



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: PLANNING COMMITTEE

TIME: 9:15am to 12:30pm (approx.) and from 4:00pm

DATE: Wednesday 7th September 2022

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

TELEPHONE: (01353) 665555 EMAIL: caroline.evans@eastcambs.gov.uk

MEMBERSHIP:

Conservative Members

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Lisa Stubbs (Vice Chairman)

Liberal Democrat Members

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

Independent Member

Cllr Sue Austen (Lead Member)

Substitutes:

Cllr David Ambrose Smith
Cllr Julia Huffer
Cllr Josh Schumann

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Substitute:

Cllr Paola Trimarco

Lead Officer

Andrew Phillips, Planning Team Leader

Quorum: 5 Members

**PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT
THE GRANGE ON TUESDAY 6th SEPTEMBER AT 12:25PM
(Please note, site visit timings are approximate.)**

AGENDA

- 1. Apologies and Substitutions** [oral]
- 2. Declarations of Interest** [oral]
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.

3. Minutes

To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 6th July 2022.

4. Chairman's Announcements

[oral]

5. 21/00291/OUM

Outline application for the demolition of existing buildings and erection of up to 210 dwellings (including self-build and affordable housing), 1 community building, and associated infrastructure. All matters reserved except access.

Location: Downfield Farm, Fordham Road, Soham, Ely

Applicant: Vistry

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOXS3JGGFSF00>

Site visit: Tuesday 6th Sept 3:35pm

6. 21/00418/FUL

Residential development of 6 dwellings with associated landscape works.

Location: Land To The West Of 75-91 The Causeway, Burwell

Applicant: Luna Developments (Red) Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQ2JOYGGGNI00>

Site visit: Tuesday 6th Sept 1:40pm

7. 21/00703/VAR

Variation of condition 1 (Approved plans) of previously approved 19/00887/FUL for Construction of 4no. single storey dwellings with garaging, parking & associated site works - phased development.

Location: Land Adjacent To 2B Moor Road, Fordham, Ely

Applicant: ALN Carpentry & Joinery Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QSMGX8GGIEY00>

Site visit: Tuesday 6th Sept 2:10pm

THE MEETING WILL ADJOURN AFTER ITEM 7 AND RECONVENE AT 4:00PM.

8. 22/00127/VAR

To vary Condition 1 (Approved plans), 17 (Rooflights), and 20 (Water sprinklers) of previously approved 19/01439/FUL for Construction of one and half storey detached dwelling with new access.

Location: Land To East Of Orchard Cottage, 11 Chapel Lane, Reach, CB25 0JJ

Applicant: Mr & Mrs Blocksage

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R6QP65GGKSV00>

Site visit: Tue 6th Sept 1:20pm

9. 22/00431/FUL

Re-build of barn to form new dwelling

Location: Redtile Farm, Fen Lane, Swaffham Bulbeck, CB25 0NH

Applicant: Mr R Wedd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RA61ERGGFK400>

Site visit: Tuesday 6th Sept 1:00pm

10. 22/00459/FUL

Demolition of existing extension and erection of single storey extension and associated works

Location: 47 West Street, Isleham, CB7 5SD

Applicant: Mr Kevin Hall

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAC2QJGGFR300>

Site visit: Tuesday 6th Sept 3:10pm

11. 22/00462/FUL

Erection of four market dwellings, garages, parking spaces, hard and enhanced soft landscaping, access and all other associated infrastructure (see 21/01636/FUL) (part-retrospective).

Location: Land Accessed Between 2 And 4 Fordham Road, Isleham, Cambridgeshire

Applicant: Bloor Homes

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAC39SGGFR700>

Site visit: (No visit required.)

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> The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a "first come, first served" basis.
2. The meeting will also be livestreamed on youtube for public viewing. The link will be available from the meeting webpage in advance of the meeting: <https://www.eastcambs.gov.uk/meetings/planning-committee-07092022> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee caroline.evans@eastcambs.gov.uk, to register by 10am on Tuesday 6th September. 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

A leaflet with further information about the public speaking scheme is available at <https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>

4. 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.
5. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not 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.

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

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 6th July 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr David Ambrose Smith (Substitute for Cllr Christine Ambrose Smith)

Cllr Sue Austen
Cllr David Brown
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Angela Briggs – Planning Team Leader
Tracy Couper – Democratic Services Manager
Angela Tyrrell – Senior Legal Assistant

IN ATTENDANCE

Parish Cllr Derrick Beckett (Parish Council Vice-Chair, Agenda Item 5 / Minute 13)
Edward Clarke (Agent, Agenda Item 5 / Minute 13)
Kate Duvall (Applicant, Agenda Item 5 / Minute 13)
Patrick Eggenton (Applicant's transport consultant, Agenda Item 5 / Minute 13)
Richard Radcliffe (Chair of Lady Frances Peyton's Hospital Almshouse Charity (Landowner), Agenda Item 5 / Minute 13)
Sally Bonnett – Director Communities
Yvonne Carnichan – Development Services Support Officer
Lucy Flintham – Office Team Leader, Development Services
Melanie Wright – Communications Officer
Adeel Younis – Legal Assistant

1 member of the public.

9. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Christine Ambrose Smith and Matthew Downey.

Cllr David Ambrose Smith was attending as a substitute for Cllr Christine Ambrose Smith.

10. DECLARATIONS OF INTEREST

No declarations of interest were made.

11. MINUTES

The Committee received the Minutes of the meeting held on 8th June 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 8th June 2022 be confirmed as a correct record and be signed by the Chairman.

12. CHAIRMAN'S ANNOUNCEMENTS

The Chairman congratulated Toni Hylton, Catherine Looper and Dan Smith on their recent promotions to become Team Leaders within the Planning Department and he wished them success in their new roles.

The Chairman stated that this would be Planning Manager Rebecca Saunt's last meeting of the Planning Committee before leaving the Council to work for Cambridge University, and expressed his very mixed emotions regarding her departure. He was delighted for her career progression that she had been appointed to such a prestigious role, but following 15 years at the Council she would be greatly missed. She had been helpful, hardworking, diplomatic, inspirational, kind and professional throughout her time at the Council and he thanked her for her outstanding service and wished her the best of luck in her new role. The Committee Members and Officers present all then stood and gave a long round of applause to Rebecca.

13. 21/01572/FUM – LAND WEST OF STATION ROAD, ISLEHAM, CB7 5GG

Angela Briggs, Planning Team Leader, presented a report (X30, previously circulated) recommending approval of an application seeking full planning consent for 45 affordable dwellings, driveways, external lighting, open space, a pumping station, and other associated infrastructure including a new access road from Station Road and a new pedestrian/cycle link to Fordham Road and to Station Road.

Members were shown maps and aerial images to illustrate the site's location to the south of Isleham, partially adjoining the conservation area and within the updated development envelope of Isleham, as agreed in the recently-adopted Isleham Neighbourhood Plan. Station Road was to the east of the site, Fordham Road to the north and west, and The Beeches and the village recreation ground were to the north-west. Further to the west was the Bloor Homes development which remained under construction. Multiple photos of the site taken from Station Road and from Fordham Road were also shown, together with a proposed site layout for the 4 x 1-bed dwellings, 18 x 2-bed dwellings, 4 x 2-bed bungalows, 17 x 3-bed dwellings and 2 x 4-bed dwellings. Open space would be provided to the north, including SuDS to the west of the open space and a pumping station to the east.

The main considerations for the application were deemed to be:

- **Principle of development** – the site lay within the updated development envelope and had been allocated in the Local Plan for 15 dwellings and in the Isleham Neighbourhood Plan for approximately 45 dwellings. The site was considered to relate well to the village and its amenities. Policy 1b of the Isleham Neighbourhood Plan specified housing types and mix suitable to ensure a diverse community and placed an emphasis on 2-bed dwellings. The proposed development was therefore considered to comply with policies GROWTH2 and ISL1 of the Local Plan and policies 1b and 1c of the Isleham Neighbourhood Plan in terms of the principle of development.
- **Visual amenity, design and layout** – Elevations and floorplans for all proposed dwellings were provided together with 3D-imaging of the proposed development from Station Road and from Fordham Road.
- **Residential amenity** – the proposed plot sizes and garden sizes all met with the requirements of the Design Guide SPD and provided adequate space for future occupiers. The plots along Station Road had been amended to include a secondary window on the side elevations to allow for natural ventilation and to mitigate traffic noise. The proposed development was therefore considered to comply with policy ENV2 of the Local Plan, policy 3 of the Isleham Neighbourhood Plan, and the Design Guide SPD in terms of the residential amenity.
- **Highway safety and car and cycle parking** – 96 car parking spaces were proposed, 6 more than the minimum requirement stipulated in policy COM8. There would be 13 visitor car parking spaces (2 more than the minimum requirement) and across the site less than half of the car parking would be tandem spaces. Secure cycle parking had been allocated for each plot as a shed in the back garden. A new access with good visibility would be created from Station Road, and two new footpaths would link to Station Road and to Fordham Road, with a dropped kerb crossing at the Fordham Road end. The Local Highways Authority had not raised any objections. The proposed development was therefore considered to comply with policies COM7 and COM8 of the Local Plan and policy 3 of the Isleham Neighbourhood Plan in terms of highway safety and parking provision.
- **Flood risk and drainage** – the site lay within Flood Zone 1, where development should be concentrated. A Flood Risk Assessment had been submitted and subsequent amendments made to address objections from the Lead Local Flood Authority (LLFA); the LLFA now supported the overall proposed drainage strategy, subject to conditions as detailed in Appendix 1 of the report, and there had been no objection from the Environment Agency. The proposed development was therefore considered to comply with policies ENV8 of the Local Plan and 1C and 3 of the Isleham Neighbourhood Plan in terms of flood risk and drainage.
- **Biodiversity** – the application site was located approximately 800m to the north of the Isleham Nature Reserve and the applicants had submitted a preliminary ecology assessment, a reptile survey, a biodiversity metric calculation, and supporting statements. Bird and bat boxes would be provided together with hibernacula areas and a variety of hedging species to encourage wildlife. A net biodiversity gain would be achieved and a financial contribution towards the enhancement of the Nature Reserve would be secured *via* a S106 agreement. New residents would receive a welcome leaflet detailing alternative dog walking routes that would lessen pressures on the Nature Reserve. No objections had been received from

the Cambridgeshire Wildlife Trust or Natural England. The proposed development was therefore considered to comply with policy ENV7 of the Local Plan and policies 1C, 3 and 7 of the Isleham Neighbourhood Plan in terms of biodiversity.

- **Trees and landscaping** – an arboricultural impact assessment and a landscape visual impact assessment had been submitted with the application. Six trees would need to be removed along the site boundaries but all vegetation of at least moderate quality would be retained and protected throughout construction, and tree protection measures would also be implemented. The proposal included a comprehensive landscaping scheme including the planting of new trees across the site. There had been no objection from the Trees Officer. The proposed development was therefore considered to comply with the Natural Environment SPD and with policies ENV1, ENV2 and ENV7 of the Local Plan, and policies 1c, 3 and 7 of the Isleham Neighbourhood Plan in terms of trees and landscaping.
- **Other matters** – in terms of historic environment, waste provision and collection, housing mix, and land contamination no objections had been received from the relevant consultees. All dwellings would be affordable housing with a tenure split of 20 in shared ownership and 25 rental properties. An Energy Statement had been submitted which indicated a “fabric first” approach with high levels of thermal insulation, air tightness and natural ventilation as well as a 2% carbon reduction. A condition had been recommended regarding energy efficiency measures. The S106 legal agreement was currently being negotiated and would secure the affordable housing, public open space, SuDS, waste bins, biodiversity contribution, education contributions and a mobile library service.

In summary, the site was allocated for housing development in the Local Plan and the Isleham Neighbourhood Plan, would be well-connected to the village, and had received no objections from statutory consultees. The proposal was for a high-quality development of affordable housing with parking provision above the Council’s parking standards. A S106 agreement would secure mitigations such as a contribution towards the enhancement of the Isleham Nature Reserve. The application was therefore recommended for approval.

The Chairman invited Edward Clarke (agent), Kate Duvall (applicant), Richard Radcliffe (Chair of the Lady Frances Peyton’s Hospital Almshouse Charity which owned the land) and Patrick Eggenton (transport consultant) to address the Committee.

The agent thanked the Planning Team Leader for her report and her useful dialogue prior to and during the application process. His clients considered the proposal to be a much-needed bespoke affordable development in a sustainable location in accordance with the Local Plan and the Isleham Neighbourhood Plan. Amendments had been made in response to comments received during the pre-application discussions and the planning process. A suggested service road had not been supported by the Case Officer or the Conservation Officer, and had not been added. The development was of a high quality, with good design features and would result in biodiversity gains as well as much-needed financial contributions for the nature reserve and for education. The new homes would be well-connected to the village and the new dropped kerb crossing point would assist

pedestrian and cycle access to and from the site. The application would use allocated land in an efficient manner to deliver affordable housing for the village.

The applicant explained that Havebury Housing Partnership was a local registered provider with 20 years of experience managing nearly 7000 homes across Cambridgeshire, Suffolk and Norfolk. This 100% affordable homes scheme was of a high quality and they had worked with the landowner, the Parish Council and the Planning Team Leader to carefully refine the plans over time. The proposal would deliver 45 high-quality homes with suitable storage, practical room sizes, and gardens in an excellent location close to good amenities. Half of the dwellings would be available for rent to those on the housing register, and the remainder would be offered for shared ownership. The proposed scheme was both attractive and policy-compliant, and a consultation had indicated that there was local support for the development.

The Chair of the Lady Frances Peyton's Hospital Almshouse Charity explained that the charity had operated for many centuries in Isleham. Together with his fellow trustees, 4 of whom were current Members of the Parish Council, he fully supported the proposal on land that the charity owned and had long-wished to use to address the housing needs within the village. The site been allocated in the recently-adopted Isleham Neighbourhood Plan and the layout and design had been subject to full consultation to ensure they were policy-compliant. The development would form a natural extension of village in a style and street-design suitable for the village. The charity had worked in partnership with the applicant and would take ownership of some homes in the development to rent in order to significantly contribute to meeting the aims of the Neighbourhood Plan, the objects of the charity, and the need for new affordable housing.

The Chairman thanked the speakers and invited questions from Members.

Cllr Brown referenced the 31st March comments from the Local Highways Authority, included in the report, about the paths being insufficiently wide to be designated as cycle paths, and in that context questioned why the speakers had referred to the provision of great cycle routes. The agent explained that the cycle link through the site would pass through the public open space and would also provide access along Station Road into the village. The intended shared-use services that had been deemed to not be wide enough had been renamed as footpaths, but he emphasised that there was a cycle link as well as the footpaths.

Cllr Trapp suggested that the widths could be increased by 0.5m to satisfy the dual use and then asked whether the shared ownership properties would remain so in perpetuity, who would determine the eligibility for the affordable housing, what the housing mix would be, and whether charging points would be provided, even where parking spaces were not immediately adjacent to the dwelling. The applicant stated that, in her experience, most shared ownership properties remained in that tenure. The affordable housing would be available to those on the housing register and the hope was that those with a local connection to Isleham would have priority, although it would be necessary to ensure that properties did not remain empty. The agent explained that the housing mix was, in part, dictated by the Housing Officer, and the Planning Team Leader drew Members' attention to the details provided on page 36 of the Officer's report. The applicant added that the shared ownership properties would be six semi-detached 3-bed houses, two detached 3-bed houses,

two 2-bed bungalows, and ten 2-bed houses. This mix was intended to accommodate first-time buyers, those moving to bigger properties, and those down-sizing. She also confirmed that, subject to conditions, Havebury were expecting to provide charging point access.

Cllr Ambrose Smith stated that he considered the 40mph speed limit on Station Road to be too fast, and asked whether a reduction had been requested. The transport consultant explained that the limit was 40mph past the site and then 30mph nearer to the village. A speed survey had been undertaken which indicated that vehicle speeds were typically below 40mph in both directions past the site. The proposed access arrangements exceeded the required visibility splays for the observed speeds and were considered to be safe. He also explained the extensive process and obstacles to obtaining a speed reduction. Cllr Ambrose Smith suggested that parking in the area would increase concerns and he urged the applicants to take action towards getting the speed limit reduced, for example by undertaking a consultation to provide evidence in support of a request to the Local Highways Authority to reduce the speed limit.

In response to a question from Cllr Stubbs, the charity's Chairman stated that the Parish Council's proposal to use further land in order to provide a service road had not been directly proposed to the charity. Cllr Stubbs requested further information about the housing need in Isleham, and prioritisation of Isleham residents for the new homes. The agent explained that the most recent figures they had been given indicated that of the approximately 1000 people on the District's housing register, 46 had Isleham connections. The applicant confirmed that she would expect prioritisation of those with Isleham connections to be included in the nomination agreement as part of the S106 agreement, and she had no objections to that. The Planning Manager highlighted that page 14 of the Officer's report stated that occupation would be in accordance with a nomination agreement, and she confirmed that Officers would note the request to prioritise Isleham connections followed by a cascade approach in that agreement.

In response to a question from Cllr Hunt, the agent confirmed that six trees would be removed, all of which were a low quality, and stated that considerably more than six new trees would be planted on the site.

The Chairman then invited Parish Cllr Beckett to address the Committee on behalf of Isleham Parish Council. Parish Cllr Beckett requested that the Officer's images of the view along Station Road be displayed during his presentation. He stated that the Parish Council were very pleased with the amount of affordable housing being proposed, and were in full agreement with most aspects of the scheme. However, they had requested a service road next to Station Road, similar to that which had been included in the nearby Bloor Homes development on Fordham Road and had resulted in no increase in parking along Fordham Road. The Parish Council's concern was that, since Isleham was a rural village dominated by agriculture, large agricultural vehicles necessarily travelled along Station Road, and consequently any increased parking on Station Road would be detrimental to highway safety. Policy 3 of the Isleham Neighbourhood Plan sought to avoid informal parking on pavements, and the Parish Council's view was that new houses located directly on Station Road, rather than separated from it by a service road, would encourage visitor parking along that stretch. The charity owned land behind the development site and the Parish Council therefore requested that the

development be moved further back onto that land and a service road be incorporated to the front. For that reason, since the Committee's only options would be to approve or refuse the application, rather than to revise it, the Parish Council requested that the application be refused on the grounds of local knowledge of anticipated problems.

The Chairman thanked the Parish Councillor and invited questions from Members.

Cllr Brown asked whether the Parish Council had approached the County Council to request that double yellow lines be installed along Station Road in front of the site. The Parish Councillor explained that although that had not been requested, their most recent objection had stated that an approval of the application should be conditional on the installation of double yellow lines on Station Road. The Planning Manager explained that such a condition could not be applied since it would be outside the Council's jurisdiction and would need to be dealt with separately *via* the County Council. The Chairman added, for information, that there was a Local Highway Improvement (LHI) scheme run by the County Council to which Parish Councils could submit applications, often for speed reduction measures or double yellow lines. In general, the process would take about 1 year and the Parish Council would contribute 10% of the costs and the County Council 90%.

In response to a request from Cllr Trapp to clarify what was meant by a service road, the Parish Councillor explained that it would be a road at the entrance to the estate, immediately in front of the houses that front Station Road, effectively setting them back further from the main road and creating a slightly more open aspect at the entrance to the village. A similar design had been incorporated on the nearby Bloor Homes development on Fordham Road.

Cllr Stubbs asked where the additional land was that the Parish Council would like to be incorporated in the scheme, and then questioned why the Parish Council had not formally approached the landowning charity with the request. The Parish Councillor explained that the additional land was to the west of the development site and that the Parish Council had regularly discussed their request with Havebury who were the applicant on behalf of the charity. In addition, several of the charity's trustees were members of the Parish Council and consequently the charity were well aware of the Parish Council's views. Cllr Stubbs commented that it was unfortunate that no formal approach had been made since, as a result, the Committee did not know whether the Parish Council's proposal would be possible, and the Committee were only able to make a decision on the details of the application before them.

Cllr Ambrose Smith commented that the location of the Bloor Homes site, which had included a service road, had a lower speed limit (30mph) and was a straight stretch of road. There would be no guarantee that an application to the previously-mentioned LHI scheme would result in funding, hence his earlier suggestion for the developer and/or the Parish Council to invest in undertaking a consultation. The Parish Councillor made no comment.

Cllr Wilson stated that installation of double yellow lines and a reduction in the speed limit were both possible for the Parish Council to achieve themselves and efforts should therefore be made to do so. The Parish Councillor accepted the possibilities for the future, but reiterated his concerns about wide agricultural

vehicles being obstructed by parked cars. Cllr Wilson countered that repositioning the development further back from Station Road in order to accommodate a service road could result in fewer houses on the site and would certainly result in a delay to delivery of affordable housing while the new application was designed and considered, both of which would be a shame.

The Chairman invited further comments from the Planning Team Leader, and questions for her from Members. The Planning Team Leader drew Members' attention to the information regarding the pedestrian/cycle link detailed in paragraph 7.30 of her report. She emphasised that although the Local Highways Authority had commented that the proposed 2.5m width would be insufficient for them to be adopted, they had not objected to them and they did not consider that the width would create a safety issue. They would provide a strategic link through the site and serve a limited number of people. She also highlighted that proposed condition 24 in Appendix 1 of the report related to the provision of electric vehicle charging facilities.

In response to Cllr Trapp questioning why the additional width for the cycle/pedestrian route could not be accommodated, the Planning Team Leader commented that although ideally the paths would be widened to adoptable standards, the proposed 2.5m width was considered by the Local Highways Authority to be safe and acceptable. Cllr Ambrose Smith asked about maintenance of the unadoptable paths and the Planning Team Leader stated that the housing provider would have responsibility for all unadopted cycle/pedestrian paths. In response to a question from Cllr Wilson, the Planning Team Leader explained that the chimneys shown in some of the illustrations would not be functional; they were purely decorative to provide variety in the streetscape, which was not unusual for developments within the District.

The Chairman then opened the debate.

Cllr Brown expressed disappointment that the applicants had not widened the paths to the adoptable 3m standard, and he acknowledged the Parish Council's position on the provision of a service road. However, he stated his support for the application and cautioned that, in his opinion, a refusal of planning permission would be likely to be lost at appeal. Cllr Every commended what she considered to be an excellent proposal and applauded those involved in its development. She reiterated the importance of ensuring that local people would be the beneficiaries of the scheme.

Cllr Trapp expressed his strong support for the application and proposed that it be approved in line with the Officer's recommendation. He acknowledged the Parish Council's views regarding road safety but, having visited the site, he had seen cars parked along the road leaving the village and did not consider that the scheme would cause significant problems, although the addition of yellow lines could be beneficial as had been previously discussed. Cllr Stubbs seconded the proposal and added that the applicant's earlier commitment to prioritising local people had been appreciated. She expressed disappointment that the Parish Council had not formally approached the Lady Frances Peyton Trust regarding the additional land that they believed could be used, since the Committee were unable to consider options that were not included in the application. She urged the Parish Council to take on board the various suggestions that had been made regarding their traffic

concerns. Cllr Hunt added his support for the scheme, which he considered to be an exceptional proposal with good attention to detail that would benefit the residents of Isleham and give stability to local people, in particular to younger residents. He was pleased to see the inclusion of open space and the provision of bungalows within the dwelling types.

It was resolved unanimously:

That planning application ref 21/01572/FUM be APPROVED subject to the signing of the S106 legal agreement and the recommended conditions detailed in Appendix 1 of the Officer's report, with authority delegated to the Planning Manager and the Director Legal Services to complete the S106 legal agreement and to issue the planning permission

14. PLANNING PERFORMANCE REPORT – MAY 2022

Rebecca Saunt, Planning Manager, presented a report (X31, previously circulated) summarising the performance of the Planning Department in May 2022.

The number of applications received had decreased, as was the normal pattern at this time of year, 1 appeal had been received and another had been decided, and attention was drawn to the breakdown of enforcement complaints.

Members were also informed that an in-person Members Seminar for Phase 5 of the North Ely Development would be held in the Council Chamber at 6pm on Monday 1st August, to which City of Ely Councillors would also be invited, and an extra Planning Committee meeting was proposed off-site for Monday 22nd August starting at 10:30am to agree the Council's consultation response for the proposed Sunnica Energy Farm. The Planning Manager emphasised that the Council would not be responsible for determining the application since it was a Nationally Significant Infrastructure Project (NSIP), instead they would be a consultee, hence the responsibility for the Planning Committee to agree the consultation response on behalf of the Council. A show of hands from Members indicated that the 22nd August meeting would be quorate.

It was resolved:

That the Planning Performance Report for May 2022 be noted.

The Chairman again thanked the Planning Manager for all of her support and guidance and then declared the meeting closed.

The meeting concluded at 3:17pm.

21/00291/OUM

Downfield Farm
Fordham Road
Soham
Ely
Cambridgeshire
CB7 5AH

Outline application for the demolition of existing buildings and erection of up to 210 dwellings (including self-build and affordable housing), 1 community building, and associated infrastructure. All matters reserved except access.

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOXS3JGGFSF00>



MAIN CASE

Reference No: 21/00291/OUM

Proposal: Outline application for the demolition of existing buildings and erection of up to 210 dwellings (including self-build and affordable housing), 1 community building, and associated infrastructure. All matters reserved except access.

Site Address: Downfield Farm Fordham Road Soham Ely Cambridgeshire CB7 5AH

Applicant: Vistry

Case Officer: Catherine Looper Planning Team Leader

Parish: Soham

Ward: Soham South
 Ward Councillor/s: Ian Bovingdon
 Dan Schumann

Date Received: 22 February 2021 **Expiry Date:** 28/10/2022
Report Number X44

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the signing of the S106 Legal Agreement and conditions covering the following matters with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

1. Approved plans
2. Time Limit- Approval of reserved matters
3. Time Limit- Approval of details of community building
4. Time Limit- Commencement
5. Biodiversity Method Statement
6. Construction Environmental Management Plan (CEMP)
7. Ground Piling
8. Contamination Investigation
9. Contamination Remediation
10. Contamination Remediation Implementation
11. Management and Maintenance of Streets
12. Energy and Sustainability Strategy
13. Foul Water drainage

14. Phasing Plan
15. Surface Water Drainage
16. Detailed Waste Management and Minimisation Plan
17. Arboricultural Method Statement
18. Unexpected Contamination
19. PD Restriction- Gates, fences and walls across vehicular access
20. Highways- parking and turning
21. Highways- Visibility Splays
22. Highways- Provision of Emergency Access
23. Highways- Travel Plan
24. Fire Hydrants or alternative scheme
25. Construction Times

The S106 Legal Agreement would cover the following matters:

- Affordable Housing
- Lifetime Homes
- Self Build
- Public Open Space
- SuDS
- Community Facility or additional affordable housing
- Soham Commons Contribution
- Upgrade to bus stop and financial contribution
- Financial contribution to A142/Fordham Road/A1123 roundabout
- Education Contributions

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for up to 210 dwellings and 1 community building, together with public open space, landscaped buffer, and attenuation basin and drainage infrastructure. The site area is 10.3 ha (25.4 acres). The application also proposes either 28% or 30% affordable housing (please see section 7.20 – 7.27 of this report for a full explanation of the difference in affordable housing percentages) and 5% self build/custom build plots. All matters are reserved apart from means of access. The proposal is to provide for a single access onto Fordham Road, north of the junction with Orchard Row. A secondary emergency access is also provided to the south boundary of the site. The proposal also includes the potential provision of a community building, dependent on a provider coming forward. This would revert to an increase in affordable housing should the community building not be realised.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.3 The application has been brought to Committee in line with the Council's Constitution.

3.0 PLANNING HISTORY

3.1 No relevant on site planning history.

3.2 One application and appeal decision relevant in terms of Principle of Development:

19/00717/OUM Appeal: APP/V0510/W/21/3282449	Proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece	Refused 08/03/2021 Appeal Allowed 11/02/2022
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the south west edge of Soham, adjoining the settlement boundary along its northern and eastern boundaries, so is situated within the countryside as identified within the Local Plan. To the north east corner is the cherry Tree Pub and to the north Cherry Tree Lane Public Right of Way (PROW) and the Hopkins development beyond. To the south and west the site is open, bounded by fields, with a PROW (Footpath 105), running along the western boundary and Orchard Row the southern boundary. The site itself is open agricultural land with the buildings of Downfield Farm set in the middle.

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 website.

Parish - 25 July 2022

The development is outside the envelope. It is essential this large development should have two vehicular accesses to alleviate traffic congestions on Fordham Road. The youth of Soham will be better served by a community building in the centre of town as Soham's town council strategic plan. We have ongoing concerns with the surface water drainage in the town and particularly this site due to the lay of the land and ground conditions.

Parish - 27 September 2021

The community hall, that seems to have been an amenity Benefit promoted by this developer is not advantageous as it is not accessible for all residents due to its location and would be better suited to S106 contributions to create a central hub which the town council is in the process of spearheading.

Due to the fact that the proposed development is outside the development zone there should absolutely be no tolerance or allowance given to the requirement of 30% affordable housing. Continuing concerns of town council with regards to the known surface drainage as well as foul water deficiencies that have been proven at the near Cherrytree Lane development (Hopkins Homes) that will only be exacerbated by further large scale developments in this area.

Concerns raised regarding attenuation basin and its safety to residents on the proposed development.

In principle it is one of the better developments the town council have seen however this does not reflect the fundamental issues that the planning authority have allowed significant large scale housing developments within Soham's development zone which are all approved and only time will tell whether they will be delivered and only at that point should these speculative additional large scale housing developments that clearly fall outside the development zone be considered. On balance the planning committee is not mindful to support this application.

Parish - 31 March 2021

- Outside the development envelope.
- The planning authority has assured the town council that it has an adequate/excess land supply according to the 2015 local Plan
- Access to proposed development onto Fordham Road will contribute to an already congested road, especially at rush hours. Traffic queues on the A142 Downfields roundabout at the southern entrance to the town.
- Concerns that the site only has a single access point for the proposed development.
- Traffic data is spurious and inaccurate/invalid
- The community hall, that seems to have been an amenity benefit promoted by this developer is not advantageous as it is not accessible for all residents due to its location and would be better suited to S106 contributions to create a central hub which the town council is in the process of spearheading.
- Due to the fact that the proposed development is outside the development zone there should absolutely be no tolerance or allowance given to the requirement of 30% affordable housing.
- Continuing concerns of town council with regards to the known surface drainage as well as foul water deficiencies that have been proven at the near Cherrytree lane development (Hopkins Homes) that will only be exacerbated by further large scale developments in this area.
- Concerns raised regarding attenuation basin and its safety to residents on the proposed development.
- In principle it is one of the better developments the town council have seen however this does not reflect the fundamental issues that the planning authority have allowed significant large scale housing developments within Soham's development zone which are all approved and only time will tell whether they will be delivered and only at that point should these speculative additional large scale housing developments that clearly fall outside the development zone be considered.
- On balance the planning committee is not mindful to support this application.

Ward Councillors

Cllr Ian Bovingdon – 15 September 2021

I am writing as District Councillor for Soham South Ward regarding the above site which is the land south of the Cherry Tree at Soham. This is an application submitted by Linden Homes after much consultation with Councillors and taking into consideration our concerns and wishes for better planned developments in the town. I wish to add my support for what appears a well designed scheme with open spaces, better parking arrangements, consideration for surface water drainage and /flooding and the provision of a much needed community facility. It is one of the few sites coming forward there the developer as engaged at an early stage to provide a

development that I can feel would benefit the town. In addition the site provides a final link to bring the Downfields area to the main town which was wanted by locals.

Whilst I appreciate that it falls outside of the 2015 Local Plan, the site was allocated in the more recent proposed plan which was overturned by the inspector. However we need to deliver homes for the area and protect our housing supply as other sites will fail to deliver the required homes on other allocated sites.

Please kindly note my vote of support to this scheme

Cllr Dan Schumann – 15 September 2021

I totally echo the comments made by Cllr Bovingdon- I support this scheme as it appears a well designed scheme with open spaces, better parking arrangements, consideration for surface water drainage and /flooding and the provision of a much needed community facility.

Consultee For Other Wards In Parish - No Comments Received

Environmental Health - 24 August 2021

I have read the Submission Schedule and the Memorandum Noise Assessment documents.

These documents advise that the worst affected plots remain unchanged and mitigation relies on closed windows and trickle ventilation. As previously advised, I am aware that the LPA are unlikely to find this acceptable. My previous recommendations will still be applicable -

"From looking at Figures 7 and 8 I would suggest sensitive rooms are placed on the alternative, quieter facades or dual aspect glazing employed on those facades that allow for it. Alternatively it may be necessary to look to reorient some of the dwellings or changing these house types to bungalows and adding boundary screening."

Environmental Health Scientific Officer- 9 April 2021

I have read the Phase I Geo-Environmental Desk Study report dated January 2021 prepared by BRD and accept the findings. The report identified potential contamination risks and a Phase 2 investigation has been undertaken. I look forward to receiving a copy of the report in due course. I recommend that standard contaminated land conditions 1, 2, 3, and 4 are attached to any planning consent due to the proposed sensitive end use (residential).

Environmental Health - 1 March 2021

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction and demolition times and deliveries during the construction and demolition phases 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. 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 Noise Impact Assessment dated the 1st February 2021.

I have no concerns to raise concerning noise levels in external amenity areas.

Figure 7 (p.20) identifies 10 plots/facades to the east of the site which would not meet target internal sound levels with a partially open window during the day. If you find the development necessary and desirable and relax the target levels by 5dB as outlined in the standard then it would appear that only 2 of the plots/facades will exceed the target level during the day. The illustrative masterplan suggests that 1 of these plots may be the proposed community centre so this can potentially be removed from this discussion (leaving 1 plot/facade remaining).

Figure 8 (p.20) identifies 10 plots/facades to the east of the site which would not meet target internal sound levels with a partially open window during the night. If you find the development necessary and desirable and relax the target levels by 5dB as outlined in the standard then it would appear as only 4 of the plots/facades will exceed the target level during the night. The illustrative masterplan suggests that one of these plots may be the proposed community centre so this can potentially be removed from this discussion (leaving 3 plots/facades remaining).

Figure 9 (p.21) outlines the required mitigation to achieve the target internal sound levels. The vast majority of the site will be able to achieve target levels with a partially open window (Specification 2) but Figure 9 outlines 8 plots which would require closed windows and alternative ventilation (Specification 1). I am aware that the LPA are unlikely to find this acceptable and will expect internal levels to be met with a partially open window.

From looking at Figures 7 and 8 I would suggest sensitive rooms are placed on the alternative, quieter facades or dual aspect glazing employed on those facades that allow for it. Alternatively it may be necessary to look to reorient some of the dwellings or changing these house types to bungalows and adding boundary screening.

To summarise, I do not wish to object to this application as the NIA demonstrates it will meet national policy and guidance but I am aware that the LPA will expect further work on some of the eastern plots to achieve acceptable internal levels. I

believe that with sensitive room placement or other mitigation (as discussed above) the site can achieve acceptable sound levels.

Housing Section – 18 August 2022

The Strategic Housing Team acknowledges the amendments made to the above application and the submission of a planning statement addendum providing clarity about the community facility proposed and affordable housing proposal.

We understand that the proposed tenure for affordable homes on this development will be 28% with the possibility of increasing to 30% in the event the community facility is not forthcoming.

We continue to support this application on the basis that:

- The tenure mix for the original 20% affordable provision be 77% rented and 23% intermediate housing as recommended by the most up to date SHMA.
- The remaining affordable units, being the additional 8-10% (dependent on the community facility), will be First Homes and this is approved in accordance with the Council position statement on First Homes as adopted at Finance and Assets Committee.
- The above provisions are to be reflected and secured in the S106 Agreement.

Housing Section - 8 March 2021

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 20% affordable housing on site. The precise number of dwellings is yet to be determined and full details will be agreed at Reserved Matters Stage.

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

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

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

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 almshouses 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 Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.
7. The affordable dwellings are not clustered in parcel greater than 15 dwellings. This will ensure we 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.

Building Control - East Cambridgeshire District Council - 26 August 2021

For a development of this size, agreements/consents should be in place with the Anglian Water before Building Control could accept the proposals.

Asset Information Definitive Map Team - No Comments Received

Cambridge Ramblers Association - No Comments Received

Local Highways Authority – 09.12.2021

Subject to the following comments and recommendations:

I do not object to this application.

The site access as shown on the drawing F18096/01 Revision A is acceptable for a development of this scale and nature. I dropped kerb crossing on the access will need to be provided but this is a minor detail which I am happy to address during a subsequent S278 Agreement.

Given the scale of development, a secondary emergency vehicle access is needed. The access shown on drawing F18096/06 Revision A is suitable for this purpose and has the additional benefit of providing greater active travel accessibility for the development. Some minor changes to the proposed signs and markings may be required but this is a highways matter that can be picked up with directly with the LHA at a later date.

Please append the following conditions and informative to any permission 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 accesses, as shown on F18096/01 Revision A and F18096/06 Revision A.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn

and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

HW18A: Prior to the commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plans F18096/01 Revision A and F18096/06 Revision A. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

HW23A: No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Non-standard condition: The emergency vehicular access as shown on the drawing F18096/06 Revision A shall be constructed prior to the occupation of the 100th dwelling.

Informatives

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.

County Highways Transport Team - 30 March 2021

The Highway Authority does not object to the proposals subject to the following – Condition

1. Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of bus taster tickets and/or cycle discount vouchers. The Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met.

2. Prior to first occupation of the development, the developer shall upgrade the northbound bus stop on Fordham Road to include the provision of a Real Time Passenger Information display unit. Details to be approved by Local Planning Authority and works to be carried out by the developer.

S106

1. Prior to first occupation of any dwelling, the applicant shall pay a S106 payment of £10,500 (ten thousand five hundred pounds) for maintenance of the RTPI unit to be installed at the northbound bus stop on Fordham Road within the vicinity of the site.

2. Prior to first occupation of any dwelling, the applicant shall pay a S106 payment of £183,000 (one hundred and eighty three thousand pounds) for capacity improvement works at the A142/Fordham Road/A1123 roundabout.

Technical Officer Access - 31 March 2021

1) Ramps provided to front doors.

- 2) Accessible parking to be provided (6%), laid out to part M of the building regulations and nearest to the properties. Including dropped kerbs were necessary.
- 3) Firm, level and slip resistant paths and car park, (not gravel).
- 4) There is a moratorium on the use of shared surfaces for vehicles and pedestrians.
- 5) Please ensure accessible parking is provided adjacent to the Community facility, which is fully wheelchair usable.
- 6) Children with disabilities to be considered when designing the play equipment.
- 7) Some BB Parking needed round the amenity space with children's play area (5.32 Design and Access Statement) also cycle parking (5.33)
- 8) If refuse/recycling bin collection is not kerbside extra expense will be incurred by ECDC for collection and return of bins for those who are unable to take their bins to a central collection point. This appears to be designed in extra expense for the local authority.

Cambridgeshire Fire And Rescue Service – 9 March 2021

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
Hinchingsbrooke 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.

Designing out Crime – 11 March 2021

This office has reviewed the above outline planning application in terms of community safety and reducing vulnerability crime - noted also that all matters reserved except access.

In the last 12 months there have been 48 reports of burglary across the Soham area (14 of which were to business properties, the rest to residential homes). With this information we would expect that any proposed layout will provide a high level of

natural surveillance with pedestrian and vehicle routes aligned together. Permeability limited away from access to rear of properties which should provide high levels of territoriality amongst residents deterring searching/distraction behavior that could target vulnerable or elderly occupants. Vehicle parking is in-curtilage to the front/sides of properties, allowing owners the ability to view their vehicles from inside their home from active windows.

From what I have seen so far in the Masterplan layout I would be happy to support and with the inclusion of a community building which helps encourage more natural surveillance in the local area and also help encourage more use of green space areas. This office is happy to be consulted and there are no further comments at present.

Cambs Wildlife Trust - 15 June 2022

I am content that outstanding matters relating to ecology can be dealt with by way of an appropriately worded planning condition(s), and addressed at the reserved matters stage of the project.

Cambs Wildlife Trust - 26 November 2021

I have reviewed the Ecological Impact Assessment (EclA) dated October 2021. I welcome the submission of this document and have very much appreciated the collaborative approach taken by the applicant's ecologists to work through areas for discussion in this application. I do have a few further comments on the EclA, and look forward to working through these to reach a point of agreement.

Bird and bat box provision seems low; 25 bird boxes and 30 bat boxes on an 'up to 210 dwellings' development seems out of proportion, particularly with a need to demonstrate biodiversity net gain. It is important to remember that Biodiversity Net Gain is not just about the numbers in the matrix spreadsheet, but a wider consideration of how the project can deliver (there are references to best practice guidance on this - British Standards BS 8683, CIEEM & CIRIA, 2016 and CIRA, 2019).

On the subject of hedgerows, there did not appear to be a plan in the EclA report, or reference as to which plan I should view, in order to see which hedgerows will be included within residential properties. The EclA refers only to this as 'a small section' but no indication of how much or where, or the ecological value of these section(s). Suggest perhaps we ask for more information on this aspect?

Regarding reptiles, in earlier correspondence I had with the applicant's ecologist (26.4.21) it was agreed that rather than log piles as compensation, these would be hibernacula but the latest EclA says there will be just one hibernacula and three log piles. Please can this be reviewed in light of earlier agreements. Any hibernacula created should be built in suitable locations and following published design.

Regarding assessment of recreational impacts and the delivery of onsite green space to mitigate against some of this impact, care needs to be taken regarding what the function of the green space is. If it is part of BNG and a habitat area for wildlife, it cannot necessarily also be encouraged for use by eg dogwalkers as the two objectives often don't align. If, as per section 6.1.3 of the EclA, the purpose of

the green or open space on the site is for recreational use, then we need to re-visit the BNG matrix spreadsheet and scores, because it is possible that the post-development value of some of the habitats will need to be downgraded in order to be considered as realistic. All of the proposed new habitats and habitats to be enhanced have been scored as condition Moderate up to Good. Perhaps further discussion / clarification can be had regarding the aims and objectives for the green space within the proposed development so that all are clear what it is for.

Regarding recreational impacts, ECDC will need to negotiate the financial contribution and this needs to be included in the s106 agreement. A trigger point for this payment at a suitable stage of the project should be agreed; we would suggest the contribution should be made prior to occupation of the first dwelling.

Cambs Wildlife Trust - 5 October 2021

I welcome the commitment made to a financial contribution to the Soham Commons Recreation and Biodiversity Enhancement Plan.

I have reviewed the updated BNG calculations and can confirm that I am happy with these and appreciate the supplementary response provided by the applicant's ecologist.

My outstanding comments, having reviewed the Ecological Impact Assessment (EclA) are:

Within the Operational Impacts section, no mention is made of potential for recreational impacts at East Fen Commons CWS. And Country Wildlife Sites are of County value, not Local (unless there is a specific reason for them to be downgraded). Request that the EclA report is amended accordingly - both of these points may have a bearing on future discussions.

I would suggest that a commitment be made at this outline stage as to a minimum number of bird boxes to be included and what designs / what species these intend to provide habitat for (specific locations can be left to reserved matters conditions)

There is no consideration within the Construction Impact Assessment as to the impacts arising from the loss of buildings with bat roosting potential, in particular the building with 'high' potential. This has implications for the numbers of bat boxes to be provided within new houses; bat boxes will be required as compensatory habitat to mitigate for this loss (distinct from those given as enhancement). Section 6.4.5 of the EclA states that no compensation is required (in relation to bats) but this is not accurate as there will be a loss potential roost sites, including a 'high' potential roost. Compensation is therefore required.

The EclA as published commits to a minimum 20 bat boxes and is clear that these are part of the schemes biodiversity enhancement. Additional bat boxes are needed as compensation for the loss of the potential roost sites. The number of boxes to be provided for this needs committed to at this stage.

I also suggest that a commitment be made (or condition set) that a minimum of 50% of the bat boxes provided by the scheme are integrated into the walls of new buildings, in locations suitable for bats to use.

Table 6 refers to 'approximately X trees will be planted' - request that this is clarified.

Please contact me if you would like to discuss further

Cambs Wildlife Trust - 23 March 2021

My overarching comment in relation to the ecology work completed in support of this application is to query why only a Preliminary Ecological Appraisal has been completed, and no Ecological Impact Assessment (EclA). Guidelines from CIEEM, 2017 are clear that to inform a planning application, an EclA is needed, and I would expect a development of this size to complete an EclA.

I would also query the lack of breeding birds surveys, for a site this size, the habitats present and from the species records returned from the datasearch, and would suggest that these should be completed prior to determination.

The PEA says that the buildings on site could support barn owl, but no mention is made of surveys for evidence of barn owls, either in the PEA or the Bat Report.

There is no assessment of potential recreational impacts on nearby designated sites, such as Wicken Fen, other SSSIs and CWSs. For a development of this size, this needs to be explored.

The semi improved grassland in the north of the site is acknowledged in the report as 'an important habitat for wildlife'. The report states that a 2m buffer of this grassland will be retained. What is the impact of the loss of the remainder of this habitat?

I query the approach regarding reptiles. The semi improved grassland, scrub and ruderal habitats sounds suitable. If present, when these habitats are cleared from the site, where are animals expected to move to, given the surrounding habitats are primarily arable? I would expect presence/absence surveys for reptiles to be carried out.

In terms of habitat compensation, assuming for now in the absence of survey data that they are present on the site, I do not feel that the inclusion of three log piles compensates for the loss of large areas of grassland, artificial refuges and dense scrub. As a minimum these should be a more substantial hibernaculum, partly buried, for example built to specifications as set out in English Nature 2001 (GCN Mitigation Guidelines), in order to partly compensate for the loss of dense scrub. Given these are s.41 Species of Principle Importance, the proposals should aim to go further and deliver enhancements for these Priority Species.

Five bird boxes seems a very small number for a development of this size.

The bat report mentions the inclusion of bat boxes on the site but these are not referred to in the PEA.

The Biodiversity Metric is not available to review. The Biodiversity Net Gain of the project should be available at the outline planning stage. In keeping with planning

policy, and ECDC Natural Environment SPD, a development of this size should be aiming for significant gains in post-development biodiversity value.

The landscape / habitat creation proposals in the north-west of the site look good, especially as the SUDS feature will hold water permanently and will be linked to semi-natural and less heavily managed habitats. However, due to the lack of impact assessment and BNG calculations, it is not clear what the predicted outcomes for biodiversity will be on the site.

ECDC Trees Team - 10 May 2022

The indicative master plan in conjunction with the updated Arboricultural information is acceptable at this stage. Going forward any new buildings will need to be located a sufficient distance from retained trees to allow them room to develop in size, it may also be worth looking at the path layout near the attenuation pond to ensure that their routes more closely follow likely desire lines and that the indicated view point contain some seating or even a bird hide could be considered. 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. This could aid the increase in biodiversity on site as well as being inline with Policy SPD.NE9: Landscaping and Biodiversity and guidance in the Natural Environment Supplementary Planning Document 2020.

Recommend approval in relation to trees and landscaping

ECDC Trees Team – 18 March 2021

When considering the future design and layout of this site extra consideration should be given to the retention of existing boundary vegetation as it provides valuable habitats and biodiversity opportunities regardless of the subjective human assessment of its quality and suitability for retention, if removed it would take a significant amount of time for any replacement planting to provide the same benefits if ever. Dead standing as well as fallen trees provide unique and valuable habitats and can be managed allowing their safe retention. It would also be advisable for the hedges to be assessed in line with the 1997 hedgerow regulations to assess their potential importance.

No tree related objections to the potential suitability of development on this site as long as adequate space is allowed for the retention of existing vegetation where suitable to have room to grow with minimal pressures for pruning or removal when the site is inhabited.

Natural England - 26 August 2021

No Objection subject to securing measures. Natural England welcomes that, in addition to on-site accessible green infrastructure, a financial contribution will be provided to assist with the implementation of measures identified in the Soham Common Recreational and Biodiversity Study (Footprint Ecology, 2017) to address recreational pressure impacts to the commons around Soham. These measures include new or replacement infrastructure for grazing, new access infrastructure, new interpretation, waymarking and signage and ecological enhancements. Subject to delivery of these measures being secured through appropriate planning mechanisms Natural England is satisfied that the proposed development is unlikely to have any significant adverse effect on Soham Wet Horse Fen SSSI and has no objection

Natural England - 22 March 2021

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Soham Wet Horse Fen Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Consideration of recreational disturbance on Soham Wet Horse Fen SSSI

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

This application is in close proximity to Soham Wet Horse Fen Site of Special Scientific Interest (SSSI). The application, as submitted, does not contain sufficient information to conclude that the development is not likely to damage or destroy the interest features for which Soham Wet Horse Fen SSSI has been notified. Our concerns are set out below.

We disagree with the findings of the Preliminary Ecological Appraisal (PEA) that there is no pathway for impact to nearby statutorily designated sites from a proposed development of this scale and nature, in this location. The proposal has

the potential to have adverse effect, through recreational pressure, on nearby Soham Wet Horse Fen SSSI and locally designated wildlife sites. Potential impacts should be given further consideration. Our advice is that the effects of recreational pressure associated with residential development in Soham should be addressed through delivery of measures identified in the 'Soham Commons Biodiversity and Access Enhancement Study' prepared by Footprint Ecology and available from the Council. This 'strategy' for the Commons identifies measures, to be implemented through residential development and /or financial contributions, to ensure that increased visitor pressure from people and dogs will not have an adverse impact on the Commons and Soham Wet Horse Fen SSSI. The applicant should be requested to address this matter and to update the PEA accordingly.

Your authority should ensure that delivery of all mitigation measures is secured through an appropriate planning mechanism.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI, Natural England will be happy to consider it.

If your Authority is minded to grant consent for this application contrary to the advice relating to the SSSI contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your Authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and

- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Further general advice on the protected species and other natural environment issues is provided at

Annex A.

If you have any queries relating to the advice in this letter please contact me on 020 802 68326.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Cadent Gas Ltd - 30 April 2021

We do not object to the proposal in principle.

Please note the presence of a high pressure gas pipeline in close proximity to the proposed development. The pipeline has a 3m building proximity distance (BPD). No buildings including footings and overhangs are permitted within 3m of the pipeline. Landscaping 3m either side of the pipeline is also restricted and must have formal written approval from Cadent Gas before commencing. The developer is to engage with plantprotection@cadentgas.com before commencing any works on site.

Cadent Gas Ltd - 12 March 2021

Thank you for consulting Cadent Gas for this application. We do not object to the proposal in principle.

Cadent Gas Ltd - 10 March 2021

Thank you for your enquiry which was received on 05/03/2021. Please note this response and any attached map(s) are valid for 28 days. An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou-dig>) or the enclosed documentation.

Environment Agency - 26 October 2021

Environment Agency position

It has no objection to the proposed development and restates previous standard advice.

Environment Agency - 4 May 2021

We have no objection to the proposed development, but we have general comments to make as set out below.

Groundwater and Contaminated Land

The site is located above a Principal Aquifer. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here:

<https://www.gov.uk/government/publications/managing-and-reducing-landcontamination>

If the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted.

Pollution Prevention

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. If soakaways are proposed for the disposal of uncontaminated surface water percolation tests should be undertaken, and soakaways designed and constructed in accordance

with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Building Control. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Environment Agency - 22 March 2021

We have reviewed the information provided and have no objection to the proposed development.

Foul Drainage

The Flood Risk Assessment demonstrates that dialogue has taken place with Anglian Water regarding the existing problems with wastewater infrastructure in the

Soham area. Anglian Water appear to have identified a foul drainage solution for the site, and a wider Soham Catchment Strategy in order to address the capacity issues within the sewerage network. The proposed development will only be acceptable if the following condition is attached to any planning permission.

Condition

No occupation of dwellings approved by this permission shall occur until the agreed scheme for improvement and/or extension of the existing sewage system has been completed.

Reasons

- a) There is insufficient capacity within the existing sewerage infrastructure to accommodate additional foul flows from this site.
- b) This development would create and/or exacerbate foul flooding and spills from existing overflows in the absence of improvements to the sewer system.

Advice to LPA

A scheme for improving the sewerage infrastructure in Soham has apparently been identified by Anglian Water. To avoid impacting the water environment negatively, the Anglian Water improvement strategy must be completed and operational before dwellings are occupied in the Soham Eastern Gateway development.

Water Resources

The development lies within the area traditionally supplied by Anglian Water. We note that the applicant has already approached the water company and state that there is capacity within their network but reinforcement works will necessary. The location of developments should take into consideration the relative availability of existing developed water resources. The timing and cost of infrastructure improvements will be a consideration.

The water companies have recently produced water resources management plans (WRMP), which set out how the companies will maintain customer supplies over the period 2020- 2045. The assessments will show which companies have sufficient supplies to meet growth but also any strategic schemes that are needed to achieve this, along with reducing demands and leakage. We recommend that councils consider the long term viability of supplying new developments and how the phasing of growth links to the timings of the planned new strategic schemes.

The Anglian River Basin Management Plan

<https://www.gov.uk/government/publications/anglian-river-basin-district-river-basinmanagement-plan> considered the status of all rivers and aquifers in the Region. This showed many waterbodies did not have the flow required to support the ecology and groundwater units not meeting good status. Given the pressure the Chalk aquifer faces, we cannot rule out future further reductions in the supplies available to water companies to prevent deterioration of the water related ecology. The council should seek the water company's assurance that it can meet the needs of growth without causing deterioration. The Environment Agency determines that current levels of abstraction are causing environmental damage. Any increase in use within existing licenced volumes will increase the pressure on a system that is already failing environmental targets. We recommend any proposed development

considers water resources as a key issue and the council recognises the damage of long term increases in abstraction due to growth.

We recommend this development takes into account the combined effect of growth in the area and the overall increase in demand for water. We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments. All new residential developments are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015. Due to the pressures on local water resources and the potential risk of deterioration as a result of increased levels of abstraction, we would advise that any new development in the area aims for the highest levels of water efficiency. The government allows Local plans to specify optional standards with regards to water efficiency targets in new homes. Building regulations specify a target use of 125 litres per person per day. It is recommend that the optional standard of 110 litres per person per day is adopted with the aspiration for the target to be even lower than this. New developments should not detrimentally affect local water features (including streams, ponds, lakes, ditches or drains) this includes both licensed and unlicensed abstractions. We are not aware of any licensed abstraction within the development boundary. If the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose (dust suppression) then you will need an abstraction licence from the Environment Agency. Due to the pressure on water resources in the area, there is no guarantee that a licence will be granted.

Groundwater and Contaminated Land

The site is located above a Principal Aquifer. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here:

<https://www.gov.uk/government/publications/managing-and-reducing-landcontamination>

If the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted.

Pollution Prevention

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes Open gullies should not be uses.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. If soakaways are proposed for the disposal of uncontaminated surface water percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Building Control. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Site operators should ensure that

there is no possibility of contaminated water entering and polluting surface or underground waters.

Anglian Water Services Ltd - 7 April 2021

Background

Anglian Water has worked with the applicant through pre-application discussions and will continue to work closely with them throughout the planning and build process.

Anglian Water has defined a foul network catchment strategy for Soham and Fordham to manage additional foul flows from future development sites. The strategy has multiple phases, with phase one under construction on SOH4.

This site, whilst it can be utilised as part of the wider strategy, is not key to it. As detailed below in section 3 the site has a standalone on-site solution to manage the additional flows.

Environment Agency's Comments

We note that the EA has made formal comments on this application and we wish to address some of the points made in their response dated 22 March 2021.

Recommendation is made for a foul drainage strategy to be included. Whilst we have no objection to such a condition the wording should only reference any required on-site works as this site does not directly tie into the wider strategy.

Reference is made under 'Advice to LPA' that the improvement strategy must be completed before dwellings are occupied in the Soham Eastern Gateway development. This comment has no bearing on the application and therefore Anglian Water do not believe it is relevant in this instance.

ASSETS

Section 1- Assets Affected

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

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus., it should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Soham Water Recycling Centre which currently does not have capacity to treat the flows from the development site.

We are aware there are a number of development sites currently forecast in the SOHAST (Soham WRC) catchment and at the current profiling we don't expect to require investment at the WRC until AMP9 (2030-2035).

Anglian Water will work with the EA on future investment plans for Soham WRC. It is not a process the developer can get involved with or has any influence over.

Section 3 - Used Water Network

Our comments are based on the following submitted document:

Flood Risk Assessment January 2021

Anglian Water have undertaken a capacity assessment for the site and the development will lead to an unacceptable risk of flooding downstream.

The applicant has been working with us to ensure a suitable drainage strategy is delivered. As stated in paragraph 6.2 of the Flood Risk Assessment we require the development site to include additional storage at the on-site pumping station with real time control. This will ensure that the flows from the site will be inhibited if the local network becomes surcharged. Flows will be held in the additional storage until the local network is clear. Engagement with the applicant will continue throughout the planning process.

To ensure a suitable strategy and any required mitigation is delivered we recommend a condition requiring phasing plans and an on-site drainage strategy.

Section 4 - Surface Water Disposal

Our response is based on the following document:

Flood Risk Assessment January 2021

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted document and note that we may be the adopting body for the attenuation basin. We recommend the applicant reads the Design and Construction Guidance to ensure any such proposal meets our adoptable standards.

The revised National Planning Policy Framework (2019), section 165, requires all major development incorporates Sustainable Drainage Systems unless there is clear evidence that this would be inappropriate. The Lead Local Flood Authority are the statutory consultee and their advice should be followed. Anglian Water will liaise with the Lead Local Flood Authority to ensure they are satisfied that sufficient evidence has been provided in line with the surface water hierarchy.

Section 5 - Suggested Planning Conditions

Anglian Water has no objection to the proposed development subject to the following recommended planning conditions:

Used Water Network

CONDITION: Prior to development commencing a scheme for on-site foul water drainage works, including details of connection point(s), discharge rates and any

required mitigation, shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding

CONDITION: Prior to development commencing a Phasing Plan to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

REASON: To ensure the development is phased to avoid an adverse impact on drainage infrastructure

Lead Local Flood Authority - 14 September 2021

Having reviewed the revised documentation we can confirm that the LLFA has no further

comments beyond those set down in our response of 28 May 2021 (ref: 201106227). Our

position therefore remains supportive of the development, subject to condition.

Informatives

Lead Local Flood Authority - 28 May 2021

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development.

Following correspondence with the applicant's drainage consultant, it has been confirmed that source control will be implemented but no details have been provided at this stage. As part of our recommended condition, further details of source control features can be secured.

The above documents demonstrate that surface water from the proposed development can be managed using an attenuation pond with a permanent pool of water restricting surface water discharge to 8.1l/s.

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 Assessment prepared by iD Ltd & Amazi (ref: AMA742, Rev A) dated January 2021 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) Temporary storage facilities if the development is to be phased;
 - g) A timetable for implementation if the development is to be phased;
 - h) 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;
 - i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
 - j) Full details of the maintenance/adoption of the surface water drainage system;
 - k) Permissions to connect to a receiving watercourse or sewer;
 - l) 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.

Informatives

Consent

This site falls close to 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.

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 - 15 March 2021

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

1. Source Control

Section 6.3.7 of the Cambridgeshire Flood and Water SPD states that source control methods must be implemented across sites to provide effective pre-treatment of surface water. The applicant has not demonstrated that source control

methods will be used on site, nor have they provided evidence of why they would be inappropriate.

As outlined in Section 6 of the Flood and Water Supplementary Planning Document the variety of source control techniques available means that virtually any development should be able to include a scheme based around these principles. The presence of low permeability soils, some forms of contamination and flat topography will not be accepted as reasons not to include source control.

Section 6.3.23 states design and layout should seek to manage and convey surface water above-ground, avoiding the use of underground piping as far as possible. This is particularly pertinent in Cambridgeshire due to the flat landscape and areas of high groundwater. Managing surface water runoff at the surface has the benefit of:

- Avoiding concentration and acceleration of surface water into waterways which causes downstream erosion;
- Integrating removal of pollutants by filtering water during conveyance;
- Reducing construction and maintenance requirements and costs;
- Creating habitats;
- Contributing to public amenity by better quality urban and landscape design;
- Increasing residents' awareness of water management; and
- Detecting blockages and obstructions more easily

Informatives

IDB Consent

This site falls close to 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.

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.

Assistance For Developers

- Cambridgeshire County Council has a surface water guidance document which is available to view [here](#). This document provides checklists and templates to help ensure you include sufficient information within your drainage strategies. Following this guidance will help reduce the risk of an objection which can hold up a planning application.

- We also offer a pre-application service which enables you to discuss your drainage proposals with the LLFA Officers prior to submission of a formal application.

Cambridgeshire County Council Education - 4 June 2021

Full consultation response is available online. To summarise, no objections are raised but contributions are required- £20,713 for Early Years, £24,013 for Secondary and £36,309 for Libraries and Lifelong Learning (£172.90 per dwelling).

Waste Strategy (ECDC) - 23 March 2021

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).

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

- Each new property requires two bins; this contribution is currently set at £52 per property.

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

Minerals And Waste Development Control Team - 18 March 2021

It is noted that the northern half of the site lies within a sand and gravel mineral safeguarding area as shown on page 145 of Appendix D of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 (MWCS); and that within the illustration in the Design and Access statement this area appears to be shown as containing greenspace, ponds / SUDS and an access. This area is also adjacent to an existing residential area. It is also noted that within the Design and Access Statement the topic of waste management is briefly addressed but acknowledged that this would be addressed as part of a reserve matter.

Policy CS26 Mineral Safeguarding Areas of the MWCS seeks to prevent the unnecessary sterilisation of mineral resources. It contains a number of criteria in which development may be permitted including where there is an overriding need for the development and prior extraction cannot be reasonably undertaken. Given the size of the site and mineral resource, and proximity to the adjoining residential dwelling, the MWPA consider that complete prior extraction is unlikely to be practical. However, the MWPA would encourage the developer to make best use of any sand and gravel incidentally extracted as part of the development, and a criterion to this effect is included in the requested waste management condition below. In the event that the Local Planning Authority (LPA) considers there is an overriding need for the development, this would be in accordance with Policy CS26.

As mentioned previously the Design and Access statement briefly addresses the topic of waste, recognising that it would be dealt with as a reserve matter. In order

to ensure that Policy CS28 Waste Minimisation, Re-use, and Resource Recovery of the MWCS is requested, if the LPA is minded to grant planning permission, then it should be subject to the following condition: Detailed Waste Management and Minimisation Plan Prior to the commencement of development or any reserved matters approval, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:

- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction;
- b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste;
- c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site;
- d) measures to ensure best use is made of any mineral resource incidentally extracted;
- e) any other steps to ensure the minimisation of waste during construction;
- f) the location and timing of provision of facilities pursuant to criteria a/b/c/d;
- g) proposed monitoring and timing of submission of monitoring reports;
- h) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development;
- i) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material; and j) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material, access to storage and collection points by users and waste collection vehicles. The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.

Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014

5.2 A site notice was displayed near the site on 25 March 2021 and a press advert was published in the Cambridge Evening News on 11 March 2021.

5.3 Neighbours – A total number of 244 letters were sent to nearby or neighbouring properties. 15 responses were received and the comments are summarised below. A full copy of the responses are available on the Council's website.

- Oppose any further destruction of a once beautiful village and the living areas of birds and wildlife.
- Already overpopulated village.
- Concerns regarding surface water on roads and photos taken during wet weather.
- Concerns regarding cycling routes and the inadequacy of roads.

- The station is within acceptable cycling distance but the cycling infrastructure is inadequate.
- Loss of agricultural land.
- Concerns regarding housing prices.
- Concerns regarding local infrastructure including schools, dental and medical facilities.
- Concerns regarding existing traffic congestion and condition of roads.
- Inadequate public transport.
- Already large developments in the area and further development could compromise quality of life for everyone.
- Soham has a well-established local community which often goes back for many generations. Local community supports itself which takes pressure off services.
- Support for the proposal but requested consideration of drainage, existing trees, and access.
- Support for the proposal for new homes and community facility which would create space for local residents and groups.
- Development needs to make improvements to the mini roundabout.
- Support for the development as much needed housing.
- Boundary vegetation is often overgrown, overhanging the footpath.
- Water table is very close to the surface in this area and there is already potential for flooding parts of the new estate behind 55 to 69 Fordham Road.
- Hard surfacing created by this application could cause serious flooding in spells of wet weather unless surface water is piped beyond the bypass to the river.
- The sewage pumping station will be unable to cope with yet more flow unless Anglian Water install a new pipeline to the treatment plant.
- The character of the lane needs to be kept and continue to be closed to traffic.
- New buildings should not be built too close to the lane or too high so as to lead to a loss of light or privacy to the existing properties that back onto the lane.
- Concerns regarding biodiversity and loss of habitat.
- Residents of dwellings to the north would have views into the plots indicated to be self-build.
- Self-build plots on other development sites have not come forward yet.
- Comments regarding the moving of the self-build plots and extending the green space into this area.
- Concerns regarding loss of views and noise disturbance.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

East Cambridgeshire Local Plan 2015

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 4	New Community Facilities
COM 7	Transport impact
COM 8	Parking provision

Supplementary Planning Documents

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

National Planning Policy Framework 2021

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

Other Relevant Policies

Cambridgeshire and Peterborough Minerals and Waste Local Plan

7.0 PLANNING COMMENTS

7.1 The application is assessed in accordance with the development plan which comprises the East Cambridgeshire Local Plan 2015. Also relevant are the associated Supplementary Planning Documents, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

7.2 Community Involvement

7.3 East Cambridgeshire District Council adopted its Statement of Community Involvement in July 2018. The Statement notes that while developer pre-application consultation with the public is not a requirement for a large number of application types, “pre application consultation will enable communities to raise issues with and make suggestions to the developer” which “might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.” The Applicant

has carried out independent public consultation prior to the submission of this application. The full details of this consultation exercise can be read within the submitted Statement of Community Involvement dated January 2021. The steps taken include engagement with the local Parish Councils and Councillors, publication of the proposals online, posting information to local residents, an online consultation event, provision of a freephone to allow the public to call and provide feedback.

7.4 Principle of Development

7.5 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at an emerging stage (with a 'regulation 19' consultation due Spring/Summer 2022), and therefore little weight should be given to its emerging content.

7.6 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.7 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is "out of date" and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 219. Applying national policy, there are three main reasons it could be out of date, as follows:

(a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8). This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years' worth, and this position has persistently been agreed by recent Inspector appeal decisions;

(b) If the Council 'fails' the Housing Delivery Test. This is not the case. The Council presently sufficiently 'passes' the Test; or

(c) If the Policy is considered 'out of date' on a separate basis. This has been defined by the Courts as "have been overtaken by things that

have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (Bloor v SSCLG [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted “The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.” (Gladman Developments Limited v SSHCLG and Central Bedfordshire [2019] EWHC 127 (Admin), [34]). Datedness will always be a “case-sensitive exercise” (Gladman, [36]) and will “encompass the manner in which a policy operates in relation to the determination of a particular application” (see Ewans v Mid Suffolk District Council [2021] EWHC 511, [47]).

- 7.8 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.9 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.
- 7.10 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.11 Turning to the facts of this particular application, the proposal is located outside of the development envelope, and is not one of the exceptions listed in GROWTH 2. On the face of it, therefore, it is contrary to GROWTH 2. However, the proposal is

located at one of the three market towns, where growth is directed to by GROWTH 2.

- 7.12 The Council has carefully considered whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the precise nature of the conflict), and for the purpose of reaching a decision on this case alone, it is considered that GROWTH 2 is considered out of date, and consequently the development envelope around the settlement of Soham is presently 'out of date'.
- 7.13 The Council have further identified that there is no other basis to consider GROWTH 2 up-to-date, noting the absence of any unacceptable harms in landscape terms, which is discussed within section 7.39 – 7.47 of this report.
- 7.14 Therefore, on the question of the principle, it is considered that the principle of development in this location, on the edge of one of the market towns, is acceptable, because the development envelope in this location is out of date and should not be strictly applied in the way GROWTH 2 intends.
- 7.15 The Council's position on all settlements other than market towns is distinct from this, and all decisions are reached on a case by case basis.
- 7.16 Community Building
- 7.17 Paragraph 93 of the NPPF is clear that planning policies and decisions should plan positively for the provision and use of community facilities to enhance the sustainability of communities and residential environments. Paragraph 7.5.1 of the East Cambridgeshire Local Plan 2015 highlights the importance of community facilities for the social wellbeing of communities and identifies that there is likely to be a need for new community facilities over the Plan period as populations expand. It sets out that such facilities will be directed toward town centres depending on their scale and the area which would be served, or as part of new residential developments. Policy COM4 of the Local Plan 2015 sets out that proposals for new 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.
- 7.18 Policy GROWTH3 sets out that development proposal will be "expected to provide or contribute towards the cost of providing infrastructure and community facilities made necessary by the development".
- 7.19 The principle of the provision of a community facility in this location is therefore considered to be acceptable and in accordance with policies GROWTH3 and

COM4 of the Local Plan 2015. There has been some debate between consultees as to whether a community building is required in this location and whether it will realistically be brought forward. Given the uncertainty, the applicant has proposed that in the event that the community building is not realised, an increased provision of affordable housing is provided. This proposal is considered to be acceptable in either scenario. It is considered appropriate to condition that the use class of the community building is restricted to a community use falling within Class E(d), E(e), and E(f) to prevent this from coming forward as a retail unit or office.

7.20 **Affordable Housing**

7.21 The proposed development seeks outline consent for the construction of up to 210 dwellings.

7.22 Policy HOU3 of the Local Plan 2015 sets out that all new open market housing developments which incorporate more than 10 dwellings will be required to make appropriate provision for an element of affordable housing; A minimum of 30% of the total number of dwellings to be provided will be sought in the north of the district, and the policy explains that Soham, for the purpose of the policy, is within the north. The policy also sets out that the proportion and type of affordable housing will be the subject of negotiation with applicants. The precise mix in terms of tenure and house sizes of affordable housing within a scheme will be determined by local circumstances at the time of planning permission, including latest national policy requirements, housing need, development costs and the availability of subsidy.

7.23 The application is slightly unusual in that it proposes an either-or situation regarding affordable housing, based on whether a provider for the community building is found. There are two scenarios:

Scenario A	Scenario B
<p>In the event that the community building use <u>is</u> brought forward: -28% affordable housing is proposed -equating to 59 affordable units based on 210 dwellings being proposed at Reserved Matters stage -20 % will be subject to the standard 77% rented /23% shared ownership split -8% being for any tenure that meets affordable housing standards.</p>	<p>In the event that the community building use <u>is not</u> brought forward -30% affordable housing proposed -equating to 63 affordable units based on 210 dwellings being proposed at Reserved Matters stage 20 % will be subject to the standard 77% rented /23% shared ownership split -10% being for any tenure that meets affordable housing standards.</p>

7.24 The proposed affordable housing tenure split would be subject to final negotiations between Council Officers and the applicant, and the detail of this would be secured

by way of the Section 106 agreement. That split is likely a mix of affordable rent and shared ownership, with precise products and % split to be agreed.

- 7.25 Scenario A would not fully comply with policy HOU3 as it would provide 2% less than the 30% required by the policy. This slight failure to be policy compliant therefore weighs against the proposal, but not significantly so. In addition, the Council recognises through its Viability Assessment Information report prepared by Dixon-Searle Partnership in April 2019 which sets out (para 3.3.25) that in respect of Soham, it is considered “appropriate that the targets should be challenging but for the towns of Littleport and Soham a 20% headline (potentially subject to potential revision upwards with starter homes or similar included) would represent an appropriate amended scenario.” With this in mind, Scenario A would be considered consistent with the Council’s own evidence, as it would provide for 28% affordable housing. This reduces further any negative weight associated with not quite meeting a policy compliant 30% level. Scenario B would, of course, be fully compliant with policy HOU3.
- 7.26 The proposal under either scenario is therefore considered to be at, or at least very close to, compliance with policy HOU3 of the Local Plan 2015, with just minor weight applied against Scenario A due to its very slight non-policy compliant position. Such negative weight is reduced further to very minor weight by virtue of the Council’s own viability evidence. That said, for both scenarios, the provision of a significant number of affordable housing units (59 or 63) is, as a matter of principle, a considerable benefit of the scheme, and that is applied significant positive weight.
- 7.27 Under policy HOU1 of the Local Plan 2015 developments of 50 or more dwellings will be expected to provide a proportion of dwellings that are suitable or easily adaptable for occupation by the elderly or people with disabilities (Lifetime Homes standard or equivalent). This can be secured by way of the S106 agreement.
- 7.28 Self Build**
- 7.29 Policy HOU 1 sets out that developments of 100 or more dwellings will be expected to provide a minimum of 5% self build properties. The inclusion of self build properties on smaller sites will also be encouraged. The S106 will ensure that that 5% of the total number of dwellings will be marketed/offered as self build plots in line with the Custom and Self-Build Housing SPD.
- 7.30 Education Contributions**
- 7.31 Cambridgeshire County Council have reviewed the application and have set out the education contributions required for the application. These are set out in full within their response dated 1st June 2021 and can be accessed via the Council’s public access system. In summary, this requires £20,713 for Early Years, £24,013 for Secondary and £36,309 for Libraries and Lifelong Learning (£172.90 per dwelling). The Applicant accepts these contributions and these can be secured by way of a S106 Legal Agreement.

7.32 Residential Amenity

- 7.33 Paragraph 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users. 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 occupiers of new buildings, especially dwellings, and that future occupiers enjoy high standards of amenity.
- 7.34 The application site is separated from adjacent residential dwellings by Cherry Tree Lane to the north, Fordham Road to the east, Orchard Row to southeast and the unnamed road to the south of the site. The change of use of the site to residential development will cause changes to the area in terms of outlook and they may also experience some impact from increased noise and traffic movement from the site. However, this is not considered to be significant such that planning permission should be refused on that basis.
- 7.35 . It is considered that any impact on residential amenity could be adequately mitigated with adequate separation distances to existing properties and appropriate heights of the proposed dwellings, in line with the requirements of the Design Guide. Particular attention to the garden sizes, scale of properties, separation distances and plot orientations will be required to ensure no adverse impacts in relation to overlooking, overshadowing, and buildings being overbearing. Impacts such as noise and disturbance from construction works could be controlled through the inclusion of conditions which restrict the construction hours, and the requirement for a Construction Environmental Management Plan (CEMP) to be submitted prior to any development commencing on site. Comments have been received regarding loss of views, however this is not a material planning consideration. The impact on upon the character of the area is discussed under the Visual Impact section of this report.
- 7.36 A Noise Impact Assessment (NIA) has been submitted with the application. The report identifies noise predominantly from Fordham Road which runs along the east boundary of the site. The report has been reviewed by Environmental Health who advise that the vast majority of the site will be able to achieve target levels with a partially open window but that there are shown 8 potential plots along the eastern edge which would require closed windows and alternative ventilation to achieve acceptable internal noise levels. They do not object to the application but note that options such as the reorientation of dwellings, dual aspect glazing, reorganisation of sensitive rooms and the house-types should be considered. The application is in outline form with all matters reserved apart from access, and therefore the illustrative layout only provides an indication of how the development can be accommodated. It is considered that a scheme with an appropriate layout and design could be achieved which overcomes the noise sources identified within the NIA. Such a layout will need to provide for acceptable internal noise levels with a partially open window in order to provide a good standard of amenity for future occupiers, as the Council does not support alternative methods of ventilation being proposed as the only method of providing fresh air.

- 7.37 It is considered that future occupiers of the site would have a good standard of amenity in terms of the site's position in relation to the services and facilities available within Soham.
- 7.38 While the details of this application (appearance, layout, scale and landscaping) would be considered at a reserved matters stage, it is considered that an appropriately designed scheme could be brought forward which prevents detrimental impacts to the amenity of neighbouring occupiers and ensures high standards of amenity for future occupiers, in accordance with policy ENV2 of the Local Plan 2015 and the NPPF.
- 7.39 Visual Amenity**
- 7.40 Paragraph 130 and 134 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 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.41 Policy HOU2 of the East Cambridgeshire Local Plan 2015 requires new development to have respect for and be informed by the character and density of the surrounding area, and take account of on-site constraints, including landscape features, neighbouring properties, availability of car parking and any heritage assets that may influence how or if a site should be developed.
- 7.42 Policy ENV 1 requires applications to ensure that they 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. The policy sets out that development proposals should respect the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal. The policy requires proposals to take account of settlement edges, the space between settlements, and the wider landscape setting, as well as the visually sensitive natural skylines of the area. The policy also requires proposals to take account of the unspoilt nature and tranquillity of the area and the nocturnal character.
- 7.43 Policy ENV 2 requires applications to ensure that their location, layout, form, scale, massing and materials are sympathetic to the surrounding area by making efficient use of land and respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. This policy seeks to retain existing important landscaping and natural and historic features, and expects proposals to include landscape enhancement schemes.
- 7.44 The application site is generally flat and ranges from grassland to agricultural land. There is some boundary vegetation between the parcels of land which is generally mature. The site is bordered to the north by Cherrytree Lane, the east by Fordham Road and Orchard Row, and the south by an unnamed road. To the north and south-east of the site is urban built form of Soham. To the north-east corner of the site the Cherry Tree public house is located. The Conservation Area of Soham is

located approximately 200m to the north of the site and is physically separate from the application site by virtue of the intervening built form of Soham.

- 7.45 Although the application is in outline form with all matters reserved apart from access, the visual impact of the development of potentially 210 dwellings, must be assessed in principle. The applicant has submitted an illustrative masterplan for the site which indicates how the proposal could be accommodated at the site. The indicative masterplan shows large areas of open space and landscaped buffers to sensitive site boundaries. The plan indicates that dwellings could be set away from the site boundaries to help assimilate the development into its surroundings. The gross density of the site is 21dph. The illustrative masterplan indicates large areas of open space, which means that the developable area of the site would have a density of between 35-40dph, however the density is not set and would be dependent on the detailed design, which would come forward at reserved matters stage; it may be that certain areas of the site have a lower density than others depending on how this is laid out. The application is for **up** to 210 dwellings and it would need to be satisfactorily demonstrated at reserved matters stage that this number of dwellings could be appropriately achieved, with good quality design. However, the illustrative masterplan broadly demonstrates that approximately 210 dwellings could be accommodated on site. The applicant has recognised within email correspondence that to achieve 210 units there would need to be a predominant number of smaller units such as cluster homes, apartments or semi-detached dwellings. The final number of dwellings will be designed at the reserved matters stage and this will be informed by all material considerations and planning policies, including ensuring good design and open space.
- 7.46 The applicant has submitted a Landscape Visual Impact Assessment (LVIA) which assesses the existing landscape and visual receptors. The LVIA sets out that the visual impacts from the private rights of way network (PROW) are not considered to be significant when considered overall and in the context of the settlement edge. The report notes that views from adjacent neighbours and the road network could be screened and filtered through soft landscaping to reduce the visible mass of the development. The LVIA discusses that views of the site will be possible from the recently constructed dwellings to the north (Morello Chase) however it notes that the development is indicated to be set back from the northern boundary which will reduce the visual impact. The LVIA notes that there will be direct views of the proposed development from the local road network depending on the absence or presence of intervening vegetation. The LVIA concludes that the development would result in limited impacts at localised levels and that these impacts would likely be limited to the site area and immediate context. The LVIA sets out that the views of the development can be filtered through the use of soft landscaping and would be seen against the existing settlement edge. The LVIA notes that the landscape and visual impacts would be limited and considers that the proposed development is acceptable.
- 7.47 It is considered that the illustrative masterplan submitted indicates that sufficient space could be provided in order to accommodate high quality soft landscaping within the site, as well as to the site edges which could help to assimilate the development into its surroundings and soften the built form of the development. It is considered that at the detailed design stage an appropriate high-quality scheme

could be submitted. The outline proposal is therefore considered to comply with policies HOU2, ENV1 and ENV2 of the Local Plan 2015, and the NPPF.

7.48 Highways

7.49 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, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Paragraph 110 b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 104 c of the NPPF sets out that “opportunities to promote walking, cycling and public transport use are identified and pursued” and that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”

7.50 The application proposes a primary vehicular access onto Fordham Road and a secondary emergency access from the unnamed road to the south of the site. The emergency access would be secured with collapsible bollards. The proposed number of car and cycle parking spaces in accordance with Policy COM8 would be assessed as part of any reserved matters application and does not form part of the assessment of this application, as the detailed design elements are not being considered as part of the outline application. However, based on the illustrative masterplan submitted, it is considered that the required parking could be accommodated on site, in accordance with Policy COM8. Alongside the application a Transport Assessment has been submitted which concludes that “proposed residents would have opportunities to travel by sustainable modes, a safe and suitable access arrangement can be provided, and that the development will have no significant or severe off-site impact”.

7.51 The Local Highways Authority has reviewed the access proposals and confirms in their response dated 9th December 2021 that they raise no objection to the proposals. They note that some works such as the lowering of kerbs and adjustments to highways signs would be dealt with directly with the Local Highways Authority at a later date. They have requested that some conditions are appended to any grant of permission. The proposals have also been considered by the Cambridgeshire County Council Transport Assessment Team. The Transport Assessment Team note that there are a number of key facilities within Soham which are within acceptable walking and cycling distance from the application site. They advise that footways are present on both sides of the road which provide access to the town centre, and that public rights of way will be maintained as part of the proposal. The Transport Assessment Team raise no objection to the proposals and request that the S106 Legal Agreement secures the following:

- Upgrade the existing northbound bus stop on Fordham Road within the vicinity of the site to comprise Real Time Passenger Information (RTPI) and maintenance fee for RTPI.

- S106 monetary contribution of £183,000 towards capacity improvements at the A142/Fordham Road/A1123 roundabout.

7.52 All of the Transport Assessment Team's requirements would need to be secured by S106 legal agreement and planning conditions. Subject to this, the proposal complies with the requirements of Policy ENV2, COM 7 and COM8 of the Local Plan 2015.

7.53 Flood Risk and Drainage

7.54 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. Policy ENV8 of the Local Plan 2015 sets out that all developments should contribute to an overall flood risk reduction and that the sequential and exception test will be strictly applied across the district. It sets out that development should normally be located in Flood Zone 1. The policy states that development will not be permitted where it would:

- Intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigations measures can be agreed and implemented.
- Increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- Where the risk of flooding would cause an unacceptable risk to safety.
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowances.

7.55 The site is located within Flood Zone 1 and the applicant has provided an up to date Flood Risk Assessment (FRA). The FRA notes that there are two watercourses in the vicinity of the site along the north boundary and the northern end of the west boundary. The application proposes sustainable drainage systems (SuDS) to control surface water runoff. Rainwater would be dealt with via a piped drainage system that would outfall into an elongated wet attenuation pond which would also act as a swale in low flow conditions. This would outflow into the existing watercourse to the north of the site with a restricted outflow of 8.1 l/s which is less than the 1:1 year return period greenfield runoff from the development area. The FRA sets out that in the worst case scenario 1:100 year plus 40% climate change storm event is 4,655m³. The Lead Local Flood Authority (LLFA) have reviewed the information submitted and have removed their initial objections to the scheme following correspondence with the Applicant's drainage consultants. They have requested that a condition is imposed on any grant of planning permission which requires a detailed design of the surface water drainage for the site and have set out specific criteria which would need to be included in this strategy.

7.56 The Environment Agency have also reviewed the proposals and raise no objection to the development but have made general comments in relation to groundwater and contamination, and pollution prevention. Anglian Water have reviewed the proposals and the Environment Agency's comments and addressed these comments within their response. They advise that:

“We note that the EA has made formal comments on this application and we wish to address some of the points made in their response dated 22 March 2021.

Recommendation is made for a foul drainage strategy to be included. Whilst we have no objection to such a condition the wording should only reference any required on-site works as this site does not directly tie into the wider strategy.

Reference is made under 'Advice to LPA' that the improvement strategy must be completed before dwellings are occupied in the Soham Eastern Gateway development. This comment has no bearing on the application and therefore Anglian Water do not believe it is relevant in this instance.” (*Anglian Water consultation response dated 7th April 2021*).

7.57 The response from Anglian Water notes that the foul drainage from the development would be within the catchment of Soham Water Recycling Centre (SWRC). They note that the SWRC currently does not have capacity to treat the flows from the development site however there are a number of development sites forecast and at the current profiling don't expect to require investment at the WRC until 2030-2035. They note that this process is not something the developer can get involved with or have any influence over. The Water Industry Act does not allow for developer contributions towards WRC upgrades. Anglian Water have no objection to the proposed development and have not sought financial contributions. It has requested conditions be appended to any grant of permission relating to site phasing and foul water network.

7.58 Based on the information provided it is considered that flood risk and drainage can be adequately dealt with in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF.

7.59 Ecology

7.60 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It

goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

- 7.61 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:
- information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
 - the pre-development biodiversity value of the onsite habitat based on an up to date survey and ideally using the Defra metric,
 - the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
 - the ongoing management strategy for any proposals.
- 7.62 Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure. Proposals should also incorporate within the landscape scheme, features that will support the establishment of biodiversity, such as wetland areas, 'insect hotels' and log piles.
- 7.63 The applicant has submitted an Ecological Impact Assessment which sets out the impacts of the proposed development in terms of ecology and biodiversity. The report concludes that the main body of the site is arable habitat of negligible ecological value, with habitats of local value being located to the boundaries of the site (hedgerows and trees) and an area of semi-improved grassland to the north. The report sets out that the site is considered to support birds and hedgehogs, and act as commuting/foraging land for bats along the site boundaries. The report also notes that there is potential for small populations of common reptiles around the site boundaries and grassland. The report indicates that the majority of boundary habitats could be retained as part of the proposals, and that compensation can be applied where any small losses occur.
- 7.64 The applicant has also submitted a biodiversity net gain metric. The Wildlife Trust has reviewed the information provided and has provided a number of comments in relation to achieving net gain on site, however as the detailed design of the site would be submitted at a reserved matters stage it is not appropriate at this stage to require detailed information which relies on the layout and landscaping elements of the site design, however it is concluded from the information submitted that a 10% net gain could be achieved. Following discussions with the Wildlife Trust it is considered appropriate to append conditions to any grant of permission which require a comprehensive scheme of biodiversity enhancements to be submitted as part of any reserved matters application in accordance with policy ENV7 of the Local Plan 2015, the Natural Environment SPD and the NPPF. The application will also be required to contribute toward the Soham Commons, however this can be secured through the S106 agreement.

7.65 Climate Change

- 7.66 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”. The policy requires that developments for 5 or more dwellings “are required to achieve Code for Sustainable Homes Level 4 (or its replacement pending implementation of the zero carbon homes requirement)”.
- 7.67 The Council’s Climate Change SPD sets out that applicants could demonstrate their approach to the following:
- a. Minimising demand for energy through design;
 - b. Maximising energy efficiency through design;
 - c. Carbon dioxide reduction achieved through items a and b above, and through incorporation of renewable and low carbon energy sources;
 - d. Water efficiency (including whether, for residential development, the design intends to voluntarily incorporate the Part G Building Regulations option of estimated water consumption set at no more than 110 litres per person per day, rather than the standard 125l/p/d);
 - e. Site waste management;
 - f. Use of materials (such as low carbon-embodied materials); and
 - g. Adaptability of the building, as the climate continues to change.
- 7.68 The applicant has submitted an Energy Statement which seeks to establish the indicative approach to sustainable construction and energy demand for the development. The Energy Statement seeks to demonstrate that a number of the key considerations would be addressed through the application of Building Regulations standards and developer responsibility. The report notes that a fabric first approach to sustainable construction is proposed including methods of insulation, reductions in thermal bridging and air leakage. The report also notes that energy demand can be minimised through a fabric first approach. However the Local Planning Authority will ensure that any scheme that comes forward will demonstrate energy efficiency improvements 20% above present (as at Jan 2021) Building Regulations. It is noted that as Building Regulations improve this may result in even further carbon reductions based on when the development is commenced.
- 7.69 Based on the information submitted at outline stage, it is considered that an appropriate scheme could be submitted at detailed design stage which maximises energy efficiency and incorporates renewable or low carbon energy sources. It is considered to append a condition to any grant of permission which requires that prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority.

7.70 Other Material Matters

7.71 *Contamination*

7.72 The application includes the submission of a Phase I Geo-Environmental Desk Study report dated January 2021 prepared by BRD. The Council's Scientific Officer has reviewed this report and accepts the findings. The report sets out that a Phase II investigation is carried out. The Council's Scientific Officer has requested that conditions are appended to any grant of permission in relation to contamination investigation, the submission of a remediation scheme, the implementation of any remediation, and the reporting of any unexpected contamination. This is considered to be appropriate and with the imposition of these conditions the proposal is considered to be compliant with policy ENV9 of the Local Plan 2015 which seeks to ensure that "development proposals should minimise, and where possible, reduce all emissions and other forms of pollution".

7.73 Planning Balance

7.74 It is considered that the principle of development in this location, on the edge of one of the market towns, is acceptable, because the development envelope in this location is out of date and should not be strictly applied in the way GROWTH 2 intends. Policies GROWTH3 and COM4 of the East Cambridgeshire Local Plan 2015 and paragraph 93 of the NPPF support the provision of community facilities to enhance the sustainability of residential environments. The application would provide either 28% affordable housing and the provision of a community building, or 30% affordable housing if the community building is not realised. The proposal is considered to be in compliance, or at least very close to, with policy HOU3 of the Local Plan 2015, and the provision of a significant number of affordable housing units represents a benefit of the scheme which is applied significant positive weight.

7.75 It is considered that at a reserved matters stage an appropriately designed scheme could be brought forward which prevents detrimental impacts on the amenity of neighbouring occupiers and ensures a high standard of amenity for future users in accordance with policy ENV2 of the Local Plan 2015 and the NPPF. It is also considered that a high-quality scheme could be brought forward which prevents significantly detrimental impact on visual amenity, in accordance with policies HOU2, ENV1 and ENV2 of the Local Plan 2015, and the NPPF. The application proposes appropriate access arrangements and would secure the upgrading of a nearby bus stop and financial contributions to local road infrastructure, and the proposal is considered at this stage to be compliant with policies ENV2, COM7 and COM8 of the Local Plan 2015. With regard to flood risk and drainage, the proposals have been reviewed by the relevant statutory consultees who confirm that there are no objections, and the proposal is therefore considered at this stage to be compliant with policy ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF. The Wildlife Trust are content that the outstanding matters relating to ecology can be dealt with by way of an appropriately worded planning condition, and addressed at the reserved matters stage of the project.

7.76 On balance, the proposal is considered to be broadly compliant with the relevant planning policies and that there will be no significant adverse impacts that would weigh against the proposal. 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 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:

- Principle of development as defined by Planning Inspectorate Decision APP/V0510/W/21/3282449 Land to the North East of Broad Piece
- No statutory objections.

9.0 APPENDICES

Appendix 1- Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00291/OUM	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Team Leader 01353 665555 catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

Appendix 1- Recommended Conditions.

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

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
F18096/06	A	7th December 2021
P19-2275_12	A	22nd February 2021
F18096/01	A	22nd February 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 Approval of the details of the site of the community building (Use Class E(d), E(e), and E(f)) shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 3 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 4 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters relating to that phase.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 5 As part of any reserved matters application, a Biodiversity Method Statement including a 5 Year Management Plan and a scheme of biodiversity and habitat retention, mitigation, protection and / or enhancement, shall be submitted to the Local Planning Authority for approval. The Statement shall include but not be limited to the details set out in the Ecological Impact Assessment dated October 2021 and the biodiversity net gain assessment submitted with the outline application. The development shall thereafter be carried out in accordance with the agreed details.
- 5 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 8 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 9 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy

ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 10 Prior to the commencement of any development, the remediation scheme approved in Condition 9 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 12 Reason: The application has been assessed as acceptable and complying with policy ENV4 of the East Cambridgeshire Local Plan 2015 on this basis.
- 13 Prior to development commencing a scheme for on-site foul water drainage works, including details of connection point(s), discharge rates and any required mitigation, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 13 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to development commencing a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.
- 14 Reason: To ensure the development is phased to avoid an adverse impact on drainage infrastructure in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

- 15 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 prepared by iD Ltd & Amazi (ref: AMA742, Rev A) dated January 2021 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) Temporary storage facilities if the development is to be phased;
 - g) A timetable for implementation if the development is to be phased;
 - h) 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;
 - i) Demonstration that the surface water drainage of the site is in accordance with DEFRA nonstatutory technical standards for sustainable drainage systems;
 - j) Full details of the maintenance/adoption of the surface water drainage system;
 - k) Permissions to connect to a receiving watercourse or sewer;
 - l) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- 15 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. 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.
- 16 Prior to the commencement of development, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction;
 - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste;
 - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site;
 - d) measures to ensure best use is made of any mineral resource incidentally extracted;
 - e) any other steps to ensure the minimisation of waste during construction;
 - f) the location and timing of provision of facilities pursuant to criteria a/b/c/d;
 - g) proposed monitoring and timing of submission of monitoring reports;

h) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development;

i) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material; and j) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material, access to storage and collection points by users and waste collection vehicles. The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.

- 16 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014, and ENV2 of the Local Plan 2015.
- 17 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 17 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 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.
- 18 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.
- 19 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 F18096/01 Rev A and F18096/06 Rev A.

- 19 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 20 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan F18096/01 Revision A and F18096/06 Revision A. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 22 The emergency vehicular access as shown on the drawing F18096/06 Revision A shall be constructed prior to the occupation of the 100th dwelling.
- 22 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 23 Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of bus taster tickets and/or cycle discount vouchers. The Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 23 Reason: In the interests of sustainable transport and highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 24 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.
- 24 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 25 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.
- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

21/00418/FUL

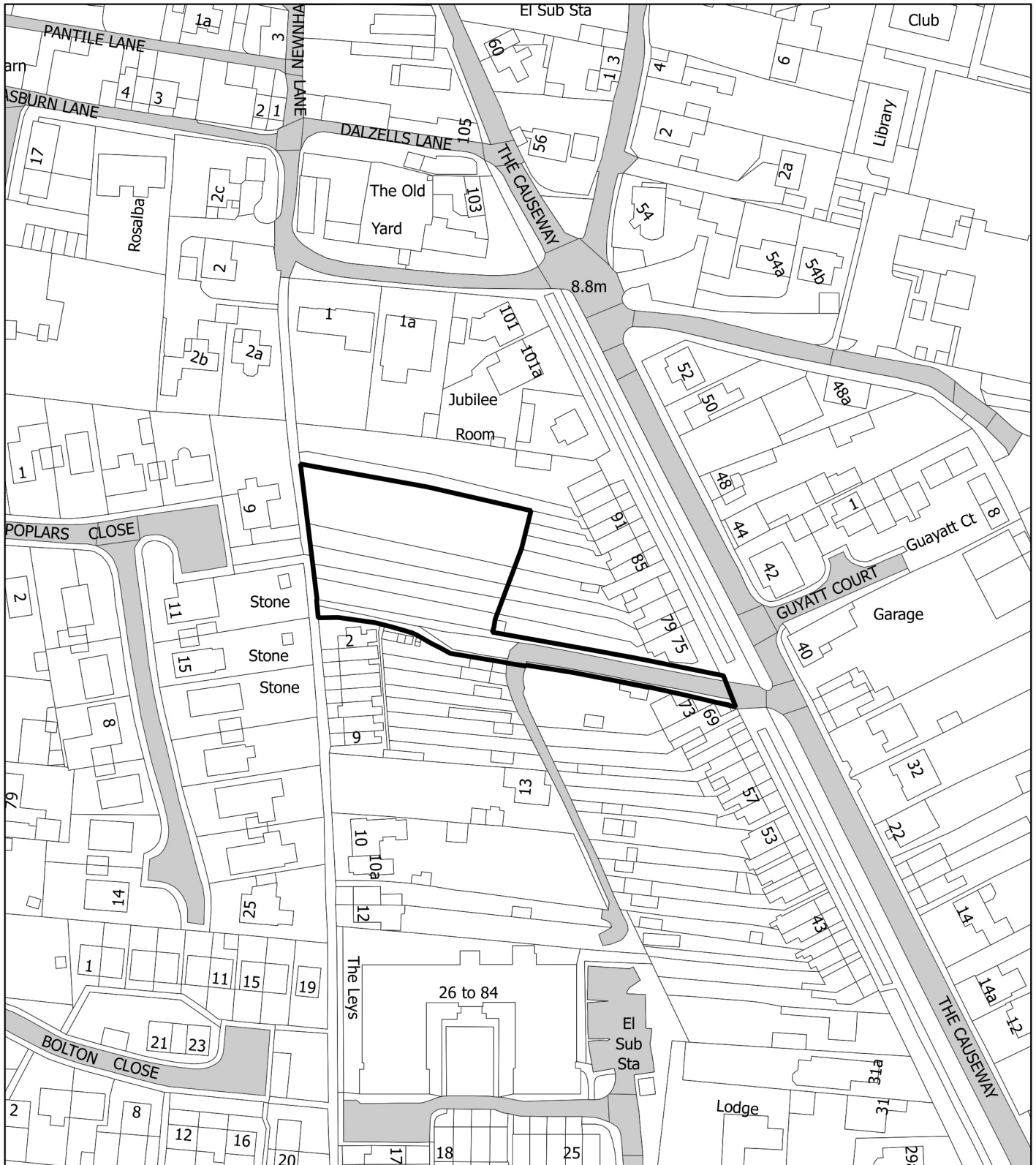
Land To The West Of 75-91 The Causeway
Burwell
Cambridgeshire

Residential development of 6 dwellings with associated landscape works

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQ2JOYGGNI00>





21/00418/FUL

Land To The West Of 75-91
The Causeway
Burwell



East Cambridgeshire
District Council

Date: 24/08/2022
Scale: 1:1,500



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MAIN CASE

Reference No: 21/00418/FUL

Proposal: Residential development of 6 dwellings with associated landscape works

Site Address: Land To The West Of 75-91 The Causeway Burwell
Cambridgeshire

Applicant: Luna Developments (Red) Ltd

Case Officer: Dan Smith Planning Team Leader

Parish: Burwell

Ward: Burwell
Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 16 March 2021 **Expiry Date:** 9 September 2022
Report Number X45

1.0 **RECOMMENDATION**

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

1. Approved Plans
2. Timescale
3. Biodiversity mitigation
4. AIA and TPP
5. Surface water drainage
6. Foul water drainage
7. Construction Environmental Management Plan
8. Junction and access improvements
9. Energy and Sustainability statement
10. Piling Method Statement
11. Hard Landscaping
12. Boundary treatments
13. Soft landscaping
14. Fire hydrants
15. Materials including fenestration
16. Contamination
17. Construction Hours
18. Laying out of parking and turning area

- 19. Ecological enhancement including management plan
- 20. Adequate drainage of highway
- 21. Restrictions on gates
- 22. Obscure glazing of windows
- 23. Removal of Permitted Development rights for extensions and porches
- 24. Removal of Permitted Development rights for fences

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the erection of six dwellings and associated hard and soft landscaping works. The application has been amended since it was originally submitted to remove one of the seven dwellings originally proposed as well as changes to the siting, orientation and design of the remaining six dwellings and the removal of the garages originally proposed.
- 2.2 The dwellings are proposed to be brought forward as three semi-detached pairs. They would take the form of two storey pitched roof houses with two storey and single storey rear projections. While two storey, pitched roof dwellings in terms of their form, they would provide rooms in the roof served by roof windows. The three pairs of dwellings are uniform in design and are 9.2 metres (~30 feet) high, 5.4 metres (~18 feet) to the first floor eaves, 9.2 metres (~30 feet) wide, 8.8 metres (~29) in gable span with the two storey rear elements projecting out 2.5 metres (~8 feet) and the single storey elements a further 2.5 metres (~8 feet).
- 2.3 The application proposes access to the site via the unmade lane off The Causeway. Alterations to the junction with The Causeway would be made as part of the application and the lane would be resurfaced. The application proposes a parking and turning area to the eastern portion of the site with the dwellings located centrally in a row running north to south and with private rear gardens to the west.
- 2.4 As detailed in the planning history section below, the site has previously benefitted from permissions to allow a total provision of six dwellings on the site. Two of those dwellings were permitted in detail via an outline and reserved matters application and four were permitted in outline with all matters reserved. The two dwellings permitted in detail are of a similar height to the dwellings proposed in the current application. Both the detailed permission for two dwellings and the outline permission for four additional dwellings have expired within the last 12 months.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>.
- 2.6 The application has been referred to planning committee at the request of district councillor Lavinia Edwards. Councillor Edwards states that Burwell Parish Council has requested that she call the application in and that the Parish Council voted to oppose the application on the basis that the amendments did not resolve any of the issues raised when the application was first considered and their initial objections still stand. She states she would like to call it in on the grounds that it will have a major impact on the properties adjacent to the development and other properties, residents and pedestrians using The Causeway and The Leys.

3.0 PLANNING HISTORY

3.1

18/00090/OUT	Construction of four new dwellings	Approved	28.09.2018
18/01529/RMA	Reserved matters for the construction of two new dwellings	Approved	12.04.2019
17/00918/OUT	Construction of two new dwellings	Approved	22.09.2017
16/00938/FUL	New 2 bed bungalow	Refused	29.11.2016

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The main body of the application site is comprised of undeveloped land which was formerly the rearmost portion of the gardens of several properties on The Causeway. The site currently has the appearance of untended garden with a mixture of improved grassland, several trees within the central area and a line of scrub and bramble along the southern side. The site is enclosed by low fencing on the north, south and east sides and by a hedge and trees on the western boundary with the pedestrian footpath. The southern boundary with the access has become subsumed into the bramble. The access from The Causeway is an unmade road in a relatively poor state of repair for much of its length.

4.2

The main body of the site is approximately 1,950m² (~0.48 acre) in area with the access way and track comprising another 700m² (~0.17 acre).

4.3

The access way serving the site currently provides vehicle access to the rears of several properties on The Leys and The Causeway. The line of a public footpath (PROW) also runs along the access.

4.4

The site is located within the development envelope of Burwell and within its Conservation Area. To the east of the site are the terraced properties on The Causeway and their gardens. To the west is a pedestrian footpath separating the site from The Poplars development of bungalows and their gardens. To the south is a terrace of properties on The Leys with further gardens and the properties of Newnham Lane to the north. The site is located within Flood Zone 1.

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.

Burwell Parish Council - 14 April 2021, 27 October 2021 and 26 May 2021

Initially objected on the basis of:

- Poor Access Road
- Overdevelopment of the site

As well as referring to all issues raised in previous applications for this site as follows:

- Access road/footpath from the Causeway to the proposed properties is not suitable for any further traffic. Should permission be granted requests that the access road is bought up to the necessary standard and is adopted by Highways.
- Parking provision.
- Capacity of the drainage system.
- Impact on the Conservation Area.
- Height of the properties
- Overlooking and privacy
- Provision for waste collection.
- Replacement of any trees removed.

Was subsequently consulted on the amended scheme now under consideration and has responded that it does not consider that these amendments resolve any of the issues raised previously regarding highway safety, crossing over the footpath, access obstruction, flooding. States that a definite divide is required between the Leys public footpath and the road and that the proposed development will have a major impact on around 30 properties in the area.

Local Highways Authority - 10 June, 19 October 2021 and 14 April 2022

In respect of the initial revisions removing the seventh dwelling from the scheme and some additional information provided subsequently, the LHA commented that the revised submission did not dimension the access and demonstrate it was of adequate width for two vehicles to pass, nor did it demonstrate that the turning provision shown within the site was inadequate. It suggested providing vehicle tracking to demonstrate adequate access and turning. It noted that the application lacked information regarding the access and any necessary changes to accommodate the intensification of use. Noted the overprovision of parking on site and that any comments from the Definitive Map Officer regarding the impact upon Footpath 35/21 should be considered. Noted that it is an offense to discharge private surface water onto public highway. This includes the discharge of private water (e.g., from the parking court) onto a public right of way and that the LHA does not consider permeable surfacing a suitable means of surface water drainage in isolation.

In response to the latest scheme of drawings the LHA notes that the latest revised scheme addresses most of its previous comments. It notes the requirement that the scheme would still need to ensure that the private surface water is not discharged onto the public highway including from the parking courtyard onto a public right of way. It notes that some minor refinement to the plans for the bell mouth access onto the Causeway is required but this can be undertaken at the detailed design stage post planning. States that it does not object to the proposed development on highway grounds. Requests conditions be applied restricting any gating of the access, requiring the provision, surfacing and drainage of the parking and turning areas, and the prevention of surface water discharge onto the highway

Waste Strategy (ECDC) - 15 April 2021

States that as is no suitable place for waste vehicles to turn within the development, all bins and bags from all properties will need to be presented at the adopted highway on The Causeway. States it will not enter private property to collect waste

receptacles and notes its prerogative to charge for the provision of waste receptacles.

Later confirmed that properties on The Leys currently drag their bins to The Causeway for collection and that new owners of new dwellings would either need to do the same. Alternatively, if the access road was brought up to adoptable standards and turning provided, they could be collected from the site.

Asset Information Definitive Map Team – 20 May 2021

Notes that Public Footpath No. 21 Burwell follows the line of the existing access road. States that while it does not object to this proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width which may differ from what is available on the ground. It notes that if the applicant requires to temporarily close public rights of way whilst construction work is ongoing, Temporary Traffic Regulation Orders (TTROs) would be required. It states that it does not own the footpath nor does it know who does, but that the applicant will need to satisfy themselves of this. States that there is no legally defined and recorded width for the footpath and it cannot advise what it would be. As the dimensions are not known, it cannot guarantee that the applicant would be able to improve the footpath to secure a road and footway to an adoptable standard that may be required by the Local Planning Authority (LPA). Advises that the applicant therefore would proceed with any development that might affect the highway at their own risk. Requests informatives including those regarding the need to keep the footpath open and unobstructed, not to use it for access to the site unless the applicant is sure they are authorised to do so, the need for consent to any alterations to the footpath surface, and the responsibilities regarding maintenance of boundaries.

Cambridge Ramblers Association - 8 April 2021

Expressed concern regarding the impact of additional traffic on the public footpath which forms the vehicular access to the site, noting its poor condition and need of improvement. Requests that hedging alongside the southern boundary of the site with the public footpath is retained.

ECDC Trees Team - 19 July 2021

Initially commented that due to the presence of trees in proximity to the development an Arboricultural Impact Assessment (AIA) is required prior to determination of the application to provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed.

Clarification has since been provided by the applicant on which trees will be retained and which would be removed. Furthermore, the application has been amended to relocate the dwellings away from the rear boundary of the site.

The Trees Officer has since considered the scheme and is now content with the application, subject to conditions requiring the submission of an Arboricultural Impact Assessment and a Tree Protection Plan and a soft landscaping scheme.

Conservation Officer - 16 April 2021, 21 May 2021

Initially recommended amendments to the original scheme for seven dwellings noting that plot 7 on the original scheme was an anomaly in siting and design and should be omitted. Stated that plots 1-6 are of a similar scale and design to those approved in 2018, although considered that they would make more sense as a terrace.

Subsequently removed his objection when the dwelling on plot was removed from the scheme noting that the scheme represented a reversion to the 6 unit scheme previously permitted.

Was later consulted on the relocation of the buildings more centrally on the site and their reorientation through 180 degrees. Did not object to those revisions but requested that the rear two storey elements on the dwellings, which would face the footpath to the west, be redesigned to have narrower spans under individual pitched roofs. Those amendments were made and the Conservation Officer has no objection to the current scheme.

Cambs Wildlife Trust – 9 November and 1 December 2021

Initially raised questions regarding the submitted ecological appraisal in respect of the characterisation of the habitats on site, the compensation for loss of planting and scrub, the classification of the suitability of the site for reptiles and amphibians and potential mitigation.

Subsequently the applicant has provided additional ecological information and Cambs Wildlife Trust has considered this. It is content that it has addressed the necessary aspects. Regarding reptiles, whilst content with a precautionary approach, the Trust requests the provision of some replacement reptile, perhaps in the base of the retained hedgerow. It recommends that all the mitigation recommendations made in the submitted appraisal plus replacement refuges for reptiles, be secured by way of a suitably worded planning condition. It also requests that information be supplied to new residents explaining the features for wildlife, so that these are maintained and looked after long-term and suggests requesting a Biodiversity Management Plan to be produced later in the project.

It has also considered the potential impact to Great Crested Newts and initially advised that further investigation of off-site ponds not mentioned in the applicant's ecological assessment be undertaken. It has since accepted this development into their District Licencing Scheme and issued a conservation payment certificate, ensuring off-site compensation for GCN habitat. It considers that Great Crested Newt issues have been satisfactorily dealt with.

Environmental Health - 24 March 2021

Does not object to the proposed development but requests conditions in respect of construction hours and the submission of a Construction Environmental Management Plan and, in the event that piling is required, a piling method statement.

Cambridgeshire Fire And Rescue Service - 6 April 2021

Requests that adequate provision be made for fire hydrants via s106 agreement or planning condition.

Cadent Gas Ltd - 17 May 2021

Notes that there is low or medium pressure gas pipework and associated equipment in the vicinity of the site. The map provided by Cadent Gas shows this is in the public highway on The Causeway and under part of the public footpath to the rear of the site. Refers the applicant to its standard guidance applicable when working in the vicinity of pipelines.

CCC Growth & Development - No Comments Received

Ward Councillors

Councillor Edwards called-in the application as detailed in paragraph 2.4 above.

5.2 A site notice was displayed near the site on 30 March 2021 and a press advert was published in the Cambridge Evening News on 1 April 2021.

5.3 **Neighbours** – 41 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Responses raised by residents of 17 properties related to:

- Affects Conservation Area
- Affects public views
- Affects public views
- Affects street scene
- Affects a Right of Access
- Affects a Right of Way
- Biodiversity
- Footpath construction
- Form and character
- Foul water drainage
- Groundwater issues
- Highway safety including during construction
- Impact on trees
- Landscape impact
- Loss of privacy
- Noise sensitive
- Over bearing
- Over looking
- Over shadowing
- Parking and Turning
- Pollution issues
- Residential amenity
- Surface water drainage
- Visual amenity

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide – Adopted March 2012

Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

Natural Environment SPD – Adopted September 2020

Climate Change – Adopted February 2021

Burwell North Street Conservation Area SPD – adopted February 2008

6.3 National Planning Policy Framework 2021

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 6	Building a strong, competitive economy
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of the development, the impact on residential amenity, visual amenity including the historic environment, highway safety and parking, ecology and trees, flood risk and drainage and sustainability.

7.2 Principle of Development

7.3 The application site is located within the development envelope of Burwell. Local Plan policy GROWTH 2 provides the hierarchy for development with the district and directs that the majority of development will be focused on the market towns of Ely,

Soham and Littleport with more limited development taking place in villages with a defined development envelope. Burwell is one such village. GROWTH 2 states that within defined development envelopes housing will normally be permitted provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.

- 7.4 Those detailed material planning considerations are discussed in detail below, however given the location of the housing within a defined development envelope within the settlement of Burwell, the proposed housing is considered to be acceptable in principle.
- 7.5 Residential Amenity
- 7.6 The site occupies land to the rear of several terraced dwellings on The Causeway. It also sits to the north of the terrace of dwellings on The Leys and to the East of the bungalows on The Poplars, separated from those dwellings by the pedestrian footpath. To the north of the site are the long rear gardens of several of the terraced properties on The Causeway separating the site from properties further north on The Causeway and Newnham Lane.
- 7.7 The scheme initially submitted was considered in respect of its impact on the residential amenity of the occupiers of neighbouring dwellings. Amendments have since been made to the location and orientation of dwellings on the site in part to try to resolve the issue of overlooking which officers considered was unacceptable in respect of the neighbouring properties to the west, in particular the bungalows nos. 9 and 11 The Poplars.
- 7.8 The revised scheme under consideration in this application would see the dwellings sited at least 15 metres (~49 ft) from the western boundary of the site and at least 20 (~66 ft) metres from the eastern boundary of the site. They would also be situated approximately 15 metres (~49 ft) from the rear garden boundaries with the dwellings to the north of the site on Newnham Lane. At these distances, the impact of the built development on those neighbouring dwellings and their gardens would be acceptable and the two proposed two houses would not result in any significant overshadowing, over bearing or visual intrusion.
- 7.9 The closest neighbouring property to the proposed built development would be no. 2 The Leys to the south of the site which would be separated from the development by the public footpath and grassed amenity strip. The nearest proposed dwelling would be approximately 6 metres (~20 ft) from the side elevation of the dwelling and its rear offshoot. The proposed dwellings would be largely outside the line of the rear offshoot of no. 2, however they would be located to the north, meaning there would not be any direct overshadowing or significant loss of light and due to the position of the windows in the neighbouring property facing front and rear, the proposed dwelling would not be visually intrusive to the neighbour. Given the special separation and the intervening use as a public footpath, the nearest proposed dwelling is also not considered to result in an overbearing impact or visually intrusion to the garden area to the rear of no. 2.
- 7.10 The northernmost proposed dwelling would sit close to the boundary of the site with the garden areas of the dwellings on The Causeway. Consideration has been given

to the impact of the two storey gable end on those gardens. The proposed dwellings would be visible from the rear gardens of the dwellings on The Causeway and would create some loss of light and overshadowing of the parts of the gardens immediately to the north of the site, however these areas are a considerable distance from the main dwellings in a location which is less likely to be relied upon for day-to-day ancillary use with the dwellings. While some overshadowing and loss of light to the end portions of the gardens would occur, on balance it is not considered that this impact would cause significant harm to the amenity of occupants given the length of the gardens and the distance of these areas from the dwellings.

- 7.11 The impact of the proposed dwellings in respect of overlooking from their windows has also been considered. To the west, the first floor windows would be a minimum of 21 metres (~69 ft) from the garden boundary of No. 11 The Poplars and 25 metres (~82 ft) with the garden boundary of No. 9 The Poplars. At this distance the windows are not considered to result in any significant loss of privacy to those dwellings or their gardens nor to any other properties in that direction. There is some intervening tree planting on the boundary of the site which would further screen those views, however given the distance, it is considered that the impact of the windows on the privacy of those properties would be acceptable in any case. The roof windows are set at a higher level and slightly further away and it is considered that the separation distances between those windows and the properties to the west are also sufficient to ensure no significant impact on privacy.
- 7.12 The front elevations of the proposed dwellings would face towards the dwellings on The Causeway and their gardens, both those dwellings which are directly opposite the site and those further to the north. The distance between the main facing elevations of the proposed and existing dwellings would be a minimum of approximately 30 metres (~98 ft) in each case and would be in excess of 20 metres (~66 ft) to the nearest garden rear boundary of the dwellings which are directly opposite the site. In respect of the existing dwellings further north on the terrace, the angle of any overlooking from proposed windows would be more oblique. The distances between the facing elevations of the proposed and existing dwellings is considered to be sufficient that there would not be any significant window to window overlooking. These distances are well in excess of the minimums required by the Council's Design Guide SPD. In respect of overlooking of gardens, the 20 metres (~66 ft) frontage of the proposed layout between the dwellings and the neighbouring gardens is considered sufficient that there would not be any significant loss of privacy to gardens, particularly considering the mutual overlooking which currently exists between properties on the terrace into neighbouring gardens. The impact of the dwellings on the gardens of the neighbouring dwellings on The Causeway which are to the north of those that directly back onto the development, is also, on balance considered to be acceptable. While the frontage of the development site does not provide the same separation between the houses and those gardens, the angle of the windows does not directly face the gardens and the dwellings are still considered to be far enough away from the garden areas immediately associated with the dwellings that any overlooking would not result in significant loss of privacy or harm to residential amenity.
- 7.13 The properties to the south of the site on The Leys are situated broadly parallel to the row of proposed dwellings and it is not considered that the front or rear facing

windows of the proposed dwellings would result in any significant overlooking of that terrace or its gardens. The proposed first floor windows in the gable end of the nearest dwelling would have the potential to directly overlook the garden to the south of no. 2 The Leys, however it is considered that this impact could be adequately mitigated through via a condition requiring the obscure glazing and fixing shut of those windows.

- 7.14 The dwellings to the north on Newnham Lane are considered to be far enough away and sited at a sufficiently oblique angle that they would not suffer any significant loss of privacy to buildings or gardens from windows in the main elevations of the proposed development. The first floor gable end windows would, however, have a more direct relationship, but as detailed above, these would be required to be obscurely glazed and fixed shut. On that basis, the impact on the privacy of the neighbours to the north is considered acceptable.
- 7.15 The impact of additional noise and disturbance from intensified residential use of the site and the attendant vehicle movements along the access road and in the parking and turning areas has been considered, however given the existing use of the access to serve the properties on The Leys and The Causeway and the distance of the parking area from neighbouring dwellings on The Causeway onto which the parking area backs, it is considered that the increase in noise and disturbance would be relatively limited and within an acceptable level.
- 7.16 In respect of the amenity of future occupiers, the average plot size is in excess of 300m² (~3220 sq. ft) and each of the private gardens of the properties exceeds 50m² (~540 sq. ft) which is the minimum size required by the Council's Design Guide SPD in order to provide an acceptable level of amenity to occupants. Two parking spaces per dwelling are also provided. On that basis, the development is considered to provide a suitable level of for future occupants.
- 7.17 It is therefore considered that the proposed development is acceptable in terms of its impact on residential amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and the Design Guide SPD.
- 7.18 Visual Amenity including the Historic Environment
- 7.19 The principle of the development of the site has been accepted by previous permissions for the site. The current scheme would provide six dwellings in three semi-detached pairs in a linear pattern north to south across the centre of the site with the parking and turning area and front gardens to the east side and the rear gardens to the west.
- 7.20 The location of the dwellings has been amended during the course of the application to provide a more balanced separation between those dwellings and the existing properties to the east and west that they face. This has the result that, as opposed to previous permissions, the line of the dwellings does not continue the building line of the terrace to the south by fronting the footpath to the west. While this earlier approach had some merit in terms of relating the development more directly with the terrace, there are benefits to siting the dwellings more centrally on the site. As well as improving the impact on residential amenity of the dwellings to the west, the re-siting of the buildings would allow for the provision of more

spacious gardens to the properties. It would also place less pressure on the mature trees to the western boundary which would have been likely to be impacted by the previous and approved schemes to build on a line similar to the terrace to the south. As the dwellings are being brought forward in pairs as opposed to a terrace (which is in accordance with advice from the Council's previous conservation officer during the course of previous applications) the need for the buildings to continue the line of the terrace to the south is diminished as the development would have its own distinct character as opposed to reading as a continuation of the terrace. The character of the area is a mix of terraces, semi-detached and detached houses as well as bungalows to the west and it is considered that the proposed scheme has an acceptable layout in response to its context and in taking account of the other constraints on the site.

- 7.21 Concern has been expressed locally regarding the height of the dwellings. At 9.2 metres (~30 feet) high they are relatively tall and would be slightly taller than the terrace to the south and substantially taller than the bungalows to the west. However, the height of the dwellings is very slightly lower than the pair of dwellings which was previously granted planning permission in detail on the site and which were considered acceptable in terms of their scale. Similarly, it is considered that the scale of the dwellings proposed in this application is acceptable in terms of the impact on the streetscene. The elevational treatment of the dwellings is also very similar to those previously approved. The current proposals include rear offshoots at two storey and single storey, the design of which has been improved during the course of the application. These are similar in character to some seen on dwellings to the south and west and is considered acceptable in terms of their scale and design. Overall, the dwellings are considered to be attractively designed in terms of their elevational treatment. The Council's Conservation Officer does not object to the impact of the proposed scheme on the Conservation Area.
- 7.22 The use of high-quality materials, windows and doors would be essential in creating a development which has an acceptable visual appearance. These materials and other elements would be required to be submitted for approval by condition.
- 7.23 In respect of the impact on trees and hedges, the development would require the clearance of the centre of the site but would allow the retention of the significant trees on the western boundary of the site and much of the existing hedging which would be supplemented by additional native hedge planting on that boundary. The Council's Trees Officer is content with the proposed removal of some of the trees on site and the retention of others, provided a suitable tree protection plan is submitted to a high quality soft landscaping scheme including native tree and hedge planting come forward via a planning condition. The current site plan does not show a suitable landscaping scheme. It is over-reliant on close-boarded fencing for boundary enclosure and does not incorporate sufficient hedge planting on any of the boundaries on the site. It is therefore considered necessary to require a full landscaping scheme including boundary treatments via condition, notwithstanding those shown on the current site plan. As certain boundary treatments that could otherwise be implemented under permitted development rights would, in this case, have the potential to cause harm to the visual amenity of the area and the character and appearance of the Conservation Area, it is considered necessary and appropriate to remove permitted development rights for the erection of such boundary treatments.

- 7.24 On the basis of the above, the proposed development is considered to have an acceptable impact on the visual amenity and character of the area and a neutral impact on the character and appearance of the Conservation Area. Subject to conditions, it is considered that the proposed development is therefore acceptable in terms of policies ENV 2 and ENV 11 of the East Cambridgeshire Local Plan 2015
- 7.25 Highway safety and parking
- 7.26 The proposed development would be accessed via the existing access which currently provides vehicle access to the rear of dwellings to the south of the site on The Leys and The Causeway. The condition of the access is relatively poor with variable surface finish and potholed areas. The previous permissions for the site demonstrated that the existing access could be used to serve the six dwellings permitted. On that basis, the acceptability of the principle of the use of the access is considered to have been established and the impact of the current use would not be significantly different.
- 7.27 The Local Highways Authority (LHA) has been consulted on several iterations of the plan for the access. It does not object to the intensification of the use of the access which is currently used to access several properties on The Leys and The Causeway, but requested that turning on site be demonstrated and noted that upgrading of the junction of the access with The Causeway, from a cross-over to a bellmouth, would be required to accommodate the intensification in use of the access. These proposals have been broadly indicated on the plan for the site and the LHA is content that the necessary works within the public highway can be accommodated but would need to be detailed and agreed. This matter, as well as the detail of the upgrading of the access shown on the proposed plans would be controlled by a condition requiring a scheme for upgrading the access be submitted for approval prior to the commencement of development.
- 7.28 The Council's Waste Services Team has confirmed that unless the access road was brought up to adoptable standards and adequate turning provided, refuse collections would be made from the junction of the access with The Causeway, which is how collections are currently made from similar properties on The Leys. The Waste Services Team does not object to this arrangement. However, any upgrading of the surface of the access would facilitate current and future residents in the movement of their waste bins to The Causeway on collection day.
- 7.29 The existing access is also along the line of the public footpath 21 and the Cambridgeshire County Council footpaths team has been consulted on the proposal. It notes that information regarding the ownership and legal width of the footpath are unknown and it is the applicant's responsibility to ensure that works to the road and footpath, including the proposed upgrading of the surface and any creation of a separate footway can be lawfully undertaken. It also notes that its consent would be required for any change of surface to the footpath.
- 7.30 The ownership of the access is a matter which falls outside of planning control. The submitted plans indicate that the existing footpath on the access varies in depth and make provision for the ongoing provision of a footway along the access. The detailed scheme for the upgrading of the access, which would be required by condition (as above), would also include a requirement for details of the surfacing of

the access and such resurfacing would need to be separately agreed with the County Council Footpaths Team. On that basis, the development would make adequate provision for the retention of the public right of way.

- 7.31 The proposed development provides 14 parking spaces in total, 12 for residents at a level of two per dwelling and two visitor parking spaces. The provision of two spaces per dwelling is consistent with the Council's adopted parking standards and is considered sufficient provision for the day-to-day needs of occupants. The two additional parking spaces for visitors would also comply with the requirement for up to one visitor space per four dwellings as detailed in the parking standards. Sheds would be provided for each of the properties and it is considered that these could be used to meet the requirement for secure cycle parking at a level of one space per dwelling.
- 7.32 On the basis of the above and subject to conditions, the proposed development is considered to be acceptable in terms of its impact on highway safety and the level of parking provided for within the site, in accordance with policies ENV 2, COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 7.33 Ecology
- 7.34 The application has been supplemented by an ecological appraisal of the site and the Wildlife Trust has been consulted on the proposals. The site is currently largely covered by improved grassland and several trees, with a tree and unmanaged hedge-lined rear boundary and bramble and scrub on the southern side. The development would result in the removal of the trees located centrally in the site and the scrub on the southern boundary as well as hedge to the rear. The submitted ecological appraisal categorises the overall site as being of low ecological value. The Wildlife Trust initially questioned that categorisation noting the presence of a species rich hedge along the rear boundary, however the applicant's ecologist later confirmed that the hedgerow would be retained with the exception of a 10 metre (~ 33 ft) stretch which consists of non-native species. On that basis, the Wildlife Trust was satisfied with the classification. It recommends ecological mitigation and compensation measures as well as requiring a scheme of biodiversity enhancements based on those detailed within the ecology report but to also include reptile refuges within hedgerow features. These measures would be required by suitable planning conditions.
- 7.35 Concern has been expressed by some neighbours regarding the absence of their garden ponds from the assessment of nearby waterbodies in the submitted ecological assessment. The applicant's ecologist was invited to seek the opportunity to survey those ponds to remedy the omission in their report in respect for the potential for those to serve as Great Crested Newt (GCN) habitat. The applicant's ecologist has reported that despite requesting access to the gardens to survey the ponds, it has not been possible to do this for all of the ponds. They have therefore opted to submit a District Level Licensing Impact Assessment & Conservation Payment Certificate (IACPC) form to the Wildlife Trust which has provided a binding agreement to provide offsite mitigation for the potential impacts on GCN habitat in the area from the development. The Wildlife Trust has confirmed that the off-site contribution is adequate for the number of ponds reported to be within 250m of the

site (even though not all of these were surveyed) and that it is content that any potential impact on GCN habitat has been adequately mitigated by this agreement.

- 7.36 The proposed development is therefore considered to have an acceptable impact on ecology on site and would achieve an acceptable level of enhancement in accordance with policy ENV 7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.
- 7.37 Flood Risk and Drainage
- 7.38 The site is located within Flood Zone 1 which is land classified as being at the lowest risk of flooding and where residential development is acceptable. The application proposes that the surface water from the development would be managed via soakaways in the rear gardens of the properties and via permeable surfacing in the parking areas.
- 7.39 There is not considered to be any likely impediment to achieving drainage via such measures to ensure the development drains on site without run-off onto adjacent land. As with previously permitted schemes on the site, it is considered that the detail of surface water drainage could be dealt with via condition, including infiltration testing as necessary.
- 7.40 The proposed development also proposes the upgrading of the surface of the access road to a tarmac finish. Again, it is considered that this surfacing could be adequately drained and that the detail of the drainage of that area, including the measures requested by the LHA to ensure no run-off onto the public highway, could be required by condition.
- 7.41 Concern has been raised by the owner of a neighbouring property regarding the impact of the scheme on their borehole supply of water. Provided that surface water from the scheme is drained on site it is not considered that the proposed development would pose a risk to neighbouring properties including any borehole water supply. As detailed above, conditions would be applied to the permission requiring the pre-commencement submission of drainage information which would ensure that surface water could be adequately managed on site without significant surface water run-off.
- 7.42 The application proposes that foul water be disposed of the mains sewer. This is considered an acceptable arrangement and a scheme for the detailed arrangements for foul water disposal would be required by condition. The application drawings note the indicative location of a foul water drain crossing the site and propose a potential diversion of that main should such a diversion be necessary. This would be a matter for agreement between Anglian Water and the developer prior to any works commencing on site which would necessitate the diversion, however details of such a diversion would be expected to be included within the scheme for foul water drainage.
- 7.43 On the basis of the above, the propose development is considered to be acceptable in terms of flood risk and drainage in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and the Flood and Water SPD.

7.44 Other Material Matters

7.45 The Council's policy on sustainable development ENV 4 requires that development consider and maximise all aspects of sustainable design and construction. The application contains minimal information regarding sustainability simply noting that it would comply with the current building regulations and would be designed to meet with a minimum standard as advised with the approved documents part L1 which aims to reduce the environmental impact within the dwelling but also the development as a whole. While this minimal level of information sets out the basic approach to sustainability, further information is required in order to ensure that the development maximises sustainable design and construction and a condition would therefore be applied requiring the submission of an energy and sustainability strategy for the development. On that basis, the proposed development is considered acceptable in respect of policy ENV 4 of the East Cambridgeshire Local Plan 2015 and the Climate Change SPD.

7.46 The site is not considered likely to be contaminated and the application includes a checklist confirming that the previous use of the site is domestic land. Further intrusive investigation of contamination is not considered to be required and a precautionary condition requiring the remediation of any unanticipated contamination is considered adequate in this case. On that basis the proposed development is considered acceptable in terms of potential land contamination in accordance with policy ENV 9 of the East Cambridgeshire Local Plan 2015.

7.47 Planning Balance

7.48 The proposed development is therefore considered to be acceptable in terms of its principle and its detailed impacts in terms of neighbouring amenity, visual amenity and the historic environment, highway safety and parking, ecology, flood risk and drainage, ecology, sustainability and contamination. On that basis, the application is recommended for approval subject to conditions.

8.0 COSTS

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

8.2 Unreasonable behaviour can be either procedural 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 location of the site within the development envelope;
- The design and layout is considered to be acceptable and there are no significant impacts on residential amenity;
- The previous permissions for six dwellings on site;
- The lack of objection from statutory consultees.

9.0 APPENDICES

9.1 Appendix 1 - Proposed conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00418/FUL 17/00918/OUT 18/01529/RMA 18/00090/OUT	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Team Leader 01353 665555 dan.smith@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

Appendix 1 – Proposed Conditions

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

Plan Reference	Version No	Date Received
2147-21-6	F	1st April 2022
2147-21-2	A	1st April 2022
2147-21-7	F	1st April 2022

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

2 The development hereby permitted shall be commenced within 2 years of the date of this permission.

2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

3 No clearance of the site or development shall take place until a scheme of biodiversity mitigation measures for the development has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved scheme.

3 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

4 No development (including demolition and any preparatory work) shall commence until a scheme for the protection of the retained trees, in accordance with British Standard BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS as appropriate:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of any demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works within or adjacent RPA's.
- e) A full specification for the construction of any roads in relation to RPA's, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Methodology and detailed assessment of any agreed root pruning.
- l) Details of Arboricultural supervision and inspection by a suitably qualified tree specialist.
- m) Details for reporting of inspection and supervision.
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

- 4 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 5 No development shall take place until a scheme to dispose of surface water for the entire site including the access road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include and be based upon infiltration testing of the site. The approved scheme shall be implemented prior to the first occupation of the development.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 No development shall take place until a scheme to dispose of foul water for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the foul drain crossing the site and any necessary diversion of that drain. The approved scheme shall be implemented prior to the first occupation of the development.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development shall commence until a scheme for the upgrading of the existing access road including works to the public right of way and alterations to the junction with the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction details, surfacing details and drainage arrangements and a timescale for implementation. Thereafter the approved scheme shall be implemented in accordance with the approved timescale.
- 8 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 9 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 9 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and the Climate Change SPD, 2021. This condition is pre-commencement as some of the measures may be below ground level.
- 10 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 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 surfacing materials for all areas of hardstanding. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 11 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 12 Notwithstanding the boundary details shown on approved drawing 2147-21-6 Rev F, no above ground construction shall commence until a scheme of boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. Substantial native hedge planting shall be incorporated into the scheme and close-boarded fencing shall be minimised. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.
- 12 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 13 Notwithstanding the landscaping shown on approved drawing 2147-21-6 Rev F, no above ground construction shall commence until a full schedule of all soft landscape works has been 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 and a timetable for implementation. The approved works shall thereafter be carried out in full accordance with the approved details and timescale. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 13 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 14 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 15 No above ground construction shall take place on site until details of the external materials, canopies, windows, doors, roof windows and 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.
- 15 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 17 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.
- 18 Prior to the first occupation of the development, the approved parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 2147-21-6 Rev F (or an alternative plan which has first been approved by the Local Planning Authority) and thereafter retained for that specific use.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 19 Prior to occupation a scheme of biodiversity improvements including a management plan for the site shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained and managed in accordance with the approved scheme in perpetuity.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 20 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.
- 20 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 21 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 vehicle access or the parking and turning areas as shown on approved plan 2147-21-6 Rev F or any subsequently approved plan.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 22 The first floor windows in the side elevations of each dwelling shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 23 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 or D 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.
- 23 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 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 of Part 2 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 24 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

21/00703/VAR

Land Adjacent To 2B Moor Road

Fordham

Ely

Cambridgeshire

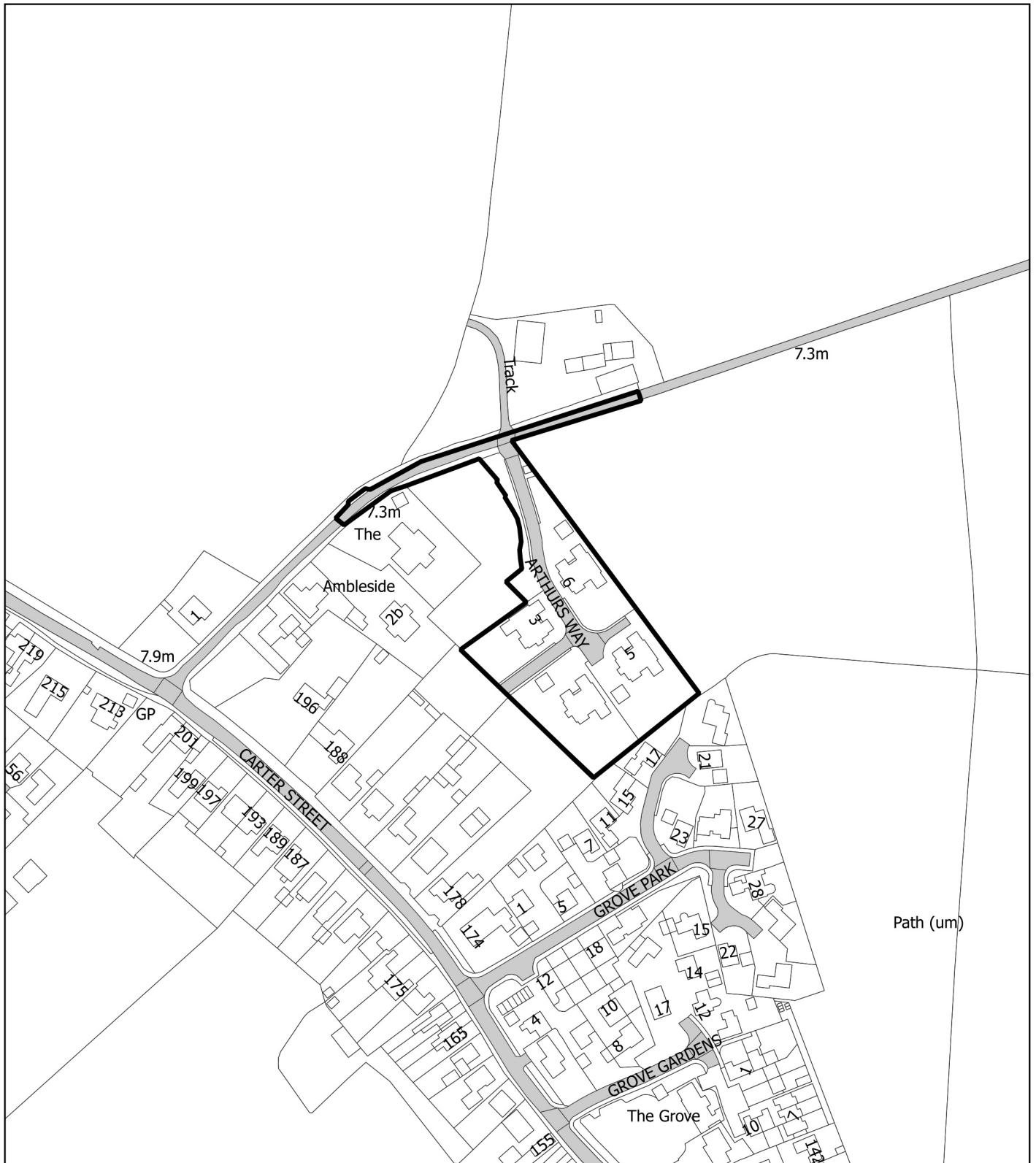
CB7 5UR

Variation of condition 1 (Approved plans) of previously approved 19/00887/FUL for Construction of 4no. single storey dwellings with garaging, parking & associated site works - phased development

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QSMGX8GGIEY00>





21/00703/VAR

Land Adjacent To 2B
Moor Road
Fordham



East Cambridgeshire
District Council

Date: 22/08/2022
Scale: 1:2,500



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MAIN CASE

Reference No: 21/00703/VAR

Proposal: Variation of condition 1 (Approved plans) of previously approved 19/00887/FUL for Construction of 4no. single storey dwellings with garaging, parking & associated site works - phased development (retrospective)

Site Address: Land Adjacent To 2B Moor Road Fordham Ely
Cambridgeshire CB7 5UR

Applicant: ALN Carpentry & Joinery Ltd

Case Officer: Toni Hylton Planning Team Leader

Parish: Fordham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 5 May 2021

Expiry Date:
9th September
2022

Report Number X46

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Passing bay
- 3 Access
- 4 No gates/walls to be erected
- 5 Visibility splays
- 6 Adequate drainage
- 7 Boundary treatments
- 8 Biodiversity
- 9 Restrict roof space
- 10 Restrict structures and extensions

2.0 SUMMARY OF APPLICATION

2.1 The application is made retrospectively for the erection of 4 detached dwellings with garages, outbuildings and associated works. Each dwelling has 4 bedrooms; kitchen; dining area; lounge; with WC, en suite and family bathroom. Each dwelling is similar in appearance using a mix of brick and flint for external materials and grey anthracite windows and doors. There are some deviations which are discussed below. Each dwelling is approximately 5.5 metres in height (18 feet). A brick built bin store is provided at the entrance to the site. All dwellings have a private amenity area in excess of 50 square metres (538.196 feet). Since submission of the application, the development is completed and each dwelling is occupied.

2.2 Plot 1 is situated to the north of the site and includes a window at first floor on the east facing elevation providing light to the roof space. There are also 3 outbuildings.

	Height		Width		Depth	
	Metres	Feet	Metres	Feet	Metres	Feet
Canopy	2.1	6.6	3.2	10.4	3.2	10.4
Greenhouse	2.1	6.6	2.6	8.5	2.5	8.2
Pergola	2.1	6.6	6	19.6	3	9.8

2.3 Plot 2 is at the back of the site. The first floor of this dwelling has been converted to provide additional bedroom accommodation with a window on the east facing elevation. There are no additional outbuildings within this plot.

2.4 Plot 3 is set to the south west of the site and has 2 outbuildings. The current occupiers of the dwelling have undertaken significant landscaping and is an ongoing project.

	Height		Width		Depth	
	Metres	Feet	Metres	Feet	Metres	Feet
Shed	2.5	8.2	3	9.8	5.3	17.3
Garden room	2.8	9.1	5	16.4	4	13.1

2.5 Plot 4 is set to the west of the site, it has no garage but has 1 outbuilding to the rear.

	Height		Width		Depth	
	Metres	Feet	Metres	Feet	Metres	Feet
Shed	2.6	8.5	3	9.8	4.2	13.7

2.6 The application is brought to planning committee at the request of Councillor Julia Huffer on the basis that the previous application was discussed at planning committee and it is considered appropriate this should also be discussed.

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/>.

3.0 PLANNING HISTORY

3.1

19/00887/FUL	Construction of 4no. single storey dwellings with garaging, parking & associated site works - phased development	Approved	15.01.2020
19/00887/DISA	Discharge conditions	Partial discharge	
10/00869/FUL	Detached dwelling	Refused	10.12.2010
15/01450/FUL	Erection of a bungalow	Approved	05.02.2015
16/00785/FUL	Construction of 4 bed detached dwelling	Refused	12.09.2016
17/00779/VAR	To vary condition 1 (Approved plans) of previously approved 15/01450/FUL for Erection of bungalow	Approved	03.07.2017
17/00871/OUT	Residential development for the construction of 4 bungalows - access and scale only	Approved	11.08.2017
17/01474/VAR	To vary Condition 1 (plans) of previously approved Application Reference Number: 15/01450/FUL for Erection of bungalow	Approved	03.10.2017
17/01757/FUL	Proposed demolition of existing outbuilding and replacing with detached dwelling and associated works	Refused	20.12.2017
17/02152/FUL	Erection of bungalow	Refused	07.03.2018

Adjoining site

19/00882/FUL	Erection of a dwelling	Withdrawn	18.08.2019
21/00488/FUL	Temporary Builders compound	awaiting determination	

20/01576/FUL	Boundary treatment	awaiting determination (appeal)
22/00948/FUL	Change of use from agricultural to garden land.	awaiting determination

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the development envelope for Fordham, in an area of countryside. The site has been developed with 4 detached dwellings, carports and, outbuildings. The boundaries of the site are marked by post and rail fencing. The site adjoins the rear boundaries of dwellings on Carter Street and Grove Park with open countryside to the north and east.

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.

Fordham Parish Council - 14 October 2021

States "Fordham Parish Council have no objections to these amendments and stand by our original comments. As long as the work complies with Planning Regulations."

Fordham Parish - 10 June 2022

States "The original application, 19/00887/FUL, although outside the development envelope, was approved by Fordham Parish Council because they were going to be small single storey 2-bedroom bungalows which were to be affordable for the village. The original drawings in no way correspond with what has been built and there should be up to date drawings to reflect what is there now. There are obviously rooms in the roof space, when the original plans clearly state no rooms in the roof space, equally the original drawings show 1 garage & 2 car ports, there are 3 garages.

All items under the new amendment application are to address things that have already been done, so are all blatant breaches of the original application and should not be allowed or upheld.

Fordham Parish Council have grave concerns and feel strongly that the integrity of the application has been compromised and in turn compromises our integrity as a Parish Council to think that this is acceptable. It also impacts on our values as a Parish Council.

We do not approve these amendments and it would be setting a precedent moving forward to think that this is acceptable when it is so far removed from the original design.

Finally, any further amendments to this application should be accompanied by a full set of up-to-date plans."

Fordham Parish Council - 26 July 2022

States "We still have major concerns with items 8 & 9 of the variation re 'Windows to gables' and 'First Floor accommodation to plot 2' and would refer back to our original comments on this application.

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.

Please support us to support you.”

Ward Councillors – Cllr Julia Huffer requests that the application is presented to planning committee as was the previous application on this site.

Local Highways Authority - 13 June 2022

States “As previously stated, I have no objection to the revised layout/access. I also accept proposed changes to the passing bay on Moor Road. From offline discussions with the developer, it became apparent that this was the only feasible passing bay location and design.”

Local Highways Authority - 11 October 2021

States “I have no objection to the revised site layout as it does not impact access and retains appropriate space for turning. The passing bay as shown on the site layout plan 19:002 - 4000 is indicative only as the LPA is yet to approve a detailed submission as required under Condition 8 of the original application 19/00887/FUL.”

Local Highways Authority - 8 June 2021

States “The proposal does not appear to affect the access and turning arrangements within the shared access road and the access parking and turning arrangements of plot 4 where changes have been made appear to remain workable. The recommendations made with respect to the original application remain applicable.”

Cambridgeshire Archaeology - 21 May 2021

States “I am writing to confirm that an archaeological evaluation of the development area has already been undertaken (Cambridgeshire Historic Environment Record reference ECB5901). The results of the evaluation suggest that the site is located in agricultural land on the periphery of the medieval settlement. This evaluation has contributed to our understanding of the development of the settlement. It is however unlikely that further investigation would add to our understanding of the area. No further archaeological works are required in mitigation of the impacts of this development and we have no objections or requirements for this application to vary condition 1 (Approved plans) of 19/00887/FUL.”

Housing Section - 17 May 2021

States "The Strategic Housing Team has no comment to make with regards to the above application as it does not trigger affordable housing under policy HOU3 of the East Cambs Local Plan."

ECDC Trees Team - 17 June 2021

States "The alterations to the design will have no tree related implications"

ECDC Trees Team - 20 July 2022

States "No tree related objections to this variation."

Waste Strategy (ECDC) - No Comments Received

CCC Growth & Development - No Comments Received

Minerals and Waste Development Control Team - No Comments Received

Enforcement Section - No Comments Received

Infrastructure & Strategic Housing Manager - ECDC - No Comments Received

The Ely Group of Internal Drainage Board - No Comments Received

- 5.2 A site notice was displayed near the site on 19 May 2021 and a press advert was published in the Cambridge Evening News on 20 May 2021.
- 5.3 Neighbours – 26 neighbouring properties were notified and 16 responses have been received are summarised below. A full copy of the responses are available on the Council's website.

	Address	Comments
1	182 Carter Street	Works have already been completed The system works in favour of the developer
2	186 Carter Street	Lack of consideration by the developer and the conditions Removal of boundary treatment Use of roofscape for accommodation Gated development
3	15 Grove Park	Roofspace should not be accommodation Plans are not correct Car ports are now garages Do not understand the changes
4	2B Moor Road	Violations of original permission by the developer Loss of trees Outside of the development envelope Collusion by case officer and developer Lack of enforcement
5	196 Carter Street	Lack of detailed plans
6	188 Carter Street	Outside of the development envelope

	Address	Comments
		Not affordable housing Developer continued working without consent 'flouting' of planning conditions
7	196 Carter Street	Constructed illegally Another dwelling on the builder's yard?
8	186 Carter Street	Developer has not been enforced against
9	182 Carter Street	Impact on countryside Visual appearance Impact on trees Lack of passing place Impact on wildlife
10	188 Carter Street	Dwellings are already occupied Developer has done as he pleases and sets a precedence
11	15 Sharmans Road	Contravention of planning Impact on wildlife
12 & 13	186 Carter Street	Developer ignored the original plans No action against the fence 20/01576/FUL Loss of habitat Gated community?
14	188 Carter Street	Operation of builder is not acceptable
15	196 Carter Street	Breach of conditions Double garages not car ports
16	Anonymous	Non residents of Arthurs Way have trespassed on the site Threatening notes have been left

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 9	Pollution
ENV 8	Flood risk
COM 7	Transport impact
COM 8	Parking provision
ENV 14	Sites of archaeological interest

6.2 *Fordham Neighbourhood Plan 2018*

2	Character and design
8	Wildlife and habitats
11	Car parking

- 6.3 *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
Climate Change
- 6.4 *National Planning Policy Framework 2021*
2 Achieving sustainable development
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
16 Conserving & enhancing the historic environment
15 Conserving and enhancing the natural environment
5 Delivering a sufficient supply of homes

7.0 PLANNING COMMENTS

- 7.1 The main issues to consider in the determination of this application are the principle of development, comparison of previously approved scheme, visual amenity, highway safety, residential amenity, drainage and flood risk and ecology and biodiversity.
- 7.2 Background
In January 2020 planning permission was granted for 4 detached dwellings. The dwellings had the same appearance as those in this application, however minor details have changed which include the following:
- Addition of porches
 - Car ports to garages
 - Plots 1 and 2 having windows in the east facing elevation
 - Plot 2 having bedroom accommodation at first floor
 - Outbuildings
 - Changes to landscaping and boundary treatment.
- 7.2.1 All of the development is contained within the original red line and the changes listed above are the only changes to the development. Amended plans have been requested by the case officer as the plans and what was built did not match. Finally in July 2022 it was agreed that they did now match.
- 7.2.2 At the front of the site there are brick and flint pillars and blue electric gates. These require planning permission. However, there is an outstanding appeal(20/01576/FUL) for temporary gates and fencing along the adjoining boundary to the west. The Local Planning Authority are waiting for the determination of this outstanding appeal to determine action to be taken with regard to the gates and pillars. The Local Planning Authority may seek enforcement action should the appeal be dismissed. If the appeal is allowed the Local Planning Authority may seek submission of an application and assess on its own merits.

- 7.2.3 There is an outstanding application (21/00488/FUL) to the west of the site for a temporary builder's yard. An application was submitted for the use of this land as a builder's yard in 2021. Schedule 2, Part 4 of the General Permitted Development Order allows "the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land". On this basis the use of the land as a builder's yard for a temporary period during construction, permission is not required. However, it is required for the land to be reinstated to its former condition. The Local Planning Authority have not determined this application, as planning permission is not required for the works, however waiting for the applicant to withdraw the application following the reinstatement of the land. Until this has taken the place the Local Planning Authority considers that the application should remain undetermined and to allow officer to confirm the site has been returned to its former use. Due to planting seasons this will not be able to take place until the earliest November 2022.
- 7.2.4 Planning permission is sought for land that is surrounded by residential development to be changed from agricultural to residential use. It is an anomaly that has occurred that this piece of land has been excluded from previous planning applications. The application is awaiting determination. (application 22/00948/FUL)
- 7.3 Principle of Development
- 7.3.1 The site has the benefit of planning permission for 4 dwellings application reference 19/00887/FUL which was approved in January 2020. On this basis the principle of development in this location has been considered acceptable. The applicant discharged pre commencement conditions prior to starting works and the work commenced in accordance with the approved plans.
- 7.4 Residential Amenity
- 7.4.1 The residential amenity of the adjoining neighbours has been considered previously with the approved scheme 19/00887/FUL and do not need further discussion, other than on the alterations to the scheme.
- Porches*
- 7.4.2 All of the porches are to the front elevations of the dwellings and are not visible to neighbouring dwellings. It is considered the addition of porches will not cause harm to neighbours existing amenities in terms of overlooking; being overbearing or loss of light.
- 7.4.3 *Outbuildings*
Plot 1 has 3 outbuildings, whilst these are visible to plot 2 these do not cause any residential amenity issues in terms of overlooking; being overbearing or loss of light. these are light weight structures which allow light and views through.
- 7.4.4 Plot 3 has an outbuilding to the rear garden which is garden room. The garden room is set 4 metres (13.1 feet) from the rear boundary of number 17 Grove Park. It is considered that the provision of the garden structure in this location and scale would not cause harm to the neighbours' amenities by way of overlooking; being overbearing or loss of light. Whilst the neighbour may have views of the garden

room, it is not considered to cause detrimental harm to their amenities and is paraphernalia you would expect to find in a rear garden.

- 7.4.5 Plot 4 has a garden shed, however this does not share a boundary with any neighbours and the roof is barely visible over the boundary fencing. It is not considered to cause any harm to any residential amenities by way of overlooking; being overbearing or loss of light.
- 7.4.6 These outbuildings have been erected by the occupiers of the dwellings who seemed unaware of condition 18 on 19/00887/FUL restricting any structures within the curtilage of the dwellings without first seeking consent. It is considered that a condition restricting further structures is appended to an approval for this development to ensure this can be managed going forward and the necessary assessments are undertaken in the submission of an application.
- 7.4.7 *Window to plot 1 first floor, east facing elevation*
A large window has been installed in the east facing elevation of the dwelling. It does not lead to any habitable accommodation and is used as a typical loft space and storage. This has been confirmed by a site visit undertaken with the Enforcement Officer and case officer. The window overlooks open fields where there are no neighbouring properties. It is considered that the proposal does not lead to overlooking; being overbearing or loss of light.
- 7.4.8 *Window to plot 2 first floor east facing elevation*
A large window has been installed in the east facing elevation of the dwelling. A first floor has been created with an additional bedroom; ensuite and dressing room. This is in direct conflict with condition 17 of the 19/00887/FUL which restricts the conversion of the roof space to habitable accommodation. This condition was requested by members of the planning committee to ensure this aspect could be controlled in the future and ensure amenities of neighbours are protected.
- 7.4.9 The window is on the east facing elevation which overlooks open countryside with no adjacent residential properties on this boundary. It is considered as built the proposal does not lead to any overlooking; being overbearing or loss of light.
- 7.4.10 It is still recommended that a condition is attached restricting any further dwellings converting the roof space or adding any additional windows at first floor without first seeking the consent of the Local Planning Authority. This is to ensure any adjoining neighbours are protected from any further development without first being assessed by the Local Planning Authority. The proposal is considered to comply with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015 and the Design Guide SPD.
- 7.5 Visual Amenity
- 7.5.1 The visual amenity of the development was considered with application 19/00887/FUL and this application should only consider the changes made. The outbuildings are located within the rear gardens and have no visual impact on the street scene as these are set behind existing buildings and do not harm the visual amenity of the area.

- 7.5.2 The provision of the windows to plots 1 and 2 at first floor on the east facing elevations, are visible from the street, however their presence in the development does not lead to harm in the character of the street scene. Whilst they can be seen they do not cause any harm to visual amenity in accordance with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015 and 2 of the Fordham NP.
- 7.5.3 The provision of porches can be seen although predominantly this is within the development boundary, with little or no impact on the wider area. The porches add interest to the external appearance of the dwellings and are keeping with overall design of the dwellings.
- 7.5.4 The garages were originally to be car ports, however doors have now been added. The addition of doors to the car ports now forming garages does not restrict car parking and nor does it harm the visual amenity of the development.
- 7.6 Historic Environment
- 7.6.1 In consultation with the Historic Environment Team (HET) it was concluded that no further archaeological evaluation was required and therefore no additional conditions are required. The proposal is not considered to cause any harm to any heritage assets and complies with policy ENV14 of the East Cambridgeshire District Council Local Plan 2015
- 7.7 Highways
- 7.7.1 The site provides at least 2 parking spaces per dwelling in accordance with policies COM8 of the East Cambridgeshire District Council Local Plan 2015 and 11 of the Fordham NP.
- 7.7.2 The highway safety and the use of Moor Road for vehicular access has already been agreed as part of application 19/00887/FUL. Application 19/00887/DISA submitted details on the provision of a passing bay along Moor Road, required by condition 8. This did incur issues and the developer undertook discussions with the Local Highway Authority to address due diligence issues that had not been assessed as part of the original scheme. A scheme has now been implemented which is now considered acceptable by the Local Highway Authority and the Tree Officer. A final decision will be issued on the passing bay is due to be issued.
- 7.8 Ecology
- 7.8.1 The original application in 2017 was supported by an Ecological Survey and was not required for the subsequent application in 2019. As this is a variation and has an extant permission further surveys would not be required. The biodiversity measures have been implemented as required by condition 16 of 19/00887/DISA which included the installation of bird and bat boxes.
- 7.8.2 Some concerns have been raised with regard to the loss of trees, this is predominantly related to the use of the builders yard. The proposal has provided extensive planting to the boundaries and within the front gardens of the dwellings. Whilst, there were issues when the trees were first planted, this has been addressed by undertaking additional planting and removal of planting that did not survive. In consultation with the Tree Officer the proposal is now considered acceptable. The proposal is considered to be in accordance with policies ENV1 and

ENV7 of the East Cambridgeshire District Council Local Plan 2015 and 8 of the Fordham NP.

7.9 Flood Risk and Drainage

7.9.1 The site is located in Flood Zone 1, where the majority of development should be directed to. The proposal will result in the partial development of a Greenfield site with areas of hardstanding that will no longer be able to take surface water. The applicant had submitted a Flood Risk Assessment as part of the outline planning application and this confirmed that a sustainable drainage system can be incorporated into the scheme. Condition 5 of 19/00887//DISA provided details of the foul and surface water and have been agreed. The scheme has been implemented in accordance with the scheme approved. On this basis the proposal is in accordance with policy ENV8 of the East Cambridgeshire District Council Local Plan 2015.

7.10 Other Material Matters

7.10.1 A number of issues have been raised within the neighbour's comments which need to be addressed.

7.10.2 *Affordable Housing*

The NPPF requires that affordable housing is provided on sites in excess of 1 hectare or 10 or more dwellings. The site is less than 1 hectare (0.6 hectares or 1.4 acres). The site provides only 4 dwellings and as such does not require the provision of affordable housing. The previous scheme approved 19/00887/FUL did also not require affordable housing to be provided. This is further supported by the Housing Officer who comments that the site does not trigger the need for affordable housing.

7.10.3 *Climate change*

The site is a variation on an extant permission. Since the approval of the full application developers are required to comply with the Climate Change SPD. The agent has concluded that sustainable measures have been included within the final build of the development, as stated "We have considered the elements of your Climate Change SPD and are satisfied with the approach as detailed on the plans. All of our projects take a fabric first approach to sustainability and we are committed to delivering robust projects that exceed the minimum requirements of the building regulations" On this basis the proposal is considered acceptable in compliance with the Climate Change SPD.

7.10.4 *Behaviour of the developer and lack of enforcement action*

When the Local Planning Authority was first made aware of the dwellings not being built in accordance with the approved plans, the Enforcement Team visited the site. As with any site, regardless of its location within the district and based on extant consent the developer was asked to submit a planning application.

7.10.5 *Collusion with the Local Planning Authority and the developer*

Officers from the Enforcement team; tree's and planning have visited the site on a number of occasions since the submission of the application. The visits have involved discussions around the planting and the fact that what was submitted was not what was built. The case officer sought accurate plans on 3 occasions that

showed what was built. A final visit was undertaken in July 2022, which confirmed the plans were accurate

7.10.6 *No actions against fence application 20/01576*

The application 20/01576/FUL was refused by the Local Planning Authority on 7th April 2021. A subsequent Enforcement Notice was served and the applicant has appealed the Enforcement Notice. The matter is now with the Planning Inspectorate and the Local Planning Authority are awaiting a determination. The appeal was submitted 14th June 2021. The Local Planning Authority have chased the Planning Inspectorate for a decision however, to date no decision has been issued.

7.10.7 *Dwelling on the builders yard?*

The site currently has no application for a dwelling on this site. If an application was submitted the Local Planning Authority would assess the application on its own merits. It is not part of this application and no further assumptions can be made.

7.10.8 *Behaviour of non Arthurs Way residents*

The Local Planning Authority were notified of behaviour of non residents of Arthurs Way and that there had been threatening notes and trespassing. This is not a planning matter and is a civil matter.

7.11 Planning Balance

On balance whilst the development has not been built in accordance with approved plans and has caused frustration to the neighbours, the Local Planning Authority have to consider whether the actual changes lead to harm whether it be to neighbours' amenities; visual amenities; highway safety; climate change; ecology and heritage assets. Having undertaken a number of site visits and requests of updated plans the changes are not considered to cause any additional harm over what has already been approved. On this basis the proposal is recommended for approval subject to conditions.

8.0 APPENDICES

Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00703/VAR	Toni Hylton Room No. 011 The Grange	Toni Hylton Planning Team Leader 01353 665555
19/00887/FUL	Ely	toni.hylton@eastcambs.gov.uk

National Planning Policy Framework -

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 21/00703/VAR Conditions

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

Plan Reference	Version No	Date Received
Fence photos		13 th July 2022
Images and dimensions of outbuildings		7 th July 2022
V2		18 th May 2022
19:002-4002	Rev B	18 th May 2022
19:002 – 10	Rev C	15 th September 2021
19:002 – 20	Rev C	15 th September 2021
19:002 – 30	Rev C	15 th September 2021
19:002 – 40	Rev C	15 th September 2021
19:002 – 4000	Rev A	15 th September 2021
2498-06	REV E	13 th January 2022
2498-11	REV A	13 th January 2022
2498-99	REV C	13 th January 2022
2498 -08	REV D	13 th January 2022
2498-10	REV A	13 th January 2022
19:002-2000 MATERIALS		29 th March 2021
19:002 REV A – BIODIVERSITY		11 th February 2021
2498-02 DRAINAGE		8 th September 2021
2498-05 SPEC		8 th September 2021
2498-07 ACCESS LEVELS		8 th September 2021
SOAKWAY DETAILS		8 th September 2021
Environment Statement		8 th September 2021
Archaeological Evaluation Report		8 th September 2021
Arboricultural/Tree Impact Assesment/Plan		8 th September 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 The passing bay as implemented and shown on plans below:
- | | | |
|----------|-------|-------------------------------|
| 2498-06 | REV E | 13 th January 2022 |
| 2498-11 | REV A | 13 th January 2022 |
| 2498-99 | REV C | 13 th January 2022 |
| 2498 -08 | REV D | 13 th January 2022 |
| 2498-10 | REV A | 13 th January 2022 |
- shall be maintained in perpetuity.
- 2 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 3 The access shall be as shown on 19:002 – 4000, Rev A, received 15th September 2021 and thereafter maintained in perpetuity
- 3 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 4 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking,

amending or re-enacting that order) no gates, fences or walls shall be erected across the approved access, as shown on 19:002 – 4000, Rev A, received 15th September 2021.

- 4 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to first occupation visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 19:002 – 4000, Rev A, received 15th September 2021. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 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.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 The boundary treatments shown on 19:002-4002, Rev B received on 18th May 2022. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwellings hereby approved.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The biodiversity improvements as implemented as shown on plan 19:002 REV A – BIODIVERSITY received 11th February 2021 shall thereafter be maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 9 Notwithstanding the provisions of Schedule 2 Part 1 Class A and Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the roofspace of each dwelling (Other than Plot 1) shall not be extended or altered in any way and shall not be used as habitable accommodation.
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, C and 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.

- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

22/00127/VAR

Land To East Of Orchard Cottage

11 Chapel Lane

Reach

Cambridge

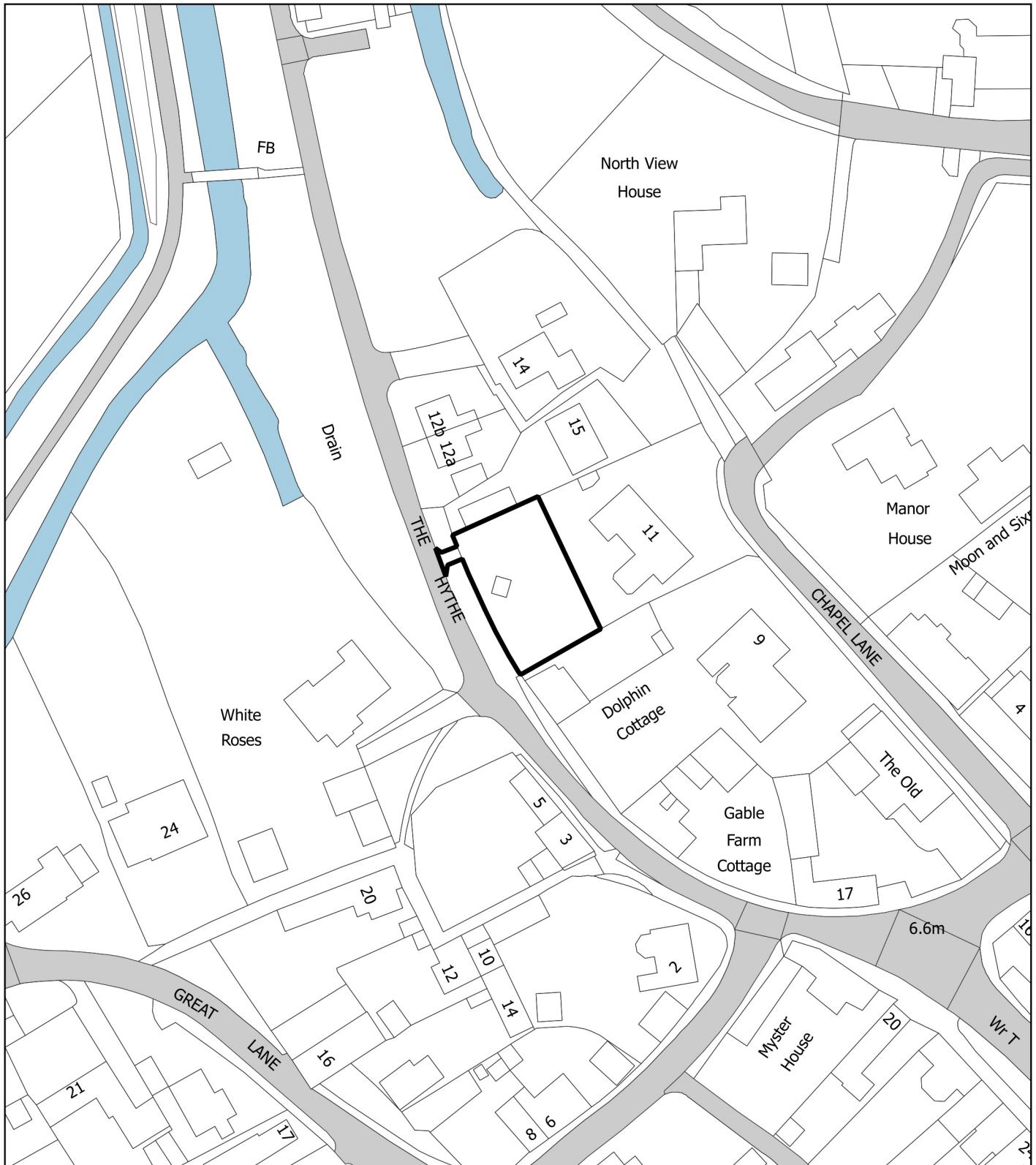
CB25 0JJ

To vary Condition 1 (Approved plans), 17 (Rooflights), and 20 (Water sprinklers) of previously approved 19/01439/FUL for Construction of one and half storey detached dwelling with new access

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R6QP65GGKSV00>





22/00127/VAR

Land To East Of Orchard
Cottage
11 Chapel Lane
Reach



East Cambridgeshire
District Council

Date: 22/08/2022
Scale: 1:1,000



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MAIN CASE

Reference No: 22/00127/VAR

Proposal: To vary Condition 1 (Approved plans), 17 (Rooflights), and 20 (Water sprinklers) of previously approved 19/01439/FUL for Construction of one and half storey detached dwelling with new access

Site Address: Land to East of Orchard Cottage, 11 Chapel Lane, Reach, Cambridge. CB25 0JJ

Applicant: Mr & Mrs Blocksage

Case Officer: Gavin Taylor Planning Contractor

Parish: Reach

Ward: Bottisham

Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 3 February 2022 **Expiry Date:** 7th September 2022
Report Number X47

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Commencement
- 3 Archaeological Investigation
- 4 Construction Environmental Management Plan
- 5 Reporting of unexpected contamination
- 6 Piling foundations
- 7 Tree protection
- 8 Boundary Treatments
- 9 Biodiversity
- 10 Soft Landscaping
- 11 Rooflight windows - exterior finish
- 12 Rooflights positioning
- 13 Permitted development - extensions and outbuildings
- 14 Permitted development – windows
- 15 Air source heat pump
- 16 Sprinkler System
- 17 Construction times - Standard hours

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission to vary some elements of the development previously permitted under 19/01439/FUL, for the erection of a single dwelling and associated access. Officers have negotiated revisions to the original submission. The amendments proposed are summarised as follows;
- Relocation of dwelling c.1m (3.3') south and widen driveway to accommodate parallel parking,
 - Introduction of air source heat pump (ground level) at immediate rear of dwelling,
 - Increased base level by 41cm (1.35'), compared to permitted scheme (see para. 7.3.4 for further details),
 - Introduction of a further 2 rear rooflights – serving bathroom and dressing room, set at minimum 1.7m (5.5') from internal finished floor level to restrict overlooking,
 - Introduction of canopy over front door,
 - Additional windows to ground floor rear dining room (2 no.) and side study (1 No.) and lantern window to rear dining flat roof,
 - Internal layout alterations,
 - Retaining wall along eastern boundary (max 15cm (0.5') above ground level).
- 2.2 As set out in the application description permission is also being sought to remove the requirement for obscure glass in the rooflights (condition 17) due to the position in the rooflights being a minimum 1.7m (3.3') from internal finished floor level. Furthermore, condition 20 which requires details of a sprinkler system is also sought to be varied – instead requiring details of a sprinkler system should it be required through the Building regulations process.
- 2.3 In addition, the latest plans also include further details in respect of external materials, landscaping and biodiversity enhancements that were previously secured through conditions and have been submitted and agreed as part of the recent conditions discharge application (19/01439/DISA). This is considered in more detail below.
- 2.4 The application has been called in to Planning Committee by Cllr Cane, in view of the change in height which was point of discussion at the Planning Committee during consideration of the original application, as well as the additional windows and roof lights.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

19/01439/FUL	Construction of one and half storey detached dwelling with new access	Approved	03.09.2020
19/01439/DISA	to discharge conditions 3 (Contamination), 5 (Archaeology), 6 (Surface and Foul Water Disposal Scheme), 7 (Construction Environmental Management Plan), 8 (Piling and Mitigation Measures), 9 (Construction Times and Deliveries), 10 (Brickwork Sample Panel), 11 (External Roofing Materials), 12 (Doors, Windows, Roof lights, Lintels/Sills and Rainwater Goods), 13 (Boundary Treatments), 14 (Soft Landscape Works Schedule), 18 (Biodiversity) on Decision dated 3.9.2020 for Construction of one and half storey detached dwelling with new access	Partially discharged	19.04.2022

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is situated to the rear of 11 Chapel Lane and currently forms part of the garden of this dwelling. 11 Chapel Lane is a modern 2-storey dwelling and sits between 2 dwellings, both 2-storey and built in the 20th Century.
- 4.2 The site is located within the Conservation Area and development envelope for Reach. Opposite (west) is a Grade II Listed Building, 'White Roses' formerly known as the Old Vicarage.
- 4.3 The site is accessed from The Hythe which leads to a public right of way and the sewage works beyond (north).
- 4.4 The site sits at an average ground level of 4.80 metres (15.75') ODN with the adjacent highway at an average 4.08 metres (13.4') ODN.

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 - No Comments Received

Ward Councillors - Cllr Cane: 9th May 2022

States "I am writing to object to these proposed variations to Planning Conditions and ask that this be referred to Planning Committee if you are minded to approve.

"This application was discussed at length at the Planning Committee in September 2020 and was approved by a narrow margin of 6 in favour, 5 against. The height and position of the dwelling, together with the number of windows/dormer windows and the requirement for some to be obscured all led to this marginal decision. The Conservation Officer has reconfirmed their concerns about the number of dormer windows. By raising the height and adding more windows, and increasing the number with clear glazing, this dwelling will have more of an impact on the street scene and could lead to more overlooking. It is certainly clear from the resident's responses that they would feel more overlooked.

"Can I ask if and when the Parish Council was consulted about these proposed variations?"

[*Officer response:* The Parish were formally consulted on the application on 8th February 2022 but no response was received]

Conservation Officer - 8 February 2022

States "I commented in 2019 that 'rooflights are not a substitute for the disciplines of space planning' and the present amendments only confirm that view. Bathrooms which are less than 10sq m do not need the number of rooflights proposed, the landing did not need a rooflight in 2019 and if the dining room outshot now has a roof lantern, it does not also need windows in the east elevation looking onto a retaining wall. I opposed the 2019 scheme and certainly do not support its further dilution.

"Recommendation: objection"

Local Highways Authority - 21 February 2022

States "I have no objection to this application as the proposed changes are immaterial from a highway safety perspective."

Cambridgeshire Archaeology - 23 February 2022

States "We have previously provided advice for this development, recommending that a programme of archaeological investigation should be secured by condition of planning permission. The site has been subject to an archaeological evaluation, the results of which confirm that significant archaeological remains of medieval and post medieval date survive in the area. A programme of archaeological mitigation will therefore be appropriate and we would recommend that this is secured by the same condition as previously advised.

“No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

“Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.”

ECDC Trees Team - 30 March 2022

States “No tree related implications”

Waste Strategy (ECDC) - 12 April 2022

States “For the development reference: 22/00127/VAR there are no additional comments from waste. Our previous comments on 19/01439/FUL are still applicable”

[Previous comments summarised; it is the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day; and, advice on charging for the provision of wheeled bins].

Anglian Water Services Ltd - 10 February 2022

States “The approved plans and conditions... are not related to Anglian Water network therefore this application is outside of our jurisdiction to comment”

CCC Growth & Development - No Comments Received

5.2 Advertisement

A site notice was displayed on a telegraph pole opposite the site on the 14th March 2022.

5.3 Neighbours

14 neighbouring properties were notified and the 4 responses received are summarised below. A full copy of the responses are available on the Council’s website.

8 The Hythe (1 March 2022)

- Height of dwelling would be significant
- Unclear why conditions are sought to be removed

‘White Roses’, 9 The Hythe (25 February 2022)

- Overlooking
- The site is already 1m above existing levels. Increase in height will be out of character
- Excessive parking provision – out of character

Hythe House, 3 The Hythe (18 February 2022)

- Loss of privacy through the increase height and additional rooflights
- Overlooking

- Parking and Turning – excessive parking area

Orchard Cottage, 11 Chapel Lane (the applicant) (28 February 2022)

- Ridgeline will match 8 The Hythe and lower than the listed building at No.9 The Hythe
- Will not cause overlooking
- Rooflights already exist in the locality e.g. No. 8 and No.12 The Hythe
- Additional windows will improve natural light in the dwelling
- The additional parking is for visitors due to the lack of on-street parking in the area (raised as a concern previously).

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Neighbourhood Plans

Reach Parish Neighbourhood Plan (Pre-Submission Consultation, 2020)
-including the Reach Parish Design Code, 2020

6.3 Supplementary Planning Documents

- Developer Contributions and Planning Obligations
- East Cambs Design Guide
- Contaminated Land - Guidance on submitted Planning Applications on land that may be contaminated
- Cambridgeshire & Peterborough Flood and Water SPD
- Natural Environment SPD
- Climate Change SPD

6.4 National Planning Policy Framework 2021

Chapter 2: Achieving sustainable development

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving & enhancing the historic environment

6.5 Planning Practice Guidance
Determining applications under S73 of the Act
[Paragraph: 031 Reference ID: 21a-031-20180615 (15.06.2015)]

National Design Guide PPG, 2019

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

7.1.1 This application seeks permission to vary specific details of the approved dwelling. The dwelling itself was approved in September 2020 and remains extant. This permission therefore accepted the principle of the development and there are no significant changes to either national or local planning policy to indicate a change to this position.

7.1.2 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals.

7.1.3 The PPG advises that where modifications are fundamental or substantial a new planning application will be required. Where less substantial changes are proposed, a minor material amendment application under S73 of the Town and Country Planning Act 1990 ('the Act') can be submitted where there is a relevant condition that can be varied – for example and in this case, the conditions controlling glazing, a sprinkler system and the approved plans.

7.1.4 There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. As such it is for the LPA to determine whether the proposed amendments constitute minor material change.

7.1.5 The effect of granting S73 permission is to effectively re-issue a planning permission and therefore any conditions and obligations that are relevant to the new permission having regard to the previous permission should be re-imposed and any new conditions or obligations imposed where appropriate to do so.

7.1.6 In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application.

7.2 **Residential Amenity**

7.2.1 A number of residents have raised concerns regarding the potential for overlooking and dominance as a result of the increased floor level of the dwelling and the addition of further rooflights. Following the comments (including that of the Council's Conservation Officer), the applicant has agreed to reduce the number of rooflights,

proposing only to introduce 2 further rooflights to the rear roof slope – serving the bathroom and dressing room.

- 7.2.2 The dwelling is proposed to be finished 41cm (1.3') higher and located c.1m (3.3') further south-east than that approved. This in itself is not considered to increase the potential for overlooking, overbearing or overshadowing to neighbouring properties having regard to their respective separation distances, orientation and window positions.
- 7.2.3 With regard to windows, the only changes to this latest proposal is for 3 additional rooflights in the rear roof elevation, 3 at ground level and the lantern roof. In respect of the ground level glazing, any views from these would terminate at the site boundaries (or in the case of the lantern be directed upwards beyond 1st floor window height) and therefore would not impose on neighbouring private amenity areas. The rooflights are all proposed to be positioned in the roof slope at a height no lower than 1.7m from internal finished floor level. This would restrict any views into adjacent private amenity areas or into any neighbouring windows.
- 7.2.4 The previous permission sought to secure obscure glazing to the rooflights, which is being challenged here by the applicant. In view of their positioning and subject to a condition ensuring that all rooflights remain at 1.7m above internal floor level, it is considered unnecessary to require these to be obscurely glazed. This is because views out of these rooflights would not gain views into neighbouring or private amenity areas – with only the eaves levels of No.11 Chapel Lane and adjacent properties visible out of these windows at this position.
- 7.2.5 The application proposes to introduce an air source heat pump to the rear, northern end of the dwelling. Whilst no concerns have been raised by residents, these can in certain instances result in noise nuisance – particularly if not regularly serviced. Air source heat pumps are permitted under the General Permitted Development Order (GPDO) and are controlled through would be available to the applicant to introduce, once the dwelling is substantially complete and they would be controlled through the Microgeneration Certification Scheme for air source heat pumps (being MCS 007 and MCS 020; Department for Business, Energy and Industrial Strategy, 2018). As such, and in consultation with the Council's Environmental Protection team it is considered that the introduction of the air source heat pump would be acceptable, subject to meeting the terms of a compliance conditions which would ensure that noise levels are maintained to acceptable levels – in line with the Microgeneration Certification Scheme.
- 7.2.6 In order to safeguard the long-term protection of neighbouring amenities, it is suggested that the current condition limiting any additional windows, outbuildings or extensions (currently Condition 15 and 16) is attached to any planning permission issued. This is not only to protect residential amenity but also to ensure the design of the dwelling is not weakened by poor quality additions.
- 7.2.7 Condition 3 of the current permission requires the submission of a phase 1 contaminated land assessment. This has been undertaken and approved under the conditions discharge application (19/01439/DISA) and therefore would not be required on any further permissions. A condition requiring action should any unsuspected contamination be found, as currently set out under condition 4 should

however remain, in order to safeguard the health of those undertaking the construction and future residents.

- 7.2.8 Condition 7 requires the submission of a Construction Management Plan which remains outstanding and should be repeated should the proposal be approved.
- 7.2.9 Likewise, condition 8; which requires details of piling should the development ultimately require piled foundations, should also remain. Whilst the applicant has undertaken ground condition investigation which identifies that traditional strip foundations would be adequate, should this be found to be inaccurate and piling subsequently necessary, the conditional requirement would ensure that the LPA could assess the method and potential impacts.
- 7.2.10 Finally, Condition 9 sets out a restriction to construction times, which is considered necessary in order to safeguard residential amenity and should be repeated, should the application be approved.
- 7.2.11 In summary, and subject to compliance with the conditions as outlined above, the development would not give rise to unacceptable levels of amenity harm in line with the aims of policy HOU 2 and the NPPF, Chapter 12.

7.3 Visual Amenity and Impact on the Historic Environment

- 7.3.1 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities, when considering development, to pay special attention to preserving a listed building or its setting (S66) and to the desirability of preserving or enhancing the character or appearance of a conservation area (S72). These legal requirements are captured through Local Plan policies ENV 11 and ENV12 respectively.
- 7.3.2 Concerns have been raised regarding the proposal to increase the overall height of the dwelling by 41cm (1.3'), with specific concerns raised regarding how it will impact on the character of the Conservation area and the nearby grade II listed building, 'White Roses' (9 The Hythe). Furthermore, the Council's Conservation Officer has objected to the proposal for further windows and rooflights, questioning their need. In addition, the amount of on-site parking now proposed has been raised as a concern in terms of impact to the character of the area.

Windows & Rooflights

- 7.3.3 In general terms, the introduction of a further 2 rooflights to the rear and the additional windows and lantern at ground floor level will not substantially depart from the current approval. This is primarily given their locations which will not be immediately visible from the streetscene along The Hythe – and only glimpse views of the roofline achievable from Chapel Lane, where rear aspect views would be viewed with the context of more modern properties (No. 9, 11 and 15) in the foreground. In this regard, whilst the dwelling is positioned within the Reach Conservation Area, Officers consider that the amendments would have a neutral impact on the historic environment, to that already permitted.

Building height

7.3.4 In respect of the raised level of the dwelling, the applicant has provided a streetscene drawing to support the proposal which demonstrates that the increase will not substantially alter the impact of the dwelling within the area, having regard to existing building heights. It is understood that the ground itself is not being raised – but that the originally planned excavation of ground level by c.1m (3.3') is now to be 0.5m (1.6') (to accommodate site drainage and following the applicant's discussion with Cambs Archaeology. This therefore has the effect of the dwelling sitting c.41cm (1.3') higher than originally planned, but still lower than current ground levels. The retaining wall proposed, which is otherwise achievable under permitted development, confirms that ground levels will be reduced in order to accommodate the dwelling.

7.3.5 Importantly, Officers consider that the setting of and views to and from 'White Roses' will not be significantly altered as a result of the latest proposal, particularly given the separation distances (c.25m/ 82') and orientation of the buildings. As such, officers consider that the slight increased height of the dwelling will not cause any more harm to the significance of White Roses, or to the general character and appearance of the Conservation Area than that already permitted.

Driveway widening

7.3.6 The amendments propose to relocate the dwelling slightly to the south (c.1m/ 3.3') in order to widen the driveway, thereby increasing off-street car parking capacity. It is noted that on-street parking issues were raised by residents in the previous application, in part due to the narrowness of The Hythe. Whilst not a policy requirement, the proposal to increase parking on site could prevent the necessity for some on-street parking by occupiers and visitors to the property in the future.

7.3.7 In visual terms, it is noted that parking arrangements vary in the locality – with some properties benefitting from larger or longer drives, and some with very little on-plot parking. Officers note from a recent site visit that some cars also park on the verges, albeit it is uncertain as to whether these are permanent residents or visitors parking there. In this respect, due to the mixture of parking, it is not possible to observe any prevailing character to assess the proposal's design against, other than to conclude that it would likely provide some benefit to the future occupiers of the development through additional off-street parking, and possibly some to those existing residents who would continue to rely on on-street parking and would not have this provision reduced through the development. It is therefore considered that the amendments to the parking area would not result in any substantial harm to the character of the area that would justify refusal in this regard.

Conditions

7.3.8 Condition 5 of the permitted development requires a scheme of archaeological investigation to be undertaken prior to works commencing. Due to the outstanding mitigation fieldwork and reporting the Cambridgeshire County Council's Archaeology team has requested that this condition remains on any future permission, in line with national and local policy.

7.3.9 Condition 10 of the permitted development requires a sample panel of brickwork to be provided and agreed before work proceeds above ground. Due to the dwelling being rendered, only a small section below the line of the render will be visible and

the applicant has proposed to use blue engineering brick for this section as set out on the amended plan. This is considered to be appropriate and will be in-keeping with the damp-proofing of dwellings nearby (e.g., No. 5 and No. 8 The Hythe and properties to the entrance of Fair Green). As such, the need for further details is not required and is captured on the proposed plan. A condition requiring the development to be carried out in accordance with approved plans is standard.

- 7.3.10 Likewise, Conditions 11 and 12 of the permission sought details of roof material and architectural details of doors, windows, cills and the rooflights. These have all been agreed under the condition discharge application and now feature on the proposed amended plan. As such, a condition requiring this detail would not be required. Notwithstanding this, a condition is recommended to ensure that the exterior frames of the rooflights are maintained in dark grey or black finish, in order to blend with the roof slates proposed, to safeguard the visual amenities of the area.
- 7.3.11 Condition 13 of the permission requires details of all boundary treatments. These have not yet been agreed through the discharge application and it is therefore prudent to again include this condition should the application be approved.
- 7.3.12 Condition 14 of the permission requires soft landscaping details and these have subsequently been agreed through the condition discharge application. Nonetheless, it would be necessary to still ensure that the agreed scheme is implemented and safeguarded for the standard 5-year period, as set out within the second part of current condition 14.
- 7.3.13 It is considered that the amendments proposed will not result in any additional harm to the character and appearance of the area, further to that already permitted. Therefore, the proposed amendments do not conflict with the aims of policies ENV1, ENV2, ENV11 and ENV12 of the East Cambridgeshire District Local Plan 2015. Furthermore, as noted above, it would be recommended to impose the same archaeological condition to this proposal in-line with ENV14 of the East Cambridgeshire District Local Plan 2015.

7.4 Highways

- 7.4.1 The local Highways Authority (LHA) has raised no objection to the proposal. The site can provide a minimum of 2 off-street parking spaces which is in accordance with policy COM8 of the East Cambridgeshire District Local Plan 2015.

7.5 Ecology

- 7.5.1 Condition 18 of the permission sets to secure biodiversity improvements and details of this have subsequently been approved through the condition application – the details and timing of delivery of which are presented on the proposed composite plan. As such, a condition securing this detail is no longer required.
- 7.5.2 Condition 19 seeks to ensure that the tree protection measures as set out in the Arboricultural Impact Assessment are adhered to during construction. In consultation with the Council's Tree Officer, no objections to the proposal were raised. It is considered reasonable and necessary to re-impose this condition should this proposal be approved.

7.5.3 On this basis the proposal is considered to comply with policy ENV1 and ENV7 of the East Cambridgeshire District Local Plan 2015.

7.6 Flood Risk and Drainage

7.6.1 Condition 6 of the permission requires details of the foul and surface water drainage methods supporting the development and for this to be delivered prior to first occupation. The applicant has set out on the amended plan that the surface water will be managed via soakaway the foul to be managed directly via mains drainage, which would accord with the drainage hierarchy under Part H of current Building Regulations and would comply with policy ENV8 of the East Cambridgeshire District Local Plan 2015.

7.6.2 A condition requiring the development to be carried out in accordance with the plan (proposed condition 1) which specifies the drainage methods would prompt the developer to return to the LPA to amend the plan, should this not ultimately be achievable, whereupon the LPA would be able to assess the appropriateness of any alternative method proposed.

7.7 Other Material Matters

Sprinklers

7.7.1 Condition 20 of the permission secures details of a sprinkler system. This was due to the acknowledgement that the site lies along a relatively rural road where road widths may make navigating a fire appliance difficult. The applicant has sought to amend this slightly, to include a clause whereby, if such a system is not ultimately required when assessed by Building Control, then a scheme would not be required.

7.7.2 This would seem to be a reasonable amendment to the condition and it is recognised that options other than a sprinkler system may be possible to address such matters and that this would ultimately be determined through the Building Regulations process.

Commencement

7.7.3 Condition 2 of the permission requires the development to have commenced within 3 years (by 3rd September 2023). There is no mechanism through S73 to extend the time period by when the development must commence and therefore, should the latest application be granted, the timeframes for commencement would need to align with the original permission i.e., by 3rd September 2023.

7.8 Planning Balance and Conclusion

7.8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (adopted 2021). Furthermore, in deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application.

7.8.2 The proposed changes are considered minor for the purposes of S73 and will not substantially alter the scale or nature of the development. Furthermore, subject to the imposition of conditions as outlined above and set out below, the development would not give rise to unacceptable impacts on residential amenity, the historic environment, highways, biodiversity or drainage.

7.8.3 It is considered that the development generally accords with the development when considered as a whole and therefore that the application can be recommended for approval, subject to the conditions set out in Appendix 1.

8.0 APPENDICES

8.1 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00127/VAR	Gavin Taylor Room No. 011 The Grange	Gavin Taylor Planning Contractor 01353 665555
19/01439/FUL 19/01439/DISA	Ely	Gavin.Taylor@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 22/00127/VAR Conditions

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

Plan Reference	Version No	Date Received
EDG/19/082 4 (Location plan)		9th October 2019
Arboricultural Impact Assessment Report	V.1	9th October 2019
EDG/19/082 5 (Composite Plan)	J	18th August 2022

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

- 2 The development hereby permitted shall be commenced by 3rd September 2023

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

- 6 In the event that the foundations for the proposed development requires piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

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

- 7 The tree protection measures shown within the Arboricultural Impact Assessment Report (V.1) shall be implemented prior to the commencement of development, site works, or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised, nor lowered and no materials, temporary buildings, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced area 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 safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwelling hereby approved.

Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 9 The biodiversity improvements as set out on plan reference: EDG/19/082 5 Rev J shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

- 10 The soft landscaping as set out on plan ref: EDG/19/082 5 Rev J shall be carried out in accordance with the approved details prior to the end of the first planting season following the first occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To safeguard the character, appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 11 The rooflight window frames hereby approved shall be finished externally in a dark grey or black finish

Reason: To ensure their appearance is appropriate to the building fabric in order to safeguard the character and appearance of the Conservation Area, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 12 The lowest glazed and, or opening part of the rooflights hereby permitted shall be positioned no lower than 1.7m from internal finished floor level.

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

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.

Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any of the elevation(s), without the prior written consent of the Local Planning Authority.

Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 15 The air source heat pump hereby permitted shall not exceed 45 thermal kilowatts output. The specific rated noise level emitted from the air source heat pump(s) 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. and shall comply with the standards specified in the Microgeneration Certification Scheme for air source heat pumps (being MCS 007 and MCS 020; Department for Business, Energy and Industrial Strategy, 2018).

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

- 16 Prior to first occupation of the dwelling hereby approved, measures for the installation of a water sprinkling system shall be submitted to and agreed in writing by the Local Planning Authority, if the installation of such a system is required through the Building Regulations process to comply with the Building Act 1984. If a system is installed then it shall be in situ prior to occupation and maintained in perpetuity.

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

- 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.

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

MAIN CASE

Reference No: 22/00431/FUL

Proposal: Re-build of barn to form new dwelling

Site Address: Redtile Farm Fen Lane Swaffham Bulbeck Cambridgeshire
CB25 0NH

Applicant: Mr R Wedd

Case Officer: Rachael Forbes Planning Officer

Parish: Swaffham Bulbeck

Ward: Bottisham

Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 11 April 2022

Expiry Date: 14 September 2022

Report Number X48

1.0 **RECOMMENDATION**

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

- 1 In accordance with policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 development outside of defined development boundaries will be strictly controlled having regard to the need to protect the countryside. Development will be restricted to the main exception categories listed in policy GROWTH 2, providing there is no significant adverse impact on the character of the countryside. The proposal does not fall within one of the main exception categories and therefore is contrary to Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 and the aims and objectives of the NPPF
- 2 The proposal will result in the change of use of land from agricultural land to domestic land and includes the provision of a long driveway. The proposal will result in encroachment into the countryside through the domestication of use and the introduction of residential paraphernalia which cannot be controlled by planning condition; this will be exacerbated by the introduction of a large amount of hardstanding to create the driveway. The proposal would significantly result in visual harm to the countryside and therefore would be contrary to Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 and chapter 12 of the NPPF

1.2 SUMMARY OF APPLICATION

1.2.1 The application seeks planning permission to erect a new dwelling. Prior approval was previously granted at the site for the conversion of a barn under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, however, the barn has since been demolished meaning that the permitted development right no longer exists.

1.2.2 The application has been called in by Cllr Trapp for the following reason:

'My reasons are that this is a direct replacement for a barn that had been on the same site. The barn that had been there was given permission to be converted to a dwelling by planning application 20/01389/ARN. The building inspector considered the foundations inadequate and required them to be one metre deep. Although this could have been done by under-pinning the barn in-situ, further inspection of the fabric showed that this would be impractical, as the brick base of the barn and the wooden beams resting on them was unsound and insecure, and the barn taken down unaware that this was not permitted.'

1.2.3 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/>.

2.0 PLANNING HISTORY

2.1

20/01389/ARN	To convert existing agricultural building to 1 residential dwelling	15.04.2021
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3.0 THE SITE AND ITS ENVIRONMENT

3.1 Redtile Farm is situated at the end of Forty Acre Drove, located between the villages of Swaffham Bulbeck and Lode. It is outside of the development envelope. There is a Public Right of Way which runs to the north and west of the site. The site is surrounded by agricultural fields. The immediate site also consists of the main farmhouse, outbuildings and barns.

4.0 RESPONSES FROM CONSULTEES

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

4.1.1 **Environmental Health (Scientific Officer) - 27 April 2022**

I have commented on and approved a previous contamination report for this site under application 20/01389/ARN. That report covered an area of the site which is smaller than that for the current application. However, as the Planning Design and Access Statement states that the development will be the same except for the rebuild element I consider that further site investigation is not required. I recommend that

standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.'

4.1.2 Parish Council - 5 May 2022

'Support 22/00431/FUL Redtile Farm, Fen Lane, Swaffham Bulbeck. Re-build of barn to form new dwelling. Please note that Swaffham Bulbeck Parish Council have no objections to this planning permission and wish to record that they support the green sustainable aspect of the new building proposal.'

4.1.3 Ward Councillor – Cllr Trapp - 19 May 2022

'I would like to call in 22/00431/FUL for determination at Planning Committee.

My reasons are that this is a direct replacement for a barn that had been on the same site. The barn that had been there was given permission to be converted to a dwelling by planning application 20/01389/ARN. The building inspector considered the foundations inadequate and required them to be one metre deep. Although this could have been done by under-pinning the barn in-situ, further inspection of the fabric showed that this would be impractical, as the brick base of the barn and the wooden beams resting on them was unsound and insecure, and the barn taken down unaware that this was not permitted.'

4.1.4 The Ely Group Of Internal Drainage Board - 25 April 2022

'The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

If the proposed package treatment plan discharges into a watercourse, the consent of the Board is required.'

4.1.5 The Ely Group Of Internal Drainage Board - 6 May 2022

'This application for development is within the Swaffham Internal Drainage District. The agent for the scheme has confirmed that this application will use the surface water system that has previously been approved by the Board. Therefore, the Board has no objections to the application.'

4.1.6 Local Highways Authority - 26 April 2022

'I do not object to this application on the basis that the impacts on the public highway are no different to those considered under the application 20/01389/ARN.'

4.1.7 Environmental Health - 22 April 2022

'We have commented on this site in the past where I advised -

"Due to the location I have no issues to raise concerning the air source heat pump.

The Design and Access Statement advises that the dwelling will be on a working farm, with some of the barns and outbuildings remaining. As long as the remaining structures do not contain noisy mechanical plant (such as drying fans) I will have no concerns to raise at it would be expected that future occupiers will understand the context of the location with the associated seasonal noises and smells. However, the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

I have Cc'd Julia in to this response who will respond separately if she has any concerns to raise concerning room sizes."

I have read the D&AS which advises that the proposed dwelling "[...]will stand in the same location as the original barn and cover the same floor print. Essentially it will be the same building as the one approved, except rebuilt instead of extensively repaired." If this is the case then my previous comments remain valid here.

The only additional comments I wish to make are that I would advise that construction times and deliveries during the construction and demolition phases 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.'

4.1.8 **Waste Strategy (ECDC)** - No Comments Received

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

4.1.10 **Anglian Water Services Ltd** - 19 April 2022

Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.'

4.1.11 **Environment Agency** - 25 April 2022

'We have no formal comment to make on this application.'

4.1.12 **Definitive Map Team – 27 June 2022**

The site is proposed to be accessed via Public Footpath No. 10, Lode. Furthermore, Public Footpath No. 14, Swaffham Bulbeck runs to the west and north of the site. To view the location of the footpaths please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>. Whilst the Definitive Map Team has no objection to this proposal, the footpaths must remain open and unobstructed at all times.

4.1.13 A site notice was displayed near the site on 21 April 2022 and a press advert was published in the Cambridge Evening News on 21 April 2022.

4.1.14 **Neighbours** – two neighbouring properties were notified and both have written in support of the application.

- The dwelling will be on the same foot print as the existing barn was, along with the same distinct red tile and black panelling- there will be no impact to the visual look.
- Plans for the new building are totally in line with the Neighbourhood Plan for Swaffham Bulbeck: reliance on renewable energy and less on fossil fuels – from building materials to air source heating. Such sustainable projects are challenging with older properties with retro fitting and the rest of us are trying to do our part where the building allows it (age and building materials).
- No concerns on heavy traffic supplying materials to the site as this would no different to farming vehicles and lorries during the seasons- day and night.
- It is understood that the dwelling is on the same footprint as the barn and is fully sustainable in line with relevant building regulations, no concerns with the application.

A full copy of the responses are available on the Council's website.

5.0 **The Planning Policy Context**

5.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
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 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution

COM 7	Transport impact
COM 8	Parking provision

5.2 Supplementary Planning Documents

Design Guide

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

Flood and Water

Natural Environment SPD

Climate Change SPD

5.3 National Planning Policy Framework 2021

2 Achieving sustainable development

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

5.4 Planning Practice Guidance

6.0 PLANNING COMMENTS

The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety and parking, ecology, flood risk and contaminated land.

6.1 **Principle of Development**

6.1.1 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at a relatively early stage, and therefore little weight should be given to its emerging content.

6.1.2 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages with a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

6.1.3 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is "out of date" and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 219. Applying national policy, there are three main reasons it could be out of date, as follows:

- (a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8) This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years' worth, and this position has persistently been agreed by recent Inspector appeal decisions;
- (b) If the Council 'fails' the Housing Delivery Test. This is not the case. The Council presently sufficiently 'passes' the Test; or
- (c) If the Policy is considered 'out of date' on a separate basis. This has been defined by the Courts as "have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted "*The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.*" (*Gladman Developments Limited v SSHCLG and Central Bedfordshire* [2019] EWHC 127 (Admin), [34]). Datedness will always be a "case-sensitive exercise" (*Gladman*, [36]) and will "encompass the manner in which a policy operates in relation to the determination of a particular application" (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).

- 6.1.4 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 6.1.5 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 "to manage patterns of development and protect the setting of settlement were good ones" and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notable in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.
- 6.1.6 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.

- 6.1.7 Turning to the facts of this particular application, the proposal is located outside of the development envelope, and is not one of the exceptions listed in GROWTH 2. The proposal is also not located at one of the three market towns, where growth is directed to by GROWTH 2. It is, therefore, clearly contrary to policy GROWTH 2.
- 6.1.8 The Council have considered whether GROWTH 2 (including development envelopes derived by it) should be considered out of date or not, and in particular in doing so considering recent appeal decision on this matter. A number of appeal decisions in settlements beyond the market towns have indicated that GROWTH 2 is up to date. The Inspector in a recent decision at Soham (i.e. a Market Town) concluded that GROWTH 2 is out of date APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022).
- 6.1.9 The Council has carefully considered all of these decisions and in particular whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the nature of the conflict). The Council considers that the Soham decision is distinguishable.
- 6.1.10 For the purposes of this application, GROWTH 2 is considered up to date. All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: “general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework”
- 6.1.11 This proposal, in this location (i.e. not a market town), is not consistent with that strategy.

Whilst GROWTH 1 is out of date, the locational strategy within GROWTH 2 is not out of date. The locational strategy remains entirely valid and consistent with NPPF.

This view is reinforced by the fact that the Council can demonstrate it has a Five Year Land Supply, and passes the Housing Delivery Test.

In conclusion, therefore, for this particular proposal in this location, GROWTH 2 is considered up to date, and should carry full weight. And, as already described, the proposal is clearly contrary to GROWTH 2, and therefore this proposal is contrary to the development plan.

- 6.1.12 Under application 20/01389/ARN, prior approval was granted for a conversion of the barn to a dwelling under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 – agricultural barns to dwellinghouses. The barn has since been demolished with the planning statement setting out the following:

‘Following the planning stage and after further detailed investigations of the building on site were undertaken, it was found that the option of strengthening the existing structure, including roof, foundations and external walls (all major elements of the structure) made the projects unfeasible. The decision was then made to design the structure in a way that would enable the structure to be re-built exactly as the existing barn including the proposed conversion. This not only ensured that the

building would be much better future proofed structurally, but also meant the building would be much more environmentally friendly with modern insulation values. The detailed plans were produced for Building Control approval on this basis and were approved’.

- 6.1.13 As the barn has been demolished, the conversion approved under Class Q can no longer take place as there is no building to convert. Planning Practice Guidance states that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. A structural report was submitted at the time of the application that concluded the building was capable of conversion.
- 6.1.14 Class Q also permits building operations to allow the conversion to take place, including partial demolition but this is only permitted to allow the installation of windows, doors, roof, exterior walls and necessary services (electricity, gas etc) but does not permit the total demolition of the barn.
- 6.1.15 There are only certain elements that the Local Planning Authority (LPA) can consider as part of a Class Q prior approval. Planning Practice Guidance states: *‘that an agricultural building is in a location where the LPA would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval’.*
- 6.1.16 It is established in case law that permitted development rights can represent a fall-back position for alternative proposals at the same site (Mansell vs Tonbridge and Malling Borough Council [2017]). However, the fall-back position only exists where there is a realistic prospect of such development going ahead. As the barn no longer exists, there is no realistic prospect that the conversion of the barn could go ahead and therefore the fall-back position does not exist.
- 6.1.17 As the barn can no longer be converted under permitted development rights and there is no fall-back position as there is no realistic prospect that the conversion could go ahead, a planning application has been submitted. The current application is for a dwelling in the countryside which does not fall within one of the exception policies within GROWTH 2 and is therefore contrary to that policy.

7.0 Applying the Development Plan Policies

- 7.1.1 The Council considers the ‘basket’ of most important policies, all of which are not out of date, for determining this application are:

GROWTH 2	Locational strategy
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology

- 7.1.2 It is established nationally that one potential way for the tilted balance to apply under Paragraph 11(d) of the NPPF, is for the most important policies to be out of date. That does not mean one policy being out of date, but means the basket is out of date. It means the basket when taken as a whole, is out of date, likely on the basis that more than half of the policies are demonstrated to be out of date. Of the above listed policies, this is clearly not the case.

- 7.1.3 In relation to policy GROWTH 2 of the Local Plan, the Council considers that this policy is not out of date as explained in section 6.1 of this Committee Report.
- 7.1.4 In relation to policies ENV 1 and ENV 2 of the Local Plan, whilst these policies predate the current NPPF, the general principles of protecting the landscape and respecting context are consistent with the objectives of paragraph 130 of the NPPF, namely b) and c):

“Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including their surrounding built environment and landscape setting, while not preserving or discouraging appropriate innovation or change”.

- 7.1.5 It is therefore the Council's view that these policies are fully consistent with the NPPF and should be given full weight in the determination of this planning application and there is no reason to believe that these policies are out of date. The proposed development is therefore contrary to Policy Growth 2 of the Local Plan, 2015 and is unacceptable.

8.0 Visual Amenity

- 8.1.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 8.1.2 The proposed dwelling will be on the same footprint and will be the same scale as the barn previously granted prior approval; the barn was approximately 13.6 metres (44.61 feet) in length, 5 metres (16.40 feet) in width and 4.9 metres (16.07 feet) in height. It is also proposed to have the same appearance as previously approved with a red brickwork plinth, timber featheredged boarding, new timber casement windows and profiled metal sheet cladding for the roof.
- 8.1.3 One of the elements that can be assessed by the Local Planning Authority under Class Q prior approval applications is the design or external appearance of the building, which was considered to be acceptable. As the proposed dwelling will look almost identical to the Class Q conversion and the barn which was on site, it is considered that officers cannot allege that there will be visual harm resulting from the proposed dwelling itself.
- 8.1.4 Class Q only allows a very small curtilage. The current application includes much more land within the red line, which would result in more agricultural land being used as domestic garden resulting in incursion of domestic land into the countryside and siting of incidental paraphernalia that such a use carries with it. The submitted landscaping plan does show a smaller area of lawned garden,

sectioned off from the remainder of the land by a fence and while permitted development rights could be restricted, other domestication of the land could take place such as the introduction of residential paraphernalia which would not represent development and therefore could not reasonably be controlled by a planning condition once a residential garden use had been established.

- 8.1.5 Furthermore, the plans show the provision of a long driveway with turning head. It is considered that this represents further encroachment into the countryside, introducing a large amount of hardstanding. The planning statement notes that this was shown on the previously approved block plan; it was actually removed from the proposal as the works could not be carried out under Class Q. While the site is set back from the main road and is somewhat isolated, there are Public Footpaths running along the access to the site and along the north eastern boundary of the application site, therefore the site is visible from the public domain.
- 8.1.6 While it is considered that the proposed dwelling itself would not result in visual harm, the introduction of a domestic garden and hardstanding to form a large driveway would result in encroachment into the countryside and therefore result in harm to the character and appearance of the area.
- 8.1.7 The proposal is therefore considered contrary to Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 and chapter 12 of the NPPF

8.2 Residential Amenity

- 8.2.1 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 requires that proposals ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 8.2.2 The only dwelling in close enough proximity to be potentially affected by the proposed dwelling is the farmhouse at Redtile Farm. When measuring the plans, the proposed dwelling is approximately 21.6 metres (70.8 ft) from the farmhouse which would be considered a sufficient distance to avoid any significant overbearing, overlooking or overshadowing impacts.
- 8.2.3 The proposal is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 in respect of residential amenity.

8.3 Highway Safety and Parking

- 8.3.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority have been consulted as part of the application and have commented that they do not object to the proposal on the basis that the impacts on the public highway are no different to those considered under application 20/01389/ARN.
- 8.3.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards, which is two car parking spaces per dwelling.

Although no parking has been shown on the proposed block plan, it is considered that there would be ample space on site for vehicle parking and to provide cycle parking.

- 8.3.3 The County Council Definitive Map Team have been consulted as part of the proposal as there are two Public Footpaths; number 10 which runs along the access to the site and number 14 which runs to the west and north of the site. While the Definitive Map Team have no objections to the proposal, they have commented that the footpaths must remain open and unobstructed at all times.
- 8.3.4 The proposal is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

8.4 Ecology

- 8.4.1 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required 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. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 8.4.2 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.
- 8.4.3 An Ecological Impact Assessment has been submitted which has concluded that the site is of very limited wildlife value and the proposal will result in long term positive impacts as garden and landscape planting will replace the species poor habitats currently present. The proposed landscaping includes areas of species diverse grassland, rough grass, fruit trees and bushes.
- 8.4.4 A report and a biodiversity metric calculation have also been submitted to address Biodiversity Net Gain. This document demonstrates that a Net Gain of 253.89% is achievable on the site with the proposed landscaping scheme. This would include the planting of 3 new trees, 122sqm/1313sqft of wildflower planting, 50no gooseberry bushes, 946sqm/10182sqft of rough grassland.
- 8.4.5 The proposal is therefore considered to comply with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 and Natural Environment SPD, 2020 and paragraph 180(d) of the NPPF.

8.5 Flood Risk and Drainage

- 8.5.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential and exception test will be strictly applied across the district and new development should normally be located in flood zone 1; the application site is situated in flood zone 1 and therefore is considered to be acceptable.
- 8.5.2 The application site is in Flood Zone 1; however, it is in close proximity to ditches. The Environment Agency have been consulted as part of the application and have no formal comments to make but have advised the applicant that the site is located above a principal aquifer and therefore should address risks to controlled waters from contamination. This was done as part of the Phase I and Phase II investigations submitted under 20/01389/ARN; this will be addressed in the contaminated land section of this report.
- 8.5.3 The Internal Drainage Board initially commented that the application states that surface water will be disposed of via soakaways and provided that soakaways form an effective means of surface water disposal in this area, they would not object to the application. They also advised that if the proposed package treatment plant discharges into a watercourse, the consent of the Board is required. Following correspondence with the planning agent, they further commented: *'the agent for the scheme has confirmed that this application will use the surface water system that has previously been approved by the Board. Therefore, the Board has no objections to the application.'*
- 8.5.4 The plans also show the diversion of the existing ditch at the site. Although not recorded in their comments, the Internal Drainage Board have confirmed that the watercourse is not one of the Boards main drains and they issued a Byelaw consent for the diversion of the existing ditch and the installation of new culverts which was issued in June 2021 and therefore there is no objection to the planning application.

8.6 Contaminated Land

- 8.6.1 Policy ENV 9 states that all development should minimise and where possible reduce all emissions and other forms of pollution, including light and noise pollution and ensure no deterioration in air and water quality.
- 8.6.2 The Council's Scientific Officer has been consulted as part of the application and has commented that they have commented on and approved a previous contamination report for this site under application 20/01389/ARN and although that report covered an area of the site which is smaller than that for the current application, the Planning Design and Access Statement states that the development will be the same except for the rebuild element and therefore further site investigation is not required. The Scientific Officer has recommended that a condition for the reporting of unexpected contamination is attached to any grant of permission.
- 8.6.3 The proposal is therefore considered to comply with Policy ENV 9 of the East Cambridgeshire Local Plan, 2015.

8.7 Energy, water efficiency and renewable energy in construction

- 8.7.1 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.'* The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. The Parish Council and both neighbours have commented on the sustainability measures of the proposal, however, with the exception of a mention in the planning statement of the building being environmentally friendly with modern insulation values, there are no measures put forward. However, it is considered that this would not result in a reason for refusal of the application.

8.8 Other Material Matters

- 8.8.1 The Council's Environmental Health Officer has been consulted as part of the application and have commented that they have previously commented at the site where they advised:

"Due to the location I have no issues to raise concerning the air source heat pump.

The Design and Access Statement advises that the dwelling will be on a working farm, with some of the barns and outbuildings remaining. As long as the remaining structures do not contain noisy mechanical plant (such as drying fans) I will have no concerns to raise as it would be expected that future occupiers will understand the context of the location with the associated seasonal noises and smells. However, the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

- 8.8.2 In respect of the current application, they have commented that if the proposed dwelling is to be of the same footprint and in the same location as the Class Q barn conversion that the previous comments are still valid.
- 8.8.3 They have further advised that construction times and deliveries during the construction and demolition phases should be restricted and if ground piling is required then a method statement would need to be produced and be agreed in writing with the LPA. These can both be conditioned.
- 8.8.4 One of the neighbours has mentioned in their comments that the proposal is in line with the neighbourhood plan for Swaffham Bulbeck. The Swaffham Bulbeck Neighbourhood Plan is still in draft form and is therefore given limited weight in the determination of the application.

8.9 Planning Balance

- 8.9.1 The proposal seeks to erect a dwelling outside of the development envelope and within the countryside. The proposal does not fall within one the exception policies for GROWTH 2 and therefore is contrary to it. Furthermore, as the barn has been demolished, it cannot benefit from permitted development rights and there is no fall-

back position for a replacement dwelling. While the building itself is not considered to result in visual harm due to its similarities to the barn and the Class Q prior approval scheme, the proposal also includes a larger curtilage and the provision of a long driveway, both of which is considered to result in encroachment into the countryside.

8.9.2 It is considered that the application does comply with policy in respect of residential amenity, highway safety and parking, flood risk and drainage and contaminated land. However, these considerations do not outweigh the visual harm of the proposal nor that it is unacceptable in principle. The application is therefore recommended for refusal.

9.0 COSTS

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

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

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

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

- The site is outside of the development envelope and proposes a new dwelling in the countryside, contrary to Policy GROWTH 2;
- There has been a prior approval granted at the site, however the barn has been demolished and therefore the Class Q rights no longer exist and there is no longer a fall back position for a replacement dwelling.

10.0 APPENDICES

None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00431/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555
20/01389/ARN	Ely	rachael.forbes@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

22/00459/FUL

47 West Street

Isleham

Ely

Cambridgeshire

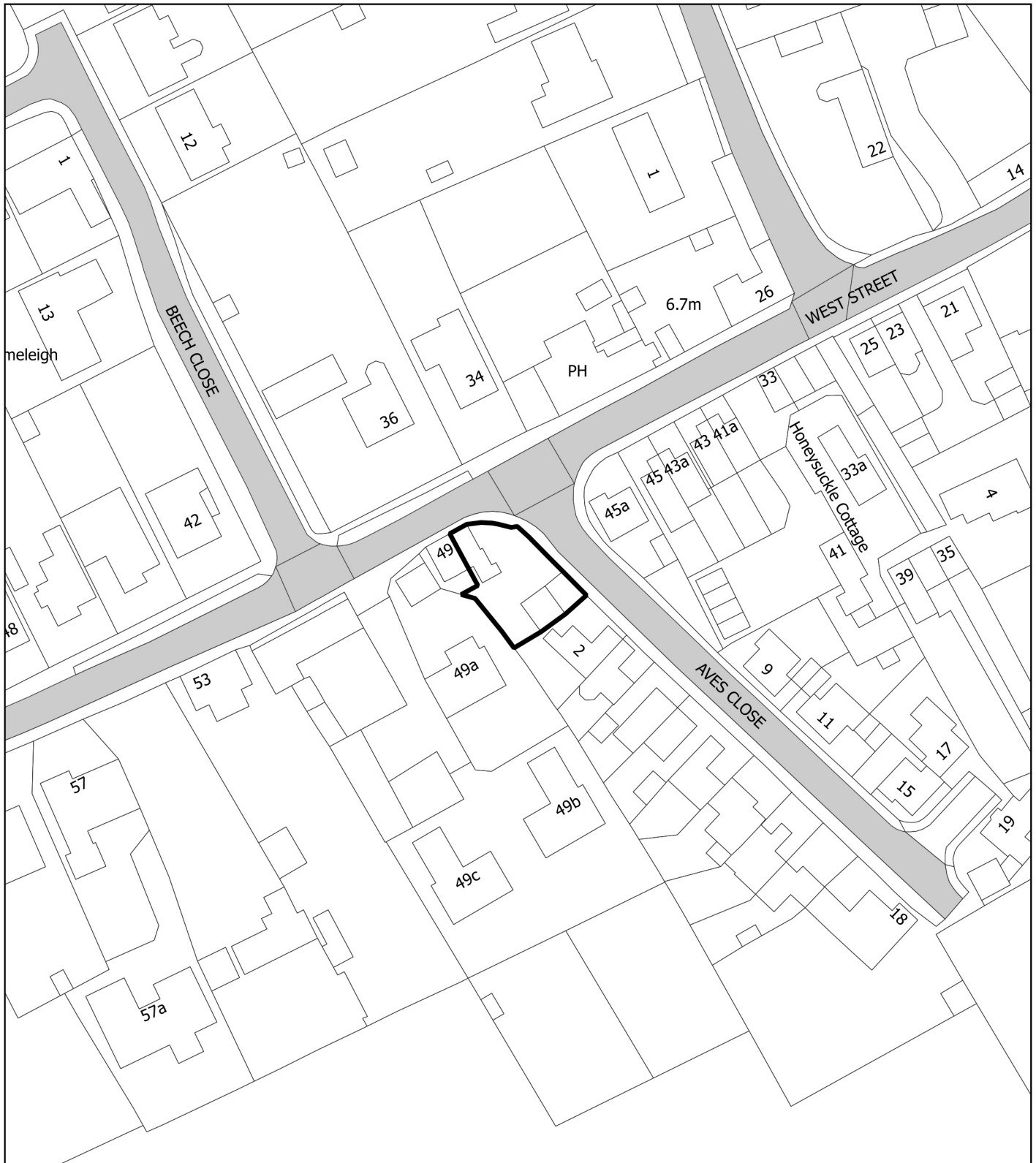
CB7 5SD

Demolition of existing extension and erection of single storey extension 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:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAC2QJGGFR300>





22/00459/FUL

47 West Street
Isleham



East Cambridgeshire
District Council

Date: 22/08/2022
Scale: 1:1,000



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MAIN CASE

Reference No: 22/00459/FUL

Proposal: Demolition of existing extension and erection of single storey extension and associated works

Site Address: 47 West Street Isleham Ely Cambridgeshire CB7 5SD

Applicant: Mr Kevin Hall

Case Officer: Isabella Taylor Planning Officer

Parish: Isleham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 14 April 2022 **Expiry Date:** 15th September 2022
Report Number X49

1.0 **RECOMMENDATION**

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

- 1 The proposed development is for the construction of a single storey rear/ side extension to No.47 West Street. The proposal is considered to possess no details of architectural merit and is considered to be disproportionate to the host dwelling of No.47 West Street. The proposal is also considered to unbalance the pair of semi-detached dwellings of No.47 and No.49 West Street and result in an overdevelopment of the application site. By virtue of its scale, siting and design, the proposal is therefore considered to erode the character and appearance of West Street and Aves Close from which it would be visible. As the site falls within the immediate vicinity of the Conservation Area and the Grade II Listed Building of The Merry Monk public house, the proposals are also considered to result in less than substantial harm to the significance of these designated heritage assets by introducing inappropriate development that erodes their setting, with no public benefits to outweigh this harm. The proposed development is contrary to policies ENV1, ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD, the Isleham Neighbourhood Plan Policy 3 and the guidance set out in the Sections 12 and 16 of the NPPF, insofar that the proposal does not have a complementary relationship with the host dwelling, does not relate sympathetically to the surrounding area and does not propose a development of a high standard of design that would preserve or enhance the character or appearance of the area. The application proposals would also fail to preserve the significance of the nearby designated heritage assets.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks planning permission for a single storey side/ rear extension following the demolition of the existing side extension. The measurements of the proposed side/ rear extension are set out in the following table (Table 1)

	Proposed rear	
	Metres	Feet
Depth	6.1	20
Width	3.7	12.1
Eaves	2.2	7.2
Ridge	3.5	11.4

2.2 The extension would have an overall floor area of 22.5 square metres (c.242 square foot). Which is an increase of 95 percent to the ground floor of the host dwelling.

2.3 The extension would accommodate a large kitchen/ dining area, a utility/ toilet, a lobby and a bathroom to the ground floor.

2.4 The current application has been called into planning committee by Councillor Goldsack on the basis that the extension improves the area and the host dwelling.

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

3.0 PLANNING HISTORY

3.1

10/00729/DISA	To discharge conditions 2 (Materials) and 3 (Garage door details) of Decision Notice dated 27.10.2010 for garage & garden store	Conditions Discharged	21.12.2010
10/00729/FUL	Garage & garden store	Approved	25.10.2010

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises of a small scale two storey semi-detached dwelling that is located within the policy defined development envelope of Isleham. The site is not located within a conservation area but is located within close proximity to it. The building itself is not listed, but opposite the site, there is a grade II listed building. West Street is characterised by traditional small scale buildings. The dwelling sits on a prominent corner plot that benefits from a side driveway with detached garage and a rear garden.

5.0 RESPONSES FROM CONSULTEES

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

Conservation Officer - 6 May 2022

States "The application site is the eastern half of a pair of late C19 semi-detached cottages, prominently sited on the corner of West Street and Aves Close, 30m from the Grade II listed Merry Monk PH (NHLE ref 1310439) and within the immediate setting of the Isleham conservation area.

Historic England's 2017 Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets' states:

'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 other cases, good design may reduce or remove the harm, or provide enhancement. Here the design quality may be an important consideration in determining the balance of harm and benefit.'

No 47 has an existing 'tail' of outbuildings, which whilst ad hoc, are generally proportionate and deferential and are a good guide to the parameters for any replacement extension. However the current proposal exceeds the footprint of No 47 so is clearly disproportionate by default, and its choice of materials and detailing only emphasise its separation, when the first duty of an extension should be to integrate with its host. No 47 is a small cottage and a proportionate extension would be half the span of the current proposal, possibly with a monopitch roof and logically in render.

Recommendation: objection"

Isleham Parish Council - 10 May 2022

No objections

Councillor Goldsack – 15 June 2022

States ' With regards this application I fear that the Conservation Officer is being pedantic to a degree that makes no sense. The Grade II listed building The Merry Monk, sites diagonally across the West St road from this planned development and it is fervent belief that the property would benefit from this extension. This improves the area, was supported by Isleham Parish Council and yet, despite not being in a conservation zone, but 30+M away from it agents plans are thrown aside.

Before I ask my DC colleagues copied on this to intervene and look for call in I would ask you to ask the Conservation officer to consider meeting myself, and possibly the DC's on site to discuss? I think if this was to happen he would see in plain site that this is not just and improvement to the are and the Street it is therefore enhancing the conservation building in question. To that extent that building has been externally decorated with a complete change of colour, and whilst I think it looks great, it could be well argued that this has a greater impact on the conservation area than the proposed development'

Councillor Goldsack – 13 July 2022

States: "I have already stated this but I have requested call in of this decision for committee".

- 5.2 A site notice was displayed near the site on 16th May 2022 and a press advert was published in the Cambridge Evening News on 28 April 2022.
- 5.3 Neighbours – 3 neighbouring properties were notified. No responses have been received

6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
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
ENV7	Biodiversity and geology
ENV11	Conservation Areas
ENV12	Listed buildings
COM7	Transport impacts
COM8	Parking provisions

Supplementary planning documents

Design guide SPD
Climate change SPD
Natural environment SPD

National Planning Policy Framework 2021

2	Achieving sustainable development
9	Promoting sustainable development
12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

Isleham Neighbourhood plan

Policy 2 Isleham Development Envelope
Policy 3 Character & design
Policy 10 Car parking

7.0 PLANNING COMMENTS

7.1 The main planning considerations in determining this application are, the principle of development, the design scale and form, the impact on the street scene, impacts on residential amenity, highways matters and heritage.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the ECDC Local Plan 2015 permits development within the policy-defined development envelope – within which the application site lies – 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. The proposal is therefore considered to be acceptable in principle, subject to the proposals satisfying the requirements of other relevant policies and material considerations.

7.4 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic,

social and environmental conditions in the area. Amended plans were sought from the Applicant to try and achieve an acceptable scheme, but no amended plans were submitted.

7.5 Residential Amenity

7.6 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. Additionally, paragraph 130(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.

7.7 The host dwelling is considered to have one immediate adjoining neighbouring dwelling, that is number 49 West Street. This is positioned south west of the application site. The site also has two other neighbouring dwellings, No.49a West Street to the south east and No.2 Aves Close to the south west.

7.8 The proposed extension would be set off the south boundary to No.49A West Street by a minimum of 2.2 metres (c.7 feet), although 8.2 metres (c 27 feet) from the dwelling at a 45 degree angle. Given the separation distance, location and the height of the proposed extension it is not considered that the proposed extension would have an adverse impact on the amenity of number 49a West Street.

7.9 The proposed extension would be set off the south east boundary of No.2 Aves Close by 11 metres (c.36 feet). The host dwelling has an existing garage that is positioned on the south east boundary. Given the separation distance and the existing garage, the proposed extension would not have an adverse impact to this dwelling.

7.10 The proposed extension would be set away from the boundary with No.49 West Street to the west by approximately 1.4 metres (4.5 feet).The proposed extension would be slightly taller to ridge, longer in depth and closer to No.49 West Street than the existing single storey rear extension attached to the host dwelling. Notwithstanding, it is not considered that the proposals would give rise to significant demonstrable harm in terms of residential amenity that would warrant a refusal on this basis. This is on basis that there is an existing rear extension to the host dwelling that forms a boundary to the rear amenity space of No.49 West Street. By virtue of the separation distance, fenestration arrangement, siting and scale of the proposed extension, it is not considered to have an adverse impact on neighbouring amenity by virtue of loss of light, loss of privacy, overshadowing, overbearing or overlooking. Therefore, it is considered to comply with policy ENV2.

7.11 Notwithstanding, to ensure that no ground floor windows are introduced within the flank (south-west) elevation of the proposed extension under Permitted Development, which could result in direct overlooking of the rear garden to No.49 West Street, a condition is considered necessary to remove Permitted Development Rights to this effect.

7.12 Visual Amenity

7.13 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development. Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.14 The National Planning Policy Framework 2021 section 12 requires the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also states that development that is not well

designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 7.15 The Design Guide SPD states that extensions should not be dictated by a desire for a particular amount of additional floor space and the form and proportions of the original dwelling will determine the extent to which it can be extended.
- 7.16 Isleham Neighbourhood Plan Policy 3 states that development proposals must deliver high quality design through:
- “Delivering a quantum of development that is appropriate for the site, taking into account the site size and shape, making the best use of the site given its context. It also states that Proposals that exhibit substandard design quality, particularly when considered against these requirements, will not be supported.”*
- 7.17 The application site is located on a prominent corner plot with 2 street scenes, West street and Aves Close. Views of the proposed extension would be achieved from both public realms.
- 7.18 The street scene for West Street in the immediate surroundings is characterised by modest small-scale semidetached dwellings on the side of the road where the application site is. Opposite the site is predominantly single storey or a storey and a half dwellings, that benefit from large open front driveways. There is a grade II listed building (Merry Monk) opposite and a few other dwellings that do not benefit from front driveways.
- 7.19 The street scene for Aves close is characterised by two storey smaller scale dwellings on the western side of the road and on the opposite side (east) there is predominately single storey dwellings.
- 7.20 The host dwelling is a small scale two storey cottage style semi-detached dwelling from the late 19th century. This forms part of an identical pair of cottages. The host dwelling is constructed of brick with render on the side elevation. It is noted that there is an existing side extension to the host dwelling, however no previous planning history for this can be found. Therefore it is considered likely, that this was originally an outbuilding that has been linked to the host dwelling over the years and has not been subject to a planning assessment.
- 7.21 The proposed extension is considered to be of a large, bulky and disproportionate scale that unbalances the pair of semi detached dwellings. The extension has no architectural merit and fails to have any architectural understanding of the host dwelling and how it should be extended. The proposals appear to be an add on to the existing dwelling that is not well integrated and is without thought to respect the character of the host dwelling.
- 7.22 The host dwelling is a simple cottage that is half of a pair of symmetrical dwellings. The existing roof pitch approximately 37 degrees with the proposed extension having a much shallower pitch at approximately 22 degrees. Introducing this roof pitch is considered to be in direct conflict with the character of the host dwelling.
- 7.23 The extension would have its own porch entrance which could read as another principle elevation. The porch would be 3 metres (c.9.8 feet) to the ridge, 1.7 metres (c.5.6 feet) wide and there is considered to be no complementary relationship to the host dwelling.
- 7.24 The porch would project off the east elevation and face onto the junction connecting Aves Close and West street. There is no boundary treatment along the east of the site, and even

if this was constructed, the proposed extension would be highly visible from both public realms. The poor design quality fails to be sympathetic to the character of the surrounding area and is not the creation of high-quality beautiful development.

7.25 It is considered that the design and scale of the proposals fail to consider the location and size of the application site and does not produce a scheme that makes the best use of the site.

7.26 \the host dwelling comprises a living room, kitchen, bathroom, lobby and two bedrooms on the first floor. The proposed extension would accommodate a larger kitchen, a larger bathroom, a toilet/ utility area and a lobby. The below table shows the size difference between the existing rear extension, the host dwelling and the proposed rear extension. When looking into the site history, no previous rear extension could be found on file. However, after research it is believed that the existing 'rear extension' was original an outbuilding that was connected up with the house at some point over the years. Therefore, it is unlikely that this was assessed against the planning material considerations. The extension has a larger floor area then the host dwellings existing ground floor area. The below tables (Table 2 and Table 3) shows the floor area increase and a comparison of existing and proposed development:

	Host dwelling	Proposed extension	Percentage difference
Ground floor area	23.5 (253 square feet)	22.5 (242 square feet)	95%

Table 2 – Existing and Proposed Floor Area

	Existing rear extension in metres	Feet	Proposed rear extension in metres	Feet	Host dwelling in metres	Feet
Depth	5.7	18.7	6.1	20	6.2	20.3
Width	1.7	5.5	3.7	12.1	3.8	12.4
Eaves	2.1	6.8	2.2	7.2	4.3	14.1
Ridge	2.9	9.5	3.5	11.4	6.6	21.6

Table 3 – Comparison of existing and proposed extensions

7.27 Due to the overall increase in floor space and scale of the proposed extension, it is considered that the extension would constitute over development of the host dwelling.

7.28 The proposed materials are timber doors to match the existing, brickwork and cladding for the walls, slate roof, UPVC windows to match the existing and timber post open canopy porch. Given the existing materials on the host dwelling, the proposed cladding on all walls of the extension would not be appropriate in this location and would emphasise the prominence of the proposed extension. This would contribute to the further erosion of the character and appearance of the street-scene and would detract from the character and appearance of the host dwelling.

7.29 For the reasons provided, the proposed extension is not of an acceptable design and would have a detrimental impact on the character of the street scene and host dwelling. Therefore the proposed development is considered to be contrary to policies ENV1, ENV2 of the East Cambridgeshire Local Plan, policy 3 of the Isleham neighbourhood plan and the guidance set out in the nation planning policy framework.

7.30 Historic Environment

7.31 Policy ENV11 states that development affecting a Conservation Area should:

- Be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area

7.32 Policy ENV12 states that Proposals that affect the setting of a Listed Building will only be permitted where they would:

- Preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset
- Not materially harm the immediate or wider setting of the Listed Building. This setting may extend well beyond the immediate building curtilage and may include an extensive street scene or a wider urban design context, especially when the proposal is within a Conservation Area; and
- Facilitate the long-term preservation of the building.

7.33 Section 16 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

7.34 Policy 3 of the Isleham neighbourhood plan states that proposals must deliver high quality design through: *“Responding to important characteristics of the surrounding area including views, buildings and their materials and design features, building heights, space between buildings, heritage assets, and trees;...”*

7.35 The application site is a prominent corner plot on West Street, that is opposite the Merry Monk public house which is a Grade II Listed Building. The application site also lies in close proximity to the Isleham Conservation Area. In consultation, the Conservation Officer has commented that the proposed extension is not well integrated with the host dwelling and is of a disproportionate scale to the host dwelling. Further suggestions of alternative designs were also included in the comments received. Due to the close and inter visible relationship with the Merry Monk public house, which is a Grade II Listed Building, and the Conservation Area, it is considered that the extension would cause less than substantial harm to the significance of these important heritage assets by eroding the character and appearance of their setting by introducing a negative built form within the street-scene.

7.36 Paragraph 202 of the NPPF requires that, where less than substantial harm to the significance of a designated heritage asset is identified, this harm is weighed against the public benefits of the scheme. The proposals are considered to provide solely private benefits for No.47 West Street, and on this basis the harm identified would not be outweighed.

7.37 The proposed extension is considered to be of a poor design quality that would be highly visible and result less than substantial harm to the significance of the nearby Grade II Listed Building and Conservation Area by eroding their setting by introducing built form of poor design. Therefore the proposed development is considered to be contrary to policies ENV11 and ENV12 of the East Cambridgeshire local plan 2015, Policy 3 of the Isleham neighbourhood plan as well as the guidance set out in the NPPF.

7.38 Climate change

7.39 Policy ENV4 of the East Cambridgeshire Local Plan 2015 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 the Council’s Climate

Change SPD provides further guidance to the implementation of this Policy and encourages applicants to improve the energy efficiency and sustainability of all developments through design, renewable and low carbon energy sources, water efficiency, site waste management, use of materials and the adaptability of the development. The application is considered to provide sufficient levels of glazing that will reduce reliance on artificial lighting and will provide a more flexible living space. Given the scale of the development this is considered to be sufficient to comply with policy ENV4.

7.40 Planning Balance

7.41 Whilst the application site is within the development envelope of Isleham, it fails to comply with the policies within the East Cambridgeshire Local Plan 2015, the Isleham Neighbourhood Plan and the guidance contained within the NPPF. The proposals would have a detrimental impact upon the character of the host dwelling and by virtue of eroding their setting, would result in less than substantial harm to the significance of the nearby Grade II Listed Building and Conservation Area. Therefore, the proposal is recommended for refusal, as defined by paragraph 1.1 of this report.

8.0 APPENDICES

None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00459/FUL	Isabella Taylor Room No. 011 The Grange	Isabella Taylor Planning Officer 01353 665555
10/00729/DISA 10/00729/FUL	Ely	isabella.taylor@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

22/00462/FUL

Land Accessed Between 2 And 4 Fordham Road

Isleham

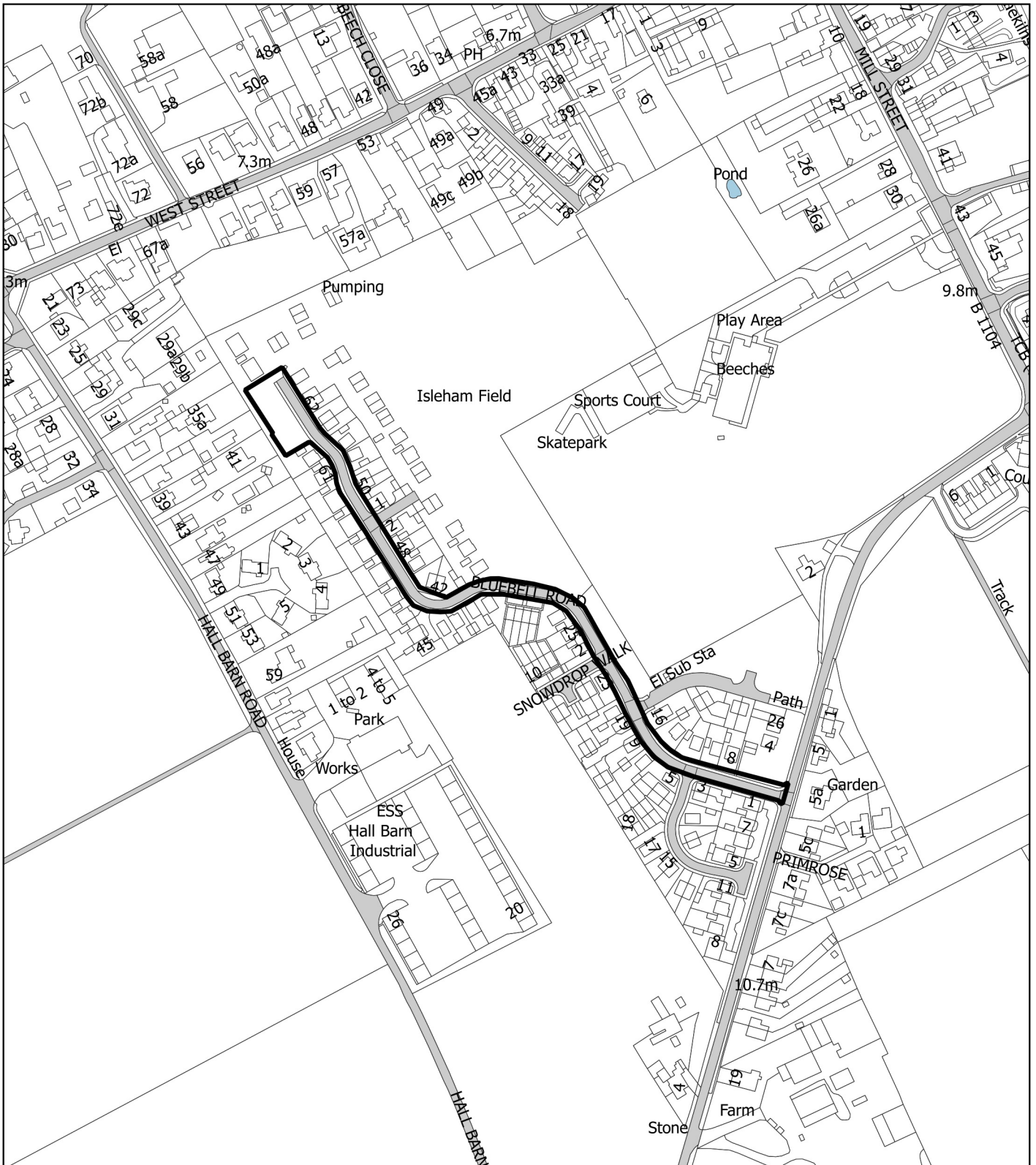
Cambridgeshire

Erection of four market dwellings, garages, parking spaces, hard and enhanced soft landscaping, access and all other associated infrastructure (see 21/01636/FUL) (part-retrospective)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAC39SGGFR700>





22/00462/FUL

Land Accessed Between 2
And 4
Fordham Road
Isleham



East Cambridgeshire
District Council

Date: 22/08/2022
Scale: 1:3,500



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MAIN CASE

Reference No: 22/00462/FUL

Proposal: Erection of four market dwellings, garages, parking spaces, hard and enhanced soft landscaping, access and all other associated infrastructure (see 21/01636/FUL) (part-retrospective)

Site Address: Land Accessed Between 2 And 4 Fordham Road Isleham Cambridgeshire

Applicant: Bloor Homes

Case Officer: Holly Chapman Senior Planning Officer

Parish: Isleham

Ward: Fordham And Isleham
 Ward Councillor/s: Julia Huffer
 Joshua Schumann

Date Received: 14 April 2022 **Expiry Date:** 27 June 2022
Report Number X50

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to **REFUSE** the application for the following reason:
- 1) The proposal for four two storey dwellings would cause detrimental harm to the residential amenity of the existing dwellings along Hall Barn Road to the rear of the site, primarily due to loss of privacy. The proposal therefore does not comply with Policy ENV2 of the Adopted Local Plan 2015 or Policy 3 of the Isleham Neighbourhood Plan 2022, due to the significant detrimental harm to the residential amenity of the existing adjacent residents of Hall Barn Road.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.2 A previous application for four dwellings within the application site Local Planning Authority (LPA) Ref. 21/01636/FUL) was presented at the April 2022 Planning Committee and subsequently refused by the Council. Given this recent planning history and Committee Decision, in accordance with the Council's Constitution and

scheme of delegation, the current application is being put before Planning Committee for determination.

- 2.3 It is to be noted that two extension of time requests were sent to enable the application to be taken to the September Planning Committee, but these have not been signed by the Applicant.
- 2.4 The proposals seek part-retrospective consent for the erection of four two-storey detached dwellings, garages and associated infrastructure within the wider Bloor Homes development of 125 homes along Fordham Road, Isleham.
- 2.5 The proposed dwellings and associated works comprise a re-submission of the scheme previously submitted and refused under LPA Ref. 21/01636/FUL, with the addition of further planting within the rear gardens of each plot and increased fence and trellis heights to 2.6 metres (c.8.5 foot) in total, comprising c.2.2 metre (c.7.2 foot) fence panels and c.0.4 metre (c.1.3 foot) trellis.
- 2.6 The scheme originally submitted with the application sought to amend the rear fenestration proposed within the four dwellings by removing one of the rear windows per dwelling and relocating this to the side. However, following concerns raised by Officer's with regard to residential amenity impacts, the Applicant was offered the opportunity to amend the proposals, including changes to the proposed fenestration. The Applicant subsequently chose to revert the proposals to the house types as previously submitted under LPA Ref. 21/01636/FUL.
- 2.7 During the course of the application, the Applicant submitted to the Local Planning Authority (LPA) legal advice prepared on behalf of Bloor Homes. The Council sought its own legal advice in response to this, and is comfortable with the advice received and the Council's legal position.

3.0 PLANNING HISTORY

3.1

18/00363/OUM	Outline planning permission with all matters reserved except for access for the erection of up to 125 dwellings including affordable housing, land to be reserved for nursery use (Use Class D1), open space including an extension to the recreation ground, play areas, sustainability drainage features and associated infrastructure including foul sewage pumping station	Approved	08.11.2018
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19/00447/RMM	Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM	Approved	06.12.2019
21/01636/FUL	Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure	Refused	08.04.2022

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site forms four plots within the wider Bloor Homes development off Fordham Road, Isleham, which comprises 125 dwellings. The wider residential development is partially occupied and partially still under construction. The site is situated outside the defined development for Isleham. To the south-west of the site are residential dwellings which are accessed off Hall Barn Road. To the north-west, north-east and south-east are the residential properties approved as part of applications 18/00363/OUM and 19/00447/RMM and are currently under construction.
- 4.2 The four plots the subject of this application are under construction, and the proposals are therefore partially retrospective. The developer has undertaken the works at their own risk.

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.

Environmental Health - 26 April 2022

States: "Thank you for consulting me on the above proposal. We have commented on this site previously. No contamination assessment has been submitted with this application. However, a contamination land condition was discharged with an earlier application. Due to the proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission."

Environmental Health - 5 May 2022

States: "I have no additional comments to make at this time."

Waste Strategy (ECDC) - 11 May 2022

States: "o Comments previously supplied on 19/00447/RMM stand.
o Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-

enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

o Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

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

Local Highways Authority - 29 April 2022

States: “I do not object to this application which is not materially different to the previous application 21/01636/FUL. While this application was refused, there were no highways objections.

The proposals are consistent with the wider development which benefits from existing permissions.

The applicant should however ensure that detail aligns with CCC's Housing Estate Road Construction Specification so that these four dwellings do not compromise any potential adoption agreements for the wider site.”

Lead Local Flood Authority - 17 May 2022

States: “We have reviewed the following documents:

Planning Statement, Pegasus Group, Ref: P21-0809, Dated: 13 April 2022

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

The above documents demonstrate that surface water from the proposed development can be managed within the wider development. It has been demonstrated within previous consultation that there is capacity within the existing proposed and agreed drainage infrastructure across the scheme. The wider drainage strategy and infiltration basins were designed to accommodate runoff from these properties when designed. Therefore, the construction of these properties will have no impact on the agreed surface water drainage strategy proposed for the site.”

Parish - 10 May 2022

States: “We believe this application to be a complete mockery of the planning process and the previous commitments made by Bloor homes.

- Initial approval was given on the basis that these were self-build sites, yet we believe Bloor deliberately failed to advertise these at a realistic market price so as to capitalise on the full value of these plots

- This application shows only the most nominal of changes from the previous application and does virtually nothing to address the concerns raised by ECDC planning committee or those repeatedly raised by residents in particular the measures identified to improve privacy ie the extension of fencing is mathematically inaccurate and the planting of single trees against each property will have virtually no impact

- Bloor quite specifically stated that they would only construct bungalows along this sensitive section of the site. By renegading on this agreement and constructing large, 2 storey dwellings they are significantly impacting on the privacy of properties

on Hall Barn Rd causing enormous emotional distress and financial loss to these residents

- Their ongoing construction of these properties despite the lack of planning approval is a quite deliberate attempt to avoid planning enforcement

We have asked Cllr Huffer to 'call this application in' and will be writing directly to Bloor regarding their continuing arrogance and greed and the significant detrimental affect that this is having on the wellbeing of residents and their corporate reputation."

Parish - 7 June 2022

States: "We believe this application to be a complete mockery of the planning process and the previous commitments made by Bloor homes.

- Initial approval was given on the basis that these were self-build sites, yet we believe Bloor deliberately failed to advertise these at a realistic market price so as to capitalise on the full value of the plots

- This application is virtually a mirror of the application already refused by ECDC and does virtually nothing to address the concerns raised by ECDC planning committee or those repeatedly raised by residents. In particular:

o this amendment represents an actually increase to the number of first floor windows overlooking neighbouring properties on Hall Barn Rd

o the measures identified to improve privacy ie the extension of fencing is mathematically inaccurate and even the proposed increase to the planting of trees will still leave gaps in screening.

- Bloor quite specifically stated that they would only construct bungalows along this sensitive section of the site. By renegading on this agreement and constructing large, 2 storey dwellings they are significantly impacting on the privacy of properties on Hall Barn Rd causing enormous emotional distress and financial loss to these residents

- Their ongoing construction of these properties despite the lack of planning approval is a quite deliberate attempt to avoid planning enforcement

ECDC Trees Team - 9 June 2022

States: "The indicative row of trees in the rear gardens of the proposed properties do not have any information as to what species they are which makes assessing their suitability imposable. I'm also concerned that trees planted so densely will cause significant shading of the garden making any long term retention of the trees very unlikely. Even small scale ornamental trees would be unsuitable planted in this way as they will become a green wall/hedge that blocks light from the gardens and rear rooms of the properties.

For an application that directly references enhanced soft landscaping I would expect some details beyond blobs on a plan.

The soft landscaping details it should include:

- 1) A scaled plan showing the locations of new and any existing vegetation
- 2) A tree pit design specification (See below)
- 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants (Hedging ideally needs to be planted at 0.60m centres in a double staggered row, usually a 20% mix of five species for a native species hedge)
- 4) Specifications for operations associated with plant establishment (planting specification, weed control, mulching, watering pruning etc.) to include a programme for the timings of the landscape works and maintenance, to ensure

successful establishment and survival of new planting and having regard to the timing of the commencement of any development.

Tree pits to be excavated to a minimum size of 600mm larger than the container, rootball or bareroot stock and shall be square so as to avoid root girdling issues. The base of the tree pit shall be slightly domed and only 'broken' up in the event of inadequate drainage

Backfill tree pit with subsoil up to ~400mm depth from ground surface and with topsoil above ~400mm depth from ground surface or to match the existing soil profiles.

Watering 'dishes' to be created around the base of each tree, to hold water directly over rootball during watering

1m diameter mulched dish for Standard trees/3.0m in height or smaller

Bare root, root ball or container multi-stem trees shall be single staked as a minimum double staked as required, fixed with suitable tree ties (biodegradable if available and suitable)

Trees to be mulched with minimum 50mm settled depth, medium grade ornamental wood mulch

Planting to be undertaken in the first planting season (October to February) after completion of development activities.

For the reasons above it would not approve this application at this time.”

CCC Growth & Development - No Comments Received

Ward Councillors - No Comments Received

The Gardens Trust - No Comments Received

5.2 A site notice was displayed near the site on 25 May 2022 and a press advert was published in the Cambridge Evening News on 5 May 2022.

5.3 Neighbours – Seven neighbouring properties were notified and the responses received are summarised below. A full copy of the three responses are available on the Council's website, all received from No.35B Hall Barn Road.

Comments on Original Submission

- Minimal changes made to previously refused proposals (LPA Ref. 21/01636/FUL)
- No betterment proposed
- Overbearing
- Incorrect boundary fence size proposed/illustrated
- Concerns over perpetuity of proposed boundary fencing given it is proposed on the side of the proposed four dwellings
- Still overlooking from upper window, which is higher than the proposed tree
- Concerns over longevity/effectiveness of trees as screening, and in the future
- Covenant within planted buffer prevents growth limit of planting to 2.6 metres (c.8.5 foot)

Comments on Amended Submission

- Incorrect boundary fence size proposed/illustrated
- Query over the retention of fencing/trellis
- Concerns over longevity/effectiveness of trees as screening

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

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

6.2 *Isleham Neighbourhood Plan 2022*

Policy 1a	Housing Growth
Policy 2	Isleham's Development Envelope
Policy 3	Character and Design
Policy 7	Wildlife & Habitats
Policy 10	Car Parking
Policy 11	Cycle Parking & Storage

6.3 *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 Environments
Climate Change

6.4 *National Planning Policy Framework 2021*

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 places

- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

Technical Guidance to the National Planning Policy Framework

Technical housing standards – nationally described space standard

7.0 PLANNING COMMENTS

- 7.1 The application proposals seek part-retrospective consent for the erection of four two-storey detached dwellings with garages and associated works.
- 7.2 The scheme has been submitted in order to overcome the Council's refusal of LPA Ref. 21/01636/FUL, a scheme for four detached two-storey dwellings with garages and associated infrastructure that was refused by notice on the 8th April 2022, following an overturn by Members at the 6th April 2022 Planning Committee.
- 7.3 On this basis, before discussing the application proposals, it is therefore considered necessary to outline the planning history of the application site.

LPA Ref. 21/01636/FUL

- 7.4 The proposals under LPA Ref. 21/01636/FUL were presented at Planning Committee on the 6th April 2022 with a recommendation for approval – See **Appendix 1** (Committee Report 21/01636/FUL). This report addressed matters of principle; residential amenity; character and appearance; highway safety and parking provision; drainage; contamination; biodiversity net gain; and efficiency and renewables.
- 7.5 The agreed Committee Minutes (**Appendix 2** – Agenda Item 5) further sets out Officer's recommendation for approval of the scheme submitted under LPA Ref. 21/01636/FUL; the discussions of Members in assessing the application proposals; and the decision to overturn the Planning Officer's recommendation and refuse the application proposals.
- 7.6 The Committee Decision List (enclosed at **Appendix 3** – Agenda Item 5) sets out the Committee Decision and reason for refusal.
- 7.7 The Council issued the refusal of LPA Ref. 21/01636/FUL on the 8th April 2022 for the following reason as stated on the formal decision notice:

“The proposal for four two storey dwellings would cause detrimental harm to the residential amenity of the existing dwellings along Hall Barn Road to the rear of the site, primarily due to loss of privacy. The proposal therefore does not comply with policy ENV2 of the Adopted Local Plan 2015, due to the significant detrimental harm to the residential amenity of the existing adjacent residents of Hall Barn Road.”
- 7.8 Given the above history outlined, this Committee Report will focus solely upon whether the re-submitted proposals have addressed the Council's reason for

refusal. It is considered that all other matters have been addressed within the Committee Report enclosed at **Appendix 1**.

Re-Submitted Proposals under LPA Ref. 22/00462/FUL

- 7.9 The only changes proposed under the current re-submission of the scheme as refused under LPA Ref. 21/01636/FUL comprise the provision of additional tree planting within the rear gardens of the proposed four dwellings, as well as the increased height of the boundary fencing/trellis proposed between the four dwellings and Hall Barn Road properties.

Tree Planting

- 7.10 With regard to the proposed tree planting within the rear gardens of the proposed for dwellings, along the shared boundary with Hall Barn Road properties, the LPA provide the following comments.
- 7.11 Landscaping itself cannot be relied upon in perpetuity as a means of screening development or making an otherwise unacceptable scheme acceptable; this is the standard approach of the LPA.
- 7.12 Landscaping, as a living organism, is susceptible to being cut back, death and/or thinning during different seasons, thereby reducing its effectiveness as a screen. Given that the landscaping is located within the gardens of the proposed four dwellings, it is also out of the control of the Hall Barn Road properties it is seeking to protect.
- 7.13 Whilst the LPA are able to require retention of landscaping for a 5 or 10 year maintenance period, or indeed longer if necessary, this does not preclude harm after this period has passed as houses are expected to be retained in perpetuity.
- 7.14 The Tree Officer comments dated 9th June 2022 also raise notable concerns over the proposed planting of trees in the identified location and their density. On the basis of the Tree Officer's advice, it is Officer view that any larger and faster growing species required to provide a sufficient and immediate screen could likely result in detrimental harm to the amenity of prospective occupiers of the proposed four dwellings in terms of shading and structural concerns for the proposed dwellings, given their density and proximity. Both shading and structural issues could place even more pressure on the trees to be cut back or removed and place significant uncertainty over their long-term retention.
- 7.15 Further to this, any smaller species which may fit within this space would unlikely grow fast enough to provide a suitable and immediate screen to the Hall Barn Road properties.
- 7.16 The provision of further landscaping within the rear gardens of the proposed four dwellings is not therefore considered to be an acceptable solution to address the Council's reason for refusal to LPA Ref. 21/01636/FUL.
- 7.17 It is also noted that comments received from a neighbouring property to the application site raise similar concerns to some of those outlined above.

Fencing/Trellis

- 7.18 With regard to the proposed increase fencing and trellis, the LPA offer the following comments.
- 7.19 The proposed fencing and trellis illustrated, measuring c.2.6 metres (c.8.5 foot) in total, is not considered to provide an acceptable form of screening that would address the Council's previous reason for refusal. The fencing as proposed, despite being increased in height, is not considered to provide sufficient additional screening to Hall Barn Road properties from the first floor rear windows of the proposed four dwellings facing towards them. Whilst the proposed fencing would provide a further degree of screening to the end of the gardens of the Hall Barn Road properties, it is not considered to provide further screening to the more private areas of the gardens to the Hall Barn Road properties, this being the area closest to the rear elevations of the Hall Barn Road dwellings themselves.
- 7.20 Whilst the proposed fencing would prevent direct inter-visibility between the ground floor windows of the proposed dwellings and the Hall Barn Road properties, the proposed fencing is not considered to prevent inter-visibility between ground and first floor windows of the Hall Barn Road properties and the first floor windows of the proposed dwellings, and vice versa.
- 7.21 The proposed fencing/trellis details are not therefore considered to overcome the Council's reason for refusal to LPA Ref. 21/01636/FUL concerning loss of privacy for Hall Barn Road properties.
- 7.22 Other Material Matters
- 7.23 At the time of determining the previous application LPA Ref. 21/01636/FUL, the Isleham Neighbourhood Plan had not been adopted and was therefore only afforded moderate weight. On the 19th May 2022 the Isleham Neighbourhood Plan was 'made' and is now afforded full weight in decision making.
- 7.24 It is to be noted that the application site, and wider Bloor site, falls within the Isleham Development Envelope, as identified under Policy 2 of the Neighbourhood Plan. This development envelope is a modified version of the East Cambridgeshire District Local Plan 2015 development envelope for Isleham. The application site is therefore considered to represent a sustainable location.
- 7.25 Given the full weight to be applied to the Neighbourhood Plan, the proposals are now considered to be contrary to the objectives of Policy 3 of the Neighbourhood Plan, given the significantly detrimental residential amenity impacts identified by the Council in refusing the previous application under LPA Ref. 21/01636/FUL.
- 7.26 It is also relevant that Policy 3 of the Isleham Neighbourhood Plan 2022 requires "the installation of solar panels on all new developments." Solar panels have not been shown within the submission documents, but it is considered that these could be secured by an appropriately worded condition to address the Policy requirement. The Applicant has confirmed acceptance of this approach in writing, and therefore the absence of these details as part of the application submission will not form a reason for refusal, due to these details being secured via a condition.

7.27 **Planning Balance**

7.28 The application proposals as revised are not considered to have made any material changes to the previously refused LPA Ref. 21/01636/FUL that would address the Council's reason for refusal or that would affect the Council's previous decision.

8.0 APPENDICES

8.1 Appendix 1 – Committee Report LPA Ref. 21/01636/FUL (Agenda Item 5)

8.2 Appendix 2 – Relevant part of Committee Minutes 6th April 2022 (Minute 83)

8.3 Appendix 3 – Committee Decision List 6th April 2022 (Agenda Item 5)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00462/FUL	Holly Chapman Room No. 011 The Grange Ely	Holly Chapman Senior Planning Officer 01353 665555 holly.chapman@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

Isleham Neighbourhood Plan 2022 -

[https://www.eastcambs.gov.uk/sites/default/files/190522 Isleham NP App 1 %28print separately%29 AC checked.pdf](https://www.eastcambs.gov.uk/sites/default/files/190522%20Isleham%20NP%20App%201%20-%20print%20separately%29%20AC%20checked.pdf)

Supplementary Planning Documents

<https://www.eastcambs.gov.uk/local-development-framework/supplementary-planning-documents>

21/01636/FUL

Land Accessed Between 2 And 4

Fordham Road

Isleham

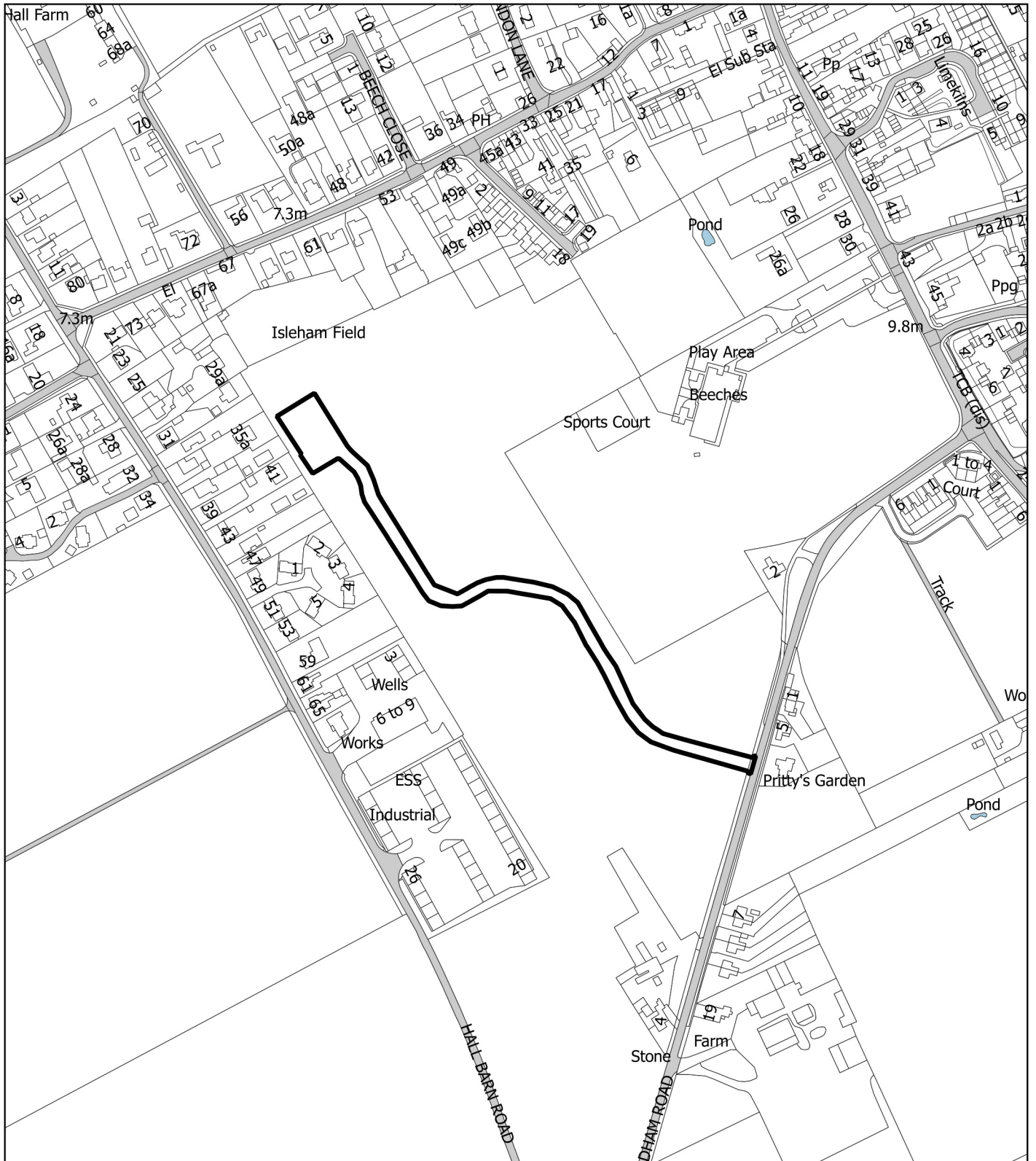
Cambridgeshire

Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other 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:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2PP9UGGHYI00>





21/01636/FUL

Land Accessed Between 2
And 4
Fordham Road
Isleham



East Cambridgeshire
District Council

Date: 18/03/2022
Scale: 1:4,000



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MAIN CASE

Reference No: 21/01636/FUL

Proposal: Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure

Site Address: Land Accessed Between 2 And 4 Fordham Road Isleham Cambridgeshire

Applicant: Bloor Homes

Case Officer: Molly Hood Planning Officer

Parish: Isleham

Ward: Fordham And Isleham
 Ward Councillor/s: Julia Huffer
 Joshua Schumann

Date Received: 17 November 2021 **Expiry Date:** 11th April 2022
Report Number W170

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE subject to the recommended conditions below:
- 1 Approved Drawings
 - 2 Time Limit - FUL/FUM - 2+ dwelling
 - 3 Reporting of unexpected contamination
 - 4 Foul and surface water drainage
 - 5 Parking, serving, etc
 - 6 Soft landscaping scheme
 - 7 Landscaping works
 - 8 Boundary treatments
 - 9 Specified Materials
 - 10 CEMP
 - 11 Biodiversity Improvements
 - 12 Electric car charging points

2.0 **SUMMARY OF APPLICATION**

2.1 Provision for self-build plots was acknowledged during the outline application (18/00363/OUM) and secured via the S106 agreement. In the subsequent reserved

matters (19/00447/RMM), plots 117, 116, 115, 114 were formerly allocated as self-build. In accordance with the S106 agreement, this application seeks confirmation that the Clause of Part 4 of the Third Schedule has been complied with and the self-build plots can be transferred to market dwellings.

- 2.2 As such permission is sought for the construction of four market dwellings with associated parking, garage and landscaping. The dwellings proposed are house types which are already approved on the surrounding residential development. Plots 117 and 114 are house type Wilton and Plots 115 and 116 are house type Hallam. Since the submission of the application, works have commenced on the site to lay the footings and initial brick work of the dwellings.
- 2.3 The application has been called into Planning Committee by Councillor J Schumann and Councillor Huffer as it was felt the application would benefit from being put back before the committee for their consideration.
- 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

18/00363/OUM	Outline planning permission with all matters reserved except for access for the erection of up to 125 dwellings including affordable housing, land to be reserved for nursery use (Use Class D1), open space including an extension to the recreation ground, play areas, sustainability drainage features and associated infrastructure including foul sewage pumping station	Approved	08.11.2018
19/00447/RMM	Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM	Approved	06.12.2019
19/00447/NMAB	Non material amendment to application 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated	Accepted	03.11.2020

works following approval of outline planning permission 18/00363/OUM seeking to reduce the entrance footpath width from 3m to 2m as previously approved under application 18/00363/OUM

19/00447/NMAC	Non material amendment in regards to agreed materials as detailed in conditions 1 and 4 to previously approved 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM	Accepted	27.10.2020
19/00447/NMAD	Non-material amendment to application 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM seeking to substitute some of the approved plots and consequential layout amendments	Accepted	14.05.2021

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site forms four plots within the wider Bloor Homes development off Fordham Road which comprises 125 dwellings. The residential development is partially occupied and partially still under construction. The site is situated outside the defined development for Isleham. To the south-west of the site are residential dwellings which are accessed off Hall Barn Road. To the north-west, north-east and south-east are the residential properties approved as part of applications 18/00363/OUM and 19/00447/RMM and are currently under construction.

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 - 7 December 2021

As a result of their initial consultation and specifically their dialogue with the residents of houses bordering this development Bloor Homes assured residents that their properties would not be overlooked. As a result, Bloor Homes specifically agreed to only construct bungalows along the boundary with existing properties on Hall Barn Rd. This proposal is clearly not within the spirit of that commitment and will clearly affect both the light and privacy of at least three existing premises: 35a, 35b and 41 Hall Barn Rd

Similarly, we regard some of the design drawings to be misleading.

- While there is a 5m buffer zone between the gardens of the existing and new properties Bloor themselves have insisted on a 2.6 m growing height restriction, yet the updated street scene clearly shows trees taller than the houses themselves growing (we can only assume) in this zone
- The 27.6m gap identified between the old and proposed new properties does not take into account the conservatory(s) built onto the existing houses
- The ground level for the new houses (actually the entire site) is unquestionably higher than that of the existing properties and this will exasperate the overlooking and loss of light to these properties

It would therefore be our expectation that Bloor homes honors their commitment to the existing residents and redesigns these properties as single story /dormer bungalows

Lead Local Flood Authority - 4 February 2022

We have reviewed the following documents:

- Planning Statement, Pegasus Group, Ref: P21-0809, Dated: November 2021

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 within the wider scheme. The proposals covering the wider planning permission include these plots within the attenuation volumes accounted for and therefore there will be capacity for these dwellings within the proposed and approved wider surface water system.

We request the following condition is imposed:

Condition

The surface water drainage scheme shall be constructed and maintained in full accordance with the Planning Statement as submitted by Pegasus Group (ref: P21-0809) dated November 2021.

Reason

To prevent an increased risk of flooding and protect water quality

Ward Councillor J Schumann – 24 January 2022

This is a significant shift from what was previously (indicatively) agreed at outline stage and therefore I would be inclined to have this put back before the committee for their consideration.

Unless Cllr Hunt feels differently I would like this item to come to a future committee meeting. I am however, mindful that committee is a costly forum and the agendas can sometimes be lengthy so if this is not supported I will speak with Cllrs Huffer and Goldsack and see whether they feel I should reconsider.

Ward Councillor Huffer – 2 February 2022

After discussion with the Chair of Isleham Parish Council, I would be grateful if this item could be called into committee, as there is much local anger about this situation and I feel that the application would benefit from a public airing.

Waste Strategy (ECDC) - No Comments Received

Local Highways Authority - 8 December 2021

I do not object to this application. The proposals are consistent with the wider development which benefits from existing permissions.

The applicant should however ensure that detail aligns with CCC's Housing Estate Road Construction Specification so that these four dwellings do not compromise any potential adoption agreements for the wider site.

CCC Growth & Development - No Comments Received

ECDC Trees Team - 24 January 2022

No tree related objections but please condition the submission of a suitable soft landscaping scheme.

Environmental Health - No Comments Received

The Gardens Trust - No Comments Received

- 5.2 A site notice was displayed near the site on 29 November 2021 and a press advert was published in the Cambridge Evening News on 2 December 2021.
- 5.3 Neighbours – Six neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Self Build

- Originally plots 114, 115, 116, 117 were to be offered as self-builds, but no discussions were entertained at the time as to the details of these builds. It is now apparent that no offers were accepted and now Bloor Homes wish to build these properties.
- Bloor initially stated they would build bungalows adjacent to Hall Barn Road - Bungalows in key locations to reduce the impact on existing adjacent dwellings.'
- Andrew Phillips, Planning Officer, stated to the Planning Committee in considering 19/00447/RMM, in Agenda Item 3, date 6 Nov 2019, "it was noted Bloor had created a Buffer Zone and Bungalows were placed along the rear of the existing properties of the Briars and the distance between them would stop the existing dwellings overlooking future residents and protect residential amenity. Existing

vegetation would be strengthened to the rear of the properties, and the self-build would be assessed when reserve matters were submitted.

Residential Amenity

- Parish Council were supportive of the properties subject to Bungalows being built where homes back onto Hall Barn Road. Bloor Homes stated that bungalows were to be built in key locations (including 33, 29a, 29b The Briars and thus so should include without prejudice 35a, 35b and 41 which are in similar proximity) to reduce the adverse impact on existing adjacent dwellings. It seems discriminatory to consider two storey plots when they have been determined as unsuitable along Hall Barn Road.
- The two storey properties will result in overlooking, overbearing, loss of privacy and loss of natural light from the Spring/Summer morning light.
- The base of the build seems to be at least a foot higher than our (No.35A) ground level, meaning the height of these will be unacceptable.
- There will be a great impact of 'Glare' from the house lights.
- Two storey houses are currently being built on plots 112 & 113 between the bungalows and back onto No.43, 45 and 47 Hall Barn Road which have very long gardens.
- Mr. Eburne the then Planning Director for Bloor stated "Bloor had 5* accreditation – and neighbours could be assured that the relationship with neighbouring properties would be respected. There would be no overlooking or overbearing.
- Inappropriate design, scale and height of the two storey houses.
- The properties will be intrusive.
- The unilateral removal of the screening condition and the already established unsuitability of two storey buildings, in close proximity, on this land, must be assessed in the correct context and in the interest of protecting our privacy and amenity.

Landscape Buffer

- Bloor homes agreed to offer the buffer land between Hall Barn Road dwellings and the new constructions for the Hall Barn residents to manage and secure.
- The expectation was to plant trees and shrubs to screen the development, however when the day came to sign legal documents, Bloor stated we could not grow anything higher than 1.8m (3.2ft) in the buffer zone. We (Hall Barn Road residents) objected as it would not screen the estate. After further discussion, the Board of Bloor Homes decided to increase the height of planting to 2.6m (8.5ft) or else they would not sell the land. If one party had continued to object to this the whole transfer would have fallen.
- The properties will have a greater impact since Bloor Homes transferred the "Buffer Zone" to the Hall Barn Road residents adjacent to their building site.
- In the document P18-1261_29A "Design and Access Statement" para 1.10 Landscaping; it states the following: "The scheme will benefit from the landscaping proposals approved as part of the main RM (19/00447/RMM) application. Notably the 5m landscaping buffer with additional planting at its site along the western site boundary, where the proposed dwellings back onto the rear boundaries of the adjacent dwellings." They are now not able to plant in the buffer zone and we are not able to screen, as Bloor's has committed us to agreeing the above 2.6m which does not give adequate screening.

- In the document P18-1261_30 sheet A, the sketch Site Section is showing a cross section from 35B Hall Barn Road through the Buffer, then to a proposed new build Plot 116. The sketch of 35B is not representative and does not show the built on conservatory.
- The streetscene illustration demonstrates the properties will have trees to the rear and growing above the height of these houses, assumedly growing in the buffer zone. This gives a false impression given the restraints in the planting they placed on neighbours.
- The amended documents makes only a minor change to acknowledge the transfer of the Buffer Zone.

Other Matters

- As neighbour Bloor Homes contact has been non-existent.
- Bloor have already built the foundations for the four properties.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy 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 Draft Isleham Neighbourhood Plan

Policy 1a	Housing Growth
Policy 2	Isleham's Development Envelope
Policy 3	Character and Design
Policy 7	Wildlife & Habitats
Policy 10	Car Parking
Policy 11	Cycle Parking & Storage

6.3 Supplementary Planning Documents

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

6.4 National Planning Policy Framework 2021

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

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, impact on highways safety, residential amenity, biodiversity and impact on visual appearance and character of the wider area. Outline planning permission was granted under 18/00363/OUM for up to 125 dwellings and following this an application was received for the reserved matters for 121 of those dwellings as four plots were excluded for self-build. A number of non-material amendments have been received since the reserved matters approval, which have altered minor aspects of the wider development but nothing specifically related to the four self-build plots.

7.2 Neighbourhood Plan

7.2.1 Neighbourhood planning was introduced in England through the Localism Act 2011 with legislation coming into effect in April 2012 through the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Planning Act 2017 states that Section 70 (2) of the Town and County Planning Act 1990 is to be amended to read as follows:

- ‘In dealing with such an application [for planning permission] the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations’

7.2.2 The draft Neighbourhood Plan contains a number of policies which are applicable to this current proposal, in particular Policy 1a - Housing Growth and Policy 2 – Isleham’s Development Envelope. Other policies which would apply to the development are Policy 3 – Character and Design, Policy 7 – Wildlife & Habitats, Policy 10 – Car Parking and Policy 11 – Cycle Parking and Storage. Policy 2 – (Isleham’s Development Envelope) has a modified development envelope from that within the East Cambridgeshire Local Plan 2015 and in accordance with map 5 the

site is within the settlement boundary. Whilst all of these policies are applicable to this proposal, they are only considered to have moderate weight.

7.2.3 The 'draft' Isleham Neighbourhood Plan (RNP) has been published for public consultation and recently independently examined. The Council has now updated the Isleham Neighbourhood Plan to reflect the examiner's recommendations. The Neighbourhood Plan Referendum will be held on Thursday 28 April 2022, and therefore is only regarded having moderate weight.

7.3 Principle of Development

7.3.1 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at a relatively early stage, and therefore little weight should be given to its emerging content.

7.3.2 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages with a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.3.3 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is "out of date" and the allied question of whether the policy is consistent with NPPF for the purposes of paragraph 219 of the NPPF. Applying national policy, there are three main reasons it could be out of date, as follows:

- (a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8) This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years' worth, and this position has persistently been agreed by recent Inspector appeal decisions;
- (b) If the Council 'fails' the Housing Delivery Test. This is not the case. The Council presently sufficiently 'passes' the Test; or
- (c) If the Policy is considered 'out of date' on a separate basis. This has been defined by the Courts as "have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted "*The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.*" (*Gladman Developments Limited v SSHCLG and Central*

Bedfordshire [2019] EWHC 127 (Admin), [34]). Datedness will always be a “case-sensitive exercise” (*Gladman*, [36]) and will “encompass the manner in which a policy operates in relation to the determination of a particular application” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).

- 7.3.4 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.3.5 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.
- 7.3.6 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.3.7 Turning to the facts of this particular application, the proposal is located outside of the development envelope, and is not one of the exceptions listed in GROWTH 2. The proposal is also not located at one of the three market towns, where growth is directed to by GROWTH 2. It is, therefore, contrary to policy GROWTH 2, however, it is within the development envelope of the Isleham Neighbourhood Plan which can be afforded moderate weight due to the point it has now reached (i.e. referendum in April).
- 7.3.8 The Council have considered whether GROWTH 2 (including development envelopes derived by it) should be considered out of date or not, and in particular in doing so considering recent appeal decisions on this matter. A number of appeal decisions in settlements beyond the market towns have indicated that GROWTH 2 is up to date.

- 7.3.9 The Council has carefully considered all of these decisions and in particular whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the nature of the conflict). The Council considers that the Soham decision is distinguishable.
- 7.3.10 All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: “general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework”. For the purposes of this application, GROWTH 2 is considered up to date, however the moderate weight of the Isleham Neighbourhood Plan and other material considerations have to be applied.
- 7.3.11 The development of these four plots as self-build dwellings has been previously agreed through the outline permission 18/00363/OUM. However, the reserved matters of those plots didn't come forward within the time period of three years as set out by condition 2 and as such the outstanding principle from the outline permission expired. As such the site no longer has extant permission for these properties, but previously four residential properties in this location has been accepted.
- 7.3.12 An Appeal Decision (APP/W0530/W/20/3253436) in a neighbouring authority, evidences a situation where a site was outside of the defined development envelope and therefore an area of countryside, however the development sat amidst an area of modern housing. The Planning Inspector noted the surroundings of the site were subject to large housing developments, meaning the development would occupy a gap in between existing housing. As such the Inspector determined due to the surrounding context the site had more affinity with the suburban form surrounding and did not result in encroachment to the countryside. The Appeal Decision shares similarities to the site in Isleham as the four plots are enclosed by residential development.
- 7.3.13 Furthermore, a recent Appeal Decision (APP/V0510/W/21/3283673) within East Cambridgeshire allowed a single dwelling outside of the defined development envelope under policy GROWTH 2. Since defining the settlement boundaries as per the 2015 Local Plan, the surrounding area to the appeal site had seen approvals for small residential developments. As such the Planning Inspector advised the development boundary no longer reflected the current situation. The Inspector stated that whilst contrary to policy GROWTH 2, the change in the character of the area amounts to a material consideration that justifies a decision at variance with the development plan.
- 7.3.14 For the current application GROWTH 2 is considered up to date and as such the presumption in favour of sustainable development is not engaged. The proposal conflicts with GROWTH 2 due to the site's location outside of the Local Plan development envelope and forms a departure development. However, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, there are a number of material considerations which are afforded weight in the consideration of the application. Whilst the site is outside the Local Plan's defined development envelope it is within the updated development boundary as per the Isleham Neighbourhood Plan, which is given moderate weight. Furthermore, the

surrounding area has evolved through permissions 18/00363/OUM and 19/00447/RMM since the development boundary was defined, meaning the site is now enclosed by residential dwellings. In addition, the appeal decision within East Cambridgeshire (paragraph 7.3.17) notes the importance of considering changes to the character of an area and when defining Local Plan boundaries no longer reflect the existing situation. The development of these four plots on the Bloor Homes site would not result in encroachment to the countryside, nor would it significantly change the character of the area as the site is enclosed by residential development. Therefore, the development would protect the countryside and the setting of the village, consistent with the Framework. In review of all material planning considerations the principle of four residential dwellings on the site is acceptable.

7.3.15 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

7.4 Self-Build Plots

7.4.1 Application 18/00363/OUM acknowledges the requirement for self-build plots on the wider development site to ensure the proposal was in accordance with policy HOU 1 and these were secured through the s106 agreement. Neighbour comments have expressed concern over the scale of the self-build plots and referenced the previous reserved matters application.

7.4.2 Part 4 of the Third Schedule of the s106 agreement relates to self-build dwellings and states the following:

- 1.1 Prior to first occupation of 75 % of the Market Housing Units the Self-Build Plots shall have all services and vehicular access provided.
- 1.2 Prior to the first Occupation of 75% of the Market Housing Units the Self-Build Plots shall only be marketed for sale at full market value to individuals on the Self-Build Register.
- 1.3 If after (whichever is the earlier of); (a) two years from the commencement of marketing pursuant to paragraph 1.2; or (b) the sale of 50% of the Market Housing Units within the Site (excluding the Self-Build Plots), contracts for the sale of any Self-Build Plots have not exchanged, the restrictions and obligations in this Part 4 shall no longer apply and any Dwellings built on the Self-Build Plots may be sold on the open market free from any encumbrance and the provisions within this Part 4.

7.4.3 The Planning Statement illustrates the developer's compliance with Clause (b) of 1.3, as a drawing and letter has been provided from the Design and Technical Director at Bloor Homes. The letter dated the 29th October 2021 and drawing attached as Appendix 1 to the Planning Statement illustrates 43 plots which have been sold or exchanged. However updated information received during the lifetime of the application advise Bloor Homes have sold/exchanged on 52 Plots which exceeds the 50% threshold. Furthermore, the agent has confirmed that

none of the self-build plots have reached a point where contracts have exchanged. In terms of the marketing, once the plots were available for sale the Applicant provided details to the Council. Sally Bonnet (ECDC Corporate Unit Manager) confirmed the council were notified of the plots and following this the information was sent to those registered on the Self-build register at the time (8 people) on 28/06/2021. The applicant advised that details of the self-build plots were also made available to prospective purchasers at the sales office on the site. The applicant contacted the Council on the 12th July 2021 seeking the removal of the self-build plots from the register with immediate effect.

7.4.4 Clause 1.3 only requires one of the (a) or (b) to be complied with and stipulates whichever is the earlier. The developer has demonstrated compliance with Clause 1.3 (b) and such it is considered that the plots can be released as dwellings which the developer can build out and are no longer required to be self-build plots.

7.5 Residential Amenity

7.5.1 Paragraph 130(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. 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. Furthermore, policy 3 of the Isleham Neighbourhood Plan seeks for development to not result in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.

7.5.2 Neighbour comments expressed concern over the amenity impacts of the dwellings, advising of intrusive, overlooking, overbearing, loss of privacy, glare from the lights and loss of natural light from the Spring/Summer morning light. The comments describe the proposal as inappropriate design, scale and height, with the base of the build being a foot higher than No.35a Hall Barn Road.

7.5.3 It is acknowledged that the two storey properties will have views towards the dwellings on Hall Barn Road and an element of overlooking will be introduced, however the degree of this overlooking is not considered to significantly detrimental. Both the Wilton and Hallam designs include two habitable windows and one bathroom/en-suite window to the rear.

7.5.4 The Design Guide SPD advises the distance between rear inter-visible windows should be a minimum of 20 metres (65.6ft); this will require the rear elevation of any dwelling to be located at least 10 metres (32.8ft) from the rear boundary. All four dwellings rear elevations will be situated over 10m (32.8ft) from the rear boundary and the distance between the proposal and the three directly opposite properties exceeds the 20m (65.6ft) as stipulated by The Design Guide SPD. The distance between inter-visible rear windows of the three properties and the four plots are the following:

- Plot 117 is approximately 30.4m (99.7ft) to the rear elevation of No.35a.
- Plot 116 is approximately 25.1m (82.3ft) to the edge of the conservatory and 28.1m (92.1ft) to the rear elevation of No.35b.

- Plot 115 is approximately 26.8m (87.9ft) to the rear elevation of No.41.
- Plot 114 is approximately 23.6m (77.4ft) to the rear of the conservatory and 26.9m (88.2ft) to the rear elevation.

7.5.5 Taken into the account of separation distances between the proposed dwellings and the compliance with The Design Guide, the two first floor windows on each property's rear elevation are not considered to result in detrimental impacts to residential amenity, through significant overlooking or detrimental loss of privacy. In addition, the new properties are not considered to result in significant amenity impacts as a result of glare from the windows.

7.5.6 The dwellings are 10m (32.8ft) from the rear boundary and the layout follows the pattern of built form across the wider development. It is considered the location, layout and scale of the properties would not result in detrimental overshadowing, overbearing, oppressive or intrusive impacts to the surrounding occupiers either existing or future residents of the new dwellings. The comments reference the land levels being raised on the site, however the proposal doesn't illustrate a rise in ground levels for the plots. Furthermore, confirmation was sought from the agent that the ridge heights of the proposed are in line with the adjacent two storey dwellings on plots 113 and 112. It was confirmed that new dwellings will sit at 8491mm whereas the adjacent plots at 8494mm, meaning the dwellings are marginally lower. It is considered that the proposed properties comply with policy ENV2 of the Local Plan, policy 3 of the Neighbourhood Plan and The Design Guide SPD, as well as chapter 12 of the NPPF.

7.5.7 Comments received state the unilateral removal of the screening condition and the already established unsuitability of two storey buildings, in close proximity, on this land, must be assessed in the correct context and in the interest of protecting our privacy and amenity. The comments received describe the application as discriminatory when two storey properties have been determined as previously unsuitable. Whilst revisions were made on the wider development to the corner plots, making them bungalows, the previous outline application (18/00363/OUM) did still consider two storey properties acceptable along this south-western boundary.

7.5.8 Condition 14 applied to the outline planning permission (18/00363/OUM) required at least 5% of all the dwellings to be provided on the site to be bungalows (single storey dwellings) and this has been satisfied by the wider development, therefore permitting two storey properties on this current application site would not be contrary to the previous permission. In addition, drawing CSA/2946/111 Rev B from the outline permission includes parameter heights and advises this section of the site could incorporate two storey properties. Therefore, the current application is not proposing a scheme which is considered to be contrary to the matters permitted under the previous permissions on the site.

7.6 Character and Appearance

7.6.1 Paragraphs 126 and 130 of the NPPF seeks to secure high quality, beautiful and sustainable buildings visually attractive development which improves the overall quality of an area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy ENV2 requires all development proposal to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing

appropriate new designs. Furthermore, Policy 3 the Neighbourhood Plan seeks for development proposals to deliver high quality through responding to important characteristics of the surrounding area including views, buildings and their materials and design features, building heights and space between buildings.

- 7.6.2 The proposal is for four detached two storey dwellings, split into two different house types which are represented elsewhere within the surrounding development. Plots 117 and 114 are proposed as the Wilton house type, whereas the central plots of 116 and 115 are the Hallam house type. The dwellings will front the internal access road and complement well to the existing layout and line of built form. Adjacent to Plot 117 is a bungalow and whilst the current property is two storey, the scale is not considered to be visually overpowering and reflects the relationship between plots 112 and 111. Furthermore, the four properties will relate well to the two storey dwellings to the south-east as they share similarities in design and form. The proposed dwellings are of a design and scale which is in keeping and complementary to the surrounding house types. It is considered the dwellings will read well within the wider streetscene.
- 7.6.3 The proposed garages for each property are in accordance with the Design Guide SPD, as these are situated to the side or rear. It is considered the positioning of the garages will not compete with host property and remain subservient in appearance within the streetscene. In addition, the parking is to the side of the properties meaning the streetscene when approaching the dwellings will not be dominated by parking.
- 7.6.4 Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible. Proposed materials for the properties include Forterra Village Harvest Multi brick for majority of the external walls, with finer architectural details in Ibstock Holmwood Natural. Roof tiles will be Marley Modern Smooth Grey and fenestration materials include UPVC white windows with a Card Room Green door. The materials will be complementary to the adjacent bungalows and two storey properties to the north-west, north-east and south-east, as aspects from each of the surrounding dwellings are mirrored within the proposal.
- 7.6.5 The four dwellings with associated parking and garages are considered to form a complementary and cohesive addition to the wider development. As such the proposal is compliant with policies ENV1 and ENV2 of 2015 Local Plan, policy 3 of the Isleham Neighbourhood Plan, The Design Guide SPD and Chapter 12 of the NPPF.

7.7 Highway Safety and Parking Provision

- 7.7.1 Paragraph 110 of the NPPF requires safe and suitable access to the site for all users. Local Plan policy COM7 requires proposals to provide a safe and convenient access to the public highway. The application demonstrates the access road to serve the dwellings and the agent has confirmed the access road is implemented, which was confirmed by the Officer site visit. The Local Highway Authority raise no objection to this application, advising the proposal is consistent with the wider development which benefits from existing permissions. Following the request from the LHA, the agent has confirmed the application aligns with CCC's Housing Estate Road Construction Specification. The properties are considered to have a safe, suitable and convenient access.

7.7.2 Policy COM8 requires proposals to provide adequate car and cycle parking provision. Each residential property delivers two off street car parking spaces to the side of the properties on the driveways. In addition, the parking plan illustrates each property having the availability for parking within the garages and the internal dimensions of the outbuildings (3.1m x 6m) do support this. Alternatively, the garages can be utilised for secure cycle parking. It is considered the proposed number of spaces complies with the parking standards set out within policy COM8 and policy 10 of the Neighbourhood Plan. To further ensure the developments compliance to policy 10 of the Neighbourhood Plan a condition will be applied seeking the facilities for electric vehicle charging points.

7.8 Drainage

7.8.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where it would intensify the risk of flooding for the development or surrounding properties elsewhere, it should also take into account climate change allowances and surface water runoff. The application confirms foul water will be via the mains sewer and surface water drainage will be handled via sustainable drainage system.

7.8.2 Application 18/00363/DISC discharged the details for the surface water and foul water drainage strategy for the wider site, however the self-build plots drainage details remain unknown at that stage. Drawing EA129-EN-090 C from 18/00363/DISC illustrates foul and surface water pipes are running under the access road and therefore in proximity to the site. The Planning Statement includes a letter from Withers Design Associates confirming the drainage scheme designed for the site accounts for the self-build plots and connection points for the four plots have been included. The letter advises that in their opinion they cannot foresee any changes or issues with these Plots on the Site. Comments from the Lead Local Flood Authority have confirmed they raise no objection in principle and that the proposals covering the wider planning permission include these plots within the attenuation volumes accounted for. As such the previously approved drainage under 18/00363/DISC offers the capacity for the four plots, however a condition is required to illustrate the dwellings connection to the wider system. The condition requesting the foul and surface water drainage details should deliver the information sought by the recommended condition from the Lead Local Flood Authority. The condition wording has been altered due to the development already commencing on site. It is considered the information supplied is sufficient to address drainage for the new dwelling and is compliant with policy ENV8 and chapter 14 of the NPPF.

7.9 Contamination

7.9.1 All applications for residential use are considered particularly sensitive to the presence of contamination. Under application 18/00363/OUM the entire site was subject to a Geo-Environmental and Geotechnical Site Assessment report and a Phase I Contamination Assessment. The Scientific Officer accepted the findings of those reports and confirmed the site appears to be at low risk of land contamination and no further investigation was necessary. Therefore, it is considered the matters of contamination were handled under application 18/00363/OUM and only the standard condition for unexpected contamination in the event the application is recommended

for approval will be applied. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

7.10 Biodiversity Net Gain

7.10.1 Paragraph 174 (d) of the NPPF seeks for developments to contribute and enhance the natural environment by minimize 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 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. In addition, the Neighbourhood Plan policy 7 seeks for development proposals to achieve an overall net gain in biodiversity, in accordance with provisions set out in the NPPF and the Environment Act 2021.

7.10.2 The site is part of wider development and as part of the outline permission (18/00363/OUM) extensive ecology reports where undertaken. However, the development is still required to deliver a biodiversity net gain through the four properties and as such a Preliminary Ecological Appraisal report has been supplied for the site. The Appraisal makes a number of recommendations to deliver a net gain through the development, including the installation of two integrated bat boxes in each dwelling and a total of eight swift boxes mounted in groups of four on separate buildings. Other recommendations included hedgehog highways and bee bricks. The Trees Officer has raised no objection and but has sought a condition for the submission of a suitable soft landscaping scheme. With the proposed measures it is considered the development will contribute and enhance the natural environment and create new habitats to support biodiversity gain, subject to the compliance condition being added. As such the proposal complies with policy ENV7 of the Local Plan, policy 7 of the Neighbourhood Plan and The Natural Environment SPD.

7.11 Efficiency and Renewables

7.11.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 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. The Planning Statement contains an Energy Statement Technical Note/Addendum which advises:

Briary Energy undertook an Energy Strategy Statement for 125 plots at Fordham Road, Isleham, dated July 2019, which calculated the baseline energy demand and carbon emissions for the site, and determined an appropriate renewable energy strategy in order to achieve a 19% carbon emission reduction on site.

The 2019 Energy Statement included as part of the carbon emission and renewable energy strategy four plots that were to be assigned to be self-build properties. Appropriately sized house types from existing Bloor Homes housing stock were used in place of these units for the purpose of the planning

application, to ensure that the carbon emissions calculated were valid for the entire development.

This parcel has been reassigned and will now include two Wilton and two Hallam house types. Both house types have been assessed using the SAP 2012 methodology and we can confirm that the impact on both the overall carbon emission figures for the site will be negligible. The stated PV panel target for the development will therefore remain as 85 kWp

7.11.2 It is considered the four dwellings will adhere to the wider developments efficiency targets and the properties will as far possible reduce carbon. The proposal is considered to address policy ENV4 and the Climate Change SPD.

7.12 Other Matters

7.12.1 A number of neighbour comments have raised concern over the landscape buffer, particularly highlighting the changes since the original applications were determined and the drawings submitted. The landscape buffer was transferred to the neighbouring properties and has since been subdivided to form curtilage additions to some residents on Hall Barn Road. From the Officer site visit it was noted that nearly all properties on Hall Barn Road which back onto the development have incorporated the additional 5m depth in to the curtilages. As such amended drawings were requested to remove any reference to a separated landscape buffer and any indicative landscaping, with the drawings accurately representing the subdivision of the buffer into the curtilages of the neighbours. Some comments have expressed concern that during the transfer of the land a height restriction was applied at 2.6m which restricts the planting. The Council were not a party to the transfer but are aware of the change in ownership to the land which forms the landscape buffer and should a height restriction have been placed on the transfer at 2.6m then this could interfere with the compliance of condition 6 of the reserved matters application 19/00447/RMM and be contrary to the obligation within the S106. However, those parties directly involved in the transfer may apply to have the restriction removed.

7.12.2 Immediately before the submission of the Committee Report the agent advised that their client has been corresponding with the neighbours and have confirmed that the height restriction in the covenant will be removed as requested by the neighbours. They advised this offer is on the basis of the neighbours providing written confirmation that they are removing their objections; however, their client has confirmed that they would still remove the covenant even if they didn't. No formal withdrawal of neighbour comments had been received prior to or on the 28th March 2022 and the removal of the covenant forms a private matter.

7.13 Planning Balance

7.13.1 The proposed development has fulfilled the requirements of s106 to allow the release of the self-build plots. The dwellings are not considered to result in significant harm to the residential amenity of surrounding occupiers or harm to the character or appearance of the surrounding development and locality beyond. The proposal will not result in significant harm to highway safety or flood risk and can deliver a biodiversity net gain.

7.13.2 Policy GROWTH 2 has been considered up to date in respect of this application and the proposed development is contrary to the locational strategy contained within GROWTH 2. However, material planning considerations, such as the site's location in the development envelope of the Isleham Neighbourhood Plan (which is afforded moderate weight), the existing surrounding character of residential properties which has evolved since the development envelope boundaries were drawn and recent appeal decisions, are considered to indicate that a departure from the Development Plan is justified. The application is therefore recommended for approval

8.0 APPENDICES

8.1 Appendix 1: Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01636/FUL	Molly Hood Room No. 011 The Grange Ely	Molly Hood Planning Officer 01353 665555 molly.hood@eastcambs.gov.uk
18/00363/OUM		
19/00447/RMM		
19/00447/NMAB		
19/00447/NMAC		
19/00447/NMAD		

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 21/01636/FUL Conditions

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

Plan Reference	Version No	Date Received
P18-1261_25	C	10th February 2022
P18-1261_23	B	10th February 2022
P18-1261_24	D	10th February 2022
P18-1261_32	D	10th February 2022
P18-1261_27	C	10th February 2022
P18-1261_28	C	10th February 2022
394.PL-01		10th February 2022
394.PL-06		10th February 2022
394-1.PL-01		10th February 2022
394-1.PL-06		10th February 2022
470.PL-01		10th February 2022
470-1.PL-01		10th February 2022
GL01.PL-01		10th February 2022
P18-1261_26	B	10th February 2022
Preliminary Ecological Appraisal	Version 1	15th November 2021
CEMP		15th November 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 Within three months from the date of determination a scheme to dispose of foul and surface water should be submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of the dwellings.

- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 5 Prior to first occupation of each dwelling or commencement of use the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan P18-1261_26 B and thereafter retained for that specific use.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 All hard 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.
- 7 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing P18-1261_25 C. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 8 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

- 9 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on drawing P18-1261_32 D; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

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

- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Work shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) regarding mitigation measures for noise, dust and lighting during the construction phase. The development on site shall be in accordance with the construction and delivery times as specified in the CEMP and adhered to at all times during all phases.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The biodiversity improvements outlined in the Preliminary Ecological Appraisal Report Version 1 dated September 2021 shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 11 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 12 Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 12 Reason: The application has been assessed as acceptable and complying with policy 10 of the Isleham Neighbourhood Plan on this basis.



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 6th April 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (Substitute for Cllr David Brown)
Cllr Sue Austen
Cllr Matthew Downey
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Maggie Camp – Legal Services Manager
Caroline Evans – Democratic Services Officer
Toni Hylton – Senior Planning Officer
Annalise Lister – Communications Manager
Andrew Phillips – Planning Team Leader
Isabella Taylor – Planning Officer
Angela Tyrrell – Senior Legal Assistant
Melanie Wright – Communications Officer

IN ATTENDANCE

Dr Lau Berraondo (Applicant, Agenda Item 6 / Minute 84)
Harvey Bibby (Applicant, Agenda Item 6 / Minute 84)
Alex Clark (Applicant, Agenda Item 5 / Minute 83)
Michael Hargreaves (Applicant, Agenda Item 7 / Minute 85)
Gordon Rusk (Objector, Agenda Item 5 / Minute 83)
Adam Tuck (Applicant, Agenda Item 6 / Minute 84)
Parish Cllr Richard Radcliffe (Agenda Item 5 / Minute 83)
Cllr Julia Huffer (Agenda Item 5 / Minute 83)

10 Members of the public.

79. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Brown and Trapp.

Cllr David Ambrose Smith was attending as a substitute for Cllr Brown.

80. DECLARATIONS OF INTEREST

Several Members declared an interest in Agenda Item 6 (21/01694/FUL, Land west of 115 Lancaster Way Business Park, Ely):

- Cllr Every stated that she had spoken to the applicant's agent and to Council Officers whilst researching the proposal, but she remained open-minded.
- Cllr Wilson was a patient of the dental business that was the subject of the application, but remained open-minded.
- Cllr Austen had called-in the item for consideration by the Committee because she had been asked to do so on the grounds of transparency. She remained open-minded.

2:02pm – Cllr Downey joined the meeting.

81. MINUTES

The Committee received the Minutes of the meeting held on 2nd March 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 2nd March 2022 be confirmed as a correct record and be signed by the Chairman.

82. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- He reminded all interested parties of the importance of abiding by deadlines for speaker registration and submissions of information for Members to consider. Information received less than 48h before the meeting would not be sent to Members since it was important that they all had sufficient time to carefully read and consider all of the details. Pressure or bullying behaviour directed towards Officers would not be tolerated.
- Formal site visits for Committee Members had re-started for this meeting and, whilst not mandatory, were considered to be an essential part of the decision-making process.
- Russell Wignall, Legal Assistant, was leaving the Council. He was thanked for all of his work and offered the Committee's best wishes for the future.
- There would be an additional Planning Committee meeting added to the calendar to consider the Sunnica planning application. The meeting would be held at a venue near to the site and the Sunnica application would be the sole item for debate. It was emphasised that the Council would not be the determining authority for the application; the meeting would be to consider the Council's recommendations as a consultee on the application.

83. 21/01636/FUL – LAND ACCESSED BETWEEN 2 & 4 FORDHAM ROAD, ISLEHAM

Andrew Phillips, Planning Team Leader, presented a report (W170, previously circulated) on behalf of the Case Officer, recommending approval of an application that sought permission for the construction of four market dwellings with associated parking, garages and landscaping, on plots formerly allocated as self-build.

Members were shown maps and satellite images to illustrate the site's location outside the Local Plan's development envelope but within the Isleham Neighbourhood Plan's development envelope. The Isleham Neighbourhood Plan

had been given moderate weight in the assessment of the application. In addition, the site lay within a wider Bloor Homes development and had previously been allocated for four self-build plots. Two house types were proposed, both of which were present on the wider development, and elevations of both were shown.

The main considerations for the application were deemed to be:

- **Principle of development** – the site had previously received permission for four self-build plots, and the proposal had demonstrated compliance with clause 1.3(b) of the s106 agreement regarding the marketing of the plots. The principle of development was therefore considered to be acceptable.
- **Residential amenity** – concerns of overlooking, loss of privacy, glare and overbearing, intrusiveness and loss of light had been received from neighbours. The Design Guide SPD advised that the distance between rear inter-visible windows should be a minimum of 20m. All proposed dwellings would be over 10m from their rear boundary and the distance between the proposed dwellings and the rear elevations of 35a, 35b and 41 Hall Barn Road were 23.6 – 30.4m. The first-floor windows on the proposed properties' rear elevations were therefore not considered to result in detrimental impacts to residential amenity through significant overlooking or detrimental loss of privacy. They were also not considered to result in significant amenity impacts as a result of glare from the windows.
- **Visual impact** – the site was surrounded by residential development and the proposed dwellings were of a design and scale that would be in keeping with, and complementary to, the surrounding Bloor Homes development. The proposed garages for each property were also in accordance with the Design Guide SPD due to their positioning to the side or rear of each dwelling.
- **Highway safety and parking** – there had been no objection from the Local Highways Authority and the proposed dwellings would be accessed from the existing road for the wider Bloor Homes development. There was sufficient vehicle and cycle storage to comply with the parking standards in policy COM8 of the Local Plan and policy 10 of the Isleham Neighbourhood Plan. To further comply with policy 10 of the Neighbourhood Plan, a condition would be applied regarding electric vehicle charging points.
- **Flooding/Biodiversity** – the Lead Local Flood Authority had not raised any objections to the principle of the development. A drainage condition was proposed and the proposal complied with policy ENV8 and the NPPF. The development would deliver various biodiversity enhancements and would comply with policy ENV7 of the Local Plan, policy 7 of the Isleham Neighbourhood Plan, and with the Natural Environment SPD. The landscape buffer had been transferred to the neighbouring properties and the majority of owners had since incorporated the additional 5m into their curtilages.

In summary, the principle of the development was considered to be acceptable and there would be no detrimental impact to residential amenity. There would be no significant or demonstrable harm to the character of the area and the dwellings would be in keeping with the existing house-types on the wider site. The access arrangements and parking provision were acceptable. The application was therefore recommended for approval.

On the invitation of the Chairman, Gordon Rusk read a statement to the Committee as follows:

“Gordon Rusk 35B Hall Barn Road, Isleham: speaking for residents in 33, 35A, 35B, 41 Hall Barn Road.

- *Prior to planning consent Bloor have constructed up to 1st floor level.*
- *As stated in today’s report 7.3.11 the reserve matters for these plots did not come before the 3yr time period, therefore, the site has no existing permission for these properties.*
- *Neighbours’ main objections are stated in section 5.3 of the report.*
- *We had no discussion on the plots in 2018/19 even though today’s report 7.5.7 states the 2018 outline application considered two storey properties acceptable.*
- *2019 Bloor stated they would build bungalows in key locations to reduce the impact on existing adjacent dwellings. “No overlooking or overbearing.”*
- *6th Nov 2019 Agenda item 3 noted the buffer zone now curtilages would stop existing dwellings overlooking future residents.*
- *Plots 114 –17 do look directly over 35A, and B, 41 Hall Barn Road there will be a loss of privacy.*
- *Today’s item 7.5.3 states there will be overlooking, but not considered detrimental; we beg to differ living opposite. This is not consistent with the previous decision to change houses to bungalows.*
- *A buffer zone was originally planned in the S106, it would provide privacy, reduce overlooking and overbearing.*
- *Bloor imposed a height restriction 2.6m in the transferred zone this could interfere with the compliance of condition 6 of reserved matters application 2019 contrary to the obligation within the S106. Would the committee remind Bloor of this?*
- *The removal of covenant offer by Bloor in 7.12.2 is not forthcoming and other offers reduced.*
- *We ask the committee to reflect a consistency of consideration in their views that bungalows be built.”*

In response to Cllr Jones requesting more detail about the last point, the objector explained that, because the plots were originally intended for self-build, the residents in the three properties that backed onto the application site had not been permitted to speak at the November 2019 meeting which had considered the need for bungalows further along the development site. Now that the plots were to be offered for market housing instead of self-build the residents felt disadvantaged and wanted the same consideration to be offered to them as had been to the residents whose properties backed on to the bungalows.

Cllr Stubbs asked the objector for more information about the covenant that had been mentioned. The objector gave details about a disputed covenant, which applied to the “buffer zone” land that had been transferred to the owners of the Hall Barn Road properties, restricting the height of shrubs and trees in the transferred land. The local residents’ group had understood from discussions with Alex Clark (Bloor Homes) on 14th and 23rd March that the covenant would be removed, but it remained in place and under negotiation.

The Chairman thanked the objector and reminded everyone that the application was for two-storey dwellings, not bungalows, and that the Committee would need to decide the application that was before them.

The Chairman then asked the Democratic Services Officer to read aloud two further statements that had been supplied by objectors who were unable to attend the meeting.

Statement 1:

"We are residents of 29B Hall Barn Road, Isleham which lies in the Northwest Corner of the Bloor Development.

At every stage over the last 4 years, we have by due process commented and placed our objections on record at ECDC regarding the above development.

Having achieved fairness behind 29B with the provision of a bungalow to match the original proposal of bungalows behind the properties most affected. At the planning meeting it was noted in the minutes that the new properties would not overlook or overbear the existing residents. A statement within Mr R Eburne's (Bloor Dir.) email – dated 25 November 2019 (copy available) assured us – "that the finished ground level is the same as the ground beyond the boundary" this has not happened. On the commencement of the foundations of the bungalows we noted this was not the case and informed ECDC. We were subsequently told that the finished floor levels were as per plans submitted! Without being able to confirm their plans for finished floor levels we were not in a position to be able to object to something we know nothing about. We took Mr Eburne's assurance at face level. We are concerned there will now be a slope from the new property to the boundary fence which will in turn present drainage problems to our garden and a subsequent rotting of the fence due to the higher soil level up the fence.

With the agreed transfer of the buffer zone to the residents all along Hall Barn Road with the developer, which was in general agreement, we learned at time of signing/transfer there were many covenants applied by the developer restricting what we could do with the strip of land and any sale of our property in the future the new buyer would have to enter a new contract with the developer regarding the strip of land. This is another stealth impact on our lives which has given us more concern and stress.

The continuing attitude of the developer to run 'rough-shod' over the residents of Hall Barn Road continues and most recently, in the change of planning with the self-builds, which the developer has commenced.

The developer has always stated they wanted to respect the privacy of existing residents, they have not! We have lost considerable light to our gardens; we've lost our privacy and value to our homes. There has been no consideration, communication or common courtesy to us regarding the constant dust and noise from the site over the last 2 years. The developer has fooled the residents of Isleham into believing they were going to build small clusters of properties

that would reflect their location in the heart of a small Cambridgeshire village. We were never fooled, that's why we have continued to fight.

We will not be dismissed by the developer's latest offer of trellising and 2 trees to hide the development in return for a withdrawal of our objections. Especially after having personally spent over £1800 doing so. We want what is fair and just and for the developer to recognise that they haven't fulfilled their promises/ obligations to the residents of Hall Barn Road and Isleham."

Statement 2:

"We are residents of 3 The Briars, Isleham which abuts the Hall Barn Road elevation of this development.

We are again placing on record our objections to and disappointment at this development and the scant regard for the wishes of existing Isleham residents during the various stages of consultation, planning approval and construction.

Over a 3-year period from when the first consultations took place regarding this development we have fought hard to minimise the impact on the existing residential properties, and along Hall Barn Road in particular.

Originally the developer proposed 2-storey houses along this whole elevation but with support of our local and County Councillors we achieved a small concession for bungalows to be constructed where the greatest impact would occur, and in particular behind numbers 2, 3 & 4 The Briars.

The plans presented to ECDC stated that these new bungalows would be built at the same finished floor levels as our properties to avoid being overlooked and this assurance was confirmed in an email from Robert Eburne prior to full planning consent being granted.

Construction is now complete on these bungalows and looking at the original plans, we would estimate that the FFL height of these bungalows are at least 1m higher than were proposed and approved, with the rear gardens now having a steep slope down to our rear boundary fence which will in turn present drainage problems in our gardens.

This increase in the proposed FFL's granted to Bloor was given without any 'statutory notification' to all existing residents as a 'change in planning consent'. This major change to planning consent is totally unacceptable and does not comply with planning regulations and has resulted in a massive infringement on our privacy and quality of life, substantially reduced the value of our homes and frankly made it a very unpleasant place to now live!

The developer had always stated that they wanted to respect the privacy of all existing residents and construct this (awful) development with minimum impact on our village. These undertakings were repeated at all of the planning meetings led by Robert Eburne and his team prior to consent being granted and they have succeeded in fooling everyone concerned into believing they could be trusted as a major house developer in the southeast.

Having spent 20+ years in the construction industry I can frankly say, that in my opinion, this is one of the worst thought out and executed developments in the area. What happened to the original proposals to construct 'small clusters of properties of different designs and styles that reflected their location in the heart of a small Cambridgeshire village?

Many residents along Hall Barn Road have also expressed their concerns and will be making separate representations and in particular to the change from 'self-build' properties behind 35a, 35b and 41 Hall Barn Road to 2-storey houses which again is against the developer's undertaking to only construct bungalows."

The Chairman then invited Alex Clark (Director, Bloor Homes), representing the applicants, to address the Committee. The applicant stated that since the principle of four dwellings at that location had already been established in the outline planning permission, the variation was purely the proposed house type. The legal agreement allowed for conversion of the plots from self-build to open-market and the obligations within that agreement had all now been met. The appearance of the proposed dwellings would reflect the wider site and was appropriate for the location. Although there had been concerns that the two-storey properties would adversely affect the neighbouring properties, the recommended separation distances within the Design Guide SPD would be exceeded and the self-build parameters plan had allowed for up to two storeys, consequently there was no planning justification to insist upon bungalows at that location. Bloor Homes had transferred the buffer zone to the neighbouring residents, who had thereby all gained 5m of garden, and had met with Cllr Huffer and the Parish Council and local residents to offer trellis and two large trees for each of the most affected properties. He considered the principle, size and scale to be acceptable and in compliance with the policies of the Local Plan and the Design Guide SPD, and therefore urged the Committee to approve the application.

Cllr Wilson commented that it had been clear at the morning's site visit that construction was already well underway, and he questioned why. The applicant explained that the decision had originally been delegated until it was called-in to Committee in January, Bloor Homes had then decided to commence the foundations on the basis that they could be adapted to any design. Cllr Wilson countered that the construction was significantly more advanced than just foundations. He also questioned the efforts that had been taken to sell the plots for self-build homes and the applicant stated that there was a clear mechanism within the s106 agreement which had been followed to the letter.

Cllrs Jones, Stubbs and C Ambrose Smith all asked questions about the potential for bungalows instead of two-storey dwellings on the application site, or re-designing the upper storey to prevent overlooking. The applicant stated that Bloor Homes was a commercial entity that wished to construct two-storey properties at this location. Although bungalows had been agreed for some more sensitive locations, they had never been promised for the entirety of Hall Barn Road and the parameter plan for the self-build plots had indicated that two-storey designs would be possible. The back-to-back distances would be in excess of the requirements of the Design Guide SPD and an additional 5m of garden had been transferred to

the Hall Barn Road residents. Outside the formal planning process, Bloor Homes was engaging with the community to try to work with them.

Cllr Stubbs asked about the discrepancy between the applicants' and objectors' views about the covenant. The applicant explained that they used standard covenants for their land transfers; within the legal agreement for the 5m land transfers a standard restriction on height had been included.

Cllr D Ambrose Smith commented positively about the build quality and style of the overall development but questioned why the ground floor heights were so high rather than being the same as Hall Barn Road, and asked whether the fence panels along the boundary could be 2.6m tall for the length of Hall Barn Road. The applicant stated that floor levels had been submitted to, and approved by, the Council as part of the reserved matters conditions. Following complaints, the planning control and enforcement team had investigated and had concluded that the construction was in accordance with the plans. Regarding the fence height, the maximum level in the covenant had been raised to 2.6m and, outside the planning process, meetings had been held with residents to consider removing the covenant. A possibility would be for Bloor Homes to plant trees in the residents' gardens, as a way around the restrictions of the covenant, and that could be formalised as a planning condition. Cllr D Ambrose Smith added that Members were in a difficult position since the applicant's viewpoint and that of residents and the Parish Council (as detailed in the Officer's report) were at odds.

Cllr Hunt concluded the questioning by commenting that the buildings under construction were approximately 6ft tall and as such Bloor Homes appeared to be constructing buildings for which they did not yet have planning permission.

At the invitation of the Chairman, Parish Councillor Richard Radcliffe (Chair, Isleham Parish Council) addressed the Committee. He explained that the Parish Council supported the development but were opposed to the construction of two-storey dwellings on the four plots under consideration. The Parish Council considered that insufficient weight had been given to overlooking and overbearing. In their Design and Access Statement, Bloor Homes had quoted part of paragraph 126 of the NPPF but the Parish Council did not consider that the current application "creates better places in which to live and work and helps make development acceptable to communities". Although Bloor Homes claimed that there would be a strong buffer and a healthy back-to-back relationship this was true for bungalows but not for two-storey dwellings. The separation distances from the new bungalows to The Briars were very similar to the distances between the proposed new dwellings and their immediate rear neighbours on Hall Barn Road, whereas other properties further along Hall Barn Road had much greater separation distances. The residents had expected bungalows on these plots. Bloor Homes had previously stated that Hall Barn Road was a sensitive boundary for plots 108-111 and this had been reflected in the construction of bungalows rather than houses; these plots should be treated similarly.

There were no questions for the Chair of the Parish Council.

Cllr Huffer then addressed the Committee as the Ward Councillor for Isleham. She made clear that she had no objections to the principle of the overall development,

but the plots under consideration in this application had originally been designated for self-build. Although Bloor Homes had complied with the Council's policy regarding marketing the plots, she had learned that there was no requirement for market rates to be applied and she therefore believed it to be common practice for large developers to price their self-build plots at an unrealistically high level which would, in time, enable them to convert the unsold self-build allocation to market housing. She urged the Planning Manager and the Chairman to review the policy in order to end this practice. She showed Members a photograph taken from 3 The Briars which illustrated that the bungalows had not been built at the same level as the existing housing, to the severe detriment of existing occupiers who were now choosing to move away. Two-storey dwellings behind 29 – 31 Hall Barn Road were therefore a significant concern and she had recently met with residents and Bloor Homes to discuss the application. She had been assured at that meeting that the foundations were suitable for bungalows as well as two-storey dwellings, and had therefore urged them to build bungalows to protect the privacy and quiet enjoyment of the existing residents. Since that meeting the residents had each been offered trellis and two trees to shield their properties, on the condition that they withdrew their objections and persuaded her to withdraw her call-in to Committee. Her understanding was that that offer had now been withdrawn. She urged the Committee to defer the item and ask Bloor Homes to redesign the homes to a maximum of one storey in order to prevent overlooking and overbearing to the residents of Hall Barn Road.

Cllr Downey asked what planning reason could be given for deferring the application; the Ward Councillor suggested the considerable loss of amenity to existing residents due to overlooking and overbearing. Regarding the marketing of self-build properties, Cllr Wilson suggested that the Council should consider mandating that self-build plots be marketed as affordable housing if they could not be sold for self-build, and Cllr C Ambrose Smith referred to the Council's register of interest in self-build plots. The Ward Councillor agreed with Cllr Wilson's suggestion and gave an example of another development where CLT self-build plots had a waiting list whereas the developer's plots were significantly more expensive and were un-sold. The Planning Manager explained that all parties on the Council's self-build register had been contacted regarding the four self-build plots; the Ward Councillor stated that interest would only be generated if the plots were marketed at realistic prices.

Cllr Jones expressed concern that the self-build plots had permission for up to two storeys, and therefore refusal of permission could lead to an appeal. The Ward Councillor explained that Bloor Homes had indicated that the foundations were suitable for single-, 1.5- and two-storey buildings and that was why she had proposed a deferral. If the developer was able to construct bungalows then they should be encouraged to do so.

The Chairman invited further comments from the Planning Team Leader, and then questions for him from Members. The Planning Team Leader drew Members' attention to paragraph 7.4.3 of the Officer's report which detailed the marketing of the self-build plots, and paragraph 7.12 which addressed the issue of the covenant.

In response to a question from Cllr Jones about the likelihood of an appeal if the application was refused, the Planning Team Leader reminded Members that the

application complied with the Design Code in respect of the rear separation distances and stated his professional opinion that an appeal would be likely, with the possibility of costs being awarded against the Council. Cllr D Ambrose Smith asked whether the Ward Councillor's proposal of a deferral would enable the Officers and the developer to work together to modify the properties to reduce the overlooking. The Planning Team Leader stated that the Committee should approve or refuse the application as submitted; a deferral would require very clear reasons, and Officers already worked with developers in the earlier stages of considering applications. Therefore, in his professional opinion, a deferral could result in the developer appealing for non-determination.

Cllr Every asked the Chairman for permission to question the applicant again. Having received permission, she asked Alex Clark whether, in view of all that he had heard, he could see a merit in deferring for further discussion to reduce the opposition to the four dwellings. The applicant replied that Bloor Homes' view was that they were following the clear parameters in the outline planning permission, the legal agreement and the parameter plan. The application had been under consideration for a long time and the view of the professionals was clear; there was a strong planning case for approval.

Cllr Hunt sought and received confirmation from the Planning Team Leader that, if the application was refused, the applicants could resubmit a revised application free of charge.

Commenting that the possibility of two-storey properties had been allowed for the self-build plots in order to improve their marketability, Cllr Jones asked whether it would be reasonable to impose different conditions on the same plots now that they were to be market dwellings. The Planning Team Leader explained that the tests regarding residential amenity were the same whether or not the plots were intended for self-build, and that it was not reasonably possible to have different rules according to whether or not the plot was for self-build. The original development was required to contain a minimum number of bungalows, all of which had been provided.

Finally, Cllr Downey asked whether there was any requirement within the Local Plan or other policies that required a developer to act in an honest or fair way, since it was clear that not everyone felt that to have been the case. The Planning Manager explained that community engagement was encouraged but the behaviour of developers was outside the responsibilities of the Council.

The Chairman then opened the debate. Cllr Wilson stated that he considered this to effectively be a retrospective application since it was clear from the site visit that construction was already underway. He did not see any valid planning reasons to refuse or defer the application and therefore saw no option but to very reluctantly approve it. However, he suggested that if it were to be approved then strict conditions should be applied in order to assist in reducing the site's impact. He suggested that trees of an appropriate height and size could screen the buildings, and frosted glass on the rear windows of the new buildings would reduce overlooking. The Planning Team Leader explained that any tree-related conditions would need to be located within the site's red line; a legal agreement would be required instead if the trees were to be on neighbouring land. It was not considered

reasonable to condition obscure glazing for bedrooms since all residents deserved an outlook. Cllr C Ambrose Smith suggested that the roofline could be altered such that the rear bedrooms were served by velux windows instead; the Planning Manager reminded Members that a decision needed to be reached on the application as submitted.

Cllr D Ambrose Smith proposed that the application be refused on the grounds that it did not meet the requirements of policy ENV2 due to its significant detrimental effects on the nearby neighbours' residential amenity. Cllr Austen seconded the proposal.

Cllr Jones agreed with Cllr Wilson's assessment that, since up to two storeys had been allowed for self-build, there was unfortunately no planning reason to refuse two-storey dwellings at this stage. He would therefore be proposing that the Officer's recommendation for approval be accepted.

Cllr Downey considered that the Committee was in a difficult position since the community opposed the application and felt misled about it. He felt that Cllr D Ambrose Smith had made a good argument concerning the reduction in residential amenity, however, the developer and Officers had disagreed with that view. He therefore remained undecided. Cllr Stubbs also declared her indecision although she echoed Cllr Jones' comments about the difficulty relating to the previous acceptance of the potential for two-storey dwellings on the site. She considered that Bloor Homes had damaged a previously good reputation for the sake of only four properties.

The motion to refuse the application was then put to the vote.

It was resolved with 5 votes in favour, 3 votes against, and 2 abstentions:

That planning application ref 21/01636/FUL be REFUSED on the grounds that it did not meet the requirements of policy ENV2 due to its significant detrimental effects on the nearby neighbours' residential amenity.

Date of Publication of Decision List: 8th April 2022

FOR INFORMATION ONLY

NONE OF THESE DECISIONS ARE SUBJECT TO CALL-IN



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

PLANNING COMMITTEE – 6th APRIL 2022– DECISION LIST

ITEM NO.	REPORT REF.	APPLICATION	DECISION	ACTION BY
5.	W170	<p>21/01636/FUL</p> <p>Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure</p> <p>Land accessed between 2 and 4 Fordham Road, Isleham, Cambridgeshire</p>	<p>It was resolved:</p> <p>That planning application ref 21/01636/FUL be REFUSED on the grounds that it did not meet the requirements of policy ENV2 due to its significant detrimental effects on the nearby neighbours' residential amenity.</p>	Andrew Phillips, Planning team Leader
6.	W171	<p>21/01694/FUL</p> <p>Erection of a new commercial building comprising Use Class E (Office, Research and Development, and Health Services) with ancillary plant, external lighting, car parking, cycle parking and associated infrastructure</p> <p>Land west of 115 Lancaster Way Business Park, Ely, Cambridgeshire</p>	<p>It was resolved (unanimously):</p> <p>That planning application ref 21/01694/FUL be APPROVED on the grounds that it was not considered to be contrary to policies COM1, COM3, COM8 and EMP1.</p> <p>It was further resolved:</p> <p>That the Planning Manager be given delegated authority to impose suitable conditions, including restricting the permitted activities to those detailed in the application: office, research and development, and healthcare services.</p>	<p>Toni Hylton, Senior Planning Officer</p> <p>Rebecca Saunt, Planning Manager</p>

AGENDA ITEM NO 11 Appendix 3

ITEM NO.	REPORT REF.	APPLICATION	DECISION	ACTION BY
7.	W172	<p>22/00037/FUL</p> <p>Change of use to a mix of Gypsy and Traveller residential use, with construction of three residential pitches for equestrian use, and three stable blocks</p> <p>Land west Of Saunders Piece, Ely Road, Little Thetford, Cambridgeshire</p>	<p>It was resolved:</p> <p>That planning application ref 22/00037/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report, with condition 7 being replaced by <i>"No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation and maintained in perpetuity."</i></p>	Toni Hylton, Senior Planning Officer
8.	W173	<p>22/00042/FUL</p> <p>Conversion of existing garage to annexe accommodation and construction of alterations to the infrastructure</p> <p>1 Link Lane, Sutton, Ely, Cambridgeshire, CB6 2NF</p>	<p>It was resolved:</p> <p>That planning application ref 22/00042/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.</p>	Isabella Taylor, Planning Officer
9.	W174	<p>Planning Performance Report – February 2022</p>	<p>It was resolved:</p> <p>That the Planning Performance Report for February 2022 be noted.</p>	