



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: 1:00pm

DATE: **Wednesday 6<sup>th</sup> October 2021**

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

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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

Rebecca Saunt, Planning Manager

Quorum: 5 Members

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## 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 1<sup>st</sup> September 2021.

#### 4. Chairman's Announcements

[oral]

#### 5. 20/01579/FUM

Proposed development to construct 2no. blocks of speculative business units (B1/B2 & B8)

Location: Site North of Unit 10, Faraday Road Business Park, Littleport

Applicant: Ghyll Royd Properties Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QK9BJ9GG0CT00>

#### 6. 21/00794/FUL

Proposed erection of two private detached dwellings, new dropped kerb/access road and associated works

Location: 14 The Avenue, Burwell, CB25 0DE

Applicant: Mr Antony Smith

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QTGPE2GGJ3S00>

#### 7. Planning Performance Report – August 2021

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#### NOTES:

1. Members of the public are welcome to attend this meeting; please report to the main reception desk upon arrival at The Grange. 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.
2. 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.
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 5<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. Reports are attached for each agenda item unless marked "oral".

5. 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)
6. 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 1:00pm on Wednesday 1<sup>st</sup> September 2021 at The Hive Leisure Centre, Ely, CB6 2FE.

### **PRESENT**

Cllr Christine Ambrose Smith  
Cllr David Ambrose Smith (Substitute for Cllr Lavinia Edwards)  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matthew Downey  
Cllr Julia Huffer (Substitute for Cllr Bill Hunt)  
Cllr Lisa Stubbs (Vice-Chairman in the Chair)  
Cllr John Trapp  
Cllr Gareth Wilson

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Maggie Camp – Legal Services Manager  
Emma Barral – Planning Officer  
Tracy Couper – Democratic Services Manager  
Caroline Evans – Democratic Services Officer  
Molly Hood – Planning Officer  
Andrew Phillips – Planning Team Leader  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

### **IN ATTENDANCE**

Ian Bayes (Objector, Agenda Item 6 / Minute 32)  
Ruth Gunton (Applicant's Agent, Agenda Item 5 / Minute 31)  
Parish Cllr Mark Hugo (Parish Councillor, Agenda Item 6 /  
Minute 32)  
Keith Hutchinson (Applicant's Agent, Agenda Item 6 / Minute 32)  
Greg Saberton (Applicant's Agent, Agenda Item 7 / Minute 33)

5 Members of the Public.

## **27. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllrs Bill Hunt, Lavinia Edwards, Lis Every and Alec Jones.

Cllrs David Ambrose Smith and Julia Huffer were attending as substitutes for Cllrs Edwards and Hunt.

Due to Cllr Hunt's absence, Vice Chairman Cllr Lisa Stubbs Chaired the meeting.

## **28. DECLARATIONS OF INTEREST**

Cllrs Stubbs, D Ambrose Smith and Wilson each stated that they remained open-minded and had no prior view on the applications that they had called-in to Committee (Agenda Items 5, 7 and 6 respectively).

**29. MINUTES**

The Committee received the Minutes of the meeting held on 7<sup>th</sup> July 2021.

It was resolved:

That the Minutes of the Planning Committee meeting held on 7<sup>th</sup> July 2021 be confirmed as a correct record and be signed by the Chairman.

**30. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Following the relaxation of COVID-19 restrictions by Central Government, it had been intended to re-commence organised site visits using a mini-bus from this meeting onwards. However, the significant cost-implication of bus hire meant that it was not cost-effective for fewer than five Councillors; having actively canvassed Members of the Committee it was decided to cancel the site visit bus on this occasion and re-consider for the next meeting. Whilst the COVID-19 situation remained uncertain, if Members preferred to visit the sites themselves rather than having organised site visits, then the position could be reviewed in due course. Members who had attended the site visits with Officers that morning were thanked.
- Officers had now returned to working in the office, although some had certain days agreed to work from home to allow them to focus on writing reports etc. Members wishing to visit the office to see a particular Officer were advised to contact them beforehand in order to check that they would be there. When working from home, Officers were still available by phone and email.
- The return of Planning Committee meetings to The Grange was currently under review.

**31. 20/01269/FUL – SPRINGFIELD HOUSE, TWENTYPENCE ROAD, WILBURTON**

Molly Hood, Planning Officer, presented a report (W58, previously circulated) recommending refusal of an application seeking consent for the demolition of an existing dwelling and outbuildings, and the construction of a replacement dwelling and garage further into the site.

Members were shown various images including block plans, historic site photographs, aerial photographs, and site layout plans (existing and proposed). Attention was drawn on the block plans to the line at the rear of the outbuildings, towards the front of the site, since this was important in considering the potential for the application to meet the exception policy HOU8 as listed under policy GROWTH2 for a replacement dwelling. The existing dwelling was positioned at the front right-hand-side of the site whereas the proposed dwelling was sited both further back from the road and further from the side boundary. A large tree at the corner of outbuilding E was considered to mark the position of the curtilage line for the existing dwelling, with agricultural land behind, and consequently the proposed new dwelling would be situated in the agricultural land. The whole site was overgrown and in a poor state, located within open countryside outside the development envelope, and within Flood Zone 3.

Elevations of the existing two-storey dwelling and outbuildings were shown together with elevations for the proposed two-storey dwelling with habitable rooms in the roof and a detached double garage with a room in the roof. The proposed dwelling, with a ridge height of 9.7m would be taller than the existing dwelling (ridge height 6.4m).

The main considerations for the application were deemed to be:

- **Principle of development** – Although policy GROWTH2 sought to locate development within development envelopes, exception policy HOU8 allowed replacement dwellings in the countryside subject to no adverse impact on the character of the countryside and compliance with other Local Plan policies. The proposal sought approval for demolition of an existing dwelling and construction of a new dwelling, and therefore had the potential to meet exception policy HOU8.
- **Residential amenity** – A residential property and commercial premises neighboured the site to the north, land to the south was overgrown with evidence of a former farm. The proposed dwelling would be situated further away from the northern boundary and with no first-floor side elevation windows. The separation distance, window placement, and orientation of the neighbour meant that no significant detrimental residential amenity impacts would occur in terms of overlooking, overbearing or overshadowing.
- **Replacement dwelling** – Extensive discussions had taken place regarding the residential curtilage of the existing dwelling. Although the agent asserted that the entire site formed the residential curtilage, the Case Officer believed the rear section to have historically been used for agricultural purposes and only the portion of land including and in front of the definitive tree line (to the rear of the outbuildings) to be residential curtilage. Consequently, it was considered that the proposed new dwelling, positioned ~30m from the footprint of the existing dwelling, would be outside the residential curtilage of the existing dwelling. It was also considered that the design of the proposed building was neither of exceptionally high quality nor sensitive to the surrounding countryside. The scale of the proposed building was also not considered to be sensitive to the countryside setting or such that it would enhance the character and appearance of the locality. The proposed development was therefore considered to fail to meet the requirements of policy HOU8.
- **Visual impact** – In comparison to the modest existing dwelling, the proposed design was considered to be excessive in height and bulk. Together with the detached garage it would represent a 229% increase in residential footprint. The design would not reflect the generally traditional and modest dwellings along Twentypence Road and the introduction of a large and imposing dwelling would create an urbanising and out of character development. Other nearby dwellings, including Australia Farm (~500m along the road), were more sensitive to the location, for example by being a 1.5-storey design and therefore having a lower ridge height.
- **Highway safety** – The proposal would reinstate a historic access point and there would be parking provision for two cars. Although the visibility from the access point onto the road was not ideal the Local Highways Authority had no objection as the proposal was for a replacement dwelling. The proposal was therefore considered to be compliant with policies COM7 and COM8 of the Local Plan.
- **Flood risk** – Although the site was located in Flood Zones 2 and 3 there was an existing dwelling on-site and therefore, subject to mitigation

measures being conditioned, the Environment Agency had no objection. The proposal would improve the current flood safety situation for future occupiers by raising the floor levels and using flood-resistant construction.

- **Ecology and trees** – The Preliminary Ecological Assessment had identified a day roost of a common pipistrelle bat and a brown long-eared bat within the roof of the existing building; the demolition would therefore require a Natural England Bat Licence. To mitigate for the loss of roosts in the outbuildings, various measures had been recommended including pole-mounted barn owl boxes, swift boxes, a tree-mounted standard bird box, integrated bat soffit boxes and an integrated bat wall box. The Wildlife Trust were satisfied with the proposed mitigation and the proposed development was therefore considered to comply with policy ENV7 and the Natural Environment SPD.

In summary, the proposed development was considered to be contrary to policy HOU8 due to its location outside the residential curtilage of the existing dwelling, its design failing to reflect the rural location, and its scale being excessive when considered as a replacement dwelling. The visual harm of the dominant and urbanising dwelling weighed against the proposal to the extent that it would significantly and demonstrably outweigh the benefits of a replacement dwelling, and was contrary to policies HOU8, ENV1 and ENV2. The application was therefore recommended for refusal.

On the invitation of the Chairman, Ruth Gunton, agent for the applicant, addressed the Committee. She highlighted that there had been no objections from any consultees or from members of the public and she stated that the points of contention appeared to be the design of the proposed building and its location within the plot, both of which could be considered to be subjective. The applicants had sought to improve upon the current situation and had therefore chosen to site the building further back from the fumes and noise of the road, which would also increase protection from the wind, and be sufficiently far back to not interfere with a mature tree favoured by bats. In addition to its position with respect to the road, the proposed siting of the building towards the centre rather than either side boundary was to improve the amenity. The location also allowed for enhanced flood resilience measures, including a ramp to aid access. The proposed position was in keeping with the area since other residential dwellings to the north of the site were set back from the road at a similar distance and a builders yard was situated to the rear of the adjoining existing dwellings, and it would be both illogical and unreasonable to position a new dwelling in the front corner of a large site. The streetscene along Twentypence Road was made up of small groups of dwellings with no single scale or material that could be considered a defining characteristic. The building had been designed to reflect elements from the local area and reference was made to nearby Australia Farm that was of a similar construction and also had two two-storey barn conversions in residential use, set back from the road but visible from it, which had been approved within the last 10 years. In summary, the proposal had taken elements of what was visible from the road in the immediate area, there had been no objections, the proposal would not cause harm, and there would be demonstrable material improvements in terms of amenity and flood resilience.

There were no questions from Members for the applicant's agent.

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The Democratic Services Officer then read aloud the following statement from Ward Member Cllr Bill Hunt:

*"I am now aware that this item will be Agenda Item 5 at Planning Committee on 1st September and I will not be attending. I hope that a site visit will take place; I have visited the site.*

*I thank the officer for a comprehensive report which sets out the situation well.*

*Some points which I have considered:*

- *The existing(derelict) house is very close to the B1429 which is a very busy route to Cambridge.*
- *The current building has been in a "run-down" state for many many years.*
- *The whole site is a complete disgrace.*
- *Nobody has objected, including the Parish Council.*
- *The two properties either side protrude into farmland more than the existing curtilage.*
- *The proposed dwelling would in my view be an asset to the area.*

*All considered, I believe that the Committee could consider this as an exception and allow the application"*

The Case Officer had no further comments to make, whereupon the Chairman invited questions for the Officer from Members. In response to a question from Cllr Trapp, the Officer confirmed that the height of the proposed building included the raised floor levels required for flood protection. Cllr Downey asked how it had been determined that the proposed building would not be of exceptionally high quality in terms of materials and design. The Officer explained that there was no specific guidance, but the Council's policy required that where replacement buildings were of an alternative height to the original building then the replacement must be of an exceptionally high standard, the judgement of which was subjective, but the NPPF also sought high quality design and the applicant was expected to exhibit a higher quality of design, in accordance with policy. Cllrs Stubbs, Wilson and Huffer sought further detail regarding the Officer's decision about where the residential curtilage of the existing dwelling lay, in particular how the rear section of the plot had been defined as agricultural use and the front section as garden. Cllr Wilson suggested that the presence of outbuildings towards the front of the site could suggest agricultural use throughout. The Officer explained that aerial imaging since 2010 showed differences in how the land was used and maintained, and visits to the site had further indicated two different uses since there was long grass towards the rear and brambles towards the front. The outbuildings were grouped in a line across the site, with trees having established along a similar line over time, again indicating a separation of land uses. She also clarified that a grey line immediately behind the outbuildings on the location plans, which she was using to indicate the extent of the residential curtilage, had been present on the submitted plans rather than having been added by Officers.

Councillor Trapp asked about the large tree on site and if there was space for the house to fit within the existing curtilage as well as seeking confirmation of what would happen to the land to the rear. The Case Officer confirmed that there was space for a replacement dwelling within the curtilage and to the rear was agricultural land.

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The Chairman then opened the debate. Cllr Brown thanked the Officer for her clear report and commented that the recommendation was clearly in line with Planning policy. Cllr Trapp agreed and expressed the opinion that, in addition to the curtilage issues, the proposed building was unattractive and too large for the site.

Cllr Huffer stated that she had no concerns regarding the curtilage and that she felt that the proposal would improve what was currently a very unattractive site. Cllr C Ambrose Smith agreed and added that she understood Officers' difficulties in working within policies but felt that the existing building was from a different era, when people lived differently, and the concept of whether a design suited an area was entirely subjective. Cllr Wilson added that the original building would have been constructed at a time of minimal traffic whereas the road was now busy with cars and lorries travelling at 60mph and it therefore made sense to site a new dwelling further back from the road, ideally behind trees. He also noted that the neighbouring properties were further back from the road and very prominent therefore an additional setback house would not adversely affect the small stretch of road. Finally, he commented that the additional height was in part due to the flood protection measures, and that in his view the curtilage all appeared to be agricultural due to the presence of the outbuildings.

Cllr Brown, seconded by Cllr Trapp, proposed the Officer's recommendation that the application should be refused.

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

Cllr D Ambrose Smith questioned the location of the site outside the development envelope. The Planning Manager explained that there was an exception in policy GROWTH2 that allowed for replacement dwellings outside the defined development envelopes, it was for Members to decide whether the proposed building constituted a replacement for the existing building, in accordance with policy.

Cllr Huffer then proposed approving the application on the grounds that it would not be contrary to policy HOU8 in terms of curtilage and design. Cllr Wilson seconded the Motion and added, with the agreement of the proposer, that Officers should impose appropriate conditions including ensuring that the large tree and the bats and owls would be protected.

It was resolved, with 6 votes in favour, 3 votes against, and 0 abstentions:

That planning application ref 20/01269/FUL be APPROVED on the grounds that the proposed development would not be contrary to policy HOU8 in terms of the curtilage and the design.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including the retention of the large tree and the protection of the on-site bats and owls.

32. 20/01295/FUL – LAND SOUTH EAST OF 4 MEADOWBROOK, ALDRETH

Molly Hood, Planning Officer, presented a report (W59, previously circulated) recommending approval of an application seeking permission for the construction of a detached two-storey four-bedroom dwelling with integral garage on a site situated between 3 and 4 Meadowbrook.

Members were shown various maps, photographs, block plan and elevations to illustrate the proposed building design and the position of the application site within the development envelope. The Officer drew Members' attention to the detail of the public and consultee comments in the report, and stated that her presentation would summarise the main elements.

The main considerations for the application were deemed to be:

- **Principle of development** – The site lay within the development envelope and was therefore in accordance with policy GROWTH2.
- **Residential amenity** – Plans and photographs were shown to demonstrate the relationship between the proposed dwelling and its neighbours at 3 and 4 Meadowbrook. Concerns had been raised by the neighbours and by members of the public regarding overlooking, overshadowing, overbearing and loss of privacy; a visual amenity assessment had been submitted by the owners of no. 3 and had been taken into consideration. From undertaking the 45° test it was considered that the front elevation habitable room windows would not have direct views to the habitable room windows of no. 3, and ~20m would separate the lounge and bedroom windows from no. 4. The position of the dwelling within the site was considered to give adequate separation distances to the boundaries, and boundary treatments would be a recommended condition in order to further protect residential amenity. The location and scale of the proposed dwelling were not considered to cause significantly detrimental impacts to residential amenity.
- **Visual impact** – Comments had been received from the Parish Council and from members of the public concerned that the proposal would constitute cramped development, tightly wedged in the corner of Meadowbrook, and that it would negatively affect the density and the character of the streetscene. The proposal would maintain a large frontage for a driveway and parking, together with a large curtilage, and the design was considered to be appropriate for the site and respectful of the boundaries. Although the materials had not been specified, conditions were suggested in order to ensure that the colour, type and quality were appropriate for the site and area. The integral garage, as opposed to the detached garages of the other Meadowbrook properties, was not considered to warrant refusal.

In terms of the site's Planning history, applications for a single house with garage had been refused twice in 1997 with the second refusal also having been dismissed at appeal the following year. Reasons for refusal had included the effect of the proposal on the character and appearance of the surrounding area, the dwelling differing from its neighbours by not being able to enjoy the open aspect of the central green, the relationship between the orientation of the proposed dwelling and its immediate neighbours creating a cramped form of development, and overlooking to no. 4. The Officer considered the streetscene to have evolved since 1997/8 and provided photographs to illustrate that much of the central green area was now bordered by well-established hedge and had been adapted to form the curtilage of other properties, including the addition of raised beds and a

greenhouse. Similar to the proposed dwelling, 2 and 3 Meadowbrook had driveways rather than extensive green space, and no.3 had a restricted outlook towards the central green. It was considered that the design, orientation and layout of the proposal would contribute to a property with the potential to enjoy the central green space and mirror the features of the other properties.

- **Highway safety** – During the public consultation, concerns had been raised regarding the safety of the access point and the effect on the adjacent properties' accesses. However, the point of entry to the site and its relationship with the internal access road was considered sufficient to provide safe access. The Local Highways Authority had not objected and the proposed development was considered compliant with policies COM7 and COM8.
- **Ecology and trees** – Due to concerns about the information submitted in relation to Great Crested Newts, bats, and other wildlife, the owners of 3 Meadowbrook had supplied their own Ecological Support Document and also claimed that Great Crested Newts were present on their property. The applicant had supplied a Great Crested Newt assessment and a Preliminary Ecological Appraisal. Following consideration of both sets of information the Wildlife Trust had recommended imposing a condition for a mitigation plan consolidating all of the mitigation in both the applicant's submitted documents and the neighbour's document. In addition, external lighting would be restricted by condition in order to minimise disruption to bats.

In summary, the principle of development was acceptable, there were no significantly detrimental impacts to residential amenity, and no visual detriments to the character or appearance of the streetscene. The application was therefore recommended for approval.

On the invitation of the Chairman, Ian Bayes addressed the Committee as a neighbour to the site and an objector to the application. He stated that this would be the fourth attempt (including an appeal) to obtain permission for a house on this site and that two Chartered Town Planners and a Chartered Landscape Architect had all disagreed with the Officer's recommendation for approval. Section 8.1 of the Local Plan required slow growth of Aldreth *via* infill sites only, whereas the frontage of the site under consideration meant that it did not have the open views enjoyed by the other Meadowbrook properties – a key reason for previous refusals – and prevented frontage development, meaning that the proposed development constituted backland rather than infill. Regarding policies GROWTH2 and ENV2, he stated that the proposed development would have a significant effect on the character and appearance of Meadowbrook, was of a poor design and was not promoting sustainability. Regarding policies ENV7, SPD.NE5 and SPD.NE11, he believed that sufficient ecology and biodiversity surveys had not been undertaken. Although the Planning Officer had said that appropriate information was given, the Wildlife Trust had said that a Preliminary Ecological Appraisal was not suitable for determining a planning application. The Great Crested Newt breeding pond at 2 Meadowbrook had not been taken into consideration despite the Natural Environment SPD requiring an additional survey to be submitted for specific species. He reiterated that the development would be out of character for the area and could not achieve a frontage similar to neighbouring properties, that the residential amenity at 3 Meadowbrook would be severely impacted, and that he believed that further ecological surveys should have been undertaken prior to the decision rather than being required after approval *via* conditions. He drew

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Members' attention to the two additional conditions that he had drafted regarding the boundary hedge and site deliveries (circulated to Members in advance of the meeting) and requested that they be included should the application be approved.

Cllr Trapp asked the objector to clarify the background information he had provided regarding the creation of the proposed building plot. Mr Bayes explained that the original design had been for six houses but during development the plots had been rearranged to leave this piece of land. Cllr Stubbs asked whether the boundary hedge mentioned in his proposed additional condition was the same hedge mentioned by the Case Officer regarding the open aspect of the street. Mr Bayes replied that the hedge was next to their drive, matured over 20 years, and therefore protected their residential amenity and privacy, it was not part of the open aspect.

The Chairman then invited Keith Hutchinson, agent for the applicant, to address the Committee. He thanked the Case Officer for her comprehensive report and said that the application was for a single dwelling to satisfactorily complete the cul-de-sac. He disagreed with the previous speaker that the development would constitute backland and he stated that it was supported by Section 11 of the NPPF. Paragraphs 7.7.1 - 7.7.10 of the Officer's report had provided a detailed assessment of the impact on residential amenity and had found it to be minimal due to the careful proposed design. Much emphasis had been placed by the objectors on the previous refusals and appeal, but the character of the area had changed in the intervening 23 years. In particular, the central green no longer existed since it now had hedges and an outbuilding on it. The Local Highways Authority had agreed that there was adequate parking and turning in place. Regarding ecology, a qualified ecologist had surveyed the site and assessments had been submitted regarding Great Crested Newts; the site offered low value for these species and the Wildlife Trust agreed with this assessment. A mitigation plan, secured by condition, would be appropriate if the species were found to be present, and the applicants had no objection to that. The proposal constituted a sustainable form of development and there should therefore be a presumption in favour of approval.

Cllr Huffer asked the agent to explain his wording that the application "...now completes..." the cul-de-sac, and questioned whether, despite being granted planning permission for six dwellings, the intention had always been to build seven. The agent replied that he did not know the historical intentions but, in his opinion, this would be a last opportunity to build on open land in that position. Cllr Trapp added that the original outline planning permission had been for five dwellings with large spacious plots, the sixth had been added in the application for full planning permission, and then applications for a seventh dwelling had followed at a later stage.

The Chairman then invited Parish Councillor Mark Hugo to address the Committee on behalf of Haddenham Parish Council. He stated that he spoke with the full authority of the Parish Council and that they believed the application to be a case of site over-development and backfill that would have a severe detrimental effect on the immediate neighbours. Applications had already been refused on this site and dismissed at appeal. The Local Plan relating to Aldreth only permitted infill, rather than backfill, and the proposal would be against the emerging Neighbourhood Plan which was almost ready for adoption. The contents and conclusion of the Officer's report, when compared with the views of the Parish Council and previous grounds for three Planning refusals, showed how many

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issues were subjective, and threatened to undermine local trust in the Planning process. He highlighted his work as a District Councillor (2015-19) regarding the Local Plan as it affected Haddenham, and in particular the promise to parishioners that active engagement would enable the Parish Council to have effective input into where new houses would be built, and would prevent building in undesirable locations and speculative development. With the Council's backing, the Haddenham Community Land Trust had been established to work with a developer to deliver 54 new homes, and a new Neighbourhood Plan was almost complete to reinforce the Local Plan. He summarised the Parish Council's many objections to the proposal as: backfill and therefore contrary to the infill-only policy for Aldreth in the Local Plan, contrary to the emerging Haddenham Neighbourhood Plan, opposed by many local residents together with the Aldreth Community Association and the Parish Council, destructive to the lives of the immediate neighbours, and a demonstration of greed on behalf of the landowners since the land was originally allocated as gardens for 3 and 4 Meadowbrook. He stated that approval of the application would undermine local belief in the emerging Neighbourhood Plan and the local Planning process, and he urged Members to maintain consistency with the decisions on the previous applications and appeal.

There were no questions from Members for Parish Cllr Mark Hugo.

Speaking as the Ward Member for the application site, Cllr Wilson explained that he had called-in the application because it was clear that the Officer's recommendation was strongly opposed by the Parish Council, the residents' association, and local residents. He reminded Members that the prevailing attitude within the parish was to support new houses in appropriate locations, as evidenced by recent developments and planning permissions within Haddenham, and therefore he considered that the Committee should support the Parish Council.

There were no questions for Cllr Wilson.

The Case Officer clarified the historical situation by explaining that the original drawings showed 3 and 4 Meadowbrook in their current locations but with different curtilages. Regarding ecology, both the Wildlife Trust and Natural England were satisfied with the reports that had been submitted. Regarding the report from the Appeal Inspector, there was no mention of back land development and the density was considered acceptable.

Responding to questions from Cllr Huffer, the Officer confirmed that the application site had at one stage been allocated as gardens for 3 and 4 Meadowbrook but was no longer within their curtilages from 1997 onwards and she did not know when it had been sub-divided prior to that. The Planning Manager further clarified that construction on a garden was not automatically considered to be backland development; it would be the positioning of the new building in relation to existing buildings that determined whether it would be backland development or infill.

Responding to questions from Cllrs Downey and Trapp, the Officer explained that there had been no ecological reports with the initial application but the applicants had later submitted a Great Crested Newt report and then a Preliminary Ecological Appraisal. It was standard practice for the reports to be provided by applicants and they were then checked by external consultees as part of the Planning process. Although the ecological support document supplied by the neighbour at 3 Meadowbrook was more detailed than the applicant's documents, the Wildlife Trust

### AGENDA ITEM NO 3

had been satisfied that all of the information provided by the applicant and the mitigation measures were sufficient.

Cllr Trapp asked at what stage Officers checked whether approved plans had been effected or changed and the Planning Manager explained that with thousands of applications it was not possible to proactively check them all. Enforcement Officers should be informed of any potential alterations or breaches and they would then investigate. Following questions from Cllr Stubbs, the Planning Manager explained that, as per report paragraph 7.6.1, the Haddenham Neighbourhood Plan was only at a stage where it could be given limited weight in the decision process. She also reminded Members that all applications should be judged on their own merits and that Members must cite Planning reasons when going against Officers' professional recommendations.

The Chairman then opened the debate. Cllr C Ambrose Smith commented that, from her observations at the site visit earlier in the day, the site access appeared to be good and the site was of a reasonable size and did not appear cramped. Both neighbouring properties had large gardens and the owners had presumably bought the properties with their current gardens, therefore consideration of earlier changes to the property boundaries prior to construction were not relevant. Opinions on Planning issues and on house design had changed over the last 20 years, therefore since the Planning Officers felt the building design to be acceptable there appeared no reason to refuse the application. Cllr D Ambrose Smith agreed that based on the submitted plans the plot appeared to be of similar size to its neighbours, although he had not seen the site, and the frontage appeared similar to 3 Meadowbrook in terms of having a turning circle rather than a front garden.

Cllr Huffer disagreed and stated that she believed the proposal to be highly detrimental to the environment of the neighbours, being overly dominant, over-developed, and not in keeping with the local streetscene. She also expressed reservations about the applicants' ecological reports, citing the residents' stated knowledge of bats and newts in the area and that she did not consider that mitigation would save them. In addition, the principle of developers seeking to incrementally increase the number of properties on site during and after the application process should be strongly discouraged. Cllr Brown agreed that the proposed dwelling would have a significant impact on residential amenity, as well as being detrimental to the character and appearance of the streetscene, with a cramped appearance and would not be in keeping. He proposed that the application should be refused on those grounds, against the Officer's recommendation, and Cllr Huffer seconded the proposal.

Cllr Downey expressed less concern regarding the debate over cramped appearance, although he remained unconvinced that the growth of hedges was a convincing change in the period since the previous rejections and appeal, but felt a more significant consideration was the ecology. The Preliminary Ecological Appraisal had been submitted relatively late in the process and the Wildlife Trust had recommended mitigation prior to construction but Cllr Downey raised concerns about the ability to control the measures in place after approval was granted. Cllr Wilson reminded Members that Great Crested Newts could only be found at certain times of the year and therefore would not be found if studies were done at the wrong time. He commented that the application was very similar to those that had been refused on three prior occasions and that, although some trees had grown since those refusals, it would still go against how the street and Aldreth looked.

The other houses were relatively new and had open views whereas the proposed building would only have a driveway to the front and looked to be situated behind 3 and 4 Meadowbrook and was therefore backland development. In addition, the Committee usually supported the views of Parish Councils and residents' associations, both of which had objected to the proposal. Cllr Trapp added that he felt the proposed house looked slightly larger than those in previous applications and that although it was set further back within the site it reached the boundaries.

It was resolved, with 7 votes in favour, 2 votes against, and 0 abstentions:

That planning application ref 20/01295/FUL be REFUSED on the grounds that the proposed development would have a significant detrimental impact on the residential amenity of the neighbouring properties, would be visually detrimental to the local character and appearance of the street scene, and would be cramped in appearance.

*2:51-3:04pm: a comfort break was taken.*

**33. 21/00463/OUT – 44 CAMEL ROAD, LITTLEPORT, CB6 1PU**

Emma Barral, Planning Officer, presented a report (W60, previously circulated) recommending refusal of an application seeking outline planning permission (with all matters reserved apart from layout) for the construction of two dwellinghouses, each with two car parking spaces and rear garden area, on the vacant parcel of garden land to the north of 44 Camel Road and to the south of 46 Camel Road.

A block plan and aerial photographs were shown to demonstrate the site's location in garden land for 44 Camel Road on the outskirts of Littleport, outside the development envelope but sandwiched between two sections of it due to a gap retained by the Local Plan 2015 policies map. A site plan illustrated the proposed layout for the two houses and their parking and rear gardens, and various photographs showed the existing land use and relationship with 44 Camel Road.

The main considerations for the application were deemed to be:

- **Principle of development** – The application site was located outside the development envelope of Littleport and did not meet any of the identified exceptions in policy GROWTH2, therefore the development was considered to be unacceptable in principle.
- **Visual amenity** – Full details of the scale, access, landscape and appearance had not been included and would need to be assessed at the reserved matters stage. However, the scale of the proposed dwellings had been shown indicatively as chalet bungalows and the extent of the proposed plot sizes and rear private amenity space was sufficient to comply with the requirements of the Design Guide SPD. When considering the scale and design of existing development in the surrounding area, it was considered that two dwellings could be accommodated on-site without being visually intrusive. The proposed development would preserve the character and appearance of the surrounding area in accordance with policies ENV1 and ENV2.
- **Residential amenity** – There was sufficient room within the site, and sufficient separation from neighbouring dwellings, to accommodate two dwellings with a high standard of amenity whilst ensuring no significant detrimental harm would be caused to the amenity of the neighbouring

properties. The indicative chalet style dwellinghouses would not be significantly taller than 46 Camel Road to the north (a two-storey dwelling) and no harmful overlooking or overshadowing would occur to 44 Camel Road to the south (a bungalow). A small degree of overlooking to the rear gardens of the two proposed dwellings would be likely but was not considered to be uncommon or sufficiently harmful to warrant concern. The proposed development therefore accorded with policy ENV2 of the Local Plan in respect of residential amenity, as far as could be determined at the outline stage.

- **Highways** – The proposed development would create new vehicular accesses onto the corner of Camel Road and Horsley Hale and, although access was not a matter under consideration for the outline application, the site layout would necessarily influence access arrangements. The Local Highways Authority had reservations about reversing onto the highway at that location but noted that the situation was not uncommon locally and there was no history of recorded injury accidents. They therefore had no objection to the proposed layout and agreed that the provision of two vehicular access points as indicated in the application would be acceptable in principle. They also confirmed that the provision of vehicular and pedestrian accesses along the site frontage could be constructed entirely within highway land and under separate highway legislation. There would be sufficient room within each plot to accommodate adequate parking for two cars, in accordance with the Council's parking standards. The proposed development was therefore considered to comply with policies COM7 and COM8.
- **Flood risk and drainage** – The site was located within Flood Zone 2 and 3 (benefitting from flood defences) and was therefore at higher risk of flooding than Flood Zone 1 where development should usually be focussed. The application site fell outside the development envelope, informed by the Strategic Flood Risk Assessment for the District, and therefore on the basis of the site location the proposal was not considered to have passed the sequential test. The applicant had not submitted a Flood Risk Assessment to demonstrate that the proposal would be safe for their lifetime in terms of flood risk, or would not result in increased flood risk elsewhere. The proposed development was therefore considered to be contrary to policy ENV8, the Flood and Water SPD, and the NPPF in terms of flood risk.
- **Other matters** – If approved, it was recommended that conditions should be applied to require a scheme of biodiversity improvements, to ensure that the developer complied with the surface water drainage strategy shown on the submitted plans, to require a contamination assessment to be submitted to and agreed by the Local Planning Authority prior to commencement, and to address any unexpected contamination which may be found when carrying out the development.

In summary, the application site was located outside the development envelope of Littleport and therefore the principle of development was not acceptable and the proposed development would be contrary to policy GROWTH2 of the Local Plan. In addition, the applicant had not submitted a Flood Risk Assessment and the proposals would therefore be contrary to policy ENV8, the Flood and Water SPD, and the relevant sections of the NPPF on the basis of flood risk.

On the invitation of the Chairman, Greg Saberton, agent for the applicant, addressed the Committee. He explained that his client's parents had lived at 44 Camel Road for over 55 years and the purpose of the proposed two dwellinghouses

### AGENDA ITEM NO 3

was to provide homes for their two sons in order to assist with care needs and enable them to stay in their family home. The site was in excess of 92m in length along Camel Road with the existing bungalow positioned towards the middle, a garden to the south, and the proposed development site to the north. Each new plot would exceed the minimum size required, there would be no overlooking, the Local Highways Authority and the neighbours had no concerns, and the Parish Council's concerns were very limited. A Flood Risk Assessment would be submitted at the reserved matters stage but previous experience along Camel Road had indicated that bedrooms would need to be upstairs. The plot was not very rural or isolated since it lay within a few minutes' walk from the town centre, school and sports centre, and was the only piece of land on Camel Road to be outside the development envelope. Although the Council could demonstrate a 5-year land supply, he believed that if infill was permitted the site would surely comply. He reminded Members that there was no financial incentive for the development, the intention was purely to provide homes for family members to assist with caring.

When asked by Cllr Trapp why no Flood Risk Assessment had been submitted, the agent explained that he had advised the applicant against spending the necessary >£1k since the site lay outside the development envelope and he believed that the application was not looking favourable in terms of likelihood of approval. He confirmed to Cllr Wilson that two plots were required, rather than one plot with a greater turning circle for vehicles, since there were two brothers to house separately.

The Officer had no further comments to make, therefore the Chairman invited questions from Members. Cllr D Ambrose Smith explained that he had called the application in to Committee for consideration due to the broken development envelope which already had other nearby houses positioned outside it. He asked whether the Officers would have reached a different conclusion if the development envelope had included 46 and 46a Camel Road to the north of the site. The Planning Manager said the application would need to be determined on its own merits. Cllr Huffer also queried the position of the development envelope. The Planning Manager reminded Members that the development envelope was defined and approved by the Council in 2015 as part of the Local Plan following consultations with residents, parishes and Councillors, and after consideration by an Inspector and various hearings; the application needed to be considered accordingly. Cllr Huffer asked whether the plot lay both within the garden of 44 Camel Road and outside the development envelope. The Case Officer confirmed that there was garden and residential curtilage to the north and south of the dwelling, the plot was positioned to the north and only the dwelling and the land to the south lay within the development envelope.

Cllr Downey asked whether it would be possible to provisionally approve the application subject to a Flood Risk Assessment but the Planning Manager explained that the NPPF required the Assessment, as did the Flood & Water SPD and Policy ENV8.

The Chairman opened the debate and Cllr D Ambrose Smith reminded Members that they had approved the previous agenda item's application to build a dwelling outside the development envelope on the basis that there was an existing dwelling on-site, this application was also outside the development envelope and with an existing dwelling. At the invitation of the Chairman, the Planning Manager

explained that Agenda Item 5 had involved the replacement of the existing dwelling whereas the current application sought approval for two additional dwellings and therefore would be contrary to policy GROWTH 2.

Cllr Brown stated his support for the Officer's recommendation of refusal, on the grounds that the site lay outside the development envelope and could not be assessed as exceptional design since it was an outline application only without design details. Cllr Wilson agreed that the application could not be approved since it was contrary to two Planning policies. He agreed that the broken development envelope did not appear sensible and suggested that if Littleport Parish Council prepared a Neighbourhood Plan then the applicant should apply to include the site within the development envelope. He also commented that, although he understood the desire not to spend money on a Flood Risk Assessment, the Planning process required it to be submitted and therefore it should have been completed.

Cllr C Ambrose-Smith asked whether the applicant could re-use the kennels on site and convert them. The Planning Manager stated that was not the case which had been put forward and while there was a policy on the conversion of agricultural buildings, the outbuilding would not comply with this.

Cllr Trapp agreed with Cllr Wilson's comments regarding the need for the Flood Risk Assessment but also expressed his support for the concept of family members living close to each other for support, and suggested that the addition of two dwellings on the site would not be intrusive, but there should have been pre-app and a flood risk assessment should have been submitted. He also stated his awareness that there would be no control over who would end up living in the proposed houses.

The Chairman reminded Members that they had recently (7<sup>th</sup> July 2021) refused an application for a site in Pymoor due to its location outside the development envelope, despite it being very close to that development envelope and having previously-expired planning permissions. She stressed the importance of consistency in decision-making. The application site in this case was outside the development envelope, did not meet any exception criteria, had no planning history, was contrary to planning policy GROWTH2, and despite being situated within Flood Zones 2 and 3 the applicants had not submitted a Flood Risk Assessment. She encouraged Members to support the Local Plan due to the far-reaching repercussions of going against it, and proposed the Officer's recommendation of refusal which was duly seconded by Cllr Wilson.

Cllr Downey reiterated an earlier opinion that the break in the development envelope did not make sense, he therefore considered refusal of permission to be harsh and sought grounds to enable approval. He read aloud from policy GROWTH2 "...Development will be restricted to the main categories listed below, and may be permitted as an exception..." and suggested that, although the sentence was usually interpreted in terms of both a category and permission as an exception, it could instead be interpreted that an exceptional application could be permitted without falling in any of the listed categories. He stated that he considered this site to be exceptional due to its position sandwiched between two sections of the development envelope and he suggested deferring consideration of the application until the applicants had submitted a Flood Risk Assessment.

## AGENDA ITEM NO 3

In response to a question from Cllr Huffer, the Planning Manager read aloud all of the categories for exception as detailed in policy GROWTH2. She also reminded Members that the NPPF allowed for buildings of exceptional design, although the standard of design needed to meet that criterion was very high. The issue of the flood risk also remained.

Following suggestions from Cllr C Ambrose Smith and Cllr Wilson regarding considering the proposed dwellings to be annexes, and whether siting the dwellings on the other side of the existing property would make them acceptable, the Chairman asked Members to focus solely on the existing application as presented to them.

It was resolved, with 5 votes in favour, 4 votes against, and 0 abstentions:

That planning application ref 21/00463/OUT be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

### **34. PLANNING PERFORMANCE REPORTS – JUNE AND JULY 2021**

Rebecca Saunt, Planning Manager, presented two reports (W61 and W62, previously circulated) summarising the performance of the Planning Department in June 2021 and in July 2021. She explained that the anomalous below-target validation figures in June were due to simultaneous staff sickness and annual leave, and she highlighted the return to above-target figures in July. Although there had been a decrease in the number of applications received each month, overall the submissions were consistently higher than in 2019 (the 2020 figures were not directly comparable due to the effect of periods of lockdown). Attention was also drawn to the appeals received and decided in each month, and to two enforcement notices that had been served in July.

Cllr Trapp commented that the applications considered at the meeting had been approximately one year old and asked if that was a reflection of there being staffing issues within the Planning Department. The Planning Manager replied that there was a full complement of staff but that all Officers had high caseloads due to the number of applications received over recent months. The majority of applications did not take a year to determine but the department had a policy of working with applicants, for example regarding amendments and the provision of additional documents, in order to reduce the number of appeals. The Pre-Application Advice service was also useful in ironing out issues although at times Officers' advice was ignored by applicants.

The Chairman thanked all Officers for their hard work.

It was resolved:

That the Planning Performance Reports for June and July 2021 be noted.

*The meeting concluded at 3:51pm.*

**20/01579/FUM**

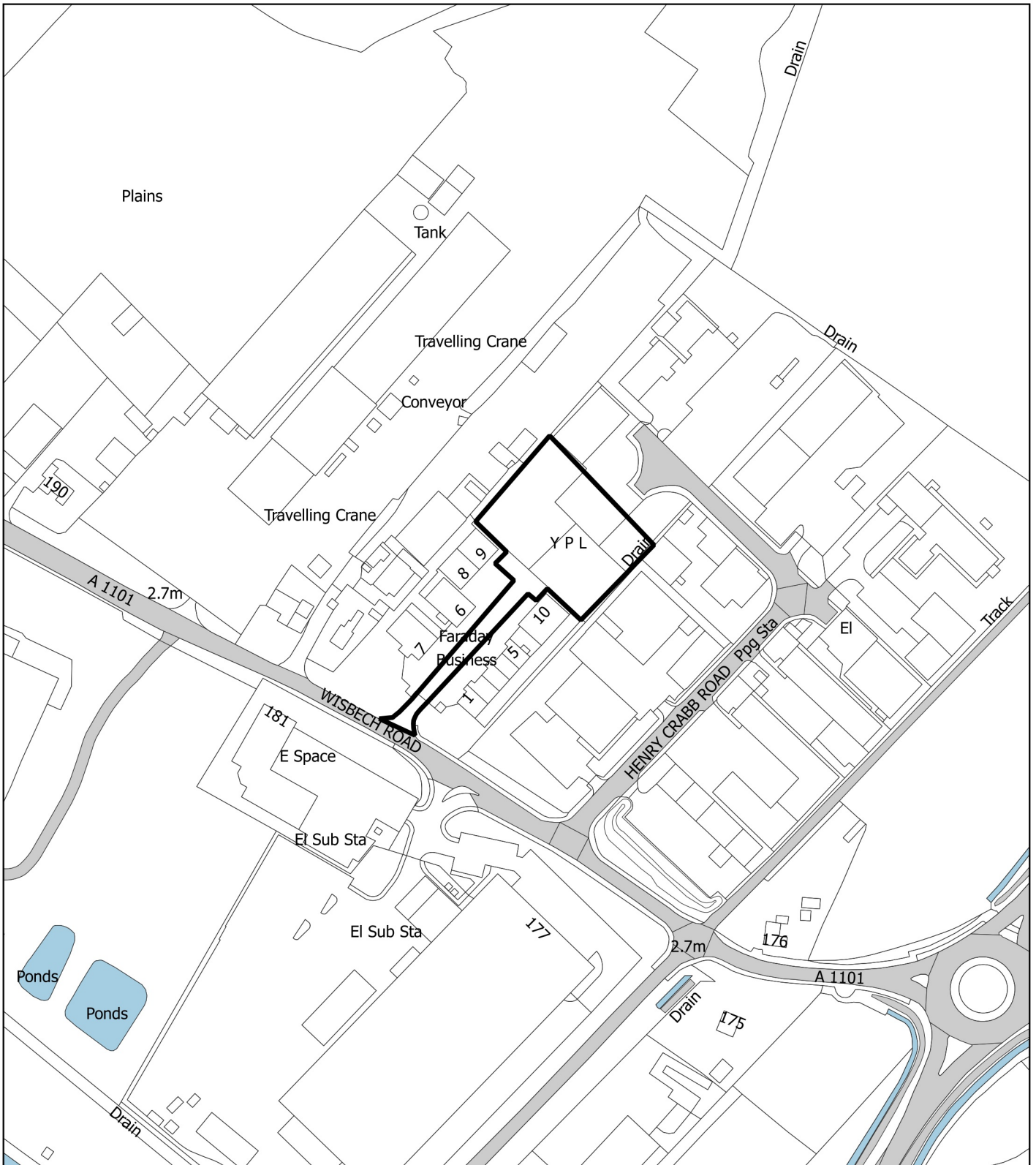
Site North Of Unit 10  
Faraday Road Business Park  
Littleport  
Cambridgeshire

Proposed development to construct 2no. blocks of speculative business units  
(B1/B2 & B8)

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=QK9BJ9GG0CT00>





20/01579/FUM

Site North Of Unit 10  
 Faraday Road Business Park  
 Littleport



East Cambridgeshire  
 District Council

Date: 22/09/2021  
 Scale: 1:2,500



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**MAIN CASE**

**Reference No:** 20/01579/FUM

**Proposal:** Proposed development to construct 2no. blocks of speculative business units (Class E(g), B2 & B8)

**Site Address:** Site North of Unit 10 Faraday Road Business Park Littleport Cambridgeshire

**Applicant:** Ghyll Royd Properties Ltd

**Case Officer:** Dan Smith Senior Planning Officer

**Parish:** Littleport

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

**Date Received:** 23 November 2020      **Expiry Date:** 8 October 2021

**Report Number [W79]**

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1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit
- 3 Drainage
- 4 BREEAM
- 5 Sample materials
- 6 Construction times - Standard hours
- 7 Piling foundations
- 8 Implementation of FRA
- 9 Access, parking and turning
- 10 Cycle Parking
- 11 Plant and machinery
- 12 Use classes
- 13 Gross floorspace

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the erection of two blocks of business units in Use Class E(g) [formerly known as B1 use], B2 (General Industrial) and B8 (Storage and Distribution) use.
- 2.2 The scheme proposes development of the site in two linear blocks of business units running along either side boundary facing a central parking and turning area. The scheme provides four units in the western block each with a floor area of 160 m<sup>2</sup> (1,722 ft<sup>2</sup>) and six units in the western block each with a floor area of 103 m<sup>2</sup> (1,109 ft<sup>2</sup>). A total floorspace of 1,258 m<sup>2</sup> (13,541ft<sup>2</sup>) is provided in total. The main body of the site would be accessed from Wisbech Road via the existing access point which currently serves units 1 to 10 on the business park. Cycle parking and a new palisade fence are proposed to the northern boundary of the site. The formalisation of a row of existing parking for the existing units to the south is also proposed. The application proposes 28 new car parking spaces and the loss of 3 spaces for a net additional provision of 25 spaces.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.4 The application has been referred to planning committee based on the requirements of the Council's Constitution as the scheme is for employment use and provides floor space in excess of 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>).

## 3.0 PLANNING HISTORY

### 3.1

|              |   |          |            |
|--------------|---|----------|------------|
| 10/00284/FUL | Siting of shipping and storage containers for B1 & B8 (self storage) use  | Approved | 22.06.2010 |
| 16/01323/FUL | Proposal for 2 No. blocks of new speculative business units, use class B1, B2 & B8 , with associated bin store, cycle and car parking provision | Approved | 28.02.2017 |

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises the main body of the site and the access road via the existing access point on Wisbech Road which runs between existing units on the site frontage. The main body of the site is approximately 0.32 hectares (0.79 acres) and is located between the existing units on the frontage and a large storage building to the rear accessed of Henry Crabb Road.

4.2 The site is flat and laid to hardstanding and improved grassland. Most of the boundary is enclosed by 2 metre high metal palisade fencing with a species poor hedge along the south east side boundary.

4.3 The site is located outside of the development envelope of Littleport in an area which benefits from an historic allocation for employment use. The access and southern part of the site are within flood zone 1 and the centre and rear of the site are within flood zones 2 and 3 respectively.

## 5.0 RESPONSES FROM CONSULTEES

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

### **Parish** - 4 January 2021

States it has no concerns regarding the application.

### **Ward Councillors** - 3 December 2020

Councillor Christine Ambrose-Smith stated that the consultation of an application for two business units on this small industrial estate/business park was welcomed and looked forward to further details in due course. She noted that the site is outside the development envelope, but that if it was likely to offer employment opportunities and add to the economic position of our community, she hoped that these considerations would be given due weight during the determination process.

### **Local Highways Authority** - 18 February 2021 and 24 June 2021

Initially questioned the number of parking spaces to be provided, given the speculative nature of the proposed uses. Stated that the proposed parking provision should be justified by the applicant and the Local Planning Authority must be satisfied that the capacity is sufficient to prevent excess parking from being displaced onto the highway network. Questioned the potential loss of parking and the turning provision on site for larger vehicles. Requested that the applicant provide details of alternative parking provision and to demonstrate that the turning provision within the existing site remains workable with the amended layout.

On the basis of revised information submitted by the applicant, the Local Highways Authority stated that vehicle swept path details provided were acceptable in respect of parking and turning. It raised the question of the parking and turning provision for the existing building to the north of the site, which have since been addressed by further information submitted by the applicant.

### **Lead Local Flood Authority** - 16 December 2020

Initially objected to the application on the basis that it was not supported by site-specific Flood Risk Assessment.

Later reviewed the Flood Risk Assessment and drainage strategy and has confirmed that it has no objection in principle with respect to the proposed development. It stated that the documents demonstrate that surface water from the proposed development can be managed through the use of below ground tanks, restricting surface water discharge to 2 litres per second. Noted that additional water quality treatment would be required in accordance with the Simple Index Approach. It requested that a

detailed drainage design, based on the submitted drainage strategy, be required by condition.

**The Ely Group Of Internal Drainage Board - 14 December 2020 & 17 May 2021**

States that the site is within the Littleport and Downham Internal Drainage District. Notes that the application states that surface water will be disposed of via soakaways and that provided that soakaways form an effective means of surface water disposal in this area it does not object to the application. Notes that it is essential that any proposed soakaway does not cause flooding to neighbouring land and that if soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter.

Later responded to the revised drainage details noting that the proposed discharge from this site would require the consent of the Board under its Byelaws as well as the permission of third party owners if they do not own the watercourse the outfall will discharge to. It states that as the proposed discharge is slightly above the Board's greenfield run-off rate, a commuted sum would be required to help fund maintenance of the Board's Main Drain in the area.

**Environment Agency - 6 January 2021**

States it has no objection to the proposed development but notes the requirement to apply the Sequential Test. States the proposal is for commercial development which is classed as 'less vulnerable' and strongly recommends that the mitigation measures proposed in the submitted FRA are adhered to.

**Anglian Water Services Ltd - 9 December 2020**

States that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. States that the foul drainage from this development is in the catchment of Littleport Water Recycling Centre that will have available capacity for these flows and that there is capacity within the sewerage system at present for these flows. States its preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Notes that based on the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets

**Environmental Health - 3 December 2020**

Does not object to the proposed development but requests conditions in respect of the restriction of the hours during which plant/machinery can be operated on site, a restriction of the hours of construction of the buildings and the requirement for the submission of a piling method statement where piling of the buildings is required.

**Design Out Crime Officers - 11 December 2020**

Does not object to the application and the proposed design and layout. Requests conditions in respect of external lighting and boundary treatments.

**Cadent Gas Ltd - 8 December 2020**

Does not object to the proposed development while noting that there is apparatus in the vicinity of the site which may be affected.

**Technical Officer Access - 5 January 2021**

Requests provision of accessible parking, accessible toilet, ramps to front doors, firm, level and slip resistant path and car park and appropriate signage and lighting.

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

**Cambridgeshire Fire And Rescue Service - No Comments Received**

5.2 A site notice was displayed near the site on 17 December 2020 and a press advert was published in the Cambridge Evening News on 10 December 2020.

5.3 **Neighbours** – 25 neighbouring properties were notified of the application. A petition signed by four people representing 8 existing units on Faraday Road Business Park has been received, raising the following summarised concerns:

- Security of the existing site;
- Loss of parking from existing site in area adjacent to southern boundary of site;
- Impact of additional through traffic on appearance of business park, surface of access and highway safety.

The petition can be seen in full on the Council's web site.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

|          |  |
|----------|--|
| GROWTH 2 | Locational strategy                                    |
| GROWTH 3 | Infrastructure requirements                            |
| GROWTH 5 | Presumption in favour of sustainable development       |
| EMP 1    | Retention of existing employment sites and allocations |
| EMP 3    | New employment development in the countryside          |
| ENV 1    | Landscape and settlement character                     |
| ENV 2    | Design   |
| ENV 4    | Energy efficiency and renewable energy in construction |
| ENV 7    | Biodiversity and geology                               |
| ENV 8    | Flood risk   |
| ENV 9    | Pollution  |
| COM 7    | Transport impact                                       |
| COM 8    | Parking provision                                      |

6.2 Supplementary Planning Documents

*Design Guide – Adopted March 2012*

*Flood and Water – Adopted November 2016*

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

*Developer Contributions and Planning Obligations – Adopted May 2013*

*Natural Environment SPD – Adopted September 2020*

*Climate Change – Adopted February 2021*

### 6.3 *National Planning Policy Framework 2021*

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

### 6.4 *Planning Practice Guidance*

#### 7.0 PLANNING COMMENTS

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

#### 7.2 Principle of Development

7.3 The site is within an existing business park site which is an existing allocation for employment uses (B1, B2, B8 uses). On that basis, notwithstanding its location outside the development envelope of Littleport, the principle of employment use on the site is acceptable as is the provision of additional units for such a use.

7.4 Following the coming into force of the *Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020*, use class B1 (office, research and development and light industrial) has been incorporated within a new larger use class known as Class E. Specifically, use class B1 is now known as Class E(g). Use Classes B2 (Industrial) and B8 (Storage or Distribution) remain unchanged. The description of development has therefore been amended to refer to use class E(g) rather than B1. As use class E also includes uses such as retail, financial and professional services, cafes and restaurants, clinics, health centres and gymnasiums, it is considered necessary to limit the permission by condition to the uses E(g), B2 and B8 to ensure the site remains in uses aligned with the allocation and which are acceptable in that location.

7.5 On that basis, the proposed development is considered acceptable in principle in accordance with the previous allocation and policies GROWTH 2 and EMP1 of the East Cambridgeshire Local Plan 2015.

#### 7.6 Visual amenity

7.7 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 recognises the importance of the edge of settlement locations and requires developments to demonstrate that their location, scale, form, design, materials, colour, edge treatments and structural landscaping will protect, conserve and where possible enhance the settlement edge, space between settlements, and their wider

landscape setting. Policy ENV 2 of the Local Plan requires that all development be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. These requirements are also reflected in Section 15 of the NPPF – Conserving and enhancing the natural environment.

- 7.8 The buildings would be Block A to the north western side of the site would have eaves at approximately 5.5m (18') and a ridge at just under 7m (23'). Block B on the south eastern side of the site would have eaves at approximately 5 m (16'4") and a ridge at approximately 6.5 m (21'4"). They would be constructed in red brick to the lower portions with grey/blue cladding above and a grey composite cladding roof.
- 7.9 This scale and appearance would be similar to other buildings on the wider site and would result in an acceptable appearance that would not cause any harm to the visual amenity of the area. Further details of materials would be required by condition to ensure an acceptable final appearance.
- 7.10 Boundary treatments would be 2 metre high palisade fencing similar to existing boundary treatments on the application site and wider site. Although such fencing has an industrial appearance which is inappropriate for many public settings, in the context of this site, it is considered acceptable in visual terms.
- 7.11 The proposed development is therefore considered to be acceptable in terms of its impact on the visual amenity of the area in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 and the Council's Design Guide SPD.
- 7.12 Neighbouring Amenity
- 7.13 Policy ENV 2 of the Local Plan requires that development does not have any significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.14 The proposed units would be located on an existing business park where similar uses are carried out and which is allocated for such business uses. The units would be separated from existing residential dwellings on Wisbech Road by existing units on the wider business park site and would sit adjacent to those units. The Council's Environmental Health Officer has no objections to the proposed use provided the hours of use of plant and machinery are suitable and construction hours and piling details are controlled. The previous permission was granted subject to a restriction on the use of machinery and plant to between 7am and 7pm on weekdays and 8am and 2pm on Saturdays with no use at all on Sundays, bank holidays and public holidays. Such a restriction is also considered appropriate in this case and would be secured by condition. On that basis, it is not considered that the proposed development would result in any noise impacts which would cause any significant noise impacts on residential neighbours nor any significant harm to commercial neighbours.
- 7.15 The siting and scale of the buildings would not cause any significant harm to neighbouring properties in terms of any significant loss of light, visual intrusion or overshadowing.

- 7.16 On that basis, the impact on the amenity of neighbouring properties is considered to be acceptable in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015.
- 7.17 Highway safety and parking provision
- 7.18 Policy COM7 of the Local Plan requires all new developments to be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Development proposals shall also provide safe and convenient access to the highway network and be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy ENV 2 requires that development is designed to minimise conflict between motor vehicles and pedestrians and cyclists, provide safe and convenient access for people with disabilities, provide good access to public transport services and ensure that networks of pedestrian and cycle routes (linking to existing routes where opportunities exist) give easy access and permeability within developments and to adjacent areas. Policy COM8 of the Local Plan sets out the parking requirements for the District based on the use class of the proposed development.
- 7.19 The site would be accessed via an existing vehicular access point onto Wisbech Road, which currently serves the 10 units to the front of the site. Existing palisade fencing between the existing units and the application site would be removed and the access taken through. This would result in the loss of part of the informal parking area which is currently adjacent to the fence and the loss of parking for two or vehicles in that area. 28 parking spaces would be provided on site meaning there would be a net provision of 25 parking spaces for the development. Turning for vehicles would be provided within the site.
- 7.20 The Local Highways Authority has considered the proposed development and, on the basis of the further information submitted in respect of the parking and turning arrangements, is content that the existing access on Wisbech Road is adequate to serve the additional units and that there would be no harm to highway safety in the area.
- 7.21 In respect of the parking provision, 25 spaces new spaces would be provided on site to serve the development. Given the potential range of uses for the buildings, the parking requirement could range from 12 spaces (if all the units were in B8 uses) to 45 spaces (if all were in Class E(g) use). Given the need to provide adequate parking on site and ensure parking is not displaced onto the highway, it is therefore necessary to restrict the amount of the more 'parking intensive' uses on the site to a level which can be supported by the 25 spaces. As there are various ways that this can be achieved, the applicant has been asked to suggest a breakdown of uses which works with their aspirations for the site. They have proposed a limit of 250m<sup>2</sup> (2,691 ft<sup>2</sup>) E(g) use, 500m<sup>2</sup> (5,382 ft<sup>2</sup>) B2 use and the remaining floor area to be in B8 use. This would result in a maximum parking demand of 9 spaces for the E(g) element, 10 spaces for the B2 element and 5 spaces for the remaining B8 use. This results in a total parking demand of 24 spaces which is provided for by the scheme. A condition would secure those limits on usage, which would ensure adequate parking provision remained on site.

- 7.22 The applicant has also submitted additional information regarding parking and turning provision for the existing building to the north of the site, which is considered to demonstrate that an acceptable level of parking and turning would remain for that building, which is accessed off Henry Crabb Road, once the application site is developed. Adequate cycle parking provision is also made within the site along with refuse storage areas.
- 7.23 The occupants of some of those units have expressed concern regarding the impact of the development on the security of the site, the impact on existing parking provision and the impact of through traffic from construction traffic and that of future occupants. While those concerns are acknowledged, the scheme makes suitable provision for its own parking demands and also provides additional spaces to compensate for that informal parking area that would be lost to the extended access. While there would be additional wear and tear on the surface of the access from the additional use by the construction and occupation of the new units, this is a matter for the owners of the access and is not a reason to refuse the development of additional units. In respect of the concern over the security of the existing units, it is not considered that the proposed development necessarily reduces security of the site and this is a matter for detailed management of the site which would fall outside the planning process.
- 7.24 On that basis, subject to conditions regarding the use of the buildings, the laying out and retention of vehicle parking and turning areas and cycle parking provision, the proposed development is considered acceptable in terms of its impact on highway safety and parking in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 7.25 Flood Risk and Drainage
- 7.26 Policy ENV 8 of the Local Plan requires all developments to contribute to an overall flood risk reduction. Policy ENV 2 requires that Sustainable Urban Drainage Schemes (SuDS) be integrated into developments so they provide wider green infrastructure benefits. These requirements are also reflected in Section 14 of the NPPF - Meeting the challenge of climate change. Cambridgeshire's Flood and Water SPD which supports Policy ENV 8 is also relevant.
- 7.27 The site is partially within Flood Zones 2 and 3 which are at a higher risk of flooding. However, the site is allocated for employment development and it is therefore considered that it passes the sequential test as the development cannot reasonably be sited elsewhere in areas at lower risk of flooding. The uses proposed are categorised in the 'Flood risk vulnerability classification' of Planning Policy Guidance as being 'Less Vulnerable' which is appropriate development within Flood Zone 2 and defended Flood Zone 3, and does not require an exceptions test to be applied.
- 7.28 The Environment Agency has not objected to the proposed development on the basis that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. This would be secured by condition. The Lead Local Flood Authority withdrew its initial objection on the basis that the submitted Surface Water Drainage Strategy demonstrates that an acceptable surface water drainage arrangement can be achieved, but requests a condition requiring the

submission of a detailed drainage scheme prior to the commencement of development.

- 7.29 On that basis, the proposed development is considered acceptable in terms of its susceptibility to flooding and contribution to flood risk and its detailed surface water drainage impacts, in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan 2015 and the Council's Flood and Water SPD.
- 7.30 Ecology
- 7.31 Policy ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 (d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain
- 7.32 The site is currently laid to hardstanding and improved grassland. It is largely enclosed by metal palisade fencing although one boundary has a species poor hedge row along it. It is not considered that the site provides any significant biodiversity benefit or significant ecological habitat and it is not considered that any ecological mitigation is required. The location of the site within the existing business park makes it largely unsuitable for any significant biodiversity enhancement and on that basis, it is not considered reasonable to require such enhancements in this case. Similarly, the previous permission for the site (16/01323/FUL) secured no such enhancements.
- 7.33 The proposed development is therefore considered acceptable in terms of its impact on biodiversity in the area and would not cause any harm to ecology in accordance with policy ENV 7 of the East Cambridgeshire Local Plan 2015 and the Council's Natural Environment SPD. While the scheme would not provide for any enhancement of biodiversity on site, contrary to the usual requirements of the policy and SPD, this is considered justified in this case due to the nature of the development and its surroundings.
- 7.34 Sustainability
- 7.35 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted February 2021). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications, though the starting point for determining planning applications remains the East Cambridgeshire Local Plan (2015). Policy ENV4 of the Local Plan 2015 states that "all proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable" and that "applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction." In

addition, the NPPF places high importance on addressing climate change in plan making and decision taking. Policy CC1 of the Climate Change SPD sets out that applicants could demonstrate their approach to:

- Minimising demand for energy through design;
- Maximising energy efficiency through design;
- Carbon dioxide reduction achieved through items a and b above, and through incorporation of renewable and low carbon energy sources;
- Water efficiency (including whether, for residential development, the design intends to voluntarily incorporate the Part G Building Regulations option of estimated water consumption set at no more than 110 litres per person per day, rather than the standard 125l/p/d);
- Site waste management;
- Use of materials (such as low carbon-embodied materials); and,
- Adaptability of the building, as the climate continues to change.

7.36 The application documents do not contain any significant information regarding the consideration of sustainable design or construction and therefore do not comply with the requirements of the policy or the SPD. Nonetheless, given the simplicity of the design of the buildings and the potential for the incorporation of energy efficiency of the buildings as well as the potential to incorporate renewable and low-energy sources, it is considered that the scheme could be made compliant with the aims of the policy. Policy ENV 4 envisages that all non-domestic developments of 1000 m<sup>2</sup> or more are required to meet BREEAM 'Very Good' or higher. A condition would be applied to the permission requiring that the development achieves BREEAM 'Very Good' or higher and this would ensure an acceptable impact in terms of the sustainability of the development.

### 7.37 Planning Balance

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

## 8.0 COSTS

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

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

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than

officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

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

- The allocation of the site for employment use;
- The acceptable detailed impacts of the development,
- The lack of objection from statutory consultees.

## 9.0 APPENDICES

9.1 Appendix 1 - Proposed conditions

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| <b><u>Background Documents</u></b> | <b><u>Location</u></b>                         | <b><u>Contact Officer(s)</u></b>   |
|------------------------------------|--|--|
| 20/01579/FUM                       | Dan Smith<br>Room No. 011<br>The Grange<br>Ely | Dan Smith<br>Senior Planning Officer<br>01353 665555<br>dan.smith@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 – Proposed Conditions

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

| Plan Reference  | Version No | Date Received       |
|-----------------|------------|---------------------|
| Drainage Report | Apr 21     | 23rd April 2021     |
| PL001           | G          | 23rd April 2021     |
| PL005           | G          | 23rd April 2021     |
| FRA & Drainage  | 1          | 23rd November 2020  |
| PL003           | D          | 22nd September 2021 |
| PL000           |            | 23rd November 2020  |
| PL004           | E          | 22nd September 2021 |
| PL006           | F          | 22nd September 2021 |

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Surface Water Drainage Strategy prepared by Rossi Long Consulting (211023) April 2021 and shall also include:
  - a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
  - d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
  - e) 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;
  - f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
  - g) Full details of the maintenance/adoption of the surface water drainage system;
  - h) Permissions to connect to a receiving watercourse or sewer;
  - i) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

- 3 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.
- 4 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to 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.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 5 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 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.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Lincs Design Consultancy Issue No. 1 dated November 2020 and the Surface Water Drainage Strategy by Rossi Long Ref: 211023 dated April 2021 and the following mitigation measures detailed within those documents:
  - Finished ground floor levels of buildings to be 2.4 AOD;

- Electrical circuits and sockets to be raised as high as reasonably possible i.e. 1m above floor level in accordance with the BRE Publication: Design Guidance on Flood Damage to Buildings (1996);
- Boilers to be wall mounted & any low level heating applications;
- Where possible, all service entries should be sealed (e.g. with expanding foam or similar closed cell material);
- Registration of buildings with Environment Agency's 'Warnings Direct' flood warning system;
- Implementation of flood warning and evacuation plan.

- 8 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to the first occupation of buildings or commencement of use, the access, parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan PL005 Rev G and thereafter retained for that specific use.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the first occupation of buildings or commencement of use, a scheme for secure, covered cycle parking to serve the development shall be submitted to and approved in writing by the Local Planning Authority. That approved cycle parking shall thereafter be implemented and made available prior to the occupation of the unit it serves and retained for so long as the development remains.
- 10 Reason: To ensure an adequate provision of cycle parking on site in accordance with policy COM 8 of the adopted East Cambridgeshire Local Plan 2015.
- 11 No plant or machinery shall be operated on the premises other than between the hours of 07:00 and 19:00 on weekdays and 08:00 and 14:00 on Saturdays, nor at any time on Sundays, Bank Holidays or public holidays.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.
- 12 The buildings hereby permitted shall only be used for purposes within Classes B2 and B8 of Part B of Schedule 1 and Class E(g) of Part A of Schedule 2 of The Town and Country Planning (Use Classes) Order 1987, as amended, and, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), shall not be used for any other use.
- 12 Reason: The application has been assessed as being acceptable and complying with policy EMP 1 on the basis of the current proposed uses. Alternative uses, even those within Class E of Schedule 2, would not comply with the allocation of the site as an employment site nor with policy EMP 1. They might also have impacts not considered as part of this application, including on neighbouring premises, highway safety and parking provision.

- 13 No more than 250m<sup>2</sup> of the gross floorspace of the buildings, hereby permitted, shall be used for Use Class E(g) use and no more than 500m<sup>2</sup> of the gross floorspace of the buildings, hereby permitted, shall be used for Use Class B2 use.
- 13 Reason: The approved uses have different parking requirements under policy COM 8 of the East Cambridgeshire Local Plan 2015. The net additional vehicle parking provided for the scheme would not meet the requirements of policy COM 8 were the approved E(g) and B2 uses to occupy more of the floorspace of the development. Such use could result in unmet parking demand, the displacement of parking off the site and potential impacts on highway safety.

**21/00794/FUL**

14 The Avenue

Burwell

Cambridge

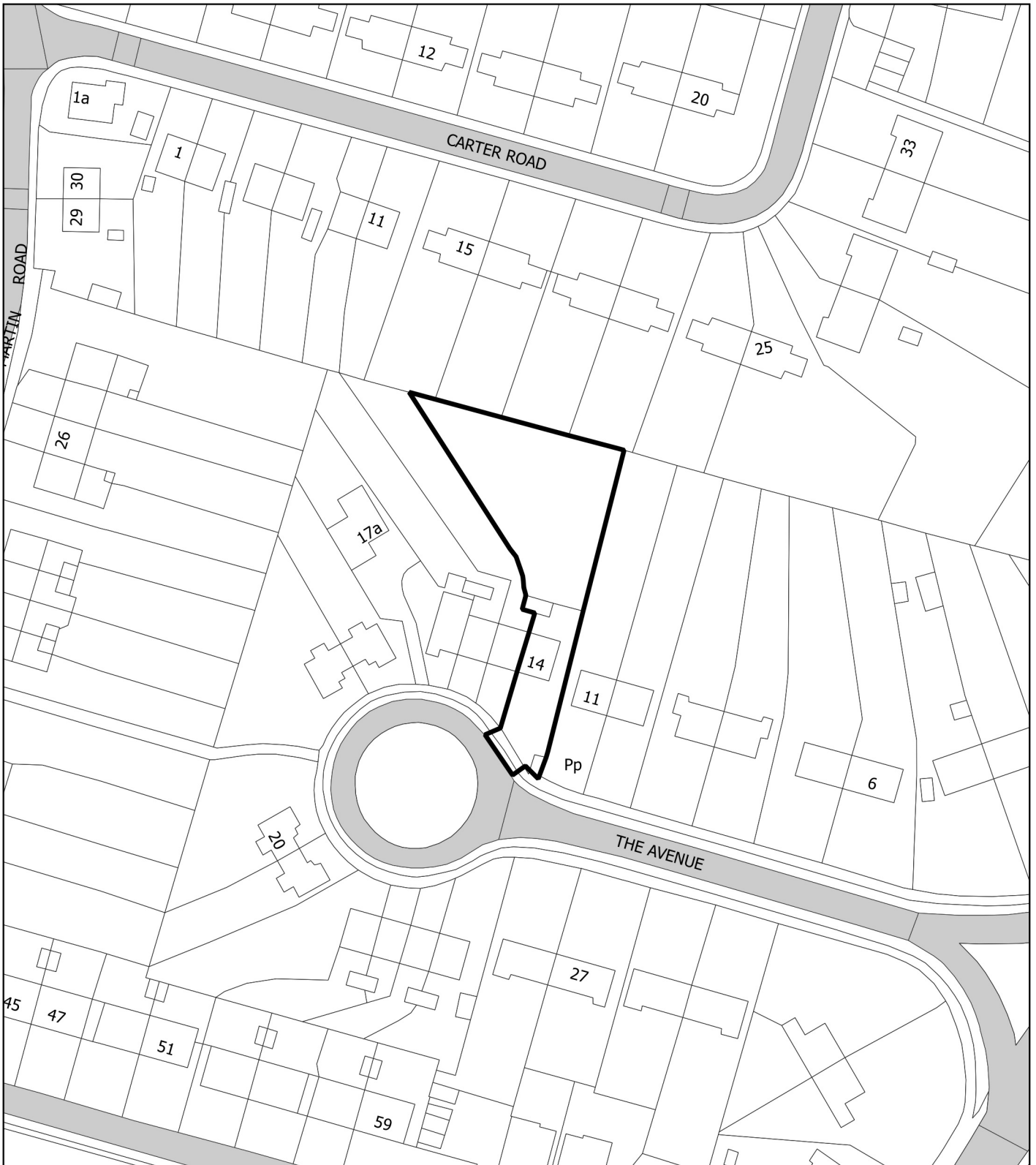
CB25 0DE

Proposed erection of two private detached dwellings, new dropped kerb/access road and associated works

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QTGPE2GGJ3S00>





21/00794/FUL

14 The Avenue  
Burwell



East Cambridgeshire  
District Council

Date: 22/09/2021  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 21/00794/FUL

**Proposal:** Proposed erection of two private detached dwellings, new dropped kerb/access road and associated works

**Site Address:** 14 The Avenue Burwell Cambridge CB25 0DE

**Applicant:** Mr Antony Smith

**Case Officer:** Holly Chapman Planning Officer

**Parish:** Burwell

**Ward:** Burwell

Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received:** 21 May 2021

**Expiry Date:** 15<sup>th</sup> October 2021

**Report Number [W80]**

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below:

1. Approved Plans
2. Time Limit – 2 years
3. Reporting of unexpected contamination
4. Foul water drainage details
5. Implementation of SUDs
6. Gates – restriction
7. New access – width
8. Parking, serving, turning areas
9. Visibility splays - plans
10. Access drainage
11. Details of proposed secure bike stores
12. Hard landscaping scheme
13. Soft landscaping scheme
14. Boundary treatments – details
15. Specified materials
16. Construction Environmental Management Plan
17. Construction times – standard times
18. Piling foundations
19. Tree protection measures

- 20. Permitted Development removal – extensions/outbuildings
- 21. Permitted Development removal – gates, fences, walls
- 22. Biodiversity improvements
- 23. Sprinkler installation

The conditions can be read in full on the attached Appendix 1

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted seeks planning permission for the construction of 2no. two-bedroom detached bungalows. The bungalows are identical in footprint, with both plots mirroring one another. The measurements of the proposed bungalow are set out in the following table (Table 1):

|       | Proposed Bungalow |        |
|-------|-------------------|--------|
|       | Metres            | Feet   |
| Ridge | c.4.2             | c.13.8 |
| Eaves | c.2.5             | c.8.2  |
| Width | c.9.0             | c.29.5 |
| Depth | c.11.6            | c.38   |

*Table 1 – Measurements of the Proposals*

- 2.2 The dwellings are proposed to be constructed from Marley Modern Duo roof tiles in Anthracite, Wienerberger facing brick in Oakwood, and uPVC and composite windows and doors.
- 2.3 The rear portion of the application site where the proposed dwellings are to be located measures c0.077 hectares (c.770 square metres or c.0.2 acres) in size. This measurement excludes the access road and access channel from The Avenue and No.14 The Avenue and its rear garden area. This equates to a plot size of c.0.0385 hectares (c.385 square metres or c.0.1 acres).
- 2.4 Each of the proposed dwellings has a footprint of c.78 square metres (c.840 square foot), in addition to a small bike store area. In combination, the total of all structures proposed within the rear portion of the application site equates to c.156 square metres (c.1679 square foot). In percentage terms, this equates to a c.20% site coverage.
- 2.5 Plot 1 benefits from a total rear garden area of 105 square metres (1130sqft) (excluding strips of land to the side of the dwelling). Excluding trees, this garden space would measure in excess of 50 square metres (c.539sqft). Plot 1 also benefits from a front garden of c.20 square metres (c.215sqft).
- 2.6 Plot 2 benefits from a total rear garden area of 176 square metres (c.1894sqft) (excluding strips of land to the side of the dwelling). Excluding trees, this garden space would measure in excess of 50 square metres (c.539sqft). Plot 2 also benefits from a front garden of c.30 square metres (c.323sqft).
- 2.7 Plot 1 would lie between 6m to 10 metres (20 – 33 feet) (from the northern boundary of the application site. Plot 2 would lie 10 metres (33 feet) from the

northern boundary of the application site. Both Plot 1 and Plot 2 would lie c.1.8 metres (6 feet) from the shared boundaries with No.11 The Avenue (to the east) and No.15 The Avenue (to the west) respectively.

- 2.8 At the narrowest point, the proposed dwellings would be separated by c.6 metres (20 feet), with Plot 1 sitting slightly forwards of Plot 2.
- 2.9 A new dropped kerb and access is proposed from The Avenue, providing a 5 metre by 10 metre (16 feet by 33 feet) passing point and a 3.05 metre (10 feet) width access road, widening to a shared turning area to the south of the proposed dwellings. The proposed dwellings would be served by two independently accessible parking spaces. A shared bin store is located to the south of the proposed dwellings along the rear boundary to No.14 The Avenue.
- 2.10 A rear garden space of 60 square metres (646sqft) is provided to No.14 The Avenue, along with a bin store to the front of the application site along its eastern boundary. The existing private right of way for No.15 The Avenue is illustrated on the plans as passing through the rear garden to No.14 The Avenue. No.14 The Avenue does not currently benefit from any on-plot parking, and the current parking arrangements for the dwelling would remain, this being the use of the roundabout within the centre of The Avenue. A degree of on-plot parking would also be provided for the host dwelling of No.14 The Avenue.
- 2.11 The application has been called to Planning Committee by Councillor Brown on the basis that the proposals would be detrimental to highway safety given the number of dwellings proposed.
- 2.12 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 There is no planning history of relevance relating to the application site. As it has been uploaded as a public document, the LPA can confirm that the Applicant entered into pre-application advice with the LPA concerning the potential re-development of the application site in 2020. This response is available to view on the Council's website.
- 3.2 Nearby planning history of relevance is set out below:

#### No.17a The Avenue previously land between No.17 and No.18 The Avenue

|              |   |          |            |
|--------------|---|----------|------------|
| 15/00867/FUL | Proposed erection of a private detached dwelling and associated works   | Approved | 16.09.2015 |
| 16/00338/FUL | Amendment to approved chalet bungalow planning application 15/00867/FUL | Approved | 06.06.2016 |

### 25 Carter Road

|              |  |          |            |
|--------------|--|----------|------------|
| 18/00352/OUT | Proposed private detached bungalow with existing access retained.  | Approved | 22.05.2018 |
| 19/00235/OUT | Proposed private detached bungalow with existing access retained   | Approved | 10.04.2019 |
| 21/00793/RMA | Reserved matters for Appearance, Landscaping and Scale for previously approved 19/00235/OUT for Proposed private detached bungalow with existing access retained | Approved | 03.09.2021 |

### 27 Carter Road

|              |                         |                       |     |
|--------------|-------------------------|-----------------------|-----|
| 21/00431/FUL | Proposed 2No. dwellings | Pending Consideration | N/A |
|--------------|-------------------------|-----------------------|-----|

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises in total a 0.1-hectare (1,000 square metres / 0.25 acres) parcel of garden land associated with No.14 The Avenue, Burwell. No.14 The Avenue comprises a two-storey end-of-terrace dwelling, in a row of four other similar properties, along the northern side of The Avenue. The application site lies wholly within the policy-defined development envelope for Burwell.
- 4.2 The gardens to No.15 and No.16 The Avenue are long and set diagonally to the dwellings to which they relate. No. 17 The Avenue benefitted from a much wider garden until it was sub-divided to facilitate the erection of No.17a The Avenue. No.17 therefore benefits from a smaller garden to the side and rear of the dwelling.
- 4.3 As the application site comprises former garden land, the site is largely laid to grass, with areas of paving slabs and hard standing. A row of trees lies along the northern boundary to the application site and extends along the rear of properties along The Avenue. A recently designated TPO tree (E/02/21 – Honey Locust) lies outside of the application site within the curtilage of No.15 The Avenue to the west.
- 4.4 Within The Avenue the scale of development is characterised by two-storey terraced or semi-detached dwellings and a number of semi-detached bungalows with prominent front gables. The chalet-bungalow of 17a also sits to the rear of No.17 and 18 The Avenue. Pebbledash, render and darker coloured bricks are characteristic of the materials palette found within the Avenue.

- 4.5 To the front (south) of No. 14 The Avenue lies a water pump, set within a concrete slab. This pump is not a listed structure nor is it designated as a feature of special interest.
- 4.6 The application site is not located within a Conservation Area, and does not lie nearby any Listed Building, Structures or Monuments. The application site lies wholly within Flood Zone 1 (lowest risk) and lies within a Green Risk Zone for Great Crested Newts (lowest risk).
- 5.0 RESPONSES FROM CONSULTEES
- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**Environmental Health - 2 June 2021**

States: "Peter will respond separately with his comments concerning the Contaminated Land Study.

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

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

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

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

**Environmental Health - 16 June 2021**

States: "I have read the Envirosearch report dated 24th November 2020 and accept the findings. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential)."

**Environmental Health - 16 August 2021**

States: "I have nothing to add to my previous comments below."

**Environmental Health - 8 September 2021**

States: "I have nothing to add to my previous comments."

**Ward Councillor David Brown – 22 June 2021**

The application has been called to Planning Committee on the basis that the proposals would be detrimental to highway safety given the number of dwellings proposed.

**Local Highways Authority - 18 June 2021**

States: "Subject to the following comments and recommendations:

The pedestrian visibility splays shown at the proposed access should be 2m x 2m in both directions, not 1.5m. The width of the vehicular crossover access should be curtailed to the area which falls between the pedestrian visibility splays only.

I request that the applicant provide a revised plan with dimensions of the access and turning area shown. In particular, I need to see the clear space available alongside number 14 as Part B5 of the Building Regulations specifies a minimum access width of a 3.7m.

The access needs to incorporate appropriate measures to prevent surface water drainage from entering the public highway along The Avenue.

It is unclear what surface material is proposed for the access, but no unbound material will be permitted within 5m of the footway edge.

Once the above comments have been addressed, I will be able to recommend appropriate conditions."

**Local Highways Authority - 16 August 2021**

States: "Subject to the following comments and recommendations:

The revised site layout addressed my previous comments and I therefore have no objections.

However, as the space available to access the proposed properties is only 3.05m, which is below the requirements as set out in Part B5 of the Building Regulations 2010, I recommend that you consult with the Fire & Rescue service in relation to fire safety and access."

In their full response, the LHA recommended conditions relating to:

- Restriction of gates across the proposed vehicular access;
- Minimum width and length of the access provided;
- Provision of parking and turning area prior to occupation;
- Provision of pedestrian visibility splays at the junction of the proposed access road with The Avenue;
- Drainage of all hard standing and access.

**Local Highways Authority – 06 September 2021**

In response to amended layout plan Ref. P-6222-06 Rev B, the LHA states:

"Broadly I don't consider this layout to be that different to the layout previously submitted. The only comment I would make is to curtail the front garden roughly at the same location of the previous parking spaces to aid the reversing and turning movement out of parking bay 1. Otherwise this is acceptable. "

In their full response, the LHA included an illustration to depict the removal of the rounded edge to the larger of the two front gardens provided for Plot 2. The applicant has reflected this in their amended plans.

**Waste Strategy (ECDC) - 21 June 2021**

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £52 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

**ECDC Trees Team - 19 July 2021**

States: "Please can a copy of the Arboricultural Impact Assessment (AIA) that the tree protection plan is based on be supplied as it will contain invaluable information allowing suitable assessment of the site to be made such as the tree dimensions, the quality assessment, tree condition, shade analysis, any recommended works and details relating to the protection of the retained trees (fencing and any temporary surfacing).

Please also note that the tree marked in the garden of 15 The Avenue is covered by Tree Preservation Order (TPO) E/02/21 which was confirmed 01/07/2021."

**ECDC Trees Team - 16 August 2021**

States: "I'm concerned that the proposed new parking area for plot 2 will result in excess of the recommended 20% maximum coverage of the tree T25's Root Protection Area (RPA), BS 5837:2012 Trees in relation to design, demolition and construction recommendations states on page 25 section 7.4.2.3 that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. No specific information relating to the % amount of the RPA to be covered by the permanent hard surfacing has been supplied it is only indicated on the tree protection plan and looks closer to 30% coverage.

It also appears that tree T25 will create shade on the front elevation of plot 2 particularly the only window of bedroom 3. A shade analysis should normally be displayed on the tree report plan and look similar to the below image.

Please can information relating to the RPA coverage and shade analysis be provided prior to determination of the application.”

**ECDC Trees Team – 21 September 2021**

States: “The revised layout will be acceptable on tree grounds but we will need to condition submission of updated tree protection preferably in the form of an Arboricultural Method Statement and tree protection plan(s) (TPP) such as below.”

In their full response, the Tree Officer recommends the LPA’s standard condition relating to the provision of tree protection details prior to the commencement of development.

**Parish - 16 June 2021**

Burwell Parish Council objects to this application. Over development of the site and concerns over access.

**Parish - 11 August 2021**

States: “Burwell Parish Council Objects to these amendments and the additional information provided.

The amendments and additional information do not resolve the objections previously raised by the Parish Council. We have a number of neighbours who have raised concerns with this proposal and the Parish Council fully supports the issues raised. “

**Building Control - East Cambridgeshire District Council - 24 June 2021**

States: “Further to our earlier discussion re the above I confirm that the proposed access arrangements for Fire Appliances, although strictly not in accordance with the recommendations in Approved Document B5, will be accepted as satisfactory and not raised as a contravention at plan check stage.”

**Building Control - East Cambridgeshire District Council - 8 September 2021**

States: “We have no adverse comments.”

**Cambridgeshire Fire And Rescue Service - No Comments Received**

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

5.2 A site notice was displayed near the site on 11<sup>th</sup> June 2021.

5.3 Neighbours – a total of ten neighbouring properties were notified and the responses received are summarised below. A total of seven neighbour objections have been received (where multiple responses from the same property have been counted as a single response) and one letter in support. Full copies of all responses are available to view on the Council’s website.

**Residential Amenity**

- Loss of privacy;
- 10 metre rear boundary and 50 square metre gardens not likely to be provided;
- Over-looking;

- Loss of light;
- Overshadowing;
- Disturbance from additional vehicles and unbound surface;
- Pollution from exhaust fumes;
- Construction impacts upon noise, disturbance and health;
- Affects public views
- Overshadowing of vegetable patch reducing ability for growth;
- Dwellings could be enlarged under PD rights
- Rear garden to No.14 The Avenue is smaller than No.17a;
- Proximity to No.11 The Avenue, its front door and shared boundary;
- Front door to No.11 The Avenue close to boundary fence;

#### Character and Appearance

- Over development;
- Effect on the character and appearance of the area;
- Dwellings could be enlarged under PD rights;
- Effect on Conservation Area;

#### Highways, Access and Parking

- Highway safety
- Parking provision not provided for No.14 The Avenue;
- Access not wide enough for emergency vehicles;
- Pedestrian safety concerns over vehicles travelling from the rear of the site onto The Avenue and the residents of No.15 who benefit from a right of way down the proposed access road;
- Access for disabled persons;
- Level/smooth access for bins;
- Front door of No.14 The Avenue close to access road;
- Access road would not be lit;
- Pedestrian, cyclist and vulnerable user safety;
- Access road would need to navigate around the historic water pump;
- Children playing on the roundabout and concerns over safety of increased vehicles;
- Affects a Right of Access

#### Tree and Biodiversity Impacts

- Biodiversity impacts;
- Proposed hedgehog holes to be installed in fences the Applicant does not own;
- Loss of trees;
- Loss of undocumented trees;
- Impact on trees
- TPO tree impacts and protection;

#### Drainage, Flooding and Climate Change

- Drainage impacts;
- Climate change and sustainability measures;

#### Other Matters

- No.17a The Avenue is not a good comparator for the proposed scheme;
- Lack of clarity over the scale of the proposals;
- Boundary line and placement of historic water pump are not accurate;
- Accuracy of plans;
- Concerns over description of development and clarity of this;
- Not enough site notices

#### Comments in Support of the Proposals

- All trees are to be retained;
- Bungalows would not cause any overlooking;
- The proposed build would enhance the area;
- Proposals would provide more opportunities for people to live in the village

### 6.0 The Planning Policy Context

#### 6.1 *East Cambridgeshire Local Plan 2015*

|          |  |
|----------|--|
| GROWTH 2 | Locational strategy                                    |
| GROWTH 3 | Infrastructure requirements                            |
| GROWTH 5 | Presumption in favour of sustainable development       |
| ENV 1    | Landscape and settlement character                     |
| ENV 2    | Design   |
| ENV 4    | Energy efficiency and renewable energy in construction |
| ENV 7    | Biodiversity and geology                               |
| ENV 8    | Flood risk   |
| ENV 9    | Pollution  |
| HOU 2    | Housing density  |
| COM 7    | Transport impact                                       |
| COM 8    | Parking provision                                      |

#### *Supplementary Planning Documents*

#### Developer Contributions and Planning Obligations

#### Design Guide

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

#### Flood and Water

#### Natural Environments

#### Climate Change

#### *National Planning Policy Framework 2021*

- |    |  |
|----|--|
| 2  | Achieving sustainable development                                    |
| 4  | Decision-making  |
| 5  | Delivering a sufficient supply of homes                              |
| 9  | Promoting sustainable transport                                      |
| 11 | Making effective use of land   |
| 12 | Achieving well-designed places                                       |
| 14 | Meeting the challenge of climate change, flooding and coastal change |

*Technical Guidance to the National Planning Policy Framework*

Technical housing standards – nationally described space standard

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

7.3 The application site lies wholly within the development envelope for Burwell, where Policy GROWTH 2 of the ECDC Local Plan 2015 seeks to permit development within the policy-defined development envelope, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied. Section 5 and 11 of the National Planning Policy Framework (NPPF) seeks to promote the delivery of a sufficient supply of homes and secure the efficient use of land within settlements.

7.4 As set out within the Design Guide SPD, back-land development as proposed will only be considered to be acceptable if the following criterion are met:

- Back land development (one dwelling built behind another) will only be acceptable if supported by a contextual analysis of the locality (particularly with reference to the point below about large houses);
- There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway;
- Adequate protection against noise and disturbance must be provided for the host dwelling;
- Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
- The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;
- There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots.

- 7.5 With the submission, the Applicant has provided a contextual analysis of The Avenue and surrounding area. The most notable back-land dwelling within The Avenue is that of No. 17a The Avenue (permitted under LPA Ref. 15/00867/FUL). The planning history section also sets out a number of other permitted (and one pending) application for traditionally back-land proposals within close proximity to the application site. In light of the above, it would be unreasonable for the LPA to object to the principle of the proposed development on the basis that it comprises back-land development in this instance.
- 7.6 The compliance of the proposals with the other criterion as stipulated within the Design Guide SPD will be discussed elsewhere within this report.
- 7.7 The proposed dwellings would be liable to the Community Infrastructure Levy (CIL), and this payment would be in line with Policy GROWTH 3 and the Developer Contributions SPD.
- 7.8 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 7.9 On the above basis, the principle of the proposed development is considered to be acceptable in accordance with Policies GROWTH 2, GROWTH 3 and GROWTH 5 of the ECDC Local Plan 2015, the Design Guide SPD, the Developer Contributions SPD and the guidance contained within the National Planning Policy Framework.
- 7.10 Residential Amenity
- 7.11 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.12 The Design Guide SPD requires that, in most cases, rear private amenity space should be a minimum of 50 square metres (538sqft). Where rear inter-visible windows would be likely, the SPD also requires that dwellings be sited 10 metres (33 feet) from the rear boundary, to achieve a sufficient separation distance between properties.
- 7.13 The proposed single-storey dwellings would be modest in their scale and footprint, and would be set off of the shared boundaries with No.15 and No.11 The Avenue. As a result of their scale and location, the proposals are not considered to result in overshadowing, overbearing or loss of light to No.15 or No.11 The Avenue, or the host dwelling of No.14.
- 7.14 Concern has been raised by No.15 The Avenue over loss of light to the existing vegetable patch within the garden. Any potential shading caused by the proposed development upon the garden of No.15 or No.11 The Avenue is not considered to be so significant so as to warrant a refusal on this basis.

- 7.15 The Trees Officer raised in their response dated the 16<sup>th</sup> August 2021 the possibility of shading caused by the TPO tree (deciduous – honey locust) within the rear garden of No.15 The Avenue upon the proposed Plot 2. It is likely that the tree would cause a degree of shading to the front bedroom of Plot 2, more notably in the evening. However, this degree of shading is not considered to be so significant to warrant a refusal on this basis, nor is it considered to place undue pressure on the TPO tree in terms of pruning.
- 7.16 As a result of their scale, the proposed dwellings would not contain any habitable room windows at first floor level which would result in the overlooking of neighbouring dwellings within The Avenue or Carter Road to the north. Whilst proposed Plot 1 is sited within 10 metres (33 feet) of the rear site boundary, given its scale it would not result in inter-visible windows with properties along Carter Road, and would not therefore be contrary to the Design Guide SPD. A condition is also recommended to be imposed to prevent the enlargement of the proposed dwellings under Permitted Development rights without the prior written consent of the LPA to prevent insensitive development which may give rise to overlooking or overbearing impacts upon neighbouring properties.
- 7.17 The proposed dwellings would be located a sufficient distance (20 metres / 66 feet) from No.14 The Avenue to prevent inter-visible windows between the rear elevation of No.14 The Avenue and the proposed dwellings, as stipulated within the Design Guide SPD.
- 7.18 Photos submitted by neighbouring properties show that views are possible from the upper floor windows of these dwellings onto the application site. A degree of overlooking is accepted in established residential areas, although it is relevant that these views onto the application site would be focused towards the front gardens and parking areas of the proposed dwellings. The proposed dwellings themselves would provide screening to the proposed rear private gardens from views onto the site.
- 7.19 With regard to the size of gardens provided for the prospective dwellings (105sqm/1130sqft for Plot 1 and 176sqm/1894sqm for Plot 2), the rear gardens provided exceed the minimum expected standard of 50 square metres (538sqft). With trees included, the gardens measure significantly over this standard. The proposed garden retained for No.14 The Avenue (60sqm/646sqft) is also comparable in size to that of No.17 The Avenue, and exceeds the 50 square metre (538sqft) minimum. Permitted Development rights for outbuildings and extensions to the dwellings will be restricted via a condition to ensure that sufficient garden space is retained for the proposed dwellings.
- 7.20 Neighbour comments have also raised concern with regard to the noise and disturbance associated with vehicle movements in between No.14 and No.11 The Avenue, and to the rear of the properties. Concerns have also been raised regarding additional disturbance caused by new residential uses.
- 7.21 The proposed residential uses are considered to be compatible with the residential uses within the area. Whilst the proposals would result in additional inhabitants and noise associated with these uses, the introduction of the residential use is not considered to be harmful in itself.

- 7.22 No.11 The Avenue contains its front door facing onto the side elevation of No.14 The Avenue. The shared boundary between No.14 and No.11 has historically been characterised by dense hedge planting and close-boarded fence. The proposals seek to erect a 1.8 metre (6 foot) close board fence on the boundary of the application site, although specific boundary details will be secured via planning condition. It is considered that the introduction of this fencing, which would be considered permitted development in this location set back from the highway channel, would not result in any greater residential amenity impacts than the existing fencing and hedge arrangement to the side of No.11 The Avenue. The proposed fence is shown to be 2 metres (6.6 feet) from the side elevation of No.11, which would allow sufficient access to the front door of the property.
- 7.23 No.14 The Avenue contains a ground floor window within its side elevation which serves a non-habitable room (cupboard). The dwelling has its principal ground and first floor outlooks to the rear. In light of the above, as well as the separation distance of the access from No.11 The Avenue and the fencing between the proposed access way and No.11 The Avenue, it is considered that the proposed additional vehicle movements would not result in unacceptable noise or disturbance upon the two dwellings.
- 7.24 The use of gravel to the rear of the application site, whilst not shown on the plans, is illustrated within the submitted CGI imaging. It is considered that gravel driveways can give rise to detrimental noise and disturbance and for this reason a condition could be imposed to prevent the use of unbound surfacing within the site for the parking and turning of vehicles, in the interests of residential amenity.
- 7.25 Concern has also been raised by residents over the construction of the proposed dwellings. The Environmental Health Officer has recommended the LPA's standard conditions for construction hours and a condition concerning the piling of foundations. Given the width of the access, it is considered that the delivery of construction vehicles and materials to the site may be more prone to parking within the adopted highway. For this reason, it is considered reasonable to require the applicant to submit a Construction Environmental Management Plan prior to commencement of development to manage the construction process and the impacts upon surrounding residents. This would also give the LPA more control in ensuring construction activities take place in accordance with a number of agreed parameters.
- 7.26 For the reasons provided, it is therefore considered that the proposals accord with Policy ENV2 of the Local Plan 2015, the Design Guide SPD and the guidance contained within the NPPF in respect of residential amenity on the basis of their location, scale and design.
- 7.27 Character and Appearance
- 7.28 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development

proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

- 7.29 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.30 The East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres (3229sqft), the footprint of any proposed development should be no more than approximately one third of the plot size and rear private amenity space should be 50sqm (538sqft).
- 7.31 The recent updates to the National Planning Policy Framework (July 2021) have also resulted in a higher bar being set for design, whereby all development should seek to achieve beautiful, high-quality, well-designed and sustainable buildings.
- 7.32 With regard to plot density and the impact this would have on the character and appearance of the area, a comparison of other plot sizes in the area is provided in the table (Table 2) (approximate measurements):

|  | Plot Size                         | Footprint of Dwelling<br>(not including outbuildings<br>for comparison purposes) | Plot Coverage |
|--|-----------------------------------|--|---------------|
| No.17a The Avenue<br>(not including access road for comparison purposes) | c.343 square metres<br>(3692sqft) | c.79 square metres<br>(850sqft)  | 23%           |
| No.17 The Avenue   | c.171 square metres<br>(1841sqft) | c.55 square metres<br>(59sqft)   | 32%           |
| No.15 and No.16<br>The Avenue  | c.450 square metres<br>(4844sqft) | c.60 square metres<br>(646sqft)  | 13%           |
| No.18 The Avenue   | c.350 square metres<br>(3767sqft) | c.50 square metres<br>(538sqft)  | 14%           |
| <b>Proposed Plots</b>  | c.385 square metres<br>(4144sqft) | c.78 square metres<br>(840sqft)  | 20%           |

*Table 2 – Plot Size and Coverage Comparison*

- 7.33 From Table 2, it is demonstrated that the proposed bungalows would sit amongst a number of properties with a variety of plots sizes and plot coverage. The proposed plots would be most comparable in their size and plot coverage to No.17a, permitted by the LPA in 2015. For this reason, it is considered that the proposals would not be out of keeping with the character and appearance of the area in terms

of their plot density and coverage, and would satisfy the guidance as stipulated within the Design Guide SPD and are of a suitable density.

- 7.34 With regard to visibility of the proposals, given their siting to the rear of No.14 The Avenue, the proposals would not be prominent within the street-scene of The Avenue. Plot 1 would be most visible given its siting at the terminus of the proposed access way serving the application site. It is considered that Plot 2 would be screened from view within the street-scene given the existing intervening development along The Avenue.
- 7.35 Whilst Plot 1 would be visible within the street-scene, the scale and design of both dwellings is considered to be sympathetic and complementary to the existing development of The Avenue. The gable frontages to the bungalows and their scale are considered to be comparable to the existing properties within the street-scene, and the materials palette is considered to reflect materials found elsewhere within the street-scene. Whilst illustrative, the CGI images submitted demonstrate that the proposed materials palette would work well to create a cohesive and high quality scheme.
- 7.36 Details of the enclosed cycle store would be secured via a condition, as these details have not been submitted with the application.
- 7.37 For the above reasons, the introduction of the proposed dwellings is not considered to result in visual harm to the character or appearance of the area, and would provide a complementary development within The Avenue. The proposals are therefore considered to comply with Policies ENV 1, ENV 2 and HOU 2 of the ECDC Local Plan 2015, the Design Guide SPD and the NPPF.
- 7.38 Highways, Parking and Access
- 7.39 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 requires proposals to provide safe and convenient access to the highway network. Section 9 of the NPPF seeks to secure sustainable transport.
- 7.40 The application proposals provide sufficient parking and turning space for the proposed dwellings within the rear portion of the application site. Following amendments, the Local Highways Authority have raised no objection to the parking arrangements for the proposed dwellings.
- 7.41 It is also relevant that No.14 The Avenue does not currently benefit from off-street parking, or a dropped kerb to provide vehicular access to the application site. Parking for the property is provided on the roundabout within the middle of The Avenue. Whilst this is accepted to be an unusual parking arrangement, aerial and street-level imaging demonstrate that it has been utilised as parking for the properties of The Avenue for over a decade for this purpose. It would therefore be unreasonable for the LPA to object to the continued use of the roundabout as parking for No.14 on this basis, but it is also relevant that the proposals would provide opportunity for the host dwelling to benefit from a degree of off-street parking.

- 7.42 The proposed dwellings would be served via a 3.05 metre wide (10 feet) access road from The Avenue. A wider 5m x 10m (16 feet x 33 feet) passing bay is provided to the south of No.14 The Avenue at the junction of the proposed access with The Avenue, and to the north beyond No.14 The Avenue the access road widens to 3.7 metres (12 foot) in width.
- 7.43 Concern has been raised by local residents and the Ward Councillor with regard to the suitability of the proposed access road and the highway safety implications of this access and the number of dwellings it is proposed to serve.
- 7.44 It should be noted that the LHA raise no objection to the proposed access, its width or its alignment. The original recommendation for the 3.7 metre (12 foot) access width by the LHA was made on the basis that this would provide sufficient width for fire service vehicles to pass along the access road, in accordance with Part B5 of Building Regulations (pertaining to access and services for fire services). Whilst the proposed access falls below this width, comments from Building Control have confirmed that no objection would be raised on the basis of the access width and fire safety should a Building Control application be received for the proposed dwellings. Cambridgeshire Fire and Rescue have been consulted three times on the proposal, but have not provided comment.
- 7.45 The applicant has expressed willingness to provide sprinkler systems within the dwellings to abate any fire related safety concerns, as a safeguarding measure, it is considered necessary to impose this condition.
- 7.46 With regard to the existing right of way of No.15 The Avenue over the rear garden to No.14 and along the proposed access road, concerns have been raised that this would increase pedestrian and vehicle conflict. Occupiers of No.15 The Avenue and the prospective dwellings would be required to walk down the proposed access road in order to access The Avenue and place their bins at the kerbside on collection day. In discussion with the LHA, this is not an uncommon arrangement found within residential development, and given the width of the access way proposed, vehicles are likely to be discouraged from travelling at higher speeds.
- 7.47 The LHA have not raised any pedestrian safety concerns as a result of the proposals in their formal comments, and this has been clarified in discussion with the LHA on this particular matter. The Applicant is willing to provide mirrors along the access road to allay concerns over pedestrian visibility, but without any technical advice to suggest that this is necessary, it is not considered reasonable to impose this requirement upon the Applicant.
- 7.48 Concerns have also been raised regarding the increased vehicular traffic onto The Avenue, and the risks this may pose to children who use the roundabout for recreation. It should be noted that all properties within The Avenue, including the proposed dwellings, benefit from ample rear and private amenity space. The roundabout within The Avenue is not a designated area of open space, and forms part of the public highway. The use of this space for recreation is not therefore considered to be material to the planning proposals.
- 7.49 With regard to pedestrians using The Avenue, the proposals provide sufficient visibility splays as required by the LHA to ensure pedestrian safety.

- 7.50 With regard to providing level access to No.15 The Avenue, the right of access is in this instance a civil and legal matter rather than one that can be controlled by the planning system. Notwithstanding, the proposals would make an improvement on the existing right of way over the application site, providing a level and bound surface and dropped kerb onto The Avenue for use by disabled persons.
- 7.51 Concern has also been raised regarding the proximity of the front door to No.14 The Avenue to the access road proposed. It is relevant that the surfacing materials of these areas are likely to be different, although specific hard surfacing materials will be secured via a condition. These materials will differentiate between access road and pedestrian areas. The LHA have raised no objection to the proposals on this basis.
- 7.52 For the above reasons, the proposals are not considered to result in any adverse highway safety concerns, and the proposals are therefore considered to be compliant with Policies COM 7 and COM 8 of the ECDC Local Plan 2015 and the NPPF.
- 7.53 Ecology, Trees and Biodiversity
- 7.54 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 7.55 The Natural Environment SPD also requires that all new development demonstrates a biodiversity net gain (Policy NE.6).
- 7.56 The application site comprises garden land associated with No.14 The Avenue, and is laid to grass with areas of paving slabs and hard standing. The application site lies within the established urban area of Burwell and is surrounded by residential development on all sides, with a line of established trees along its northern boundary.
- 7.57 The application proposals would not result in the loss of any of these trees specifically to facilitate the development proposals, although it is acknowledged that, due to the overall health of some of these trees as set out within the submitted arboricultural report, the removal of some of the Category C and below trees may be necessary in the future. On the above basis, the LPA would not therefore be seeking any specific replacement trees to be provided within the site. This approach is in accordance with Policy ENV 7 of the ECDC Local Plan 2015 and the Natural Environment SPD.

- 7.58 Concern was originally raised by the Trees Officer regarding the impact of the proposals upon the TPO tree within the rear garden of No.15 The Avenue, and the two parking spaces proposed underneath its canopy. It was considered that the incursion into the Root Protection Area of the TPO tree by the parking spaces could result in detrimental impacts to the health of the tree. The parking of vehicles under the tree was also considered likely to result in pressure over its pruning to minimise sap and debris on cars. The two parking spaces were subsequently re-located within the application site to overcome this concern. The Trees Officer has consequently removed their objection.
- 7.59 The proposals have been accompanied by a scheme of biodiversity enhancements and a statement setting out further measures. These measure include the provision of bird boxes; bat boxes and hedgehog holes. A soft landscaping scheme is also provided within the application to provide additional planting within the application site. It is considered that the proposals would therefore be able to demonstrate a biodiversity net gain in accordance with Policy ENV 7 of the ECDC Local Plan 2015 and the Natural Environment SPD.
- 7.60 Concerns have been raised by local residents over the impact of the proposals upon local biodiversity within the site. As the application site comprises garden land associated with No.14 The Avenue, the proposals are not considered to result in the loss of important ecological habitat. All existing trees are to be retained by the proposals, and the biodiversity measures proposed would contribute to supporting and enhancing existing wildlife within the area.
- 7.61 Specific concern has been raised with regard to the impact of the proposals upon bats. The trees to the north of the application site form part of a tree line which extends along the shared boundaries of the properties along The Avenue and Carter Road. These existing properties will already result in a degree of disturbance and light spill upon these trees. Consequently, it is considered that the addition of two dwellings in this location would not result in a significantly increased level of disturbance or noise spill beyond the existing level so as to detrimentally impact the use of these trees by local bat populations.
- 7.62 Flood Risk and Drainage
- 7.63 Policy ENV8 of the Local Plan 2015 makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction.
- 7.64 The application site lies within Flood Zone 1 and is therefore at the lowest risk of flooding and where residential development should be focused.
- 7.65 The application proposals would be served by soakaways within the rear gardens to the proposed dwellings as shown on the submitted landscaping plan. Building Control have raised no adverse comments to the application. Soakaways have also been used as an accepted form of surface water drainage within The Avenue for No.17a The Avenue.

- 7.66 Foul drainage is proposed to be diverted to the main sewer. As details of this connection have not been submitted with the application, a condition will be imposed to secure these details.
- 7.67 For these reasons, the proposals are considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan and the Flood and Water SPD.
- 7.68 Other Material Matters
- 7.69 The Scientific Officer has recommended that the imposition of a site investigation for contamination would not be necessary, given the low risk of the application site as residential amenity land. Notwithstanding, it is recommended that a safeguarding condition for unexpected contamination is imposed upon the proposals. The proposals are therefore considered to be acceptable in accordance with Policy ENV 9 of the ECDC Local Plan 2015.
- 7.70 The Council's Climate Change SPD supports Policy ENV 4 of the ECDC Local Plan 2015 in improving efficiency during construction and in development proposals. The proposals are located in a sustainable location and would be constructed using hard-wearing and high quality materials. The proposals also include the provision of a biodiversity net gain and sustainable drainage measures. On this basis, the proposals are considered to satisfy the above policies given the scale of the development proposed.
- 7.71 In the neighbour comments received, concerns were also raised over the accuracy of the submitted plans, the description of the development and the quantity of site notices erected. The LPA are of the view that the plans represent an accurate reflection of the application site, and is content that the description of the development accurately describes the proposals and is not unnecessarily prescriptive. A site notice was erected along the western side The Avenue on a lamppost, in front of No.20 The Avenue, which also adjoins a pedestrian route through to Martins Road. A total of ten properties along The Avenue and Carter Road most affected by the proposals were also directly notified by letter. It is considered that notified and advertisement of the application has been sufficient in line with standard practice.
- 7.72 Planning Balance
- 7.73 The application site is located within the development envelope for Burwell, and proposes the erection of two single-storey bungalows in a sustainable location. The proposals would provide a high level of residential amenity for existing and prospective occupiers within and surrounding the application site, and would provide a safe and acceptable means of vehicular and pedestrian access whilst protecting an existing right of access. The proposals further incorporate measures to deliver a biodiversity net gain and protect and enhance existing biodiversity within and surrounding the application site. The proposals are also considered to be acceptable in terms of flood risk, drainage, climate change and contamination. For these reasons, the application is therefore recommended for approval, on the basis that it complies with the policies contained within the ECDC Local Plan 2015, the adopted Supplementary Planning Documents and the NPPF.

8.0 APPENDICES

8.2 Appendix 1 – Recommended conditions

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| <u>Background Documents</u> | <u>Location</u>                             | <u>Contact Officer(s)</u>   |
|-----------------------------|---|---|
| 21/00794/FUL                | Holly Chapman<br>Room No. 011<br>The Grange | Holly Chapman<br>Planning Officer<br>01353 665555<br>holly.chapman@eastcambs.gov.uk |
| 15/00867/FUL                | Ely   |   |
| 16/00338/FUL                |   |   |
| 19/00235/OUT                |   |   |
| 21/00793/RMA                |   |   |
| 18/00352/OUT                |   |   |
| 21/00431/FUL                |   |   |

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 21/00794/FUL Conditions

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

| Plan Reference                | Version No | Date Received   |
|-------------------------------|------------|-----------------|
| CGI High Res Image            |            | 7th August 2021 |
| P- 6222-02                    | REV B      | 6th August 2021 |
| P- 6222-03                    | REV B      | 6th August 2021 |
| P- 6222-04                    | REV B      | 6th August 2021 |
| P- 6222-05                    | REV B      | 6th August 2021 |
| P- 6222-06                    | REV B      | 6th August 2021 |
| P-6222-01                     | Existing   | 21st May 2021   |
| Biodiversity Report           |            | 21st May 2021   |
| Environmental Report          |            | 21st May 2021   |
| Planning Statement            |            | 21st May 2021   |
| Tree Survey, AIA, TPP and AMS |            | 27th July 2021  |
| Tree Report                   |            | 27th July 2021  |

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until a scheme to dispose of foul has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require

applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 5 The sustainable drainage scheme as shown on Drawing Ref. P-6222-03 Rev B shall be implemented prior to occupation of the development hereby approved and maintained thereafter.
- 5 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 6 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access within 10 metres of the edge of the public highway, as shown on Drawing Ref. P-6222-06 Rev B.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 The access shall be a minimum width of 5m, for a minimum distance of 8m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan P-6222-06 Rev B and thereafter retained for that specific use.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to the commencement of the use hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 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.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to above ground construction, details of covered cycle storage as shown on Drawing Ref. P-6222-02 Rev B shall be submitted to and agreed in writing by the Local

Planning Authority. The works shall be implemented prior to the occupation of the dwellings hereby permitted and thereafter retained for that specific use.

- 11 Reason: Because these details have not been submitted with the application, and to ensure compliance with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include car parking layouts, hard surfacing materials, lighting, wearing course for the access road and on-plot hard landscaping. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation, and thereafter maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, as well as in the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and in the interests of residential amenity in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015.
- 13 All soft landscaping works shall be carried out in accordance with the approved details as shown on Drawing Ref. P-6222-03 Rev B. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of the development hereby approved.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, and in the interests of residential amenity of the prospective occupiers of the dwellings hereby permitted in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015.
- 15 The materials to be used in the construction of the external surfaces of the development shall be either:
  - a. As detailed on the Application Form and Drawing Ref. P-6222-05 Rev B; 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.

- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 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.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, and to ensure the proposals comply with Policy COM 7 of the East Cambridgeshire Local Plan 2015 with regard to highway safety.
- 17 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 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.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition 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 with the scheme 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.
- 19 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.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B and E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers and the residential amenity of prospective occupiers of the dwellings hereby approved, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A of Part 2 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 The biodiversity improvements as shown on Drawing Ref. P-6222-04 Rev B and as set out in the Biodiversity Improvements report prepared by ASJ Architecture Ltd shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 22 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.
- 23 No above ground construction works shall commence until a scheme for domestic automatic sprinkler system (installed in accordance with BS 9251: 2014 or equivalent acceptable standard) is submitted to and agreed in writing with the Local Planning Authority. No dwelling shall be occupied until the agreed sprinkler system has been installed and made operational. The sprinkler system shall remain and be maintained in perpetuity.
- 23 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 97 of the NPPF.

## Planning Performance – August 2021

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

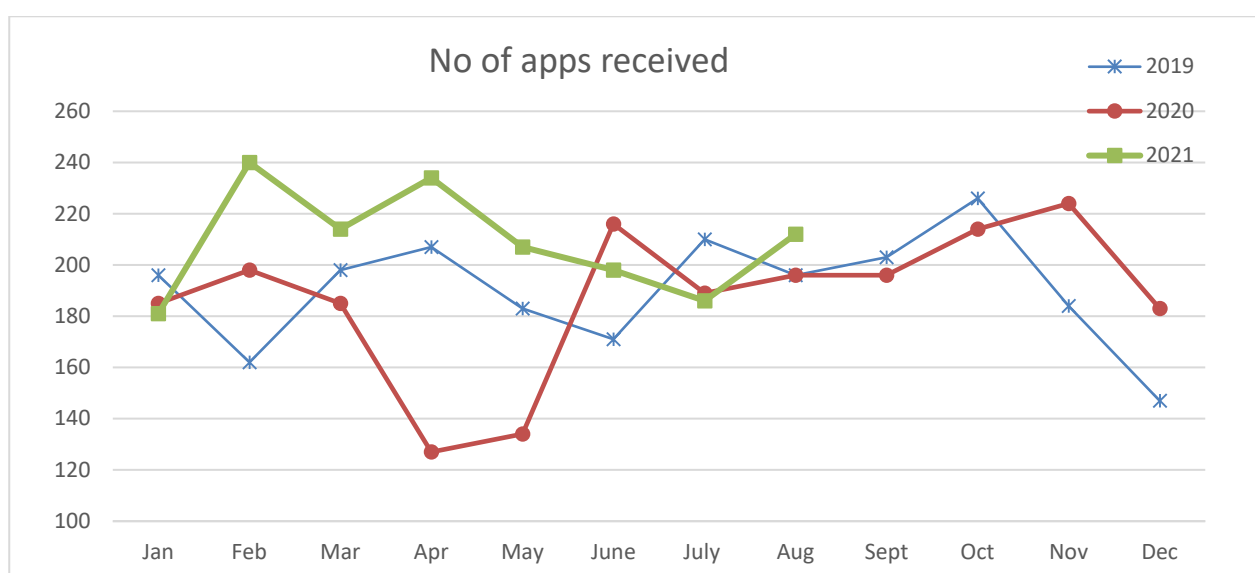
All figures include all types of planning applications.

|                                    | Total      | Major                                | Minor                              | Householder                        | Other                              | DIS /NMA                           | Trees                                |
|------------------------------------|------------|--------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--------------------------------------|
| <b>Validation</b>                  | <b>178</b> | <b>8</b>                             | <b>33</b>                          | <b>39</b>                          | <b>22</b>                          | <b>35</b>                          | <b>41</b>                            |
| <b>Validated within 5 days (%)</b> | <b>91%</b> | <b>(ECDC target of 75%)</b>          |                                    |                                    |                                    |                                    |                                      |
| <b>Determinations</b>              | <b>152</b> | <b>3</b>                             | <b>42</b>                          | <b>47</b>                          | <b>13</b>                          | <b>25</b>                          | <b>22</b>                            |
| <b>Determined on time (%)</b>      |            | <b>100%</b><br>(90% within 13 weeks) | <b>88%</b><br>(80% within 8 weeks) | <b>96%</b><br>(90% within 8 weeks) | <b>77%</b><br>(90% within 8 weeks) | <b>72%</b><br>(80% within 8 weeks) | <b>100%</b><br>(100% within 8 weeks) |
| <b>Approved</b>                    | <b>134</b> | <b>3</b>                             | <b>34</b>                          | <b>45</b>                          | <b>6</b>                           | <b>24</b>                          | <b>22</b>                            |
| <b>Refused</b>                     | <b>18</b>  | <b>0</b>                             | <b>8</b>                           | <b>2</b>                           | <b>7</b>                           | <b>1</b>                           | <b>0</b>                             |

| <b>Open Cases by Team (as at 20/09/2021)</b> |            |           |           |           |           |           |           |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>Team 1 (3.8 FTE)</b>                      | <b>210</b> | <b>12</b> | <b>77</b> | <b>17</b> | <b>43</b> | <b>61</b> | <b>0</b>  |
| <b>Team 2 (4 FTE)</b>                        | <b>165</b> | <b>15</b> | <b>44</b> | <b>41</b> | <b>29</b> | <b>36</b> | <b>0</b>  |
| <b>Team 3 (4 FTE)</b>                        | <b>169</b> | <b>10</b> | <b>35</b> | <b>45</b> | <b>24</b> | <b>55</b> | <b>0</b>  |
| <b>No Team (3 FTE)</b>                       | <b>73</b>  | <b>8</b>  | <b>4</b>  | <b>0</b>  | <b>5</b>  | <b>10</b> | <b>46</b> |

### **No Team includes – Trees Officer, Conservation Officer and Agency Worker**

The Planning department received a total of 212 applications during August which is an 8% increase of number received during August 2020 (196) and 14% increase to the number received during July 2021 (186).



### Valid Appeals received – 3

| Planning reference | Site Address                         | Decision Level |
|--------------------|--------------------------------------|----------------|
| 20/01549/FUL       | 32 Matthew Wren Close Little Downham | Delegated      |
| 20/01005/FUL       | 1 Bury Lane Haddenham                | Delegated      |
| 21/00476/CLB       | 17 Tower Court Tower Road Ely        | Delegated      |

### Appeals decided – 2

| Planning reference | Site address                              | Decision Level | Appeal outcome |
|--------------------|---|----------------|----------------|
| 20/00669/FUL       | Land To The Rear Of 39 Toyse Lane Burwell | Committee      | Dismissed      |
| 20/01761/FUL       | 15 High Street Cheveley Newmarket         | Delegated      | Dismissed      |

### Upcoming Hearing dates – 1

| Planning reference | Site address                 | Decision Level | Hearing date |
|--------------------|------------------------------|----------------|--------------|
| 20/00641/FUL       | Hurst Farm West Fen Road Ely | Delegated      | 09/11/2021   |

### Enforcement

New Complaints registered – 19 (0 Proactive)

Cases closed – 14 (2 Proactive)

Open cases/officer (2.5FTE) – 200 cases (8 Proactive)/2.5 = 80 per FTE

### Notices served – 2

| Notice Type        | Site address  | Date Served |
|--------------------|---|-------------|
| Enforcement Notice | 1 Goodchilds Gardens, Isleham   | 13/08/2021  |
| Enforcement Notice | Wildtracks Offroad Activity Park, Chippenham Road, Kennett, Newmarket | 25/08/2021  |

### Comparison of Enforcement complaints received during August

| Code          | Description   | 2020      | 2021      |
|---------------|---|-----------|-----------|
| <b>ADVERT</b> | Reports of unauthorised adverts   | 0         | 0         |
| <b>COND</b>   | Reports of breaches of planning conditions  | 9         | 2         |
| <b>CONSRV</b> | Reports of unauthorised works in a Conservation Area  | 0         | 0         |
| <b>DEM</b>    | Reports of unauthorised demolition in a Conservation Area   | 0         | 0         |
| <b>HEDGE</b>  | High Hedge complaints dealt with under the Anti-Social Behaviour Act  | 0         | 1         |
| <b>LISTED</b> | Reports of unauthorised works to a Listed Building  | 3         | 0         |
| <b>OP</b>     | Reports of operational development, such as building or engineering works   | 10        | 2         |
| <b>OTHER</b>  | Reports of activities that may not constitute development, such as the siting of a mobile home                                  | 1         | 1         |
| <b>PLAN</b>   | Reports that a development is not being built in accordance with approved plans   | 3         | 3         |
| <b>PRO</b>    | Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions | 1         | 0         |
| <b>UNTIDY</b> | Reports of untidy land or buildings harming the visual amenity  | 1         | 1         |
| <b>USE</b>    | Reports of the change of use of land or buildings   | 4         | 8         |
| <b>TOTAL</b>  |   | <b>32</b> | <b>18</b> |