



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 12<sup>th</sup> October 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](mailto:caroline.evans@eastcambs.gov.uk)

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## 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)

### Substitutes:

Cllr David Ambrose Smith  
Cllr Julia Huffer  
Cllr Josh Schumann

### Liberal Democrat Members

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

### Substitutes:

Cllr Charlotte Cane  
Cllr Simon Harries  
Cllr Christine Whelan

### Independent Member

Cllr Sue Austen (Lead Member)

### Substitute:

Cllr Paola Trimarco

### Lead Officer

Dan Smith, Planning Team Leader

Quorum: 5 Members

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## PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT THE GRANGE AT 10:25AM

(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 7<sup>th</sup> September 2022.

### 4. Chairman's Announcements

[oral]

### 5. 21/01216/F3M

Construction of a crematorium and associated service and administration building, function building, memorial garden, natural burial areas, pet cemetery, car parking, new vehicular access from the A142 north of the site and landscaping.

Location: Mepal Outdoor Centre, Chatteris Road, Mepal

Applicant: East Cambridgeshire District Council

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXS9WPGGM9X00>

Site visit: 11:30am

### 6. 22/00358/FUL

6no. four bed dwellings and associated works, phased development

Location: Land North East Of Rijon, Padnal, Littleport

Applicant: Bedwell Developments Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9WYKKG0CS00>

Site visit: 10:45am

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## NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely> 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-121022> 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](mailto:caroline.evans@eastcambs.gov.uk), to register by 10am on Tuesday 11<sup>th</sup> October. 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](mailto: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)."

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EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

### **AGENDA ITEM NO 3**

Minutes of a meeting of the Planning Committee held at 9:15am on Wednesday 7<sup>th</sup> September 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 Lisa Stubbs)  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matthew Downey  
Cllr Lavinia Edwards  
Cllr Lis Every  
Cllr Bill Hunt (Chairman)  
Cllr Alec Jones  
Cllr John Trapp  
Cllr Gareth Wilson

#### **OFFICERS**

Maggie Camp – Director Legal  
Holly Chapman – Senior Planning Officer (in part)  
Caroline Evans – Senior Democratic Services Officer  
Rachael Forbes – Planning Officer (in part)  
Toni Hylton – Planning Team Leader (in part)  
Catherine Looper – Planning Team Leader (in part)  
Andrew Phillips – Planning Team Leader (Lead Officer)  
Dan Smith – Planning Team Leader (in part)  
Gavin Taylor – Planning Contractor (in part)  
Isabella Taylor – Planning Officer (in part)  
Angela Tyrrell – Senior Legal Assistant

#### **IN ATTENDANCE**

Parish Cllr Lea Dodds (Burwell Parish Council, Agenda Item 6 / Minute 20)  
Charlie Laing (Objector, Agenda Item 8 / Minute 22)  
Parish Cllr Anne Pallett (Soham Town Council, Agenda Item 5 / Minute 19)  
Nicky Parsons (Applicants' Agent, Agenda Item 5 / Minute 19 and Agenda  
Item 11 / Minute 25)  
Parish Cllr Richard Radcliffe (Isleham Parish Council, Agenda Item 11 /  
Minute 25)  
Fiona Regan (Objector, Agenda Item 7 / Minute 21)  
Gordon Rusk (Objector, Agenda Item 11 / Minute 25)  
Gordon Scott (Objector, Agenda Item 5 / Minute 19)  
David Taylor (Applicant's Agent, Agenda Item 6 / Minute 20)  
Parish Cllr Charles Warner (Soham Town Council, Agenda Item 5 /  
Minute 19)  
Sarah Watts (Objector, Agenda Item 6 / Minute 20)  
Ronald Wedd (Applicant, Agenda Item 9 / Minute 23)

7 other members of the public.

Cllr Mark Goldsack (Agenda Item 10 / Minute 24)  
Cllr Julia Huffer (Agenda Items 7 and 11 / Minutes 21 and 25)

Sally Bonnett – Director Communities  
Yvonne Carnichan – Development Services Support Officer  
Lucy Flintham – Office Team Leader, Development Services  
Annalise Lister – Communications Manager  
Sarah Parisi – Senior Support Officer  
Adeel Younis – Legal Assistant

**15. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Stubbs.

Cllr David Ambrose Smith was attending as substitute.

**16. DECLARATIONS OF INTEREST**

Cllr Every declared a prejudicial interest in Agenda Item 5 (21/00291/OUM: Downfield Farm, Fordham Road, Soham) due to being a trustee of a charity with an interest in the application. She stated that she would leave the Chamber for the duration of the item.

*9:19am – Cllr Every left the meeting.*

**17. MINUTES**

The Committee received the Minutes of the meeting held on 6<sup>th</sup> July 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 6<sup>th</sup> July 2022 be confirmed as a correct record and be signed by the Chairman.

**18. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- 154 affordable homes had been completed in the District during the previous year, the highest number for 10 years. In addition, a further 472 houses were built.
- The Council had been able to confirm a 5 Year Land Supply, and in fact had sufficient land supply for 7 years.
- A new Planning Manager, Simon Ellis, had been appointed and would be joining the Council on 31<sup>st</sup> October 2022.

**19. 21/00291/OUM – DOWNFIELD FARM, FORDHAM ROAD, SOHAM**

Catherine Looper, Planning Team Leader, presented a report (X44, previously circulated) recommending approval of an application seeking outline planning permission for up to 210 dwellings including affordable housing and self-build plots and one community building (which would revert to affordable housing should no provide come forward), together with public open space, landscaped buffer, and attenuation basin and drainage infrastructure within a 10.3 ha site. All matters were reserved apart from access which was proposed to be onto Fordham Road, north

of the junction with Orchard Row, and with a second emergency access point to the southern site boundary. The recommendation for approval was subject to the signing of a S106 legal agreement and conditions as detailed in paragraph 1.1 and Appendix 1 of the report, with two minor amendments to the proposed conditions since publication of the report:

To add the underlined wording to condition 2 to read “Approval of the details (excluding the community building) of the layout...”, and in condition 3 remove the crossed through wording to read “Approval of the details of ~~the site of~~ the community building...”.

Members were shown maps, aerial images, and indicative plans to illustrate the site’s location to the south west of Soham and within the countryside as identified in the Local Plan 2015. The site’s north and east boundaries adjoined the settlement boundary and there was a public right of way to the north with a new Hopkins development beyond. The south and west of the site was open and bounded by fields with a public right of way along the west boundary and a public highway to the south. Farm buildings were located in the middle of the site with open agricultural land around them. Various photographs of the site were shown from different vantage points.

The main considerations for the application were deemed to be:

- **Principle of development** – the Council’s position regarding the five-year housing land supply had been set out in full within the report. It was considered that the principle of development in this location on the edge of a market town was acceptable. Policy GROWTH3 required development proposals to contribute towards infrastructure or community facilities and therefore the principle of development for the community building was also acceptable.
- **Affordable housing** – the application proposed either 28% or 30% affordable housing, depending upon whether a provider came forward for a potential community building; the allocated land would be used for affordable housing if the community building was not realised. Both scenarios were at, or very close to, compliance with policy HOU3 of the Local Plan 2015. Minor weight had been applied against the 28% scenario due to its very slight non-compliance and this had been further reduced to very minor weight by virtue of the Council’s own viability assessment. The provision of 59 or 63 affordable housing units was a considerable benefit of the scheme and applied significant positive weight.
- **Self Build** – 5% self-build plots would be secured *via* the S106 agreement.
- **Residential amenity** – changes to the area in terms of the outlook and impact from increased noise and traffic movement were not considered sufficiently detrimental to warrant refusal. Any more localised impacts on residential amenity could be adequately mitigate with appropriate design, separation distances, and building heights. Conditions were recommended regarding construction times and the requirement for a Construction Environmental Management Plan. Full details would be considered at a reserved matters stage but it was considered that an appropriately designed scheme could be brought forward that would prevent detrimental impact to the amenity of neighbouring occupiers.
- **Visual amenity** – an indicative masterplan had shown large areas of open space and landscaped buffers with a gross site density of 21 dwellings/ha and a developable area of 35-40 dwellings/ha. However, the actual

densities would depend upon the detailed design which would need to demonstrate at the reserved matters stage that the proposed number of dwellings could be appropriately achieved with good quality design. The applicant had recognised in email correspondence that predominantly smaller units would be necessary to achieve the proposed maximum of 210 dwellings. The final number of dwellings would be determined at the reserved matters stage and would be informed by all material considerations and planning policies.

The applicant had submitted a Landscape Visual Impact Assessment (LVIA) which concluded that the development would result in limited impacts at localised levels limited to the site area and its immediate context. The LVIA concluded that the landscape and visual impacts would be limited and the proposed development would be acceptable. It was considered that an appropriate scheme could be submitted which provided high quality soft landscaping with the site and towards the site.

- **Highways matters** – in addition to a primary vehicular access onto Fordham Road there would be an emergency access, secured with collapsible bollards, from the unnamed road to the south of the site. The car and cycle parking provision would be assessed at the reserved matters stage but the illustrative masterplan had indicated that sufficient spaces could be provided to accord with policy COM8 of the Local Plan. The Transport Assessment Team had advised that footways on both sides of Fordham Road provided access to the key facilities of Soham town centre, and that public rights of way would be maintained as part of the proposal. There had been no objections from Cambridgeshire County Council Transport Assessment Team or the Local Highways Authority. The S106 agreement would secure upgrades to the existing nearby northbound bus stop on Fordham Road, and £183k towards capacity improvements at the A142/Fordham Road/A1123 roundabout.
- **Flood risk and drainage** – the application proposed sustainable drainage systems (SuDS) to control surface water runoff and rainwater would be dealt with *via* a piped drainage system that would outfall into an elongated wet attenuation pond that would also act as a swale in low flow conditions. This would outflow to the existing watercourse to the north of the site with a restricted outflow. The Lead Local Flood Authority had removed their initial objections, the Environment Agency had raised no objections, and Anglian Water had neither objected nor sought financial contributions.
- **Ecology** – the Wildlife Trust had provided a number of comments in relation to achieving net gain on the site; detailed design would be submitted at the reserved matters stage but it was concluded that a 10% net gain could be achieved. Conditions has been recommended to require a comprehensive scheme of biodiversity enhancements to be submitted with any reserved matters application.
- **Climate change** – it was considered that an appropriate scheme could be submitted at detailed design stage to maximise energy efficiency and incorporate renewable or low carbon sources. A condition requiring submission of an energy and sustainability strategy prior to commencement was recommended.

The S106 agreement would cover affordable housing, lifetime homes, self-build, public open space, SuDS, the community facility or extra affordable housing, a

Soham Commons contribution, the upgraded bus stop and financial contributions to the roundabout improvements, and education contributions.

On balance, the proposal was considered to be broadly compliant with the relevant planning policies and there were no significant adverse impacts that would weigh against the proposal. Members were therefore recommended to approve the application, subject to the signing of the S106 agreement and the conditions as previously advised.

On the invitation of the Chairman, Gordon Scott addressed the Committee as an objector to the application. He expressed his strong opposition to any further permissions being granted for housing in and around Soham since the village he had moved to 50 years ago was becoming a large and disruptive town. The construction process and the new houses destroyed the environment wildlife and birds were being left without habitats in the once-beautiful village. He also objected on the grounds of climate change and global warming.

Cllrs Jones and C Ambrose Smith asked the objector where he considered would be suitable for new homes to be constructed, given the local need for housing. The objector reiterated his opinion that developments were focussed on financial gain for the developer, rather than consideration for the environment, and questioned whether local people would benefit from the new homes.

In response to a question in the objectors' speech, the Chairman explained that affordable housing was a term that included both rental properties and shared equity properties.

The Chairman then invited Nicky Parsons, the applicant's agent, to address the committee. She highlighted that the proposed scheme was for up to 210 properties, including affordable dwellings and 5% self-build plots, together with a community building and with all matters reserved apart from access although an illustrative masterplan had been provided. Discussions had taken place with the Officer and with the community, and the application site had previously been considered by the Council to be in a sustainable location that would benefit the town. Vistry's aim was to deliver much-needed high-quality housing including policy-compliant 28% or 30% affordable homes. The Council had previously accepted that 20% affordable housing was an appropriate District-wide figure. Regarding the community building, the Ward Councillors considered that it would be best delivered on-site to balance community facilities across the town, whereas the Town Council did not believe that it would be needed there. Vistry therefore proposed that, if the Town Council's view proved to be correct, the land allocated for the community building should instead be used for affordable housing (hence the two potential percentage figures for affordable housing). The overall site would include public open space with various uses and would have a 10% biodiversity net gain. There would be jobs and investment during the construction phase and local spending would increase due to the new residents. There had been no technical objections and the application was supported by the Ward Councillors. There had also been no objections from any statutory consultees despite the concerns raised by the Town Council. Significant local benefits would be secured *via* the conditions and the S106 agreement, and the agent urged the Committee to endorse the Officer's recommendation and approve the application.

Cllr Jones asked for more information about the differing views concerning the community building, questioned why only one access point was being proposed, and asked if there were plans to upgrade the drainage since the Town Council had concerns about the drainage in the site's vicinity. The agent explained that Vistry had discussed the community building with the Ward Councillors and with the Town Council; there was general support in principle but the Town Council's preference was for inclusion in the centre of the town whereas the Ward Councillors favoured a spread of facilities by locating the building on the application site. Regarding the site access, Vistry had spoken to the Local Highways Authority prior to and since submission and they had been satisfied with the single access together with a second emergency access point. Regarding drainage, Vistry would provide oversized pipes and a valve pumping station with a capacity greater than would be needed by the site, thereby assisting the overall drainage needs in the immediate area.

Having received confirmation that the development site was outside the development envelope, Cllr Trapp suggested that 30% affordable housing was a low amount for development at that location and also asked if a provider had been identified. The agent commented that recent appeals in similar locations had given weight to affordable housing that was not in excess of the amounts proposed in this application. Initial discussions had taken place with some registered landlords but no decisions or agreements had yet been made.

In response to questions from Cllrs D Ambrose Smith and C Ambrose Smith, the agent explained that Vistry would initially be seeking interest from the District Council and the Town Council regarding management of the green spaces and paths, but a management company would be engaged if neither Council took on the responsibility. The site was designed to be open and accessible to all, and the Planning conditions could ensure that a management company could not take action such as installing fences or removing open spaces.

Parish Cllrs Charles Warner and Anne Pallett were then invited to speak on behalf of Soham Town Council. Parish Cllr Pallett stated that the Town Council's key objections were related to the site's location outside the development envelope, and concerns to do with drainage. The Planning Authority had assured the Town Council that the District had an excess land supply, but the 2015 Local Plan appeared to be being ignored in favour of the abandoned 2017 Plan since development of the application site would be contrary to the 2015 Local Plan. Large developments elsewhere within the development envelope had been approved but not yet completed and the 2015 Local Plan stated that those should be prioritised. Overall, the development was well-designed but the location was wrong for the town. A single access point for the 210 properties onto the busy Fordham Road was a concern and the Town Council did not support the on-site hall. In her opinion, the Local Planning Authority were not protecting Soham and its commons and open land from development; the town was becoming overdeveloped and congested and the infrastructure was insufficient. Fundamentally, the Town Council did not support the application because it was contrary to the 2015 Local Plan.

*10:04am - Cllr Downey joined the meeting during Cllr Pallett's comments. The Chairman later stated that, having missed the Officer presentation and part of the public speaking, Cllr Downey would be unable to participate in the debate or voting on this item.*

Focussing on drainage concerns, Parish Cllr Warner highlighted that drainage-related conditions from the nearby Morello Chase development had not been adhered to or enforced, and tankers had been used for 4 months after first occupation. Flooding still occurred near the application site. He understood that the Internal Drainage Board (IDB) had not been consulted on the application, which was a concern. Page 21 of the Officer's report included reference to potential risks to a fresh water aquifer, and he considered that the location of interceptor tanks at last 2m below the surface would threaten the aquifer. Page 22 of the report stated that Soham Water Recycling Centre did not have the capacity to treat the flows from the site and he therefore questioned how the contamination control requirements could be met. Should the application be approved, the Town Council requested written assurance that all conditions would be met.

Cllr C Ambrose Smith questioned why an on-site community hall was opposed since it would provide a more local venue for residents. She also commented that she understood that IDBs were consulted on all large applications. Parish Cllr Warner explained that the Town Council considered that money would be better spent on the existing sports hall than on a new community building, and a meeting room close to the application site was available on Staples Lane. He had spoken to the IDB the previous day and been told that they had not been consulted.

Following a request from Cllr Trapp for more information about the Morello Chase concerns, Parish Cllr Warner stated that the development had now been connected to the main sewer but tankers had initially been used. Contrary to the opinions of the District Council and Anglian Water, the Town Council had objected to that development on the grounds that there would be insufficient capacity in the sewer, and during construction it had become necessary to construct a new sewer at a cost of £0.75m. That new sewer would not be able to manage the proposed development, and a new pumping station was also due at this location. In short, there was currently insufficient capacity in the network to accommodate the application site. Parish Cllr Warner also confirmed to Cllr Jones that flooding still occurred in the area outside the public house.

At the request of the Chairman, the Lead Officer, confirmed that the application site was outside the village framework of Soham. Full details regarding the principle of development at this location had been provided in paragraphs 7.4 to 7.15 of the Officer's report, and it was considered to be acceptable due to it being a sustainable location and, as highlighted at a recent appeal, development within the District should be directed at market towns. He also confirmed as correct the Town Council's view that the draft 2017 Local Plan should not be considered or used.

The Chairman invited further comments from the Planning Team Leader in response to the issues raised by the public speakers. She stated that she had spoken to the IDB by telephone about this application and had not subsequently received any written comments. She also explained that there had been extensive discussions with Anglian Water regarding capacity for sewage and foul water from the site. They had advised that work was taking place regarding future investment and no involvement was expected from the developer.

Cllr Jones asked whether the recent appeal decision to the north of Soham had affected this application. The Lead Officer explained that Inspectors' decisions

were a material consideration and, based on recent decisions and the housing supply, Officers now considered that sites on the edges of market towns would be acceptable in principle.

Cllr Trapp noted that the Local Highways Authority had accepted a single site entrance, but he considered that two accesses would be an improvement and he questioned whether they would have accepted that. He also asked about the density of the nearby housing developments. The Planning Team Leader reminded Members that they could only consider the submitted proposal, which had a single access point and an additional emergency access point. Regarding density, the developments to the north and east of the site respectively had gross densities of 26 dwellings/ha (120 dwellings and 6 self-build plots across 4.8 hectares) and 20 dwellings/ha (78 dwellings across 3.85 hectares), including open space.

The Planning Team Leader confirmed to Cllr D Ambrose Smith that Soham did not currently have a Neighbourhood Plan.

The Chairman then opened the debate.

Cllr C Ambrose Smith stated that the application was relatively near to the town centre, included the possibility of a community building, and appeared to be acceptable overall. Although only indicative, the plan seemed generous in terms of open space.

Cllr Jones expressed concern regarding the drainage and reservations about building in the countryside. He was not convinced that there was a need for this development in Soham since there had been lots of recent development, particularly in this area of the town. He considered that more infrastructure was needed before developments such as the application would be appropriate. Cllr Trapp also stated his concerns regarding the drainage, restated his view that a second access point was necessary to ease traffic on the busy section of Fordham Road, and acknowledged earlier comments about the number of sites that had been given planning permission but had not yet been built. For a development outside the development envelope he would expect to see more than the minimum affordable housing provision. He proposed that the application should be refused, against the Officer's recommendation, on the grounds of issues with drainage and road access and insufficient affordable housing. Cllr Jones seconded the proposal.

Cllr Hunt stated that the road to the south of the site was narrow and he therefore considered it logical that there should be no regular access point along that road. He proposed that the Officer's recommendation to approve the application should be upheld.

The Lead Officer reminded Members that there had been no statutory objections concerning drainage or highway safety. The Planning Team Leader added that the conditions requested by those consultees had all been routine.

With the agreement of Cllr Trapp, Cllr Jones revised their motion such that the grounds for refusal would be that the site was outside the development boundary and development would be detrimental to the visual impact on entering the village. The Lead Officer reiterated that the site lay within an area of broad growth by virtue

of being adjacent to a market town, and the Officer's opinion that the principle of development would be acceptable was based upon legal advice, Inspector decisions, and internal considerations. Cllr Jones questioned at what point the growth of a town would cease to be acceptable, if building outside the development envelope was permitted despite a 5-year land supply indicating no current need. The Lead Officer and the Planning Team Leader reminded Members that the site was bordered to the north and east by the development envelope, together with there being houses to the south east, and was therefore considered to be well positioned in relation to built form. Cllr Wilson expressed concern that development outside the boundary was being considered reasonable due to its close proximity, and questioned the purpose of a development envelope if building around the edge of it would be acceptable.

Upon being put to the vote, the motion to refuse the application was lost with 3 votes in favour, 6 votes against, and 0 abstentions.

Cllr Hunt re-stated his proposal to agree the Officer's recommendation for approval, subject to the revised conditions that had been explained in her presentation. Cllr C Ambrose Smith seconded the proposal.

It was resolved with 5 votes in favour, 3 votes against, and 1 abstention:

That planning application ref 21/00291/OUM 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 minor amendments to conditions 2 and 3,<sup>1</sup> with authority delegated to the Planning Manager and the Director Legal Services to complete the S106 legal agreement and to issue the planning permission.

10:40am – Cllr Every returned to the meeting.

## **20. 21/00418/FUL – LAND TO THE WEST OF 75-91 THE CAUSEWAY, BURWELL**

Dan Smith, Planning Team Leader, presented a report (X45, previously circulated) recommending approval of an application seeking permission for the erection of six dwellings, as three semi-detached pairs, and associated hard and soft landscaping works including resurfacing of the unmade lane off The Causeway and alterations to the associated junction.

Members were shown a site plan demonstrating the location within the development envelope and conservation area, and bordered to the south by a terrace on The Leys, to the east by a terrace on The Causeway, to the west by a footpath and the bungalows of Poplars Close, and to the north by detached houses. Site photographs from within the site and looking along the access road were also shown. A layout plan, floor plans, elevations, and street views illustrated the proposed three uniform pairs of semi-detached houses. The proposal had initially been for seven properties but had been amended to six and they had been

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<sup>1</sup> Condition 2, add underlined wording: "Approval of the details (excluding the community building) of the layout..."

Condition 3, remove crossed-through wording: "Approval of the details of ~~the site~~ of the community building..."

repositioned and reoriented to provide parking to the east and private gardens to the west.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was located within the development framework where residential development was supported in principle under policy GROWTH2 provided there was no significant adverse effect on the character of the area. The site had recent previous permissions for six dwellings that had lapsed during the consideration of this application. The principle of development was therefore considered to be acceptable.
- **Neighbouring amenity** – by amending the initial scheme more space had been created between the proposed dwellings and the bungalows on Poplars Close. There was sufficient space between the proposed dwellings and the neighbouring properties that there would be no significant harm from overshadowing or visual intrusion and sufficient distance between the windows and neighbouring houses and gardens to ensure no significant overlooking. The minimum garden lengths were now 15m. All separation distances were included in the report and exceeded minimum requirements. There would be limited overshadowing of the ends of the gardens of properties on The Causeway to the North of the site but it was not considered to be harmful.
- **Visual amenity and historic environment** – the site was located within the conservation area behind the terrace of The Causeway and north of the terrace on The Leys. The re-siting of the houses within the overall plot meant that they were no longer in line with the terrace to the south, but resulted in more spacious gardens and reduced pressure on the existing trees. It was considered that the building line was less important than the impact on neighbouring amenity. Although the height of the buildings (9.2m) was greater than that of the neighbours, it was slightly lower than that which had previously been approved on the site. The design of the dwellings had been improved during the application process and a full soft landscaping scheme would be required by condition to supplement the retained trees and soften the impact of the built development by the use of soft boundaries.
- **Highway safety and parking** – the site would be accessed using an existing access point from The Causeway that currently served other properties and had been the approved access for the previous permissions for dwellings on the site. The Local Highways Authority had not objected to the intensification by the addition of six dwellings, providing that the junction at The Causeway be upgraded from a crossover to a bellmouth. The scheme for this would be conditioned. There was acceptable parking and turning provision in accordance with the Council's parking standards.
- **Ecology** – much of the existing planting on the site, which was former garden land, would be cleared but the trees and hedging to the rear would be partially retained. There had been local concern regarding unassessed garden ponds that the applicant had been unable to survey. The applicant had however entered into a District-Level Licensing scheme in order to compensate for the potential loss of great crested newt habitat on site. The Wildlife Trust was content with the impact, and mitigations and enhancements regarding loss of habitat would be secured by condition.
- **Flood risk and drainage** – the site was located within Flood Zone 1. Surface water would be dealt with *via* soakaways and permeable surfacing, and foul water would be connected to the main sewer. There had been

concern from a neighbour regarding the potential impact on a drinking water borehole but there was no obvious impediment to draining surface water from the site. Detailed drainage schemes would be required by condition.

In summary, the application was within the development envelope at a site where six dwellings had previously been approved. There was an acceptable impact on neighbouring amenity, visual amenity, the conservation area, highways safety, parking, ecology, flood risk and drainage. No significant harm had been identified. The application was therefore recommended for approval subject to the recommended conditions.

On the invitation of the Chairman, Sarah Watts addressed the Committee as an objector to the application. She stated that residents of The Causeway, and Newnham Lane and Poplars Close objected to the application and also had the support of the Parish Council. The proposal was ill-fitting to the area and, due to the downward slope towards the bungalows of Poplars Close would appear to be approximately 10.5m tall due to their additional height and roof space. There was no precedent for 3-storey dwellings in Burwell and in this location they would loom over the bungalows. Although it had been claimed that setting the roof windows at 150cm from floor level would prevent an external view, the average adult would be taller than that. Government publications on Planning policies stated that local communities should be fully involved regarding quality and design of developments and although she had offered to help with the design of the site she had not been included. She had a right not to be overlooked, or to feel overlooked, but her property would be overlooked by all rear windows of the development resulting in no private space. The trees between her property and the application site had initially been deemed to be of poor quality and earmarked for removal, but now appeared to be retained for screening purposes; these two positions were contradictory. The trees were also mostly deciduous and therefore not suitable for screening during the autumn and winter months and could also be damaged in a storm or be heavily pruned or felled in future. The trees were also damaging the pavement and several neighbouring properties had suffered subsidence issues related to the trees which should not be ignored. She also believed there to be inaccuracies in the biodiversity report, which she had brought to the attention of the Planning Officer. In particular, there were owls nesting in the trees, a water vole and newts in her garden and bat boxes on her wall, and a 42sqm pond stocked with frogs and nesting ducks and newts next to the conservation area. She referenced a development of similar houses in Cambridge that had proved costly for the City Council in terms of compensation payments and, whilst recognising that each application was judged on its own merits, urged the Committee to note the similarities and not allow similar mistakes in a village setting. She considered the application to be overbearing, intrusive, and overdevelopment of the site but emphasised that an appropriate design such as bungalows or chalet bungalows would blend with the streetscene and support the growth of Burwell without causing major disruption to existing residents. She asked the Committee to reject the application and prevent urban sprawl within the village.

Cllr Trapp asked whether the objector considered two storey properties to be more appropriate for the site. She confirmed that two storeys would be preferable to the three-storey proposals, subject to window placement and added that the proposed designs at over 9.2m tall were not comparable to the examples of attic conversions in the vicinity because those properties were originally two-storey buildings.

Cllr Edwards asked whether the objector was concerned that the hedging would be removed due the damage it was causing to the footpath, and her property would then be overlooked. The objector confirmed that to be the case. She had initially understood that the arboricultural assessment had indicated they would be removed, whereas they were now proposed to act as a screen.

The Planning Team Leader informed the Chairman that although David Taylor, the applicant's agent, had not registered to speak, he was present at the meeting should Members have any questions for him. Cllr Jones asked whether 2-storey dwellings had been considered. The agent stated that there were properties along The Leys with loft conversions that were therefore 3-storey properties, and the proposed dwellings would be 2.5-storey with the roof windows set high for ventilation rather than viewing purposes. He also mentioned that the properties would be starter homes. In response to questions from Cllrs Downey and Wilson, the agent stated that there was no intention to remove many of the trees along the boundary, but they were of no significance that would make them suitable for a Tree Preservation Order.

Parish Cllr Lea Dodds was then invited by the Chairman to address the Committee on behalf of Burwell Parish Council. He stated that the Parish Council had three main concerns, all relating to safety: safe access to the development; the safety and maintenance of The Leys track; and safety at the junction with The Causeway. Regarding safe access, reference had been made to previous planning permissions for the site, but the current application included a new 8m x 8m turning head at the entry point. Members would have seen on their site visit that the turning head area was used as a parking area for residents of The Leys track. This had been the case for many years and there was no nearby alternative. The track was not adopted and the owner was not known. Although the residents had no legal right to park there, neither did the applicant have a legal right to designate it as a turning head or control the parking there. The plans showed lorries reversing where the track tapered and there was therefore concern that drivers could inadvertently swing the rear across the public footpath that was a popular route for travelling to and from school and nursery. The lack of street lighting would further add to the danger. Regarding safety and maintenance of The Leys footpath and track, the application proposed a permeable tarmac surface for the track but no plan for its future maintenance. The public footpath along the side of the track also needed to be clearly defined and protected. The Parish Council therefore requested that, if approval was given to the application, a condition be added to ensure that the track and road junction be of a standard required for adoption by Highways, including drainage, pavements, and lighting. Finally, regarding safety at the junction with The Causeway, the Parish Council were of the opinion that the proposed upgrade to a bellmouth could decrease rather than improve its safety. The current layout confused motorists and therefore they slowed down, whereas a standard junction would not have that effect. The Causeway was part of a traffic-free section of National Cycle Route 51 and was a busy pedestrian route to the school. If the application was to be approved, the Parish Council asked that speed control measures such as a raised table crossing be installed at the junction with pedestrians and cyclists being given clear priority over motor vehicles.

Cllr Jones asked about the access rights and ownership of the track, and whether the safety concerns about lorries referred to the construction period. Parish Cllr Dodds explained that no owner had ever been identified (efforts had been made

due to the condition of the track) but the adjacent footpath was a public right of way and, by usage, the track was also considered to have public access. The track was already unsafe and an additional six properties with associated cars and deliveries would worsen the situation. He also confirmed that the application site was land that had previously been gardens, but those who parked along the track were the residents of the terrace facing the Leys footpath and not those who had sold the land for development.

In response to further questions from Cllr Trapp regarding the safety along the track, Parish Cllr Dodds stated that it was common to find vehicles parked on the footpath and he considered that safety would be further compromised by the creation of a turning circle in “no-man’s land”. There would be congestion and difficulties with the access whatever arrangements were in place.

Responding to comments raised by the public speakers, the Planning Team Leader stated that, regarding neighbour impact, the separation distances were given in the report and were in excess of those required by the Design Guide with the lower land of the neighbouring bungalows accounted for. The screen planting was not necessarily critical but nonetheless the applicant intended to retain it.

Cllr Wilson questioned the height of the proposed buildings within the conservation area. The Planning Team Leader stated that he was content that the design was of good quality and the Conservation Officer was also content. The buildings would be of a similar scale and a better design than the previously approved pair on the site.

In response to questions from Cllr C Ambrose Smith regarding the suitability of the third storey windows in the site’s location, the Planning Team Leader explained that the roof windows would be approximately 23m from the rear boundary, beyond which was a 2m footpath before the neighbouring garden boundary, and that this represented adequate separation. In addition, the rear windows served bathrooms. The first floor windows were approximately the same height that would be expected for a two-storey building, and then the roof windows would be higher. Whilst he understood neighbouring concerns regarding overlooking, from a Design Guide perspective the Officers were satisfied. Cllr Wilson asked whether opaque glazing had been considered for the roof windows and the Officer stated that he had not considered it to be essential. Although Members could impose additional conditions to those suggested they must be reasonable and necessary, and Members were reminded that the windows served bathrooms.

Cllr Jones questioned the increase from two to four to six proposed dwellings on the site over the course of its planning history. The Planning Team Leader explained that the southern part of the site had previously gained outline and then detailed reserved matters permission for two dwellings, and the remainder of the site had previous outline permission for four dwellings, which gave a total of six for the whole site. Replying to a further question, he explained that the proposed bellmouth junction would be within the adopted highway and would be secured *via* planning condition and as part of the Highways agreement.

In response to questions from Cllr Trapp, the Planning Team Leader explained that a vertical line in the site plan represented a foul main that would need to be diverted prior to construction and would be a matter for the water board by agreement, and

confirmed that permission would be required to fell any trees over a certain size since the site lay within the conservation area.

The Planning Team Leader explained to Cllr Downey that the density of the site would be roughly similar to the surrounding densities although the properties would be taller.

The Chairman then opened the debate.

Cllr Brown considered that the decision centred on Members' judgement between the views of the Officer and their own personal views regarding the impact of the proposed development. He proposed that the application be refused on the grounds that the height of the proposed dwellings would be overbearing and would cause an unacceptable detrimental impact on the residential amenity of neighbouring properties. Cllr Edwards seconded the proposal and commented that the style appeared more suited to a town than a conservation area.

Cllr D Ambrose Smith had little issue with the design but did agree with the Parish Council views regarding access and the turning area, and considered that the proposal represented overdevelopment of the site. Cllr Every agreed, and also understood the neighbour's concerns regarding overlooking.

Cllr Trapp did not agree with the agent's suggestion that the properties would be starter homes, and he considered that they would be excessive for the neighbourhood. Although he had initially been in favour of the development, he had been persuaded otherwise by some of the arguments presented at the meeting.

Cllr C Ambrose Smith considered that the development would be a well-hidden and the heights would not be an issue. She did however understand the Parish Council's concerns regarding access.

Cllr Downey agreed that the proposals did not appear to be starter homes, and he suggested that the site could be better used to provide more smaller homes that would be less impactful and could trigger the requirement for affordable housing.

Cllr Brown, with the agreement of Cllr Edwards, added concerns about the access traffic to the reasons for his refusal motion.

It was resolved with 8 votes in favour, 2 votes against, and 1 abstention:

That planning application ref 21/00418/FUL be REFUSED on the following grounds:

- The height of the proposed dwellings would be overbearing and cause an unacceptable detrimental impact on the residential amenity of neighbouring properties.
- Concerns regarding the access from The Causeway, the turning and access area into the site's parking area, and potential vehicular conflict with the public right of way along the access lane.

*11:42-11:45am – A brief comfort break was taken.*

**21. 21/00703/VAR – LAND ADJACENT TO 2B MOOR ROAD, FORDHAM, CB7 5UR**

Toni Hylton, Planning Team Leader, presented a report (X46, previously circulated) recommending approval of an application seeking retrospective permission for the erection of four detached dwellings with garages, outbuildings and associated works. She drew Members' attention to proposed condition 9 which erroneously referenced plot 1 rather than plot 2. She explained that plots 1 and 2 had roof windows but only plot 2 had accommodation within the roof space. Plot 4 did not have a garage. Members were reminded that Fordham Parish Council's comments had been circulated earlier in the week.

A location plan, aerial photograph showed the site's location at the northern edge of Fordham, and a site plan, elevations and floorplans provided further details about the site.

Of the main considerations for the application, visual amenity, highway safety, residential amenity, drainage and flood risk, and ecology and trees had all been discussed within the report.

- **Principle of development** – planning permission had been granted for four single-storey dwellings with garaging, parking and associated site works as a phased development (19/00887/FUL). The principle of development was therefore acceptable.
- **Comparisons with approved scheme** – Construction had now finished and the dwellings were occupied. When compared with the plans approved in 2020 there were several differences: the inclusion of porches; garages rather than car ports on three plots; plots 1 and 2 had first floor windows to the east-facing elevation overlooking the fields on Moor Road; plot 2 had a first-floor bedroom with en-suite shower room and dressing room; plots 1, 3 and 4 had outbuildings; and there were changes to the boundary and landscaping treatments. Images were provided to illustrate all of the changes.

The issues to be considered in determining the application were whether the variations to the agreed plans caused demonstrable harm, and whether the significance of the changes caused demonstrable harm. The fact that the application was retrospective did not constitute demonstrable harm.

The Officer's recommendation was that the application should be approved subject to the conditions detailed in the appendix to the report.

On the invitation of the Chairman, Fiona Regan addressed the committee as an objector to the application. She stated that she was speaking on behalf of other residents as well and that there was significant local anger regarding the application. Fordham Parish Council had vehemently objected and eight residents had also submitted objections; residents and the Parish Council should not be ignored. The developer had been told that deviating from the approved plans would be at his own risk and cost, and ECDC had been alerted as construction took place. The builder had been verbally abusive and threatening when her husband had photographed the site. When approving the development in January 2020, Members had stipulated conditions including that there should be no variations to the roof or car ports and there should be no outbuildings. The builder had not agreed with the conditions or complied with them. The Enforcement Officer had

visited the site and the Case Officer had sought revised plans from the builder on three occasions. By the time the plans were submitted, the properties were complete and occupied. Fencing had also been added and was subject to an enforcement notice. The cost of alterations had always been at the builder's risk and he had profited from the development. In her opinion, the Committee should use their integrity and honesty to refuse the submitted variations in order to uphold that what had lawfully been agreed was what should be built: if there was no enforcement or recourse then there was little purpose to the conditions.

In response to a question from Cllr Trapp, the objector confirmed that the construction had deliberately been undertaken with variations from the approved plans and the Enforcement Officer had stated that the construction was at the builder's risk.

When asked by Cllr Jones whether she objected to all variations on equal terms, she explained that the developer was aware that the veluxes, gable end windows, porches, fences and alterations to the car ports were all contrary to the permission granted by the Planning Committee. Viewed sympathetically, the new owners may have been unaware that they should not construct sheds and other outbuildings.

Cllr C Ambrose Smith commented that the houses were attractive and garages would be more practical than car ports from a storage and security perspective. She questioned what would be the objection to garage doors and to garden sheds. The objector explained that adding doors to the car ports affected the square foot capacity of the plots and increased the total square footage to a level requiring a contribution to affordable housing. She reiterated that the strong objection was regarding the builder having knowingly and deliberately deviated from the conditions that had been imposed in the planning permission. If the houses had been built according to the plans and a subsequent owner had applied for planning permission for additional windows or other alterations that would be a separate matter.

The Chairman then asked the Senior Democratic Services Officer to read aloud the statements supplied by a supporter and by the Parish Council.

Statement from Darren King and Natasha Crotty:

*"We are writing this email as residents of 5 Arthur's Way, Fordham.*

*We would like to share in support of this application.*

*As residents of the development for over a year and previously as residents of the village and surrounding areas we choose this development because of its location, quality of build, and design, which has taken into account the preservation of its local surroundings with a low profile roof space and traditional brick and flint finish.*

*We are a young growing family with plans to stay in our home for longevity hence, the need for our upstairs living space.*

*Since living in our home we have applied a privacy film to the upstairs gable end window following complaints of being able to see into this living space. We*

*have also invested heavily into our garden space to ensure additional privacy to our neighbours/ walkers and to be considerate of the local wildlife.*

*We look forward to the apprehension of ongoing disputes coming to a close so that we can move on and enjoy our home in peace.”*

Statement from Fordham Parish Council:

*“With regard to this application, Fordham Parish Council originally approved the plans on the grounds of affordable housing being available in the form of 4 2-bed bungalows. The site is very far removed from the original plan and has in no way given the village the affordable housing it requires.*

*It would appear, that the applicant has blatantly disregarded the views of the Residents, Parish Council and indeed East Cambs Planning in what has now been built on the site as it does not resemble the original application at all. As a Parish Council we feel that we have been completely ignored in our efforts to keep the site to its original design and would urge the Planning Department to restore the site to follow the original application. Fordham Parish Council is also very concerned that if this development is allowed to stand, it makes a mockery of the whole planning process which others might be tempted to follow. Having seen this developer apparently “get away with it”, others might be encouraged to flout the views of the Council and local parishioners and this development could set a dangerous precedent in our village, which has blatantly disregarded the basis on which the planning permission was granted.*

*We have the following statement which we now attach to all planning applications and would ask that no further damage be done to the landscape and wildlife in the area covered under 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.”*

Cllr Huffer was then invited by the Chairman to speak as the Ward Councillor for Fordham. She stated that there had been issues with the development since before planning permission was granted, but the applicant’s disregard for planning permissions or conditions had exacerbated the situation. In April she had challenged him about the breaking of planning conditions by working on site on a Saturday afternoon and he had stated that there was nothing that either she or the District Council could do to stop him. Shortly before that she had visited the site with the Enforcement Officer due to concern that planning conditions were being breached by constructing rooms in the roof space, which had been conditioned against when the original permission was granted. On that visit, the applicant had demonstrated that there was no staircase and had explained that the large window was simply to provide light for the roof space. Within weeks she saw plasterboarding and lights being fitted and shortly afterwards the new owners

installed their bedroom. Conditions 17-19 of the application referred to policy ENV2 of the Local Plan 2015 which was designed to safeguard the character and appearance of the area; she reminded Members that the site was in open countryside on the edge of the village. In her opinion, the additional large gable windows on plots 1 and 2 intruded into the open countryside and spoilt the character and appearance of the area. The close-boarded 2m high fencing with concrete posts was oppressive and industrial and did not safeguard the character and appearance of the area. Having participated in Planning Committee decision-making she knew the importance of applying conditions designed to preserve the integrity of the surroundings; in this case there had been a deliberate attempt by the applicant to undermine the planning process and she therefore urged the Committee to refuse the application on the grounds of harm under policy ENV2 and send a clear message that unapproved works could not be carried out on the assumption that retrospective permission would be granted. Further, she asked the Committee to issue a Breach of Condition notice, to which there was no right of appeal, citing the breaches of conditions 17-19.

In response to a question from Cllr C Ambrose Smith asking why the work had not been stopped once it was clear that the builder had deviated from the approved plans, Cllr Huffer explained that the applicant had continually stated that he was submitting revised plans, and both the Agent and the Planning Team Leader had worked very hard to obtain those plans.

The Chairman invited comments from the Planning Team Leader, followed by questions for her from Members. The Planning Team Leader stated that, if the Committee were to refuse the application then enforcement action would be necessary and would most likely be regarding refusal of the current application rather than as a breach of conditions.

Cllr Downey asked for further explanation since the builder had breached the original conditions. The Planning Team Leader explained that the issue was a variation of the approval, which was the subject of the current application, and therefore the refusal of the variation is what would need to be enforced. The Lead Officer added that although the Council could enforce the lack of compliance with some conditions, if the current application was refused then the developer would be likely to appeal the decision and if the Inspector upheld the appeal then the enforcement notice would have no weight. Cllr Downey then questioned why the Officer report recommended approval. The Planning Team Leader explained that she shared the frustration about the manner in which the application had been developed, but in determining any application, including retrospective applications, it was necessary to consider whether the proposal caused demonstrable harm. In this case, the changes were not considered to cause demonstrable harm and therefore approval was recommended.

Cllr Every recognised the general angst but was also concerned for the residents who had bought their homes in good faith and asked about the practicalities if the application was refused. She also asked whether a refusal could be overturned at appeal due to no demonstrable harm. The Planning Team Leader stated that any enforcement action would need to be taken against the current owners, and confirmed that there would be the opportunity to appeal against a refusal.

Cllr D Ambrose Smith asked whether the Committee could approve the application and also fine the developer for a breach of condition; now that the properties were occupied he echoed Cllr Every's concern about practicalities. The Planning Team Leader stated that that would not be within the remit of the Planning system and was therefore not an action the Committee could take.

Cllr C Ambrose Smith asked whether the planning permission could be revoked and the entire scheme be revisited. However, she recognised that this would leave the residents in an impossible position should permission then be refused. The Lead Officer explained that planning permissions could be revoked but he understood that the Council would then be liable for compensation to the value of the properties since permission had originally been given. He also explained that the original conditions did not mean, for example, that no outbuildings could ever be constructed, they did however require permission to be sought for any such changes.

Cllr Trapp suggested that the development did cause demonstrable harm to the residents of Fordham and the Parish Council, and to the power and authority of the Planning Committee. The Planning Team Leader reiterated her understanding of the frustration surrounding the application. However, from a Planning policy perspective, a builder's attitude or a retrospective application were not reasons for refusal. Cllr Hunt expressed agreement with Cllr Trapp's position.

Cllr Jones asked for the Officer's view on the likelihood of a successful appeal against a refusal, and asked whether the initial proposal of car ports rather than garages had reduced the need for an affordable housing contribution. The Planning Team Leader stated that there would be potential for a successful appeal, and explained that there had been a change in the NPPF regarding square footage for requiring affordable housing but, at the point of approval, garages rather than car ports would have taken this development over the threshold. However, recent discussions with Housing Officers had suggested that this applied only to developments of more than 10 houses, rather than being purely based on floor space. In response to Cllr Trapp, the Planning Team Leader stated that the site permission had never been for affordable housing, and the Housing Officer had stated that it did not meet the criteria for affordable housing.

Cllr Wilson asked whether the additions windows and rooms would increase the floorspace and therefore increase the CIL charges, and if so would approval generate additional CIL payments. The Planning Team Leader confirmed this to be the case and explained it would be attached to any approval as an informative from a different department.

The Chairman then opened the debate.

Cllr Jones stated that he considered the builder to have taken advantage of the Council. However, the Council could be liable for costs in an overturned appeal. He concluded that he would very reluctantly be in agreement with the Officer's recommendation but the Council should reclaim the CIL and any other appropriate charges. Cllr Brown agreed, and added that any other course of action would be damaging to the current residents. He expressed regret that the development had not been halted before the properties were sold. Cllr C Ambrose Smith added that the builder had shown no regard for good practice.

Cllr Downey stated that the Committee should enforce the rules. He considered that demonstrable harm had been caused since the Committee had previously deliberated and then imposed conditions which should now be enforced. If the application was to be approved then the setting of the previous conditions should be reviewed and thought given to how conditions should be imposed in future. Cllr Trapp added that the owners may have indemnity against the developer, and questioned why the building work had not been stopped since the Enforcement team should be ensuring building works were in accordance with plans. In his opinion the application caused demonstrable harm to the neighbours and to the wider community, and an Inspector would find a development to be incorrect if the built form differed from the plans. He therefore proposed that the application be refused.

Cllr D Ambrose Smith proposed that the application be approved for the benefit of the residents, but the applicant be fined £50k for the breach of conditions. The Director Legal reminded Members that issuing a fine would not be within the remit of the Local Planning Authority.

Cllr Every understood Cllr D Ambrose Smith's sentiment and agreed with all comments regarding the appalling practice regarding the development, but proposed that the application be approved since refusing it would penalise the residents rather than the builder. The Chairman asked Officers whether there was a mechanism to ensure maximum compliance, for example with CIL, should the application be approved. The Planning Team Leader explained that there was an informative for recouping the CIL. Cllr Hunt then stated his agreement with the sentiments expressed by Cllrs D Ambrose Smith and Huffer, but faced with the reality of the options available he unfortunately agreed with the officer recommendation subject to maximum compliance and CIL receipts, and he reluctantly seconded Cllr Every's proposal.

With regard to Cllr Every's concerns about the impact on the residents, Cllr Downey asked what would be the effect of the application being refused. The Planning Team Leader explained that, subject to any appeal being dismissed, the residents would be required to revert to the original plans by removing the additional windows, porches, garage doors and outbuildings, and the additional bedroom in plot 2.

Cllr C Ambrose Smith questioned why the purchasers' solicitors had not flagged these issues, and Cllr Wilson asked whether broken conditions could be recorded with the Land Registry. The Director Legal stated that without unless enforcement action had been taken the solicitors' searches may not have shown any information. Enforcement actions would be recorded on Local Land Charges but not at the Land Registry.

The Director Communities then informed Members that any additional CIL would be recouped from the occupants rather than the builder, since the landowner would be liable. On being asked by the Chairman whether the Committee had any options that would affect the builder rather than the residents, the Lead Officer explained that any enforcement action or CIL payments would be for the landowner because upon purchase they took responsibility for the land. He reminded Members that the Planning process controlled developments rather than people, and that the

Committee's responsibility was to judge each application on its merits rather than the individuals related to it.

Cllr Downey suggested that the application be deferred in order to seek a resolution that would not penalise the owners. The Director Legal explained that if the developer had already paid the CIL for the development then the owners would only be liable for the additional payments related to the porches, garage and extra bedroom. Members needed to consider the merits of the application before them and her advice to the Committee was that there were no reasons relating to Planning considerations that could be used for deferral.

Cllr Wilson commented that, if faced with an unexpected bill relating to the site, the new occupants could choose to pursue the developer *via* legal routes rather than pay it themselves. He felt that all Committee members opposed the actions of the developer, but there were no Planning reasons for refusing the application.

Cllr Trapp reiterated his view that there was a matter of principle involved, and he considered this to be an Enforcement issue rather than a Planning issue. He also considered that the owners should seek redress from their conveyancer for failing to recognise that the properties were not in accordance with their plans and there was no reason not to refuse the application.

It was resolved with 9 votes in favour, 2 votes against, and 0 abstentions:

That planning application ref 21/00703/VAR be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report, with "...Plot 1..." corrected to "...Plot 2..." in Condition 9.

*The meeting was adjourned at 12:50pm.*

*The meeting resumed at 4:00pm.*

**22. 22/00127/VAR – LAND EAST OF ORCHARD COTTAGE, 11 CHAPEL LANE, REACH, CB25 0JJ**

Gavin Taylor, Planning Contractor, presented a report (X47, previously circulated) recommending approval of an application seeking permission to vary some elements of previously-approved 19/01439/FUL for the erection of a single dwelling and associated access. He drew Members' attention to the various items of additional information that had been supplied to them earlier in the week, including an amended site plan, an updated arboricultural impact statement and an agreement to precommencement conditions, and some further representations. In addition, a statement from the Ward Councillor to be read aloud at the meeting included the suggestion for additional condition to ensure that the surface of the driveway would drain within the site in a bound material; Officers were in agreement that a suitable condition should be added to those already detailed in the report's appendix.

A location plan, aerial photograph, photographs of the site and nearby properties, and site plans for the previously-approved application and the current variation were provided. The site was located on a rural road within the conservation area of Reach, in the rear garden of 11 Chapel Lane and with the listed building "White

Roses” to the west. To the south was a more built-up area of the village. The application included a wider driveway for greater parking provision, meaning that the dwelling would be approximately 1m further south, and a heat pump would be located at the rear.

*4:06pm Cllr Jones joined the meeting.*

Images of the approved and proposed elevations and floor plans were provided to show the proposed addition of a canopy over the front door, additional rooflights and ground-floor windows, and revised internal layout. The proposal would site the dwelling approximately 40cm higher than the approved design since the initial archaeological dig, and drainage investigations, had indicated that a higher position would be better for less intrusive foundations. Images were provided to illustrate the difference with respect to the neighbouring Dolphin Cottage. Variations were also proposed in terms of render rather than brickwork and again, images were provided.

*4:08pm Cllr Austen joined the meeting.*

The main considerations for the application were deemed to be:

- **Principle of development** – the application was a variation of an approval granted in 2020. The principle of a dwelling in this location was unchanged.
- **Residential amenity** – the amendments were not considered to result in overlooking, overshadowing or overbearing and would afford future occupants with a good sense of amenity. The air source heat pump was acceptable, subject to a compliance condition controlling noise, and could in any case be achieved through permitted development. The existing conditions secured under the original permission would also protect amenity. Full details were provided in section 7.2 of the report.
- **Visual amenity and impact on the historic environment** – additional windows and rooflights to the ground floor and rear of the dwelling would not increase harm to the area or to the setting of the listed building. The increased height would not result in substantial harm to the conservation area or the listed building over and above that which had already been permitted. The increased driveway width would not harm the character of the area, and could provide benefit to residents given the on-street parking issues. The existing conditions secured under the original permission would also protect the character of the area.

The original planning permission included a condition requiring a sprinkler system but the applicants had requested a revised condition stating that the system should only be required if specified by Building Regulations. This was considered to be an acceptable change.

In summary, the proposal sought to make minor material amendments to the permitted scheme, through S73 of the Town and Planning Act 1990. The effect of approving the application would be to re-issue a planning permission and therefore any relevant conditions and obligations from the original permission should be re-imposed and any appropriate additions made. In determining the application, only the disputed conditions should be considered, rather than revisiting aspects of the prior approval. The proposed changes were considered to be minor and would not substantially alter the scale or nature of the development and, subject to

appropriate conditions, would not give rise to unacceptable impacts on residential amenity, the historic environment, highways, biodiversity or drainage. The application was therefore recommended for approval.

The Chairman stated that, having only missed a small part of the Officer presentation, Cllrs Jones and Austen would be able to participate in the debate and voting on this item. He then invited Charlie Laing, an objector to the proposal, to address the Committee.

The objector explained that he was speaking on behalf of the residents of seven properties along The Hythe all of whom had objected to the original application on the basis of drainage, road safety, parking, the impact on a listed building, and the site being in a conservation area. That application had been approved by the Committee by a single vote and had included digging down in order to minimise the impact of overlooking on the listed building opposite and to be sensitive to the conservation area; these considerations had not changed. It was unclear which variations were being considered since two sets of amendments had been submitted and the plans were not clear. The altered siting and design and material details were of concern to the conservation area. Although the changes may appear to be minor, the objectors considered that the original application may have been refused if they had been part of that application. They urged the committee to reject any increase to the ridge height and to retain the originally agreed plans.

Cllr C Ambrose Smith questioned why the seemingly minor alterations would be objectionable, and suggested that an additional off-street parking space and a heat pump would be positive changes. The objector stated that all of the revisions could have been in the original application, but the main concern was the additional height. The plot was set on a bank and therefore already set above The Hythe, so any increase to the height would be significant. The applicants had initially proposed to lower the land which suggested that they were aware that the height would be an issue.

Cllr Trapp questioned whether the main objection was that the variations could have been incorporated in the original plans. The objector reiterated that the applicants had initially sought to reduce the impact of the height, since nothing had changed in that regard the proposed increase in height was a concern.

The Chairman asked the Senior Democratic Services Officer to read aloud the statements submitted by a second objector and by the Ward Councillor, Cllr Charlotte Cane.

Statement from Tim Clutton-Brock and Dafila Scott:

*"We would like to object to the proposed increase in height of the planned house on land to the east of Orchard Park, 11, Chapel Lane, Reach.*

*The proposed site of the house will already place it substantially above the roadway and the Drying Green on the Hythe. When the original plans were put to the planning committee, the ridge height was identified as a potential problem and the committee were finely divided on whether to grant permission for a building on the site at all, though it was eventually passed by one vote.*

*The Hythe is a conservation area, and with an increased ridge height, the house will appear even more out of place. A 41cm increase in ridge height represents a substantial increase which we believe will raise it above the height of the nearest neighbouring house. Had the original plans included a ridge height of this level, it is possible that planning permission would have been refused. We consequently think that the applicants should keep to the ridge height of the house as agreed in the original plans and we urge the committee to reject any increase.”*

Statement from Cllr Cane:

*“Thank you for reviewing this application at Committee. I apologise that I cannot be present and am grateful to the Officer for reading out my concerns.*

*I also regret that Reach Parish Council will not be present. I queried with the previous Officer on 9 May whether or not Reach Parish Council had been consulted but received no response. I asked again on 17 August and was told that the consultation email had been sent in February. The Clerk confirms that she did not receive that email. It is disappointing that Reach Parish Council has not been given proper chance to comment, despite my raising it as an issue back in May. Once the Parish Council had been consulted on the latest version of the variations on 26 of August they were unable to call a quorate meeting prior to your meeting due to holidays and other commitments and the notice period required for meetings. The Committee therefore does not have the benefit of the Parish Council’s views.*

*I am concerned about:*

*The revised height of the roofline;  
Moving the footprint of the building closer to Dolphin Cottage (also known as Black-eyed Susan), combined with the addition of an air source heat pump;  
The very large drive and parking area;  
Not requiring frosted windows; and  
Not requiring the brickwork to be agreed.*

*The revised height of the roofline*

*The building appears to be the same height as the approved plans, but the ground level will be reduced by less than planned, meaning that the roofline will be about half a metre higher. This will make it more dominant. The report states that the roofline will be lower than that of the listed building. I am not sure that is correct, because the roofline is measured from ground level and this site is roughly 1m higher than the ground level opposite. Even with the planned reduction in ground level, I think the new roofline would be higher than that for White Roses if measured from sea level, and will therefore be higher visually. Furthermore, there are windows in the front roof which would be about half a metre higher than originally proposed and therefore could overlook White Roses, a listed building.*

*Moving the footprint of the building closer to Dolphin Cottage (also known as Black-eyed Susan), combined with the addition of an air source heat pump*

*Moving the building about 1m south takes it closer to the cottage and garden of Dolphin Cottage/Black eyed Susan. The addition of the ground source heat pump could cause noise nuisance to the residents of that property – even with*

the proposed conditions. 1m may not seem much, but it could make a significant difference to noise levels in what is currently a very quiet country lane. NB the plan with this report may not be clear to the Committee – Dolphin Cottage is the small cottage immediately next to the development site. The wording 'Dolphin Cottage' on the plan is in the garden of 9 Chapel Lane.

#### The very large drive and parking area

The proposed drive is very large and risks creating an urban feel to this country lane. But my bigger concern is water run off if the drive is not fully permeable. Waste water management is already an issue in the Hythe, I would not want this drive to add to those problems. If the Committee is minded to approve these variations, I would ask that a condition is included that the drive must be fully water permeable and not have any hard surface.

#### Frosted windows

The reason for requiring frosted glazing in original condition 17 was “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”. These windows will still be in a Conservation Area and within the setting of a Listed Building. The condition requiring frosting should therefore be retained.

#### Brickwork to be agreed

Original Condition 10 in fact requires:

“No above ground construction shall take place until a sample panel measuring no less than 1 meter square has been constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection and agreement in writing by the relevant officer. The panel shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. All works shall be carried out in accordance with the approved details.

10 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”

This reason remains – the building is in a Conservation area and in the setting of a listed building. The condition allows the brickwork, pointing and mortar mix to be agreed and for an example to be retained so that the building conforms to what was agreed. If most of the building is to be rendered, it would be better to reword this condition than to remove it. eg:

“No above ground construction shall take place until a sample panel measuring no less than 1 meter square has been constructed on site showing details of the proposed brickwork and rendering; including colour, texture, bond, pointing and mortar mix to enable a site inspection and agreement in writing by the relevant officer. The panel shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. All works shall be carried out in accordance with the approved details.”

*This is a really sensitive site and it is critical that the appearance of this building respects that sensitivity.*

*If the Committee is minded to approve these variations, I would strongly support the suggested conditions plus retaining the original condition 17 requiring frosted windows and the original condition 10, possibly reworded. I am particularly concerned about the archaeology. As the County Archaeologist has noted "significant archaeological remains of medieval and post medieval date survive in the area". This is a fascinating part of Reach and could give insights into the full extent of the Devils Dyke and when it was reduced, as well as the extent and operation of Reach Port. A proper programme of archaeological investigation is essential before development commences and this should cover all areas which will be disturbed in any way."*

In response to the comments of the public speakers, the Planning Contractor stated that he was satisfied with the character effects of the drive but agreed that a condition could be added regarding the surface water run-off. In terms of brickwork, the majority of the building would be rendered and a brick panel was therefore not needed.

Cllr Jones questioned whether the increased ground height was necessary from an archaeological or drainage perspective, or purely a preference, and asked about the ridge height. The Planning Consultant stated that he was not aware of a specific requirement but the applicants had indicated that they considered the revision to be more in keeping with the neighbours as well as reducing any archaeological impact. Some mitigation had been requested regarding archaeological finds. A topographical survey had measured the ridge heights of White Roses and the properties adjacent to the north and south of the site at 12.9m, 12.78m and 12.5m respectively. The proposed amended ridge height for the application was 12.51m.

Cllr Trapp commented that he remembered the first consideration of this application and a key condition had been the completion of a comprehensive archaeological survey of the site before commencement. He therefore questioned whether the variation in ground height was to avoid the responsibility of archaeological excavations. The Planning Consultant explained that the applicant had already undertaken preliminary archaeological investigations and there would also be a condition regarding a watching brief when the foundations were excavated. Cllr Trapp also noted that the initial presentation had incorrectly referenced a ground source heat pump rather than an air source heat pump, and he was concerned that the latter could be noisy. The Planning Consultant confirmed that the application included an air source heat pump, and stated that restrictions could be imposed regarding noise; a condition had been proposed.

Cllr Brown questioned why there was no requirement for an electric car charging point since it had previously been agreed that such a condition be imposed on all new-builds. The Planning Consultant explained that a recent change to Building Regulations required charging points for all applications submitted after 15 June 2022 and therefore a condition was no longer required to that effect.

The Chairman then opened the debate.

Cllr Jones recognised the need to consider the raised height, but since the adjacent properties were of a similar height he did not consider this to be a reason for refusal. Cllr C Ambrose Smith commented that the application appeared to be a series of small and acceptable alterations, in particular the second parking space would be beneficial in the small lane.

Cllr Trapp commented that the original proposal had also included two parking spaces, but by widening the area the spaces could be used in parallel. However, from a procedural perspective he was concerned that the Parish Council had not been notified, particularly since the site was located in a sensitive conservation area. The Planning Consultant explained that an email was sent to the Parish Council on 8<sup>th</sup> February 2022 and subsequent checks had shown that it left the Council's email system. Therefore, although it was unfortunate that the Parish Council had not received it, due process had been followed. Following a question from Cllr Jones, the Senior Support Officer explained the consultation process for all applications and the checks that were in place.

Cllr Brown considered the variations to be minor and understood that improvements could be considered by applicants after an initial permission had been granted. He therefore proposed that the variations be approved, in line with the Officer's recommendation and subject to an additional condition regarding drainage of the driveway. Cllr C Ambrose Smith seconded the proposal. The Planning Consultant explained that the conditions would not specify a particular surface treatment, rather it would specify a bound surface and for surface water from the driveway to drain within the site and not onto the highway.

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

That planning application ref 22/00127/VAR be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report and an additional condition to ensure that surface water from the driveway would all drain on-site and not onto the public highway.

**23. 22/00431/FUL – REDTILE FARM, FEN LANE, SWAFFHAM BULBECK**

Rachael Forbes, Planning Officer, presented a report (X48, previously circulated) recommending refusal of an application seeking permission to erect a new dwelling following the demolition of a barn for which permission had previously been granted for conversion under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Members were shown location and site plans, aerial images, and photographs taken from and towards the site highlighting its location within Flood Zone 1 in open countryside to the west of Swaffham Prior and north west of Swaffham Bulbeck. Proposed elevations and a floorplan were provided and were similar to those granted prior approval for the barn conversion.

The main considerations for the application were deemed to be:

- **Principle of development** – prior approval had been granted for the conversion of a 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 had since been demolished and consequently the conversion under Class Q could no longer take place as there was no building to convert. A structural report submitted with the original application had concluded that the building was capable of conversion. Partial demolition for a Class Q conversion was permissible for the installation of windows, doors, roof, exterior walls and necessary services, but did not allow total demolition. It had been established in case law that permitted development rights could represent a fall-back position for alternative proposals at the same site. However, such a position only existed when there was a realistic prospect of the development proceeding. Following the demolition of the barn, there was no prospect of the conversion taking place, and therefore there was no fall-back position. With no barn to convert, and no fall-back position, the application was for a dwelling in the countryside. It was outside the development envelope, not located at a market town, and did not fall within one of the exceptions listed in policy GROWTH2. It was therefore contrary to the policy and unacceptable in principle.

- **Visual impact** – the proposed dwelling would be on the same footprint and scale as the previously approved conversion and of a similar appearance. It would therefore not result in significant harm to the character and appearance of the area. However, the red line of the application was significantly larger and the use of the land as garden land could result in incursion of domestic land into agricultural land in a manner that could not be controlled by condition. The proposed long driveway and turning head would result in further encroachment into the countryside. Although fairly isolated, due to the public rights of way along the access and the north eastern site boundary the site was visible from the public domain. The proposal was therefore considered to be contrary to policy ENV1 of the Local Plan.

The only dwelling in close proximity was the existing dwelling at Redtile Farm, there had been no objections from the Local Highways Authority or the County Footpaths team, and adequate parking had been provided. An Ecological Impact Assessment had been submitted demonstrating that a net biodiversity gain was possible on the site. There had been no objections from the Environment Agency or the Internal Drainage Board, or from the Council's Scientific Officer in relation to contaminated land. In respect of climate change, a rainwater harvesting system was shown on the plans. However, these considerations were not considered to outweigh the visual harm of the proposal or that it was unacceptable in principle, it was therefore recommended for refusal.

The Chairman asked the Senior Democratic Services Officer to read aloud a statement supplied by Ronald Wedd, the applicant, after which members could ask questions of the applicant.

*"I believe that by introducing Class Q regulations the Government wanted any redundant or unusable agricultural buildings to be converted to homes. I also believe the Government want us to construct well-built, well-insulated, low carbon homes, which is what I am trying to do. This application has come about because of a difference in the interpretation of the Class Q regulations."*

*According to the rules around Class Q regulations, it allows the installation or replacement of windows, doors, roofs, exterior walls, water drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house and demolition is also allowed to the extent reasonably necessary to carry out building operations listed.*

*I have the plans (the same plans I am using for this application) showing the exterior and floor plan that have been approved by the Planning Officer to gain Class Q approval.*

*After the Planning Officer carried out an on-site inspection of the outside of the barn, I had Fordham Consultancy Ltd carry out an inspection and make out a report which went to the planning office, from this same report my architect used the information to draw up detailed plans that was send to Planning and Building Regulations for approval.*

*Approval was given {after the addition of a fire sprinkler system and a Y turning head for a 12.5 ton fire appliance.) The plans clearly show and it states in the text that the foundations are to be mass concrete of 450mm wide and 1 metre deep. They did not say the foundations had to be underpinned and that I must leave the existing foundations in place. The plans also state that the brickwork must be constructed with semi-engineering bricks. The original bricks were commons and not semi- engineering bricks so these would need to be replaced. This can only be completed by removing all of the wooden structure that is built upon the brick work. The plans also show that the timber stud frame was to be 50 x 150mm; the existing frame did not meet this requirement. Surely if there were any issues with the construction plans, it should have been highlighted by the planning or Building reg's department before any permission given and not after I had started construction to the approved set of Building plans.*

*I would also like to draw attention to the fact that I especially asked the Building Regulations Office (when I informed them I was going to start work) if I could take the barn down, to which the reply was: 'Ask the architect', which I did. The architect told me it would have to be dismantled.*

*On the planning permission approval it states that I had to comply with all Building Regulations. The plans that were passed by Building Regulations showed the construction was of new footings, brickwork and frame work. Therefore I was complying with the approved plans, If the plans had stated Parts of the barn must be retained I would have approached it in a different way.*

*After the first visit from Building Reg's officer to advise me on the foundations, i.e. the excavation of the footings, I received an email from the Enforcement Officer suggesting that I stop work (not that I must) which I did voluntarily. I arranged an on-site meeting including myself, the architect, the Planning Officer (who came with her senior officer) and the Enforcement Officer which resulted in this application.*

*By giving me approval under the Class Q regulations, the Planning Office has admitted that there is no practical reason to turn the application down. As for the partly constructed road, it is needed for access to the farm and the fire*

*engine access in emergency. I am only trying to build to the some set of plans that have already been approved. I have already installed the BioDisc Wastewater Treatment Plant and I have already purchased the 5,000lt rain water harvesting system (both shown on approved plans). My intention is to install solar panels to help power the heat pump to reduce running costs in the winter and feed power in to the grid particularly in the summer. My intention is to incorporate as many power saving measures into the build as is practical. I would not have spent hundreds of hours and many thousands of pounds on this project so far if I did not believe I had all the necessary planning permissions in place.*

*I would like to remind the committee that my neighbours and the parish council support the application. I should make it clear that this is not a profit making exercise, it is for me to retire to and have a home I can afford to run on a pension and be easy to maintain and live in for the rest of my life on the farm that I was born on in 1954, or at least until I must go into an Old Peoples' Home.*

*I may have made some mistakes but I believed I was working to the spirit of the Class Q Regulations.”*

In response to a question from Cllr Jones, the applicant stated that he did not know whether he would be permitted to rebuild the barn. Cllrs C Ambrose Smith, Wilson and Trapp all asked further questions about the timeline and the discussions with the Council. The applicant explained that he had submitted an application to convert the barn and had then met the Planning Officer on-site and discussed it with her. At that point he had highlighted the creosote on the outside since he was unsure whether that would be acceptable for Building Regulations. He was then given Class Q permission for the conversion and had not undertaken any works prior to receiving it. The plans approved by the Building Regulations office showed the foundations to be deeper than the existing foundations and therefore the barn had been dismantled since new foundations were required underneath it. That had proved to be a mistake and he would have approached it differently if he had realised. He emphasised that the proposal was for a dwelling of the same size and appearance as the originally approved Class Q application.

The Chairman then asked the Senior Democratic Services Officer to read aloud a statement supplied by a supporter.

Statement from Sophie Singleton and Mr & Mrs Moxon:

*“The residents of Cowbridge Farm and The Gatehouse, of Fen Lane, Swaffham Bulbeck jointly support the above planning application. The dwelling will blend in with the current buildings at Red Tile Farm, since it will be on the existing footprint, conforming fully to building regulations and more importantly, will be sustainable; thereby setting a new standard for the rest of Swaffham Bulbeck to follow.”*

The Chairman invited comments from the Planning Officer and questions for her from Members.

The Planning Officer commented that permission had been granted to convert the barn to a dwelling. The next time that the Planning Department had been involved

with the site the barn had already been demolished and they were therefore unable to advise against demolition since it had already occurred.

Cllrs Downey, Jones, Trapp and C Ambrose Smith questioned the Officer as to whether various alternatives could be considered acceptable, including: construction of a new barn on the current footprint; considering the previous barn to be undergoing extensive renovation; considering the proposed dwelling to be an annex or affordable housing; construction of a park home in place of the proposed dwelling. The Planning Officer, Planning Team Leader and Lead Officer explained that once the barn had been fully demolished and cleared it could no longer be considered to be a conversion or a renovation and without explicit permission for re-erection it could not be rebuilt. As a result, the proposal had to be considered to be a new dwelling in the countryside. Although it was a small dwelling it did not meet the strict definition of affordable housing for the policy GROWTH2 exception rules, neither could it be considered to be an annex or extension. Although some permitted development rights existed for the construction of agricultural buildings intended for agricultural use, even if that were permissible in this location it would not enable the applicant to convert the potential new barn into a dwelling since the Class Q regulations stipulated minimum agricultural usage times of at least 10 years prior to conversion. Regarding the suggestion of a park home, the issue of permanence was not the material consideration in this case.

Cllr Every questioned whether the sole reason for the application was that the applicant had made a mistake by demolishing the barn. The Planning Officer explained that if the barn had remained *in situ* and the problems relating to conversion had then arisen, a fall-back position of a replacement dwelling could have been considered. The Planning Team Leader added that a requirement of a Class Q permission was that the building was capable of conversion, and it was the responsibility of the applicant to demonstrate that their plans were accurate and could be implemented.

Cllr C Ambrose Smith asked about the likelihood of a successful appeal against refusal given the unfortunate set of circumstances. The Lead Officer stated that the Council had won previous cases of this nature and, to the best of his knowledge, had won all GROWTH2 appeals since the Council had achieved a 5-year land supply for this type of application. He reminded Members that the application was for a dwelling in the countryside, with no fall-back position, in a location outside of the market towns. The Lead Officer confirmed to Cllr Hunt that the application was in direct conflict with the 5-year housing supply.

Cllr Trapp recalled a previous replacement barn conversion elsewhere in the District which had been refused by the Committee and then allowed at appeal. The Lead Officer stated that in that instance there was a Class Q permission in place and the applicants then requested an alternative design for the dwelling. Because the barn remained *in situ* and had permission for conversion, that application could be considered as a replacement dwelling. For the application under consideration, there was permission for a barn conversion but because the barn no longer existed there was nothing to convert and therefore the permission was irrelevant.

The Chairman opened the debate and stated that the Officers had clearly explained why the application did not comply with the rules and he therefore proposed that the application be refused.

Cllr Wilson disagreed and stated that this was a clear case of a rule having been breached by accident. He did not consider that approval would set a precedent since this was a unique situation, and the proposal was for a small eco-friendly house, which should be encouraged. He proposed that the application be approved, and Cllr D Ambrose Smith seconded the motion. Cllr Downey agreed that the situation was unique and it was evident that the applicant had been intending to follow the rules and had simply made a mistake.

Cllr Brown questioned whether the Class Q permission could allow Members to argue that there had been a dwelling before demolition, and therefore permit the new dwelling under one of the various reasons allowing replacement dwellings in policy HOU8. The Planning Team Leader stated that in order to be considered a replacement dwelling, the previous building would need to have been in use as a dwelling. He reminded Members that, in principle, Planning policy did not support the application. However, he recognised that in practical terms, the outcome would be little different from the approved conversion. It was for Members to decide whether to issue a decision that was not compliant with policy. The Lead Officer reminded Members that the Officer had given two reasons for the recommendation of refusal, and the proposer and seconder subsequently amended their proposal to address both.

It was resolved with 9 votes in favour, 2 votes against and 0 abstentions:

That planning application ref 22/00431/FUL be APPROVED on the grounds that it was an entirely unique situation and would not bring detrimental harm to the countryside.

It was further resolved:

That the Planning Team Leaders be given delegated authority to impose suitable conditions.

#### **24. 22/00459/FUL – 47 WEST STREET, ISLEHAM, CB7 5SD**

Isabella Taylor, Planning Officer, presented a report (X49, previously circulated) recommending refusal of an application seeking permission for a single storey side/rear extension following the demolition of the existing side extension.

Members were shown location plans and an aerial photograph indicating the site's position within the development envelope of Isleham, adjacent to the conservation area, and almost opposite a listed building. Existing and proposed floorplans and elevations demonstrated that the proposal would be wider and deeper than the existing dwelling with a more prominent extension that was considered to dominate the host.

The main considerations for the application were deemed to be:

- **Impact on the character of the streetscene** – as shown in photographs and proposed elevations, the property was one of an identical pair of late 19<sup>th</sup> century semi-detached cottages. The proposed extension would unbalance the pair and would also be out of keeping with the more traditional properties further along West Street.

- **Design quality** – photographs and proposed illustrations were used to show that the rear of the property would be disproportionate in scale and size and would not be complementary to the host.
- **Impact on the character of the conservation area and listed building** – looking from the conservation area towards the application site a large tree obscured the proposed location of the extension but that could not be relied on in perpetuity and without it the proposed elevation would be prominent. The Conservation Officer had suggested suitable amendments but they had not been accepted by the applicant. Paragraph 202 of the NPPF stated that negative impacts of developments close to a conservation area needed to be weighed against the public benefit. However, there would be no public benefit from this proposal.

Although the application was considered to comply with all relevant policies regarding the principle of development, residential amenity, and highway safety and parking, it would be visually harmful and have an adverse impact on the character of the streetscene. The design quality was also unacceptable and the proposal therefore failed to comply with policy ENV2 of the Local Plan 2015. In addition, the proposed extension could be seen from the nearby listed building and conservation area and would result in less than substantial harm to the heritage assets while providing no public benefit. It was therefore contrary to policies ENV11 and ENV12 of the Local Plan 2015. For both of these reasons the application was recommended for refusal.

The Chairman asked the Senior Democratic Services Officer to read aloud a statement submitted by the applicant.

*“My apologies for being unable to attend the planning committee meeting on Wednesday 7 September. I have prepared a short statement which I would like to have read on my behalf:*

*I recently lost my job, after 23 years as an aircraft fitter, having been assessed as potentially disabled and being medically unfit for the tasks my job involved. This was because of a long standing and worsening back injury.*

*Because of the current design and layout of my kitchen and bathroom life has become increasingly challenging. In the winter months, I have to put washing on a rack and manoeuvre it in and out of the tight space of the shower tray to dry it, reversing in and out. The current shower room is so small I can't even fold the rack down in there. Recently whilst suffering from two prolapsed discs, moving my washing became excruciating and I realised what old age could hold for me if my disability progresses. I also need a level floor removing the need to step up and down into the kitchen. If I end up more severely disabled and in a wheelchair, I will need better access in and out of the house without the current need to manoeuvre through tight corners and up and down levels. I have worked with my architect to ensure the planned extension is designed to overcome these existing problems.*

*The current kitchen is of single brick construction and uninsulated, and therefore very cold. I need a kitchen, bathroom and utility room, which meet and exceed today's building standards. I would also like enough room to put in*

*a kitchen/dining table, something I've never had due to the current layout and resulting lack of space in the property.*

*I was very keen to ensure that the extension would be in keeping with the character of the house and sympathetic to the surrounding properties. When the proposed plans were presented at the Isleham Parish Council meeting their decision on the submitted design was unanimous and they recommended approval.*

*In some of the correspondence between myself and the district council there has been comment that the proposed plans are larger than the footprint of the property and as such would be disproportionate. I enclose pictures of the ground plan from the 1938 deeds. This clearly shows the footprint of 47 West Street incorporating the original ground floor kitchen/bathroom. The proposed plans are not actually any larger than this original footprint.*

*I hope you will be able to support this application and I look forward to hearing your decision”*

On the invitation of the Chairman, Cllr Goldsack, County Councillor for Isleham, then addressed the Committee. He explained that the application site was not within the conservation area, and commented that the nearby Merry Monk was in the conservation area and had been painted black the previous year without planning permission. The applicant had provided evidence that although the proposed footprint would be larger than that of the current building, it would not exceed the original footprint. The properties opposite the Merry Monk were relatively new and he considered that the proposed plans represented an improvement to the building and to the immediate area of the corner plot. He stated that the Parish Council had approved the application and he reiterated that the application was not within the conservation area and, in his opinion represented an acceptable and reasonable extension to the existing dwelling.

When asked by Cllr D Ambrose Smith whether he believed that the application would have an adverse impact on the character of the streetscene, Cllr Goldsack stated that he believed it would result in an improvement.

In response to a question from Cllr Downey, he explained that although he was not a member of the Parish Council he had been at the meeting in May where this application had been discussed and there had been no objections.

The Chairman invited comments from the Planning Officer and then questions for her from Members.

The Planning Officer explained that although the site was not in the conservation area, policies stated that a property visible to and from the conservation area would affect the character of it. Although she considered that the proposed extension would have an adverse impact she was not suggesting that no extension could be permitted.

Responding to Cllr Jones, the Planning Officer drew Members' attention to paragraph 5.1 of her report where the Conservation Officer's comments were

detailed. His concerns and suggestions had related to both the size and the materials of the proposal.

When asked by Cllr Trapp for further detail about the design quality, the Planning Officer explained that the proposed use of cladding would introduce a new material and the scale of the extension would be disproportionate to the host. There would be a 95% increase in the ground floor size, which was significantly more than the dwelling could take. Responding to further questioning from Cllr Downey, she reiterated that the host dwelling was a small-scale semi-detached property and a large extension to the rear would be disproportionate as well as being visually prominent due to the corner plot. Regarding cladding, Cllr C Ambrose Smith suggested that it would assist insulation and therefore questioned why it was not considered suitable. She also asked whether it would be possible for the applicant to gain the space he required. The Planning Officer explained that the building and the site had constraints and there were other ways to insulate homes. Amendments had been offered to the applicant but not accepted. A rendered finish and a smaller size would be more appropriate.

Cllr Wilson asked whether the applicant had sought any advice from the Council regarding the application. The Planning Officer stated that there had been no pre-app but amendments had been suggested following the Conservation Officer's comments in an effort to reach a compromise that would be policy-compliant and suitable for the area as well as providing the level floor and other elements needed by the applicant. The overall goal was to work proactively with applicants to gain approval for their schemes.

Returning to considerations of scale, Cllr C Ambrose Smith questioned whether a smaller extension could provide the interior space needed by the applicant, and Cllr Every referred to the information indicating that the original footings had been larger than the proposal. The Planning Officer stated that it would be possible to gain sufficient internal space without a 95% increase to the ground floor, and explained that the original 1938 plans showed the site not to have been a corner plot at that time so there would have been no inter-visibility. She also informed Members that there was no planning permission in place for the existing rear extension which appeared to be linked-up outbuildings.

The Chairman opened the debate and proposed that the application be approved on the grounds that it would add to the amenity of the area and, although not in the conservation area, it would enhance it. Cllr Downey seconded the motion and Cllrs Brown, C Ambrose Smith and Jones agreed that the proposed extension would be an improvement.

Cllr Trapp agreed with the principle of approval but in light of the Conservation Officer's comments, and the impact of the site on the nearby conservation area, suggested that some revisions should be made. Cllr Wilson suggested that a condition should be added requiring the materials to be agreed with Officers. The proposer and seconder agreed.

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

That planning application ref 22/00459/FUL be APPROVED on the grounds that it would add to the amenity of the area and would enhance the adjacent conservation area.

It was further resolved:

That the Planning Team Leaders be given delegated authority to impose suitable conditions, including a condition requiring the materials to be agreed with the Planning Authority.

*6:10-6:15pm – A brief comfort break was taken.*

**25. 22/00462/FUL – LAND ACCESSED BETWEEN 2 & 4 FORDHAM ROAD, ISLEHAM**

Holly Chapman, Senior Planning Officer, presented a report (X50, previously circulated) recommending refusal of an application seeking (part-retrospective) permission for the erection of four two-storey detached dwellings together with garages, parking spaces, and associated infrastructure within a wider Bloor Homes Homes development of 125 homes along Fordham Road in Isleham. Members' attention was drawn to the update sheet circulated earlier in the week which included information about the build stage as well as comments from the applicant's agent regarding appeal costs. In terms of the planning history, a similar application (21/01636/FUL) had been recommended by Officers for approval and had been refused by Committee at the April 2022 meeting. The Officer's report and the relevant decision and Minutes had been included as appendices to this report. The current application was "part-retrospective" due to the build stage having reached roof strut level.

Members were shown a site plan and various site photographs illustrating its location within a wider development site of 125 dwellings and adjacent to properties along Hall Barn Road. A streetscene image and elevations and floorplans were also provided together with images for the proposed boundary treatment and a cross-section to demonstrate the separation between plot 116 and no. 35B Hall Barn Road.

The main consideration for the application was whether the proposal had addressed the Council's previous reason for refusal in relation to the significant detrimental harm to the residential amenity of the Hall Barn Road properties, primarily due to loss of privacy.

- **Trees** – trees in the gardens of the new properties would be outside the control of the Hall Barn Road properties to which harm had been identified. Soft landscaping, including trees, could not be relied upon in perpetuity to make an unacceptable scheme acceptable. In addition, there was potential for trees that would be a suitable size for screening to have a detrimental impact on the prospective owners of the new properties due to overshadowing and potential structural damage. Any such issues would increase the potential for the trees to be removed.

- **Fencing and trellis** – the proposed fencing and trellis would provide insufficient screening to the Hall Barn Road properties from the first floor windows of the proposed dwellings.

Since the previous refusal, the Isleham Neighbourhood Plan (INP) had been made and therefore needed to be considered. The site lay within the development envelope and therefore complied with INP policy 2. The applicant had agreed to a condition regarding solar panels, and therefore complied with that element of INP policy 3. However, the significantly detrimental residential amenity impacts to Hall Barn Road properties, as identified by the Council refusing application 12/01636/FUL, would be contrary to INP policy 3.

In summary, the application proposals, as revised, were not considered to have made any material changes to the previously-refused 21/01636/FUL that would address the Council's reason for refusal or that would affect the Council's previous decision. On that basis, the application was recommended for refusal.

The Chairman then invited Gordon Rusk, an objector, to address the Committee. The objector explained that he was speaking on behalf of the residents of 35A and 35B Hall Barn Road and stated that minimal changes had been made by Bloor Homes to try to address the refusal of their previous application. Isleham Neighbourhood Plan 2022 Policy 3 stated that development should not result in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties. Bloor Homes had repeatedly stated that they would reduce the impact of the buildings on existing neighbouring dwellings and yet the application did not substantially change the fenestration. In addition, it was clear from the stage of construction that for two of the four buildings the rear en-suite window had not been retained and a larger bedroom window had been incorporated instead that would increase overlooking. Bloor Homes proposed planting trees to help with screening but no further details had been supplied, and if they were restricted to the 2.6m maximum height imposed on the buffer zone then they would not screen the upper windows of the plots. In addition, future privacy could not be guaranteed if the trees failed or the owners removed or reduced them. Bloor Homes had proposed a 40cm increase to the existing boundary fence and a 40cm trellis; this would not negate overlooking and since the trellis would be attached to the Bloor Homes side of the fence it would again be out of the control of the Hall Barn Road residents. He rebutted comments in Bloor Homes's Planning Statement regarding a betterment for residents of neighbouring properties and material changes having been made to address the amenity impact, and he questioned what had been considered to be more sensitive about the existing properties where new bungalows had been specified. He recognised that the distances between the properties were in accordance with design specifications, but stated that the compact nature of the site and the collective windows of all four windows would increase the overlooking and overbearing and therefore reduce the privacy.

There were no questions for the objector.

On the invitation of the Chairman, the applicant's agent Nicky Parsons addressed the Committee. She explained that the scheme was similar to that which had previously been refused, contrary to the Officer's recommendation. A suggestion to move the windows had been unacceptable to the Officers and no suitable alternative was agreed. The original proposal had been policy-compliant and that

remained the case for the new proposal. Two legal opinions had been sought to confirm this and both had been shared with the Council. She stated that Officers had confirmed that an appeal would probably be allowed and costs would be awarded against the Council. Bloor Homes would much prefer to agree a scheme and had reluctantly appealed against the previous refusal, and would be similarly reluctant in their application for costs; submission of the current application was evidence of their preference for local resolution and she had been instructed to withdraw the appeal immediately upon approval of the current application. Following the previous refusal a meeting was held with the Case Officer and Team Leader where landscaping was discussed. She stated that Officers at that meeting had confirmed that the landscape buffer to the rear of the Hall Barn Road properties was designed to protect the residents' amenities and enable delivery of two-storey properties. The Isleham Neighbourhood Plan had been cited as a material change since the previous application, and had cited that the proposal would be contrary to policy 3. In her opinion this was not sound planning judgement and the Officer's recommendation should be based solely on the current application rather than referring to the Committee's decision on previous applications. No information was provided in the report regarding what the significant harm would be or which properties would be affected, and professional planning opinion on relevant planning policies was absent from the report. No feedback had been received from Officers regarding suitable boundary treatments, nor had the applicant been given the opportunity to explore ways to address issues such as retention of the boundary treatment for example by conditions or private covenants. She confirmed that Bloor Homes would be willing to remove the height restriction that had previously been included in the covenant for the buffer zone. She requested that the Committee approve the application.

When asked by Cllr Brown why the building works had continued while the appeal was in progress; the agent stated that she was unable to answer since she was not the developer.

Cllr Wilson questioned why a high wall had not been proposed rather than the potentially temporary measures of a fence or trees. The agent stated that fences and trees could be retained in perpetuity *via* a condition or covenant and were therefore not a temporary solution. A wall had not been considered and no feedback had been received from Officers regarding boundary treatments.

Cllr C Ambrose Smith asked whether the plots were originally planned as bungalows; the agent explained that the parameter plans showed up to two storeys in that location. Cllr Downey questioned why the Parish Council had been of the impression that the plots would be single-storey. The agent stated that the Parish Council believed that to have been promised prior to the initial application but the applicant said that guarantee had not been made.

Cllr Trapp shared his view regarding unrealistic previous marketing of the plots for self-build, and asked for the agent's opinion. She declined to comment since the obligation for self-build had ceased and was therefore no longer relevant.

The Chairman then invited Parish Cllr Richard Radcliffe to address the Committee on behalf of Isleham Parish Council. He stated that the Parish Council were glad that the Isleham Neighbourhood Plan (INP) had been adopted and therefore weight could be given to it in the consideration of this application. The INP sought to

ensure that there were no unacceptable impacts from development, and this application clearly had unacceptable impacts as had been clearly shown in various photographs. The detail of the application was poor and did little to address the issue of overlooking. Although the fence would reduce the ground-floor concerns it would not affect the line of sight to and from the first floor and none of the proposed mitigations would be present in perpetuity. He requested that Bloor Homes return with a proposal for bungalows so that the entire development could be completed.

Cllr Downey asked why the Parish Council had thought bungalows would be provided, and whether they felt that would allay the privacy concerns due to the reduced height. Parish Cllr Radcliffe stated that the Parish Council had understood that bungalows would be constructed along the edge of Hall Barn Road, which included the application site. That had been the case further along the road. Regarding privacy, he commented that it would be interesting to see the proposed landscaping on such an application.

Cllr Huffer was then invited by the Chairman to address the Committee in her role as Ward Councillor for Isleham. She reiterated the views of the Parish Council and condemned the attitude of Bloor Homes for continuing to build the houses despite refusal of the previous planning application. The overlooking could not be addressed by a boundary wall of a reasonable height due to the amount of overlooking. She had been present at a meeting between residents and the previous director of Bloor Homes where bungalows had been promised. The current proposal was therefore in direct contravention of those promises made by the previous director to respect all of the Hall Barn Road residents, and was causing stress to those in the shadow of the houses. She urged the Committee to refuse the application

Cllr Trapp asked whether any records existed of the meeting with the previous director. Cllr Huffer stated that she believed one resident had email records but was too stressed by the ongoing situation to participate further. There had been at least ten people present at the meeting which had involved reasoned and constructive conversation.

Cllr C Ambrose Smith suggested that if Bloor Homes were willing to construct a boundary wall then that could be discussed with the residents. Cllr Huffer reiterated that bungalows would be more appropriate.

On the invitation of the Chairman, the Senior Planning Officer responded to various issues raised by the public speakers:

- The outline and reserved matters planning permissions had agreed in principle that two-storey dwellings could be erected at this location, but that did not mean that they must be two-storey.
- Discussions had initially focussed on reaching an acceptable fenestration solution, when this had proved unsuccessful attempts had been refocused on fencing and trellising. The applicant had been advised in April that in the Officer's professional opinion trellis and/or planting would not be an acceptable boundary solution.
- The Council had received the Counsel's opinion supplied by Bloor Homes and had then sought their own legal advice as well. The Minutes of the application decided in April showed that Members had been advised of the

likelihood of an appeal and the possibility of costs, which was not out of the ordinary, and the outcome would necessarily lie with the Planning Inspectorate. Discussion regarding self-build was also recorded in the Minutes of that meeting.

- Covenants were not a Planning matter and were therefore outside the control of the Local Planning Authority
- The sole consideration for this application was whether the changes had addressed the Committee's previous reasons for refusal. Whilst this was unusual, the Officer's report had been prepared on that basis.

Cllr Jones asked about the agent's assertion that Officers expected an appeal decision to go against the Council. The Senior Planning Officer stated that, at the April Committee meeting Officers had recommended approval of the application and had advised Members that Officers considered it to comply with the relevant Planning policies. The Lead Officer added that, at the April meeting, Officers had explained that the back to back distances between the properties could result in a successful appeal from the applicant and the potential for costs to be awarded against the Council. However, their view was that any such costs would be significantly lower than the £50k suggested by Bloor Homes.

The Chairman then opened the debate.

Cllr Downey commented that he considered the applicant's approach to the self-build plots and the provision of bungalows to have been tactical, as was the suggestion that the previous appeal would be withdrawn if the Committee approved the application. Although the agent had implied that the Officer had not given her professional opinion in her report, he had not read it in that way.

Cllr Brown stated that he had not been at the April Committee meeting where the previous application was refused, but after reading all of the information and listening to all of the presentations he saw no evidence that the new application addressed the previous reasons for refusal.

Cllr Wilson considered the applicant's attitude to be unfavourable and he proposed that the application should be refused, as recommended by the Officer. Cllr Hunt seconded the proposal.

Cllr Jones agreed that there were no material changes in comparison to the previously-refused application and stated that appropriate solutions for the Hall Barn Road residents should be found. Cllr Trapp commented that the applicant appeared to have acted in a confrontational manner and had not demonstrated consideration for the neighbouring properties.

It was resolved unanimously:

That planning application ref 22/00462/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

*The meeting concluded at 7:00pm.*

**21/01216/F3M**

Mepal Outdoor Centre  
Chatteris Road  
Mepal  
Ely  
Cambridgeshire  
CB6 2AZ

Construction of a crematorium and associated service and administration building, function building, memorial garden, natural burial areas, pet cemetery, car parking, new vehicular access from the A142 north of the site and landscaping

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=QXS9WPGGM9X00>





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**MAIN CASE**

**Reference No:** 21/01216/F3M

**Proposal:** Construction of a crematorium and associated service and administration building, function building, memorial garden, natural burial areas, pet cemetery, car parking, new vehicular access from the A142 north of the site and landscaping

**Site Address:** Mepal Outdoor Centre Chatteris Road Mepal Ely  
Cambridgeshire CB6 2AZ

**Applicant:** East Cambridgeshire District Council

**Case Officer:** Anne James Planning Consultant

**Parish:** Mepal

**Ward:** Sutton  
Ward Councillor/s: Lorna Dupre  
Mark Inskip

**Date Received:** 19 August 2021      **Expiry Date:** 14<sup>th</sup> October 2022  
**Report Number X90**

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**1.0      RECOMMENDATION**

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

1. Approved Plans
2. Time Limit
3. Construction and Deliveries
4. CEMP
5. Piling
6. Noise Impact Assessment
7. External Plant
8. Site Characterisation
9. Remediation
10. Timetable of Remediation
11. Unsuspected Contamination
12. BREEAM
13. Services
14. Function Room
15. Hard Landscaping

16. External Lighting
17. ECIA
18. LEMP
19. Soft Landscaping
20. Landscape Management Plan
21. Tree Protection
22. Groundwater Protection
23. Cemetery Burials
24. Foul Water
25. SUDS
26. Flood Emergency Plan
27. Materials – external surfaces
28. Materials Function Room and Flower Court
29. Boundary Treatment
30. Parking and Turning
31. Visibility Splays
32. Access and Hardstanding
33. Travel Plan
34. Fire Hydrants
35. Deliveries

## **2.0 SUMMARY OF APPLICATION**

2.1 A full planning application has been submitted by East Cambridgeshire District Council, seeking approval for the construction of a Crematorium, Administration building, Function building, Memorial Garden, Natural Burial areas, Pet Cemetery and car parking, with a secondary vehicular access from the A142 north of the site to serve the recreational use only.

2.2 The application has been accompanied by the following documents:

- Air Quality Assessment
- Alternative Site Assessment Report
- Botanical Survey Report
- Breeding Birds Survey
- Design and Access Statement (CDS)
- Design and Access Statement (Architectural) [Benchmark]
- Drainage Strategy Report
- Dusk Activity Survey Report
- Ecological Impact Assessment
- Emissions Statement
- Flood Risk Assessment
- Groundwater Risk Assessment Report - Tier 2
- Impact Calculation Report
- Landscape and Visual Impact Assessment
- Planning Statement
- Phase I and II Geo-environmental and Geo-technical Report
- Preliminary Ecological Assessment
- Reptile Presence & Absence Report
- Road Safety Audit Stage 1

- Sequential Test
- Statement of Community Involvement
- Terrestrial Invertebrate Survey
- Transport Assessment
- Tree Survey
- Water Vole and Otter Report
- Wintering Bird Survey
- Utilities Plan

2.3 The proposed development comprises the following components:

- Crematorium (Main Chapel, Crematorium Hall, associated Service and Administration buildings) would be a combination of heights (both flat and inverted pitched roofs). The maximum height would be approximately 8.5m (28ft) with the chimney stack standing at 7m (22ft). The total floor area would equate to approximately 527m<sup>2</sup> (5672 ft<sup>2</sup>). The Main Chapel would accommodate 108 visitors. The northern wall would be fully glazed and would look out over the lake. The associated Service and Administration buildings as well as the Crematorium Hall would be located to the east of the Main Chapel;
- Flower Court sited to the west of the Main Chapel overlooking the lake and is a place where the floral arrangements will be displayed for a set period of time, typically a week before they are removed;
- The Function Building is to be located to the south-west of the Main Chapel and is a rectangular standalone structure using a design style similar to the HebHomes Accessible Longhouse. The building would provide a multi-purpose gathering space for up to 30 people (seated);
- A smaller chapel is accessed off the Main Chapel to provide an intimate space for 12 people;
- Memorial Garden located to the west of the Main Chapel and can be accessed off the pathways leading from the Flower Court, or directly off the car park;
- Natural Burial areas located to the south of the site where mourners would be able to walk around the contemplative accessible areas or stand on a boardwalk at the water's edge;
- Pet Cemetery
- Car Park [for 123 cars] is located to the south of the Main Chapel;
- A secondary access point to the north of the site will allow separate access for passive recreational use.

2.4 Visitors to the Crematorium would arrive through the *porte cochere* at the front of the Main Service Hall into the entrance lobby. From there they would enter the Main Chapel and after the service leave via a doorway on the eastern elevation, via a raised boardwalk, into the Flower Court. A series of pathways connect to the Memorial Garden, Natural Burial areas, Pet Cemetery and Car Park which are located to the south of the site. The whole of the site would be accessible for wheelchair users. The proposed Masterplan for the site is attached as APPENDIX 2.

- 2.5 Figures for Burial and Internment have been set out below with the natural burial figure based on 20 burials each year over the 15 year period, as follows:
- 294 natural burials;
  - 290 in-ground ash internment;
  - 120 pet burial;
  - Provision for ash scattering
- 2.6 The use of the site, as an Outdoor Activity Centre, ceased in 2017. Notwithstanding incidence of anti-social behaviour, the site has become dormant and as a consequence the ecological value of the area has seen a marked increase in biodiversity interest. The applicants have been working with the Wildlife Trust to ensure the protected species and habitats are not compromised by the proposed development and have proposed mitigation measures.
- 2.7 The land to the north of the buildings, now demolished, would be retained in passive recreational use, ie controlled dog walking, licensed angling and bird watching. A secondary access to the north of the site would be re-instated and enhanced to provide direct access to this part of the site. It would take the form of a layby feature within the site, with a limited amount of parking, so vehicles would turn left upon entering and again upon egressing the site. The northern entrance would be left hand turn only. The northern area would therefore not change use and still be used for recreational and nature conservation purposes. It would be separated and segregated from the proposed development.
- 2.8 The area to the south, formerly used by the activity centre buildings and parking areas, would now form the proposed development area which would be accessed via the existing entrance with 'no-through' traffic allowed to the north of the site. This entrance would also be left hand turn only.
- 2.9 All existing buildings have now been demolished and the materials removed in accordance with the prior notification demolition notice.
- 2.10 There is a Public Right of Way (PROW) (No:221/12) which begins at the northern tip of the site from the Iretons Way roundabout and then it straddles the application site along Blockmoor Drove on all of its western boundary and then continues south where it meets Long North Fen Drove.
- 2.11 The proposed development has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council has issued a Screening Opinion that in accordance with the Regulations the development does not constitute EIA development.
- 2.12 A number of amendments have been made to the scheme concerning the most up to date designation of the flood zone and the re-drawing of the boundary line to the north of the site where the land meets the Ireton Way roundabout.
- 2.13 The application is being considered by Committee in accordance with the Council's Constitution as it is an application of public interest submitted by East Cambridgeshire District Council on land owned by the District Council.

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

### 3.0 **PLANNING HISTORY**

3.1

21/00681/SCREEN	SCREENING OPINION - Proposed Construction of a crematorium and associated service and administration building, function building, memorial garden, natural burial areas, pet cemetery, car parking, new vehicular access from the A142 to the north of the site and landscaping	Environmental Statement not required	9 <sup>th</sup> August 2021
21/01054/DEM	Demolition of all buildings at the former Mepal Outdoor Centre	Prior Notification not required	12 <sup>th</sup> October 2021

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

4.1 The application site comprises an area of approximately 13 ha (32 acres) located on the western side of the A412 between Mepal and Chatteris and approximately 12km (7.45 miles) to the west of Ely and forms part of the Mepal Gravel Pits County Wildlife Site.

4.2 As indicated within the material accompanying the application, the site was in open countryside until the 1950s when it was in use as a quarry for aggregates. By late 1970 the quarry was filled with water and the site became an outdoor educational facility.

4.3 To the north of the site is the Pretoria Energy plant with Block Fen Farm lying across country to the east.

4.4 Dense hedgerow and trees screen the site on all of its 4 boundaries.

### 5.0 **RESPONSES FROM CONSULTEES**

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

#### **Sutton Parish – 21<sup>st</sup> March 2022**

No further comments to make.

## **Sutton Parish - 28 September 2021**

Sutton Parish Council would like to support the concerns submitted by Fenland District Council and Mepal Parish Council for this application.

## **Mepal Parish Council – 11<sup>th</sup> May 2022**

Red line The Parish Council had no objection has been amended to exclude part of the northern site boundary not within the applicant ownership.

## **8 February 2022**

Mepal Parish Council have reviewed the amendment and feel their detailed response previously submitted on 2nd September 2021 remains unchanged and wish for the same comments to be logged against the amendment.

## **2 September 2021**

Does the Parish/Town/City Council have any concerns about the application? Yes.  
Can these concerns be addressed by;

- a. amendments to the scheme - Yes.
- b. conditions to be applied to any permission - Yes
- c. outright refusal of permission - No

If the answer is 'yes' to either a or b, please state your concerns and how they could be addressed.

### **Odour and Air Quality**

There are concerns regarding possible odours, either in terms of the cremation plant itself or the AD plant affecting the attendees at ceremonies. The supplied air quality assessment indicates that the emissions from electric cremators is 40% less than that of a gas fired cremator and the 3rd party emissions report from a comparable electric cremator in the Netherlands and the overall conclusion is that any impacts on human health or vegetation and ecosystems will be negligible. Assuming that the Crematorium is built, it would be useful to publish actual measured emissions in the first year to confirm the accuracy of the pre-planning assessment in this respect. There is little that can be done to mitigate against AD odours drifting over the site causing mourners any discomfort, and this aspect is not relevant in terms of a material planning

### **Groundwater concerns**

Concern about the presence of groundwater table less than 5m bgl and the close proximity of the lake to the west of the proposed burial ground and therefore the presence of proposed future burials does provide a source of potential pollutants, such as ammonia, nitrate, formaldehyde and bacteria contaminants, which could have a significant impact on the water quality beneath the site and in the lake to the west and to the east. Pollutants flux modelling should be undertaken to assess the impact burials would have on the water quality of adjacent surface water features and the underlying groundwater.

## Traffic Concerns

There is no footway along the A142 due to the rural nature of the site, however there is a bus stop adjacent to the site. Additional Consideration to pedestrian access would be welcomed.

Access to and from the site onto the A142, particularly with the increased traffic predicted to the adjacent AD plant may be problematical. I would strongly support a no right turn exit and increased visibility splays to be implemented, with some trimming of the existing vegetation with direction signing at the entrance and on the A142 approaches.

Due to existing concerns and access to Mepal along the A142 from the Sutton road along to the Block Fen roundabout, and because of a number of near misses and accidents with traffic turning onto existing properties along this stretch of road - I would request consideration to reducing the current 60mph national speed limit between the two roundabouts to a more sensible 40mph limit to be imposed along this stretch of road. This will improve the safety of this stretch of road and will be far more effective at preventing accidents with slower moving traffic entering and exiting the crematorium and will also assist Mepal residents leaving and entering the village.

Recreational access north of the site is discussed with the provision of 6 parking spaces (5 + 1 Blue badge), for controlled dog walking, bird watching and licensed angling. Given the remote nature of the site and limited pedestrian access, I feel that 6 parking spaces is inadequate. Many of the voiced objections related to a loss of recreation facilities after the closure of the Outdoor Centre, and that if it is assumed that recreational visitors (walkers, fishers) will be catered for and that in future additional recreation around the lake may be a possibility, then at least 10 spaces should be considered.

## Ecological Habitats and Trees

Care should also be taken to ensure that there is no loss of ecological habitats during the build and that the minimal possible tree removal is undertaken

## **Sutton Ward Councillors – Mark Inskip and Lorna Dupré - 21 September 2021**

The Mepal Outdoor Centre site was, for more than three decades, a well-used and valued community outdoor leisure facility. If this application for a crematorium and associated elements is approved then the potential for meaningful outdoor leisure will be lost at the site. The few future leisure opportunities suggested are very much ancillary to the main purpose, reflected in the provision of just six parking spaces. Whilst previous attempts to find an operator for the site to continue outdoor leisure facilities were not successful, alternative operating models have not been extensively explored which may have been more viable. The district council had also not considered any new investment, as could have been provided by allocating just a small proportion of the Community Infrastructure Levy receipts it holds from new developments in the surrounding area. It should also be noted that post-COVID there is an increased focus on outdoor leisure facilities. The district council has

therefore not demonstrated that there is no longer a need for the existing use as an outdoor leisure facility.

The community view of the proposals has been well established by the applicant's own survey as reported in the Statement of Community Involvement. Paragraph 3.4.2.8 Additional comments summarises the results, reporting that just 13.0% of respondents supported the proposals with 85.4% opposed to them. The primary reasons for the opposition to the proposals were;

1. The site should be retained as an outdoor leisure centre
2. There is not seen to be a need for another crematorium to be built
3. The site is not seen as the right location for the development

It is odd to justify the development as a community resource when the overwhelming views expressed by the community are that the existing community leisure use for the site should be retained, when the community do not see the need for the new facility and when the community do not consider this an appropriate location.

The applicant does not provide a robust case to justify the need for a new crematorium in this part of the district. There is already significant nearby provision with the Fenland crematorium in March along with the new crematorium opening this year in Huntingdon. The identified catchment area identified by the applicant for potential crematorium locations is centred on Ely rather than East Cambridgeshire District. This results in significant overlap on the western side with areas served by the Fenland and Hunts Crematoria. This is particularly true for the Mepal outdoor centre location.

It should be noted that the planning application for the Huntingdon crematorium included a comprehensive needs assessment which was considered as part of the planning approval process. No similar needs assessment has been provided for this application and yet establishing a robust case for the need for a new crematorium at this location is essential given the corresponding loss of outdoor leisure. The survey of funeral directors undertaken by the applicant elicited just 11 responses, with eight suggesting they would consider using alternative facilities in the area if they became available.

Transport implications and particularly road safety issues are of particular concern for this location. The applicant acknowledges that there will be a significant increase in traffic movements from the site compared to the existing approved use. The proposed cemetery and crematorium development will provide 123 parking spaces. There are an additional 28 car parking spaces near the cemetery area. The crematorium chapel will accommodate up to 125 people. There are no pedestrian or safe cycling routes to the site and the location is only serviced by a two-hourly bus service between Ely and Chatteris.

The transport assessment assumes there will be 15 vehicles associated with each cremation service with five services per day together with 27 other vehicles. This would be 102 vehicle arrivals and 204 two-way trips. The proposed Huntingdon crematorium is a similarly sized facility, however the transport assessment concluded that a figure of 23 vehicles would be more appropriate per cremation

service together with 56 other vehicle movements. Given the assessment and justification in the Huntingdon transport assessment leading to a 50% higher figure, it would appear that the transport assessment for this application significantly understates the likely number of vehicle movements. To add further context, even with a generous vehicle occupancy figure of 3 people per vehicle, that would result in just 45 people by service on average or around 36% occupancy for a 125 people capacity chapel.

If the transport assessment data were to be aligned with the Huntingdon crematorium data and combined with the increased vehicle movements predicted from the neighbouring anaerobic digester plant then the currently proposed highway mitigations are likely to be inadequate and raise serious safety concerns.

Finally, while not in themselves a planning matter, it is important to note that there are some clear concerns about conflicts of interest with the district council and East Cambs Trading Co Ltd and this application. The applicant for the Screening Opinion 21/00681/SCREEN was East Cambs Trading Co Ltd (see letter dated 9 August 2021), however the subsequent planning application 21/01216/F3M has been submitted on behalf of East Cambridgeshire District Council. It is essential that any decision on the planning approval of this application is seen to be made objectively and does not raise concerns with members of the public that it may be influenced by any conflict of interests.

#### **Fenland District Council - 16 September 2021**

Having regard to the proposal the main potential impacts to residents and visitors to Fenland District would appear to be on transport and the environment.

The local highway network, in particular the A142 'Ireton's Way' which has seen a number of collisions in recent years will need to be carefully considered.

In addition, the future operations of the development may give rise to adverse impacts on air quality and odour nuisance if not properly managed. Any external lighting scheme will also need to consider potential for light pollution and biodiversity impacts.

Notwithstanding this, I note that planning permission was recently granted to enable the expansion of the adjacent Anaerobic Digester site to the north. Therefore, compatibility, in particular noise arising from the AD Plant operations may need to be factored in to the design of the proposed development.

Notwithstanding the above, it is best practice for the Council to be able to establish the need for the development, both locationally; in view of the high flood risk area of the site, and commercially; in respect of existing/ permitted Crematoria in the vicinity.

Therefore, whilst no objection is raised to the principle of this development, the above matters require careful consideration.

## **Animal and Plant Health Agency (APHA) 12<sup>th</sup> May 2022**

Regarding your proposal to note APHA gets involved in pet cemetery/pet crematorium only. APHA is responsible for ensuring that certain environmental protection measures are in place for human and animal protection. Our responsibility at pet cemeteries only extends to the disposal of pet carcasses and their immediate packaging material. The burial or spreading of ash remains with the environmental agencies.

## **Cambs Wildlife Trust – 23<sup>rd</sup> March 2022**

Having reviewed further information, outstanding issues relating to ecology have now been resolved for this stage of the project.

## **21 February 2022**

A number of queries still remain on the updated EclA (v9, Oct 2021), with regard to:

- Soft landscaping;
- Phase 1 habitat map;
- Retained area of open habitat to the south of the building;
- The Metric for the Biodiversity Net Gain Assessment may need updating
- Inclusion of swift boxes and an owl box;
- Clarification on enhancement.

## **20 September 2021**

This application site also includes habitats designated as a County Wildlife Site (CWS), and I am pleased that the applicant has been proactive in engaging with the Wildlife Trust over the proposals for the site, because of the CWS designation. It is therefore important that I state here that I have also, in my role as Conservation Officer for WTBCN, been working with the applicant and their consultancy team, to produce a proposal and layout for the site which retains and protects as much possible of the nature conservation value of the site (whilst also appreciating that the site is deteriorating and attracting anti-social behaviour which in itself is causing some damage to some habitats on the site). There have been considerable efforts to alter the layout to ensure the most valuable habitats can be retained and protected. Recreational activities at the site have been pared back to ensure that the CWS habitat remains broadly undisturbed and wildlife associated with the lake habitat, such as wintering birds and otters, will be able to continue to utilise habitats present without undue disturbance. For this I would say that the team behind the application deserves much credit.

My overarching comment at this stage is the lack of maps available and some detail lacking in the Ecological Impact Assessment report. Most notable is the missing Phase 1 habitat map, which would provide all interested parties with an understanding of the broad habitats currently present at the site, their locations and extents. This is missing from the available documents and should be provided at the earliest possible opportunity.

The soft landscaping plans do appear to show the retention of existing valuable habitats within the development area of the site, in line with the Ecological Impact Assessment (EclA) report, although the lack of baseline map (Phase 1 map) makes it difficult to check the precise extent of where the development footprint falls in relation to existing habitats. Liaison with CDS has highlighted that the 'Relation between proposals and existing bunds' plan and 'General Site layout plan' both show the proposed development layout wrapping around the sand bunds which were highlighted as important invertebrate habitat, and show these outside the extent of the development. This is very good to see and reference to these plans should be made in the EclA, along with reference to the soft landscaping plans, at relevant points.

#### Biodiversity Impact Report

Although the calculations made in the Metric do reveal a loss in biodiversity (ie fewer Habitat Units post development than before), I acknowledge that this is a complex site with small niches of extremely valuable terrestrial habitat tucked in amongst broadly similar habitat of less value. The site layout appears to have been amended to ensure that the most valuable areas of habitat will be retained and a management plan has been committed to, to protect them long term. The Metric also does not include any non-habitat-based enhancements, such as bat, bird and invertebrate nesting/roosting/overwintering boxes. I am satisfied that within the constraints posed on this site, that the proposals have sought to identify and protect the most valuable areas of habitat and that the nature conservation value of the site can remain, post-development.

#### **The Ely Group of Internal Drainage Board –**

No Comments Received

#### **Environment Agency – 23<sup>rd</sup> August 2022 – No objection**

We have no objection to the proposed development provided the below planning condition is included on any planning permission. Documents Reviewed We have reviewed the following document for this consultation: • Nexus Planning, Additional Information e-mail to eastcamb.gov.uk, 28/07/2022 Environment Agency Position The Environment Agency requires permits for new cemeteries that present a high risk to the environment or require active mitigation measures or burial controls to protect groundwater. The documents submitted in support of this planning application provide us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. In light of the above, the proposed development will be acceptable if the following planning condition is included. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

#### **13<sup>th</sup> June 2022**

Documents Reviewed We have reviewed the following document for this consultation: • CDS, Tier 2 Groundwater Risk Assessment, 19 May 2022

Environment Agency Position An updated T2 Groundwater Risk Assessment for the proposed cemetery development has been provided. However, we require the following additional information before we can determine the appropriate response to the proposals: 1. Supporting data/explanations for the estimate of 20 burials per year, and confirmation as to whether there will be any additional ash interments 2. Logs for all groundwater monitoring boreholes showing details of the design/construction and of the strata encountered. 3. Full details of the groundwater elevation monitoring (including dates of measurements) and an appraisal of the site-specific groundwater flow direction based upon these data. The applicant should be aware that updated guidance on groundwater risk assessments for cemeteries and burials is available at Cemeteries and burials: groundwater risk assessments - GOV.UK ([www.gov.uk](http://www.gov.uk))

### **30<sup>th</sup> March 2022**

We have reviewed the amended Flood Risk Assessment (FRA) and are satisfied that the site is at low risk of flooding. The site is located within flood zone 3 of the Flood Map for Planning (Rivers and Sea). However, the site is in an area benefitting from defences and deemed to be at low residual risk. The Strategic Flood Risk Assessment assigns the lakes as being within the functional floodplain (flood zone 3b). We recommend that you **do not** consider this site to be within the functional floodplain. The designation is likely to be a mapping inaccuracy, the modelling study would have identified that the area would be wet during a flood but that is likely due to it being a lake rather than being at risk of flooding. The mapping indicates that there is no connection between the various areas of functional floodplain which lend credence to the assumption that this is a designation error. The lake level may still be affected by local storms, so we continue to recommend that resilience measures are incorporated into sensitive locations

### **9 February 2022**

We have no objection to the proposed development but wish to make the following comments:-

#### *National Planning Policy Framework Flood Risk Sequential Test*

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

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test.

#### *Flood Risk*

We have no objections to the proposed development.

The site is on the edge of the area of known flood risk in the event of the failure of the tidal and fluvial defences of the Great Ouse. The mapping shows that the lakes will receive water during a breach event, likely raising the water levels and flooding the adjacent land areas.

The site of the previous leisure site is raised significantly above the levels of the lake and outside of the area at risk.

We recommend that flood resistance and resilience measures are incorporate to the main building to reduce the impact of a flood.

### *Installations*

We have reviewed the air quality model and have no objection to the proposed development. Small Waste Incinerations Plants (SWIPs) are permitted by the Local Authority.

### *Environment Management & Groundwater & Contaminated land*

According to the submitted documents and geological map for the area the site is underlain by superficial geology comprising Peat which in turn overlies the River Terrace Deposits, and the bedrock geology of Ampthill Clay. Peat and Apthill Clay are designated as unproductive strata, while River Terrace Deposits are classified as a secondary A aquifer. Secondary A aquifers are permeable geological strata capable of supporting water supplies at a local rather than strategic scale, and form an important source of base flow to rivers, wetlands and lakes and private water supplies in rural areas.

It is understood that the former uses of the site include a sand/gravel quarry, disused Outdoor Centre, a pond, and the ground conditions comprise infilled land as well as an area of virgin land.

Based on this, the site is considered moderate risk to controlled waters. Proposed crematorium, memorial garden and natural burial areas.

Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. These measures are set out in our comments below. The local planning authority should consider whether they wish to secure specific measures through appropriate planning conditions.

A hydrogeological risk assessment must be undertaken to show that there are minimal risks to the environment either at time of burial, or in the future.

The submitted CDS Tier 2 Groundwater Risk Assessment report has satisfied the requirement for a hydrogeological risk assessment, proposing burials be limited to a single depth in order to maintain a minimum unsaturated zone thickness.

The annual number of burials has not been specified in the report. The annual rate of burials and scattering of ashes should be confirmed and included in the updated

risk assessment report. All cemeteries and burial sites must comply with the minimum groundwater protection requirements available on GOV.UK

In principle any new cemetery or the extension of any existing cemetery must:

- Be outside a source protection zone 1 (SPZ1).
- Be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms.
- Be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain.
- Have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains.
- Have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained).
- Only domestic pet carcasses can be buried. Farm animals, even if kept as pets, cannot be buried.
- In order to operate as a pet cemetery, the applicant must register the site with the Animal and Plant Health Agency (APHA).
- As the pet cemetery will require a registration from the APHA, the Environment Agency strongly recommends that the local planning authority consults the APHA in respect of this application.

#### *Land contamination*

We do not consider this proposal to present a high priority with respect to land contamination or pollution risk to controlled waters, based upon the environmental setting and/or the previous land uses of the site. We will therefore not be providing site-specific advice on land contamination issues at this time.

Where planning controls are considered necessary, we recommend that the protection of controlled waters is considered alongside any human health protection requirements. Ensuring that controlled waters are protected from pollution is in line with paragraph 174 of the National Planning Policy Framework.

The developer should address the pollution risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Land contamination risk management (LCRM) guidance. Due consideration should be given to the impacts that the proposed development may have upon controlled waters receptors during both construction and operational phases.

If contamination that could present a significant risk to controlled waters is subsequently discovered at the site, then development activities should cease, and the local planning authority should be informed in writing. Development should only recommence once a remediation strategy to manage this contamination has been submitted in writing to, and approved by, the local planning authority.

### **Middle Level Commissioners Middle Level Drain - 7 September 2021**

Advise that the land is either sited within the Middle Level district or has the potential to drain into it. Developers are required to contact the Board to inform them how the water generated by the development will be managed.

### **Natural England - 16 September 2021**

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application could:  
o have an adverse effect on the integrity of Ouse Washes Special Protection Area, Ramsar and Special Area of Conservation  
o damage or destroy the interest features for which Ouse Washes Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the mitigation measures should be secured.

### **CCC- Archaeology - 20 August 2021**

To the west of the site are the nationally important 'Neolithic enclosures at Greys Farm' and 'Bowl barrow 200m SE of Horseley Fen Farm', designated as Scheduled Monuments (National Heritage List for England references 1009993, 1011723) and benefiting from statutory protection.

Within the site redline, examination of Ordnance Survey mapping indicates that the vast majority of the site has historically been quarried for aggregate extraction during the mid-20th century, which will have resulted in the destruction of archaeological features and deposits within the quarried area. We therefore have no objections or requirements to this development proceeding as proposed in this instance, although we would request to be consulted on other applications for development in the vicinity, due to the presence of important historic environment assets as detailed above.

### **CCC Asset Information Definitive Map Team –**

No Comments Received

### **CCC - Design Out Crime Officers - 25 August 2021**

This site, as stated in the Design and Access Statement, has been subject to high levels of reports of anti-social behaviour including arson and other activities which have a high demand on local police resources.

This office would welcome an opportunity to be consulted if thought useful to discuss security measures on this site should planning approval be achieved. No further comments at this stage

### **CCC Lead Local Flood Authority – 1<sup>st</sup> June 2022**

We have reviewed the following documents: • Flood Risk Assessment, CDS Group, May 2022 • Drainage Strategy, CDS Group, June 2021 • Drainage Strategy Plan, CDS Group, D200004-CDS-EN-ZZ-DR-L-008-003, April 2022 Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of cellular storage crates discharging via infiltration, or if proven unviable, restricting to QBAR.

Two conditions have been requested with regards to SUDS and a Flood Emergency Plan.

### **12<sup>th</sup> May 2022**

The applicant has provided additional information which has addressed our previous concerns with respect to surface water drainage, subject to a suitably worded drainage condition accompanying any planning approval. However, it's noted that no additional information has been provided to address our previous concerns with respect to flood risk at the site. At present we continue to object to the grant of planning permission for the following reasons:

1. Parts of the development are located in Flood Zone 3b, and the proposed development type of 'less vulnerable' is not permitted within the functional flood plain. It's noted that the EA has been consulted, who indicated the site is considered to have a Flood Zone 3a designation; however, this needs to be agreed by the Local Planning Authority through relevant consultation between all parties. All relevant consultation should be appended to the FRA report and provided as evidence of the Flood Zone 3a designation; and,
2. The EA should be consulted to obtain the most up to date flood data for the site area, and confirm that information presented within the East Cambridge District Council SFRA still provides an accurate assessment of fluvial and tidal flood risk at the site. This data should also be used to inform mitigation measures required for the development.

The applicant has previously provided information to address the issues identified and it is expected that a no objection will be received soon.

### **15 February 2022**

The applicant has provided additional information which has addressed our previous concerns with respect to surface water drainage, subject to a suitably worded drainage condition accompanying any planning approval. However, it's noted that no additional information has been provided to address our previous concerns with respect to flood risk at the site. At present we continue to object to the grant of planning permission for the following reasons:

#### **1. Flood Zones**

Parts of the development are located in Flood Zone 3b, and the proposed development type of 'less vulnerable' is not permitted within the functional flood plain. It's noted that the EA has been consulted, who indicated the site is considered to have a Flood Zone 3a designation; however, this needs to be agreed by the Local Planning Authority through relevant consultation between all parties. All

relevant consultation should be appended to the FRA report and provided as evidence of the Flood Zone 3a designation; and,

## **2. Environment Agency Flood Data**

The EA should be consulted to obtain the most up to date flood data for the site area, and confirm that information presented within the East Cambridge District Council SFRA still provides an accurate assessment of fluvial and tidal flood risk at the site. This data should also be used to inform mitigation measures required for the development.

## **5 November 2021**

Thank you for your re-consultation which we received on 21 October 2021. It has been agreed with the applicant that detailed network design can be undertaken as a pre-commencement condition. While detailed drainage design is no longer required at this stage, several of our previous points of objection are still applicable, and additional information should be provided to address these concerns. At present we continue to object to the grant of planning permission for the following reasons:

1. While it is acknowledged that SuDS features have been provided which will provide treatment to water prior to its discharge from the site, the level of treatment provided should be quantified using the Ciria SuDS Manual indices approach. Chapter 26 of the CIRIA SuDS Manual (C753) outlines the pollution hazard indices. Surface water should meet these indices through the use of SuDS before discharge from the site;

2. Evidence of who will be adopting/maintaining the drainage system for the lifetime of the development, alongside an indicative management plan and maintenance schedule of work detailing the activities should be provided;

3. 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 should be provided;

4. Parts of the development are located in Flood Zone 3b, and the proposed development type of 'less vulnerable' is not permitted within the functional flood plain. It's noted that the EA has been consulted, who indicated the site is considered to have a Flood Zone 3a designation; however, this needs to be agreed by the Local Planning Authority through relevant consultation between all parties. All relevant consultation should be appended to the FRA report and provided as evidence of the Flood Zone 3a designation;

5. The EA should be consulted to obtain the most up to date flood data for the site area, and confirm that information presented within the East Cambridge District Council SFRA still provides an accurate assessment of fluvial and tidal flood risk at the site.

## **6 October 2021**

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

1. As per the Cambridgeshire County Council Surface Water Planning Guidance document, infiltration testing in accordance with BRE365 must be undertaken at representative locations and depths across the proposed development site for full planning applications where infiltration is proposed;
2. Full hydraulic calculations should be provided demonstrating the proposed attenuation feature and preceding drainage network have sufficient capacity for the critical rainfall events during the 3.3%, 1%, and 1% plus climate change allowance AEP events. Calculations for a range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) should be undertaken. For storm durations less than 1 hour, Flood Studies Report (FSR) rainfall data should be used. For storm durations greater than 1 hour, Flood Estimation Handbook (FEH) rainfall data should be used;
3. Detailed hydraulic calculations should be supported by a detailed drainage layout plan, which should be fully labelled and show details (e.g. pipe numbers, gradients, diameters, locations and manhole details) of every element of the proposed drainage system (including all SuDS and pipes);
4. While it is acknowledged that SuDS features have been provided which will provide treatment to water prior to its discharge from the site, the level of treatment provided should be quantified using the Ciria SuDS Manual indices approach. Chapter 26 of the CIRIA SuDS Manual (C753) outlines the pollution hazard indices. Surface water should meet these indices through the use of SuDS before discharge from the site;
5. Evidence of who will be adopting/maintaining the drainage system for the lifetime of the development, alongside a management plan and maintenance schedule of work detailing the activities should be provided;
6. 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 should be provided;
7. Parts of the development are located in Flood Zone 3b, and the proposed development type of 'less vulnerable' is not permitted within the functional flood plain. It's noted that the EA has been consulted, who indicated the site is considered to have a Flood Zone 3a designation; however, this needs to be agreed by the Local Planning Authority through relevant consultation between all parties. All relevant consultation should be appended to the FRA report and provided as evidence of the Flood Zone 3a designation;
8. The EA should be consulted to obtain the most up to date flood data for the site area, and confirm that information presented within the East Cambridge District Council SFRA still provides an accurate assessment of fluvial and tidal flood risk at the site.

### **CCC - Local Highways Authority - 9 March 2022**

Following extensive consultation with the LHA, I do not object to the latest scheme proposals as detailed within the Transport Statement appendices, dated February 2022.

The modifications to the accesses (Appendix A) and the supporting vehicle tracking (Appendix H) demonstrate that the proposed access is suitable for the intended use. A Stage 1 Road Safety Audit has also been provided to support the access proposals. While I do not dispute the findings of the audit, a Stage 2 Road Safety Audit will be required at detailed design.

Minor changes have been incorporated for the site layout to mitigate the risk of vehicles queuing onto the A142. These changes are welcome, subject to condition.

### **CCC - Highways Transport Team - 1 March 2022**

The document reviewed is the transport statement dated February 2022, produced by Alpha Consultants.

#### Transport Statement Review

The accident data provided is two years out of date, this is not acceptable. Having reviewed the accident data myself there does not appear to be any cluster sites within the vicinity of the site.

Having reviewed the updated TS in detail the proposed crematorium will not have an impact at peak times on the highway network. It is proposed to operate between 10am and 4pm and therefore avoiding the road network at its busiest periods. For this reason, it is not necessary to undertake any capacity modelling.

The Highway Authority does not wish to object to the proposals subject to the following -

1. No service shall take place before 10am each day and no service shall finish any later than 4pm each day.

### **CCC Growth & Development - 31 January 2022**

It is agreed that the remaining mineral within the MSA and the application site, which as the applicant points out is for the most part adjacent to the A142, would not be of current or future value. The application would comply with Policy 5 (j). Policy 16 – Consultation Areas (CAS) It is noted that the applicant considers that the continued use of the haul road to Mepal Reservoirs, part of which is adjacent to the southern boundary of the proposed development site, would have no impact on the amenity of future users of the proposed crematorium. In respect of Block Fen/Langwood Fen, any impacts of the proposed development on the public highway network will be dealt with by the highway authority in its assessment of the applicant's transport statement. It is noted that the applicant considers that the existing mineral and waste management development at Block Fen/Langwood Fen would have no adverse impact on future users of the proposed crematorium. The

MWPA is satisfied that the applicant is aware of the permitted and likely future mineral and waste management development in the area and note that the applicant considers that it would not adversely affect the amenity of users of the proposed crematorium. The MWPA's objection to this planning application is removed.

## **6 September 2021**

OBJECT because the applicant has failed to demonstrated that the proposed development would comply with the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (the MWLP) Policy 5: Mineral Safeguarding Areas (MSAS) and Policy 16: Consultation Areas (CAS).

In our letter to you dated 10 June 2021 concerning the environmental impact assessment screening opinion we recommended that the applicant's attention be drawn to the relevant policies in the Cambridgeshire and Peterborough Mineral and Waste Site Specific Plan and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy. These documents were superseded on 28 July 2021 when the MWLP was adopted. The applicant's Planning Statement dated August 2021 does not acknowledge that the MWLP is part of the development plan.

### **MWLP Policy 5: Mineral Safeguarding Areas (MSAS)**

Approximately half of the proposed development site is within a MSA for sand and gravel. MWLP Policy 5 states that development which is not covered by the listed exceptions "will only be permitted where it has been demonstrated that:

- (i) the mineral can be extracted where practicable prior to development taking place; or
- (j) the mineral concerned is demonstrated to not be of current or future value; or
- (k) the development will not prejudice future extraction of the mineral; or
- (l) there is an overriding need for the development (where prior extraction is not feasible)\*\*."

### **Policy 16: Consultation Areas (CAS)**

Most of the land to which this planning application relates lies within a Consultation Area (CA) designated within the MWLP to protect existing and allocated minerals and waste sites. Policy 16 of the MWLP seeks to prevent inappropriate development being located close to existing or allocated mineral and waste sites. It states that:

"Development will only be permitted where it is demonstrated that the development will:

- (c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA for which the CA has been designated; and
- (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated."

It goes on to say that: "When considering proposals for non-mineral and non-waste management development within a CA, then the agent of change principle will be applied to ensure that the operation of the protected infrastructure (i.e. MAA, MDA, WMA, TIA or WRA) is not in any way prejudiced. Any costs for mitigating impacts on or from the existing minerals and/or waste-related uses will be required to be met

by the developer. It is for the developer to demonstrate that any mitigation proposed as part of the new development is practicable, and the continued use of the existing sites will not be prejudiced."

The southern part of the proposed development site is located within the CA for the Mineral Development Area (MDA) for a nearby quarry called Mepal Reservoirs, also known as Sutton Gault. The haul road to the Mepal Reservoirs (Sutton Gault) development runs alongside the southern boundary of the proposed crematorium site. The current planning permission (E/3004/18/CM) requires mineral extraction to cease by 31/12/24. It allows up to 120 HGV movements per day (Monday to Friday) and 60 per day on Saturday mornings. A current application (CCC/20/052/FUL) for an additional reservoir at Mepal Reservoirs would, if approved, result in another 7 years of mineral traffic at the same rate.

The northern part of the proposed crematorium site is within the CA for the Block Fen/Langwood Fen MDA and Mineral Allocation Area (MAA). Block Fen / Langwood Fen comprises a number of quarries/waste management sites operated by three companies all accessed via Block Fen Drove. Of most relevance to the current application is the Tarmac quarry permitted under F/02006/11/CM and the MAA reference M036.

**ECDC - Environmental Health - 14 September 2021**

I have read the Phase I and Phase II Geoenvironmental and Geotechnical Report dated 21st June 2021 prepared by the CDS Group and accept the findings with regard to contamination. The investigation identified contamination which requires further investigation and remediation. I recommend that standard contaminated land conditions 1, 2, 3, and 4 are attached to any consent. I have read the air Quality Assessment dated 25th November 2020 prepared by ADM Ltd and accept the findings that the site will not pose a risk to human health.

**ECDC - Environmental Health - 27 August 2021**

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

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

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This

notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

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

I have no issues with the proposed Hours of Opening in Section 19 of the Application Form but would request that these are conditioned. I would also seek to control delivery times to the site but acknowledge that restricting them to the same times as the Opening Hours may not be appropriate in this situation. My initial thought is to allow deliveries and other servicing requirements (emptying bins, maintenance, etc.) up to one hour before and after the Hours of Opening but happy to discuss this element further with you.

I have read the NIA dated the 25th November 2020.

The report advises that a noise survey was carried out at the site between the 12th and 16th November 2020 (which the report acknowledges was at a time where Covid restrictions were in place). I have no issues to raise with this as it will actually present a worst case scenario for the assessment.

Table 2 on page 13 establishes noise limits to be met at nearest sensitive properties

I would advise a condition which stipulates that noise from the mechanical plant achieves the limits above.

I would also want to see a further/revised NIA once detailed information for the proposed plant is known in order to confirm these limits can be achieved and what attenuation (if any) is proposed.

I have no issues to raise with regard to noise from operational activities (Section 5.12).

As previously advised, the site will require an environmental permit (which will regulate emissions to air) under the LAPPC regime. It may require two if the intention is to also cremate animal carcasses. This will not be an issue until after the future planning application is determined.

### **ECDC – Trees – 20<sup>th</sup> May 2022**

Following discussions with the agent there are no tree related objection in relation to this application. The landscaping will need to be confirmed by condition as some of the species and their locations are not compatible for example there are soft fruit producing trees adjacent to parking areas. Also, some of the new tree planting positions will require them to show that there is sufficient soil volume to support a tree reaching maturity. I have been through these points with them so they should agree to providing the info by condition.

Following discussions with the agent there are no tree related objections in relation to this application.

### **Technical Officer Access - 31 August 2021**

- 1) Space to be provided in the main chapel, side chapel, viewing room and secure viewing room for wheelchairs to be positioned.
- 2) Firm, level and slip resistant surfaces provided for all footpaths, car parks and parking bays with ramps and dropped kerbs provided, (no gravel).
- 3) Should the canopy roof to the entrance area be glazed as people will linger awaiting the arrival of the coffin exposed to the elements?
- 4) Space to be provided in the function room for wheelchairs to be positioned at the tables.
- 5) Ramps provided to the function room.
- 6) Is the raised timber boardwalk to the function room and flower court suitable for wheelchairs and walking sticks?
- 7) Is grid - reinforced buff coloured gravel suitable for the accessible parking?
- 8) Is resin bonded gravel laid to gentle falls on the garden paths suitable for wheelchairs and the frail.
- 9) Is the coffin taken manually through the lobby to the cremator? Does this happen when the mourners are still in the chapel, as they could view into the cremator room. I realise from experience the services do not last long.
- 10) Are the lobby doors locked as a mourner in an emotional state could take a wrong turn and end up viewing the cremator.
- 11) Do people in the viewing room see and hear the cremator behind the body?
- 12) It is not clear if there are bus stops on both sides of the A142 for the site. If there is a bus stop on the far side of the A142 from the site, there would need to be an appropriate controlled crossing to allow pedestrians to cross back across the A142, or as part of their development, buses should be allowed off the A142 and into the site when travelling in both directions. This will help vulnerable road users who would struggle to cross the A142 to access the site.
- 13) There needs to be a hand rail on both sides of the raised wooden walkway.

5.2 A site notice was displayed near the site on 31 August 2021 and a press advert was published in the Cambridge Evening News on 26 August 2021.

5.3 Neighbours —twenty-two neighbouring properties were notified and four responses have been received. These are summarised below. A full copy of the responses is available on the Council's website.

- Trespass;
- Mitigation to suppress dust and noise;
- Inaccurate boundary;
- Statement of Community Involvement indicated 76% in favour to retain in recreational use;
- The area has limited access to enjoy countryside;
- PROW not linked;
- No local need for a crematorium;
- Natural England advice: to promote creation of new footpaths and bridleways to link to other green networks;

- Would support connecting the access at the north of the site to the existing byway;
- Restricting access to most of the site prevents enjoyment of the natural environment;
- Support as buildings are in great disrepair
- Redevelopment is no different to having Pretoria next door so will have no detrimental impact on the area;
- There is no-where for children to experience outdoor activities;
- Remiss of the Council to let it slide into disrepair;
- Council refused to fund the centre and so provision should be made on an alternative site;

## **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
EMP4	Re-use and replacement of existing buildings in the countryside
ENV1	Landscape and settlement character
ENV2	Design
ENV4	Energy efficiency and renewable energy in construction
ENV7	Biodiversity and geology
ENV8	Flood risk
ENV9	Pollution
ENV14	Sites of archaeological interest
COM3	Retaining community facilities;
COM4	New community facilities;
COM7	Transport Impact;
COM8	Parking Provision.

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2021 (NPPF)

- 2 Achieving sustainable development
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport

- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.4 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 5: Mineral Safeguarding Areas (MSAS)

Policy 16: Consultation Areas (CAS).

6.5 Planning Practice Guidance (PPG)

Due regard has been had to the PPG and the National Design Guide

**7.0 PLANNING COMMENTS**

7.1 The main issues relevant to this application are the principle of development, residential amenity, visual amenity, historic environment, access, highway safety and parking, ecology, climate change and sustainability and various other matters material to the application.

**Principle of Development**

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

7.2 Whereas the NPPF does not specifically refer to crematoriums, para 93 requires local planning authorities' planning policies and decisions to plan positively for social, recreational cultural facilities and services the community needs. At para 96 local planning authorities are urged to ensure faster delivery of other public service infrastructure by working proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

7.3 The site was previously in use as an outdoor activity centre and this ceased operating from the site in 2017. Since then the site has remained closed and members of the public have not been allowed on the site. However, there has been incidence of unauthorised use and vandalism with some of the buildings being set on fire. All of the buildings have since been removed and the ground levelled. In the intervening period biodiversity and ecology has thrived.

7.4 The proposal comprises the erection of the new Crematorium and associated buildings and parking areas on part of the site which previously supported the

outdoor activity centre buildings and parking areas. There will be no through access from here to the north of the site. The Crematorium will be accessed via the existing entrance with a secondary entrance, also taken from the A142, further to the north of the site and this will provide access and egress via a left-hand turn only with a degree of parking for members of the public. In this way, the degree of human activity can be controlled and its impact on wildlife and biodiversity interests minimised.

- 7.5 There are no specific policies in the adopted Local Plan 2015 which cover crematoria therefore the proposal has been assessed against the policies of relevance namely Policies GROWTH 2, GROWTH 3, GROWTH 4, GROWTH 5, EMP4, COM3 and COM4 which are of particular relevance and will be dealt with under the 'principle of development' heading.
- 7.6 Policy GROWTH 2 of the adopted Local Plan 2015, is the overarching policy relating the growth areas of Ely, Soham and Littleport where the majority of development will be focussed. This policy also supports limited development within villages which have a defined development envelope. Outside defined development envelopes development may be permitted as an exception. However, there should be no detrimental impact on the character of the countryside and that other Local Plan policies are satisfied. The proposal falls within a number of exception criteria namely, the re-use and replacement of buildings in the countryside (in compliance with Policy EMP4) and outdoor recreation and leisure facilities (in compliance with Policy COM4).
- 7.7 It is important to ensure facilities and infrastructure keep pace with the anticipated level of growth projected for the district and Policy GROWTH3 of the adopted Local Plan 2014 summarises the key infrastructure requirements that may be required. These include open space, sports and community facilities. The proposal would meet with the objectives of this policy.
- 7.8 Policy GROWTH 4 of the adopted Local Plan 2015 looks at how the identified levels of housing, employment and retail growth would be delivered in conjunction with Policy GROWTH 2.
- 7.9 Policy GROWTH 5 of the adopted Local Plan 2015 seeks to secure development that improves the economic, social and environmental conditions in an area.
- 7.10 As East Cambridgeshire District Council have sought to provide a crematorium, natural burial ground and pet cemetery within the district, this proposal would comply with the aims and objectives of ensuring infrastructure keeps pace with growth in line with Policies GROWTH 2, GROWTH 3, GROWTH 4 and GROWTH 5 of the adopted Local Plan 2015.
- 7.11 In the preamble to Policy EMP4, the policy guides the re-use and replacement of 'non-residential buildings' in the countryside. The easy adaptation or replacement for B1, B2, B8, tourism, outdoor recreation or community related uses are also acceptable. The policy requires that the replacement of existing buildings (for the same uses) would only be permitted where it would result in a more acceptable and sustainable development than would be achieved through conversion. In acknowledging that whilst the existing use was of outdoor recreation and that the

proposed use is classified as community then this policy is of relevance to the proposed scheme. There are also a number of caveats namely that:

- It can be demonstrated the building is of a permanent and substantial construction;
- The form, bulk and design of the building is of visual merit, architectural merit or historical significance, and is in general keeping with its surroundings.
- The proposal does not harm the character and appearance of the building or the locality;
- The proposal would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated; and
- Other Local Plan policies relating to specific uses are met.

7.12 Since the cessation of the recreational activities, the current site and associated structures have been subject to fire, unauthorised trespass, vandalism and theft of materials. These activities have had a significant effect on the structure and safety of the buildings. The decision to demolish the buildings was taken to reduce the risk to public safety and further damage. Whilst the buildings were of permanent and substantial construction, due to the degree of damage by fire and vandalism the existing buildings were no longer of a substantial construction and therefore could not be easily adapted or reused.

7.13 It has also been demonstrated within the information submitted with the application that the design of the Crematorium and associated buildings would be of a high quality of design and the palette of materials proposed would blend in with the surrounding area. Architecturally the scheme is visually attractive and the bulk, scale and massing of the proposal is far less visually intrusive than the previous buildings and would not be visible from long distance views. The replacement buildings would bring about environmental improvement in terms of impact on the surroundings and landscape. It has been demonstrated a “more acceptable and sustainable development than would be achieved through conversion” has been achieved (5.5.3 of the adopted Local Plan 2015 refers).

7.14 As such the replacement buildings are more in keeping with the character of the area than the previous buildings. The proposed landscaping would mitigate the impact of the proposal ensuring that the Crematorium, Gardens of Remembrance and parking areas would sit comfortably within its landscape setting and appear largely imperceptible from views in the surrounding countryside. The scheme would generate additional traffic; however, the Local Highways Authority have raised no objection subject to a condition restricting the operation of the site outside of peak traffic times. The proposal would comply with Policy EMP4 of the adopted Local Plan 2015.

7.15 Chapter 7 of the adopted Local Plan entitled [Community services and infrastructure] includes Places of Worship as a community use. The Main Chapel of the Crematorium as well as gardens of remembrance and natural burials would broadly fall within this category. In terms of the proposal’s compliance with Policy COM 3, this policy seeks to retain community facilities which are in either commercial or non-commercial use. Proposals that would lead to the loss of non-

commercial community facilities (existing sites or sites last used for this purpose) will only be permitted if:

- It can be demonstrated there is a lack of community need for the facility, and that the building or site is not needed for any alternative community use – and in the case of open space, that the site does not make an important contribution in amenity, visual or nature conservation terms; or
- Development would involve the provision of an equivalent or better replacement community facility (either on-site or in an appropriately accessible alternative location); or
- Development would involve the provision of an alternative community facility which brings demonstrable greater benefits to the settlement or neighbourhood - except in the case of open space, sports and recreational facilities which should be retained where possible in accordance with paragraph 74 of the National Planning Policy Framework.

7.16 It should be acknowledged that part of the site would be retained for outdoor leisure/recreational activities. The range of leisure activities would be restricted to passive ones. This restriction has been imposed as over the intervening time when the site was closed and there has been no human activity, the site now has a high ecological value in the lake and surrounding habitats. This factor has been instrumental in restricting the site from continuing in its pre-existing community use as an outdoor activity centre. So far as Policy COM3 is concerned, a community use has been retained, however, due to the nature conservation interests this community use has had to be refined.

7.17 The applicant has submitted a record of the demise of the activity centre which starts with financial difficulties of operating a facility on this site and the marketing exercise which had been undertaken to source a suitable provider. The applicant on two occasions, invited organisations to register their interest in the site so that it could continue to provide outdoor recreational facilities for visitors. A potential provider was found to retain the site in its existing use, however in 2019 “it was reported to the Finance and Assets Committee of the Council that the preferred bidder had decided not to progress with their bid”. Clearly, the site is in an isolated location and therefore not easily accessible to the whole community. Moreover, due to its remote location, the site attracted anti-social behaviour. After repeated attempts to find a suitable provider who could continue to run the site in its previous use, the applicant had to review its strategy and contend that the existing use of the site was no longer viable. Therefore, the first criteria of Policy COM3 has been met.

7.18 The second bullet point of Policy COM3 relates to the replacement of community facilities and as Crematoria is regarded as a community facility. The second criteria of Policy COM3 has also been met.

7.19 The loss of part of the site for sports and recreational facilities would require assessment against para 97 of the NPPF which seeks the retention of such facilities unless they are shown to be surplus to requirements. As set out by the applicants, attempts have been made to re-open the facilities but these attempts have failed and as a consequence the third criteria of Policy COM3 has been complied with.

- 7.20 There are no crematoria in East Cambridgeshire and therefore the crematoria in March and Cambridge are relied upon. As set out in the Council's Corporate Plan 2017-2019 there had been a long-standing ambition to provide a crematorium and natural burial ground within the district. Concerns have been raised by Fenland District Council regarding the need for the crematorium commercially as there is an existing Crematorium in March and one in Huntingdon. The Fenland Crematorium is located in Knight's End Road, March and is set in 7 acres of grounds with a garden of remembrance. It does not include a natural burials area, or pet cemetery.
- 7.21 Cllrs Dupre and Inskip have stated that "it is best practice for the Council to be able to establish the need for the development, both locationally; in view of the high flood risk area of the site, and commercially; in respect of existing/ permitted Crematoria in the vicinity". In terms of flooding, this issue will be addressed in the "Flooding and Drainage Section" of the report to Committee, however, no objections have been made by the Lead Local Flood Authority and the Environment Agency. The Internal Drainage Board has also raised no objection.
- 7.22 With regard to the 'need' for this facility, it is not known what best practice should be applied here as East Cambridgeshire does not benefit from its own crematorium and relies instead on other facilities outside of the district. However, in following the advice provided by the Federation of Burial and Cremation Authorities, on the siting of crematoria, it is suggested that "ideal sites are rarely to be located in urban areas and it is emphasised that suitability of setting is of greater importance than its location in close proximity to population centres". Furthermore "all proposals in the Green Belt should provide evidence of a comprehensive site search along with demonstration of local need at the planning application stage to support special circumstances". This site is not within the Green Belt and therefore the applicant does not need to establish special circumstances.
- 7.23 The reference to a comprehensive need's assessment being carried out on the Huntingdon Crematorium has been cited within third party representations, but it is considered in this instance there were two separate planning applications for Crematoria within 1.7km (1.05 miles) being considered by the same local planning authority at the same time, namely 18/01439/FUL [Huntingdon Town Council] at land opposite Mayfield Heath Farm and the other 18/00700/FUL [Dignitary Funerals] at Sawtry Way. In appealing the decision to refuse planning permission for the Sawtry Way scheme, the Inspector considered "*there is no specific policy requirement in terms of demonstrating need in the Council's development plan policies and the judgement itself is different to the appeal proposals before me as that site was located in the Green Belt and thus there was a specific requirement to assess need. Whilst competition is not a matter I can give weight to, as a general principle, I do accept that need can be a material consideration in the planning balance. However, I have found no conflict in terms of the main issues having assessed the effects based upon the evidence before me and the merits of the case*". APP/H020/2/18/3197401 (attached as APPENDIX 3).
- 7.24 The applicants have not provided a needs assessment, as in essence Policy COM3 is complied with, in as much as the site would still be used by members of the public for leisure and recreation purposes. Moreover, East Cambridgeshire does not have its own Crematorium and the new Crematorium facility provides more than just a crematorium, ie it provides natural burials and pet burials, and therefore is not

comparable to the Fenland Crematorium. A comprehensive Alternative Sites Assessment (ASA) has been carried out and there are no other suitable sites available. See para 7.31 for further information.

- 7.25 The proposal would provide a public service and community facilities through provision of a crematorium and natural burials etc. It would be operated on a commercial basis and would generate some employment and have economic benefits through associated businesses e.g. funeral directors, florists, catering companies. The proposal would also assist in reducing travelling time and traffic in the wider area from residents travelling to alternative existing crematorium facilities elsewhere outside of the district.
- 7.26 Bearing in mind, the level of growth expected within Ely, Littleport and Soham, it is important for the Council to take responsibility for this aspect of community welfare by ensuring there is adequate infrastructure provision and capacity to support this level of growth within the district. The requirement for a facility of this type is therefore an important infrastructural necessity to contribute towards a sustainable future for the district.
- 7.27 As already mentioned, during the period when the site lay dormant, nature re-established itself and the site now benefits from a rich ecological presence. The site supports several protected and notable species and habitats which could be impacted on should the area be reinstated as an outdoor activity centre. Planning permission would not be required and this oasis of species rich habitat may be lost.
- 7.28 The Wildlife Trust has been instrumental in advising the applicants on the range of activities that would be sympathetic and not impact on the ecology and biodiversity interests now being met. Members of the public would be allowed entry for limited dog walking (ie kept on a lead), birdwatching and fishing purposes. Therefore, in retaining most of the site in non-commercial community use, this demonstrates the important contribution the site makes to amenity in visual and nature conservation terms. It is acknowledged the alternative community facility has brought demonstrable benefits to the district and that recreational facilities have been retained with further recreational use to be explored in the future. Policy COM3 is implicit in its requirement to retain open space that makes an important contribution in amenity, visual or nature conservation terms. The scheme would satisfy the criteria of this policy. As such the proposal would comply with Policy COM 3 of the adopted Local Plan 2015.
- 7.29 Whilst it is accepted that the centre was well-used and, in the applicant's, own community survey there was overwhelming support for its retention, the fact remains, no operators were prepared to continue with running a facility of this size and scale and in such a remote location, which in itself presented security breaches resulting in health and safety implications. Furthermore, it needs to be recognised that should the site revert to its use as an Outdoor Activity Centre, the implications on biodiversity and wildlife may not be supported by the Wildlife Trust.
- 7.30 Policy COM 4 requires that new community facilities should be well located and accessible to its catchment population and in terms of the scale and nature of traffic generated would not have a significant adverse impact (itself or cumulatively); there would be no significant adverse impact on the character of the locality or amenity of

nearby properties, and that opportunities to maximise shared use have been explored and can be designed to facilitate future adaptation for alternative community uses or shared use.

- 7.31 When considering the first element of Policy COM 4, the Mepal Outdoor Activity Centre site is more accessible to its catchment population than the other crematoria in Fenland and Cambridge. As mentioned previously and notwithstanding this fact, in order to assess whether there are any other more accessible sites, the applicant has undertaken an Alternative Site Assessment (ASA) based on the Call for Sites submission (2016) and the Fenland SHELAA (2020). The search criteria have been based on minimum requirements regarding the area of the site at 2ha (5 acres). In order to comply with the Cremation Act 1902 any building would need to be more than 200 yards (183m) from a dwellinghouse and 50 yards (45 m) from a public highway. The location would also need to offer quietness and seclusion, be reasonably accessible by public transport with access to adequate water, electricity and drainage services. None of the sites identified within the ASA or SHELAA could provide a location suitable for the intended use as a crematorium. Therefore, it is likely that such uses would only come forward on larger, open sites on the periphery of settlements. In terms of the comments that this site is in the wrong location, it is questionable, as is evidenced from the ASA where a more appropriate location would be. Given the particular site selection and locational requirements, it is considered to be most unlikely that suitable land could be found within a defined settlement boundary. It can reasonably be concluded that a rural location outside of a defined settlement being the most appropriate location for the development of a crematorium. This has also been the approach taken in planning appeal decisions. (see appeal decision APP/H0520/W/18/3197401 Land North of Wyton Piggery Cottage, Sawtry Way, Kings Ripton at Appendix 3).
- 7.32 In breaking these criteria down, the site is accessible to its catchment population, albeit by car, and this was the case with the existing community use. In this respect there has been no change. Moreover, it is likely those visiting the site would be travelling together and therefore car sharing.
- 7.33 The proposal would not harm the character of the locality and this has been set out in point 7.13 of the report.
- 7.34 In terms of maximising the shared use of the site, it has been demonstrated that the two community uses, ie the recreational use and the crematorium can happily co-exist on the site and that sufficient opportunities present themselves in the future to adapt and increase the shared use. This could take the form of increasing accessibility to parts of the lake either by connecting with the existing PROW or constructing an elevational platform over part of the lake. However, any further adaptation resulting in the increase in activity would need to be undertaken in association with the Wildlife Trust.
- 7.35 In terms of the traffic generated, the operation of the facility can be undertaken outside of peak travel times to reduce congestion of the highway network. There are no neighbouring residential properties abutting the site and therefore no material harm to residential amenity.

- 7.36 With regard to the other policies of the adopted Local Plan 2015 is concerned, sufficient information has been submitted to the satisfaction of technical consultees concerning highway safety and impact on the surrounding highway network, ecology, noise, air quality, archaeology, flooding and drainage, ground waters, contamination, waste and minerals. The proposal would also not impact on the visual or residential amenities of adjoining occupiers.
- 7.37 To conclude, the proposal would introduce a new community use which meets with the long-standing ambitions of the Council to provide a crematorium and natural burial ground within the district. At the same time, the existing community use would be retained on the majority of the site which would safeguard the ecological and biodiversity interests on the site which have thrived during the period when the site was not in use. The principle of the proposal is considered to meet with both national and local planning policy and is considered acceptable.

### **Residential Amenity**

- 7.38 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings is achieved. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.39 As set out in the Cremation Act 1902, “no crematorium shall be constructed nearer to any dwelling-house than 200 yards (183m/600ft), except with the consent, in writing of the owner, lessee and occupier of such house”. By virtue of its isolated location within the countryside, there are no neighbouring properties within this radius and as such the siting of this facility would not conflict with the constraints of the Cremation Act.
- 7.40 Outside of this radius there are pockets of residential development to the north east of the site at Block Fen Farm which is located along Block Fen Drove and to the south east along Mepal Long Highway. However, these residential curtilages are separated from the site by the A142 and either agricultural fields or another lake formed by a gravel pit.
- 7.41 An issue has been raised with regard to trespass by members of the public and any landscaping works would see the retention of the boundary hedgerow which will be partly reinforced with 2.4m high steel fencing around. However, whilst the applicant can provide an acceptable boundary treatment to secure its site from trespass, it is not able to prevent this completely and this sits outside of planning’s remit.

### *Noise*

- 7.42 Para. 174 of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution (including air, soil, noise etc.).

- 7.43 Policy ENV9 of the adopted Local Plan 2015 requires all applications for development where pollution is suspected to contain sufficient information to enable the Council to make a full assessment of potential hazards and impacts.
- 7.44 The application has been accompanied by a Noise Impact Assessment [Cass Allen dated November 2020] which has been undertaken to assess the potential impact of noise emissions from the crematorium and to establish the suitability of existing noise levels at the site.
- 7.45 A noise survey was carried out between 12<sup>th</sup> and 16th November 2020 to assess existing noise levels in the area. Noise levels were dictated by road traffic on the A142 Ireton's Way and the Pretoria energy site.
- 7.46 In terms of the noise from the proposed scheme, the building will have a cremator which would require external ventilation and external condensers and mechanical plant to ventilate and cool the various spaces within the building. Further details of the design of this equipment would be required. However, the NIA considers that given the nearest sensitive receptors are located approximately 230m (754ft)/(0.15mile) away, the noise from the plant would reduce significantly over this distance. The Environmental Health Department has agreed with the findings of the NIA and requested further information which can be dealt with by conditions governing a stipulation that noise from the mechanical plant achieves 40dB LAr,Tr daytime and 30dB Lar,Tr at night. A revised NIA would also be required once detailed information for the proposed plant is known in order to confirm the above limits can be achieved and what attenuation (if any) is proposed. Conditions regarding operating times and deliveries, construction times and deliveries, a Construction Environmental Management Plan (CEMP) and either a no piling condition or a piling method statement would also be required.
- 7.47 In terms of the noise affecting the Crematorium, the NIA considers that the site is suitable for the proposed use which can be achieved by acoustic design within the building fabric.

#### *Air Quality*

- 7.48 The application has been accompanied by an Air Quality Assessment (AQA) [ADM Ltd dated Nov 2020] which has been commissioned to assess the effect of emissions to atmosphere from the Crematorium.
- 7.49 All UK crematoria must operate in accordance with the Secretary of State's Process Guidance for Crematoria 5/2/(12) which is aimed at providing a framework for consistent regulation under the statutory Local Air Pollution Prevention and Control (LAPPC) regime. The chimney stack must be designed to comply with this guidance.
- 7.50 The AQA has used a dispersion model to make predictions of ground-level concentrations of pollutants released to atmosphere. The proposed cremator would be electric which is designed to be highly efficient and would run on a green energy tariff, releasing around 90% less carbon than a conventional gas cremator. The Parish Council have commented that it would be useful to publish actual measured

emissions in the first year to confirm the accuracy of the pre-planning assessment in this respect. This is something the applicant may wish to consider publishing.

- 7.51 The proposed height of the chimney stack would be 7m (23 ft) and the modelling and assessment has been based on this height. The AQA has concluded that emissions to the atmosphere at their emission limits would not be of concern to human health. The Council's Scientific Office has agreed with the findings.
- 7.52 To conclude, a range of studies concerning noise and air pollution have been comprehensively assessed by the Council's technical consultees. As such the end-use of the site as a crematorium is not considered to result in adverse levels of noise or negative impacts upon air-quality. Construction and delivery activities as well as mitigation measures to avoid disturbance to residential amenity can be considered under the CEMP which will be a condition of any consent.
- 7.53 As such the proposed development is not considered to be harmful to the residential amenities of those occupiers and as such complies with the NPPF and Policies ENV2 and ENV9 of the adopted Local Plan 2015.

### **Visual Amenity**

- 7.54 Policy ENV1 of the Local Plan 2015 requires new development be informed by and sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines (CLG). The countryside in this part of the district is classified as the Fens National Character Area (NCA Profile 46) which are characterised by 'large open, flat and low lying fields under wide skies, crossed by numerous waterways and drainage channels'. Uninterrupted landscapes provide long distance views of buildings and settlements. The Council will expect that development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and landscapes.
- 7.55 Local policies are supported by the NPPF, which sets out at para. 174 that planning policies and decisions should seek to contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 7.56 The site forms part of the Mepal Gravel Pits County Wildlife Site (CWS) and lies between Chatteris 3.5km (2.17miles) to the north west with Mepal village 3km (1.8 miles) to the south east. The A142 abuts the full extent of the eastern boundary with a PROW straddling the extent of the western boundary. The Pretoria Energy plant is located to the north of the site with countryside enveloping much of the eastern, western and southern boundaries.
- 7.57 The site was previously used by the County Council for commercial aggregate extraction and this is still in evidence within this part of the district. The site is

therefore man-made and does not echo the arable land use reflected within the NCA. The application has been accompanied by a Landscape and Visual Impact Assessment [CDS Group dated Aug 2021] and has assessed the effects of the proposed development on the landscape of the site and its overall wider context. The study area has been set at an approximate radius of 4km from the site using 8 separate viewpoints.

- 7.58 The LVIA indicates that due to its previous quarrying history it is likely that the soils found on the application site are original as they comprise made ground, composed of sand and gravel and therefore not representative of the mapped soil type for which this NCA is known. Large bunds formed by reject excavation material are also present on site with some ground cover vegetation and mainly Birch trees.
- 7.59 In terms of landscape “value” there are a number of factors which have previously devalued its contribution to the wider landscape setting. These would be:
- Derelict buildings;
  - Arson, vandalism and anti-social behaviour;
  - Trespass anxiety eg travelling community;
  - Lack of landscape management in terms of safety issues;
  - Lack of ecological management
- 7.60 In assessing the landscape “effects”, the LVIA have considered the landscape of the site as ‘Moderate Sensitivity’. This is due to the habitat value which has occurred in the five years since the site was closed. These habitats would need to be carefully managed in the future. A combination of approaches are proposed which include retention, mitigation and compensation with some areas remaining undisturbed for several years while other new areas become established. Burials and internments will also be staged over several decades and the aggregated mix re-laid over the plots to establish new habitats for the future. With 20 natural burials anticipated each year, 294 plots would be made available under the detailed staged process.
- 7.61 Due to the longevity of the proposed use the LVIA has assessed the magnitude of change to be ‘medium/great’ as the nature of a burial and internment site would remain active beyond a specific timeframe. However, the cumulative effect and visual impact of the existing structures (now demolished) would be far greater than that of the proposed buildings.
- 7.62 The LVIA has found a moderate/minor landscape effect and this is due to a number of reasons, namely, the proposed developed area would not increase over the existing developed area; the proposed buildings would be of a high quality of design and a reduction in mass and height; the vulnerable condition of the site would cease; the future management of the entire site by mitigation and compensation resulting in new planting and the protection of valuable habitats from trespass.
- 7.63 The crematorium buildings proposed on the site are relatively modest in scale and height with the tallest building measuring 8.5m (28ft) and the chimney stack would be 7m (23ft) high. The vision for the scheme is to create each space for a distinct

function and to follow a specific sequence, whereby visitors enter via the *porte cochere* then make their way through to the chapel and then out again via a separate exit into the flower court and beyond. The proposed masterplan is attached as Appendix 2 for ease of identification purposes.

- 7.64 The crematorium buildings comprise a series of independent, linked spaces all different in form and materials so that the main chapel would be clearly defined from the rest of the spaces. This building would be less than half the height of the tepee tent which was previously situated on the site and measured 18.17m (60ft) in height against the Crematorium building of approximately 8.5m (28ft) in height.
- 7.65 The buildings would be contemporary in design with an intention to create an “uplifting, hopeful and comforting space”. All areas would benefit from high levels of natural light with views out onto the land and landscape beyond.
- 7.66 Lighting of the site itself and within the boundaries of the site would take the form of security lighting that is motion triggered along with bollard style lighting.
- 7.67 Materials are predominantly natural with stained timber fins cladding the main chapel building which provides a vertical element to the elevations. Grey recycled uPVC shingle cladding would be used as relief on the ancillary elevations. It is also proposed to erect timber clad canopy structures at either end of the chapel building which would be stained to match the building cladding. Flat roofs would be finished with a single ply membrane as well. The overall materials are simple and aim to sit comfortably within the site and surrounding area. The LVIA includes a photomontage from the entrance along the A142, which apart from a longer viewpoint along Long North Fen Drove is the only point at which the proposal can be viewed.
- 7.68 On the basis of the foregoing, the design and layout of the site represents high-quality development that achieves a coherent layout and suitable design response to its setting.
- 7.69 Landscape design will play a major role in creating the desired setting without compromising the existing habitats and the contribution they make to biodiversity. Ecological protection and enhancement will influence the planting design so that formal and ornamental planting would be restricted to the building surrounds and car park with ‘transition’ planting in the memorial garden between the formal and natural areas. Any new tree planting would be within the developed zone only. In order to provide for long-term care of the natural areas a Landscape and Ecology Management Plan would need to be developed in association with the Wildlife Trust to ensure all nature conservation interests would be maintained. These matters can be secured by planning condition.
- 7.70 The hedgerow on the eastern boundary would not be unduly affected by the scheme as both the northern and southern entrances are as existing and therefore minor reduction works to maintain appropriate visibility splays would be required.
- 7.71 It is considered that there would be no unacceptable harm to the landscape character of the site and that the benefits arising from the proposals in the form of significant new planting, the retention, mitigation and compensation of biodiversity

would result in significant enhancements to the ecology of the site to the benefit of the landscape value.

- 7.72 Overall, it is therefore considered the proposal would have a neutral impact on the landscape character which would comply with Policies ENV1, ENV2 and ENV7 of the adopted Local Plan 2015.

### **Historic Environment**

- 7.73 The historic environment is protected by Policy ENV14 of the adopted Local Plan 2015 and Section 16 of the NPPF.

- 7.74 There are no conservation areas in the locality but to the west of the site are nationally important 'Neolithic enclosures at Greys Farm' and a SAM (Bowl Barrow) which is located 200m (656ft) to the South-East of Horseley Fen farm. The County Archaeologist has advised that due to the previous extensive quarrying activity undertaken in the mid-20<sup>th</sup> century the destruction of archaeological features and deposits within the quarried area will already have taken place.

- 7.75 The County Archaeologist has raised no objection to the proposal and as such there would be no conflict with Policy ENV14 and the NPPF.

### **Access, Highway safety and parking**

- 7.76 Policy COM7 of the adopted Local Plan requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Paras 105, 110 and 111 of the NPPF are also relevant.

- 7.77 The site is located on the western side of the A142 (Ireton's Way) between Mepal to the south and Chatteris to the north. The A142 is a rural single carriageway which has a derestricted speed limit. The impact of the proposed development upon traffic generation as well as highway safety has been raised both by Mepal Parish Council, Sutton Parish Council, Fenland District Council, Sutton Councillors as well as other third party representations.

#### *Access*

- 7.78 There are no footpaths on either side of the A142. Access to the north and south of the site would be obtained from the existing entrances which are gained directly from the A142. Visitors travelling to the Crematorium would drive directly into the car park. Funeral party vehicles would use the same entrance but would be dropped off at the *porte-cochere* and would be picked up from the same location. There would be no access to the north of the site from the south.

- 7.79 A separate entrance to the north of the site would provide a lay-by style entrance with six parking places, one of which is for disabled use. This entrance would be no right turn.

- 7.80 A Road Safety Audit Stage 1 has been carried out and a number of issues were flagged up, namely that to avoid the risk of collisions a 'No right turn' order should be introduced at the location of the main entrance.
- 7.81 The Crematorium entrance would be served by the existing two-way priority junction on to the A142. A number of minor realignments of the junction bell-mouth and the introduction of a central splitter island are proposed. The existing ghost island on the junction of the A142 would be retained however signage preventing a 'no right turn' would be erected to prevent vehicles from using it. In order to ensure that hearses/funeral director vehicles do not try and make a right-hand turn into the site it is proposed to provide an open day to those concerned when the operation of the site can be clearly explained.
- 7.82 It is acknowledged that cortege speeds travel at 60% of the speed of normal traffic and as such may have some impact on localised traffic utilising the A142. Whilst corteges are anticipated to slow the traffic, this would result in some minor inconvenience to general road users during rush hour, the distance to travel along the A142 to access the site would also contribute toward congestion for those travelling northbound to work. The Transport Statement has confirmed that cremation services will typically take place at off-peak times on weekdays (10:00-16:00) The Local Highways Authority has confirmed that this would be acceptable and have requested that a condition to restrict services to out of peak travel hours be imposed.
- 7.83 Also, as part of the RSA Stage 1 and to promote the safe operation of the junction it has been recommended that 215m (820ft) visibility splays are provided at the main entrance and that these would be retained clear of encroachment by vegetation. It was also advised that a Road Safety Audit Stage 2 be carried out should planning permission be granted.
- 7.84 In terms of the secondary access to the north, this would take the form of a layby access. Although somewhat overgrown, there is evidence that there was an entrance and egress to the northern part of the site and therefore visibility splays would be introduced and vegetation clearance maintained. This would be resolved as part of the off-site highway works under a s278 Agreement.
- 7.85 The Local Highways Authority has raised no objection to this subject to a number of conditions governing visibility splays, drainage of area of hardstanding and the need of applicants to demonstrate that sufficient space is provided within northern entrance for vehicles to access and egress the site in a forward gear.

*Trip generation*

- 7.86 The Transport Statement [ Alpha Consultants – Feb 2022] submitted with the application indicates that there is no TRICS data available and therefore Traffic Surveys have been used from two other crematorium sites and this provides the methodology used to forecast the likely trip generation. In these cases, there were on average 15 vehicles per cremation. Other vehicular trips by general visitors to these sites, generate a further 5 arrival trips per cremation. It is envisaged that the Mepal site will typically undertake 4-5 cremations per day resulting in 102 vehicle arrivals/204 two-way trips.

- 7.87 In assessing the trip generation of the previous use as an Outdoor Centre, again TRICS data was not available and therefore a comparison has been made with a similar site. The TRICS data suggests that there would have been in the region of 55 daily vehicle trips. As such the Crematorium use would be likely to result in an additional 149 movements per day. This would lead to approximately 106 of the vehicle movements on the A142 equating to 8% of the existing Annual Average Daily Traffic flow.
- 7.88 The Transport Statement points out that this “new crematorium facility at Mepal site may in fact result in a net reduction in vehicle miles travelled on the highway network, as the local community will currently need to use similar facilities further afield”.
- 7.89 The County Transport Assessment Team have considered the information submitted in support of the application and have raised no objection. Both site access junctions would operate within capacity during off-peak periods as the level of traffic between these periods is significantly reduced. If services were held between 10.00 – 1600 Monday to Friday, the impact of the proposed development on the local highway network would be acceptable. Services would therefore be confined to off-peak periods and this will be imposed by condition.
- 7.90 The overall harm in this respect is therefore considered to be minor.
- 7.91 The location of the site, whilst meeting with the requirements of the Cremation Act, does restrict easy access by bus, walking or cycle, in much the same way as the existing community use did. There is a bus service along the Ireton’s Way (No39) and according to the bus timetable there is a bus stop just north of the main entrance on either side of the carriageway. However, no signage remains to indicate the presence of a bus stop.
- 7.92 Whilst this does provide an alternative to the car, in view of the nature of the proposed community use, many of the people attending the site would be known to each other and therefore more likely to car share. This would be reinforced by condition via a Travel Plan.

#### *Public Rights of Way (PROW)*

- 7.93 There is one PROW which is located along the western boundary. Currently there is no access into the site from the footpath which starts on land to the north of the site. This has been flagged up in the letters of representation and going forward is something that can be considered as part of a future initiative to open the site to more users.

#### *Parking*

- 7.94 Policy COM8 of the adopted Local Plan 2015 requires adequate levels of car and cycle parking to be provided in accordance with the Council’s parking standards.
- 7.95 The Council’s parking standards do not specifically cover Crematorium uses. As such, an assessment of potential parking demand from first principles has been carried out, which assumes that mourners from one service are still at the site,

whilst those for the subsequent service arrive. A Parking Accumulation Forecast has been carried out that indicates demand for car parking would peak at 28 vehicles on a typical day, between 10:00 and 11:00 hours.

- 7.96 Therefore, a total of 104 standard bays, 20 disabled parking spaces, 5 bays for hearses/limousines, and 3 minibus bays would be provided. There would also be 22 electric charging points at strategic locations covering main/disabled/staff parking areas. It is considered this would meet the requirements of users of the facility.

### *Cycling*

- 7.97 The demand for cycle parking is likely to be low given that most visitors would be travelling together to the site by car. However, there would be a small number of cycle storage facilities should visitors or staff choose to cycle to the site.
- 7.98 It is considered that the proposal would not detrimentally impact on highway safety and would provide sufficient parking provision for all users of the site. The proposal therefore complies with Policies COM7 and COM8 of the adopted Local Plan 2015.

### **Ecology**

- 7.99 Paragraph 174 (b) of the NPPF requires planning policies and decisions to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 7.100 Furthermore, para 180(d) of the NPPF requires development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 7.101 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. Policy SPD.NE5 of the Natural Environment SPD requires due consideration to be taken of protected species when considering development proposals. Moreover, any development should leave the natural environment in a measurably better state than it was beforehand, resulting in net gain.
- 7.102 A Preliminary Ecological Appraisal (PEA) was undertaken in 2019 and 2020, with a further visit with the Wildlife Trust in January 2020 [Syntegra dated July 2021]. The PEA has assessed the nature of the proposed development and considers it would result in a 'minor impact upon surrounding habitats, protected species and wildlife'. The PEA further recommends that the impact of this development could be compensated with further surveys, mitigation measures, precautionary measures and enhancements. A number of botanical studies, entomological studies, breeding and overwintering bird surveys, and other surveys have determined that the proposed site supports protected and notable species and habitats which without avoidance,

mitigation and compensatory measures could result in an overall negative impact as a result of the development.

7.103 An Ecological Impact Assessment v9 (ECIA) [Syntegra dated 29<sup>th</sup> October 2021) has been submitted with the application.

7.104 The purpose of the ECIA is to:

- Establish baseline ecological conditions at the site;
- Identify any likely significant effects of the proposed scheme, in the absence of mitigation;
- Set out any ecological measures necessary to effectively avoid or mitigate likely significant effects and identify residual impacts;
- Identify any compensation measures required to offset residual impacts;
- Set out potential ecological enhancement measures;
- Confirm how proposed mitigation, compensation and enhancement measures will be secured; and
- Provide sufficient information to determine whether the project accords with relevant nature consideration policies and legislation.

7.105 The site is located within 2km of the Ouse Washes, Special Area of Conservation (SAC), RAMSAR, SSSI and SPA. It also forms part of the Mepal Gravel Pits County Wildlife Site (CWS). Natural England has reviewed the application and has raised no objection subject to appropriate mitigation being secured, without which any development of the site would have an adverse effect on the integrity of Ouse Washes Special Protection Area, Ramsar and SAC.

7.106 In accordance with the recommendations of the PEA and ECIA, the following surveys were undertaken, and listed below are the results of these surveys.

#### *Botanical Survey*

7.107 The Mepal Gravel Pits were designated in 2005 and comprise the pits on both the western and eastern side of the A142 and qualifies for its CWS status as it contains a water body supporting at least three species of pondweed, and a Nationally Scarce vascular plant species. According to Botanical Surveys undertaken in April, May, July and September 2020, [Syntegra], a total of 276 plant species and subspecies have been recorded. A number of invasive plants are also present on the site and pose a threat to grassland and other open sites.

7.108 Three broad areas have been identified as important for the more notable plant species and these are found within the lake body, around the lake margin and within the open sandy areas. It is advised that an effective management plan and monitoring regime be set up to preserve these areas. The Survey also advises that a vision for the region be set up to develop the complex of gravel pits in the area as a large site for wildlife and people by creating a mosaic of habitat. Significant areas could then be kept entirely for wildlife, but others made available for recreational use to enjoy the wildlife and for water sports, off road cycling and other pastimes.

### *Wintering Bird Survey*

- 7.109 The results of the Wintering Bird Survey (WBS) identified 32 species of birds, 3 of which are listed on the Birds of Conservation Concern 'Red' list. These species are fieldfare, song thrush and herring gull. 5 were on the Amber List including mallard, mute swan, black headed gull, kestrel and marsh harrier. The site does not meet the 'Site of Biological Importance' criteria for overwintering birds in Cambridgeshire and Peterborough as the Survey concludes that the nature conservation value of the overwintering bird assemblage is considered to be no greater than of 'local' value. However, it is recommended that an area of enclosed teasel is secluded, for foraging purposes. The Survey concludes that provided a comprehensive biodiversity enhancement plan for the site is produced then the overwintering bird species will not be impacted upon.
- 7.110 A number of mitigation measures can protect the ecological features of the site during construction and operational phases of the development. The measures recommended by the ECIA can be secured by a Construction Environmental Management Plan, a Landscape Environmental Management Plan, Lighting Plan and Landscape proposal.

### *Breeding Bird Survey*

- 7.111 Surveys were conducted between April to July and 31 bird species were recorded on or close to the site. Three priority species (red list) were recorded using the site, namely dunnocks, herring gulls and song thrush. Seven amber listed birds were also recorded using habitats. These were artic tern, black-headed gull, kestrels, mallards, mute swan, swifts and dunnocks.
- 7.112 A number of mitigation measures and recommendations have been proposed and these can be incorporated into the enhancement and recommendations of the ECIA.

### *Dusk Activity Survey*

- 7.113 In respect of bats, a Preliminary Roost Assessment (PRA) [Syntegra] was carried out in November 2019. At that time the buildings were still present and of the buildings, two were identified as moderate potential and three were deemed as low potential. A Dusk Activity Survey [Syntegra - July 2021] has also been submitted and this describes the work undertaken on site in 2020.
- 7.114 A dusk activity survey was attempted on 12<sup>th</sup> July 2020 but upon arrival the emergency services were attending to a fire in the main accommodation block. As a result of the damage this building was downgraded to 'negligible potential'. Building 11 had been heavily vandalised and has been 'scooped out' for the potential to support roosting bats. A survey was undertaken on 9<sup>th</sup> August 2020. No bats emerged or re-entered Building 3. However, bats were recorded traversing and foraging purposes along the northern, eastern and southern tree line boundaries.
- 7.115 Given the damage to buildings and anti-social behaviour experienced, and in view of the number of trees on the site, the assessment concludes that it highly unlikely that the buildings are used for roosting purposes.

- 7.116 On the basis of the information contained in the PRA the buildings were demolished. As part of the enhancement works, a variety of bat boxes would be installed once the site was secured.

*Reptile Presence and Absence Report*

- 7.117 The Preliminary Ecological Assessment (PEA) undertaken in November 2019 identified areas of the site that were considered suitable for reptile species. A total of 100 mats were laid on those areas identified by the PEA on 26<sup>th</sup> April 2020 and a Reptile Presence and Absence Report [Syntegra - dated May 2020] was undertaken during the period 3 – 27<sup>th</sup> May 2020. No reptile species were recorded. Neither were any records of reptiles identified within 2km of the site.
- 7.118 Pre-commencement, during construction and post works mitigation measures are recommended which can be incorporated into the LEMP.

*Water Vole and Otter Report*

- 7.119 It has been recorded locally (road traffic accidents) that otters are active in the area. A Survey of Water Vole and Otter presence/likely absence was conducted on 12<sup>th</sup> June 2020 [Syntegra] and this confirms that most of the bank side habitat in and around the lake is suitable for both otters and water vole. Evidence of otter activity was also confirmed in the form of droppings.
- 7.120 No field signs of water vole were recorded at the lake leading to the conclusion that water voles are absent from the survey area.
- 7.121 The Report recommends that as the lake is being used for foraging purposes then “proposals could be constrained by presence of otters if habitat around the banksides of the lake are to be altered, affecting the feeding, sheltering and burrowing opportunities of these species”. The report concludes that “any proposals impacting aspects of the lake itself and its banksides may impact on the ecology of these species”.
- 7.122 Additional surveys may need to be carried out pre-construction and throughout construction to check for any new holts or resting places and this can be included within the range of enhancements/mitigation measures proposed in the ECIA.

*Terrestrial Invertebrate Survey*

- 7.123 A field survey was undertaken on 20<sup>th</sup> May, 11<sup>th</sup> July and 18<sup>th</sup> August 2020, finding that the western pit provides virtually all the high quality open habitat mosaic with Breck-like characteristic and invertebrate fauna. The most important habitats are located south of the main buildings within the old car parking areas, sand areas and sand mounds.
- 7.124 The survey [Syntegra] states that “the open habitat mosaic at the southern end of the site, shelving lake edge at the southern end of the lake and the plentiful dead wood resource should qualify the site as a CWS on the invertebrate data alone”. Moreover “the mature oak just north of the main buildings and the larger wetland carr edge

areas to the lake on the eastern side towards the southern end of the lake provide other valuable habitats”.

- 7.125 The survey reports that any development of the site should focus on the existing footprint of the derelict buildings and retain the important invertebrate habitat areas and features.
- 7.126 The ‘open mosaic habitat’ has become one of the most highly valued on the site and relies on free draining aggregate dominated soils and its bright open aspect. The absence of trees in the surrounding area has ensured the area benefits from natural daylight.

#### *External lighting*

- 7.127 An external lighting plan has been provided and this indicates that low level bollard lighting is to be adopted throughout the site and that walkover uplights would be embedded within the paved areas. All car park lighting would be on an automatic timer to switch off 30 minutes after the site closure. This would be the only lighting on site and bearing in mind the service hours of operation there would be no impact on biodiversity.
- 7.128 To conclude the site supports several protected and notable species and habitats which could be impacted on as a result of the development. Natural England have been consulted and have raised no objection, subject to appropriate mitigation being implemented and monitored.
- 7.129 Due to the unique set of circumstances, and the increased biodiversity value of the site, should the area be reinstated as an outdoor activity centre, then planning permission would not be required and this oasis of species rich habitat would suffer as a consequence. Within the scheme as submitted, the site can continue in community use and a range of recommended mitigation measures, precautionary measures and compensation measures will ensure the biodiversity and ecological value of the site can be maintained. These measures would form the basis of the LEMP. All surveys and reports have been scrutinised by the Wildlife Trust who are confident that the nature conservation interests of the site can be managed and maintained. A number of the surveys relating to Botany, Bats, Invertebrates and Otters will need to be re-assessed and re-survey work carried out. In consultation with the Wildlife Trust further survey work can be carried out prior to development commencing and this has been imposed by condition. A number of enhancement measures have been recommended to protect the ecological features and minimise the adverse impacts of the development to secure net gains for biodiversity in line with the NPPF, Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

#### *Trees*

- 7.130 A Tree Survey has been undertaken [RGS – April 2020] identifying a total of 7 individual trees and 16 groups of trees. The majority of trees will not be affected by the development with minimal intervention required on others. In particular a group of Crack Willow located on the south-eastern corner of the lake are recommended for a reduction in height with a group of Silver Birch bordering the lake and a mix group

of trees comprising an area of unmanaged woodland identified for habitat management works only.

- 7.131 The Tree Officer has considered the Tree Survey and agrees with the findings requesting that the landscaping would need to be confirmed by condition as some of the suggested tree species ie soft fruit varieties within the parking areas may not be appropriate.
- 7.132 A tree root protection condition has also been proposed.

### *Landscaping*

- 7.133 All landscaping work would be implemented in accordance with the LEMP. Key objectives of the proposal are to:
- create an accessible and sensitive landscape surrounding the new buildings and car park;
  - retain and manage existing boundary planting to ensure external views and ecology are protected;
  - introduce a range of new trees to provide structure, screening and new habitats around the buildings and car park;
  - protect, mitigate and enhance sensitive areas within the site that are to be absorbed into and surround the development;
  - work with The Wildlife Trust to ensure protection and improvement to the surrounding natural landscape;
  - protect the water and the ecology it supports from intrusion by the new development.
- 7.134 The proposed new planting would create a transition between the development and the retained natural areas providing a combination of shrubs and perennials to avoid migration through self-seeding into the natural areas. A series of new standard and multi-stem trees will be introduced into the development zone with trees lining the main sinuous pedestrian route.
- 7.135 The development would comply with Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

### **Climate Change and Sustainability**

- 7.136 The Climate Change Act (2008) establishes a legally binding target to reduce the UK's greenhouse emissions by at least 80% in 2050 from 1990 levels. The Government's expectation set through the NPPF is that each local authority contributes to meeting this target through setting local requirements for the sustainability of buildings that are consistent with the Government's zero carbon policy, adopt nationally described standards, and promote energy from renewable and low carbon sources.
- 7.137 At its Full Council meeting in October 2019, the Council recognised that it had a significant role to play in protecting and improving the environment for future

generations and committed to producing an Environmental Plan and this has resulted in the adoption of the Climate Change SPD.

- 7.138 Policy ENV4 of the adopted Local Plan 2015 requires non-residential proposals of 1000 sqm or more, to achieve BREEAM Very Good Standard or equivalent.
- 7.139 The Design and Access Statement accompanying the application, indicates that the development would include a number of sustainable factors which would contribute to both the energy performance and life span of the building. These include the use of recycled plastic from waste as well as the buildings employing a recovery system as part of the heating and hot water strategy. The scheme also proposes the installation of roof top solar panels on the crematorium buildings as well as on-site battery storage to facilitate the proposal to meet 70% of its electricity needs through renewables.
- 7.140 In line with Policy CC1 of the Climate Change SPD, the scheme will be conditioned to meet BREEAM Very Good standard or equivalent.

### **Other Material Matters**

#### *Flood Risk and drainage*

- 7.141 Policy ENV8 of the adopted Local Plan requires all developments to contribute to an overall flood risk reduction. The site is located wholly within Environment Agency defined Flood Zone 3 and therefore requires a Flood Risk Assessment.
- 7.142 The application has been accompanied by a Flood Risk Assessment, Drainage Strategy Report and a Tier 2 Groundwater Risk Assessment Report [CDS dated 19<sup>th</sup> May 2022].
- 7.143 As the application site is located within Flood Zone 3a there is a requirement to undertake a “Sequential Test” to demonstrate that there are no sequentially preferable “reasonably available” sites at a lower flood risk within a defined area. A Sequential Test [Nexus Planning] has been submitted with the application detailing other sites that have been considered by the applicants not within Flood Zone 3. However, as the proposal is an assembly and leisure use it is classified as “less vulnerable” and an Exception Test is not required. (Annexe 3 of the NPPF) refers.

#### *Sequential Test*

- 7.144 The following locations outside of the urban area have been considered in terms of the suitability/ability of each site to accommodate the proposed development.
- 7.145 The results indicate:
- *Land to the south of Witchford Road Ely* – Not suitable as parts of the site were too close to residential development and land promoters would set higher land value;
  - *Land west of Ely Road and Grange Lane* – Not suitable as this site has been promoted as a mixed use site. A Crematorium use would sterilise a large proportion of the site;

- *Eastfield Farm, Littleport* – Not suitable as separation distances from existing residential properties would restrict the development;
- *Land south-west of the Shade, Soham* - Not suitable as net developable area is considered inadequate due to proximity of residential properties.
- *Land north of Cherry Tree Lane, Soham* - Not suitable as development limited due to proximity of existing residential properties.
- *Land south of Cherry Tree Lane, Soham* - Not suitable as outline application for 210 dwellings is awaited.
- *Land at the Shade, Soham* – Not suitable as large part of the site falls within a Water Treatment safeguarding area.
- *Land at Downfields, Soham* - Not suitable due to proximity to residential properties.
- *Land at Witchford* - Not suitable, large site and a mixed use may not be compatible. Southern part of the site falls within a Waste Consultation Area.
- *Land to the east of Witchford* – Not suitable – only small corner of the land would be available for development which is of insufficient size.

7.146 The Sequential Test has not identified a suitable site for the proposed development and therefore there are no reasonably available sites that could accommodate the proposed development within Flood Zones 1 or 2. This has been assessed and as the onus of responsibility is placed on the Council to make a judgment, it is considered that as the site is located on previously developed land and the other sites are not, then the Council agrees with the findings. The Sequential Test has been passed.

7.147 The Environment Agency, in their letter dated 30<sup>th</sup> March 2022, have confirmed that the site is at low risk of flooding and that whilst the “Strategic Flood Risk Assessment assigns the lakes as being within the functional floodplain (flood zone 3b). We recommend that you **do not** consider this site to be within the functional floodplain. The designation is likely to be a mapping inaccuracy, the modelling study would have identified that the area would be wet during a flood, but that is likely due to it being a lake rather than being at risk of flooding. The mapping indicates that there is no connection between the various areas of functional floodplain which lend credence to the assumption that this is a designation error. The lake levels may still be affected by local storms, so we continue to recommend that resilience measure is incorporated into sensitive locations”. The Council accepts these findings.

7.148 The Sutton and Mepal Internal Drainage Board (Board) has been consulted and as the disposal of foul water is to be discharged by means of a septic tank then an application to the Board is not required although the applicant would need to submit details of the tank and a letter confirming the intention to use this method. Further details will be required by condition. With regard to the disposal of surface water any development that requires works within, under, over or next to a Board’s drain/area of byelaw control would require an appropriate consent issued by the Board.

- 7.149 The proposed mitigation would follow the SuDs Management Hierarchy with infiltration considered first. Surface water from the proposed development would be managed through the use of cellular storage crates discharging via infiltration, or if proven unviable, restricting to  $Q_{BAR}$ . If this is not possible then attenuated discharge into the lake would be considered. The site layout would be designed with evacuation procedures in mind. The Lead Local Flood Authority have been consulted and are no longer objecting as the applicant has provided additional clarification showing the site at low risk of flooding from the main river during the various breach scenarios. The EA have not raised any objections and reaffirm the low risk to the site from the main river. Irrespective of the above, it's noted that a surface water drainage condition would be required, and given the site's location in the flood plain advise a flood emergency plan be conditioned.
- 7.150 It is considered the scheme would comply with both the NPPF and Policy ENV8 of the adopted Local Plan 2022.

### *Contaminated Land*

- 7.151 Policy ENV9 of the adopted Local Plan 2015 requires all applications for development where pollution is suspected to contain sufficient information to enable the Council to make a full assessment of potential hazards and impacts.
- 7.152 The application has been accompanied by a Phase I and Phase II Geoenvironmental and Geotechnical Report [CDS dated 21<sup>st</sup> June 2021] which has identified that both the topsoil, made ground and natural soils is generally considered to be free from significant contamination, but that further works should be undertaken to identify contamination and any remediation. Due to the nature of the soils found on site, the foundations for the development may include piling. In view of the views expressed by the Environmental Health Officer further details will need to be supplied by condition.
- 7.153 Concerns have been raised by Mepal Parish Council with regard to the perceived contamination from the proposed use as a crematorium/natural burials and pet burials. The Parish Council consider that the groundwater table has "less than 5m bgl and the close proximity of the lake to the west of the proposed burial ground and therefore the presence of proposed future burials does provide a source of potential pollutants, such as ammonia, nitrate, formaldehyde and bacteria contaminants, which could have a significant impact on the water quality beneath the site and in the lake to the west and to the east. Pollutants flux modelling should be undertaken to assess the impact burials would have on the water quality of adjacent surface water features and the underlying groundwater."
- 7.154 As the former use for the site included a sand/gravel quarry, the ground conditions comprise infilled land as well as an area of virgin land. The site is not considered to be located in a sensitive groundwater area and there is no groundwater source protection zones and no potable abstraction wells within 1km of the site.
- 7.155 The Environment Agency has issued guidance "Cemeteries and burials: prevent groundwater pollution" which states that any new cemetery must:
- Be outside a source protection zone 1 (SPZ1).

- Be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms.
- Be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain.
- Have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains.
- Have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained).

- 7.156 The Environment Agency have considered the revised Tier 2 Groundwater Risk Assessment report [CDS dated May 2022] which has established that a consistent groundwater table exists across the site at depths of approximately 2.8m to 3.5m bgl. A total of 7 trial pits were dug across the proposed burial area and ground water was only found in 1 trial pit at a depth of 2.0m bgl. The Report recommends that burials are restricted to single depth burials which would provide the required 1m unsaturated zone beneath the base of the burial. The Assessment concludes that the site “would be classed as being a moderate risk for less than 20 burials per annum” and “consideration should be given to undertaking pollutants flux modelling to assess the impact burials would have on the water quality of adjacent surface water features and underlying groundwater.”
- 7.157 The submitted CDS Tier 2 Groundwater Risk Assessment report has satisfied the Environment Agency’s requirement for “a hydrogeological risk assessment, proposing burials be limited to a single depth in order to maintain a minimum unsaturated zone thickness”.
- 7.158 Tier 2 Groundwater Risk Assessment confirms the number of natural burials per year would be 20, with 294 plots proposed within a detailed staged process and the Environment Agency has no objection although requires a planning condition to restrict the distance from a burial to any groundwater supply source. The Environment Agency do not consider that the proposal would present a high priority with respect of land contamination or pollution risk to controlled waters, based on the environmental setting and previous land uses of the site.
- 7.159 The Animal and Plant Health Agency (ALPHA) have also commented on the scheme as part of the proposal would involve a pet cemetery. ALPHA is responsible for ensuring that certain environmental protection measures are satisfied and their responsibility covers the disposal of pet carcasses and their immediate packaging material. The applicant would need to liaise with ALPHA should planning permission be granted.
- 7.160 It is considered that provided the recommendations within the Tier 2 Groundwater Risk Assessment report are followed the scheme would not detrimentally impact on water quality.
- 7.161 Based on the environmental setting as well as the previous land uses of the site the Environment Agency do not consider the scheme would present a high priority with respect to land contamination or pollution risk to controlled waters. The Council’s

Scientific Officer has also agreed with the findings of the technical reports and has requested the standard contaminated land conditions are attached to any consent. The proposal would accord with Policy ENV9 of the adopted Local Plan 2015.

### *Access*

7.162 The Access Group have provided comprehensive advice on the operation of the services provided and this will be of assistance to the applicant. However, for planning purposes all buildings and public areas would be provided with level access throughout and at all access and egress points with all external and internal doors being accessible to all. Disabled parking would also be provided close to the facilities.

### *Community Engagement*

7.163 A Statement of Community Involvement [CDS – August 2021] has been submitted with the application and this provides details of the various community engagement activities undertaken by the applicants and the findings of the January 2021 public consultation exercise.

7.164 In October 2018 the applicants sought feedback from local Funeral Directors in Ely, Chatteris, Cambridge, Willingham, Ramsay, Wisbech, Bury St Edmunds, Lakenheath, Newmarket, March, Soham and Downham Market “on the proposals to develop the site for a crematorium and to better understand the needs for the development and the functioning of the facility prior to any further works”. The findings of this exercise revealed that 73% of respondents would consider using alternative facilities if they became available. The SCI further reports that as it had been confirmed in November 2019 that the potential bidder to retain the site to continue as an Outdoor Activity Centre had retracted their offer, the findings from the Funeral Director survey raised the profile of the project.

7.165 The applicants developed an outline business case to develop the site into a Crematorium and took their findings to a special Full Council meeting in July 2020.

7.166 A presentation to Mepal Parish Council was undertaken in September 2020.

7.167 Due to the Covid-19 pandemic an on-line public consultation exercise took place in January 2021 which was advertised via press releases and social media posts. 188 responses were received. Of pertinence to the exercise 48% of respondents said they used the Cambridge City Crematorium with 30% using the Fenland Crematorium, with 22% using other means. 85% of respondents considered they had an important historical family allegiance to the Mepal Outdoor Centre. In terms of natural burials 70% of respondents visited the Muchwood Green Burial Ground. When questioned about the discovery of rich ecology and biodiversity on the site and the proposed crematorium project which at its core aimed to protect and further enhance the ecology of the site 73% of respondents considered this to be very important and 16% considered it to be important. A question regarding whether the respondents would utilise any of the proposed recreational uses only 4% indicated they would not. When asked what would respondents want to see included within the project, respondents considered: a water feature; memorial gardens; woodland walk; wildlife area and an arboretum.

7.168 The survey revealed a 'fond' sentiment for the Mepal Outdoor Centre. However it is also acknowledged that respondents supported the protection of biodiversity and ecology on site and were not opposed to the idea of a Crematorium on this site.

### *Waste and Minerals*

7.169 The County Council has considered the scheme against the policies of the Waste Local Plan (2021).

7.170 Concerns had originally been raised that the applicant's attention be drawn to the relevant policies in the Cambridgeshire and Peterborough Mineral and Waste Site Specific Plan and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy. These documents were superseded on 28 July 2021 when the MWLP was adopted.

7.171 Further information has been provided by the applicant to the satisfaction of Cambridgeshire County Council and they are "satisfied that the applicant is aware of the permitted and likely future mineral and waste management development in the area and note that the applicant considers that it would not adversely affect the amenity of users of the proposed crematorium." The County subsequently removed their objection to the planning application.

7.172 In terms of waste management, a Site Waste Management Plan can form part of the CEMP.

## **8. CONCLUSION**

8.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and Cambridgeshire and Peterborough Minerals and Waste Core Strategy the report has assessed the application against the relevant policies of the Local Plan and the NPPF.

8.2 The site forms part of the Mepal Gravel Pits CWS and had previously been operating as an outdoor activity centre. Whilst it is acknowledged that this centre was well-used and there has been overwhelming support for its retention, no service provider has been found to continue that use. Whilst the site has not been in use, it has suffered from arson attacks and anti-social behaviour. However, the biodiversity and ecology interests have thrived, and should the previous use be reinstated across the site, then the protected species and natural habitats may be detrimentally affected as a consequence.

8.3 The proposal will retain land for the continuation of passive leisure and recreational purposes with an area of the site to the south proposed for a new Crematorium, and associated service and administration building, function building, memorial garden, natural burial areas, pet cemetery and car parking. The community use of the site has therefore been retained.

8.4 The scheme would be sufficiently distant from any residential properties as required by the Cremation Act and therefore no material harm to residential amenity.

- 8.5 In terms of design and the use of materials is concerned, the Crematorium and associated buildings are of a high quality of design and the palette of materials proposed would blend in with the surrounding area. Architecturally the scheme is visually attractive and the bulk, scale and massing of the proposal is far less visually intrusive than the previous buildings and would not be visible from long distance views. As such it is more in keeping with the character of the area than the previous buildings.
- 8.6 The scheme would generate additional traffic, however, the Local Highways Authority have raised no objection subject to a condition restricting the operation of the site outside of peak traffic times.
- 8.7 As set out in the Council's Corporate Plan 2017-2019 there has been a long-standing ambition to provide a crematorium and natural burial ground within the district. The site is suitable for the proposed uses and there are no effects which count significantly against the proposal or which outweigh the community and economic benefits of the development.
- 8.8 The scheme accords with both national and local planning policy and is considered to represent sustainable development, and there are no material considerations that indicate permission should not be granted in this instance.
- 8.9 The application is therefore recommended for approval subject to conditions.

## 9. COSTS

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4 In this case members' attention is particularly drawn to the following points:

The development is not in conflict with Policies GROWTH 2, EMP4, COM3 and COM4 of the adopted Local Plan 2015

## 10. APPENDICES

- 10.1 Appendix 1 Conditions

- 10.2 Appendix 2 Block Plan  
 10.3 Appendix 3 Appeal Ref: APP/H0520/W/18/3197401 Land North of Wyton  
 Piggery Cottage, Sawtry Way, Kings Ripton

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
21/01216/F3M 21/00681/SCREEN	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastcambs.gov.uk

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

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

## APPENDIX 1

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

Plan Reference	Version No	Date Received
LVIA		19th August 2021
Tree Survey Report		13th August 2021
Noise Impact Assessment		13th August 2021
Planning Statement		13th August 2021
Air Quality Assessment		13th August 2021
Design & Access Statement	CDS	13th August 2021
Design & Access Statement	Benchmark Rev G	18th August 2021
Emissions Statement		13th August 2021
Landscape Management Plan		13th August 2021
Phase I & Phase II GEO Report		13th August 2021
Road Safety Audit		13th August 2021
Statement of Community Involvement		13th August 2021
Drainage Strategy Report		16th August 2021
PEA	4	19th August 2021
Water Vole & Otter Report	2	19th August 2021
Dusk Activity Survey	3	19th August 2021
Wintering Bird Survey		19th August 2021
Reptile Presence & Absence Report		19th August 2021
Impact Calculation Report	8	19th August 2021
Breeding Birds Survey		19th August 2021
Terrastrial Invertebrate Survey Report		19th August 2021

Botanical Survey Report		19th August 2021
03-02-000	B	13th August 2021
03-02-002	C	13th August 2021
03-03-000	B	13th August 2021
03-04-001		13th August 2021
03-04-002		13th August 2021
03-04-003		13th August 2021
03-03-001	B	13th August 2021
03-05-002		13th August 2021
03-05-001		13th August 2021
03-05-005	A	13th August 2021
03-05-004		13th August 2021
03-05-003		13th August 2021
Appendix 3		13th August 2021
L-001	001	13th August 2021
Applicants response to Wildlife Trust		15th February 2022
Flood Risk Assessment		9th March 2022
D200004-CDS-EN-ZZ-DR-L- 008	01	12th January 2022
Drainage Strategy Report	Dec 2021	12th January 2022
Nexus response to CCC	re Waste & Minerals	12th January 2022
Ecological Impact Assessment	9	12th January 2022
Drainage Maintenance & Management Plan		12th January 2022
Transport Statement		15th February 2022
Stage 1 RSA (including Designers Response)	1	15th February 2022
Road Safety Audit Stage 1	1	15th February 2022

Response to EA		28th July 2022
Tier 2 Groundwater Risk Assessment		20th May 2022
D200004_CDS_EN_ZZ-DR-L-016-003		29th April 2022
D200004-CDS EN- ZZ-DR-L-001-002		29th April 2022
D200004-CDS-EN-ZZ-DR-L-050-001		29th April 2022
20549Y 01	Rev A	13th August 2021
20549Y 02		13th August 2021
D200004-CDS-EN-ZZ-DR-L-020-004		27th April 2022
D200004-CDS-EN-ZZ-DR-L-013-003		27th April 2022
D200004-CDS-EN-ZZ-DR-L-007-010		27th April 2022
D200004-CDS-EN-ZZ-DR-L-008-003		27th April 2022
D200004-CDS-EN-ZZ-DR-L-009-003		27th April 2022
D200004-CDS-EN-ZZ-DR-L-010-003		27th April 2022
D200004-CDS-EN-ZZ-DR-L-011-003		27th April 2022
D200004-CDS-EN-ZZ-DR-L-012-003		27th April 2022
D200004-CDS-EN-ZZ-DR-L-021-003		27th April 2022
D200004-CDS-EN-ZZ-DR-L-300-002		27th April 2022
D200004-CDS-EN-ZZ-DR-T-004	02	27th April 2022
D200004-CDS-EN-ZZ-DR-L-006-003		27th April 2022

1. Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

Construction and deliveries

- 3 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.
3. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

CEMP

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 and a Waste Minimisation Plan. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, site compound, waste and proposed phasing/timescales of development etc, The CEMP shall be adhered to at all times during all phases.
- 4 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 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.

Piling

5. 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.
- 5 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 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 and to protect residential amenity.

### NIA

- 6 Noise limits on all mechanical plant shall not exceed the limits as set out in the Noise Impact Assessment [Cass Allen dated 2020].
6. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

### External Mechanical Plant

7. Prior to commencement of use, an assessment of the noise impact of external mechanical plant including any renewable energy provision sources shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained 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

### Site Characterisation

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

### Remediation

- 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.

### Timetable of Remediation

- 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 safeguard the character and appearance of the countryside, in accordance with policies GROWTH2, ENV1 and 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.

### Unsuspected Contamination

- 11 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.

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

### BREEAM

- 12 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.

- 12 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.

### Services

- 13 No service shall take place before 10am Monday to Friday and no service shall finish any later than 4pm Monday to Friday and funeral/cremation services shall not be permitted at all on weekends, public or bank holidays.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

### Function Room

- 14 The use of the function room shall be in association with the crematorium and natural burial ground and for no other purpose.
- 14 Reason: To safeguard the character and appearance of the area, and protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

### Hard Landscaping work

- 15 All hard landscaping works shall be carried out in accordance with the approved details (Drawings L-011-003, L-012-003 and L-013-003). The works shall be carried out prior to the commencement of use of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

### External Lighting

- 16 The External Lighting Strategy and electric car charging plan shall be carried out in accordance with Drawing L-021-003. The external lighting shall be timed to operate within the service timetable and shall not operate outside of those hours. The works shall be carried out prior to the commencement of use of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.
16. Reason: To safeguard the character and appearance of the area, and protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

### ECIA

- 17 Prior to the commencement of development a number of ecology re-survey works shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The additional ecology surveys shall include:
- a) Botany
  - b) Bats
  - c) Invertebrates
  - d) Otters

The development shall be carried out in accordance with the recommendations contained in the ECiA [Syntegra dated 29<sup>th</sup> October 2021), unless superseded by alternative or additional recommendations, as a result of the re-survey works. The biodiversity mitigation, compensation and enhancement measures hereby approved shall thereafter be maintained in perpetuity.

- 17 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. This condition is pre-commencement to protect the biodiversity interests on site.

## LEMP

- 18 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the use of the development commencing. The content of the LEMP shall include the following: a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body or organisation responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
- 18 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.

## Soft Landscaping

- 19 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.
- 19 Reason: To safeguard the character and appearance of the area, and protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

### Landscape Management Plan

- 20 All works associated with landscaping shall be carried out in accordance with the Landscape Management Plan [CDS]; All works shall be maintained in accordance with the agreed scheme.
20. Reason: To safeguard the character and appearance of the area, and protect and enhance species in accordance with policies ENV1, ENV2 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.

### Tree Protection

- 21 No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorized vehicles or construction machinery) until a scheme for the protection during construction of the trees relevant to the site, in accordance with British Standard BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme once approved shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 21 Reason: To comply with good arboricultural practice in accordance with Policy ENV7 of the adopted Local Plan 2015.

### Groundwater protection

22. All burial operations should be undertaken in accordance with the recommendations of the Tier 2 Groundwater Risk Assessment [CDS dated May 2022].
- 22 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Policy ENV9 of the East Cambridgeshire Local Plan, 2015.

### Cemetery Burials

- 23 All burials in the cemetery shall be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains; and
- a minimum of 1 m above the highest anticipated annual groundwater level

23 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Policy ENV9 of the East Cambridgeshire Local Plan, 2015.

#### Foul Water Drainage

24 No development shall take place until a scheme to dispose of foul water drainage; has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to commencement of use.

24 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.

#### Surface Water Drainage

25 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy report prepared by CDS Group dated May 2022 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) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

- 25 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 in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

#### Flood Emergency Plan

- 26 The development shall not be occupied until a Flood Emergency Plan (based on the submitted Flood Risk Assessment) has been submitted to, and approved in writing by, the Local Planning Authority. The commitments explicitly stated in the Flood Emergency Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority.
- 26 Reason: To ensure a suitable Flood Emergency Plan is in place to protect future users of the development in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

#### Materials – External Surfaces

- 27 The materials to be used in the construction of the external surfaces of the development shall be either:
- a. As detailed on Drawing Nos 03-05-00, 03-05-002, 03-05-003 and 03-05-004 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

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

#### Materials – Function Room and Flower Court

28. Detail of the materials to be used in the construction of the Function Room and Flower Court shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.
28. Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

#### Boundary Treatment

- 29 The materials used in the construction of the boundary Treatment/Gates shall be either:
- a. As detailed on Drawing No L-020-004 or
  - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.
- 29 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

#### Parking and Turning

- 30 Prior to 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.
- 30 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

#### Visibility Splays

- 31 Prior to the commencement of use visibility splays shall be provided each side of the vehicular accesses in full accordance with the details indicated on the submitted plan D200004-CDS-EN-ZZ-DR-L-007-007 (Transport Statement Appendix A). The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 31 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

### Access and Hardstanding

32. 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.
- 32 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

### Travel Plan

- 33 Prior to occupation a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.
- 33 Reason: In the interests of sustainable travel and to reduce reliance on private car transport, in accordance with Policy COM7 of the East Cambridgeshire District Local Plan 2015

### Fire Hydrants

34. 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.
- 34 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.

### Deliveries

- 35 Deliveries shall be limited to the following hours: 09:00 – 17:00 each day Monday-Friday and 10:00 – 14:00 Saturday. There shall be no deliveries on Sundays, Bank of Public Holidays.
- 35 Reason: To safeguard the character and appearance of the area, and protect and enhance species in accordance with policies ENV1, ENV2 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.



**APPENDIX 2 – Block Plan**








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## Appeal Decision

Hearing Held on 2 April 2019

Site visit made on 2 April 2019

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> June 2019**

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**Appeal Ref: APP/H0520/W/18/3197401**

**Land North of Wyton Piggery Cottage, Sawtry Way, Kings Ripton**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Alan Lathbury (Dignity) against the decision of Huntingdonshire District Council.
  - The application Ref 17/00969/FUL, dated 27 April 2017, was refused by notice dated 21 December 2017.
  - The development proposed is the construction of a new crematorium with associated car parking, memorial gardens, access road, access and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new crematorium with associated car parking, memorial gardens, access road, access and landscaping at Land North of Wyton Piggery Cottage, Sawtry Way, Kings Ripton in accordance with the terms of the application, Ref 17/00969/FUL, dated 27 April 2017, subject to the attached schedule of conditions.

### Application for Costs

2. At the Hearing an application for costs was made by Mr Alan Lathbury (Dignity) against Huntingdonshire District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The site address was changed from the address given in the original application form. At the Hearing it was established that parties had agreed this change for precision and that consultation of the original proposals was undertaken using the amended address. I have therefore referenced the updated address in my decision.

### Main Issues

4. The main issues are whether the site is a suitable location for the proposed development having particular regard to:
  - (a) the character and appearance of the countryside; and,
  - (b) the accessibility of the site.

## **Legislative and Planning Policy Context**

5. At the time of the Council's decision and the Hearing, the development plan for the area included the saved policies of the Huntingdonshire Local Plan 1995 and the Huntingdonshire Core Strategy 2009.
6. The Draft Huntingdonshire Local Plan 2036 (LP) had also been examined and main modifications have been consulted upon at the time of the Hearing. Parties agreed at the Hearing that significant weight should be given to Policies LP11, LP13 and LP17, as referenced in the decision notice. The plan was subsequently adopted on 15<sup>th</sup> May 2019 and the plans as referenced above are now superseded. The main parties were given an opportunity to comment on this change. I have therefore taken my decision against the policies in the newly adopted LP as the development plan for the area.
7. The National Planning Policy Framework (the Framework) was updated on the 24<sup>th</sup> July 2018 and then again on the 19<sup>th</sup> February 2019. At the Hearing parties established the correct paragraphs of the revised Framework to be applied.
8. My attention has also been drawn to the Cremations Act 1902, which provides, amongst other things, that no crematorium shall be constructed nearer to any dwelling house than 200 yards (around 183m), nor within fifty yards (around 43m) of any public highway.
9. *The Siting and Planning of Crematoria* published by the former Department of Environment (DoE) in 1978 remains extant, although it does not form planning policy or guidance. This sets out a number of principles for crematoria site selection. Similarly the *Recommendations on the Establishment of Crematoria* published by the Federation of Burial and Cremation Authorities (FBCA) in 2007 also provides guidance on planning and siting of crematoria. While of some age, these documents are relevant to my determination of the application proposals as material considerations.

## **Reasons**

### *Character and Appearance*

10. The appeal site is approximately 4.75 hectares in size which forms around half of an open undulating arable field. It is roughly rectangular in shape, bounded by mature hedgerows and trees and shallow drainage ditches to its north, south and western boundaries.
11. The site is accessed from Sawtry Way (the B1090), via a separate open arable field. To the east of the site is the remainder of the field and a laboratory site. The RAF Wyton site is located beyond, around 1km away from the site. To the north and west is the village of Kings Ripton, part of which is designated as a Conservation Area and comprises predominantly of residential dwellings with the Grade II\* listed Church of St Peter at its core. There are caravan parks at Manor Farm and Glebe Farm. A public footpath leads from Kings Ripton, close to Manor Farm caravan park, running along a track from Glebe Farm and then along Sawtry Way past the southern edge of the site, leading towards the RAF site.
12. The appeal site is located in the countryside outside of any settlement and forms part of the Central Claylands landscape. This is described in the

Huntingdonshire Landscape and Townscape Assessment (2007) as gently undulating farmland, with large scale field patterns and an open landscape character. It notes that this area also includes relatively large scale developments, including airfields, transport corridors and extensions to the main towns, including Huntingdon. This document identifies management issues including the protection of existing hedgerows and planting of new blocks of woodland and hedgerows to give structure to the landscape and to screen intrusive structures.

13. The appeal proposals comprise of a single storey crematorium building which would accommodate a chapel, a cremator and administrative space. It would have an oval form with an elliptical flat roof which overhangs the main entrance to create a porte cochere. There would also be a small elliptical satellite building comprising of a waiting room area and toilet facilities. The building would be positioned on elevated land within the site.
14. Materials would include zinc edged roof with red cedar soffits, flint and rendered walls and frameless glazed fenestration. The crematorium building would have a zinc clad chimney which as depicted on the submitted plans would be 6.35m in height.
15. Externally there would be a storage compound area and pond to the arrival area. Car parking would be provided for 110 cars in a semi-circular area of hardstanding, with tree-planting, leading to separate arrivals and departures areas. Wider landscaping would comprise of supplementary planting to the existing site boundaries, along with new circular belts of planting and radial footpaths, alongside amenity grassland and wildflower meadows.
16. The appellant submitted a Landscape and Visual Impact Assessment (LIVA) as part of the original application which assesses the proposed effects upon the local landscape of the development, taking into account landscaping and mitigation proposals. In general terms, the LIVA finds that the proposed development would result in a low magnitude of landscape change to the medium sensitivity Central Claylands LCA at both Year 1 and Year 10 as it would represent the addition of new features of limited characterising influence and would be a noticeable change affecting small areas of landscape character. The LIVA concluded that these changes would be neutral in nature overall and of slight significance for this medium sensitivity landscape.
17. It specifically details that views from Sawtry Way would be filtered by the set back from the road and by the mass of proposed woodland and that the vegetation would be perceived as a new woodland block, with an increase enclosure of views. In terms of views from Kings Ripton, the LIVA suggests that these would be largely oblique from residential properties on the south-eastern side of Kings Ripton and would be enclosed or filtered by the vegetation resulting in no direct views of the entire site at year 1, and substantial enclosure by year 10. The additional screening of views of the RAF site and laboratories are also cited. A number of biodiversity enhancements are also noted.
18. The Council obtained their own independent expert view on the development proposals undertaken by the Michelle Bolger Expert Landscape Consultancy (MBLEC). The report states that the harm would be limited overall and would occur primarily as a result of the development of a greenfield site in a rural location. It also notes that the overall impacts have been reduced by the

- separation from Sawtry Way, the existing enclosure from boundary vegetation, the design of the building and the proposed planting and that is it not recommended that the Council refuse or defend the application on landscape and visual grounds.
19. It was made clear at the Hearing that the Council's concerns relate to the effects of the development as experienced from Kings Ripton and Sawtry Way. These concerns were echoed by local residents at the Hearing.
  20. The landscape has no formal designations. In recognition of the legislation and the FoE and FBCA guidance, it is a matter of common ground between parties that a new crematorium would require a countryside location within the District. There is also no dispute from the appellant that the loss of open land at the appeal site would have an effect in landscape and visual terms as a natural consequence of the introduction of a new building into the countryside, but that the changes would be neutral overall.
  21. In light of this, I agree with the MBLEC report that the assessment of harm which could arise from the proposed development is therefore dependent upon how the development responds to local landscape character and features.
  22. Based upon my own observations from my site visit, although the rural surroundings to Kings Ripton are clearly appreciated by the local residents and Members, I do not consider that the appeal site exhibits any particular special landscape characteristics or sensitivities which would dictate its preservation over and above any other rural site.
  23. In general terms, the introduction of a further large-scale development would be consistent with the occurrence of large-scale non-agricultural buildings and structure within the Central Claylands LCA. The design of the development, to which no objection was raised, through its low height, its palette of materials and its architectural detailing would represent a sensitive addition to the landscape.
  24. The proposed mitigation and landscaping as part of the scheme is extensive and would provide for the bolstering of the existing hedgerows, as well as providing a coherent and cohesive scheme within the site to provide tranquillity for the users of the crematorium. This would also provide wider landscape mitigation through screening of the building and carparking as well as providing biodiversity enhancements. This would be consistent with the management objectives of the LCA in respect of the creation of new blocks of native woodland and hedgerows in order to provide a stronger sense of structure to the landscape, and to screen structures. In landscape terms, I thus agree with the LIVA that the effect would be neutral.
  25. There would be visual effects which would be experienced particularly from users of the public footpath, as well as residents along Ramsey Road and visitors to the Manor Farm Campsite. In this regard, the development would represent a discernible visual change as the development would be perceptible, but that in itself would not cause harm.
  26. In particular, views from Kings Ripton would be obtained in the context of the laboratory and the RAF site and the landscaping would help to screen the crematorium building and car park as well as having the extra effect of softening these wider developments.

27. In terms of Sawtry Way, the loss of hedgerow to create the access would be visible and due to the topography of the site, road users would be aware of the presence of the development, particularly early on in the development. However, as the landscaping scheme becomes more established, views would be more filtered and the woodland block effect as described above would be appreciable here. While the building would be located within an elevated position based upon the topography of the site, the mitigation and the low height of the building and its design would mitigate any effects in terms of its positioning.
28. Local concern was also raised about the chimney stack as a tall feature which would draw attention to the building in the landscape and act as a major feature in the landscape. There is also a discrepancy in terms of the stack height as illustrated on the plans at 6.35m high and as may be required under environmental legislation at 7m high. However, I note that the LIVA assessed up to a height of 7m. Based on the topography of the site and the proposed tree planting, its prominence in views even up to 7m in height, particularly from Kings Ripton, would be diminished.
29. It is inevitable that any built development on an open field will have an effect upon the landscape character and there would be visual effects. However, in light of the character of the LCA including the presence of other large scale developments in the area, the topography of the site, the design, positioning and detailed landscaping proposals, and biodiversity enhancements I find that there would be no harm to the rural character and appearance as the development would be effectively and successfully integrated into the landscape.
30. In terms of planning policy, the development plan makes no specific reference within its policies to crematorium development. Policy LP11 within the LP restricts development in the countryside, recognising its character and beauty. It does, however, state that other proposals in the countryside will be expected to demonstrate clear sustainability benefits which will depend on the use or uses proposed and how the proposal complies with applicable policies on the DLP and the Framework.
31. The Framework seeks to support a prosperous rural economy through the sustainable growth and expansion of all types of business in rural areas (paragraph 83). Development proposals should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping as well as being sympathetic to the landscape setting. I am also mindful that crematorium developments do require a countryside location. Based on my above assessment, I find no conflict with LP Policy LP11 and the Framework in this regard.
32. On this matter I therefore conclude that there would be no harm to the character and appearance of the area, in accordance with LP Policy LP11 and the Framework.

### *Accessibility*

33. In addition to requirements for crematoria developments to be located at a distance from built up areas, one of the principles of the DoE 1978 guidance is that the site is accessible to public transport as well as making provision for access and parking for cars. LP Policy LP13 promotes accessibility and the

integration of land-uses and transport and Policy LP17 requires that development maximises opportunities for sustainable transport modes, connectivity and ease of access for all users, including those with impaired mobility and the provision of safe and convenient pedestrian and cycle routes. The Framework also promotes sustainable transport through limiting the need to travel and offering a genuine choice of transport modes, including facilitating access to public transport and addressing the needs of people with disabilities and reduced mobility for all modes of transport (paragraphs 103 and 110). The glossary of the Framework also provides a definition of sustainable transport modes.

34. The proposed crematorium would primarily serve the residents within Huntingdonshire area. At present there are no other crematoria operating in the District and therefore there is a need for Huntingdonshire residents to travel to nearby crematoria in Peterborough, Fenland, Cambridge, Bedford, Nene Valley and Kettering. These are located between 27-58km away from the appeal site with travel times as calculated by the appellant from the appeal site being between 23-51mins (normal speed) or 38-85mins away (Cortege speed). This is demonstrable of a significant need to travel some distance to these facilities.
35. The appeal site is poorly served by public transport, and there is no bus stop in proximity to the site. Sawtry Way does not have a pavement to provide safe access by foot, nor would the provision of footpaths be practicable given the distance of the site from settlements. The development proposals would provide for 110 car parking spaces within the site and as such it is expected that there would be a heavy reliance on journeys made by private car.
36. There was much discussion at the Hearing by the appellant in terms of the nature of crematorium use in that visits are usually pre-arranged and typically would involve onward travel to a venue for a wake which does not always fit in with public transport, even if this was available. However, opportunities in terms of offering a genuine choice of transport modes (whether or not they are taken up) as required by the Framework are clearly very limited at this site.
37. It is unfortunate that the appellants have not sought to explore opportunities with bus companies in terms of the provision of bus stops adjacent to the site. While bus services may not typically align with future crematorium service times, the provision of a bus stop would allow ready access to the memorial gardens for mourners, outside of restrictions on service times of cremations.
38. However, in light of the lack of alternative provision in the District, I am mindful that there would be a net reduction in the distances travelled by mourners. I also accept that car sharing is common in respect of services and visits to memorial gardens, noting that car sharing is recognised in the Framework as a sustainable transport mode. While the appellant raised concerns regarding the necessity of a travel plan to encourage car sharing as well as wider matters in respect of routes taken by Corteges based on natural behaviours, I consider that the implementation of a travel plan for the site would assist in ensuring that car sharing would be encouraged.
39. Cycle racks would also be provided on the site for those who wish to travel to the site by bicycle and both this and the travel plan could reasonably be conditioned to ensure that these are implemented.

40. At the Hearing, the provision of electrical vehicle charging points was also discussed, and although this wasn't originally proposed by the appellant, there was a willingness to provide for 1 electric charging point for every 50 spaces in the development. This would accord with the Framework which states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles (paragraph 110) and could reasonably be secured by condition.
41. In terms of visitors to the site with mobility issues the proposals address such potential needs as there would be the provision of disabled parking spaces within the site. Again, all modes of transport for such users would not be covered by this provision but I consider that reduced journey times would also be of a benefit. I therefore find that there would be no discrimination or conflict with the Public Sector Equality Duty contained in section 149 of the Act, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
42. Taking all of the above into consideration, I recognise that there are shortcomings of the scheme in relation to public transport and in light of distances and lack of footpaths walking options are also limited. However, in light of the rural character of the District and the requirement that crematoria are located away from residential properties, this does bring about challenges in terms of accessibility of the site by a range of transport modes.
43. The particular circumstances of the case are as such that there would be a net reduction in travelling longer distances to alternative crematoria, including for those people who have mobility issues, and the appellants have sought to address other matters in terms of travel plans including for car-sharing, as well as the provision of cycle racks and electric charging points. In this regard the development would minimise the need to travel and would offer some, albeit more limited, opportunities for sustainable transport modes, in accordance with Policy LP17 of the LP.
44. Baring in mind that paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I therefore conclude that, on balance, there would be no overall harm in terms of sustainable travel and accessibility of the site.

### **Other Matters**

45. A number of other matters were raised as part of the appeal proceedings and discussed at the Hearing which I shall deal with, below.

#### *Need*

46. In broad terms, there is no dispute that within Huntingdonshire District there is a qualitative and quantitative need for further provision as at the current time, as no crematoria currently operate in the District. However, one main area of concern related to the need for the proposed crematorium in light of the Council's recent approval at an alternative site around 1.7km away from the appeal site. This was a scheme submitted by Huntingdon Town Council at Mayfield Heath Farm<sup>1</sup> which was granted permission on 8<sup>th</sup> February 2019.

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<sup>1</sup> Planning Reference 18/01439/FUL

47. Concern has been raised by agents acting on behalf of Huntingdon Town Council in terms of the need for the appeal scheme. My attention has also been drawn to a High Court judgement<sup>2</sup> whereby planning permission was quashed relating to a failure to properly consider capacity at a nearby facility.
48. There is no specific policy requirement in terms of demonstrating need in the Council's development plan policies and the judgement itself is different to the appeal proposals before me as that site was located in the Green Belt and thus there was a specific requirement to assess need. While competition is not a matter I can give weight to, as a general principle, I do accept that need can be a material consideration in the planning balance. However, I have found no conflict in terms of the main issues having assessed the effects based upon the evidence before me and the merits of the case.
49. The Council are satisfied that there is sufficient need for two crematorium facilities within the District. Accordingly, a detailed assessment of need is not strictly necessary in my determination although I recognise that some of the concerns raised in terms of the main issues relate to the need for the site, as it was felt locally that the extant site provided for a more appropriate location in both character and appearance and accessibility terms.
50. It was explained at the Hearing that the Town Council are in the process of preparing to discharge conditions and anticipates that construction would begin in the late summer with an anticipated opening in 2020. Both schemes forecast that they would deal with around 1000 cremations per annum based, although the Town Council also suggest that the permitted scheme could manage up to 1260 cremations per annum, assuming 252 weekday services per annum. I was made aware at the Hearing that there is currently an application for Judicial Review (JR) of this scheme, the timescales being unknown. From discussions at the Hearing, it would be likely that the appellants would proceed in developing the site as soon as possible were the appeal to be allowed. Setting aside the matter of the JR as this has yet to be decided, it is reasonable to assume for the purposes of my assessment that both schemes would be likely to come forward in the near future.
51. The development would divert some services from existing facilities outside the area which are operating in excess of 80% capacity and would reduce travel time to under 30mins. Both sites would offer 60min service slots which is above the recommended levels of 45min. Both would therefore offer qualitative benefits in this regard in comparison to existing service provision outside of the District. The appellant predicts that both schemes would each lose about 20% of their trade which would result in each facility operating at around 800 cremations per annum or 1600 per year when established.
52. Based upon the Council's figures of cremation rates at 75% on a District wide basis, it predicts that rates would be 1351 per annum in 2020 and 1445 in 2036. The period up to 2036 is specified as it is in line with the plan period for the DLP. The appellant considers now that an 80% rate is more realistic, and the figures would therefore be 1441 per annum in 2020 and 1542 in 2036. This uplift relates to use of death rates, rather than mortality rates and based on 2018 ONS data as well as changes in cremation levels.

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<sup>2</sup> Crematoria Management Ltd, R (On the Application Of) v Welwyn Hatfield Borough Council [2018] EWHC 382

53. Concern was raised at the Hearing that these figures did not demonstrate the catchment areas. The appellants updated forecasts for the catchment area would be for 1044 annual cremations in 2018 and 1312 in 2031 (no figure for 2036 is specified).
54. While I have no doubt that both sites would have greater capacity for greater annual cremations, based on the above and a 75% operation rate were only one scheme to come forward, the need in the area would not be fully met. Cremation rates may be lower in the early years of operation by the crematoria and less than the 1600 threshold for both sites, but there is no evidence to suggest that this would affect the viability of either of the sites. Certainly, by the end of the DLP plan period, the need would be close to the threshold. The qualitative benefits would also largely be equal but that in itself would not preclude both of the sites being developed or justify a lack of need for more than one site based on my assessment above.
55. Overall, based upon the evidence before me, I am satisfied that the development would help to meet the need for crematoria in the area, including when assessed against the extant proposals. This weighs further in favour of the scheme in accordance with LP Policy CS11 and does not undermine my findings in terms of character and appearance and accessibility.

#### *Highway Safety*

56. The appeal site would be served by a newly constructed access from the B1090 in a ghost island arrangement. The B1090 is a reasonably well-used road which operates at the national speed limit. The ghost island would have a right turn lane which would accommodate up to 11 vehicles. The running lane widths of the road would be maintained at 3m wide. Visibility splays would be developed in line with the Design Manual for Roads and Bridges (DMRB) at 215m.
57. Due to the road conditions, the Highways Authority has requested that the use of the site is restricted by condition to outside of peak times, which the appellant has accepted. Traffic generation has been modelled by the appellant and it is anticipated that the majority of trips would take place between 10:00-16:00 due to the nature of the use of the site and as modelled this would generate an average of 118 two-way trips would occur during this inter-peak period.
58. At the Hearing local residents raised concern regarding the safety of the site access in respect of the conditions of the road. It was held by locals that the survey work was undertaken when there were road closures elsewhere and as such the modelling was not accurate in this regard. Local concern is raised about the high speeds of road users along this stretch of road, coupled with undulating nature of the road close to the proposed access site which is believed would create a blind-spot, raising safety concerns particularly due to the slow nature of Corteges. Other influences such as local festivals and the presence of an airfield are also said to have an effect.
59. While I accept that accident levels may be higher than reported in the Transport Assessment at the Kings Ripton staggered junction, to the west of the site access, I do agree with the appellant and the Council's assessments that the traffic will, for the most part, arrive from the A141 to the east and use the ghost island. Traffic generation will increase during the inter-peak period

but the B1090 would have capacity to absorb the additional flows. There is no particular evidence to suggest that the assessments and models are inadequate and I am mindful that there were no objections were raised by the Highways Authority, subject to conditions limiting the hours of operation.

60. In respect of the effects and potential blockages and closures of the road arising from the use of part of the land at Glebe Farm as an airfield, it was established at the Hearing that the airfield does not benefit from planning permission, although temporary use for up to 28 days per annum is permitted under the General Permitted Development Order 2015 (as amended). I witnessed a small plane landing at this site at my pre-Hearing visit to the area and in observing the traffic, this did not have any discernible effect on the flow of traffic during this event.
61. Other events, including an annual Garden Party and growth at the RAF site would be assessed in the future as part of any development proposals at these sites; the Garden Party details were limited but the low frequency of this event would not give any concerns at this stage. Overall, I consider that there would be no harm to highway safety arising from the proposed development, subject to conditions.

#### *Noise*

62. With regards to concerns whether the appeal site would provide a suitably tranquil environment for a crematorium, there would be some noise and disturbance arising from barking dogs at the adjacent laboratory.
63. However, it was established that this is restricted to feeding time at the site and that the appellant, in selecting the site, was satisfied that there would be an appropriately tranquil environment for mourners, in spite of this and in terms of other noise from the nearby Go-Cart site and RAF site. Based on the limited evidence before me, I have no reason to dispute the claims of the appellant and I consider that there the users of the site would be provided with an appropriate tranquil.

#### *Air Quality*

64. Concern was raised at the use of DNOX technology in terms of emissions which is emerging technology and there was concern raised by local residents regarding the proposed stack height needed to be increased to 7m, rather than the 6.35m as depicted by the plans. As part of this, and as referenced above, the appellant submitted a further Air Quality Assessment for a 7m high stack.
65. The emissions and technical details, including the specific technology used would be dealt with through other legislative means and in broad terms the original and updated study demonstrate negligible effects in terms of both stack heights. While the appellant does dispute the need for a stack height to be increased to 7m, were this to be a requirement under the necessary Environmental Permit, they consider that this could be dealt with by condition.
66. While the submitted plans do depict a lower chimney, the difference in height would not be a significant change and in light of the evidence submitted in this regard, as well as the discussions which took place, I consider no party would be prejudiced were this to change. I am also mindful that the assessment in terms of landscape effects did assess the chimney height at 7m and thus this

has been adequately assessed in this regard. On this basis, I consider that this is a matter which could reasonably be dealt with by condition.

67. Based upon submissions made by the Council, I am also satisfied that there would be no cumulative effects from the separate recently approved site, based upon the distances involved and the conclusions of the assessments. I therefore consider that there would be no harm in respect of air quality.

#### *Loss of Agricultural Land*

68. It was suggested at the Hearing that the submitted Soils and Agricultural Quality study was flawed and that the classification for the site should be classified as Grade 2 (very good quality) rather than 3a (good) and 3b (moderate) as claimed by the submitted survey.

69. I accept that the Framework seeks to protect and enhance valued soils and prevent the adverse effects of unacceptable levels of pollution. Soil is a finite resource which has a number of benefits in terms of ecology, carbon store and food production. However, no detailed evidence was put forward to substantiate such claims or counter the findings of the report. In any case, I agree with the Council's findings that in light of the site area to be developed, the remaining availability of good quality agricultural land in the vicinity and wider area the loss of 4.75 ha is not considered to be significant. I am also mindful that this would also be consistent with the Council's findings in relation to the other crematorium site which was classified as Grade 2 and covers a larger area of land.

#### *Ecology*

70. The extant agricultural use of the site provides a limited environment in biodiversity terms. The application provides additional landscape areas, incorporating native species, meadow planting and water features which would enhance the biodiversity offer.
71. I am satisfied that the scheme has been sensitively designed to mitigate and enhance ecology and biodiversity, taking into account the recommendations of various ecological surveys. Nature conservation interests in terms of the landscaping proposals on site could be safeguarded by the imposition of appropriate planning conditions. I therefore find no harm in this regard.

#### *Heritage Assets*

72. The proposals would not have an adverse effect upon the significance of the Kings Ripton Conservation Area or listed buildings within this settlement, as derived by their setting. The development is of sufficient distance away from these assets and based on my broad conclusions in respect of character and appearance, landscaping as part of the scheme would ensure that the rural setting of these assets is maintained.
73. While archaeological spot finds have been found outside of the development site, based on trial trenching work undertaken as part of the proposals for the scheme, I am satisfied that no further archaeological works are required in advance of determination of the appeal or in terms of construction and any lateral disturbance of other remains can be considered as part of future landscaping condition to address concerns in this regard.

### *Tourism and rural business*

74. Concern was expressed in terms of the impacts of the proposed crematorium and the surrounding business and tourist interests, primarily relating to the caravan park at Manor Farm and as well as at Glebe Farm.
75. I have carefully considered the landscape and visual effects above, finding no harm overall. While the crematorium would likely be visible from these sites, as well as from the public footpaths which would be utilised by visitors to these tourist facilities, the evidence which was presented in terms of the effects upon the businesses themselves was largely anecdotal. On balance, I do not consider that the presence of the crematorium would be likely to dissuade potential users of these sites or would undermine the tourist offer.

### **Planning Conditions**

76. I have had regard to the conditions as discussed in the Hearing, presented in a document to me. I have attached standard commencement condition in accordance with the requirements of the Act. I have also specified the approved plans as this provides certainty.
77. In order to protect the character and appearance of the area and biodiversity, I have imposed conditions relating to materials samples, hard and soft landscaping works, a landscape management plan, land levels, tree protection plan, and site levels. As discussed above, a condition relating to the flue height has also been implemented, for the same reason.
78. A condition relating to the submission of a Construction Environment Management Plan is necessary in order to protect amenity of neighbouring residents. Similarly, I have conditioned details of contamination to protect the amenity of future users and for reasons of biodiversity and ecology.
79. Conditions relating to foul sewage and surface water drainage are necessary in terms of amenity and flood risk. Highways conditions are imposed, relating to onsite access and layout, off-site works (the ghost island) and restrictions on operation during peak highways hours. These are reasonable and necessary to secure safe access for all users.
80. As per my second main issue, I have imposed conditions in terms of the provision of electrical vehicle charging points and for the provision and implementation of a travel plan. While the necessity for the latter is disputed by the appellant, I consider both of these conditions to be necessary and reasonable in light of the site's limited accessibility by public transport.
81. Due to the nature of the requirements requiring up front approval, conditions 6,7,8,9,10,12 & 13 are pre-commencement conditions, which the appellant has agreed to.

### **Conclusion**

82. Overall I have found no harm in respect of character and appearance and accessibility, and no conflict with the development plan. For the reasons above, taking into account all other matters raised, I therefore consider that the appeal should be allowed.

*C Searson* INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Victoria Hutton	Counsel
Patrick Downes BSc (Hons) MRCIS	Harris Lamb Ltd
Alan Lathbury FCMA MBA	Dignity
Stephen Kirkpatrick BSc BLD CMLI	Scarp Landscape Architecture
James Byrne BSc (Hons) MCIHT	Mode Transport Planning
Tony Readman MSc MEI CEng	Facultatieve Technologies
Jonathan Best BSc (Hons) Dip TP MRTPI	Montagu Evans

### FOR THE LOCAL PLANNING AUTHORITY:

Richard West	Elected Member, Development Management Committee
Richard Tuplin	Elected Member, Development Management Committee
Louise Newcombe	Development Management Team Leader
Claire Braybrook	Environmental Health

### INTERESTED PERSONS:

Oliver Bell	Nexus Planning (on behalf of Huntingdon Town Council)
Simon Bywater	County Councillor
William Roy Collett	Local Resident
Julia McCullough	Local Resident
Malcom Lowes	Local Resident
Barry Townsend	Local Resident
Justin Smith	Cemetery Development Services

## DOCUMENTS

- 1 List of Appearances on Behalf of Dignity Funerals Limited
- 2 Updated LPA Suggested Conditions
- 3 Appellant Addendum Sheet to deal with updated Framework 2019 References
- 4 Further Updated LPA Suggested Conditions

**SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Reference</b>	<b>Description</b>	<b>Version (where relevant)</b>
16.03.09	Site location plan	
16.03.10B	Plans	
16.03.10B	Elevations	East + West Section
16.03.12B	Elevations	North + South and Section BB
J32-2681-PS-101	Access Details	
J32-2681-PS-102	Visibility Splays	
SCA 1668 010A	Landscaping	
SCA 1668 011A	Landscaping	Plan 1
SCA 1668 012A	Landscaping	Plan 2
SCA 1668 013A	Landscaping	Plan 3
SCA 1668 014A	Landscaping	Plan 4
SCA 1668 015A	Landscaping	Plan 5
SCA 1668 016A	Landscaping	Plan 6
SCA 1668 050A	Planting Plan	
SCA 1668 100A	Other	Surface 1 and 2
SCA 1668 101A	Other	Surface 3
SCA 1668 102A	Other	Surface 4
SCA 1668 120A	Kerbing and Paved Areas	Type 1 and 2
SCA 1668 121A	Kerbing and Paved Areas	Type 3 and 4
SCA 1668 122A	Other	Edge
SCA 1668 130A	Other	Bollard
SCA 1668 131A	Cycle Stand	
SCA 1668 132A	Other	Bench
SCA 1668 150A	Fence Details	
SCA 1668 160A	Signage Location	
SCA 1668 200A	Other	Tree Pit
SCA 1668 201A	Planting Plan	
SCA 1668 202A	Planting Plan	
SCA 1668 300A	Other	Reflection Pool
SCA 1668 310A	Other	Swale
SCA 1668 320A	Other	Perm Water Body
SCA 1668 002A	Masterplan	
SCA 1668 001B	Landscaping	General Arrangement Plan

- 3) No development shall commence above slab level until samples of materials to be used on the external surfaces of the development have been made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development and thereafter retained.

- 4) No development shall commence above slab level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
- i) Hard landscape works, to include but not be limited to, full details of boundary treatments (including the position, height, design, material) to be erected and paved surfaces (including manufacturer, type, colour and size) and lighting.
  - ii) Soft landscape works, to include planting plans, written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree pit details (where appropriate) including, but not limited to, locations, soil volume in cubic metres, cross sections and dimensions and archaeological effects.
  - iii) An implementation programme for the landscape works.
  - iv) Full details of landscape maintenance regimes after completion of works.

Any trees or plants planted in connection with the approved soft landscape details which within a period of five years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally planted, unless the Local Planning Authority gives written its written consent to any variation.

- 5) No development above slab level shall take place until a Landscape Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Landscape Management Plan shall include, but not be limited to, long term design objectives, a programme of implementation, management responsibilities including replacement of dead or dying plants, and management and maintenance schedules for all landscape areas other than privately owned domestic gardens. The Landscape Management Plan shall be carried out as agreed, unless the Local Planning Authority gives written agreement to any variation.
- 6) No development, demolition, clearance or preparatory operations, including any excavations (hereafter referred to as "the works") shall commence on site in connection with the development hereby agreed, until a Tree Protection Plan has been submitted to, and agreed in writing by the Local Planning Authority.

The agreed tree protection measures shall be implemented before any equipment, machinery, or materials are brought on to the site in connection with the works. They will be retained intact for the duration of the construction works and shall only be removed or altered following completion, or with the prior written agreement of the Local Planning Authority.

Any trees, shrubs or hedges covered by the protection measures which die or become severely damaged within five years from the completion of the construction works shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written agreement to any variation.

- 7) No development shall commence until details of the existing and proposed levels and contours have been submitted and approved in writing by the Local Planning Authority. The submitted details shall include the relationship of proposed levels and contours to surrounding landform and existing vegetation. The development shall be carried out in accordance with approved details.
- 8) No development shall commence until a Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire & Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:
  - (a) Construction programme
  - (b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
  - (c) Construction hours
  - (d) Delivery times for construction purposes
  - (e) Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007
  - (f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009)
  - (g) Maximum noise mitigation levels for construction equipment, plant and vehicles
  - (h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009)
  - (i) Setting maximum vibration levels at sensitive receptors
  - (j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
  - (k) Site lighting
  - (l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
- (m) Screening and hoarding details
- (n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
- (o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
- (p) External safety and information signing and notices

- (q) Liaison, consultation and publicity arrangements including dedicated points of contact
- (r) Consideration of sensitive receptors
- (s) Prior notice and agreement procedures for works outside agreed limits
- (t) Location of Contractors compound and method of moving materials, plant and equipment around the site

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

- 9) No development shall commence until the recommendations of the Phase 1 Site Investigation Report by Ecus Ltd Dated November 2016 have been undertaken and a geotechnical site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 10) The approved car parking and cycle parking facilities hereby approved shall be implemented prior to the commencement of the use of the development hereby approved and thereafter retained.
- 11) No development shall commence until a detailed scheme for highway works comprising of full details of means of vehicular access into the site, including the road width, kerb radii, visibility splays, details including sections of construction, finishing materials and the cross falls and longitudinal falls and off-site highways works relating to the ghost island arrangement have been submitted to and approved in writing by the Local Planning Authority.

The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted and the sightlines maintained thereafter free of all obstruction to visibility above 1.0 metres.

- 12) No development shall commence until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
- 13) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall include:

- (a) Site Investigation and test results to confirm infiltration rates;
- (b) Full calculations detailing the existing surface water runoff rates for the Qbar, 3.3% Annual Exceedance Probability (AEP) (1 in 30) an 1% AEP (1 in 100) storm events
- (c) 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;
- (d) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
  - (e) Full details of the proposed attenuation and flow control measures (if infiltration is not used)
  - (f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - (g) Full details of the maintenance / adoption of the surface water drainage system;
  - (h) Measures taken to prevent pollution of the receiving groundwater and / or surface water;

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework and Planning Practice Guidance.

- 14) No development above slab level shall commence until full details of the proposed flues (diameter and height) to serve the cremators in accordance with the D1 emissions calculator have been submitted to and approved in writing by the Local Planning Authority. The chimney shall be installed in full accordance with the approved details.
- 15) No development above slab level shall commence until a scheme for the provision of electric vehicle charging points has been submitted to, and approved in writing by, the local planning authority. The scheme shall provide for 1 electric charging point for every 50 car parking spaces in the development. The development hereby permitted shall not be occupied until the electric vehicle points have been provided and are available for use in accordance with the approved scheme.
- 16) No development above slab level shall commence until a travel plan to encourage car sharing by persons attending the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved travel plan has been implemented.
- 17) Any cremation services at the crematorium hereby permitted shall not take place during the following peak hour periods:

08:00 to 10:00 hours Monday to Friday

16:00 to 18:30 hours Monday to Friday

**22/00358/FUL**

Land North East Of Rijon

Padnal

Littleport

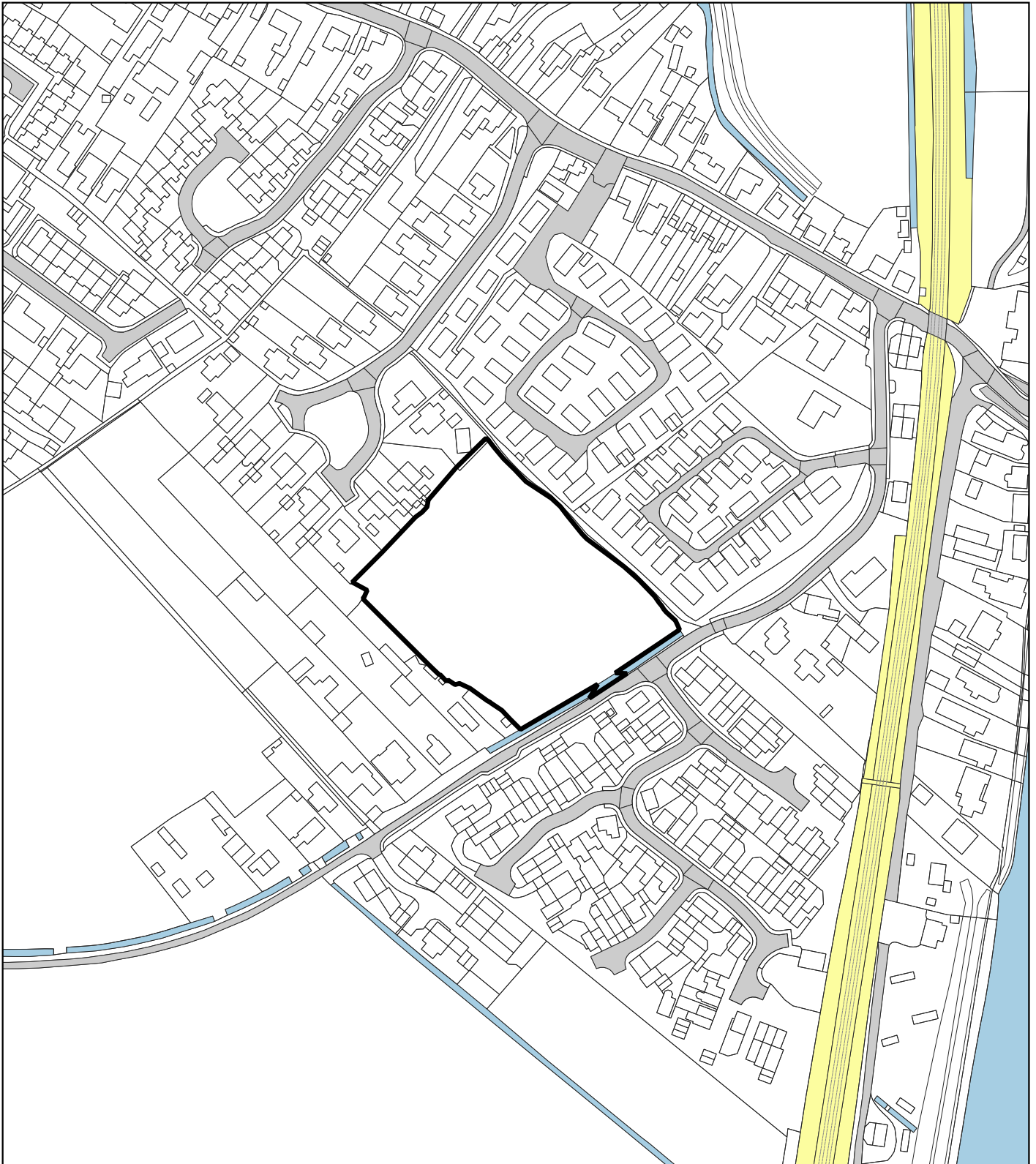
Cambridgeshire

6no. four bed dwellings and associated 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=R9WYKKG0CS00>





22/00358/FUL

Land North East Of Rijon  
Padnal  
Littleport



East Cambridgeshire  
District Council

Date: 29/09/2022  
Scale: 1:2,500



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**MAIN CASE**

**Reference No:** 22/00358/FUL

**Proposal:** 6no. four bed dwellings and associated works, phased development

**Site Address:** Land North East Of Rijon Padnal Littleport Cambridgeshire

**Applicant:** Bedwell Developments Ltd

**Case Officer:** Toni Hylton Planning Team Leader

**Parish:** Littleport

**Ward:** Littleport

Ward Councillor/s: Christine Ambrose-Smith  
David Ambrose-Smith  
Jo Webber

**Date Received:** 5 April 2022

**Expiry Date:** 4 November 2022

**Report Number X91**

1.0 **RECOMMENDATION**

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

1. Plans
2. Development to commence within 2 years
3. Contamination investigation
4. In the event of contamination being found
5. Archaeology
6. CEMP
7. Fire Hydrants
8. Arboricultural Method Statement
9. Boundary Treatment as plan
10. Soft and hard landscaping details
11. Restrict windows
12. Obscure glazed windows
13. Materials
14. Biodiversity

2.0 **SUMMARY OF APPLICATION**

2.1 The application proposes the erection of 6 detached dwellings developed in 6 phases. The north-east of the site is to be used a habitat area. Each plot has its own garden and a

minimum of 2 off road parking spaces. The table below gives the details of each plot. The numbers shown in italics are the measurement in feet/square feet.

Plot	Height (metres) <i>(feet)</i>	Floor area (square metres)	Garden area (square metres)	Accommodation	Materials
1	8 <i>(26.2 ft)</i>	180 <i>(1937)</i>	625 <i>(6727)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick Pantile roof Anthracite grey UPVC windows/doors Hardiplank 'Heathered Moss'
2	8.4 <i>(27ft)</i>	112.50 <i>(1211)</i>	484 <i>(5290)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Grey slate roof Anthracite grey UPVC windows/doors
3	8.7 <i>(28ft)</i>	84 <i>(904)</i>	420 <i>(4520)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Pantile roof Anthracite grey UPVC windows/doors
4	8.8 <i>(29ft)</i>	90.05 <i>(969)</i>	875 <i>(9418)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Grey slate roof Cream painted render Sage green UPVC windows and doors
5	8.5 <i>(27.8ft)</i>	90 <i>(968)</i>	1156 <i>(12,443)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Pantile roof White UPVC windows/doors
6	7.5 <i>(24.6)</i>	93.5 <i>(1007)</i>	1200 <i>(12,916)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Grey slate roof Anthracite grey UPVC windows/doors Hardiplank 'Monteray Taupe'

2.2 Access is from Padnal and is proposed to be a private road using block paving with a footpath. To the north of the site is dedicated wildlife area, which has been increased since the application was first submitted. A 2 metre (6.5 foot) boundary fence is proposed to the western boundary, with a post and rail fence to the south-east and northeast boundaries. Planting is shown to the boundary with Padnal.

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/>.

### 3.0 PLANNING HISTORY

#### 3.1

21/00247/FUL	Proposed 6no. four bed dwelling with associated works (Phased Development)	Refused	14.04.2021
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19/01289/OUT	Outline application for 9 dwellings including associated works	Withdrawn	11.11.2019
19/00432/OUM	Residential development for 10no. dwellings and garages with associated works	Withdrawn	12.06.2019
13/00295/FUM	Change of use of land to mobile home park	Refused	25.11.2013
81/00273/OUT	Residential mobile home park 30 double units	Withdrawn	
79/00174/OUT	Residential development (no. Of dwellings unknown)	Refused	08.05.1979

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site, which comprises 0.98ha (2.4 acres) of un-used paddock/farmland, is just outside the settlement boundary of Littleport and is situated on the north-western side of Padnal, a road serving residential and farm properties. To the north-west are residential properties of Hawthorn Close, and to the south west the recently completed housing estate of Fishers Bank. To the east and north-east are two mobile home parks, New Orchard Park and Hyde Park. To the immediate south-east are mainly single storey properties fronting Padnal. There is considerable hedge and tree planting along the frontage of the site with Padnal and also along the north-eastern corner where a tall leylandii hedge forms the boundary. There is an historic TPO on trees just outside the site in the north east corner. To the eastern side of the site, which is also well lined with trees, there is a well used Public Right of Way which runs in a roughly north-south direction, linking Padnal with Hawthorn Close.

#### 5.0 RESPONSES FROM CONSULTEES

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

**Littleport Parish Council - 25 July 2022**

No concerns

**Littleport Parish Council- 11 August 2022**

Approved

**Ward Councillors**

Cllr Christine Ambrose-Smith requested to be kept updated on the application.

### **Cambridgeshire Archaeology - 19 April 2022**

Our records indicate that the site lies in an area of archaeological potential, situated roughly 200m to the west of Sandy's or Sandall's Cut, constructed in 1829-30. An archaeological evaluation to the north of the application area revealed evidence of land enclosure consistent with the eastwards expansion of Littleport in the early post-medieval period (Cambridgeshire Historic Environment Record reference MCB17878). Opposite the application area an archaeological investigation conducted in 2002 (CHER ref ECB750) demonstrated evidence of later drainage, which is of no significance, however, numerous linear features, pits and post holes, of unknown provenance due to the absence of dateable material recovered, were also revealed. Archaeological investigations adjacent to this site in 2017 identified a continuation of this occupation evidence (ECB5149). In addition, surrounding the application area is artefact evidence of Prehistoric occupation (for example, 07214), which may suggest that these undated features are Prehistoric in date.

We have commented on this site previously. We would make the same recommendation as for prior (withdrawn) applications 19/00432/OUM and 19/01289/OUT and also for 21/00247/FUL (refused) within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation, secured through the inclusion of a negative condition such as the example condition approved by DLUHC:

#### **Archaeology Condition**

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

**REASON:** To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

**Informatives:**

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

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

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

**Cambridgeshire Fire And Rescue Service - 20 April 2022**

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.

**Waste Strategy (ECDC) - 4 May 2022**

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).

- o In addition to the above, the boundary of the development with the public highway will need sufficient space for the bins and bags for all new properties to be presented without causing an obstruction.

- o East Cambs District Council require waste and recycling to be ready for collection (at the boundary with the public highway as specified above) by 7:00am on collection day and not before 6:00pm on the evening before. Residents will also be required to return their containers to their boundaries as soon as possible following collection.

- 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](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

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

This application for development is outside of the Padnal and Waterden Internal Drainage District, but is adjacent to our Padnal Catchwater Drain.

No structures can be erected or works take place within nine metres of the Catchwater without the prior consent of the Board. Also, the proposed access would need to have the Board's consent to cross the Catchwater. Both consents are separate to the planning process and the Board would expect both consents to be applied for at the same time as full planning permission.

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.

**Environment Agency - 21 April 2022**

We are returning this planning application consultation without comment because it is not clear why we have been consulted.

**Local Highways Authority - 18 July 2022**

While some minor changes have been made to the internal layout, they are of no concern to highways. I do however note that a bin store has now been included and gates removed, both of which are welcome changes.

However, there is still a fundamental question about the feasibility of the access. I am unconvinced that the access, or at the very least the footways adjacent to the carriageway, can be constructed within the site boundary / public highway and there could be a ransom situation. It could be that the applicant needs to get their title amended at land registry if the intervening portion of land is unregistered.

That being said, this doesn't form the basis of an objection, but it puts the deliverability of the scheme into question.

**Environmental Health - 5 July 2022**

I have no additional comments to make at this time.

**Environmental Health - 26 April 2022**

Thank you for consulting me on the above proposal. We have commented on this site in the past. I recommend that standard contaminated land conditions 1 and 4 are attached to any planning approval due to the proposed sensitive end use (residential).

**Environmental Health - 22 April 2022**

Thank you for consulting us on the above application.

We have commented on this site in the past.

If Peter wishes to make any comments he will respond separately.

I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday  
07:30 - 13:00 on Saturdays and  
None on Sundays or Bank Holidays

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.

No other points to raise at this time but please send out the environmental notes.

**ECDC Trees Team - 28 September 2022**

The biggest problem with this application is locating the information as the submitted plan is very busy with a haphazard layout containing information on boundary treatments, tree protective fencing (despite this being in the submitted arboricultural report), a planting specification of sorts, drainage details. It would be better if the plan just showed the locations of the various parts with their specific information provided on separate documents to provide clarity and avoid confusion for those attempting to use the document. It is especially difficult to read blocks of text that are layered with planning features through them. The text associated with the planting on site mentions different species to be planted but their individual locations are not plotted. Although the species of plants listed would be acceptable for this site, a soft landscaping scheme should be conditioned as the provided information is too unclear to be acceptable. What is required is a separate plan with the locations of new planting clearly identified either as a number or a code such as AC which would stand for *Acer campestre*, there should then be a separate document listing the total numbers of plants to be used with a size specification also on this document should be the planting and maintenance information. This would provide a clear and usable document that avoids confusion. The tree protection plan is out of date as the site's layout has changed so please also condition the submission of an updated tree protection plan via an Arboricultural Method Statement (AMS) which will cover the tree related implication management to avoid the retained trees on site being impacted by any approved development.

There are no tree related objections to this application subject to the conditions mentioned above.

**ECDC Trees Team - 20 July 2022**

The previous comments made 13th July have not been acted upon only the number of trees to be planted has increased via the planting of a group of 13 Hawthorn trees within the habitat area as mentioned previously the reliance on a single species of tree to this extent is not good practice as an area of native species planting it could also include Field Maple (*Acer campestre*), Hazel (*Corylus avellane*) and Crab Apple (*Malus sylvestris*).

**ECDC Trees Team - 13 July 2022**

The indicated trees for planting currently included comprise of a single species, *Acer palmatum Sango Kaku* (Coral Bark Maple) this is a very small ornamental Japanese Maple that only gets to 6m in height with a crown spread as wide or wider than it is tall which prefers full or partial sun exposure. 3 of the proposed new tree locations

are in proximity to structures of footpaths and roadway for with this trees growth pattern is not compatible, a wide tree in a narrow space is soon going to outgrow the space. A more upright growing tree would be more suitable and preferably of different species such as:

*Gleditsia triacanthos* 'Draves Street Keeper' (Upright Honey Locust) - Medium-size tree with a narrow pyramidal crown, grows half as wide as it does tall, mostly thornless with olive green twigs, the leaves are glossy dark and turn vivid yellow in the autumn, thriving on most soils.

*Liquidambar styraciflua* 'Slender Silhouette' (upright Sweet Gum) - narrow columnar tree with a strong architectural form and striking autumn colour with leaves turning yellow, orange and red before leaf fall.

*Betula albosinensis* 'Fascination' (Upright Chinese Red Birch) - ascending branches and green leaves that turn yellow in autumn, peeling, deep orange bark turns a pale pink-white, not known for supporting aphids who cause honey dew, suitable for adjacent parking areas.

Tree T10 adjacent to plot 6 is a *Prunus avium* (Wild Cherry) which has a wide spreading root system that is known to block pipes in search of moisture so I would strongly suggest that the root barrier is considered on the 3 sides of the proposed drainage grate system to restrict root ingress and associated blockages.

My previous comments dated 24th May have not been acted upon and still stand.

#### **ECDC Trees Team - 24 May 2022**

This proposal includes the removal of 1 category B tree (T3) which due to its size would require the planting of 6 new trees to be compliant with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020. Also the category B trees T4 and T5 are located very close to the proposed road and footpath as a result if no dig surfacing is used for the road a path it will likely result in 40% of the trees Root Protection Areas (RPA) being covered by permanent hard surfacing which would not be conducive for their long term retention/survival. British Standard BS 5837:2012 Trees in relation to design, demolition and construction recommendations on page 25 section 7.4.2.3 states that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. If trees T4 and T5 were to be removed they should be replaced with 13 new trees this would mean a total of 19 new trees would be required to be compliant with policy SPD.NE8. There are 6 new trees indicated for planting on the tree protection plan (proposed), I estimate that there will be room to plant an additional 8 new trees within the amenity buffer zone which would be adequate to make the proposal acceptable. The new trees could be native species trees that would aid the sites biodiversity.

Please condition the submission of an arboricultural method statement and a soft landscaping scheme.

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

**Asset Information Definitive Map Team - No Comments Received**

**Cambridge Ramblers Association - No Comments Received**

5.2 A site notice was displayed near the site on 21<sup>st</sup> April 2022 and a press advert was published in the Cambridge Evening News on 21<sup>st</sup> April 2022.

5.3 Neighbours – 27 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Noise and disturbance
- Overlooking
- Outside the development envelope and is a paddock
- Narrow access
- There is no need for this development
- Intrusion into the open countryside

## 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 and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
HOU 2	Housing density
HOU 3	Affordable housing provision

### 6.2 Supplementary Planning Documents

*Developer Contributions and Planning Obligations*

*Design Guide*

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

*Flood and Water*

*Natural Environment SPD*

*Climate Change SPD*

### 6.3 *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
- 15 Conserving and enhancing the natural environment

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

7.1.1 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 an emerging stage (with a 'regulation 19' consultation due Spring/Summer 2022), and therefore little weight should be given to its emerging content.

7.1.2 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 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.

7.1.3 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]).

7.1.4 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.

- 7.1.5 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 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.
- 7.1.6 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.
- 7.1.7 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. 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.
- 7.1.8 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. 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. It is considered acceptable as the proposal is immediately adjacent to the development envelope of an identified market town to which growth is directed, adjoins the existing development envelope and is enclosed on all sides by development. This reflects the conclusions of the Inspector in the Broad Piece, Soham appeal in respect of the anticipation of growth at market towns. It also reflects the fact that it is considered that there are no other conflicts with policy GROWTH 2.
- 7.1.9 Therefore, it is considered that the principle of development in this specific location is acceptable given the extent to which policy GROWTH 2 is not currently up-to-date in these specific circumstances.
- 7.1.10 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.

7.1.11 It should be noted that there have been previous refusals on this site for residential development as well as applications withdrawn. The schemes previously have had issues relating to the proposal impacting upon the neighbouring properties' amenities; lack of affordable housing and being outside of the development envelope. With regard to the neighbours' amenities this is discussed further in section 7.2. Affordable Housing is no longer required solely because the floor area of developments is over 1,000 square metres (*10,763 square feet*) and therefore this reason for refusal is no longer applicable. With regard to being outside of the development envelope, this is discussed above and as such following recent appeals and advice given, the proposal for residential development in this location can be considered broadly acceptable.

## 7.2 Residential Amenity

7.2.1 The site is enclosed on all boundaries with residential development. To the north-east is the New Orchard Park which is a development of in excess of 40 park homes. To the north-west is Hawthorn Close, which is development of predominantly 1970's two storey detached dwellings. To the south is a predominantly single storey dwellings although there is a storey and half dwelling. To the south east is the 1980's development of Fisher Bank.

7.2.2 With regard to the dwellings on New Orchard Park they have a 20 metre (*66 feet*) degree of separation, with the footpath and enlarged biodiversity area providing a barrier. It is considered and in accordance with the Design Guide this an acceptable distance between dwellings to ensure there is no demonstrable harm to the neighbours' amenities. However to ensure there is no perception of overlooking it is proposed that a condition is applied to plot that permitted development rights for additional windows is removed and that the existing windows on the north facing elevation which is to a dressing room would be obscure glazed.

7.2.3 With regard to the dwellings along Hawthorn Close, all of the proposed dwellings are in excess of 10 metres (*33ft*) from the boundary and in excess of 20 metres (*66ft*) from the existing dwellings. These distances are in accordance with the provisions of the Design Guide SPD. It is however recommended that a condition is applied to plots 2, 3 and 4 to ensure no additional windows are added to ensure the future neighbour amenities from the perception of overlooking.

7.2.4 Dwellings to the south of the site are predominantly single storey and the proposed dwellings are set in excess of 10 metres (*33 feet*) from the shared boundaries and in excess of 20 metres (*66 feet*) from the dwellings. It is considered that the proposal would not cause harm to these neighbours by way of overlooking; overbearing; loss of privacy and light.

7.2.5 Fishers Bank is located on the opposite of Padnal, it is considered that any development of this site would not cause harm to these neighbours amenities by way of overlooking; being overbearing; loss of light or privacy.

7.2.6 Some concerns with regard to noise have been raised. In consultation with the Environmental Health Officer no concerns have been raised although conditions relating to restricting working hours and details of piling in the event they are required would need to be applied to any planning permission granted. It is accepted that during construction there will be a degree of disturbance, however this can be controlled by

way of a working hours condition and a Construction Environmental Management Plan (CEMP). It is recommended that a condition for a CEMP is applied to ensure the noise and disturbance is minimised during construction based upon the number of residential properties nearby.

7.2.7 It is considered that suitable conditions can be applied to any planning permission to ensure the long term future amenities of the adjoining neighbours in accordance with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015 and the Design Code SPD.

### 7.3 Visual Amenity

7.3.1 The development of 6 dwellings will have an impact on the character of the street scene. This site is currently an open paddock which has a public right of way running along its north-east boundary. Currently the residential dwellings that share a boundary of the site will have their view changed, however it is not considered that the development is visually intrusive and or harmful to the character of the area.

7.3.2 As you approach the site along Padnal there is a clear sense that you are leaving the settlement of Littleport. To the north of Padnal is a landscaped area which restricts views into the New Orchard Caravan Park. To the south are several dwellings which are well-spaced until the development of Fishers Bank. There is limited street lighting and no footpath beyond the proposed site on the northern side of the site. It is essentially a piece of land, used as paddocks that remains undeveloped.

7.3.3 The proposed development is for 6 large dwellings which are set well into the site and along boundaries with existing residential development. The site has ample space for landscaping and would assimilate into its surroundings easily and in a relatively short space of time. It is considered that the development would not be out of keeping with the character of the area and would accord with policy ENV1 of the East Cambridgeshire District Council.

7.3.4 Policy HOU2 of the East Cambridgeshire District Council Local Plan 2015 seeks development to be in keeping with the character of the area whilst making the efficient use of land. Further to this it needs to consider the biodiversity; heritage; existing land uses and its accessibility to Littleport. The site is approximately 0.98 hectares (2.4 acres) and could accommodate more dwellings than the 6 proposed. However, there are constraints within the site that mean that part of the site cannot be used for development as there are biodiversity issues which preclude this land from development. Consideration has also been given to the character of the area and on the four boundaries of the site there are very different characters and as such being located on the edge of the settlement it is considered that the development of the site as a transitional site which sees the rural and urban areas converging together is appropriate. It is therefore considered that the number of dwellings is appropriate for the constraints of the site and as such is in accordance with policy HOU2 of the East Cambridgeshire District Council Local Plan 2015.

7.3.5 The design of the dwellings is not out of keeping with the character of the area. The area has a host of design styles, to the north-west is 1970's development of a detached and semi-detached 2 and single storey dwellings. To the south is 1980's development of Fishers Bank, with static homes of various styles to the west. To the north-east is

predominantly single storey dwellings although there are storey and half dwellings, one of which has been constructed in the last 10 years. Whilst the design is not outstanding and the aims of the Design Guide is to improve design standards they could not be considered out of keeping with existing development within the area.

7.3.6 The proposal introduces a range of roof heights and materials to provide interest to the existing streetscene and the development as whole. On this basis the proposal is considered to comply with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.

7.3.7 The site is substantial and provides only 6 dwellings and could in theory provide more dwellings. However, there are ecological impacts to consider which restrict the development. The development is small scale and is suited to the edge of settlement location and offers a balance of town and rural living. A denser development would be at odds with this transitional location and would lead to a design that would be detrimental to the character of the area. As such it is considered acceptable and in accordance with the aims of policy HOU2 of the East Cambridgeshire District Council Local Plan 2015 and the NPPF.

#### 7.4 Historic Environment

7.4.1 In consultation with the Historic Environment Team, it has been identified as a site that could have archaeological potential based upon previous developments in the area. It is therefore recommended that a condition requiring a Written Scheme of Investigation (WSI) and site investigation would be attached in the issue of planning permission. This does not preclude development, however will require an investigation and reports into the findings to be placed on the CHER (Cambridgeshire Historic Environment Record). This can be dealt with by way of a pre-commencement condition in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015

#### 7.5 Highways

7.5.1 In consultation with the Local Highway Authority no objections to the proposal have been raised subject to conditions on the location of the access point, gates, provision of a footway and uncontrolled crossing. The pedestrian crossing is required in order to link the development with the existing footpath on the southern side of the road. The access proposed is considered to meet highway safety standards in accordance with policy COM7 of the East Cambridgeshire District Council Local Plan 2015.

7.5.2 Each plot can provide a minimum of 2 parking spaces. This provision is in accordance with policy COM8 of the East Cambridgeshire District Council Local Plan 2015.

7.5.3 The proposal is considered to comply with the provisions of the Local Plan and highway safety and the necessary provision of access, parking and turning would be secured by condition

7.5.4 The Local Highway Authority have raised an issue with regard to the deliverability of the scheme. The land to which the access may be land that is a ransom strip which could jeopardise the scheme being delivered. Whilst this does not prevent the issue of a planning permission, it may need further investigation by the developer. The Local Planning Authority does not get involved in land ownership issues.

7.5.5 The public right of way that runs to the north connecting Padnal with Hawthorn Close is a well-used footpath. Consultation was undertaken with the Rights of Way Officer, and no comments have been received. Previous applications comments have been received asking for the footpath to be upgraded, however no such request has been submitted during this consultation. The footpath is currently unmade and has a rural sense with trees, views of dwellings and space. Whilst this footpath could be upgraded the reason previously given for this need was because of the increase in footfall from the 6 dwellings. It is considered that this additional footfall would not be to the detriment of the use of the lane, requiring an upgrade which would be out of keeping with its immediate character of the area. It is considered that requiring its upgrade would be unnecessary and could prove detrimental to the known biodiversity in this area. A footpath and dropped kerbs are being provided along Padnal to ensure connectivity into Littleport. It is considered that the proposal is in accordance with policy GROWTH 3 of the East Cambridgeshire District Council Local Plan 2015.

## 7.6 Ecology and Trees

7.6.1 The proposed development includes an allocated habitat area as recommended in the Reptile Survey by Practical Ecology. The proposal includes the provision of a native hedgerow and some additional planting. No measures for bird or bat boxes are proposed, however it is considered that the proposed measures and a condition requiring additional measures could be attached to the planning permission. It is considered that the proposal can make a net gain of biodiversity in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.

7.6.2 The scheme does include some details relating to landscaping and trees. In consultation with the Tree Officer, it was considered that a pre-commencement condition could be appended to any planning permission requiring a detailed Arboricultural Method Statement, as well as further details for landscaping. The proposal is considered to be in accordance with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

## 7.7 Flood Risk and Drainage

7.7.1 The site is within Flood Zone 1, where the risk of flooding is considered to be at its lowest and where residential development should be located. The proposal includes a foul water connection to the mains sewer with surface water being dealt with by way of aqua polystorm crate system. It is considered that this is acceptable and in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

## 7.8 Fire Hydrants

7.8.1 In consultation with the Fire Safety Officer, there is a requirement for the provision of a fire hydrant. This can be achieved by way of condition. On this basis the proposal complies with GROWTH 3 of the East Cambridgeshire District Council Local Plan 2015.

## 7.9 Contamination

7.9.1 The proposed use is considered to be vulnerable to the risks of contamination. The site and has been used previously as paddocks, however a condition requiring a

contamination assessment prior to commencement of development has been recommended by the Council's Scientific Officer due to the sensitive end use and is considered necessary and adequate to mitigate the risks of contamination to future occupants of the site. The proposal is considered to comply with policy ENV9 of the East Cambridgeshire Local Plan 2015.

## 7.10 Sustainability

7.10.1 Policy ENV4 of the East Cambridgeshire Local Plan 2015 and the adopted Climate Change SPD require that developments reduce their carbon footprint. A condition can be applied to this application requiring the submission of an energy and sustainability report. It is considered that through this condition the proposal would be able to comply with policy ENV4 of the East Cambridgeshire Local Plan 2015 and Climate Change SPD.

## 7.11 Planning Balance

7.11.1 It is considered that following recent appeal decisions, development of the site for 6 dwellings is broadly in accordance with the development plan and as such the principle of development is considered acceptable. The previous detailed reasons for refusal have been addressed which includes ensuring the neighbouring amenities are maintained and affordable housing is no longer required on a scheme of this size. Where appropriate conditions can be applied to ensure future amenities of the neighbours are maintained by way of restricting windows and the design and orientation of the proposed dwellings ensures the distances between the proposed and existing dwellings meet the guidelines set within the Design Guide SPD. It is considered the site can provide adequate off - street parking and safe access into the site. There may be an issue regarding a ransom strip however it is not a material consideration in the determination of a planning application and will fall to the developer to address this if it is an issue. On this this basis the proposal is recommended for approval subject to appropriate and necessary 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 ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

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

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

- The previous reasons for refusal have been addressed
- The advice given with regard to GROWTH 2

9.0 APPENDICES

1 Draft Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00358/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Team Leader 01353 665555 toni.hylton@eastcambs.gov.uk
21/00247/FUL		
19/01289/OUT		
19/00432/OUM		
13/00295/FUM		
81/00273/OUT		
79/00174/OUT		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## Appendix 1

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

Plan Reference	Version No	Date Received
03-1884a/17	C	20th July 2022
Arboricultural Impact Assessment		5th April 2022
Reptile Survey Report		5th April 2022
01/1884a/17		5th April 2022
02/1884a/17		5th April 2022
08/1884a/17 Plot 3		5th April 2022
09/1884a/17 Plot 3		5th April 2022
10/1884a/17 Plot 4		5th April 2022
11/1884a/17 Plot 4		5th April 2022
12/1884a/17 Plot 5		5th April 2022
13/1884a/17 Plot 5		5th April 2022
04/01884a/17	A Plot 1	5th July 2022
05/01884a/17	A Plot 1	5th July 2022
06/01884a/17	A Plot 2	5th July 2022
07/01884a/17	A Plot 2	5th July 2022
14/01884a/17	A Plot 6	5th July 2022
15/01884a/17	A Plot 6	5th July 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 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.

- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 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.
- 5 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.
- 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.
- 7 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.

- 7 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.
- 8 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.
- 8 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.
- 9 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on 03/1884a/17. 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
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to first occupation or commencement of use a full schedule of all soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 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 the following:

Plot 2 - North and west facing elevations;

Plot 3 - West facing elevation;

Plot 4 - West facing elevation;

without the prior written consent of the Local Planning Authority.

- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 The first floor windows in the north facing elevation of Plot 2 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.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 The materials to be used in the construction of the external surfaces of the development shall be either:
  - a. As detailed on the following plans  
05/1884a/17 Revision A  
07/1884a/17 Revision A  
09/1884a/17  
11/1884a/17  
13/1884a/17  
15/1884a/17 Revision A; 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.

- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 14 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.
- 15 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.

- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 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.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 17 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 18 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.
- 18 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.