



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 8<sup>th</sup> June 2022**

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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## PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT THE GRANGE AT 9:55AM

(Please note, site visit timings are approximate.)

# AGENDA

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

### **3. Minutes**

To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on 4<sup>th</sup> May and 19<sup>th</sup> May 2022.

### **4. Chairman's Announcements**

[oral]

### **5. 21/01055/RMM**

Reserved matters for appearance, landscaping, layout, and scale of previously approved 19/00767/OUM for the outline planning application for residential development for up to 22 dwellings following the demolition of 6 bungalows with all matters reserved except access.

Location: Home Office Bungalows, Little Green, Cheveley, Suffolk

Applicant: Murfet Group

Public Access Link: <http://pa.eastcambbs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QWCCRJGGL6L00>

Site visit: 10:40am

### **6. 21/01136/RMM**

Reserved matters for demolition of dilapidated farm buildings and erection of 40 dwellings, ancillary infrastructure, public open space and drainage infrastructure, of previously approved 18/00778/OUM for the outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.

Location: Land North of 22 Marroway Lane, Witchford, Cambridgeshire

Applicant: Minster Property Group

Public Access Link: <http://pa.eastcambbs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QX7VKPGGLSA00>

Site visit: 12noon

### **7. 22/00347/OUT**

Proposed residential dwelling.

Location: Land East of 79 Fordham Road, Soham, Cambridgeshire

Applicant: Mr Joshua Schumann

Public Access Link: <http://pa.eastcambbs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R934WIGGMHE00>

Site visit: 11:25am

### **8. Planning Performance Report – April 2022**

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#### **NOTES:**

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambbs.gov.uk/parking/car-parks-ely> The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public

attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

2. The meeting will also be livestreamed on youtube for public viewing. The link will be available from the meeting webpage in advance of the meeting: <https://www.eastcambs.gov.uk/meetings/planning-committee-08062022> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Team via [democratic.services@eastcambs.gov.uk](mailto:democratic.services@eastcambs.gov.uk), to register by 10am on Tuesday 7<sup>th</sup> June. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
  - Objectors
  - Applicant/agent or supporters
  - Local Parish/Town Council
  - National/Statutory Bodies

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

4. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
5. Fire instructions for meetings:
  - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
  - The fire assembly point is in the front staff car park by the exit barrier.
  - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

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

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

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EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

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

**PRESENT**

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

**OFFICERS**

Rebecca Saunt – Planning Manager  
Maggie Camp – Legal Services Manager  
Angela Briggs – Planning Team Leader  
Gemma Driver – Planning Officer  
Caroline Evans – Democratic Services Officer  
Lucy Flintham – Office Team Leader, Development Services  
Molly Hood – Planning Officer  
Angela Tyrrell – Senior Legal Assistant  
Karen Wright – ICT Manager  
Melanie Wright – Communications Officer

**IN ATTENDANCE**

Cllr Lorna Dupré  
James Bailey (Applicant's Agent, Agenda Item 5 / Minute 92)  
Richard Pitt (Applicant, Agenda Item 6 / Minute 93)  
David Stazicker (Supporter, Agenda Item 5 / Minute 92)

3 members of the public.

**88. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Lis Every.

Cllr Julia Huffer was attending as a substitute.

**89. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**90. MINUTES**

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

2:01pm – Cllr Downey joined the meeting.

It was resolved unanimously:

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

## 91. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Thanks and best wishes were offered to Molly Hood, Planning Officer, who would be leaving the Council after 4 years of service.
- At the previous meeting, some Members had expressed concern about the safety of the exit point, particularly for a right-turn, from a proposed Traveller site along the A10 between Stretham and Little Thetford. The Local Highways Authority had raised no objections and the application was approved by the Committee. Within a couple of days there had been a serious accident involving a vehicle turning right onto the A10 a little further south from the application site, which the Chairman considered suggested that Members concerned for the safety had been correct.

## 92. **21/01536/FUL – LOW BANK FARM, LOW BANK, MEPAL**

Molly Hood, Planning Officer, presented a report (W180, previously circulated) recommending refusal of an application seeking permission for the construction of an agricultural worker's dwelling to the north-west of the existing agricultural buildings forming part of Low Bank Farm. Cllr Dupré had requested that the application be considered by the Planning Committee on the grounds that re-establishing a dwelling on the site would have multiple benefits including providing security for the on-site agricultural operations and for the neighbours.

Members' attention was drawn to the update sheet, sent to all Members the previous Friday, which summarised a statement received from the applicant's agent. The statement had confirmed the staffing levels for the existing business and that the farm was operated as a single unit; the previously-provided accounts had been for the entire business and not sub-divided by farm. In addition, the agent had conducted a search on Rightmove which yielded only one property in the area and it had not been considered suitable for the applicant's needs.

Members were shown a map, an aerial image, a site plan, and several photographs taken from a public right of way, all of which illustrated the site's rural location outside the development envelope of Mepal and close to a public footpath. There was an existing farmyard with various storage buildings and the proposed dwelling would be set well back from the access road, behind the farmyard. Elevations of the proposed 4-bedroom dwelling with integral garage and raised floor levels of 0.9m were also shown.

The main considerations for the application were deemed to be:

- **Principle of development** – due to the site's location outside the development envelope, and the proposal for a rural worker's dwelling, the application would need to meet the requirements of policy HOU5 which formed one of the exceptions under policy GROWTH2 seeking to protect

the countryside. It would also need to have no adverse impact on the character of the countryside. Low Bank Farm was already operating as an established farm unit without an on-site residential dwelling and the arable farming, security, fishing lake, or the owner's future loss of tenancy at his current home at Trinity Farm, March, were not considered to justify an essential need for an additional dwelling. Other elements of policy HOU5 had also not been met, such as an assessment of nearby accommodation (notwithstanding the small search detailed in the update sheet) and details of proposed landscaping. The proposed development was therefore not considered to meet the requirements of policy HOU5 and consequently of GROWTH2.

- **Residential amenity** – the dwelling would be situated to the rear of the existing farmstead, with land to the rear of the dwelling being in the applicant's ownership, and would not closely relate to any neighbouring properties, the nearest of which was 254m from the edge of the site. There were no significant concerns and the proposal was therefore considered to comply with the relevant aspects of policy ENV2 and with paragraph 130(f) of the NPPF.
- **Visual impact** – the design and layout of the dwelling would result in built form being extended further into the countryside due to its set back location 46m from the existing agricultural buildings. The dwelling would be very exposed in the countryside to the north and west and would be prominent in the landscape from Mepal Long Highway and from the public footpath. Insufficient landscaping information had been provided since only a low boundary hedge had been included. The proposed development was therefore not considered to comply with chapter 12 of the NPPF or with policies ENV1, ENV2 and HOU5 of the Local Plan 2015.
- **Highway safety** – no objections had been raised by the Local Highways Authority as the site benefitted from an existing access to the A142 and sufficient parking and turning for vehicles.
- **Flood risk** – due to the application site being located within Flood Zone 3, the sequential test needed to be passed. The essential need for an agricultural worker's dwelling on the site had not been demonstrated and other sites were available in the parishes of Mepal or Sutton that had a lower probability of flooding and were within a reasonable distance of the farm. The Environment Agency had raised no objections but had advised that the sequential and exception tests should be applied. The proposal was considered to fail the sequential test by unnecessarily placing a dwelling in an area of significant risk of flooding. The proposed development was therefore considered to be contrary to policy ENV8 of the Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the NPPF.
- **Other matters** – the access road was sited within the SSSI of the Ouse Washes although the dwelling itself would not be. A Habitats Regulation Assessment had been undertaken to assess any likely significant effect on the SSSI, as set out in policies NE1 and NE2 of the Natural Environment SPD. It was considered that there would be no significant effect since the dwelling would be outside the SSSI and the road within it was already in use. Biodiversity enhancements would be made including the installation of bird and bat boxes in the existing buildings, and an owl box in the corner of the rear curtilage. The proposed development was therefore considered to

comply with the Natural Environment SPD and policy ENV7 of the Local Plan 2015.

In summary, the proposal failed to meet the requirements of policies GROWTH2, HOU5, ENV1, ENV2 and ENV8 of the Local Plan 2015. It had failed to demonstrate an essential need in accordance with policy HOU5, it had not passed the sequential test, and it would cause significant or demonstrable harm to the character of the area. It was therefore recommended for refusal.

The Chairman then invited two supporters of the application to address the Committee. David Stazicker, resident of the nearest neighbouring property, stated that his family's full opinion was detailed in the Officer's report and, whilst strongly supporting the Local Planning Authority's control of residential development in the open countryside, he considered that there was a genuine need for an agricultural dwelling in the case of this application. He considered that the Officer's report had confused the Low Bank Farm site with the overall farming business of which it was a small part. Paragraph 7.5.13 of the report had incorrectly stated that the site provided storage for the whole business but this was not the case; the vital storage and machinery for the whole business was currently at the March site. The report also confined the definition of "essential need" to the examples in paragraph 4.6.1 of the Development Plan whereas he considered that the list was not intended to be exhaustive and that security of produce and equipment could also be an essential need. If the development was not allowed to proceed then from October 2025 there would be a family farm of almost 1000 acres with no farmhouse.

James Bailey, Land Agent responsible for the applicant's agricultural appraisal, explained that the basis for the application was the relocation of the farm operations from March to the established farmyard at Low Bank Farm when the applicant's tenancy at Trinity Farm, March, expired on reaching retirement age. Low Bank Farm did not currently operate as an independent business but was part of a wider operation run by the applicant from the farmhouse and farm buildings at March; once the tenancy ended then the applicant's holding would reduce from approximately 1100 acres to approximately 950 acres, but would have no farmhouse from which to operate. Low Bank Farm was considered the most appropriate location for a dwelling within the applicant's holding and the proposed farmhouse had been positioned within sight and sound of the existing farmyard. It had also taken into account the new agricultural quality store that had recently received planning permission. The business currently employed more than three full time workers and the intention was for two of those workers - the applicant and his son - to live in the new dwelling at Low Bank Farm with their respective partners. The building design was functional and appropriate for the housing needs and farm operations, it reflected the design and style of other properties in the area, and it would provide security for the machinery and produce that would be stored on-site once the March tenancy ended. Based on the size of the operation and the activities undertaken, the agent was of the opinion that the essential need for the applicant to live on-site had been demonstrated and genuinely existed. He also highlighted the lack of any objections to the proposal.

Cllr Trapp asked about the current management of the fishing lake, whether Low Bank Farm had experienced thefts, and whether the rundown equipment on-site was used. The land agent stated that there had been some thefts of fish and some small thefts or attempted thefts of equipment. The applicant regularly visited the

site during the daytime and out of hours but the business's main equipment was all currently stored elsewhere.

Cllr Downey acknowledged that the supporters had rebutted the Officer's first two reasons for recommending refusal, and asked whether they had any response to the third reason regarding the design and layout. The neighbour stated that they had no objections and the land agent added that the dwelling had been designed to accommodate the farm office in addition to the residential aspects.

Cllr Huffer asked for more details about the applicant's current tenancy in March, and the state of the equipment seen at the application site. The land agent explained that the applicant was currently a tenant at a County Council farm in March and that was the location of his current dwelling. Although the applicant had no intention of retiring from farming, the County Council's policy was that a tenancy must be relinquished upon reaching retirement age. All of the business's valuable equipment was stored at the March farm and would therefore move to Low Bank once the March tenancy expired.

Cllrs Jones, Wilson and Huffer asked about the size of the farm and its lack of a farmhouse. The land agent explained that the tenancy at the County Council farm in March had enabled the applicant to grow his business from approximately 4 acres of land 30 years ago to nearly 1000 acres now. He had bought parcels of land at various stages, the bulk of which was between March and Sutton. None of his land included a farmhouse, therefore when the tenancy ended the business would be without a farmhouse. Of all of the applicant's land, Low Bank Farm was considered the most appropriate location with the least impact for the construction of a farmhouse. The March tenancy accounted for approximately 140 acres of the overall business and therefore a substantial and viable business would continue once the tenancy ended, but there would be no farmhouse or storage buildings from which to run the business.

In response to a question from Cllr Ambrose Smith, the land agent confirmed that the applicant would be happy to agree to a landscaping condition to ensure appropriate screening of the new building.

Cllrs Trapp and Hunt asked further questions about the tenancy, in particular whether it could be passed down the generations of the applicant's family. Cllr Downey also asked whether the applicant's son would be given preferential treatment in the application process if the tenancy was advertised. The land agent explained that although farm tenancies offered under the Agricultural Holdings Act could remain in a family for three generations, the applicant's tenancy was instead a Farm Business Tenancy which had no rights of succession. In addition, it was the County Council's policy that tenancies be relinquished on reaching retirement age, at which point they would be offered on the open market. The tenancy would not be advertised until notice had been served and, although the applicant's son would be eligible to apply if he wished to, the land agent had never seen preferential treatment be offered to a relative of an existing Farm Business Tenant.

Cllr Stubbs asked for an explanation of the perceived essential need for an on-site dwelling since there had been livestock on the site, and the farm in operation, for 20 years. The land agent explained that although the applicant's farming business had been in operation for more than 20 years it had not been managed from Low

Bank Farm; all farm operations including management, crop growing, irrigation, storage, and the securing of machinery and produce, were currently overseen from the March site.

The Chairman then invited Cllr Lorna Dupré to address the Committee in her role as District Councillor for Sutton. Cllr Dupré drew Members' attention to the reasons for call-in detailed in section 5.1 of the Officer's report. She considered that the Officer's multiple reasons for refusal could be condensed to two key issues: the essential need for a dwelling, and the size and scale of the proposed building. The applicant farmed a total of 1062 acres including the land at Low Bank Farm and the tenanted Trinity Farm at March which included the only residential building on the estate, from which the business was run and where the valuable equipment was securely stored. Trinity Farm would need to be vacated in October 2025 when the applicant reached retirement age set by the County Council. Although the Officer's report stated that a continuation of the tenancy would be possible after October 2025, the Ward Member's discussions with the relevant senior officer at the County Council had indicated that this would not be the case. In addition, as a Farm Business Tenancy, there were no succession rights and it would not be reasonable for the family to wait to see if the applicant's son was successful in a bid for the new tenancy once advertised, should he even choose to apply. The Planning Officer had suggested that a home could be found off-site and other security solutions be found for Low Bank Farm once the business's equipment had been relocated to the site. However, in her opinion, the necessary security measures such as high fencing and security lighting would have a greater negative impact and be less sympathetic to the surroundings than the presence of a farmhouse. Residing on the holding would fulfil the essential need as defined in policy HOU5 since there was no other suitable accommodation available on the holding. A flood risk assessment had been submitted and was acceptable and the finished floor levels of the house would be raised but she considered that the Officer's interpretation of the lack of essential need, and subsequent failure of the sequential test, was flawed. Many years previously there had been housing at the site and the proposed design would not be out of keeping with the neighbour's property. In addition, the only neighbour on Low Bank was in support of the application. The Ward Member did not consider that a convincing argument had been presented regarding lack of compliance with policies ENV1 and ENV2, and considered that there were fundamental flaws regarding the application of policies HOU5, GROWTH2 and ENV8, and therefore urged the Committee to approve the application.

In response to questions from Cllr Brown about the previous dwelling on-site, and from Cllr Trapp about neighbouring properties, Cllr Dupré explained that two dwellings, one of which was set further back from the footpath, were shown on maps from approximately 50 years ago but she had no further knowledge of them. The neighbour who had already spoken in support of the application was the site's only neighbour, and neither Mepal Parish Council nor any other statutory consultees had placed any objections.

The Chairman then invited further comments from the Planning Officer, and questions from the Members for the Planning Officer. The Planning Officer responded to several points raised by the public speakers as follows:

- The current uses of the Low Bank Farm site, as reported in paragraph 7.5.4 of her report, were taken from the submitted Planning Statement; it was clearly not a disused site.
- Security considerations were not sufficient to prove an essential need since they could be addressed by other means.
- 70 sheep were not considered to be sufficient livestock to require an on-site dwelling.
- The legal team had reviewed the applicant's County Council tenancy agreement and considered that although the agreement was due to end in October 2025, the tenancy could be continued on a periodic basis if both parties were in agreement. To date there had been no notice to quit and no confirmation that the tenancy would end.

Regarding the essential need, Cllr Ambrose Smith questioned why, given that the applicant would need to vacate their current property within three years, it was not considered an essential need to live locally in order to operate their large family business. She also asked what type of building design might have been considered to be suitable, and stated that in her view the application was a functional design. The Planning Officer explained that the current need was what had been assessed, and the applicant currently had a tenancy which included appropriate housing therefore the security and livestock issues were not sufficient to demonstrate an essential need. In terms of the design, the scale and bulk of the building were a concern, as was its separation from the existing agricultural buildings since it would create a residential use in a rural agricultural location. Cllr Jones then questioned whether the voluntary surrender of the applicant's tenancy would create an essential need. The Planning Officer stated that the situation would be reviewed if it arose, but maintained that a need to be on-site had not been demonstrated because the arguments regarding crops, livestock and security were insufficient to be considered as an essential need.

Cllr Trapp considered that the timing of the application was reasonable since it would give time for the planning process and construction before the existing tenancy ended. However, he asked the Officers whether conditions could be imposed to ensure suitable landscaping and a requirement for agricultural occupancy. The Planning Manager explained that a legal agreement would be more appropriate for the agricultural occupancy but the landscaping could be secured by condition.

In answer to a question from Cllr Wilson as to whether the residential conversion of one of the agricultural buildings would be acceptable, the Planning Manager explained that there was a separate policy for conversions and therefore the current application had not been assessed against those requirements.

The Chairman then opened the debate. Cllr Jones stated that he considered there to be an essential need and, based on the site visit, he considered that the building would be set sufficiently far back that it would not have a significant impact. He therefore proposed that the application be approved, against the Officer's recommendation, and his proposal was seconded by Cllr Trapp.

Cllr Huffer agreed, and added that the security of an on-site dwelling would be needed once the March tenancy ended and all of the modern equipment moved to Low Bank Farm. Cllrs Ambrose Smith and Trapp also agreed, and Cllr Trapp

emphasised the need for appropriate landscaping and a restriction for agricultural use only. Cllr Downey also spoke in favour of approval, stating that a strong argument had not been presented against the essential need.

Cllr Brown spoke in support of the Officer's recommendation, stating that he did not consider an essential need to have been demonstrated and there were too many unknowns to warrant overturning the Officer's recommendation. Cllr Stubbs agreed and explained that she did not consider the essential need to have been demonstrated, would have preferred a smaller building, and that the landscaping details should have been supplied as part of the application. Although she had intended to propose the Officer's recommendation, it appeared from the debate that there would be a majority in favour of approving the application and she therefore stressed the importance of ensuring appropriate conditions were applied. The Planning Manager reiterated that a S106 legal agreement would be more appropriate for ensuring agricultural occupancy since a planning condition offered less control.

The Chairman asked the proposer whether he would be willing to add to his motion the requirement for a legal agreement. Cllr Jones agreed, and also requested a landscaping condition and other relevant conditions with the details delegated to the Planning Manager.

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

That planning application ref 21/01536/FUL be APPROVED, subject to the signing of a S106 legal agreement regarding agricultural occupancy, on the grounds that an essential need had been demonstrated to meet the requirements of policy HOU5, the scale and design was appropriate for the area, and the sequential test had been passed.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including a landscaping condition.

### **93. 21/01721/FUL – 127 HIGH STREET, SUTTON**

Gemma Driver, Planning Officer, presented a report (W181, previously circulated) recommending refusal of an application seeking permission to construct a two-storey extension to the rear of the existing detached dwelling, together with increasing the height of the existing flat roof element to the rear of the property. Cllr Dupré had requested that the application be considered by the Planning Committee on several grounds including compliance with existing policy, and inconsistent application of policy, as detailed in the Officer's report. Members' attention was drawn to the update sheet, sent to all Members the previous Friday, which included a statement and photographs provided by the applicant.

Members were shown a map, aerial images and site photographs demonstrating the site's location within the development envelope of Sutton, and the dwelling's position slightly set back from the highway. with a grassed area to the front together with off-street parking provision. The application site sloped down from the High Street at the front towards The Row at the rear. Proposed elevations were

provided, together with the proposed and existing dimensions of the building. The proposed extension was shown to protrude from the rear wall by 4.7m and span the width of the existing dwelling. The proposal would have a dual pitched roof matching the height of the existing dwelling and increasing the height of the existing flat-roofed extension.

A very similar 2006 application to extend the dwelling had been refused on the grounds that it failed to respect the character and proportions of the original dwelling and would consequently subsume the original dwelling and have a detrimental effect on the streetscene. Although both national and local planning policy had evolved in the intervening years, a drive for good quality and beautiful design remained and paragraph 126 of the NPPF stated that the creation of high quality, beautiful and sustainable buildings and places was fundamental to what the planning and development process should achieve. Officers therefore considered their position to be strengthened since the previous refusal due to more robust guidance being in place.

The main considerations for the application were deemed to be:

- **Residential amenity** – although the proposal would increase the level of built form to the rear of the dwelling, there would be a limited impact on the neighbouring amenity. The two windows facing the application site from the neighbouring dwelling to the west (129 High Street) were obscure glazed, suggesting that they served bathrooms. The host dwelling was also considered to be set comfortably in the plot such that the proposed development would be far enough from the neighbours to not appear overbearing. The proposed development was therefore considered to comply with paragraph 130(f) of the NPPF and with policy ENV2 of the Local Plan 2015 in terms of residential amenity.
- **Visual amenity** – the proposed extension would span the width of the existing dwelling and protrude 4.7m from the rear resulting in a dwelling with a depth in excess of 10m. The addition of such a bulky extension was considered to create a significant level of built form that failed to have regard for the existing site and its surroundings since it would result in a dominant form of development visible from the High Street, and a volume that would overwhelm the modest nature of the host dwelling. It was considered that when a dwelling had been extended, the original building should be legible and predominate but the application did not encompass those design merits and would have a harmful impact that would not enhance the character and appearance of the dwelling or the surrounding area. Paragraphs 126, 130 and 134 of the NPPF referenced visually attractive development and the Design Guide SPD required that the form and proportions of the original dwelling should determine the degree to which it could be extended. It was considered that the volume of additional built form in the application would result in the modest nature of the host dwelling being overwhelmed by massing that would be dominant and unbalance the appearance of the dwelling. The proposal was therefore considered to be contrary to the Design Guide SPD, Chapter 12 of the NPPF, policies ENV1 and ENV2 of the Local Plan 2015, and policy NP3 of the Sutton Neighbourhood Plan.
- **Other matters** – Officers recognised that there was scope for extension of the dwelling on the large site and had therefore sought amendments to the proposal in terms of its scale. A proposal that would have been considered to have an acceptable relationship with the host dwelling was agreed with

the agent but the applicants had not accepted the revisions. The matters raised by Cllr Dupré in support of the call-in had all been addressed in full on pages 13-16 of the Officer's report.

In summary, although the proposal would not have a significant impact on the residential amenity of the neighbouring properties, it was considered that this was outweighed by the significant and demonstrable harm to the visual amenity of the host dwelling and the surrounding area and the proposal was therefore recommended for refusal.

On the invitation of the Chairman, the applicant, Richard Pitt, addressed the Committee. He thanked Cllr Dupré for the call-in to Committee and for speaking on behalf of the application. Addressing various points of the Officer's report, he stated that he had no knowledge of the extension of time request mentioned in paragraph 2.11, highlighted the lack of objections from consultees, and questioned the relevance of 3 pages regarding a 16-year old planning application of which he had previously been unaware. The similarities between the current proposal and the application refused in 2006 were coincidental, although he emphasised that he had chosen not to extend over the side extension out of consideration for the neighbours. Beautiful design was subjective and, in his opinion, the proposal would enhance the appearance of the building. The Planning Officer had agreed that the principle of development was acceptable and in paragraph 7.4.3 of the report had stated that the proposal would have limited impact on the neighbouring amenity and was set comfortably within the plot so as not to appear overbearing; this seemed inconsistent with the argument for refusal. The rear garden was 200ft in length and as the oldest property in the immediate area it was set further forward than the larger houses either side of it. The revisions mentioned in the Planning Officer's report had only been discussed between the agent and the Planning Officer and were not acceptable to him. (Having exceeded the 5 minute speaking limit, the applicant was unable to finish his presentation.)

Cllr Jones questioned the substantial size of the extension compared to the original building, and asked whether it would extend further to the rear than the existing footprint. The applicant confirmed that the overall depth would be increased but the two-storey design would add symmetry and improved the overall appearance.

In response to questions from Cllrs Huffer and Downey, the applicant explained that the proposal sought to improve the internal living space to better suit the needs of his family. The historic parts of the original building would be retained but the layout and floorspace would be improved. Lifestyles had changed in recent years, in particular full-time working from home, which was a consideration in modern living. He confirmed to Cllr Trapp that he had not explored the feasibility of extending to the front of the property since he wanted to preserve that aspect.

The Chairman then invited Cllr Dupré to address the Committee. She emphasised that the Officer's reasons for refusal were detailed in paragraph 1.2 of the report; neither the details regarding the 2006 refusal, nor the suggested revision that was not supported by the applicant, were relevant to the decision before the Committee. Regarding the issue of the scale and bulk of the proposal, Cllr Dupré detailed several nearby properties with extensions, or permission for extensions, of a similar or larger scale. She also drew Members' attention to several imposing properties near the application site and stated that the proposed 4.7m extension would reach

the furthest point of the current building line. The Design Guide encouraged symmetry, which the proposal would provide. The applicant valued the history of the property and consequently the front of the building would be unchanged. She dismissed the assertion that the size of extensions should not be driven by the desire for extra space, but added that the applicant had proposed a design that would accommodate the needs of his family, rather than a desire for a specific amount of additional floorspace. The revision detailed in paragraph 7.7.8 of the Officer's report had not met the needs of the family, and had therefore not been pursued. She reiterated that there had been no objections from the Parish Council or any neighbours, and she urged the Committee to approve the application.

Cllr Wilson stated that he had the impression from the site visit that the houses along the High Street were all different, and asked for the Ward Member's views. Cllr Dupré responded that there was a very varied streetscene, including detached, semi-detached and terraced dwellings, with a mixture of ages and sizes amongst the properties.

The Chairman invited further comments from the Planning Officer, and questions from Members for the Officer. The Planning Officer responded to several points raised by the public speakers as follows:

- An extension of time request had been sent to the applicant's agent who had advised that they were unwilling to sign it.
- Officers had agreed that the existing building could, in principle, be extended.
- The mention of the siting within the plot was in reference to the building's distance from the site boundary, making it acceptable in terms of residential amenity.
- Regarding permitted development rights, it would be necessary to assess what works had already taken place.
- Officers had actively engaged with the agent regarding amendments.

Cllr Wilson questioned why a design complementary to a modest dwelling was considered necessary since the original property had already been extended several times and therefore was no longer modest. The Planning Officer explained that it was important to conserve the integrity and legibility of the host dwelling whereas the proposed extension was not subservient to the host. Although replacement of the existing flat-roofed extension would be acceptable, the overall bulk should be minimised in order to reduce the visual prominence. In response to questions from Cllr Trapp concerning the appearance of the proposed roofline, the Planning Officer stated that it would be higher and would extend further back than the current roof. The Planning Manager added that the ridge would be visible and the eaves would be at the current height of the flat roof.

The Chairman then opened the debate. Cllr Huffer stated her support for the application as an improvement to the existing additions to the original property. The site visit had demonstrated that the garden was large and the neighbours would not be affected. She did not consider that it would cause harm and she therefore proposed that the application be approved, against the Officer's recommendation. Cllr Wilson seconded the proposal.

Cllr Brown agreed, but added that he understood the reasoning for the Officer's recommendation. Although the view from the east would be affected he did not

consider that it was sufficient to cause harm. He also considered that the integrity of the host dwelling had already been damaged by the previous additions to the property. Cllr Ambrose Smith stated that the existing extensions were unattractive from the rear and, she assumed, were impractical inside. She considered that the proposed design was coherent and would improve the house. Cllr Downey agreed with the comments made by other Members. Cllr Hunt also considered that the design would result in an overall improvement to the streetscene. Cllr Stubbs thanked the Planning Officer for a good report with detailed reasoning, but stated that the site visit had changed her opinion in favour of the proposal.

It was resolved unanimously:

That planning application ref 21/01721/FUL be APPROVED on the grounds that it was not contrary to policies ENV1 and ENV2 and would not result in the concerns detailed in the Officer's report such as mass and bulk giving prominence to the streetscene and a poor relationship with the host dwelling.

It was further resolved unanimously:

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

#### **94. PLANNING PERFORMANCE REPORT – MARCH 2022**

Rebecca Saunt, Planning Manager, presented a report (W182, previously circulated) summarising the performance of the Planning Department in March 2022.

There had been an increase in the number of planning applications received in March 2022 compared to the previous two months. Ten valid appeals had been received in March, five of which related to five separate enforcement notices served to units at 17 Oak Lane, Littleport. The appeal against a sixth notice had been received in April. The level of enforcement complaints received was in line with the levels in 2021.

It was resolved unanimously:

That the Planning Performance Report for March 2022 be noted.

The Chairman thanked Members and Officers, and reiterated the importance of Members attending the formal site visits in order to reach an informed decision on each application.

*The meeting concluded at 3:55pm.*



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held at 7:23pm on Thursday 19<sup>th</sup> May 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE

**PRESENT**

Cllr Christine Ambrose Smith  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matthew Downey  
Cllr Lavinia Edwards  
Cllr Lis Every  
Cllr Bill Hunt  
Cllr Alec Jones  
Cllr Lisa Stubbs  
Cllr John Trapp  
Cllr Gareth Wilson

**OFFICERS**

John Hill – Chief Executive  
Emma Grima – Director Commercial  
Sally Bonnett – Corporate Unit Manager  
Maggie Camp – Legal Services Manager  
Ian Smith – Finance Manager  
Tracy Couper – Democratic Services Manager  
Caroline Evans – Democratic Services Officer  
Annalise Lister – Communications Manager  
Angela Tyrrell – Senior Legal Assistant  
Karen Wright – ICT Manager

**1. ELECTION OF CHAIRMAN**

Cllr Bill Hunt was nominated as the Committee Chairman by Cllr Lisa Stubbs and seconded by Cllr David Brown.

There being no other nominations, it was resolved:

That Cllr Bill Hunt be elected as Chairman of the Planning Committee for the municipal year 2022/23.

**2. ELECTION OF VICE-CHAIRMAN**

Cllr Lisa Stubbs was nominated as the Committee Vice-Chairman by Cllr Bill Hunt and seconded by Cllr Lavinia Edwards.

Cllr Matthew Downey was nominated as the Committee Vice-Chairman by Cllr John Trapp and seconded by Cllr Gareth Wilson.

Upon being put to the vote, it was resolved:

That Cllr Lisa Stubbs be elected as Vice-Chairman of the Planning Committee for the municipal year 2022/23.

*The meeting concluded at 7:25pm.*

**21/01055/RMM**

Home Office Bungalows

Little Green

Cheveley

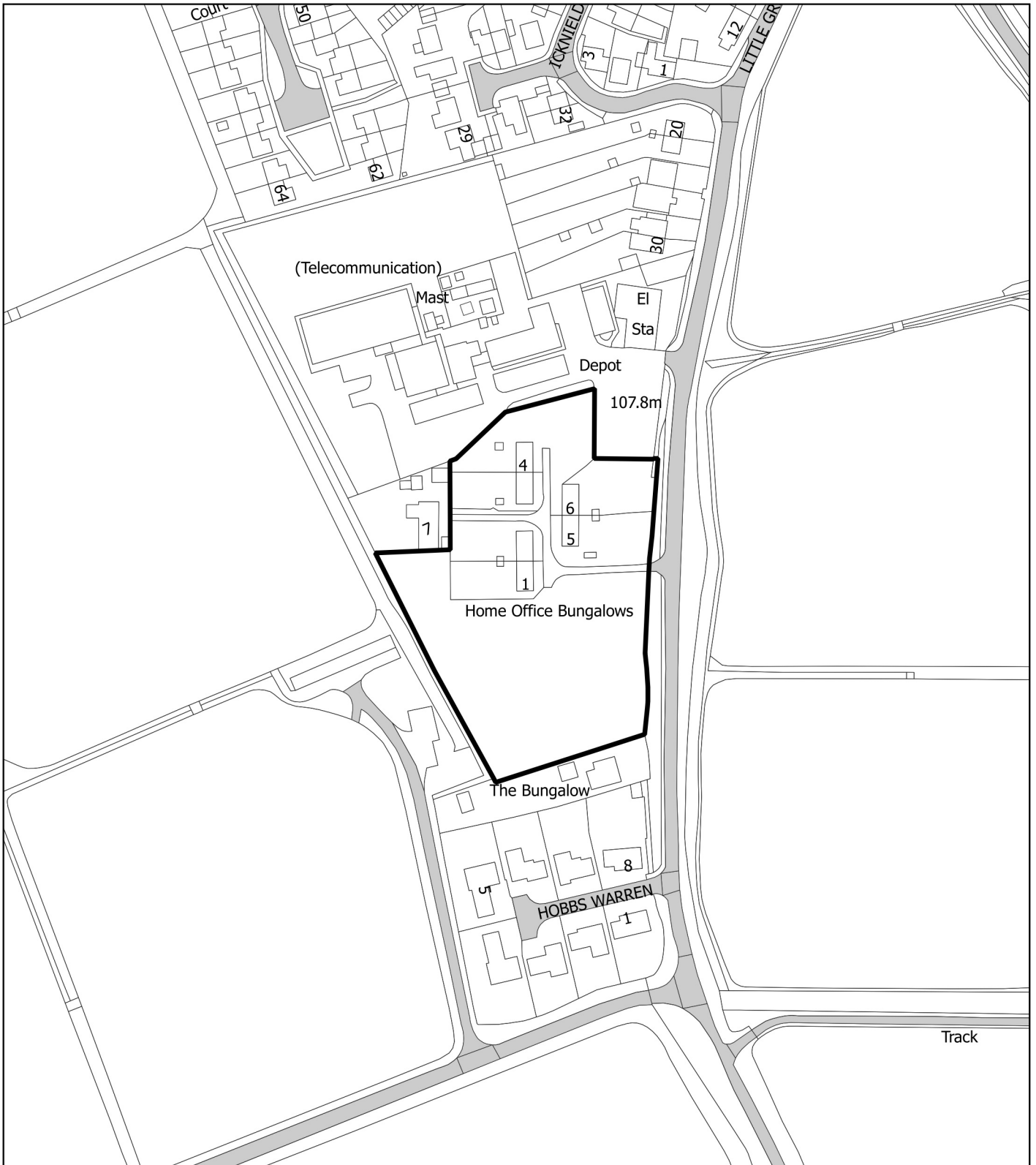
Suffolk

Reserved matters for appearance, landscaping, layout, and scale of previously approved 19/00767/OUM for the outline planning application for residential development for up to 22 dwellings following the demolition of 6 bungalows with all matters reserved except access

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QWCCRJGGL6L00>





21/01055/RMM

Home Office Bungalows  
Little Green  
Cheveley



East Cambridgeshire  
District Council

Date: 17/05/2022  
Scale: 1:2,000



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**MAIN CASE**

**Reference No:** 21/01055/RMM

**Proposal:** Reserved matters for Appearance, Landscaping, Layout, and Scale of previously approved 19/00767/OUM for the Outline planning application for residential development for up to 22 dwellings following the demolition of 6 bungalows with all matters reserved except access

**Site Address:** Home Office Bungalows Little Green Cheveley Suffolk

**Applicant:** Murfet Group

**Case Officer:** Anne James Planning Consultant

**Parish:** Cheveley

**Ward:** Woodditton  
 Ward Councillor/s: Alan Sharp  
 Amy Starkey

**Date Received:** 16 July 2021      **Expiry Date:** 10<sup>th</sup> June 2022  
**Report Number X7**

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**1.0**      **RECOMMENDATION**

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

1. Approved Plans
2. Time Limit
3. Material samples
4. Soft landscaping
5. Hard landscaping
6. Maintenance of soft and hard landscaping
7. Surfacing of roads footways and cycleways
8. Management and maintenance of streets
9. On-site parking areas
10. Boundary Treatment

**2.0**      **SUMMARY OF APPLICATION**

2.1      The application relates to the reserved matters of appearance, landscaping, layout and scale for 22 dwellings following the demolition of 6 bungalows associated with the outline approval of 19/00767/OUM.

- 2.2 During the course of determining the application a number of amendments have been received relating to layout, accommodation mix as well as scale of dwellings, landscaping, parking and drainage strategy.
- 2.3 As agreed at outline planning stage, 5 of the dwellings would be affordable comprising the following accommodation mix:  
3 x 2no bedroom  
2 x 1no bedroom properties.
- 2.4 This mix has remained unchanged and agreed with the Housing Department.
- 2.5 The scale and accommodation mix of the market housing has, however, been amended and would now comprise:

Proposed at Reserved matters	Approved at Outline - 19/00767/OUM
2 x 2no bedroom bungalows	2 x 1no bedroom (bungalows)
5 x 3no bedroom 2 storey dwellings	1 x 2no bedrooms
6 x 4no bedroom 2 storey dwellings	8 x 3no bedrooms (4 of which were bungalows)
4 x 5no bedroom 2 storey dwellings	5 x 4no bedrooms
	1 x 5no bedroom

- 2.6 The application also seeks to discharge Condition 18 (Energy and Sustainability Statement) of the outline consent, which required details to be either submitted prior to or as part of the reserved matters application.
- 2.7 The layout retains the indicative layout submitted with the outline scheme and therefore the central entrance into the site has been retained with three branches forming lateral side roads.
- 2.8 The scheme provides 42 allocated and 5 visitor parking spaces. No open space has been proposed and this is compatible with the outline scheme, an off-site contribution has been set out within the s106 Agreement and would be provided to the Parish Council for enhancement to existing open space within Cheveley.
- 2.9 The application has been called in to Committee by Councillor Sharp who has concerns regarding flooding and drainage.
- 2.10 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### 3.0 **PLANNING HISTORY**

- 3.1
- |              |   |          |            |
|--------------|---|----------|------------|
| 19/00767/OUM | Outline planning application for residential development for up to 22 dwellings following the demolition of 6 bungalows with all matters reserved except access | Approved | 30.03.2021 |
|--------------|---|----------|------------|

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

- 4.1 The site is an area of approximately 0.90 hectares (2.2 acres) located to the west of Little Green at the southern end of the village. The site is within the settlement boundary and is brownfield land previously occupied by three pairs of bungalows. The existing access is still usable and serves No 7.
- 4.2 The site is bounded by trees, hedgerow and fields with pockets of residential development to the north, south and west. A development of eight properties to the south of the site now defines the southern edge of the village. To the north is Cobham Antenna Systems, a B1 light industrial use. Little Green runs along the eastern boundary with further housing to the west of the site.

#### **5.0 RESPONSES FROM CONSULTEES**

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

##### **Parish – 19<sup>th</sup> April 2022 – Object**

The recent amendments do not address the concerns outlined in our objection letters in August and December 2021. In particular flooding and drainage along Oak Lane and insistence that high quality materials are used.

##### **21 December 2021 - comments on amendments**

Further to the recent amendments to the above application Cheveley Parish Council (CPC) object to the landscaping, layout and scale of the previously approved application at Home Office Bungalows, Little Green, Cheveley.

The amendments do not address the concerns outlined in our objection letter dated 11th August 2021 regarding density, scale, loss of privacy, flooding risk and landscaping and biodiversity which still stand. The Parish Council would like to see these concerns addressed.

The Parish Council are not against a development on this brownfield site and did, in fact, work closely with the agents on the original outline application to ensure a good mix of housing types and that known flooding risks were mitigated. The Parish Council would like to see the originally approved outline plans reinstated.

Flooding is a major issue surrounding the proposed site. The proposed alterations will most certainly lead to an increase in surface water drainage issues on site and surrounding it. Please see the photographs submitted in our objection dated August 11th 2021. Replacing the attenuation pond with an underground storage tank will not be sufficient, what happens when it blocks or silts up? Who is going to maintain it? An attenuation pond, as outlined in the original application, has the added benefit of increasing biodiversity on the site, which is lacking in the current proposal, and reducing the density of the build appropriately.

The Parish Council also insist that only high-quality materials that are in keeping with the rest of the village are used in the construction. Councillors are concerned that corners will be cut to maximise profit (such as using artificial slate roofing on the

bungalows) which will have a long-term detrimental effect on the appearance of this important gateway location in the village.

### **Parish - 11 August 2021**

Cheveley Parish Council (CPC) object to the landscaping, layout and scale of the previously approved application at Home Office Bungalows, Little Green, Cheveley due to the following reasons:

#### *Density & Scale*

Whilst the number of dwellings has remained the same as the outline application (22 dwellings) the density and scale has increased. Six bungalows (detached and semi-detached) were previously approved in the outline application. These were very sensibly proposed for the most elevated area of the site which helped contribute towards a low density feel. Cheveley is characterised by its low density, well-spaced housing with a good mix of single storey bungalows to 1.5 and 2 storey moderately sized houses. The proposed site is at a prominent gateway location in the village therefore it is essential that the housing density does not dominate the vicinity. The proposal is contrary to this and has the potential to damage the character and appearance of the village. We therefore object to the replacement of the originally planned bungalows with two storey houses and urge the developer to include a more diverse mix of housing to create a less dense open feel which will enhance the area.

CPC also object to the scale and design of the proposed terrace. We originally proposed that a terrace would be more in keeping with the village, being more suitable than flats, and to provide a good mix of housing. However, the proposed design is imposing, and in a location, which will be very visible from the main public highway (Oak Lane). This will have a detrimental effect on the overall appearance of the development and do nothing to improve the street scene. We urge the applicant to reconsider the design and revert to 4 terraced houses as originally planned rather than squeezing in 5 as now proposed. The design of the terrace should acknowledge the style of existing Victorian terraced housing in the village.

#### *Loss of Privacy*

Number 7 home office bungalows is a single storey dwelling positioned to the rear of the proposed development. The current proposal almost surrounds the existing dwelling with two storey homes which will most certainly lead to an unacceptable loss of privacy. The original outline application had proposed 6 detached and semi-detached bungalows to be positioned nearest to the existing bungalow at 7 Home Office Bungalows. This was far more appropriate and mitigated any potential loss of privacy. We urge the applicant to revert to the original location design as approved in the outline application and strongly object to the replacement of the bungalows with two storey dwellings.

#### *Flooding Risk*

The attenuation area originally planned in the outline application has been removed (for surface runoff capture). The change in housing type and increased housing density has resulted in more impermeable surfaces so leading to higher risk of flooding. The proposed site regularly suffers from flooding. Oak Lane, at the point

between the site entrance and Hobbs Warren, often floods which has been reported to the local authorities. Please see figure 1 for evidence of recent flooding. The addition of 22 dwellings at this site will inevitably lead to increased run off therefore, adequate provision needs to be made to prevent any increased risk of flooding in the area. We object to the current proposal because this does not address the flooding risk.

#### *Landscaping and biodiversity planning*

Whilst CPC welcomes the replacement of the 7 trees which will be lost due to the development, we would like to be assured that the hedge will be maintained / replaced along the boundary with Oak Lane. This is an important natural screen which separates the proposed development from Oak Lane. It is important this is retained to enhance the visual appearance and street scene whilst improving biodiversity.

CPC also object that there is no planting scheme planned for the area to the north of the proposed terraced housing. This leaves the block exposed and highly visible from Oak Lane. We would like to see a hedge and trees planted along the boundary surrounding the terraced housing to match the rest of the development.

#### **Ward Councillors – Cllr Allan Sharp**

Application to be called-in to Committee as there are massive issues with flooding in this area.

#### **Anglian Water Services Ltd - 6 April 2022**

##### **Foul Water**

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

##### **Surface Water**

We have reviewed the applicant's submitted surface water drainage information and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local

Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. <https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

**Anglian Water Services Ltd - 26 July 2021**

There is no drainage strategy submitted with this application therefore we unable to make comments on the application. Please do not hesitate to re-consult Anglian Water should this information become available.

**The Ely Group of Internal Drainage Board - 21 July 2021**

Not within the Ely Group of IDBs' District.

**Environment Agency - 28 July 2021**

We have checked our records - we do not appear have commented on 19/00767/OUM. We therefore have no comment to make on this Reserved Matters application.

**Natural England - 9 August 2021**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 19 June 2019 (ref: 285125, attached).

The advice provided in our previous response applies equally to these reserved matters.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**CCC - Archaeology - 27 July 2021**

The archaeological interest of this site is secured against the condition (15) attached to associated Outline planning reference 19/00767/OUM. I note that the Reserved matters application proposes an alternative layout. We recommend that the extant archaeological condition be carried over to any application intended to supersede the existing permission.

A brief for the archaeological works required against the outstanding condition was issued by this office on 30/06/2021 and we currently await submission of a draft Written Scheme of Investigation from the applicant's archaeological contractor in order to progress this site.

**CCC - Design Out Crime Officers - 22 July 2021**

Thank you for the opportunity to comment on the above Reserved Matters Application in regards to any concerns regarding community safety and vulnerability to crime with

the proposed design and layout in my role as a designing out crime officer with Cambridgeshire Police.

The proposed layout should provide a good level of natural surveillance with pedestrian and vehicle routes aligned together, pedestrian safety has been considered, including surveillance across open space areas. Permeability is limited to essential areas/routes only, away from access to rear of properties and this will also (hopefully) provide high levels of territoriality amongst residents.

Vehicle parking is general in-curtilage to the front/sides of properties, allowing owners the ability to view their vehicles from inside their home from active windows.

In regards to external street lighting we would always recommend column lighting across the development. We would not recommend bollard lighting other than for wayfinding because it can be easily obscured. It does not project sufficient light at the Right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. We would wish to be consulted on the external lighting plan when available.

I am happy to support the proposed design and layout for this development. Should the developer be considering a Secured by Design application I welcome the opportunity to work with them to ensure they receive a Gold accreditation standard.

**CCC - Education**

No Comments Received

**CCC - Fire and Rescue Service**

No Comments Received

**CCC - Growth & Development**

No Comments Received

**CCC - Local Highways Authority - 14 December 2021**

The revised layout as shown on the revised site plan 244-P1d has addressed my previous comments and I do not object to this application.

However, for the avoidance of doubt I will re-iterative that the internal roads are not laid out to a standard which would be considered for adoption by Cambridgeshire County Council and will therefore need to remain in private ownership for the lifetime of the development.

**CCC - Local Highways Authority - 6 August 2021**

The layout shown on the submitted site plan is not to an adoptable standard and in its current form none of the internal highways and associated infrastructure would be considered for adoption. If the applicant wished to offer any internal roads for adoption, they will need to comply with the requirements set out in the County Council's Highway development management - General principles for development.

However, in the interest of pedestrian safety I would recommend that the internal layout be amended so that the proposed footways are not interrupted by visitor parking bays but are instead continuous.

Tracking of the internal turning head has been provided but there is no supporting information to indicate what sized / type of vehicle this represents. My assumption is that this is a refuse collection vehicle. I would advise that you consult with ECDC waste team to confirm if they would service this site internally as shown if internal highway is to remain in private ownership.

### **CCC - Lead Local Flood Authority – 19<sup>th</sup> May 2022**

We have reviewed the following documents: • Flood Risk Assessment & Drainage Strategy, Schema Engineering Ltd, Ref: 01543/FRA Rev A, Dated: 3 November 2021 • Drainage General Arrangement, Schema Engineering Ltd, Ref: 0153/C400 Rev P2, Dated: 1 March 2022 • Hydraulic Calculations, Schema Engineering Ltd, Ref: 0153\_SW\_B, Dated: March 2022

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

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving over the private access and parking areas. Surface water will be retained in the permeable paving, with restricted outfalls into the main sewer network. Additional attenuation is proposed in a cellular tank system. Discharge is then proposed at 3.3 l/s into the ditch on the other side of Little Green.

### **23 March 2022**

It is appreciated that the flow control for the final outfall has been moved into the red line boundary of the scheme. However, at present we maintain our objection to the grant of planning permission for the following reasons:

#### **1. Flow Control Diameter**

As stated in our previous response, it is noted that the flow control diameters from the permeable paving structures have been included to retain water within these structures. Whilst this is not necessarily opposed by the LLFA, in line with the CIRIA SuDS Manual (C753) the minimum diameter of flow controls downstream of features such as permeable paving should be 20mm. Looking at the supporting hydraulic calculations, the flow controls for permeable paving catchments 2, 3 and 7 fall below 20mm in diameter. Until these have been raised in diameter and any appropriate changes to manage the volume within the system have been provided, we are unable to support this application.

### **CCC - Lead Local Flood Authority - 16 February 2022**

At present we object to the reserved matters application for the following reasons:

#### **1. Essential Drainage Infrastructure Outside Red Line Boundary**

It is acknowledged that the system will require third party consents or requisitions to cross the highway and discharge into the watercourse to the south of Little Green. However, the flow control device appears to be located outside of the red line boundary. As this piece of infrastructure is critical to the performance of the system, and subject to adoption and maintenance by Anglian Water, it should be situated within the red line boundary of the proposed site. The LLFA accepts that the pipe

network is required to cross the third party land, however this should be the only infrastructure outside of the red line boundary. Until the system has been designed to ensure that the flow control manhole is within the red line boundary of the site, we are unable to support this application.

## **2. Flow Control Diameter**

It is noted that the flow control diameters from the permeable paving structures have been included to retain water within these structures. Whilst this is not necessarily opposed by the LLFA, in line with the CIRIA SuDS Manual (C753) the minimum diameter of flow controls downstream of features such as permeable paving should be 20mm. Looking at the supporting hydraulic calculations, the flow controls for permeable paving catchments 2, 3 and 7 fall below 20mm in diameter. Until these have been raised in diameter and any appropriate changes to manage the volume within the system have been provided, we are unable to support this application.

## **CCC - Lead Local Flood Authority - 6 August 2021**

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

### **1. Change of Layout**

The applicant has altered the position of plots 2, 18/19, 20, 21 and 22 potentially resulting in an increase of impermeable area. This could have an impact on the drainage of the site and capacity of the receiving proposed surface water system. Also, the attenuation area by plot 2 has been removed from the revised site plan which will have an impact on the storage of surface water runoff.

## **ECDC – Building Control – 20<sup>th</sup> April 2022**

No adverse comments.

## **ECDC - Environmental Health - 21 July 2021**

I have no comments to make at this time.

## **ECDC Housing Section**

No Comments Received

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

No objection subject to compliance with the Arboricultural Report.

## **25 January 2022**

The recommendation in the Arboricultural report to cut trees T5, T6, T7 and T13 cannot be accommodated while working to British Standard BS 3998:2010 as stated on page 10 of the report as this would remove result is excessive removal of photosynthetic material, un-balanced crowns to the point that it could destabilize the trees. Two of the trees are Scots Pines that do not regenerate from branches once their needles have been removed which is likely to result in significantly sized dead branches adjacent the boundary. Eucalyptus and Field Maples will regenerate profusely from the proposed sort of pruning cuts creating a denser crown that will allow less light filtration through it, as well as needing the reduction to boundary operation repeated on a regular and frequent cycle which would be an onerous and expensive long term maintenance issue for any potential residents.

The revised soft land scaping scheme is appropriate to the proposed development.

I'm still concerned that the density and resulting proximity of the new dwellings to the retained trees is not suitable for the trees long term retention, there do not appear to be any of the recommended shading mitigation measures recommended in 3.4.3 on page 6 of the Arboricultural report that stated 'Shading will affect dwellings to the west boundary for the later part of the day therefore design considerations must be accommodated. Such considerations may include, larger windows, glass walls, patio doors, dual aspect rooms, light tunnels and skylights so as to allow as much light filtration in as possible.'

For the reasons above I cannot support this application currently.

### **ECDC Trees Team - 3 September 2021**

The submitted Arboricultural report contains some inconsistencies that require addressing these are as follows:

1. Tree T15 a category B Field Maple is mentioned for removal in the text on page 5 of the report but is not included in the list of tree works on page 9/10.
2. Tree T2 & T3 category C Holly and Field Maple are mentioned in relation to ingress into their Root Protection Area (RPA) in the text on page 6 of the report but no information is provided in relation to the % ingress.
3. Tree T8 a category B Field Maple is mentioned in relation to ingress into RPA in the text on page 6 of the report but no information is provided in relation to the % ingress.
4. The effects of shading by the retained trees is mentioned on page 6 of the report but no shade analysis plan is provided to show the extent of the potential issue.

As far as the development itself is concerned I'm concerned that the dwellings are located too close to existing trees this is identified by the requirement to reduce the crowns on trees T5, T6, T7, T12 and T14 by 2-4m on trees with crown spreads of between 5 and 2m, this would seem excessive pruning that would be an ongoing issue for residents. It is also likely that trees T18, T13 and T10 will also require crown reductions due to overhanging the gardens or their proximity to the dwellings. T8 is likely to require pruning due to it overhanging a parking spot as this species of tree is associated with honey dew as the seeds and pollen falling onto parked cars is undesirable.

T2 and T3 are the only trees within the front boundary hedging group G1 and both have parking spaces located under their canopies this will result in them being excessively pruned or removed due to issues such as roosting birds and in the case of T2 foraging birds feeding on the berries, honey dew, leaf fall and pollen drop. I still believe that this development could have been designed so as to allow the retention of tree T4 the category B mature Norway Spruce.

The soft landscaping shows two Norway Spruces as being planted as replacements for tree T4 one of which is shown as being adjacent the parking for plot 1 this is an unsuitable location for this species as it will soon end up overhanging the parking area and dropping its cones and sap on the cars making its long term retention unlikely.

The *Carpinus betulus* 'Lucas' located to the front of plot 12 should be reconsidered as it is a large species of tree growing to in excess of 12m in height with an oval crown at maturity and it will create significant shade issues to the front of plot 12 making its

long term retention unlikely the use of *Carpinus japonica* 'Chinese Lantern' (Japanese hornbeam cultivar) could be a more suitable alternative.

The use of *Pyrus calleryana* "Chanticleer" should be reconsidered as they are located overhanging and adjacent to parking areas which is unsuitable for their long term retention. These trees produce soft fruit (Pears) that can pose a slip hazard as well as making a mess and attracting unwanted insects such as wasps. A non-fruiting upright species such as *Betula albosinensis* 'Fascination' (Upright Chinese Red Birch) would be a more suitable alternative. The Silver Birch located so as to overhang parking spot P18 should be reconsidered as they are well known for Aphid infestation which causes Honey Dew which is not desirable in proximity to parked cars.

There is a distinct lack of tree planting within property boundaries although these are small areas there is still potential for the planting of small scale trees in garden this could include fruit trees or purely ornamental varieties.

#### **ECDC Waste Strategy – 13<sup>th</sup> April 2022**

The Council would ask that the bin presentation points are brought right up to the public highway as far as possible.

#### **ECDC Waste Strategy - 8 September 2021**

We wouldn't accept this as suitable for waste, all the properties would be expected to bring the bins to the adopted highways rather than using the 'bin collection points'

#### **ECDC - Parks and Open Space**

No Comments Received

#### **Technical Officer Access**

No Comments Received

5.2 A site notice was displayed near the site on 11 August 2021.

5.3 Neighbours – 15 neighbouring properties were notified and six responses have been received and are summarised below. A full copy of the responses are available on the Council's website.

- Reduction in the number of bungalows to zero from what was agreed at outline stage;
- Loss of single storey accommodation would impact on downsizing options; independent living; increase in population, commuting, traffic, noise, light pollution, overlooking, visual intrusion and general disturbance;
- Sustainability of dwellings;
- Drainage please refer to Anglian Water response dated 23<sup>rd</sup> July 2021;
- Flooding has worsened as a result of new development in Church Lane. This scheme will further exacerbate flooding locally;
- Attenuation basin replaced by attenuation tank;
- Loss of habitat and poor landscaping proposed;
- Proposed screen of trees along southern boundary would result in shade to the detriment of residential amenity;

- Pressure on local schools;
- Appearance of dwellings not of high quality and poor quality materials proposed;
- Increased demands on sewerage;
- Mix of housing not appropriate;
- A solution to mitigate these problems would be to reduce the size and reconsider the layout of the proposed number of dwellings.

## **6.0 THE PLANNING POLICY CONTEXT**

### 6.1 *East Cambridgeshire Local Plan 2015*

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

### 6.2 *Supplementary Planning Documents*

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

### 6.3 *National Planning Policy Framework 2021*

2	Achieving sustainable development
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

### 6.4 Planning Practice Guidance and National Design Guide

## **7.0 PLANNING COMMENTS**

7.1 The main issues to consider in the determination of this application are:

- Principle of Development
- Housing mix and layout
- Residential amenity
- Visual amenity
- Highway and parking
- Ecology and Biodiversity
- Flooding and Drainage
- Other

### **Principle of Development**

- 7.2 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.
- 7.3 The site is located within the development envelope of Cheveley as identified in Policy GROWTH 2 of the adopted Local Plan.
- 7.4 The principle of development of this site for up to 22 dwellings, considering access, has been established by the outline permission 19/00767/OUM. The current application seeks approval for the reserved matters of layout, appearance, scale and landscaping.
- 7.5 Amendments were required and it is considered the density, scale, character and layout would now result in an attractive scheme demonstrating a mix of building heights and sizes as well as a variety of external materials which adds interest and character to the streetscene. There is also an acceptable mix of accommodation types suitable to meet the needs of future residents of Cheveley.
- 7.6 The proposal also provides an acceptable level of residential amenity to existing and future occupiers of the accommodation, in accordance with the Design Guide SPD. An amended drainage strategy has now been proposed to the satisfaction of technical consultees.
- 7.7 The scheme follows the principles established at outline and no issues have been identified such that the principle of development of this site is no longer acceptable.
- 7.8 The scheme is therefore considered acceptable in principle.

## Housing Mix and Layout

- 7.9 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents.
- 7.10 In terms of the mix of housing now proposed, Policy HOU1 requires that housing developments provide an approximate mix of dwelling types and sizes. The indicative mix submitted with the outline scheme provided for a greater proportion of 3no bedroom dwellings. However, the SHMAA is out of date and therefore the most up to date information on housing need has been gained from the GL Hearn Report into the Housing Needs of Specific Groups which suggests the following housing mix of market housing within a development ie (1-bedroom: 0-10%, 2-bedrooms: 20-30%, 3-bedrooms:40-50% with 4+bedrooms: 20-30%). The accommodation mix of affordable units has remained unchanged comprising a mix of 1 and 2 bedroom dwellings. According to the s106 Agreement 77% of the affordable housing would be affordable rented and 23% as shared ownership.
- 7.11 The accommodation mix proposed in the market housing demonstrates a greater percentage of 4+ bedrooms rather than the accommodation mix suggested in the GL Hearn Report. Whilst the need for this type of executive dwelling has not been justified, the Council's Monitoring Report (2020) records that "approximately 65% of total dwelling completions (gross) were of 3 or 4+ bedrooms. Therefore, the demand for larger properties in the district continues, as reflected in the completions of 4+ bed dwellings". To support this view to the south of the site at Hobbs Warren, there is a newly constructed and now occupied development of predominantly 4 bedroom dwellings comprising two storey executive style homes. Bearing in mind this scheme also includes a number of 1, 2 and 3 bedroom properties, it is considered the scheme provides an acceptable mix of accommodation and complies with Policy HOU1 in this regard.
- 7.12 The arrangement and grouping of buildings comprise a mix of detached and terraced units which share a common building line with either integral or detached garages.
- 7.13 The design of buildings differs in height (5.35m - 8.75m) (17.55ft – 28.7ft), size and scale as well as being attractive with a good palette of materials, comprising light red multi stock facing brickwork with smooth white or cream/pale yellow render to main walls. On some of the dwellings a light green weatherboard cladding has been added to the garage. A range of architectural features are proposed ie mock gable vent features, oak frame porch canopies and cast stone window cills with soldier coursing above the windows. When viewing the streetscenes proposed there are a variety of gable ends or front feature gables with either red or imitation slate roofing tiles. There would be a materials condition imposed on the consent to provide precise details of the type of brick and roof tiles to be used, to ensure a good quality palette of materials.
- 7.14 The affordable units Plots 18-22 are proposed of predominantly light green weatherboard cladding with some light red multi stock facing brickwork as relief on the ground floor of the two central terraced dwellings.

- 7.15 In terms of layout this has not been significantly altered from the details submitted at outline. Although the layout of the parking area provided for the affordable housing was cramped initially, this issue has been resolved in amendments to the scheme.
- 7.16 The absence of any bungalows was also flagged up with the applicants and further amendments made. It is now proposed to provide 2 bungalows and whilst this is still a reduction from the number suggested at outline, it is not reasonable to refuse the scheme on this basis as many housing schemes, ie Hobbs Warren, do not include any.
- 7.17 As such the housing mix and layout is considered to comply with Policies HOU1 and HOU2 of the adopted Local Plan 2015.

### **Residential Amenity**

- 7.18 The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.19 The East Cambridgeshire Design Guide SPD takes into account the requirement to provide sufficient plot sizes and amenity space for all new development. Therefore, a minimum of 10m separation distance should be achieved from the rear elevation of any dwelling to the rear boundary. The distance between rear inter-visible windows should be a minimum of 20m and the scheme complies with this guidance. The Design Guide also seeks 300 sqm plot sizes, at least 50 sqm amenity space and ratio of built form to plot. In this respect the design criteria have been met.
- 7.20 All dwellings benefit from an acceptable outlook with adequate sunlight/daylight penetration to all habitable rooms.
- 7.21 In terms of the impact on the residential amenity of existing occupiers is concerned, there is one existing occupier present on the Home Office bungalows site and this property is a bungalow at No 7. Following concerns regarding loss of privacy and overlooking to this adjoining occupier, the scheme has been amended so that a bungalow (Plot 14) is to be located directly to the east of the principle elevation of No7. This would ensure that an acceptable relationship between these two adjoining occupiers is maintained. Plot 13, which is located to the south of No7 and has a flank wall to flank wall relationship with this property, ensures there is an acceptable distance retained on the shared boundary which is achieved by the positioning of the garage and side entrance.
- 7.22 Plots 15-17 are also located to the east of the existing dwelling; however, sufficient distance has been achieved to ensure there would be no loss of privacy or overlooking to these existing occupiers.
- 7.23 No other existing occupiers would be materially affected by the scheme due to the size and location of the development.
- 7.24 There would be a degree of noise and disturbance to existing neighbours, and a number of conditions were imposed on the outline planning permission with regards to hours of construction, and a construction environmental management plan. These

conditions have been imposed to ensure noise and general disturbance during the construction phases are controlled. As construction of these dwellings would be temporary, it was considered that detriment to the living environment of existing occupiers would be transitory.

- 7.25 As far as new occupiers are concerned, a number of the plots (7 and 11) would be affected by the overshadowing of trees on the western boundary. Amendments have been made to these dwellings to increase the amount of sunlight/daylight penetration by increasing the size of the windows on the west facing elevations and this would increase the degree of light to habitable rooms.
- 7.26 The new housing would meet the criteria established within the East Cambridgeshire design Guide and Policy ENV2 of the adopted Local Plan 2015 and on this basis would provide an acceptable standard of living.

### **Visual Amenity**

- 7.27 Policy ENV1 of the Local Plan 2015 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV2 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.
- 7.28 This part of Cheveley benefits from open countryside due to its edge of settlement location. However, the application site no longer sits in isolation, located to the south of the village, as Hobbs Warren, an executive style housing scheme, now indicates the extent of the settlement edge. The proposed redevelopment of the old Home Office Bungalows site should now be seen in the context of its transition from countryside into executive style housing associated with this part of Cheveley. With the large and sprawling commercial site, complete with access road, buildings and parking, which lies to the north of the Home Office Bungalows site, the scheme would complement the nature of development surrounding the site.
- 7.29 At present the boundary treatment along Little Green to the east of the site, comprises a mature hedgerow with two mature trees and these are to be retained. Condition 8 of the outline permission restricts the pruning/removal of the trees and hedgerow, except as detailed on the approved drawings. This will ensure the verdant nature of the site frontage shall be retained.
- 7.30 The principle of the development of the site for residential purposes was established as part of the outline permission. The submitted layout is similar to the indicative layout submitted at the outline stage and in view of its siting within an established landscape setting, further landscaping opportunities exist to ameliorate the development within the streetscene. These will be covered later in the following sections of the report.
- 7.31 On balance the scheme makes an efficient use of space which is in keeping with the character of the area and still meets with the criteria of Policies ENV1 and ENV2 of the adopted Local Plan 2015.

## **Highways and Parking**

- 7.32 Policy COM7 of the adopted Local Plan requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.33 The matter of access into the site was considered at outline and found to be acceptable, in addition, the scheme was also sustainably located, being situated within the development envelope of Cheveley close to facilities and services.
- 7.34 The Local Highways Authority raised no overall objections but has responded to the effect that the layout shown on the submitted site plan would not be to an adoptable standard. The Highway Authority would therefore not be adopting the internal road layout.
- 7.35 A number of other issues were initially identified concerning footpaths that would be obstructed by visitor parking bays and a request for details of tracking of the internal turning head. Amended information has been submitted to the satisfaction of the LHA. However, as the internal highway layout is not to adoptable standards further details would be required of the road, footway and cycleway as well as the proposed arrangements for the future management and maintenance of the streets within the development and these would be imposed by condition.
- 7.36 In terms of the collection of waste, the applicants have provided a swept path analysis that indicates service vehicles can access and egress the site in a forward gear and refuse stores/bin presentation points have been indicated. The Council's Waste Services Department would require that bin presentation points are brought right up to the public highway as far as possible. These have been marked on the layout drawings.
- 7.37 Policy COM8 of the adopted Local Plan 2015 requires that dwellings benefit from 2 car parking spaces and 1 cycle park space with visitor parking. The layout successfully accommodates sufficient parking on the site with a mix of dwellings benefitting from garaging arrangements with both allocated and unallocated parking spaces being provided on site with opportunities for cycle storage within the rear garden areas which avoids a car dominant development and complies with the terms of the policy.
- 7.38 The proposal complies with Policies COM7 and COM 8 of the adopted Local Plan 2015.

## **Ecology and Biodiversity**

- 7.39 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.

- 7.40 In July 2019 the Government confirmed their intention to make biodiversity net gain mandatory in England for all development. The emerging 'standard' by which environmental gain is calculated is the DEFRA Biodiversity Metric 2.0 test. This has now been superseded by the Metric 3.0 test. Paragraph 174 (d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain.
- 7.41 The Council's Natural Environment Supplementary Planning Document also provides guidance for new development to protect and encourage the biodiversity and ecology interests on site.
- 7.42 An Ecology Report [Applied Ecology Ltd dated September 2017] was submitted with the outline scheme and a Phase I Habitat Survey was undertaken on 28<sup>th</sup> June 2017. The report concluded that given the distance between the site and statutory and non-statutory wildlife sites, and the scale and type of development proposed, significant negative effects on protected sites were not predicted to occur. Natural England also provided comments on this application and consider their previous response applies equally to the reserved matters application. However, should the proposal be amended in a way which significantly affects its impact on the natural environment then Natural England would need to be notified again.
- 7.43 The site was therefore considered to be of low relative ecological and nature conservation value. The key protected species of interest on the site relates to the presence of three buildings each assessed as being of moderate suitability for roosting bats.
- 7.44 The Wildlife Trust had initially commented that normally the surveys should be undertaken prior to commencement of development and therefore required that prior to the submission of any reserved matters application additional bat surveys should be carried out as described in Section 4.4 of the Ecology Report. This report accompanies the application.
- 7.45 A Bat Presence Assessment Report has accompanied the application and concludes that there was no evidence of bats using the buildings. However, recommends that care should be taken during demolition as "individuals can occupy a site post survey". Condition 10 of the outline consent required that a mitigation strategy for bats "informed by the results of the bat surveys would be submitted, however, as no bats have been recorded, then a mitigation strategy would not be required.
- 7.46 As a s106 contribution is to be made for off-site public open space, there is limited opportunity for on-site landscaping which is confined to junctions, verges and private areas abutting the streetscene. The proposed landscaping scheme has been revised following comments from the Tree Officer who raised concerns regarding the unsuitability of some of the tree and shrub species, which would overhang some of the footpaths/parking areas and cause slippage and invite insects. The amended landscaping scheme has now been re-assessed by the Tree Officer who is raising no objection to the scheme.
- 7.47 A Biodiversity Net Gain Calculation has been undertaken [James Blake Associates – 9th July 2021] and this report has evaluated the potential loss of 44.82% for habitat units. As a contribution towards public open space has been made off site (and

secured by the s106 at outline stage), then it would be difficult to achieve a 10% net gain for the development. Condition 13 of the outline permission requests further details of biodiversity improvements to be submitted and these can be considered at a later stage, to ensure biodiversity improvements throughout the site.

### *Trees*

- 7.48 An Arboricultural Method Statement (AMS) has been submitted with the application and reviewed by the Council's Tree Officer who had initial concerns regarding the degree of proposed tree works and the overshadowing to new occupiers. As mentioned in previous sections of the report, the design of those dwellings to be affected by the proximity of the mature trees have been amended and this has overcome a number of concerns. An amended AMS has been submitted to the satisfaction of the Tree Officer. Condition 9 of the outline scheme also requires the submission of a detailed Arboricultural Impact Assessment which will provide further details on how trees/hedging worthy of retention would be protected during construction and this would be in consultation with the Tree Officer.
- 7.49 The scheme therefore complies with Policies ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

### **Flood Risk and Drainage**

- 7.50 Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction. The application form states that the site is located within Flood Zone 1 which is where residential development should be located, and has been assessed as being at very low risk of flooding.
- 7.51 When considering the outline planning application, the matters of both surface and foul water drainage were raised as issues on the site and reflected in the letters of representation. Moreover, the Parish Council and Councillors have continued to express concern that there is severe flooding of Little Green which this development may exacerbate. These concerns have been prompted by changes to the drainage strategy from an attenuation basin to an attenuation tank and whilst Condition 14 of the outline consent requested further details to be submitted on the drainage strategy, they were based upon the principles of the agreed Flood risk Assessment submitted at outline.
- 7.52 A revised Flood Risk Assessment and Drainage Strategy [Sustainable Design and Planning dated November 2021] has been submitted and this indicates there is a drainage ditch located on the eastern side of Little Green which flows north towards an outfall which then flows east through the fields/farmland.
- 7.53 The FRA recommends that "No flooding will occur on site for all storms up to and including the 1 in 100 year plus 40% climate change storm event. All storm water runoff from impermeable areas will discharge via a flow control to the existing offsite ditch network. Infiltration will be allowed from the bases of the permeable pavements. However, this is expected not to work in the long term due to the existing geology and topography; Therefore, overflow connections into the main drainage system have been provided and the worst-case surface water drainage design has been assumed

/ modelled. The scheme has been altered from the outline proposal which proposed an attenuation basin. This has now been replaced with an attenuation tank.”

- 7.54 The Environment Agency has no comments to make as it was not consulted on the outline scheme as the site is located in Flood Zone 1. Anglian Water records indicate there is a public foul sewer to the north along Little Green and would have no objection to its proposed connection.
- 7.55 The LLFA had initial concerns regarding the changes to the drainage strategy, which introduced a cellular tank system which would discharge on to the existing drainage ditch. However, additional information has been submitted to indicate that surface water can be managed through permeable paving within the private access and parking areas with restricted outfalls into the main sewer network which combined with the cellular tank system would discharge surface water at a rate of 3.31/s into the ditch.
- 7.56 The LLFA have removed their objection. As mentioned above, Condition 14 of the outline permission required further details to be submitted to the satisfaction of the LLFA, however, as the drainage strategy has been amended the applicants would need to apply to vary the condition in accordance with the strategy submitted with the reserved matters application. The scheme is therefore considered to comply with Policy ENV8 of the adopted Local Plan 2015.

### **Other Material Matters**

#### *Sustainability and Energy Efficiency*

- 7.57 The SPD on Climate Change predominantly focusses on providing additional guidance to the implementation of Policy ENV4, adopted by the Council in February 2021, and expects all new development to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy.
- 7.58 A Sustainability Appraisal [Green heat Ltd dated August 2018] has been submitted with the application. Measures proposed within the development comprise buildings to be constructed with a high thermal mass and low water use appliances are proposed within WC cisterns, shower heads and taps to achieve an anticipated water usage no higher than 110 ltrs for domestic use. The Appraisal has been considered acceptable by the Building Control Department.
- 7.59 This would comply with Policy CC1 of the SPD on Climate Change and Policy ENV4 of the adopted Local Plan 2015.
- 7.60 On this basis this meets the requirements of condition 18 of the outline planning permission 19/00767/OUM and would be discharged.

#### *Contamination*

- 7.61 The outline scheme secured a scheme of site investigation of contamination to ensure that the development adequately mitigated the risks of contamination.

### *Impact on schools*

- 7.62 This matter was considered by the Local Education Authority when considering the outline scheme and a contribution towards improving education facilities at Bottisham Village College was secured within the S106.

## **8. CONCLUSION**

- 8.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making and is considered to represent sustainable development. The Development Plan comprises the East Cambridgeshire Local Plan 2015.
- 8.2 The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development, as well as the relevant Council's Supplementary Planning Documents.
- 8.3 The scheme follows the principles established at outline and would still provide an acceptable standard of residential amenity to existing and future occupiers of the site. The scheme would not cause harm to the visual amenities of the area and would complement the character of development within this part of Cheveley. The scheme would offer a range of 1, 2, 3, 4 and 5 bedroom properties two of which would be single storey. In addition, 5 dwellings would be affordable.
- 8.4 Whilst the drainage strategy has been amended, the Lead Local Flood Authority is still of the opinion that the scheme would not exacerbate flooding and drainage issues such that there is no objection.
- 8.5 In all other respects, the scheme is still considered to provide social, economic and environment benefits and as such would represent sustainable development.
- 8.6 The scheme accords with both national and local planning policy and is considered to represent sustainable development, and there are no material considerations that indicate permission should not be granted in this instance.
- 8.7 The application is therefore recommended for approval subject to condition.

## **9. COSTS**

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

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

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

- The principle of development has been considered acceptable at outline stage;
- The Lead Local Flood Authority are not objecting to the scheme.

## 10. **APPENDICES**

### 10.1 Appendix 1 CONDITIONS

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
21/01055/RMM	Anne James Room No. 011 The Grange	Anne James Planning Consultant 01353 665555
19/00767/OUM	Ely	anne.james@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 21/01055/RMM Conditions

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

Plan Reference	Version No	Date Received
JBA 21-157-01	B	7 <sup>th</sup> December 2021
JBA 21-157-02	B	7 <sup>th</sup> December 2021
P10	A	7 <sup>th</sup> December 2021
P13	A	7 <sup>th</sup> December 2021
P1D		7 <sup>th</sup> December 2021
Arboricultural Impact Assessment		13 <sup>th</sup> April 2022
P3	b	2nd March 2022
P4	b	2nd March 2022
Storm Network SW Calcs	B	2nd March 2022
C400	P2	2nd March 2022
P14		16 <sup>th</sup> July 2022
p9		16 <sup>th</sup> July 2021
p7		16 <sup>th</sup> July 2021
p6		16 <sup>th</sup> July 2021
p2		16 <sup>th</sup> July 2021
p18		16 <sup>th</sup> July 2021
p17		20 <sup>th</sup> July 2021
p12		16 <sup>th</sup> July 2021
p16		16 <sup>th</sup> July 2021
p15		16 <sup>th</sup> July 2021
p11		16 <sup>th</sup> July 2021
Location Plan		16 <sup>th</sup> July 2021
p8		16 <sup>th</sup> July 2021
p5		16 <sup>th</sup> July 2021
p19		20 <sup>th</sup> July 2021
Bat Presence Assessment Report		16 <sup>th</sup> July 2021
Phase II Ge0-Environmental Assessment		16 <sup>th</sup> July 2021
Flood Risk Assessment	A	7 <sup>th</sup> December 2021
Sustainability Appraisal		16 <sup>th</sup> 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 the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 Notwithstanding the details shown on drawing nos: P2, P3 Rev B, P4 B, P5, P6, P7, P8, P9, P10 Rev A, P11, P12, P13 Rev A, P14, P15, P16 P17, P18, and P19 no above ground construction shall take place on site until samples of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
4. All soft landscaping works shall be carried out in accordance with the approved details Drawing JBA 21-157-01 Rev B and JBA 21-157-02 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.
4. Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
5. 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 driveways; footpaths and parking areas. 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.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
6. Prior to any occupation of the development, a scheme for the maintenance of the soft and hard landscaping as well as lighting within the communal areas; for a minimum period of ten years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
6. Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
7. Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 244-Site Plan P1 Rev D in writing by the Local Planning Authority.
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 details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development, by the applicant or a private management company, until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

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 first occupation or commencement of use the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 244-Site Plan P1 Rev D 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 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 associated dwelling.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

**21/01136/RMM**

Land North Of 22 Marroway Lane

Witchford

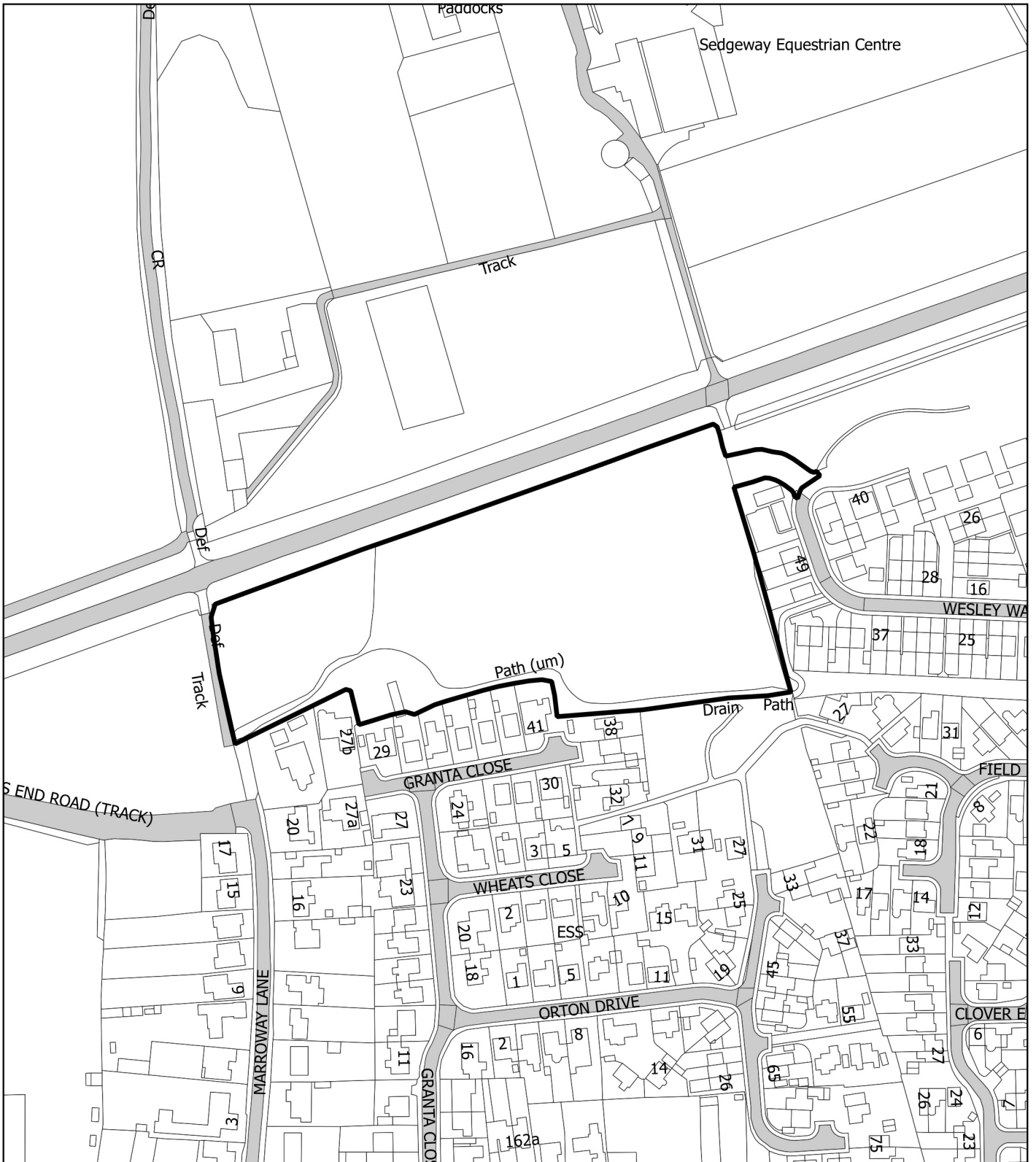
Cambridgeshire

Reserved matters for demolition of dilapidated farm buildings and erection of 40 dwellings, ancillary infrastructure, public open space and drainage infrastructure, of previously approved 18/00778/OUM for the outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.

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=QX7VKPGGLSA00>





21/01136/RMM

Land North of 22 Marroway Lane  
Witchford



East Cambridgeshire District Council

Date: 17/05/2022  
Scale: 1:2,500



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**MAIN CASE**

**Reference No:** 21/01136/RMM

**Proposal:** Reserved matters for Demolition of dilapidated farm buildings and erection of 40 dwellings, ancillary infrastructure, public open space and drainage infrastructure, of previously approved 18/00778/OUM for the Outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.

**Site Address:** Land North Of 22 Marroway Lane Witchford Cambridgeshire

**Applicant:** Minster Property Group

**Case Officer:** Toni Hylton Senior Planning Officer

**Parish:** Witchford

**Ward:** Stretham

Ward Councillor/s: Bill Hunt  
Lisa Stubbs

**Date Received:** 19 August 2021

**Expiry Date:**  
10<sup>th</sup> June  
2022

**Report Number X8**

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1.0 **RECOMMENDATION**

1.1 Members are recommended to Approve the application subject to the conditions summarised below. The full conditions can be seen in Appendix 1.

1. Approved Plans
2. Time Limit (2 years)
3. Materials to be agreed
4. Binder course
5. Parking and Turning
6. Future management and maintenance of the proposed streets
7. Arboricultural Impact Assessment
8. Arboricultural Method Statement
9. Obscure Windows
10. Restrict additional windows
11. Details of the cycle stores
12. Soft and hard landscaping scheme

### 13. Boundary Treatment details

#### 2.0 SUMMARY OF APPLICATION

2.1 The application is made as a reserved matters following the approval of an outline planning application in 2019. Outline planning permission 18/00778/OUM was granted for up to 40 dwellings following the demolition of dilapidated farm buildings with all matters reserved.

2.2 In August 2021 this application was submitted to the Local Planning Authority and has been amended and updated 4 times since its original submission to address consultee comments.

2.3 The application proposes in brief the following:

- Erection of 40 dwellings all of which are affordable dwellings, consisting of the following as shown in the table below:

Plot Numbers	Height	width	Depth	Bedrooms	Dwelling type
1 & 2	9.5 (31.1)	12 (39.3)	9 (29.5)	3	Semi detached dwellings with gardens in excess of 50 square metres (538)
3,4,13,14,17,18,19,20,27 28,33,34,35,36	9.5 (31.1)	11.6 (38)	9 (29.5)	3	
5 & 6	10 (32.8)	12.2 (40)	10.5 (34.4)	4	
7, 8, 9, 10, 11,12, 15, 16, 25, 26, 29, 30	9.5 (31.1)	10.3 (33.7)	9 (29.5)	2	
21, 22, 31, 32	9.6 (31.4)	10.2 (33.4)	9 (29.5)	2	
23, 24	8.9 (29.1)	11.6 (38)	9 (29.5)	3	
37, 38, 39, 40	10 (32.8)	13.8 (45.2)	9.3 (30.5)	1	Maisonettes with shared garden space 216 square metres (2325)

*N.b The figures in brackets are measured in feet and inches*

- Access from the adjacent Bovis site currently under development, with emergency access onto the A142
- Provision of a 3-metre-high bund (9.8 feet) and 2.4 metre high (7.8 feet) acoustic fence to the boundary with the A142
- Provision of a cycle path to the north of the site
- Retention of permissive path to the south of the site with maintenance access
- Landscaping and retention of existing trees
- 80 car parking spaces
- Balancing pond and offline attenuation basin

- Mix of materials using buff facing bricks; terracotta roof tiles; slate grey roof tile; buff multi facing bricks; white colour through render; white UPVC windows and doors with black UPVC rainwater goods.

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

2.5 The application is brought to planning committee at the request of councillor Bill Hunt as the application has caused a lot of local interest and should be debated by the planning committee.

### 3.0 PLANNING HISTORY

3.1

18/00778/OUM	Outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.	Approved	01.03.2019
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Adjacent Site 'Bovis Site'

18/00782/RMM	Reserved matters for 128 dwellings	Approved	20.12.2018
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The main section of the site is located between Granta Close/Orton Drove public open space (to the south) and the A142 (to the north). The western boundary is the Public Right of Way that links onto Marroway Lane and to the east is the boundary with the outline consent (which the access runs through) of 15/01100/VARM. A mixture of trees and other vegetation are located on all the boundaries, though the biggest gaps are along the northern boundary. To the eastern boundary is a Tree Preservation Order (E/09/17) for 2 groups of Ash Trees.

4.2 Outline planning consent was granted in March 2019 for 40 dwellings under Ref: 18/00778/OUM, and this application is the reserved matters detailing the appearance; access; layout; landscaping and scale.

### 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.

#### **Witchford Parish Council - 5 May 2022**

States "Witchford Parish Council considered this amended application at its meeting on 4th May 2022. The Parish Council objects to this amended application as it does

not comply with Witchford Neighbourhood Plan Policy WFD H1B housing allocation at Marroway Lane to provide a cycle and pedestrian route around the southern side of the development site. Witchford Neighbourhood Plan is the development plan for Witchford Parish, adopted by ECDC on 21st May 2020. The Parish Council is of the view that the width left behind plots 36 and 37-40 is inadequate.”

**Witchford Parish Council (following amendments) - 3 March 2022**

States “Witchford Parish Council objects to the proposed amendments to application 21/01136/RMM.

The amendments do not comply with the requirement in Witchford Neighbourhood Plan Policy WFDH18 to provide an east-west cycleway along the southern side of the site. The amendments do not comply with Witchford Neighbourhood Plan Policy IC4 to use SUDS principles as default unless demonstrably unfeasible. The Parish Council supports the comments of the ECDC Trees Office in their email of 21st December 2021. The Parish Council expects ECDC to implement Policies WFDH18 and WFDIC4 as the Witchford Neighbourhood Plan is the current Development Plan for the parish of Witchford.”

**Witchford Parish Council (Following further amendments)- 2 September 2021**

States “The Parish Council objected to this application. The proposed site layout is in contravention of Policy WFDH1B of the Witchford Neighbourhood Plan (WNP), which was adopted by ECDC on 21st May 2020. The WNP is therefore fully part of the Local Development Plan for Witchford and must be used by ECDC in making decision on planning applications in the Neighbourhood Plan Area.

Policy WFDH1B is as follows:

'Housing Proposal WNP WFDH1B

Land is proposed for housing development off Marroway Lane for up to 40 homes. The following site-specific considerations and requirements will apply to reserved matter applications and any future applications on this site:

- o The retention of landscape buffer between the village edge and the A142 as a way of maintaining separation
- o An identified need for streetscape improvements through tree planting.
- o A requirement to set aside land for the delivery of a west-east pedestrian and cycle spine route from Marroway Lane to Common Road through the southern part of the site.
- o Incorporation of a surface water drainage scheme for the site based on sustainable drainage principles and which delivers biodiversity benefits.

Delivery of the section of the west-east pedestrian and cycle spine route from Marroway Lane eastward to Field End.'

The site layout as currently proposed does not set aside land for the delivery of a west-east pedestrian and cycle spine route as required by Policy WFDH1B. The layout of the housing plots should be altered to ensure that a strip of land is provided as a through route along the southern part of the site linking into Marroway Lane and the Orton Drive Open Space. This through route should be set out to an appropriate standard for use as a pedestrian and cycle route.

The proposal to use impermeable membrane for the swale and balancing pond goes against normal practice, where permeable surfaces and vegetative systems are used to enable water run-off and dispersal. The surface water drainage system for the site is against Policy WFDH1B, and should be redesigned accordingly in line with accepted sustainable drainage principles and to deliver biodiversity benefits.

The Parish Council is concerned about the air quality on the site given the proximity to dwellings to the A142 Witchford Bypass, which will compromise the residential amenity of the dwellings.

The Parish Council is concerned about the impact of noise levels from the A142 Witchford Bypass on the residential amenity of the dwellings on this development. The Noise Impact Assessment submitted by the applicant clearly states at 6.2.2, 6.2.3 and elsewhere in sections 6 and 7 that mechanical ventilation will be required to bring noise levels to within WHO standards. The Parish Council does not consider this to be acceptable and the site layout should be redesigned to ensure that all dwellings are within the WHO standards without the need for mechanical ventilation.

A condition should be placed on the planning permission that no percussion piling may take place during construction works.”

**Ward Member – Cllr Hunt - 13 April 2022**

Councillor Bill Hunt has requested the application is presented to the Planning Committee as the application has raised a lot of issues locally and should be discussed in full.

**Cambridgeshire Archaeology - 24 August 2021**

States “The archaeological interest of this site is secured against the condition (6) attached to associated Outline planning reference 18/00778/OUM. We recommend that the extant archaeological condition be carried over to any application intended to supersede the existing permission.”

**Cambridgeshire Fire And Rescue Service - 16 March 2022**

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

**Cambridgeshire Fire And Rescue Service (Following amendments) - 7 October 2021**

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

**Local Highways Authority (following amendments) – 20 May 2022**

States “The revised site plan (drawing 0102 P10) addresses my previous comments regarding turning for delivery vehicles, I therefore do not object to the proposed layout. However, I strongly advise that you seek comment from ECDC’s waste team regarding the refuse vehicle tracking (drawing 063-JCE-00-SI-SK-C-8042 Revision P01) as this is based on a vehicle which I understand to be smaller than those used

in the current fleet. Otherwise, there is risk that the development will not be serviceable by the waste collection team.

I do not object to this application but would like to re-iterate the below comments for clarity.

- The re-alignment of the emergency access from the A142 is welcome but the works are outside of the application redline. The LPA should therefore be satisfied that this can be secured. The works should be implemented prior to any occupation.
- The 0.5m maintenance strip to the north of the main east-west road should be between the carriageway and the visitor parking, not around the rear of parking. If the applicant wishes for the roads to be adoptable, this detail needs to be amended but it can be done post-planning.

The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made within this response are done so on a without prejudice basis to any such agreement taking place. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

Please append the following conditions to any permission granted:

HW2A: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on the drawing 0102 Revision P10 in writing by the Local Planning Authority.

H14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

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

#### **Local Highways Authority - 1 April 2022**

States "The re-alignment of the emergency access from the A142 is welcome however, I note that these works would be outside of the application redline.

The 0.5m maintenance strip to the north of the main east-west road should be between the carriageway and the visitor parking, not around the rear of parking. This is however a minor detail which can be addressed post planning but will need to be amended as part of any adoption agreement. CCC will not adopt visitor parking spaces, irrespective of what is shown on drawing 063-JCE-00-SI-SK-C-9030 P02.

The revised refuse vehicle tracking utilises a larger vehicle (10.22m length) but my understanding is that ECDC have vehicles in their fleet in excess of 11m. I suggest you consult with the waste team regarding the vehicle specifications used. If the waste team are content with the vehicle, then the tracking is satisfactory.

Turning is suitable for domestic vehicles but I do not consider the turning provision sufficient for anything larger than a car. Given recent changes in lifestyles home deliveries (parcels and groceries) are becoming increasingly common so turning for modest delivery vehicles should be provided throughout.

- o Private road serving Plots 01-12 - The manoeuvre is reliant on the occupants of Plots 08 & 09 fully parking within their allotted space with zero encroachment onto the shared road. It also requires the body of the vehicle to overhang a footway which is a safety risk for passing pedestrians.

- o Private road serving Plots 17-24 - The turning requires a five-point turn which is only possible if all surrounding cars are parked very considerately. There is no margin for error. Realistically I would instead expect drivers to reverse the length of the private road onto the highway proposed for adoption.

- o Private road fronting Plots 34-36 - Turning is possible with a five-point turn but the vehicle body overhangs the opposing green space so no barrier (knee rail, hedging etc.) can be used to delineate the green space. While possible I would point out that wheels of turning vehicles may on occasion cross over the green spaces causing some damage to the landscape.

The above comments can be addressed with the inclusion of T shaped turning heads at the end of private roads.”

### **Local Highways Authority (following further amendments) - 3 March 2022**

States “Subject to the following comments and recommendations:

#### **Access**

There is an existing emergency access from the A142 to the adjacent development along the alignment of the proposed new road. This emergency access needs to be maintained and it should be re-aligned so that is it perpendicular to the new carriageway to allow for the construction of a vehicular crossover of the footway.

#### **Layout**

Broadly the layout for the proposed adoptable roads is acceptable. However, the turning head in the west of the site (which also provides access to Plots 31 and 32) has corner radii of 7.5m and 9m. CCC only accept curved kerbs on radii up to 12.5m and will not accept straight kerbs laid in segments to make up a corner radius. The applicant may find that they are unable to procure HB2 kerbs with 7.5m or 9m radii as they are usually supplied as 6m, 8m or 10m.

A 0.5m wide paved maintenance strip is needed to the north of the main east-west road. The submitted plans appear to show this as being grassed. However, this is a minor detail which can be addressed post planning.

Another detailed matter which can be considered post planning is the delineation of visitor parking. CCC will not adopt visitor parking bays so such proposed spaces should be separated from the carriageway by a BN kerb with 25mm upstand and be drained separately from the adoptable highway.

Turning areas have been shown at the ends of all private shared roads. However, such turning areas are not suitable for a modest sized delivery vehicles (see vehicle tracking comments below).

Parking for Plots 33 and 34 should be relocated as the current layout will result in a lengthy and continuous dropped kerb between the priority junction to the east and the start of the private shared space road to the west.

I note that the applicant has not included any bin collection points along the private roads as per my previous comments.

### Vehicle Tracking

The refuse vehicle which has been used for the vehicle tracking is small (7.9m long) and I do not believe it is reflective of the vehicle which would be used by ECDC Waste Team. I would advise that the applicant seek confirmation from the Waste Team regarding the specifications for the vehicle they use.

The tracking of the turning areas for a 7.2m panel van demonstrates that the manoeuvre is only possible with excessive turning. I would expect most drivers to instead reverse the long distance onto the highway proposed for adoption. I recommend that the applicant amend the design of the turning areas so that they are reflective of a more traditional turning head shape/size.

### Visibility

2.4m x 25m inter-vehicle visibility splays should also be demonstrated for the shared private accesses where they join the main east-west road proposed for adoption. Otherwise, the visibility demonstrated is acceptable.

### Surface Water Drainage

As previously stated, the LHA does not accept permeable paving as a suitable means of surface water drainage and additional measures are required at all interfaces of the adoptable highway and private roads/driveway to prevent private surface water discharging to the adoptable highway. This can comprise of surface water interception or appropriate gradients to achieve positive drainage. In the event that surface water from private impermeable areas drains to the highway proposed for adoption, such adoption may not be possible.

### Conclusion

I would like to invite the applicant to address the above comments. Please inform me when a response has been received so that I can provide further comment or recommend any relevant conditions.”

**Local Highways Authority (following further amendments) - 30 September 2021**  
States “Subject to the following comments and recommendations:

**Access** The main access is proposed to provide a connection to the adjacent development. For me to determine if this access is appropriate, the applicant should provide annotated geometries (see below for further detail) and inter-vehicle visibility splays of 2.4m x 25m. The applicant should also provide vehicle tracking of a large car entering and exiting the access at the same time (both directions). There is an existing emergency access from the A142 to the adjacent development along the alignment of the proposed new road. This emergency access needs to be maintained and it should be re-aligned so that it is perpendicular to the new carriageway. I have no comment relating to additional pedestrian access points.

**Layout** The submitted documents do not provide sufficient detail to allow me to determine if the proposed adoptable highway layout aligns with CCC’s specification. It would be beneficial if the applicant could provide details relating to highway geometry, noting that our standard requirements are as follows:

- Carriageway: 5.0m – 5.5m
- Footways: 2m

- Adoptable shared space streets: 6m with a 0.5m paved maintenance strip on either side
- Private shared space streets: 5m wide for the first 8m (minimum)
- Corner radii: 6m (unless otherwise required by vehicle tracking) All new housing estate roads should be self-enforcing of a 20mph design speed.

To achieve this, the carriageway centreline alignment should change at least every 80m, either vertically or horizontally. The straight stretch of road between Plot 12 and Plot 34 is not compliant with this requirement and the long straight alignment will allow for higher vehicle speeds. The four proposed private shared cul-de-sacs lack any turning areas. A turning head should be provided to allow domestic vehicles and a modest sized delivery vehicle (e.g. panel van) to turn around and re-enter the adoptable highway in a forward gear. The design of turning heads should be accompanied by vehicle tracking. Private driveways for Plots 02, 16, 25, 30 and 33 should be relocated so that they do not join the adoptable highway on the corner radius. Furthermore, parking for Plots 33 and 34 should be relocated as the current layout will result in a lengthy and continuous dropped kerb between the priority junction to the east and the start of the private shared space road to the west.

For waste collection along private roads, bin collection points should be placed at locations which do not obstruct either the private road or the adoptable highway to facilitate waste collection. ECDC waste team should confirm if they accept the proposed collection points but as a general guide, the applicant should in the first instance refer to Manual for Streets guidance regarding bin collection points.

#### Vehicle Tracking

I will require a vehicle tracking plan demonstrating that a refuse vehicle (to ECDC waste team specifications) can serve the entire site. The tracking should show that the refuse vehicle can turn in all proposed adoptable turning heads. Where possible the lengths of proposed adoptable highway approaching the shared private drives should be reduced as much as practicable, taking into account the point noted above. A plan showing vehicle tracking for a Fire Tender serving the entire site should be provided.

#### Visibility

The applicant should provide a plan demonstrating that suitable visibility within the layout and at the access to the adjacent site are achievable. A 2.4m x 25m inter\_vehicle visibility splay should be provided at all priority junctions where all land which falls within the visibility splay is included in the proposed adoptable area. The LHAs preference is for all land within the visibility splay to be paved. The visibility plan should also demonstrate that a 2m x 2m pedestrian splay is achievable each side of private driveways which front onto adoptable highway, measured to the nearside of the footway. Such splays will need to be maintained free from obstruction from at least a height of 0.6m.

Surface Water Drainage Permeable paving is proposed for private driveways and private shared roads. The LHA does not accept permeable paving as a suitable means of surface water drainage and additional measures (are required at all interfaces of adoptable highway / private road to prevent private surface water discharging to the adoptable highway. This can comprise of surface water interception of appropriate gradients to achieve positive drainage. In any event the

Preliminary Drainage Strategy indicates that infiltration is poor at this site meaning that the effectiveness of permeable paving is questionable.

The Drainage Strategy indicates that in some scenarios above ground flooding is likely to occur. The applicant should submit a plan showing the area of flooding to determine if such areas lie within the adoptable highway. Any exceedance routes should be shown, noting that it is not acceptable to route flood water from adoptable highway to private roads and it is not acceptable to route flood water via adoptable shared surface streets. It is unclear from the submitted plans if the swale which runs along the frontage of Plot 07 – 11 is for attenuation only or will act as a water conduit. If the swale is to be piped underneath the adoptable highway, it will need to be placed below formation and if under 1.2m depth, have 150mm concrete bed and surround. Highway drains will only be considered for adoption where they comply with the LHA's detailed requirements as outlined in CCC's Housing Estate Road Construction Specification and they only drain the adoptable highway. Other drains will need to be adopted by Anglian Water as surface water sewers.

Adoption Highway adoption will be agreed by means of a Section 38 Agreement of the Highways Act 1980. Adoption will only be considered for new highway where it complies with the requirements set out within Cambridgeshire County Council's Housing Estate Road Construction Specification.

The above comments are made on a without prejudice basis to any future S38 Agreement. Detailed engineering matters will be agreed during a Section 38 process. This includes but is not limited to construction specifications, highway surfacing, gradients, highway drainage and kerbing.

Should the applicant receive any approval I strongly advise that they do not carry out any construction for the adoptable highway until they have entered into a Section 38 with the Local Highway Authority to avoid any abortive construction work. The applicant should also be made aware that some matters of engineering detail can result in changes to the planning layout. Any future adoption cannot take place until the adjacent development is completed and accepted into adoption. All third-party adoptable drainage features for this site must first be adopted prior to any highway adoption taking place.

Below is a list of considerations specific to this application which may impact on the LHA's ability to adopt any highway.

- No fruit trees should be located within 5m of adoptable highway as when fruit falls it can become a slip hazard. Any tree located within 5m of adoptable highway should be planted within a tree pit with appropriate root protection so as not to undermine highway infrastructure.
- If the proposed linear swale is piped underneath the proposed adoptable highway, the highway can only be considered for adoption if the piped section is first adopted by Anglian Water or ECDC. Otherwise, it will be considered as private apparatus in the highway.

Conclusion I would like to invite the applicant to address the above comments. Please inform me when a response has been received so that I can provide further comment or recommend any relevant conditions.”

**ECDC Trees Team – 16 May 2022**

The proposed acoustic buffer/bund appears to be located within the root protection areas of the retained tree bordering Marroway Lane this could be potentially harmful to the trees as increasing the soil level over tree roots alters gaseous exchange and water percolation which can lead to root death. The dimensions of the bund and associated fence make it likely that the retained trees on Marroway Lane will also require some substantial pruning to allow room for the construction. No up to date Arboricultural Impact Assessment (AIA) has been submitted in support of this application and layout therefore the submission of an Arboricultural Method Statement that also details the method of construction for the bund in proximity to the retained trees should be provided this can be done via condition if the application is successful.

**ECDC Trees Team - 1 April 2022**

States "The revised soft landscaping scheme is acceptable and the Hedgerow and Woodland / Tree Management and Creation Scheme is generally acceptable though there is no mention with in it of any significant maintenance relating to the Willows being planted in particular those included with in the Thicket mix (Willow) which I would expect to require a form of cyclical maintenance/thinning such as pollarding or coppicing this would not only maintain the trees size and prevent the trees natural desire to laydown/fail so as to spread but would also aid in developing the habitat, as pollarding and coppicing creates deadwood habitat as well as holes and cavities with the trees developing veteran tree characteristics without the need for them to reach a great age. I would expect for example that coppicing and pollard creation begin around year 5 after planting with 20% of the Willows receiving this treatment in year five another 20% in year 6 etcetera and leaving 20% of the Willows being left untouched thus the pollarded/ coppiced trees entering into a 4year repeat pruning cycle. Other species of trees and shrubs could also be included in this cyclical pruning regime such as Hazel, Dog woods and Elder. This pruning would help to retain an understory within the planting areas so as to retain their screening capabilities and provide a mixture of habitats."

**ECDC Trees Team (following amendments) - 21 December 2021**

States "The SUDS area to the north of the site doesn't include any tree planting which is a missed opportunity as this area would be suitable for and benefit from the use of Willows trees that are native to the locality Crack Willow, White Willow, Goat Willow, Grey Willow and common Osier). The other attenuation pond to the south of the site could also benefit from planting Willows in its margin as this would soften the man-made appearance of the feature. Guidance for the design of SUDS states that SUDS including attenuation ponds should look to create new habitats enhancing nature conservation and amenity space. The use of native Willow trees should be considered as part of the design as they have an important ecological role that relates to their affiliation with wetlands such as found in fenland areas. Willows have a high wildlife value, providing rich habitat and food for a diverse range of organisms. There is evidence of up to 450 species of insect associated with Willows. Willows aid fast stabilization of chemically degraded land surfaces and the re-establishment of a biologically active soil can be achieved using Willow species, which possess the major requirements for plant survival in environmentally disrupted areas such as development sites.

Tolerance of soil chemical contamination is an important requirement for survival in many situations and Willow trees potential can be emphasized by the fact that, of the seven most important metal contaminants in soil, Willow has been reported to have tolerance to at least four (cadmium, copper, zinc, lead). Willows ability to sequester heavy metals and other contaminants in their root systems, halting their circulation within the environment, can be of great practical use when dealing with water runoff. Willows dense root system and high transpiration rates provide efficient control of soil water and high filtering capacity for pollutants, along with continuous growth of some species during the whole growing season, create an efficient dehydration plant that locks up the pollutants. The fast growth of willow can sequester more carbon than softwoods within a single growing season which could prove invaluable in the pursuit of being carbon neutral. The size of the tree can be easily managed by pollarding or coppicing. The cutting rotation cycle depends on species and growing conditions, and ranges from 3-5 years. Pollarding/Coppicing, minimizes wind damage, enhances branching appearance of willows and supports a higher density of breeding birds.

The use of Cherry trees in proximity to footpaths any roadways will necessitate the use of root barriers as these trees are well known for the damage their roots can cause to nearby hard surfaces. The tree planting pits should only be backfilled with the top soil compost mix so as to match the existing soil profile. Top soil and compost contain organic matter and if located below the correct depth the decomposition that occurs naturally can produce an anaerobic environment that is hostile/toxic to trees and plant roots effecting growth and establishment this can lead to the death of a tree. An example of a suitable specification for the tree planting such as follows would be more appropriate:

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

Backfill tree pit with subsoil up to ~400mm depth from ground surface and with topsoil above ~400mm depth from ground surface or to match the existing soil profiles. Watering 'dishes' to be created around the base of each tree, to hold water directly over rootball during watering 1m diameter mulched dish for Standard trees/3.0m in height or smaller Bare root, root ball or container multi-stem trees shall be single staked as a minimum double staked as required, fixed with suitable tree ties (biodegradable if available and suitable) Trees to be mulched with minimum 50mm settled depth, medium grade ornamental wood mulch

Planting to be undertaken in the first planting season (October to February) after completion of development activities.

The current British Standard that is relevant to planting operations that landscaping contractors should be complying with is BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations.

As part of the soft landscaping scheme a Hedgerow and Woodland/tree Management and Creation Scheme should be produced and submitted for approval. The Woodland

Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on the following:

- 1) The areas of woodland and hedgerows to be retained and/or enhanced;
- 2) Areas where new woodland planting including public open spaces planting and hedgerows will be established;
- 3) The methodology for the establishment of new areas of native woodland, public open spaces planting and hedgerows;
- 4) Management of existing and proposed woodland, public open spaces planting and hedgerows to enhance their amenity and ecological value;
- 5) Details of responsibility for the future management of the woodland areas, public open spaces and hedgerows.
- 6) Details to cover a period of no less than 20 years or until decommission of the development"

**Environmental Health (following amendments) - 22 April 2022**

States "Thank you for reconsulting us on the above application with regard to:

1. Plots 1 and 2 re-oriented in line with Plots 3 and 4;
2. Plots 11 and 12 re-oriented in line with Plots 9 and 10;
3. Noise Assessment updated to revision 3;
4. Emergency access now shown perpendicular to the site access with a vehicular crossover (the access itself is outside of the site boundary);
5. All turning heads amended with radii to reflect the Highways recommendation (e.g. 8m radii where previously 7.5m was proposed, etc);
6. 0.5m paved maintenance strip now shown to the north of the main access road;
7. Specification of visitor parking agreed - the details will be shown at postplanning stage;
8. Turning areas increased throughout the site with updated tracking demonstrating suitable manoeuvring for refuse vehicles and delivery vehicles;
9. Visibility splays now shown at interface between private drives and main east-west road;
10. Drainage strategy now specifies that porous paving surface falls must either fall away from the highway, or have an overflow positive drainage system such as a ACO channel at the private/highway interface to be included.

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

I have read V3.0 of the NIA dated March 2022 which concludes by stating -

"8.1.9 During the night-time, the majority of dwellings are also able to meet the Condition 13 internal guideline noise levels, with standard thermal double glazing and ventilation provided via an open window.

8.1.10 However, at four of the dwellings, internal levels within bedrooms overlooking the A142, will require mitigation measures in the form of an alternative means of ventilation, to allow windows to remain closed while achieving suitable ventilation.

8.1.11 For these bedroom areas, normal 4/16/4 glazing together with alternative ventilation, has been suggested in order to achieve the internal noise levels required by Condition 13 during the night-time.

8.1.12 It should be noted that of the affected dwellings, only the facades which overlook the A142 will require alternative ventilation, and bedrooms on the rear of these dwellings can still open windows while achieving the required noise levels."

These findings are the same as in the previous iterations and so my previous comments are still applicable -

"This is in line with national policy and guidance so I would not seek to object to this but I am aware that the LPA are unlikely to find this acceptable and will expect levels to be achieved with a partially open window."

I'd be happy to discuss this with you if necessary.

1. Re orientation of Plots 1 &2
2. Providing turning areas
3. Parking layout changed
4. Attenuation basin
5. Changes to plot elevations 3,4,13,14,17-20,27,28,33-36,1.2.21.22.31.32

I have read the revised NIA dated January 2022 and the findings are the same as in the previous iteration and so my previous comments are still applicable."

**Environmental Health (following amendments) - 21 March 2022**

States "I have read V3.0 of the NIA dated March 2022 which concludes by stating -

"8.1.9 During the night-time, the majority of dwellings are also able to meet the Condition 13 internal guideline noise levels, with standard thermal double glazing and ventilation provided via an open window.

8.1.10 However, at four of the dwellings, internal levels within bedrooms overlooking the A142, will require mitigation measures in the form of an alternative means of ventilation, to allow windows to remain closed while achieving suitable ventilation.

8.1.11 For these bedroom areas, normal 4/16/4 glazing together with alternative ventilation, has been suggested in order to achieve the internal noise levels required by Condition 13 during the night-time.

8.1.12 It should be noted that of the affected dwellings, only the facades which overlook the A142 will require alternative ventilation, and bedrooms on the rear of these dwellings can still open windows while achieving the required noise levels."

These findings are the same as in the previous iterations and so my previous comments are still applicable -

"This is in line with national policy and guidance so I would not seek to object to this but I am aware that the LPA are unlikely to find this acceptable and will expect levels to be achieved with a partially open window."

**Environmental Health (following further amendments) - 28 February 2022**

States "Thank you for reconsulting us on the above application with regard to:

1. Re orientation of Plots 1 &2

2. Providing turning areas
3. Parking layout changed
4. Attenuation basin
5. Changes to plot elevations 3,4,13,14,17-20,27,28,33-36,1.2.21.22.31.32

I have read the revised NIA dated January 2022 and the findings are the same as in the previous iteration and so my previous comments are still applicable.”

**Environmental Health - 1 September 2021**

States “I have read the NIA dated July 2021. The NIA relies on the following assumptions so if you have any issues with any of these it is likely that a revised NIA will be necessary -

" Proposed dwellings will be 8m high and comprise 2 storeys.

An open window provides approximately 15dB noise attenuation.

A 3m high noise barrier (i.e. 1m bund and 2m acoustic fence) will be constructed along the northern boundary of the site (as shown on Figure 01).

2.4m high wall/close bordered fence, around the garden areas of plots 1 to 6, and plots 37 to 40 (as shown on Figure 01)."

I have no issues to raise with external (garden) sound levels.

The report finds that at four of the dwellings, internal levels within bedrooms overlooking the A142, will require mitigation measures in the form of an alternative means of ventilation, to allow windows to remain closed while achieving suitable ventilation -

"6.2.3 The figures show the facades which require facade mitigation (labelled orange and red), in order to meet internal noise guideline levels for ground floor and first floor noise sensitive rooms (i.e. living rooms and bedrooms). The mitigation scheme is as follows:

Green facades - will meet internal noise guideline levels with standard thermal double glazing and ventilation provided by an open window.

Orange facades - 4/16/4 Glazing and Greenwood 5000EAW vent."

The report finds -

"7.1.8 During the daytime, all internal living areas are able to meet the Condition 13 internal noise levels, with standard thermal double glazing and ventilation provided via an open window.

7.1.9 During the night-time, the majority of dwellings are also able to meet the Condition 13 internal guideline noise levels, with standard thermal double glazing and ventilation provided via an open window.

7.1.10 However, at four of the dwellings, internal levels within bedrooms overlooking the A142, will require mitigation measures in the form of an alternative means of ventilation, to allow windows to remain closed while achieving suitable ventilation.

7.1.11 For these bedroom areas, normal 4/16/4 glazing together with alternative ventilation, has been suggested in order to achieve the internal noise levels required by Condition 13 during the night-time."

This is in line with national policy and guidance so I would not seek to object to this but I am aware that the LPA are unlikely to find this acceptable and will expect levels to be achieved with a partially open window”

**Lead Local Flood Authority (following amendments) - 19 May 2022**

States “While we previously had no objection in principle to the development proposals, we have concerns with revisions made to the previous drainage strategy. At present we now object to the grant of planning permission for the following reasons:

1. Hydraulic Calculations The offline attenuation basin area has not been accounted for within the most recent hydraulic calculations. The greenfield runoff rate calculations exclude this area, providing a conservative estimate of the allowable runoff rate for the proposals; however, as this basin attenuates water during the 1% and 1%+CC AEP events, this area will contribute runoff to the proposed drainage system during these events and should be included within the causeway flow calculations. As causeway flow calculations don’t include this contributing area, the pipe network and attenuation structures may be undersized and have insufficient capacity.

2. Discharge Rate The combined runoff rate for three flow control structures during the 1%+CC AEP event exceeds the maximum allowable greenfield runoff rate of 6.4 L/s.

3. Exceedance Flows Revised proposals show exceedance flows from the offline basin, and a large area of highways/adjoining impermeable area, to be directed to the drainage ditch along the eastern boundary. While this appears to be suitable, the exceedance flow plan shows this ditch to be bisected by property boundaries in several locations. It is unclear whether this ditch will be capable of conveying exceedance flows from the larger area or if the boundaries will obstruct flows.

4. Attenuation Capacity Our previous consultation letter noted discrepancies between illustrated areas and those modelled within the hydraulic calculations for one of the attenuation basins. While we had previously indicated that this could be addressed during the detailed design stage, there are now significant differences between the revised hydraulic calculations and illustrated basin areas and volumes. It is unclear whether the illustrated drainage layout will have sufficient capacity to manage runoff for the current site layout and the hydraulic calculations or drawings should be updated to match each other.”

**Lead Local Flood Authority (following amendments) - 12 May 2022**

States “as Lead Local Flood Authority (LLFA) we have no objection in principle to the Reserved Matters application for the proposed development for demolition of dilapidated farm buildings and erection of 40 dwellings, ancillary infrastructure, public open space and drainage infrastructure.

It’s noted that as a part of the previous outline planning approval granted on 1 March 2019 (ref: 18/00778/OUM), planning conditions were set, including condition 10 which relates to the provision of a detailed drainage strategy. A discharge of condition application will need to be submitted in due course, and once this has been submitted, we look forward to reviewing the detailed drainage strategy for the development.”

**Lead Local Flood Authority - 6 October 2021**

States “We have reviewed the following documents:

- Preliminary Drainage Strategy, Jackson Consulting Engineers, DR-REP-063, December 2020

- Proposed Drainage Strategy, Jackson Consulting Engineers, 063-JCE-00-SI-SK-C-9000, December 2020
- Proposed Impermeable Area Plan, Jackson Consulting Engineers, 063-JCE-00-SI-SK-C9010, December 2020
- Proposed Exceedance Routes, Jackson Consulting Engineers, 063-JCE-00-SI-SK-C-9020, December 2020
- Proposed MAP of Drainage Maintenance Features, Jackson Consulting Engineers, 063- JCE-00-SI-SK-C-9030, December 2020
- Existing Site Layout, Minster Property Group Ltd, 20022-0101-P02, July 2021
- Site Location Plan, Minster Property Group Ltd, 20022-0100-P02, July 2021
- Proposed Site Layout, Minster Property Group Ltd, 20022-0102-P02, July 2021

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the Reserved Matters application for the proposed development for demolition of dilapidated farm buildings and erection of 40 dwellings, ancillary infrastructure, public open space and drainage infrastructure.

It's noted that as a part of the previous outline planning approval granted on 1 March 2019 (ref: 18/00778/OUM), planning conditions were set, including condition 10 which relates to the provision of a detailed drainage strategy. A discharge of condition application will need to be submitted in due course, and once this has been submitted, we look forward to reviewing the detailed drainage strategy for the development.

**Designing Out Crime Officers - 23 March 2022**

States "Thank you for the opportunity to comment on this reserved matters application and the revised documents. I have reviewed the documents including the design and access statement (DAS) in relation to crime, disorder and the fear of crime. I have searched the constabulary crime and incident systems covering this location for the last 2 years. I would consider this to be an area of low risk to the vulnerability from crime at present.

Overall this new layout appears to be an acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other and or overlooking open space. Pedestrian and vehicle routes are aligned together, well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents. Most of the vehicle parking is in-curtilage between and to the sides of properties, many of the homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with some defensible space to their front.

I do have the following comments:

- Fencing - Plots 1-3 - the rear gardens for these properties backs onto a parking area for another development. I would recommend 300mm trellis be installed on top of the 1.8m fencing as an additional security measure.
- Lighting - It would be good to see an External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private, shared drives and parking areas should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care

should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.

- Sheds for Cycle storage gardens - What provision will be considered for cycle storage? The design problems that we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor or as a minimum sold secure gold ground anchors cemented into the floor. I would like to see a copy of the design for this structure when available.

- Pedestrian/cycle path - I note within the documentation that there will be a new footpath leading from the development into Field Close, Footpaths/Cycle paths should ideally be between 2 and 3 metres wide and straight with clear visibility, the drawings indicate that this will arc follow the line of the balancing pond, I would also like clarification that if there is any landscaping along this path that the tree crowns should be raised to 2m. The footpath should be lit by columns to BS5489-1:2020 and care should be taken not to place columns within 5m of trees to reduce conflict and damage, the plan also shows a footpath leading out from the development on to Marroway Lane, the same applies in relation to lighting.

I am supportive of the design and layout but clarification on the above comments would be appreciated. This has the potential to be a development where there is a strong commitment to community safety and reducing vulnerability to crime, I would encourage the applicant considers submitting a "Secured by Design" 2019 Homes application - this office would be pleased to work with them to attain this award."

**Designing Out Crime Officers (following amendments) - 27 August 2021**

States "Thank you for the opportunity to comment on the above Reserved Matters Application in regards to any concerns regarding community safety and vulnerability to crime with the proposed design and layout in my role as a designing out crime officer with Cambridgeshire Police.

The proposed layout should provide a good level of natural surveillance with pedestrian and vehicle routes aligned together, pedestrian safety has been considered, including surveillance across open space areas. Permeability is limited to essential areas/routes only, away from access to rear of properties and this will also (hopefully) provide high levels of territoriality amongst residents.

Vehicle parking is within curtilage to the front/sides of properties, allowing owners the ability to view their vehicles from inside their home from active windows.

I am happy to support the proposed design and layout for this development. Should the developer be considering a Secured by Design application I welcome the opportunity to work with them to ensure they receive a Gold accreditation standard.

No further comments at present"

**Housing Section (following amendments) - 4 April 2022**

States "The Strategic Housing Team has no further comment to make with regards to the amendments to the above application."

**Housing Section (following amendments) - 7 March 2022**

States "I have had a look at the housing mix submitted and I am happy that it will meet the housing needs of those in Witchford.

I note that the 2 and 3 bedroom houses are slightly below NDSS but both are within 10% of the recommendation levels Homes England suggest. Taking that into account and that we do not have a policy on Space Standards I wouldn't feel comfortable insisting that they meet this.

**Housing Section - 23 August 2021**

States "With regards to the above application I have noticed that the developer has not submitted a Design and Access statement with the Reserved Matters application or an affordable housing plan.

Could you please ask them to submit these so I am able to comment on the application.

**Technical Officer Access - 3 September 2021**

States "1) Shared surfaces between pedestrians and cars are not suitable for pedestrians, especially children, those in wheelchairs, people with learning difficulties, the visually impaired and guide dogs.

2) House type EE, drawing PO1, the flat block. The door to the toilet in the ground floor flat needs to open outwards for ease of usage and safety for someone in a wheelchair.

3) Without much information, it is difficult to tell what the level of street lighting is in this development, but there will need to be a good level of street lighting so blind and partially sighted people can navigate the development safely.

4) Again, without much information, it is difficult to know if there is provision for bins to be kept off pavements, but bins will need to have a designated area for collection that is not on pavements so vulnerable road users can navigate the site safely."

**Environment Agency - 24 March 2022**

States "There are no EA constraints associated with this site and we didn't comment on the outline. We therefore have no comments to make on the reserved matters."

**The Ely Group Of Internal Drainage Board - 22 March 2022**

States "This site is outside of the Littleport and Downham Internal Drainage District.

Providing the Lead Local Flood Authority has been consulted on this application and they approve the surface water scheme for the site, the Board will not have any objections."

**Parks And Open Space – 6 May 2022**

States "Parks and open Spaces comments on location of cycle and footpath next to awarded watercourse:

- The need to engineer a suitable cycle / footway path to enable heavy plant equipment to access and work from the path. The construction would need adoptable

roadway standard to be suitable, this would have huge costs, have greater environmental impact creating a massive carbon footprint.

- There is a need to spread the watercourse arisings, from the desilting across the brink and nearby grassed area. The arisings need to be left in situ to allow any wildlife that may have been removed during the process, to return to the water. The arisings need to be spread as thinly as possible to allow the grass to grow through the desilting as soon as possible. With a path near the watercourse this would not be possible.
- The maintenance for this watercourse needs to be carried out from the development side, there are properties for part of the length on the other side. Where there is open space, this has a complicated SuDS system, therefore we could not place the ditch arisings from the desilting on this area.
- For the cycle / footpath to be adopted by highways it would need to be lit, this could have an impact on wildlife living within the watercourse and the trees along side. ECDC would not wish to adopt a path in this location, due to the problems it would cause for maintenance. Therefore, its likely to go to a management company which rarely work after a few years.

#### **Building Control – 20 May 2022**

States “The sustainability report appears OK in principle. All proposed U-values are adequate, even with new regulations as of 15th June 2022. Design SAPs will be required before commencement. No adverse comments to make at this time.”

#### **Waste Team – 24 May 2022**

States “We don’t drive onto privately owned roads to collect refuse. For that reason, we would ask for 1 of 2 things for our side. Either that the bin collection points are moved up to the public highway for collections. Or for the developer to sign an indemnity agreement for the private roads, at which point we would be happy to drive on those locations.”

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

**Cambridgeshire County Council Education - No Comments Received**

**County Highways Transport Team - No Comments Received**

**Cambridge Ramblers Association - No Comments Received**

**Cambs Wildlife Trust - No Comments Received**

5.2 4 site notices were displayed near the site on 30<sup>th</sup> September 2021 and a press advert was published in the Cambridge Evening News on 26 August 2021.

5.3 **Neighbours** – 87 neighbouring properties were notified and 14 letters of objections were received and are summarised in the table below. A full copy of the responses is available on the Council’s website.

Date	Address	Comments
27/08/21	36 Field End	No need for more houses Loss of habitats overdevelopment
29/08/21	33 Granary End	Increase in traffic Use of the 2 <sup>nd</sup> entrance to the Bovis site Lack of public transport Lack of respect from the developers
29/08/21	41 Granta Close	Overlooking Loss of wildlife More planting required Surface water and flooding issues
03/09/21	29 Orton Drive	Disturbance from piling Loss of the permissive path Lack of amenities in the village Increase in traffic Drainage issues Infringe on light and privacy
13/09/21	20 Elm Close	Use of the access road from the Bovis site Noise and disturbance Noise barrier will not be enough
13/09/21	35 Granta Close	Overdevelopment Lack of amenities Lack of public transport Lack of employment opportunities Loss of wildlife Loss of footpath Drainage issues Noise and disturbance during construction
18/02/22	1a Field End	Lack of infrastructure Impact on the wildlife Loss of pathway Loss of countryside There are enough dwellings in Witchford
23/02/22	41 Granta Close	Overlooking Loss of wildlife More planting required Surface water and flooding issues
22/03/22	31 Cathedral Park View	Cycle path is not acceptable and does not accord with the Witchford Neighbourhood Plan
22/03/22	41 Granta Close	Overlooking Loss of wildlife Potential flood risk Loss of trees Noise and disturbance
19/04/22	36 Field End	Poor public transport Overdevelopment Destroying habitats Too much development in Witchford
25/04/22	33 Granary End	Noise and disturbance

Date	Address	Comments
		Central collection point for bins Access only from Bovis site Can the site not be accessed from the A142
12/05/22	41 Granta Close	Overlooking

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of Archaeological interest
COM 7	Transport impact
COM 8	Parking provision
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable Housing Provision

### 6.2 Witchford Neighbourhood Plan 2020

WNP WFDH1	Land north of Field End
WNP GI3	Development and biodiversity
WNP GI1	Public Rights of Way
WNP IC4	Flooding
WNP H1	Housing Mix
WNP H3	Housing Design

### 6.3 Supplementary Planning Documents

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

### 6.4 National Planning Policy Framework 2021

2	Achieving sustainable development
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities

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

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

7.1.1 The site has been subject of an approved outline planning application (Application reference 18/00778/OUM) and the Witchford Neighbourhood Plan policy allocates this site for residential development as part of policy WFD.H1.B. and states "Land is proposed for housing development off Marroway Lane for up to 40 homes. The following site-specific considerations and requirements will apply to reserved matter applications and any future applications on this site:

- The retention of landscape buffer between the village edge and the A142 as a way of maintaining separation.
- An identified need for streetscape improvements through tree planting.
- A requirement to set aside land for the delivery of a west-east pedestrian and cycle spine route from Marroway Lane to Common Road through the southern part of the site.
- Incorporation of a surface water drainage scheme for the site based on sustainable drainage principles and which delivers biodiversity benefits.
- Delivery of the section of the west-east pedestrian and cycle spine route from Marroway Lane eastward to Field End.

7.1.2 It is considered that the overriding principle of development is acceptable as there is an extant outline consent and is an allocation within the Witchford Neighbourhood Plan.

### 7.2 **Residential Amenity**

7.2.1 The site is adjacent to existing established residential development and it is considered that the following dwellings that could be affected by the proposal.

#### Neighbour's amenities

7.2.2 22 Marroway Lane is a single storey dwelling that shares a boundary with the site. This part of the site will be used for access and open space. The proposal is therefore not considered to detract from the neighbours amenities by way of overlooking; being overbearing; loss of light and privacy.

7.2.3 27b Granta Close is a single storey dwelling which rear boundary is shared with the maintenance area and permissive path. The nearest dwelling is the maisonettes plots 37 to 40. The maisonettes are approximately 10 metres (32.8 feet) from the boundary of number 27b with no windows overlooking the neighbouring property. It is considered that the proposal is unlikely to cause demonstrable harm to the

neighbours amenities by way of overlooking; being overbearing; loss of privacy and light.

- 7.2.4 29 Granta Close is a single storey dwelling which shares a boundary with the permissive footpath. The nearest plots are 35 and 36 which are to the boundary approximately 12 metres (40 feet) with the dwellings being 25 metres (82 feet) apart. Due to the distances, which meet the criteria set with the Design Guide SPD it is considered that the amenities of this neighbour would not be significantly harmed by way of overlooking; being overbearing; loss of privacy and light.
- 7.2.5 31 Granta Close is a single storey dwelling which shares a boundary with the permissive path. The nearest plots are 33 and 34. From the boundary the dwellings are 20 metres (65.6 feet), and back to back there is a distance of 34 metres. (111.5 feet). It is considered that the distances are in excess of the Design Guide SPD and the neighbour's amenities would not be adversely affected by the proposed development by way of overlooking; being overbearing; loss of light and privacy.
- 7.2.6 33 and 35 Granta Close are single storey dwellings which share a boundary with the permissive path and the end of the cul-de-sac. It is considered that the neighbour will not experience significant harm to their amenities by way of overlooking; being overbearing; loss of light and privacy.
- 7.2.7 37 Granta Close is a single storey dwelling with the closet dwelling to the north plot 32, side on with a distance of 20 metres (65.6 feet). A window at first floor is proposed in the south elevation which is to a bathroom. A condition can be applied to ensure no further windows are installed to ensure the amenities of the neighbour are maintained and a condition to ensure the window is fixed with obscure glazing. With the conditions in place it is considered that the neighbour's amenities can be maintained without causing overlooking; being overbearing; loss of light and privacy.
- 7.2.8 39 Granta Close is a single storey dwelling which shares a boundary with the permissive path and the gardens of plots 23 and 32. It is not considered that the amenities of the neighbours will be significantly affected and will be maintained.
- 7.2.9 41 Granta Close is a single storey dwelling and is a corner plot which shares a boundary with the permissive path, end of the cul-de-sac and Plots 22 and 23. Plot 22 faces number 41 Granta Close however is approximately 25 metres (82 feet) from the proposed dwelling. This is in excess of the 20 metres required as part of the Design Guide SPD. Plot 23 at its nearest point is 17 metres (55.7 feet), however this sits side on to Number 41. It is considered that the appropriate use of conditions restricting windows and obscure glazing to the side bathroom window will not cause demonstrable harm to the neighbours.
- 7.2.10 38 Granta Close is a single storey dwelling which shares a boundary with the permissive path. There is a 10 metre (32.8 feet) gap between this property and plot 22 with established planting to the boundary. It is considered the amenities of the neighbours can be maintained.
- 7.2.11 The proposed layout ensures that the amenities of the adjoining neighbours are maintained and will not cause demonstrable harm by way of overlooking; being

overbearing; loss of light or privacy. Clearly the view of these neighbours will be affected and will no longer see an open field, however it has been designed to meet the standards set with the Councils adopted Design Guide and as such is considered to comply with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015. Furthermore, loss of views is not a material planning consideration and therefore any such impacts cannot be considered as part of the determination of this application.

### Noise

- 7.2.12 Concerns have been raised with regard to the noise and disturbance from the construction of the 40 dwellings. The noise and disturbance will be limited during construction and is temporary. There are conditions on the outline consent (18/00778/OUM) which restrict the working hours of the site (condition 9) as well as the requirement for the submission of a CEMP (Construction Environmental Management Plan) which can address these issues. (condition 8) These are managed by the Developer however if these are not complied with; can be enforced against by the Local Planning Authority if a breach is found. It is considered that the site can be effectively managed to minimise the disturbance during construction. On this basis the proposal is not considered to cause long term demonstrable harm to the neighbour amenities in accordance with policies ENV2 and ENV9 of the East Cambridgeshire District Council Local Plan 2015.
- 7.2.13 As part of the development there is a requirement for a noise barrier and this is shown as an acoustic fence approximately 2.4 metres high (7.8 feet) sat on top of a 3-metre-high bund (9.8 feet). A neighbour has raised a concern that this will not be an effective way of managing the noise from the A142. The application was supported by a Noise Impact Assessment as required by condition 13 of the approved outline consent (18/00778/OUM) this was subsequently assessed by the Environmental Health Officer. Whilst 4 plots would exceed the night time level and will require alternative forms of ventilation this has been considered as acceptable by the Environmental Health Officer.
- 7.2.14 With consideration given to the minor extent and level of external noise exceedance; the fact that the site has outline planning permission for up to 40 dwellings; the substantial benefits of the proposed development in providing a significant provision of affordable housing; and also as reasonable amendments have been made to the proposed development during the course of this application to minimise the noise impacts from the roads as far as is considered to be practically possible; it is considered that the minor level of harm in respect of external noise impacts would not outweigh other material planning considerations (outline planning permission) or the overall benefits of the proposed development (primarily the strong likelihood of the development being brought forwards as 100% affordable housing). It is considered that these material planning considerations outweigh the minor conflict with policy ENV 2 of the Local Plan in respect of residential amenity impacts.

### Future Occupiers amenities

- 7.2.15 The amenities of the future occupiers are considered to meet the guidelines set out within the Design Guide SPD.
- All of the gardens meet the prescribed 50 square metres (538 square feet).
  - The back to back distances of the dwellings exceeds 20 metres (65 feet)

- The distances from existing dwellings to the proposed dwellings follows the Design Guide SPD
- Not all of the plots comply with the 300 square metres (984 square feet), however all of the garden space exceeds 2/3 of the overall plot size, therefore enabling adequate space in and around the dwellings.

7.2.16 It is considered that the proposal will ensure the amenities of future occupiers by way of ensuring no direct overlooking; being overbearing; loss of privacy and light in accordance with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015.

7.2.17 On balance the proposal is considered to meet the requirements of the East Cambridgeshire District Council Local Plan 2015. Whilst there is a loss of view this is not a planning consideration and the adjoining neighbour's amenities can be managed during construction and maintained upon completion of the dwellings. Whilst 4 of the dwellings will not meet the Environmental Health Officer noise standards, this is a small number of dwellings and it is considered that the proposal is acceptable with regard to noise from the A142 on future occupiers. On this basis the proposal is considered to comply with policies ENV2 and ENV9 of the East Cambridgeshire District Council Local Plan 2015 and policy WNP H3 of the Witchford Neighbourhood Plan

### **7.3 Visual Amenity**

7.3.1 The development proposes 7 different types of dwellings, ranging in height, styles and different combination of materials. The heights range from 10 metres (32.8) to 8.9 metres (29.1) and all of the dwellings are semi detached although there are 4 maisonettes. There are a mix of roof types including hipped and gable which are representative in the local area and examples of this mix can be seen along Field End to the rear of the application site.

#### *Heights*

7.3.2 Having assessed the adjoining developments and their respective roof heights, the proposed mix of heights is not dissimilar to the adjoining development along Field End which has heights of 7.5 metres (24.6 feet) and 7.9 metres (25.9 feet). The adjoining development on the Bovis site there are dwellings ranging in heights 8.8 metres (28.8 feet) and 10.2 metres (33.5 feet). In comparison with the proposed site the heights are comparable and in keeping with the character of the area.

#### *Materials*

7.3.3 There is a proposed mix of materials, however these have not detailed exactly and as such will require a condition detailing these. The proposed mix of terracotta and slate roof tiles, are seen along Field End is considered acceptable based upon the adjoining development, although full details will be required. The mix of buff and render materials, again is representative in the area particularly along Field End.

#### *Design*

7.3.4 The design of the dwellings is simple with a mix of materials sympathetic to the character of the area. There are details to the brickwork, such details above the windows and porches that add interest. There is a use of symmetry across the

design of the dwellings which keeps the proposal as a comprehensive identifiable good quality development.

- 7.3.5 The development provides space around all of the dwellings giving each dwelling identifiable front garden space and enclosed rear gardens for amenity. There is planting to soften the appearance and to add interest to the overall development.
- 7.3.6 Each plot has a cycle store, however the full details of these has not been provided. However, a condition can be applied to require these details prior to first occupation of the dwellings.
- 7.3.7 *Acoustic Fence*  
As part of the development there is a requirement for a bund and fencing above it, in order to address noise from the A142. The adjoining site has an acoustic fence proposed where the Bovis site is being developed. This application proposes the mix of a bund and fencing. Whilst this is not characteristic in a rural area, the bund would be planted with hedging also to the lowest point of the bund. The provision of the bund and acoustic fencing will act as a noise barrier and with the provision of planting this will assimilate into its surroundings over time.
- 7.3.8 The National Design Guide SPD, seeks to secure good design and address 10 key aspects; context; identity; built form; movement; nature; public spaces; uses; homes and buildings; resources and lifespan.
- Context*
- 7.3.9 The context of the site is predominantly modern development on the edge of an existing village. The proposal has taken steers from existing developments to ensure that the development sits well into its surroundings.
- Identity*
- 7.3.10 The identity of the development offers a variation in heights and materials used on the roofs to give interest in the locality. These are also similar to existing developments.
- Built form and movement*
- 7.3.11 The built form enables cyclists and pedestrians to traverse within the site safely and to access existing routes to the village centre. The site plan shows an identified street plan which will identify this as its own development.
- Nature*
- 7.3.12 The proposals seek to maintain the Award ditch and the vegetation adjacent to it which will ensure the impact on the wildlife and ecology of this area is limited. There is a condition on the outline application that requires biodiversity improvements.
- Public space*
- 7.3.13 There is public space to the north and south of the site and the layout of the development ensures these spaces are all overlooked. These areas are considered to be safe and secure.

### *Uses*

- 7.3.14 There is only one use on this site which is purely residential and that permission was granted in 2018 under the outline planning permission. However, the development is for 100% affordable housing and provides a mix of dwellings of 1 bed; 2 bed; 3 bed and 4 bed roomed dwellings.

### *Homes and buildings*

- 7.3.15 The layout provides for public interaction and each dwelling having its own defensible space. The dwellings provide a good quality of accommodation and supported by the Councils Housing Manager.

### *Resources*

- 7.3.16 The proposal is supported by an Energy and Sustainable Assessment and in consultation with Building Control, what is proposed meets the current and forthcoming standards from 15<sup>th</sup> June 2022.

### *Lifespan*

- 7.3.17 The dwellings whilst are set layout there is scope for internal changes as required to meet the needs of the future occupants.

The overall design is considered to meet with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015; and policies H1 and H3 of the Witchford Neighbourhood Plan and the design principles within the Design Guide SPD and the National Design Guide.

## **7.4 Historic Environment**

- 7.4.1 The site is required to undertake a programme of archaeological work and is conditioned as part of the outline consent, condition 6. No details have yet been submitted as part of a discharge of condition, but this will need to be submitted and approved prior to the commencement of development. The proposal therefore complies with policy ENV14 of the East Cambridgeshire District Council Local Plan 2015.

## **7.5 Highway Safety and Parking Provision.**

- 7.5.1 Policy COM 7 of the Local Plan requires development to be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location, and to maximise opportunities for increased permeability and connectivity to existing networks. Furthermore, policy COM7 requires development proposals to:

- a. Provide safe and convenient access to the highway network.
- b. Provide a comprehensive network of routes giving priority for walking and cycling.
- c. Protect existing rights of way or allow for agreed diversions in exceptional circumstances.
- d. Consider the travel and transport needs of people with disabilities.
- e. Accommodate the efficient delivery of goods, supplies and services.
- f. 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.

- g. Be accompanied by a Transport Statement where appropriate; or if the proposals are likely to result in significant transport implications, be accompanied by a Transport Assessment. The coverage and detail of this should reflect the scale of development and the extent of the transport implications.
- h. Be accompanied by a Travel Plan for residential and non-residential developments that are likely to generate significant amounts of traffic; and
- i. Within (g) and (h) indicate any steps to mitigate impacts relating to noise, pollution, amenity, health, safety and traffic.

7.5.2 The proposed dwellings are accessed from the development currently under construction referred to as the 'Bovis site' (18/00782/RMM). The Local Highway Authority have not raised any concerns with this link and the access fully accords with highway safety standards. The site layout has been amended to address the concerns raised by the Local Highway Authority and these concerns have now been met. This includes providing turning areas at the end of cul-de-sacs and improved parking layout.

7.5.3 Policy COM8 of the Local Plan requires proposals to provide sufficient car parking. The proposed development would provide 80 car parking spaces; 4 dwellings are 1-bedroom apartments. The apartments have 1 car parking space each and there are 4 visitor parking spaces across the site. It is considered that the proposal provides adequate car parking along with cycle storage for each plot, in accordance with Policy COM8 of the Local Plan, 2015.

#### Waste collection

7.5.4 The Local Highway Authority have raised a concern with regard to the accessibility of the waste carts. In consultation with the Council's waste team they have raised no objections but would require bins either to be located on the public highway or if it is private road the developer can sign an indemnity to allow the waste team to collect from the private road. On this basis the proposal is considered to meet COM7 of the East Cambridgeshire District Council Local Plan 2015.

7.5.5 A Travel Plan is required as part of condition 14 of the outline planning consent as follows: *"Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport to be agreed in writing by the Local Planning Authority. This Residential Welcome Pack shall include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site."* This would seek to encourage new occupants to use alternative methods of transport. Each plot is also provided with a cycle store in the rear garden.

#### Foot/CyclePath

7.5.6 Witchford Parish Council have objected to the proposal on the basis that the cycleway is proposed to the north of the site; whereas the Witchford Neighbourhood Plan requires the cycle path is located to the south. The southern part of the site is adjacent to an Award ditch; managed by the Council's Parks and Open Spaces Team and they have raised concerns with having a cycleway adjacent to an Award ditch. Essentially having the cycle way running along this ditch raises a number of concerns:

- Health and safety having a ditch adjacent to a cycle path

- The cycle path would need to be hard standing and would restrict maintenance of the ditch.
- The cycle path would need to be lit and this would be to the detriment of the wildlife.

In discussion with the Parks Team, it was considered that the alternative northern cycle route was preferable as it would not interfere with the maintenance of the ditch. It is a requirement that there is an area of maintenance between the proposal and the ditch which can be provided.

7.5.7 It is considered this maintenance area would still enable the public to access this part of the site. The benefits of the northern route also ensure that there are linkages with the adjoining Bovis development, whilst still enabling connections with Field End. It is considered that the site will provide a footpath/cyclepath to the north as well as an access along the southern boundary. It is considered that whilst it is contrary to the Neighbourhood Plan, a cycleway is still being provided while retaining the permissive path to the south. On this basis the Local Planning Authority raises no objection to this proposal.

7.5.8 On balance, due to the concerns of locating the footpath/cycleway close to an Award ditch to the south, however, the alternative location is acceptable and would still provide the necessary links to enhance the proposed development. The proposal therefore complies with Policies COM7 and COM8 of the East Cambridgeshire Local Plan, 2015.

## 7.6 Ecology and trees

7.6.1 To the south of the site is an Award ditch which has ecological value and development should be avoided in close proximity to this area in order to support the existing habitat. By maintaining a maintenance area adjacent to the Award ditch and siting the houses further away will ensure this habitat is maintained.

7.6.2 Developments are sought to provide a net gain in biodiversity and there is a condition on the outline consent that seeks a biodiversity scheme in order to achieve this. It is considered that the scheme can deliver a net increase in biodiversity in accordance with policy ENV7 of the East Cambridgeshire District Council Local Plan 2015, the Natural Environment SPD, and policy G13 of the Witchford Neighbourhood Plan.

7.6.3 In consultation with the Tree Officer no objections to the scheme have been raised in relation to Trees. Conditions are required with regard to AIA (Arboricultural Impact Assessment) and AMS (Arboricultural Method Statement) which can be conditioned prior to the commencement of development.

7.6.4 The proposed landscaping scheme provides additional planting and hedging which will also add to the ecological value of the site. Hedging is proposed within the site and to the boundary with the A142. Other trees and planting are shown within the site. It is considered the proposal can comply with policies ENV1, ENV7 of the East Cambridgeshire Local Plan 2015, the Natural Environment SPD, and policy G13 of the Witchford Neighbourhood Plan.

## **7.7 Flood Risk and Drainage**

- 7.7.1 The proposal had been supported by the LLFA, until 19<sup>th</sup> May 2022, however comments received on that day raised some concerns with the proposed drainage details. Condition 10 on the approved outline planning consent 18/00778/OUM requires that this information is submitted by way of condition. Therefore, the drainage issues can be dealt with via a discharge of condition secured as part of the outline permission. On this basis the proposal complies with policy ENV8 of the East Cambridgeshire District Council Local Plan 2015 and the Flood and Water SPD.

## **7.8 Other Material Matters**

### *Fire Hydrants*

- 7.8.1 The Fire Service have requested that details of a fire hydrant are provided prior to first occupation, this has been addressed as part of the Outline planning permission, condition 7. (18/00778/OUM). On this basis this condition will not be required as part of the Reserved Matters Application.

### *Contamination*

- 7.8.2 The outline planning consent (18/00778/OUM) addresses contamination and the need for a report in condition 11.

### *Energy & Sustainability*

- 7.8.3 The application is supported by an Energy and Sustainability Statement as per condition 4 of the outline planning permission. It has been assessed by Building Control as being acceptable to meet current standards and those coming in on 15<sup>th</sup> June 2022. The proposal therefore complies with Policy ENV4 of the Local Plan and the Climate Change SPD.

### *Public Open Space (POS)*

- 7.8.4 The S106 legal agreement attached to the outline consent, under Schedule 2, part 3 secures public open space and requires the layout out of the POS to be agreed with the Council prior to the commencement of development. The proposal therefore complies with Policies GROWTH3 and ENV2 of the Local Plan, 2015. there is reference to the laying out of the public open space. The S106 requires that the laying out of the POS is agreed with the Council prior to the commencement of development.

### *Affordable Housing Provision*

- 7.8.5 The S106 legal agreement under Schedule 2, Part 4 secures the delivery of affordable housing provision and this should be agreed prior to the commencement of development. The scheme provides 100% affordable housing and is acceptable to the Council's Housing Strategy Officer, in accordance with Policy HOU3 of the Local Plan, 2015

## **7.9 Planning Balance**

- 7.9.1 The site provides a scheme of 100% affordable housing. The proposal vastly increases the affordable housing stock within the district which is greatly needed. It

is considered that this a material consideration in the determination of the application.

- 7.9.2 The scheme is considered to ensure that highway safety is maintained, a safe access can be achieved, as well as adequate car and cycle parking can be provided to serve the proposed development.
- 7.9.3 The proposed design and layout of the scheme maintains the character of the area whilst providing simple designs and soft and hard landscaping. It is considered to accord with the Local Plan policies, the Witchford Neighbourhood Plan, the Design Guide SPD, the NPPF, and the National Design Guide. The layout ensures that the neighbours' amenities are maintained. Conditions are recommended to ensure no additional windows are inserted and that specific windows are obscurely glazed, to prevent any further over-looking.
- 7.9.4 The scheme does not deliver the cycleway/foot path in the location desired by the Parish Council in the Witchford Neighbourhood Plan, however it is still being provided to the North of the site and does not affect the connectivity of the site with the rest of Witchford. There is clear evidence why the cycle path cannot be provided at the location, due to the concern of its proximity to an Award ditch, and as such is not considered to be a reason to refuse the scheme. On this basis the proposal, on balance, is considered to be acceptable and is recommended for approval.

## 8 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:
1. Outline planning permission exists for the site
  2. The site provides 100% affordable housing
  3. No objections have been raised from any of the Technical Consultees
  4. A footpath/cycle way is being provided to the North of the site to ensure connectivity.

## 9 APPENDICES

- 9.1 Recommended Conditions  
9.2 Committee Report 18/00778/OUM

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
21/01136/RMM	Toni Hylton Room No. 011 The Grange	Toni Hylton Senior Planning Officer 01353 665555
18/00778/OUM	Ely	toni.hylton@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>

Witchford Neighbourhood Plan

<https://www.eastcambs.gov.uk/local-development-framework/witchford-neighbourhood-plan>

APPENDIX 1 - 21/01136/RMM Conditions

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

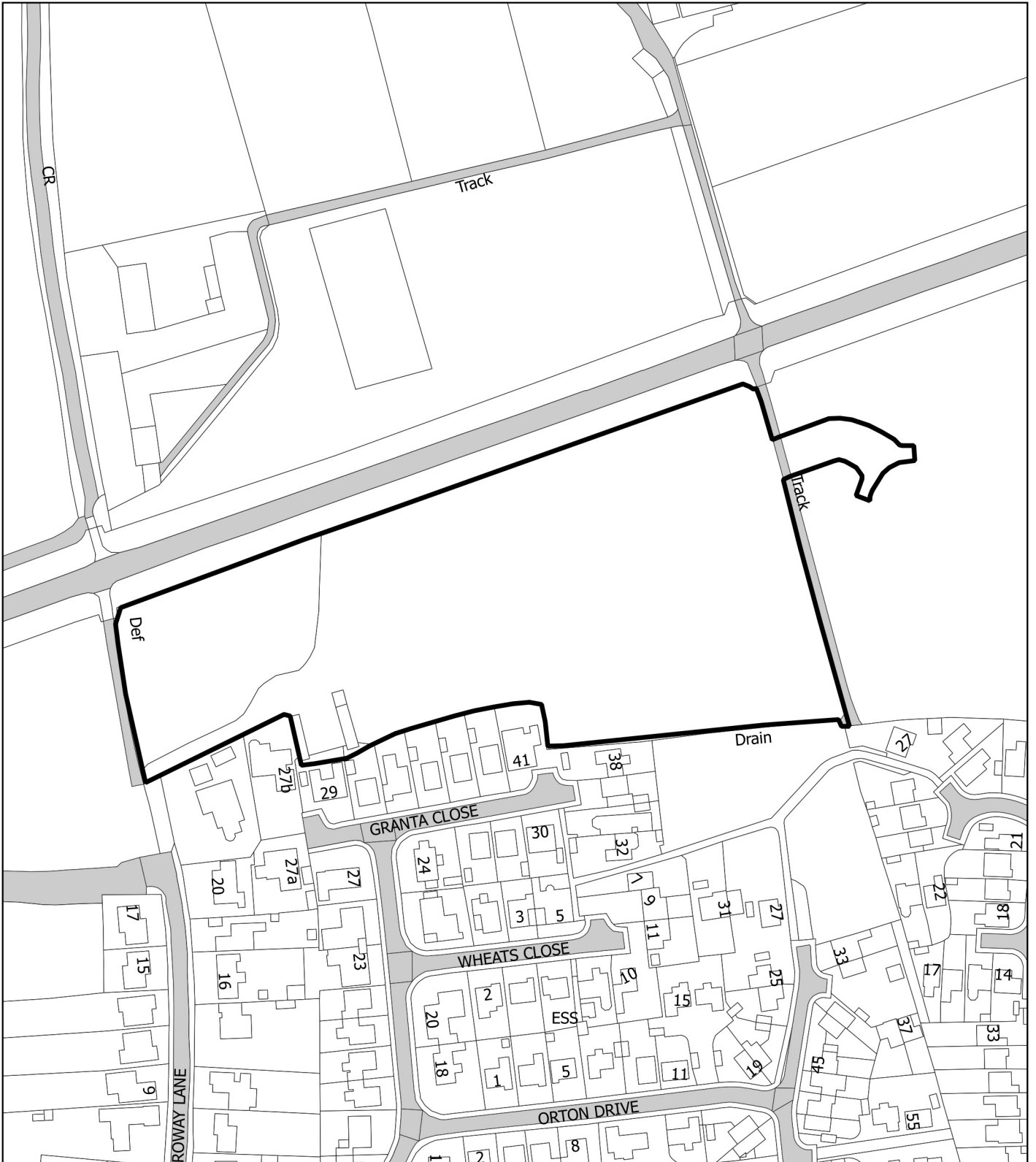
Plan Reference	Version No	Date Received
0102	P12	23 May 2022
0103	P06	23 May 2022
Topo-01-2D		19 August 2021
Energy & Sustainability rev 1		8 February 2022
Noise Assessment Report v3		11 March 2022
0104	P01	19 August 2021
Hedgerow and woodland tree management and creation scheme	V4	24 May 2022
Arboricultural Assessment		8 February 2022
MWL – 001	04	24 May 2022
Preliminary Drainage Strategy rev	02	11 March 2022
063-JCE-00-SI-SK-C -9000	P03	23 May 2022
063-JCE-00-SI-SK-C -9010	P03	23 May 2022
063-JCE-00-SI-SK-C -9020	P03	23 May 2022
063-JCE-00-SI-SK-C -9030	P03	23 May 2022
063-JCE-00-SI-SK-C - 8040	P01	11 March 2022
063-JCE-00-SI-SK-C - 8041	P01	11 March 2022
063-JCE-00-SI-SK-C - 8042	P01	11 March 2022
063-JCE-00-SI-SK-C - 8043	P01	11 March 2022
063-JCE-00-SI-SK-C - 8044	P01	11 March 2022
063-JCE-00-SI-SK-C - 8045	P01	11 March 2022
0400	P03	11 March 2022
0200	P02	8 February 2022
0201	P01	8 February 2022
0202	P02	8 February 2022
0203	P02	8 February 2022
0204	P02	8 February 2022
0205	P01	8 February 2022
0206	P01	24 May 2022
0207	P01	8 February 2022

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

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 0102 P10; in writing by the Local Planning Authority.
- 4 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to first occupation or commencement of use details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development, by the applicant or a private management company, until such time as an Agreement has been entered into onto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 No development shall take place until a detailed Arboricultural Impact Assessment (AIA) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.
- 7 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.

- 8 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 8 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 9 The first floor windows in the following plots of the development, hereby approved:  
37 – 40, 32, 23, 22 the south facing elevation  
36 the west facing elevation  
31, 24, 17 the north facing elevation  
shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the following plots  
37 – 40, 32, 23, 22 (south facing elevation)  
36 (west facing elevation)  
31, 24, 17 (north facing elevation) without the prior written consent of the Local Planning Authority.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015
- 11 No above ground works shall take place until details of the cycle stores have been submitted and agreed in writing by the Local Planning Authority. The cycle stores shall be erected prior to first occupation and maintained in perpetuity.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 12 All soft and hard; landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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 first occupation of the dwellings hereby approved.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



18/00778/OUM

Land North of  
22 Marroway Lane  
Witchford



East Cambridgeshire  
District Council

Date: 17/08/2018  
Scale: 1:2,000



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**MAIN CASE**

**Reference No:** 18/00778/OUM

**Proposal:** Outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.

**Site Address:** Land North Of 22 Marroway Lane Witchford Cambridgeshire

**Applicant:** Gladman Developments

**Case Officer:** Andrew Phillips, Senior Planning Officer

**Parish:** Witchford

**Ward:** Haddenham  
Ward Councillor/s: Councillor Steve Cheetham  
Councillor Mark Hugo  
Councillor Stuart Smith

**Date Received:** 8 June 2018      **Expiry Date:** 7 September 2018  
[T84]

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**RECOMMENDATION**

1.1 Members are recommended to delegate approval of this application to the Planning Manager subject to the recommended conditions below that can read in full within Appendix 1 (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement:

- 1 Approved Plans
- 2 Outline Permission
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Sustainable development -General Outline
- 5 Biodiversity Improvements
- 6 Archaeological Investigation
- 7 Fire Hydrants
- 8 Construction Environmental Management Plan (CEMP)
- 9 Construction times/deliveries
- 10 Surface water drainage scheme
- 11 Potential Contamination Investigation
- 12 Unexpected contamination
- 13 Noise mitigation
- 14 Travel Plan
- 15 Footpath link
- 16 Foul Water

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal is an outline application with all matters reserved for up to 40 dwellings, though the details submitted demonstrate that an access onto Field End is desired. The previous application (16/01136/OUM), which will be heard at an appeal hearing on 18 September 2018, was for up to 55 dwellings.
- 2.2 The application is brought before Planning Committee, as the previous application was determined (refused) by members and this application is recommended for approval.
- 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.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1
- |              |   |                        |            |
|--------------|---|------------------------|------------|
| 16/01136/OUM | Outline planning permission for demolition of existing dilapidated farm buildings and erection of up to 55 residential dwellings (including 30% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water attenuation and associated ancillary works. All matters to be reserved. | Refused (at appeal)    | 07.07.2017 |
| 18/00782/RMM | Reserved matters for 128 dwellings.   | Still being determined |            |

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The main section of the site is located between Granta Close/Orton Drove public open space (to the south) and the A142 (to the north). The western boundary is the Public Right of Way that links onto Marrowway Lane and to the east is the boundary with the outline consent (which the access runs through) of 15/01100/VARM. A mixture of trees and other vegetation are located on all the boundaries, though the biggest gaps are along the northern boundary.

## 5.0 RESPONSES FROM CONSULTEES

- 5.1 The full responses are available on the Council's web site.

Witchford Parish Council – (11 July 2018) It does not object but seeks amendments to make it acceptable.

East Cambridgeshire District Council must ensure best practice is maintained in regards to noise and air pollution (including housing design).

Questions if road traffic increase on the A142 is accurate and why does air pollution forecast only go to 2023?

It questions why the noise assessment was not measured during the hours of 9:30 – 14:00?

Planning conditions will need to make it clear who is responsible for the future maintenance of the noise mitigation measures.

It supports the line of the proposed footpath/cycle link shown connecting the south west corner.

It seeks to retain the permissive path along the southern edge of the site.

It objects to any proposal to elevate the site on the following grounds:

- Overlooking and adversely affecting existing neighbours.
- Detrimental impact on noise mitigation measures.
- Detrimental impact of increased lorry movements.

Requests that this is dealt with by condition.

Cambridgeshire Fire and Rescue Service – (13 July 2018) Seeks a condition or S106 to provide fire hydrants.

Transport Assessment Team – (29 June 2018) It does not object subject that prior to first occupation a footway connection is provided from the site to the existing footway between Granta Close and Field End, as well as a condition to require Residential Welcome Pack (including six one day travel vouchers for relevant local public transport).

East Cambridgeshire Access Group – (27 June 2018) Seeks

“A firm, level and slip resistant path would be required through the woodland/bund area.”

Seeks to comment when more information is provided.

Campaign to Protect Rural England – (9 July 2018) It objects to the proposal on the grounds of:

- Outside of the village envelope.
- Seeks to maintain the green wedge between village and by-pass.
- Development should be focused in Ely, Littleport and Soham.
- Loss of good agricultural land.
- Concern that the proposed dwellings will suffer from air pollution caused by vehicles along the A142. The UK Government has been prosecuted three times for failing to control air pollution nationally and highlights recent reports into this matter.

- Noise report is out of date, as the road is now topped with 'chip and tar' and is therefore concerned with noise pollution from the road.
- Does not believe the reduction from up to 55 to up to 40 will overcome the issues of air and noise pollution.
- Application should be assessed on its own merits, despite approval of 128 dwellings being approved adjacent to the site.

Crime Prevention Design Team (Estates) – (28 June 2018) The Police Force considers this area to be at low vulnerability to the risk of crime.

Will seek to comment on the reserved matters application in order to provide a full assessment and is happy to discuss the proposal with the developer.

Littleport and Downham Internal Drainage Board – (28 June 2018) States:

“Surface water from this site will discharge into East Cambs District Council Award Ditch, which outfalls into the Board’s Catchwater system. This Catchwater is at full capacity and cannot accept any increase in flows.”

With SuDS on site it has no objection as long as it is approved by the Lead Local Flood Authority. In addition long term maintenance must be secured.

Lead Local Flood Authority – (11 July 2018) It objects to the proposal as the developer has not demonstrated greenfield run off and 5 liters per second is double the allowed drainage rate.

(25 July 2018) Since previous response it has been in discussion with the developer and confirms that have no objection in principle in regards to the report 'Flood Risk Assessment and Outline Drainage Strategy, Ref: FRA 15 1109, The LK consult Ltd Dated May 2018.

It requests a surface water drainage condition

Cambridgeshire Archaeology (Historic Environment Team) – (4 July 2018) Provides detailed explanation that the area is in area of high archaeological potential and requests a recommencement condition.

Cambridgeshire County Council Growth and Development – (13 July 2018) Comments that the education system in the area is at capacity or very near capacity. Seeks £204,350 towards Early Years, £653,920 towards Primary, £246, 670 towards Secondary and £2,892 towards Libraries.

(15 August 2018) County states it cannot justify Early Years or Primary, but is still seeking Secondary and libraries.

Tree Officer – (19 July 2018) Does not formally object as the protected trees have a limit to their useful life expectancy. Support is based upon securing a successful landscaping provision to mitigate the impact upon existing trees.

Recommends a Landscape Architect is consulted but makes the following points:

- A wider buffer between proposed houses and A142 represent an improvement from the previous proposal.

- A wider buffer is in keeping with the landscape schemes through West of Ely, which should be emulated.
- Indicative layout offers minimal provision of space adjacent to Ash Trees (TPO) and may prove unsuccessful.
- Minimal opportunity for viable open space within the residential areas of the development.

Waste Strategy (ECDC) – (22 June 2018) East Cambs will not enter private property to collect waste/recycling and it is for residents to bring these to the public highway. Proposal should be designed in accordance with RECAP Waste Management Design Guide.

Provides standard information on the provision of bins.

Environmental Health – (24 July 2018) States:

- That the Planning Inspectorate on the adjacent site agreed that windows should not have to be closed to achieve reasonable internal noise levels.
- To overcome the Inspector's concern the developer has moved the dwellings always from the A142 to form a greater buffer zone and providing a 3.1m high bund/fence.
- With the resurfacing of the road the developer may want the acoustic consultant to re check the noise measurements.
- Daytime noise levels internally and externally are just acceptable. With 8 properties on the borderline of acceptability.
- These 8 properties will not meet the night time noise requirements and not comply with the result of the adjacent appeal. These properties will either need alternative ventilation or design changes made.
- Seeks a condition requiring a Construction Environmental Management Plan.

(16 August 2018) The developer has confirmed that they made an error in their report. Further states:

“Therefore, the correct interpretation that the acoustic consultant has now confirmed is that there will be no bedrooms on the facades where noise levels exceed 45dB LAeq or 60 dB LA max,f.

This removes my concern as my response was exactly that and the extension of the buffer zone and re-orientation of the 8 dwellings affected will not now be required.

The other point I raised is with regard to re-assessing the noise from the A142 due to the recent application of surface dressing, a resident's anecdotal evidence was that noise had increased. The acoustic consultant has indicated that they are willing to do this.”

Parks and Open Space - No comments received on this application but has been in discussion about the footpath to connect to the Orton Drove Public Open Space as part of the appeal application.

Asset Information Definitive Map Team - No Comments Received

## Cambridge Ramblers Association - No Comments Received

## Anglian Water Services Ltd - No Comments Received

5.2 Neighbours – 85 neighbouring properties were notified and the responses received are summarised below. A notice was put in the local paper on the 28 June 2018 and a site notice put up on the 2 July 2018. A full copy of the responses are available on the Council's website.

### 33 Granary End – (2 July 2018) Provides the following comments:

- With Bovis and Gladman sites the traffic onto Field End will be significantly increased.
- Where the two sites connect looks a tight bend next to Bovis houses.
- Construction traffic to the two sites impact on Field End.
- Will refuse vehicles be able to get into the Gladman site.
- The new surface on the A142 has increased noise level since the developer's noise survey.

### 39 Granta Close – (11 July 2018) Raises concerns over:

- Overlooking of their property.
- Seeks to ensure the drain is kept open.
- Footpath along the drain should remain.
- Seeks additional trees to the rear of their property.
- Loss of biodiversity on the site.
- Highway safety will be impacted on A142 and proposal will add to congestion.
- Value of their property.
- Services/facilities will not be able to cope with additional growth.
- Bus service has been cut back.

### 27 Orton Drive – (13 July 2018) Raises concerns in regards to:

- Their property is already detrimentally affected by road noise, it is perceived the noise levels for the new dwellings will be overwhelming.
- Surface water on the site seems inadequate.
- Seeks more landscaping on the site to provide protection from noise and surface water flooding.

17 Marroway Lane – (13 July 2018) Marroway Lane is virtually a cul-de-sac and cannot support any more traffic.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density

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  
 Contamination  
 Developer Contributions  
 Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP4	Green Belt
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP19	Maintaining and Improving Community Facilities
LP20	Delivering Green Infrastructure, Trees and Woodland
LP21	Open Space, Sport and Recreational Facilities
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside
Witchford 1	Proposals in Witchford
Witchford 2	Infrastructure and Community Facilities
Witchford 3	Allocated Sites

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.

7.4 With the Council not having a five year land supply and the Submitted Local Plan still going through public examination limited weight should be given to both this plan and any policy with the adopted Local Plan that limits housing development. The application needs to be considered on the basis of a tilted balance in accordance with paragraph 11 of the NPPF. It is not considered that the site is a 'protected area or asset of particular importance' as defined by NPPF Para 11 di.

7.5 With the Council having very little brownfield, the vast majority of development is needing to be located on the edges of settlements. It is also considered better to be building on greenfield sites at this stage rather than reducing the Greenbelt in order to build closer to Cambridge. The small loss of agricultural land is not considered to be detrimental, it is unlikely that this size of land will be used due to modern agricultural practices.

7.6 Witchford is described in the Submitted Local Plan 2017 as:

“7.47.1 Witchford is a large village located one mile west of the City of Ely, neighbouring the Lancaster Way Business Park (the district’s flagship Enterprise Zone) and benefits from good connectivity, being located close to both the A10 and A142. Witchford is therefore well-placed to access wider employment, education, retail, services and facilities.

7.47.2 The village itself offers a good range of services, including a shop with post office, churches, village hall and primary and secondary schools. Within the village there are a number of significant areas of open space, including common land. Pedestrian and cycle routes provide links to Ely, Lancaster Way Business Park, and neighbouring villages and the countryside.

7.47.3 Witchford is therefore suitably placed to accommodate significant growth.”

7.7 The site is allocated for residential development under the Submitted Local Plan  
**“Witchford4: Site WFD.H1 - Land north of Field End**

The following special considerations and requirements apply to site WFD.H1:

- a. Development of a residential scheme, providing up to 128 dwellings for the whole site;
- b. Establishment of a significant landscape and noise buffer along the northern boundary of the site, adjoining the A142 (see LP26);
- c. Pedestrian and cycle access should be provided to the Public Right of Way north of Marroway Lane;
- d. Vehicular access to Marroway Lane will not be permitted;
- e. If the consented scheme 14/00248/OUM is implemented, utilising the full allowance of 128 dwellings, the area outside of that consented area will then be treated as falling within 'the countryside', and policies of this plan applied accordingly. The development envelope boundary has purposely been drawn to enforce this requirement."

7.8 The site is located on the edge of the village with easy access to all services and facilities that the village provides, as well as having relatively easy access into Ely. The site is, therefore, considered to be sustainable in principle. While the outline on the adjacent site (originally approved 14/00248/OUM) is currently using all 128 dwellings, village framework lines hold very limited weight while the Council is not able to demonstrate a five year housing supply. With the site being allocated for development it adds weight that the site is sustainable in principle. The application is, therefore, considered to be acceptable in principle.

7.9 The remainder of the material considerations are detailed below.

7.10 Residential Amenity

7.11 The Inspector on the adjacent scheme (16/01019/RMM) stated:

"The proposed development includes an acoustic bund which would be in the region of 2.7 metres tall and would be formed using a Tensar Earth Retaining System as the sides of the bund would be angled at 70 degrees. There would also be 2.7 metres high acoustic fences to plots 57, 88 and 89.

The proposed bund would be located in the region of nine metres away from the rear of several of the proposed dwellings which back onto the A142. The plans indicate that the land levels of the rear gardens would be raised so that the noise bund would be in the region of 2.2 metres above the ground level on the side of the proposed dwellings. Notwithstanding that, given the height and steepness of the structure, and the relative size of some of the garden areas, it would be a dominant feature when viewed from the ground floor of the proposed dwellings which back onto the bund and when the future occupiers utilise their rear garden areas. To my mind, this would result in an unacceptably dominant structure and would contribute to a poor standard of living conditions for the future occupiers of the development.

It is noted that the acoustic bund was as a result of discussions between the Appellant and the Council during the course of the consideration of the application, with the original proposal being a 2.7 metre high acoustic fence. The Appellant has indicated that they would be happy to revert back to this fence as an alternative to the bund. Whilst I consider that the fence would be a significant improvement over the appearance of the bund, given the relatively small garden depths the acoustic fence would still be a significant structure which would be dominant to the future occupants

of the proposed dwellings. I am also unclear how the regarding of the land for the rear gardens would be affected by this change in the proposal.

It is clear that without any mitigation, the occupants of the properties would be subjected to unacceptable levels of noise. The Planning Practice Guidance (PPG) states at paragraph: 008 Reference ID: 30-008-20140306 that 'for noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development'.

The Council have acknowledged that the mitigation put forward by the Appellant provides a technical solution to the issue of noise and I have no reason to disagree.

Whilst the noise bund would provide mitigation to the outdoor amenity areas and the ground floor of the properties, the Appellants evidence indicates that the noise bund would not deflect noise at the first floor level of the affected properties as the 'deflected noise' line is shown as being below the eaves level of the properties. To that end, the mitigation required to achieve the required internal noise level for the first floor accommodation is reliant on the noise reduction properties of the buildings themselves and the acoustic glazing.

The mitigation put forward by the Appellant also relies on the first floor windows being closed throughout the night. In order to achieve ventilation in the bedrooms facing the A142, it is proposed that there is a ventilation system which would draw air from a non-noise sensitive elevation through an intake fan.

Notwithstanding this technical solution put forward, I share the Council's concerns that the future occupiers of the development would be unable to open the rear windows without being subjected to excessive noise especially during night-time hours. Whilst ventilation would be possible by drawing air from the non-noise sensitive elevations, to my mind, this would not provide a suitable standard of living accommodation and would provide an unsatisfactory form of development.

In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally."

The Inspector concludes with:

"in this case, I consider that the harm which would result from the unsuitable living conditions of the future occupants of the dwellings significantly and demonstrably outweighs the benefits of allowing the scheme."

- 7.12 The Case Officer in the previous application for this site believed that around 30 dwellings could fit on site without needing either a barrier that will be detrimentally to the rural character or requiring a substantial amount of homes to require alternative ventilation. It is noted that the developer has clarified their report to state that there will be no properties in their layout that will be affected detrimentally by road noise that the

Council's Environmental Health Officer has agreed with. The correction in the developer's work does raise some concern over the quality of the report and the reserved matters will need to demonstrate that future residents will not be detrimentally affected. The change in material may well have changed road level noise and it is positive that the developer is relooking at this, but the road surface could be changed back to tarmac in the foreseeable future. The change in road material does not raise significant noise concerns.

- 7.13 With the proposal being up to 40, it would be expected that a developer at reserved matters will seek to achieve close to this number. While this would likely mean that some properties would need to be designed with 1<sup>st</sup> floor habitable windows facing southwards (away from A142) or be designed with alternative ventilation, the number of these properties is considered to be low enough to prevent the scheme from being detrimentally harmful to residential amenity.
- 7.14 The developer would in its reserved matters (if application is approved) need to show that it first sought to reduce the number of dwellings, then sought to design out bedrooms facing the A142 and only then relied on alternative ventilation. This may well reduce the number of dwellings that are achievable on site. Unlike the previous scheme on site the difference between asked for numbers and deliverable numbers are now much closer; the developer is no longer seeking to provide a scheme that is overly dense at the expense of residential amenity.
- 7.15 A proposal for 40 dwellings would have a gross density of 17 dwellings per hectare (7 dwellings per acre). This is a fairly low density, which will allow public open space and ensure that proposed dwellings are set suitably away from existing and future residents in order to prevent detrimental harm to residential amenity. The density is also suitable for an edge of village site.
- 7.16 Paragraph 180 of the NPPF states:
- 7.17 "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:  
mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"
- 7.18 The paragraph that relates to density in the NPPF (para 123) states:  
"as long as the resulting scheme would provide acceptable living standards".
- 7.19 It is considered that the proposal provides a balance between optimising the land without leading to detrimental living standards for future residents.
- 7.20 It is considered reasonable to add conditions in regards to the need for a Construction Environmental Management Plan (CEMP), to ensure that no contamination is on site and to ensure construction work takes place during sociable hours. A condition requiring fire hydrants should also be added to minimise the risk to life in the future.

- 7.21 To ensure that a suitable noise mitigation measure is brought forward, these details will need to be agreed as part of the first reserved matters submission; this can be achieved by way of a condition.
- 7.22 On balance the proposal is considered to comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The proposal might not be considered to fully comply with policy LP26 of the Submitted Local Plan and the requirements of the NPPF, this weighs slightly against the application.
- 7.23 Visual Impact
- 7.24 The proposal seeks to develop a field that is located between the edge of the built form of Witchford and the A142. The A142 is considered to be a defining boundary to the village and the loss of this relatively minor green space is not considered to be detrimental to the character of the village, though it would be expected that any proposal provides suitable public open space and appropriate landscaping.
- 7.25 The existing dwellings in this area of Witchford are modern properties but are not of any specific architectural merit. The nearest properties to the site on Marroway Lane are single storey; Granta Close is also dominated by single storey properties while Orton Drive and Field End are predominantly two storey. It is considered that if a reserved matter scheme came forward a mix of single to two storey properties should be proposed to be in keeping with the local area.
- 7.26 The provision of single storey properties would add to the land take of these individual properties and might make it harder to achieve 40 dwellings on site.
- 7.27 In regards to design, there is no concern that suitably designed properties could be achieved on this site.
- 7.28 The developer is suggesting that the main public open space will be along the northern boundary (that will include shallow swales and a 10m landscape buffer) with a balancing pond in the southeast corner adjacent to the public open space on Orton Drive. The dwellings would be placed in approximately the southern half of the site. It should be noted that these details are only indicative and would not form part of an approval. The reserved matters application(s) would need to demonstrate a suitable design.
- 7.29 It is considered possible to propose a scheme that protects the vast majority of existing trees (though likely to add to the long term pressure on the Tree Preservation Order trees along the eastern boundary), as well as adding additional planting along the northern boundary as part of the landscape reserved matters. The placement of a proportion of public open space/Sustainable Drainage System (SuDS) in the southeast corner will allow for a much larger open space to be created with the existing open space to the south and potential open space to the east; the creation of a village pond could well add to the aesthetic of the area.
- 7.30 The proposal is still likely to retain a green buffer with the A142 but will be reduced in size by approximately two thirds. While this does create some harm to the rural edge, it is not considered to be detrimental and is certainly outweighed by the need for additional housing within the district.

- 7.31 This green buffer will allow a suitable 3.1m barrier (likely involving a fence) behind planting, which will prevent detrimental harm to this rural edge. With the fence being needed for residential amenity it is likely that the long term maintenance of this will be the responsibility of the residents/private management company, as it would be an unreasonable burden on the public purse if given to a public body as it does serve the wider public. It should be noted that the Inspector on the adjacent site (16/01019/RMM) for a similar height barrier stated:
- “whilst I have already concluded that it would contribute to unsatisfactory living conditions to the future occupants of the dwellings adjacent to the A142 it would not result in significant harm to the character and appearance of the area. In this respect, I consider that this is not a determinative factor.”
- 7.32 There are no concerns over the impact of the proposal over the visual appearance of the local area. However, it would need to be demonstrated that a suitable landscaped buffer along the northern edge could be provided for the reasons given above and that existing trees are given space to survive in the long term where reasonably possible.
- 7.33 The proposal is considered to comply with policies ENV1 and ENV2 of the Adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2017.
- 7.34 Historic Environment
- 7.35 With the site not being located near the Conservation Area or Listed Buildings, the only likely historical impact will be on archaeology. This can be mitigated against via a pre-commencement condition to ensure a suitable investigation is undertaken in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017.
- 7.36 Highways
- 7.37 The developer is not seeking access to be agreed at this stage. While the developer could technically seek a highway access onto Marroway Lane, this would very likely be refused as it would unlikely be able to cope with additional traffic from 40 dwellings. However, it is expected a footpath/cycle link to Marroway Lane would be provided, which could also form an emergency vehicle entrance to the site. A condition/S106 will be required in order to provide a footpath connection in the southeast corner to the path that runs through the Orton Drive public open space.
- 7.38 It is expected that a highway access will be via the Bovis development (18/00782/RMM) that will allow this site to access onto Field End. No objection has been raised by this by the Local Highways Authority. With the access already designed for a 128 dwellings, it is understood why an additional 40 is unlikely to put the access under undue pressure.
- 7.39 The requirements of a Travel Plan can be secured by way of a condition to ensure that the sustainable transport is promoted on site.
- 7.40 With the low density of the scheme it is considered possible to achieve two parking spaces per dwelling and space for secure covered storage of cycles. It is also expected that visitor spaces will be able to be accommodated on site in accordance with policy.

- 7.41 RECAP Guidance allows for waste/recycle collectors to enter private land in order to collect bins. The proposed design will, therefore, not be required to provide collection points for bins on the adopted road if private shared driveways/roads are required as long as it still meets with RECAP Guidance.
- 7.42 The proposal is considered to comply with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.43 Ecology
- 7.44 The Ecology Report submitted by the developer (dated May 2018) has stated that the proposal will not have any detrimental impact on protected species. The report suggests biodiversity should be enhanced by:
- Soft landscaping that is primarily native species.
  - Sustainable drainage systems designed to hold water all year round.
  - Meadow planting.
  - Planting fruit trees.
  - Bird and bat boxes
  - Holes in the fence suitable for hedgehogs
- 7.45 It is considered that the proposal will have minimal impact on existing biodiversity on the site and the proposed enhancement measures could be secured via conditions and at the reserved matters stage. The proposal is considered to be in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 7.46 Flood Risk and Drainage
- 7.47 The Lead Local Flood Authority stated on 25 July 2018 that the drainage proposal of the developer is acceptable in principle. With no final layout being proposed, the final drainage strategy will be secured at reserved matters stage and via a specifically worded condition.
- 7.48 The maintenance of the drainage strategy will need to be within the S106 Agreement, with priority being given to it being adopted by a public body. The design of the proposal will also need to allow maintenance of the awarded ditch that defines the southern boundary of the site.
- 7.49 The proposal is considered to be in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7.50 Housing Mix
- 7.51 With the application being outline with all matters reserved, the overall housing mix would need to be agreed at a reserved matters stage if approval was given to this outline. However, it is noted that the developer is providing policy compliant 30% affordable housing and this will need to be secured as part of a S106 Agreement.
- 7.52 Other Material Matters

- 7.53 In regards to education it is accepted that the County Council was not justified in asking for contributions for early years or primary provision. In regards to secondary school provision negotiation will need to be had over the final sum. It is accepted that technically the developer is paying for education provision within CIL; while Littleport, Ely and Littleport catchment areas are being reworked.
- 7.54 However, it should be noted that when the appeal proposal for up to 55 dwellings was being sought County Council was not seeking any education contributions (due to CIL wording/requirements at the time).
- 7.55 Planning Balance
- 7.56 The Local Planning Authority is unable to demonstrate a continuous five year land supply and on this basis must determine applications in regards to paragraph 11 of the NPPF.
- 7.57 The benefits of this proposal is that it will provide up to 40 dwellings (including 30% affordable housing). The provision of public open space and SuDS is considered to be neutral, as in the long term this will mitigate against the development's own impact.
- 7.58 It is noted that the site was allocated for dwellings in the Submitted Plan (though this applications currently exceeds the suggested number by 40 units) that demonstrates that the site is in a sustainable location. This weighs in favour of the application.
- 7.59 It is noted that some dwellings might need to be designed taking road noise into account. This weighs slightly against approval being given for up to 40, but is not detrimental in its own right. It is still the Case Officers opinion that if more than 40 units were sought then on balance it would be recommended for refusal, due to seeking too many houses in areas where alternative ventilation would very likely be required.
- 7.60 It is considered that the proposal on balance is acceptable for up to 40 dwellings, subject to the recommended conditions and the completion of a S106 Agreement.
- 8.0 COSTS
- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

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

- The Inspectorate on the adjacent site agreed with the Council in regards to noise pollution and that alternative ventilation creates a poor level of residential amenity. However, there was no concern over air pollution and that an acoustic fence behind landscaping was an acceptable design solution in theory.
- The Council is not currently able to demonstrate a continuous five year housing supply.
- No statutory consultees have objected.

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00778/OUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
16/01136/OUM 18/00782/RMM	Ely	01353 665555 andrew.phillips@ea stcamb.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>

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

Plan Reference	Version No	Date Received
7054-L-01	F	8 June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 5 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 5 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 7 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 8 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.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 - 18:00 each day Monday-Friday, 08:00- 13:00 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Outline Drainage Strategy, Ref: FRA 15 1108 prepared by The LK consult Ltd dated May 2018 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 QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- 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) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;

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

- 10 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 and LP22 and LP25 of the Submitted Local Plan 2017. 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.
- 11 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
 This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 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.

- 12 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 and LP26 of the Submitted Local Plan 2017.
- 13 With the first reserved matters application a scheme for the mitigation of noise shall be submitted to and approved in writing by the local planning authority. The scheme of mitigation shall ensure that noise levels do not exceed the noise criteria based on the current figures by the World Health Organisation Community Noise Guidelines Values/BS8233 as below:
- i. Living/dwellings rooms in daytime: 35dB LAeq, 16 hours;
  - ii. Outdoor living areas in daytime: 50dB LAeq, 16 hours;
  - iii. Inside bedrooms at night-time: 30dB LAeq, 8 hours (45dB LAmax).
- The development shall be carried out in accordance with the approved scheme and no dwellings shall be occupied prior to its implementation and shall be retained as agreed thereafter.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 14 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport to be agreed in writing by the Local Planning Authority. This Residential Welcome Pack shall include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.
- 14 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 As part of the first reserved matters application, details of the internal footpath network, including the provision of a footpath connection to the southern boundary of the site adjacent to the existing area of public open space off Orton Drive, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to first occupation.
- 15 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 16 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 and LP22 and LP25 of the Submitted Local Plan 2017. 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.

**22/00347/OUT**

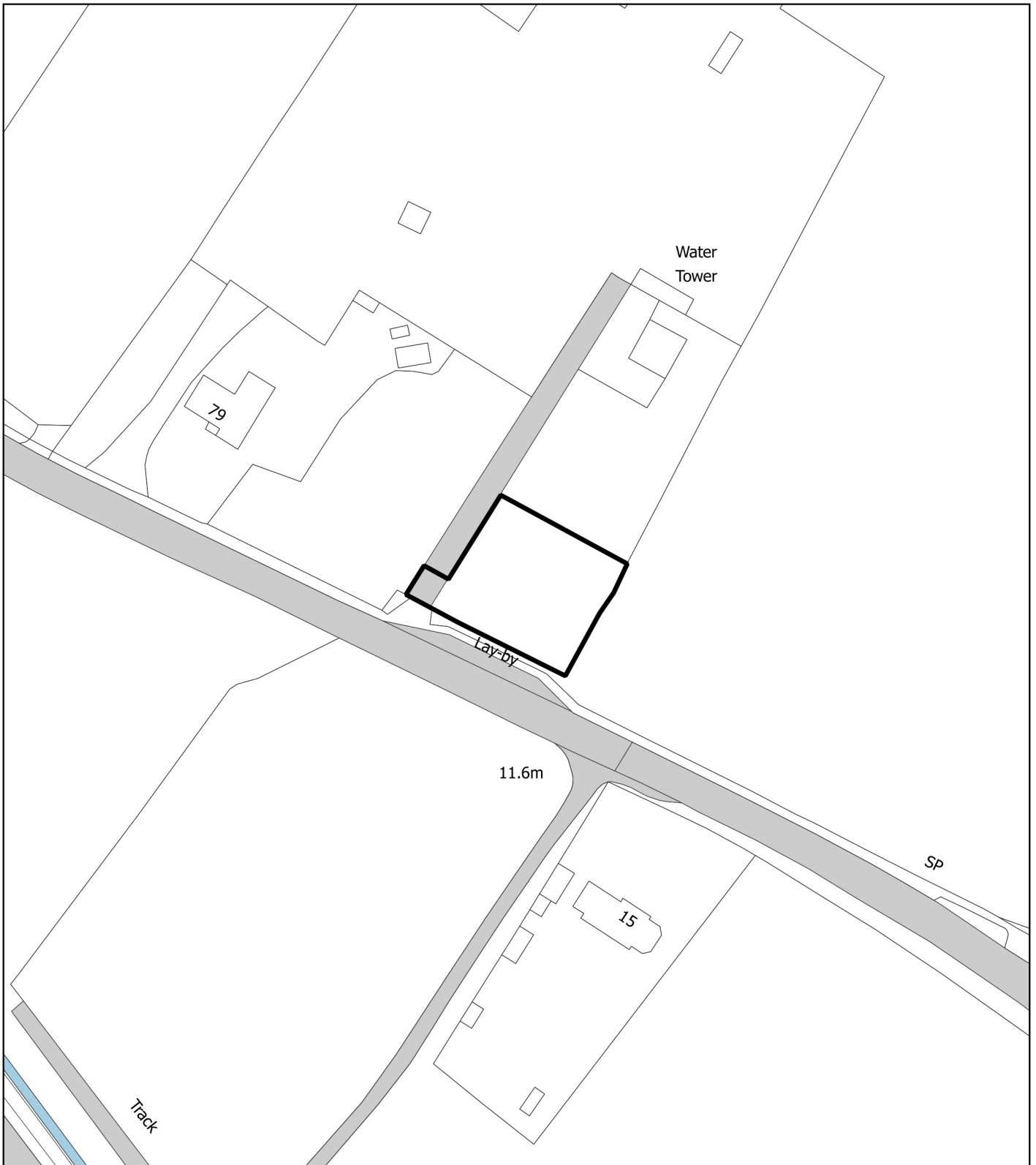
Land East Of 79 Fordham Road  
Soham  
Cambridgeshire

Proposed residential dwelling

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=R934WIGGMHE00>





22/002347/OUT

Land East Of 79 Fordham  
Road  
Soham



East Cambridgeshire  
District Council

Date: 17/05/2022  
Scale: 1:1,200



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**MAIN CASE**

**Reference No:** 22/00347/OUT

**Proposal:** Proposed residential dwelling

**Site Address:** Land East Of 79 Fordham Road Soham Cambridgeshire

**Applicant:** Mr Joshua Schumann

**Case Officer:** Catherine Looper Senior Planning Officer

**Parish:** Soham

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

**Date Received:** 21 March 2022      **Expiry Date:** 10<sup>th</sup> June 2022  
**Report Number X9**

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**1.0**      **RECOMMENDATION**

- 1.1      Members are recommended to REFUSE the application for the following reasons:
1. The proposed development is located within the countryside outside the defined settlement boundary of Soham, where new development is strictly controlled. The construction of a new dwelling in the countryside does not meet any of the defined exceptions within Policy GROWTH2 and would therefore give rise to an inappropriate development with no justification to override the normal presumption against development in the countryside. As such it is contrary to adopted East Cambridgeshire Local Plan 2015 Policy GROWTH2 and the National Planning Policy Framework, which seek to protect the countryside and the setting of towns and villages.
  2. No noise assessment has been submitted and it has not been satisfactorily demonstrated that any potential noise disturbance experienced by the future occupiers of the proposed dwelling could be adequately mitigated to preserve the residential amenity of future occupiers from the traffic noise on the adjoining A142 and Fordham Road and the adjacent haulage depot. As such the proposal is contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015 and paragraph 130 of the National Planning Policy Framework.
  3. The proposal is contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015 which seeks to protect, conserve and where possible enhance the

settlement edge. The introduction of a dwelling in this location would result in an urbanising incursion of development into open countryside, further eroding the separation between Soham and Fordham. This would cause significant and demonstrable harm to the character of the countryside and the key views into and out of both settlements. The proposal would not protect conserve or enhance the character and appearance of the area, contrary to Policy ENV1 and also paragraph 130 of the National Planning Policy Framework.

4. Insufficient information has been submitted to demonstrate that the proposed development would not be prejudicial to highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and paragraph 110 b of the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning consent for the construction of one dwelling at Land east of 79 Fordham Road, Soham. The only matter to be considered at this stage is access. The plans associated with this application are therefore limited, and include a location plan and a block plan indicating the proposed access arrangement. The matters of appearance, landscaping, layout and scale would be considered at a reserved matters stage.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.3 The application has been brought before East Cambridgeshire District Council's Planning Committee in accordance with the Council's Constitution as the applicant is a District Councillor. The Monitoring Officer has been informed in accordance with paragraph 2.1 (i) of the Guidance on Planning for Members, contained in the Constitution.

## 3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located within the Parish of Soham (south) and comprises 0.10ha (0.24 acres) of grassed land. The site is located approximately 550 metres (1804 ft) by road from the nearest point of the development envelope for Soham and 690 metres (2263 ft) from the nearest point of the development envelope for Fordham. The position of the site can be seen in figure 1 below and is indicated by the arrow showing the approximate position of the site. The development envelope for Soham is indicated by the bold black line to the left-hand side of the map. The site is therefore considered to be within the open countryside.



Figure 1. Position of site in relation to Soham development envelope.

4.2 The application site itself is forward of the Water Tower and is bordered by hedging. To the west is a dwelling (79 Fordham Road, Soham) which has a large haulage and scaffolding yard to the rear. There is limited development in the vicinity of the site. The A142 runs approximately 140m (459 ft) north-west to south-east of the site.

4.3 Members will carry out an accompanied site visit prior to the Planning Committee meeting to view the application site and its surroundings.

## 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 - 30 March 2022**

The Parish has concerns about the application.

Outside the development envelope, unsustainable, impact on Water Tower, a recognised landmark entering Soham

### **Ward Councillors - No Comments Received**

### **Trees Officer – 17 May 2022**

No tree related implications but due to the sites location the scale of any structure will have to be carefully considered so as to fit into the surrounding landscape a suitable soft landscaping scheme would also aid this as carefully positioned small scale trees could lesson the impact of the built form within the landscape.

**Environmental Health (Technical Officer) – 12 May 2022**

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

I can see that there appears to be a road haulage depot to the rear of the application site and a busy A road and Fordham Road to the front.

On checking our records I can find no history of complaint concerning the depot and this is despite there being a residential property a similar distance away to this proposed dwelling. It may be that this existing dwelling is connected to the business in some way and so I would be grateful if you could confirm whether this is the case. If the existing property is connected to the business then this proposal (if granted) would mean that the dwelling is the closest residential property unconnected to the business and this does concern me.

In either case, I would recommend that a noise assessment, undertaken by a competent person, shall be submitted specifying the predicted impact of noise on noise sensitive properties. This shall include but not be limited to road traffic noise and noise from the adjacent commercial element and shall detail mitigation measures to ensure noise levels at sensitive receivers are within appropriate limits. Mitigation measures for all aspects of noise from and to the site shall be agreed in writing with the local planning authority and implemented prior to the use of the development and adhered to thereafter. The LPA will expect internal levels to be achieved with a partially open window.

**Environmental Health (Scientific Officer) – 12<sup>th</sup> May 2022**

Thank you for consulting me on the above proposal. I have read the Envirosearch report dated 31st December 2019 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).

**Consultee for Other Wards in Parish - No Comments Received**

**Local Highways Authority - 14 April 2022**

The application redline boundary does not appear to meet the extent of public highway. The applicant should procure a verified copy of the highway boundary to ensure that they can provide access to the development. A copy can be procured by following the instructions at the link below.

<https://www.cambridgeshire.gov.uk/business/highway-searches>

The inclusion of a new dwelling would intensify use of the existing access. Therefore, it would need to be amended to meet the following criteria:

- o Have a minimum width of 5m for a length of 8m.
- o Be surfaced in a bound material for the first 5m length from the carriageway edge.
- o Be ungated, noting the existing access is.

As a result of the proposed intensification of use of the access, the applicant should demonstrate that the appropriate inter-vehicular visibility splays are achievable. As

Fordham Road at this location is de-restricted, the required visibility is 2.4m x 215m in both directions (unless otherwise evidenced by a speed survey).

Until the above comments can be satisfactorily addressed, I recommend that no planning permission be granted.

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

#### **Waste Strategy (ECDC) - 21 April 2022**

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- 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 a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

- 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.

5.2 A site notice was displayed near the site on 1 April 2022 and a press advert was published in the Cambridge Evening News on 31 March 2022.

5.3 Neighbours – Two neighbouring properties were directly notified by letter. No responses have been received as a result of the letters or site notice.

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

### 6.0 The Planning Policy Context

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

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development

HOU 1 Housing mix

HOU 2 Housing density

HOU 3 Affordable housing provision

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

### **Supplementary Planning Documents**

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

### **National Planning Policy Framework 2021**

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

## 7.0 PLANNING COMMENTS

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

### 7.2 Principle of Development

7.3 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at an emerging stage (with a 'regulation 19' consultation currently underway until the 13<sup>th</sup> June 2022), and therefore little weight should be given to its emerging content.

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

- 7.5 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is “out of date” and the allied question of whether the policy is consistent with the NPPF for the purposes of paragraph 219. Applying national policy, there are three main reasons it could be out of date, as follows:
- (a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8). This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years’ worth, and this position has persistently been agreed by recent Inspector appeal decisions;
  - (b) If the Council ‘fails’ the Housing Delivery Test. This is not the case. The Council presently sufficiently ‘passes’ the Test; or
  - (c) If the Policy is considered ‘out of date’ on a separate basis. This has been defined by the Courts as “have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted “*The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.*” (*Gladman Developments Limited v SSHCLG and Central Bedfordshire* [2019] EWHC 127 (Admin), [34]). Datedness will always be a “*case-sensitive exercise*” (*Gladman*, [36]) and will “*encompass the manner in which a policy operates in relation to the determination of a particular application*” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).
- 7.6 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.7 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.

- 7.8 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.9 Turning to the facts of this particular application, the proposal is located outside of the development envelope, and is not one of the exceptions listed in GROWTH 2. On the face of it, therefore, it is contrary to GROWTH 2. However, whilst not directly adjoining the development envelope, the proposal is located within the Parish of one of the three market towns, where growth is directed to by GROWTH 2.
- 7.10 The Council has carefully considered whether the circumstances are similar to those in the recent appeal decision APP/V0510/W/21/3282449 in Soham (in respect of the precise nature of the conflict). The application site is positioned a significant distance from the development envelope of Soham and there is a clear and distinguished physical separation from the market town, characterised by the distance as well as the intervening features in the vicinity of the site such as the agriculturally dominated landscape, the presence of the A142 and bypass around Soham, and the large roundabout and Fordham Road. While the site is within the Parish of Soham, its physical separation from the clear extent of the market town demonstrates that this site is in a rural and isolated location where development is sporadic and historical. The site is not considered to be well-related to the physical extent of the market town. The Council therefore considers that the Soham decision is distinguishable.
- 7.11 For the purposes of this application, GROWTH 2 is considered up to date. All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: “general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework”.
- 7.12 This proposal, in this location, is not consistent with that strategy.
- 7.13 While GROWTH 1 is out of date, the locational strategy within GROWTH 2 is not out of date. The locational strategy remains entirely valid and consistent with NPPF.
- 7.14 Moreover, there are additional reasons related to landscape harm which confirm that GROWTH 2 is consistent with the NPPF and should be considered as up-to-date for the purposes of this application.
- 7.15 This view is reinforced by the fact that the Council can demonstrate it has a Five Year Land Supply, and passes the Housing Delivery Test.
- 7.16 In conclusion, therefore, for this particular proposal in this location, GROWTH 2 is considered up to date, and should carry full weight. And, as already described, the proposal is clearly contrary to GROWTH 2, and therefore this proposal is contrary to the development plan.

7.17 The principle of development in this location is therefore considered to be unacceptable.

7.18 Applying the Development Plan Policies

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

GROWTH 2	Locational strategy
ENV 1	Landscape and settlement character
ENV 2	Design
COM7	Transport Impact

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

7.21 In relation to policy GROWTH 2 of the Local Plan, the Council considers that this policy is not out of date as explained in detail in section 7.2 of this Committee Report.

7.22 In relation to policies ENV 1 and ENV 2 of the Local Plan, whilst these policies predate the current NPPF, the general principles of protecting the landscape and respecting context are consistent with the objectives of paragraph 130 of the NPPF, namely b) and c):

“Planning *policies and decisions should ensure that developments:*

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

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

7.23 Furthermore, policy COM7 of the Local Plan aligns with the provisions of Chapter 9 of the NPPF, namely paragraph 110 b):

“b) safe and suitable access to the site can be achieved for all users;”

7.24 It is therefore the Council’s view that these policies are fully consistent with the NPPF and should be given full weight in the determination of this planning application. There is no reason to believe that these policies are out of date.

7.25 Residential Amenity

7.26 Paragraph 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users. Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity

of occupiers of new buildings, especially dwellings, and that future occupiers enjoy high standards of amenity.

- 7.27 While the details of this application (appearance, layout, scale and landscaping) would be considered at a reserved matters stage, it is considered that an appropriately designed scheme could be brought forward which prevents detrimental impacts to the amenity of neighbouring occupiers.
- 7.28 However, there are significant concerns with regard to the residential amenity of future occupiers of the proposed dwelling through noise and disturbance from the nearby A142 and adjacent Fordham Road and Environmental Health have also raised noise concerns regarding the haulage depot to the rear of the site. The A142 is a 60mph busy Class A transport route, and Fordham road is also a 60mph public highway. No noise assessment was submitted alongside the proposals despite the proximity to these two roads. The Noise Policy Statement for England (NPSE) (pg. 7) (attached at Appendix 1) recognises that “noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between “quality of life” effects and “health” effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects.” Due to the proximity of the dwelling to these roads, and with the absence of any evidence to the contrary, it is considered that the residential amenity of future occupiers could be significantly and detrimentally impacted by the level of noise generated by vehicles using the A142.
- 7.29 Given the NPSE acknowledgement that noise exposure impacts on quality of life and the recognition of emerging evidence that long term exposure to some forms of transport noise can have direct health effects, it is considered that the introduction of a dwelling in this location could create poor levels of amenity of future occupiers. With the relevant policies in mind, the Local Planning Authority are of the view that insufficient evidence has been submitted to demonstrate that the amenity of future occupiers would not be significantly and detrimentally impacted. The proposal is therefore considered to be contrary to policy ENV2 of the Local Plan 2015 and the NPPF in this regard.
- 7.30 Visual Amenity
- 7.31 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. In addition, policy ENV1 of the Local Plan 2015 seeks to ensure that applications provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements.
- 7.32 While the details of the appearance, layout, scale and landscaping are not considered at this stage, the general visual impact of inserting a dwelling into this site can be given consideration. The introduction of a dwelling in this location would be visually intrusive in the appearance of the landscape and would be out of keeping within the rural setting. A dwelling would appear at odds with the pattern of

dwellings within the area which are sporadic and historic. The introduction of a dwelling in this location would result in an urbanising incursion of development into open countryside, further eroding the separation between Soham and Fordham. This would cause significant and demonstrable harm to the character of the countryside and the key views into and out of both settlements.

7.33 For these reasons the proposal is considered to be contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, as well as the provisions of the NPPF.

7.34 Highways

7.35 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Paragraph 110 b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”.

7.36 The Local Highways Authority has reviewed the proposals and advised that the application site red line does not meet the extent of the public highway or demonstrate that the intensified use of the access can achieve the appropriate visibility splays in both directions (2.4m x 215m / 7.8 ft x 705 ft). They also note that the proposed access would need to have a minimum width of 5m (16 ft) for a length of 8m (26 ft), be surfaced from a bound material for the first 5m (16 ft) length from the carriageway edge, and be ungated. The Local Highways Authority recommends that planning permission is not granted unless these requirements can be addressed.

7.37 For these reasons the proposal is contrary to policy COM7 of the Local Plan 2015 and paragraph 110 b of the NPPF.

7.38 Ecology

7.39 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. In accordance with the relevant policies within the local plan and the NPPF, it is recommended that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements.

7.40 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:

- information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

- the pre-development biodiversity value of the onsite habitat based on an up to date survey and ideally using the Defra metric,
- the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
- the ongoing management strategy for any proposals.

- 7.41 Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure. Proposals should also incorporate within the landscape scheme, features that will support the establishment of biodiversity, such as wetland areas, 'insect hotels' and log piles.
- 7.42 The application is for a single dwelling in outline format with all matters reserved apart from access. It is considered that at a reserved matters stage, a suitable scheme for the delivery of a net gain in biodiversity could be put forward. This can be secured by way of condition.
- 7.43 Flood Risk and Drainage
- 7.44 The site is located in Flood Zone 1, where development is generally considered acceptable in terms of Flood Risk. The application does not trigger any of the requirements for a flood risk assessment to be submitted.
- 7.45 The application does not include details of drainage proposals and these would need to be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 7.46 Climate Change
- 7.47 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 June 2020). 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 energy, water and carbon efficiency.

7.48 No information has been submitted and while this weighs against the application, for this particular scheme it is not considered that such a failure would warrant refusal on this criteria.

7.49 Other Material Matters

7.50 A contamination report has been submitted and reviewed by the Council's Environmental Health (Scientific) Officer. They advise that further investigation is not required, but that a condition requiring the reporting of any unexpected contamination should be applied to any grant of planning permission.

7.51 Planning Balance

7.52 The proposal fails to meet the requirements of the most important policies as set out in sections 7.18 – 7.24 of this report. It is considered that these policies are fully consistent with the NPPF and should be given full weight in the determination of this planning application. There is no reason to believe that these policies are out of date.

7.53 The proposal is contrary to policy GROWTH 2 of the Local Plan 2015 as it is outside of the defined settlement boundary of Soham, where new development is strictly controlled, and it does not meet any of the exceptions within policy GROWTH 2. The site is physically separated from the built form of Soham by the agriculturally dominated landscape, the presence of the A142 and bypass around Soham, and the large roundabout and Fordham Road. Furthermore, the application site is in close proximity to the A142, Fordham Road, and nearby haulage depot and no information has been submitted to demonstrate that future occupiers would not be adversely impacted by noise and disturbance, contrary to policy ENV2 of the Local Plan 2015 and paragraph 130 of the NPPF. The proposed development would be contrary to policy ENV1 of the Local Plan and paragraph 130 of the NPPF through the introduction of development in a sensitive countryside location which would further erode the separation between Fordham and Soham. There are also concerns regarding the proposed access arrangement, and insufficient information has been submitted to demonstrate that the proposed development would not prejudice highway safety, contrary to policy COM7 of the Local Plan 2015 and paragraph 110 b of the NPPF.

7.54 The proposed development fails to meet the requirements of the relevant local and national planning policies. The application is therefore recommended for refusal.

8.0 APPENDICES

8.1 Appendix 1 - Noise Policy Statement for England (NPSE)

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
22/00347/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Senior Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

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

[www.defra.gov.uk](http://www.defra.gov.uk)

# Noise Policy Statement for England (NPSE)

March 2010

Department for Environment, Food and Rural Affairs  
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This document is available on the Defra website:  
<http://www.defra.gov.uk/environment/quality/noise/>

Published by the Department for Environment, Food and Rural Affairs

## Noise Policy Statement for England

- 1.1 The Government is committed to sustainable development and Defra plays an important role in this by working to secure a healthy environment in which we and future generations can prosper. One aspect of meeting these objectives is the need to manage noise for which Defra has the overall responsibility in England.
- 1.2 The Government recognises that the effective management of noise requires a co-ordinated and long term approach that encompasses many aspects of modern society.
- 1.3 The aim of this document is to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion.
- 1.4 The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It has been developed following discussions with stakeholders regarding the effects on the noise environment of current policies and practices.
- 1.5 This Noise Policy Statement for England (NPSE) should apply to all forms of noise including environmental noise, neighbour noise and neighbourhood noise. The NPSE does not apply to noise in the workplace (occupational noise).
- 1.6 This Noise Policy Statement for England (NPSE) sets out the long term vision of Government noise policy:

### **Noise Policy Vision**

**Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.**

- 1.7 This long term vision is supported by the following aims:

### **Noise Policy Aims**

**Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:**

- **avoid significant adverse impacts on health and quality of life;**
- **mitigate and minimise adverse impacts on health and quality of life; and**
- **where possible, contribute to the improvement of health and quality of life.**

- 1.8 The vision and aims of NPSE should be interpreted by having regard to the set of shared UK principles that underpin the Government's sustainable development strategy.

### **Guiding principles of sustainable development**

**Ensuring a Strong Healthy and Just Society** – Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.

**Using Sound Science Responsibly** – Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.

**Living Within Environmental Limits** – Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

**Achieving a Sustainable Economy** – Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.

**Promoting Good Governance** – Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity.

Source: Securing the future – delivering UK sustainable development strategy, HM Government, March 2005.

# **Noise Policy Statement for England Explanatory Note**

## **Why do we need a Noise Policy Statement for England (NPSE)?**

- 2.1 Noise is an inevitable consequence of a mature and vibrant society. For some the noise of city life provides a desirable sense of excitement and exhilaration, but for others noise is an unwanted intrusion that adversely impacts on their quality of life, affecting their health and well being.
- 2.2 The management of noise has developed over many years as the types and character of noise sources have altered and as people's attitude to noise has changed. The Noise Abatement Act came into law in 1960 and the Report from the Committee on the Problem of Noise was published in 1963 (the Wilson report). Since then, examples of noise management can be found in many areas including reducing noise at source; the use of the land use and transport planning systems, compensation measures, the statutory nuisance and licensing regimes and other related legislation.
- 2.3 Furthermore, the broad aim of noise management has been to separate noise sources from sensitive noise receivers and to 'minimise' noise. Of course, taken in isolation and to a literal extreme, noise minimisation would mean no noise at all. In reality, although it has not always been stated, the aim has tended to be to minimise noise 'as far as reasonably practical'. This concept can be found in the Environmental Protection Act 1990, where, in some circumstances, there is a defence of 'best practicable means' in summary statutory nuisance proceedings.
- 2.4 By describing clear policy vision and aims the NPSE provides the necessary clarity and direction to enable decisions to be made regarding what is an acceptable noise burden to place on society.

## **What types of noise are addressed by the Noise Policy Statement for England?**

- 2.5 The intention is that the NPSE should apply to all types of noise apart from noise in the workplace (occupational noise). For the purposes of the NPSE, "noise" includes:
  - "environmental noise" which includes noise from transportation sources;
  - "neighbour noise" which includes noise from inside and outside people's homes; and
  - "neighbourhood noise" which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.

## **What will the Noise Policy Statement for England achieve?**

- 2.6 The application of the NPSE should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.
- 2.7 In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

- 2.8 In the longer term, the Government hopes that existing policies could be reviewed (on a prioritised basis), and revised if necessary, so that the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE.

### **How should the Noise Policy Statement for England be used?**

- 2.9 Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments. Furthermore, sound only becomes noise (often defined as ‘unwanted sound’) when it exists in the wrong place or at the wrong time such that it causes or contributes to some harmful or otherwise unwanted effect, like annoyance or sleep disturbance. Unlike many other pollutants, noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction to it. Consequently, the NPSE provides a clear description of desired outcome from the noise management of a particular situation.
- 2.10 The guiding principles of Government policy on sustainable development, (paragraph 1.8), should be used to assist in its implementation. The development of further principles specifically to underpin implementation of noise management policy will be kept under review as experience is gained from the application of the NPSE.

### **What does the vision of the Noise Policy Statement for England mean?**

- 2.11 There are several key phrases within the NPSE vision and these are discussed below.

#### ***“Health and quality of life”***

- 2.12 The World Health Organisation defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, and recognises the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being.
- 2.13 It can be argued that quality of life contributes to our standard of health. However, in the NPSE it has been decided to make a distinction between ‘quality of life’ which is a subjective measure that refers to people’s emotional, social and physical well being and ‘health’ which refers to physical and mental well being.
- 2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between ‘quality of life’ effects and ‘health’ effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.

***“Promote good health and good quality of life”***

- 2.15 This statement expresses the long term desired policy outcome, but in the use of “promote” and “good” recognises that it is not possible to have a single objective noise-based measure that is mandatory and applicable to all sources of noise in all situations.

***“Effective management of noise”***

- 2.16 This concept confirms that the policy applies to all types of “noise” (environmental, neighbour and neighbourhood) and that the solution could be more than simply minimising the noise.

***“Within the context of Government policy on sustainable development”***

- 2.17 Sustainable development is a core principle underpinning all government policy. For the UK Government the goal of sustainable development is being pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment and a just society that promotes social inclusion, sustainable communities and personal wellbeing. The goal is pursued in ways that protect and enhance the physical and natural environment, and that use resources and energy as efficiently as possible.
- 2.18 There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.

**What do the aims of the Noise Policy Statement for England mean?**

- 2.19 There are several key phrases within the NPSE aims and these are discussed below.

***“Significant adverse” and “adverse”***

- 2.20 There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

**NOEL – No Observed Effect Level**

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

**LOAEL – Lowest Observed Adverse Effect Level**

This is the level above which adverse effects on health and quality of life can be detected.

- 2.21 Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.

#### SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

- 2.22 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.

#### **The first aim of the Noise Policy Statement for England**

***Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.***

- 2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

#### **The second aim of the Noise Policy Statement for England**

***Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.***

- 2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

#### **The third aim of the Noise Policy Statement for England**

***Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.***

- 2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.

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## Planning Performance – April 2022

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

All figures include all types of planning applications.

### Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
<b>Determinations</b>	<b>150</b>	<b>5</b>	<b>27</b>	<b>64</b>	<b>17</b>	<b>18</b>	<b>19</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>89%</b> (80% within 8 weeks)	<b>94%</b> (90% within 8 weeks)	<b>94%</b> (90% within 8 weeks)	<b>94%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>137</b>	<b>5</b>	<b>25</b>	<b>59</b>	<b>13</b>	<b>16</b>	<b>19</b>
<b>Refused</b>	<b>13</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>0</b>

### Validations – 82% validated within 5 days (ECDC target is 75%)

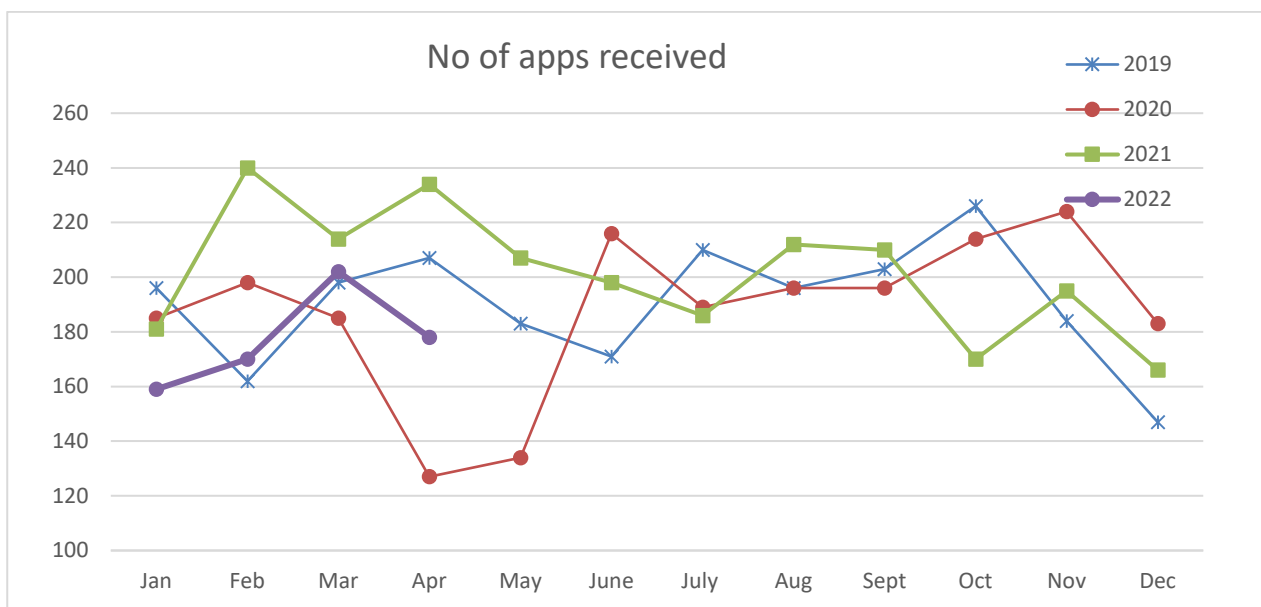
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
<b>Validations</b>	<b>162</b>	<b>4</b>	<b>28</b>	<b>41</b>	<b>21</b>	<b>43</b>	<b>25</b>

### Open Cases by Team (as at 16/05/2022)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
<b>Team 1 (3.8 FTE)</b>	<b>209</b>	<b>17</b>	<b>47</b>	<b>40</b>	<b>38</b>	<b>67</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>100</b>	<b>10</b>	<b>25</b>	<b>20</b>	<b>13</b>	<b>32</b>	<b>0</b>
<b>Team 3 (4 FTE)</b>	<b>192</b>	<b>17</b>	<b>52</b>	<b>35</b>	<b>26</b>	<b>62</b>	<b>0</b>
<b>No Team (4 FTE)</b>	<b>71</b>	<b>13</b>	<b>7</b>	<b>1</b>	<b>10</b>	<b>17</b>	<b>23</b>

(No Team includes – Trees Officer, Conservation Officer and Agency Worker.)

The Planning department received a total of 178 applications during April which is a 24% decrease of number received during April 2021 (234) and 11% decrease to the number received during March 2022 (202).



### Valid Appeals received – 3

Planning reference	Site Address	Decision Level
21/01685/FUL	Mulberry House 44 Mill Lane Fordham	Delegated
22/00070/FUL	8A Perry Close Haddenham	Delegated
ENFORCEMENT	G T & S E Taylor & Sons 17 Oak Lane Littleport	NA

### Appeals decided – 4

Planning reference	Site address	Decision Level	Appeal Outcome
20/00296/OUM	Land Rear Of 163 To 187 High Street Bottisham	Committee	Dismissed
21/00045/ARN	Anglesey Farm Shop Anglesey Farm Lode Fen Lode	Delegated	Allowed
21/00671/FUL	Chalk Farm Newmarket Road Bottisham	Delegated	Dismissed
21/01016/FUL	90 Dunstan Street Ely	Delegated	Dismissed

### Upcoming Hearing dates – 0

### Enforcement

New Complaints registered – 19 (1 Proactive)

Cases closed – 22 (3 Proactive)

Open cases/officer (2.6FTE) – 185 cases (25 Proactive)/2.6 = 71 per FTE

### Notices served – 0

### Comparison of Enforcement complaints received during April

Code	Description	2021	2022
<b>ADVERT</b>	Reports of unauthorised adverts	2	2
<b>COND</b>	Reports of breaches of planning conditions	9	4
<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	0
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	0	0
<b>MON</b>	Compliance Monitoring (NEW TYPE)	0	1
<b>OP</b>	Reports of operational development, such as building or engineering works	8	8
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	1	3
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	1
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	1	0
<b>USE</b>	Reports of the change of use of land or buildings	7	0
<b>TOTAL</b>		<b>28</b>	<b>19</b>