58 Swaffham Road is located approximately 14 dwellings to the south of the site. It to

proposed two dwellings to the rear of the host dwelling and was refused on the basis that it was contrary to the prevailing development pattern of Swaffham Road.

7.29 The proposed development does not take into account the existing character of the locality and intensifies the density of development from the levels in the surrounding locality. This being said, the development does accommodate private amenity space and adequate levels of parking. The provisions of residential amenity appear to be acceptable and are discussed in the following section.

7.30 There will be partial views of the development from the highway, via the access drive, however, the proposed roof heights will be lower than the host dwelling. There will however be clear views of the backland development from the driveway of No. 8 and 10 Swaffham Road, where the massing of the development will be clear. It is considered from this viewpoint that there would be insufficient opportunities to effectively screen the development and would identify a clear failure to accord with the character and appearance of the locality.

7.31 The proposed dwellings are of modern design with regards to the form and appearance. The proposed materials have included within the application form and utilise fairfaced brickwork and render panels, natural slate roofs, anthracite grey windows and doors. The overall material palette for Burwell is mixed, however Swaffham Road has a more cohesive appearance. The use of light or red bricks with render and cladding is the presiding appearance. The proposed dwellings would seek to use materials in keeping with that of Swaffham Road, and therefore, Officers would consider the choice of materials to be in accordance with Policies ENV 1 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).

7.32 It is considered that the in-depth form of development would cause harm to the character and appearance of the area, in respect of the failure to accord with the pattern of development in this location, contrary to Local Plan policies ENV 1 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).

7.33 **Highways and Parking**

7.34 Policy COM7 of the Local Plan seeks to ensure that new development is designed to reduce the need to travel, especially using private motor vehicles. This means new development should be focused within settlement where there is a choice of means of transport. It should also be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character and appearance of the locality.

7.35 Policy COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) requires development proposals to provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Councils parking standards.

7.36 The proposals seek to provide two parking spaces per proposed dwelling and maintains the provision of two parking spaces for the host dwelling to the front. The

provision of parking for vehicles is therefore in accordance with Policy COM 8 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).

7.37 No provision for secure cycle storage has been provided as part of these proposals. However, Officers consider that it is reasonable to apply a condition to any approval for the submission of details relating to cycle storage.

**7.38 Trees, Biodiversity and Ecology**

7.39 Policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECDC 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 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. No biodiversity enhancements have been put forward as a result of the application. This could be secured through condition if the application were recommended for approval.

7.40 The Trees Officer has been consulted on this application and has provided a no objections comment. However, he has raised that the soft landscaping scheme requires amendments to be suitable, and therefore if the application is approved, a condition should be applied for a suitable soft landscaping scheme. Additionally, should the application be approved, the Trees Officer has requested that a condition is applied for compliance with the two tree reports submitted with this application.

7.41 The Case Officer has spoken with the Trees Officer regarding potential impact on the root protection area of the neighbouring tree to the south west. Neighbours have raised concerns over the protection of the roots during the demolition of the garage, and the construction of the driveway. The Trees Officer has suggested that a condition could be applied to any approval, for a “no dig” method of driveway construction to be used in accordance with BS 5837:2012.

7.42 The Senior Ecologist has commented on this application and has concluded that whilst the application provides a net loss of -39.20%, it would be ecologically acceptable to purchase offsite units from a local provider within the LPA area or the East Anglian Chalk National Characteristic for 0.0898 Habitat Biodiversity Units. A standard BNG pre-commencement condition is recommended for any approval on this site, alongside a LEMP or Small Site HMMP to include additional ecological enhancements. Additionally, the Ecologist would require the development to follow the construction precautionary measures as set out in the submitted PEA.

**7.43 Flood Risk and Drainage**

7.44 Policy ENV 8 requires all developments and re-developments to contribute to an overall flood risk reduction. The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. A condition for the

submission of details relating to Foul and Surface Water Drainage could be applied to this application, however, Officers do not consider it necessary.

7.45 **Climate Change and Sustainability**

7.46 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.'

7.47 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.

7.48 **Other Material Matters**

7.49 The Archaeology officer has commented on the application and has noted that the application site is located in an area of archaeological potential. Whilst no objection has been made to the proposal, the Archaeology officer considers that the site should be subject to a programme of archaeological investigation. This would be secured through the inclusion of a pre-commencement condition were the application to be permitted in accordance with Local Plan policy ENV 14.

Planning Balance

7.50 The application site is located within the development envelope for Burwell.

7.51 The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement.

7.52 The proposal would result in an incongruous form of development which would harm the settlement pattern of the area.

7.53 Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment.

7.54 The proposal is contrary to Policies ENV 1, ENV 2, HOU 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023), Design Guide SPD, National Design Guide and the National Planning Policy Framework.

7.55 Members are therefore recommended to refuse the application.

## **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 the 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.

### Background Documents

24/00366/FUL

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



## Planning Performance – August 2024

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.

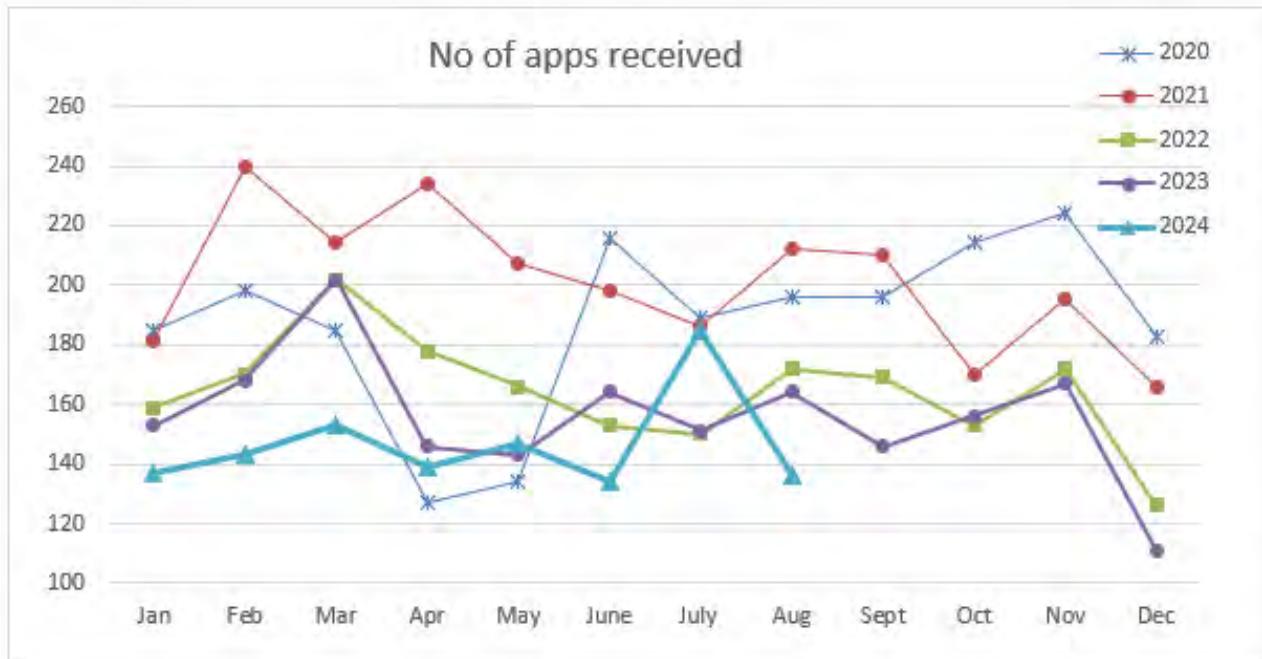
### Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Determinations</b>	<b>119</b>	<b>6</b>	<b>12</b>	<b>31</b>	<b>19</b>	<b>21</b>	<b>30</b>	<b>13</b>
<b>Determined on time (%)</b>		<b>83%</b> (90% within 13 weeks)	<b>83%</b> (80% within 8 weeks)	<b>94%</b> (90% within 8 weeks)	<b>68%</b> (90% within 8 weeks)	<b>67%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)	n/a
<b>Approved</b>	<b>103</b>	<b>5</b>	<b>11</b>	<b>27</b>	<b>13</b>	<b>18</b>	<b>30</b>	n/a
<b>Refused</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>3</b>	<b>0</b>	n/a

### Validations – 89% validated within 5 working days (ECDC target is 85%)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Validations</b>	<b>158</b>	<b>2</b>	<b>13</b>	<b>29</b>	<b>14</b>	<b>34</b>	<b>32</b>	<b>15</b>

The Planning department received a total of 136 applications during August which is 17% decrease of number received during August 2023 (164) and 27% decrease to the number received during July 2024 (185).



**Valid Appeals received – 0**

**Appeals decided – 1**

Planning reference	Site address	Decision Level	Appeal Outcome
22/01485/FUL	Land read of Poppies Eye Hill Drove Soham	Delegated	Dismissed

**Upcoming Hearing dates – 1**

Planning reference	Site Address	Date of Hearing
24/00300/VAR	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025
ENFORCEMENT	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025

### **Enforcement**

New Complaints registered – 19 (1 Proactive)  
Cases closed – 10 (1 Proactive)

**Notices served – 0**

### **Comparison of Enforcement complaints received during August**

Code	Description	2023	2024
ADVERT	Reports of unauthorised adverts	1	2
COND	Reports of breaches of planning conditions	1	7
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	2
MON	Compliance Monitoring	1	0
OP	Reports of operational development, such as building or engineering works	7	0
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	2
PLAN	Reports that a development is not being built in accordance with approved plans	4	0
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	1
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	2
USE	Reports of the change of use of land or buildings	2	3
<b>TOTAL</b>		<b>17</b>	<b>19</b>

## Planning Performance – September 2024

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
<b>Determinations</b>	<b>101</b>	<b>0</b>	<b>11</b>	<b>30</b>	<b>9</b>	<b>17</b>	<b>34</b>	<b>17</b>
<b>Determined on time (%)</b>		<b>N/A</b> (90% within 13 weeks)	<b>91%</b> (80% within 8 weeks)	<b>93%</b> (90% within 8 weeks)	<b>89%</b> (90% within 8 weeks)	<b>71%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)	<b>n/a</b>
<b>Approved</b>	<b>103</b>	<b>0</b>	<b>11</b>	<b>27</b>	<b>7</b>	<b>16</b>	<b>31</b>	<b>n/a</b>
<b>Refused</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>n/a</b>

**Validations – 87% validated within 5 working days (ECDC target is 85%)**

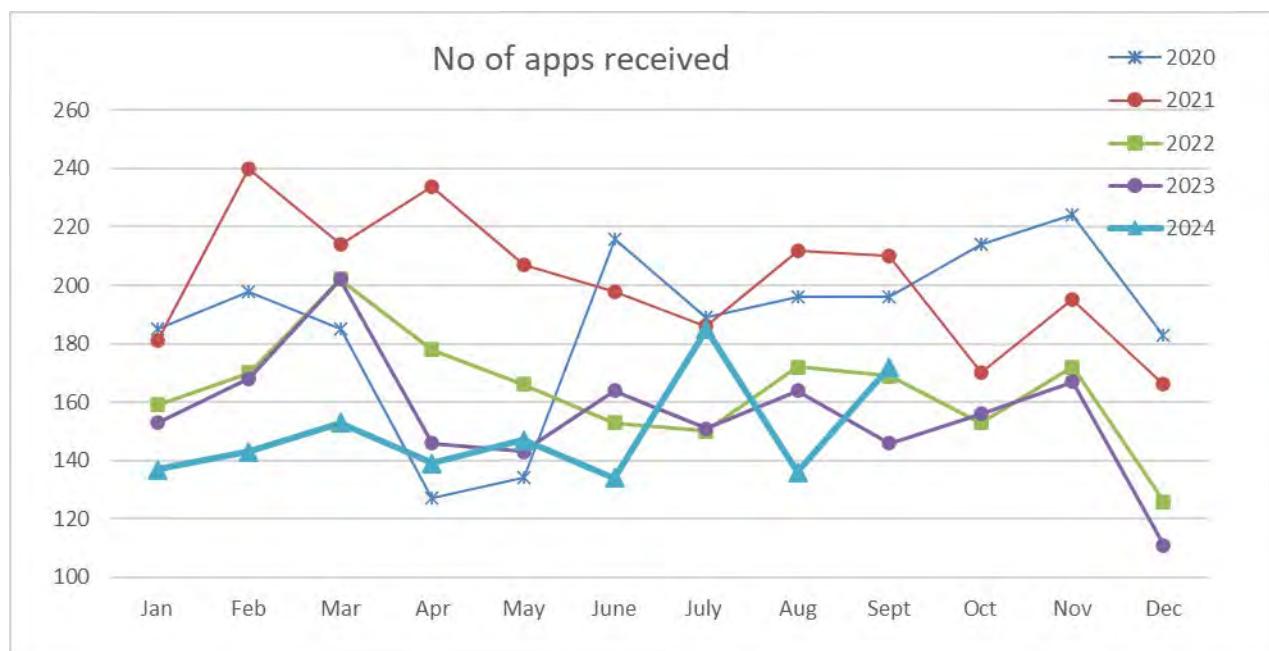
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Validations</b>	<b>139</b>	<b>2</b>	<b>11</b>	<b>29</b>	<b>10</b>	<b>30</b>	<b>39</b>	<b>18</b>

### Open Cases by Team (as at 16/10/2024)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Team North (5 FTE)</b>	<b>175</b>	<b>10</b>	<b>35</b>	<b>30</b>	<b>17</b>	<b>57</b>	<b>0</b>	<b>26</b>
<b>Team South (6 FTE)</b>	<b>216</b>	<b>18</b>	<b>30</b>	<b>24</b>	<b>26</b>	<b>98</b>	<b>0</b>	<b>20</b>
<b>No Team (3 FTE)</b>	<b>61</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>55</b>	<b>0</b>

(No Team includes – Trees Officer, Conservation Officer and Service Development and Technical Support Team Leader)

The Planning department received a total of 172 applications during September which is 18% increase of number received during September 2023 (146) and 27% increase to the number received during August 2024 (136).



### Valid Appeals received – 5

Planning reference	Site Address	Decision Level
21/00131/CLE	Lazy Otter Marina Cambridge Road Stretham	Delegated
24/00048/OUT	Land North of East of 3 Soham Road Fordham	Delegated
24/00300/VAR	Old Tiger Stables House 22A Northfield Road soham	Committee
24/00392/VAR	Land North Of 22 Canute Crescent Ely	Delegated
24/00472/FUL	16 Barton Road Ely	Delegated

### Appeals decided – 9

Planning reference	Site address	Decision Level	Appeal Outcome
22/01319/OUT	Quercus Bradley Road Burrough Green	Delegated	Dismissed
23/00773/OUT	Land East Of Mill Drove Farm Mill Drove Soham	Delegated	Dismissed
23/00894/FUL	Land North West Of 9 Stretham Road Wicken	Committee	Allowed
23/00973/FUL	Land Rear Of 58 Swaffham Road Burwell	Delegated	Dismissed
23/01116/FUL	Pratts Green Farmhouse Malting End Kirtling	Delegated	Dismissed
23/01117/LBC	Pratts Green Farmhouse Malting End Kirtling	Delegated	Dismissed
23/01153/VAR	Station House Lynn Road Chettisham	Delegated	Dismissed
23/01270/FUL	Land South West Of 172 Mildenhall Road Fordham	Delegated	Allowed
23/01348/OUT	Land Adjacent 87 The Butts Soham	Delegated	Dismissed

### Upcoming Hearing dates – 2

Planning reference	Site Address	Date of Hearing
24/00300/VAR	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025
ENFORCEMENT	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025

### Enforcement

New Complaints registered – 22 (1 Proactive)

Cases closed – 29 (0 Proactive)

Open cases/officer (2.6FTE) – 184 cases (18 Proactive)/2.6 = 71 per FTE

### Notices served – 3

Notice Type	Site address	Date Served
Enforcement Notice	Old Tiger Stables House 22A Northfield Road Soham	13/09/2024
Enforcement Notice	Breach Farm Ness Road Burwell	19/09/2024

### Comparison of Enforcement complaints received during September

Code	Description	2023	2024
ADVERT	Reports of unauthorised adverts	0	1
COND	Reports of breaches of planning conditions	3	3
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	0	0
MON	Compliance Monitoring	1	0
OP	Reports of operational development, such as building or engineering works	4	10
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	1	0
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	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	3	7
	<b>TOTAL</b>	<b>12</b>	<b>22</b>