

22/01433/OUT

Site West Of 45 East Fen Road

Isleham

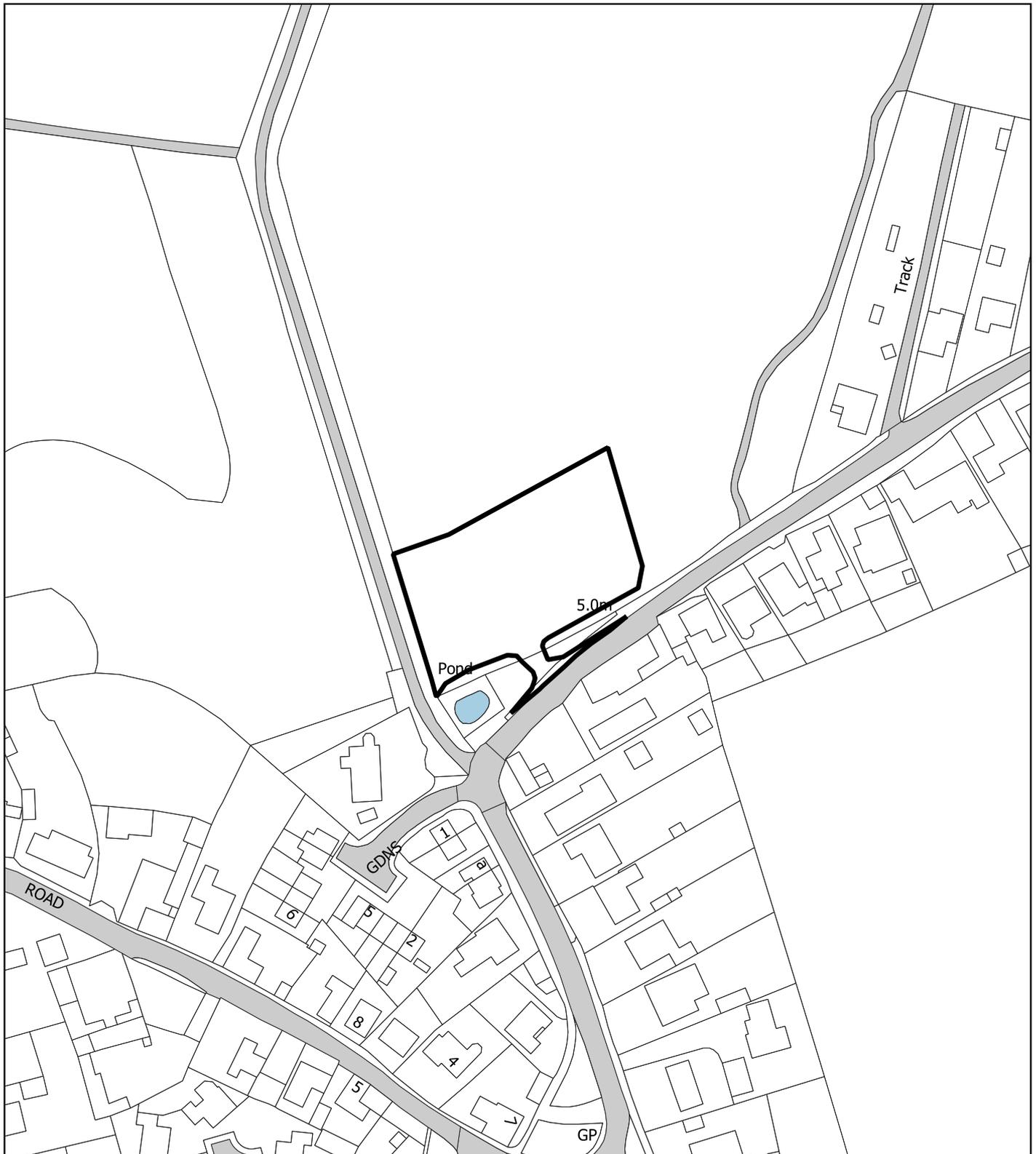
Cambridgeshire

Proposed erection of 4No private detached 2 bedroom bungalows, new access and associated works.

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMFDX1GGGJ100>





22/01433/OUT

Site West Of 45
East Fen Road
Isleham



East Cambridgeshire
District Council

Date: 21/03/2023
Scale: 1:1,500



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TITLE: 22/01433/OUT

Committee: Planning Committee

Date: 5 April 2023

Author: Planning contractor

Report No: X192

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Site Address: Site West Of 45 East Fen Road Isleham Cambridgeshire

Proposal: Proposed erection of 4No private detached 2 bedroom bungalows, new access and associated works.

Applicant: Albendan Limited

Parish: Isleham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 5 December 2022

Expiry Date: 07 April 2023

1.0 RECOMMENDATION

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

1. The application site is located outside of the defined development envelope for Isleham, within the countryside. Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 restricts development outside of defined development envelopes to the specific categories of exception development listed within the policy, provided there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. In addition, policies 1a and 2 of the Isleham Neighbourhood Plan restrict development outside of the defined Isleham development envelope to specific categories of exception development listed within those policies. The proposed development is not for any of the specific categories of development that can be permitted, as an exception, outside of the defined development envelope for Isleham. The proposed development is therefore contrary to the locational strategy for

development within Isleham, as set out within policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 and policies 1a and 2 of the Isleham Neighbourhood Plan.

2. The proposal for 4 dwellings situated within this edge of settlement location would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominately rural character of the countryside setting, causing detrimental harm to the character and amenities of the area. The dwellings would interrupt views over open countryside and would contribute to the erosion of the rural character of this part of Isleham. On this basis the proposal is considered contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 by damaging the rural character of the area.

2.0 SUMMARY OF APPLICATION

- 2.1 This application seeks outline planning permission for the erection of 4 dwellings. The matters for consideration within this application are: access, layout and scale. Matters of appearance and landscaping are reserved at this stage; therefore any details within the application relating to the appearance of the dwellings and landscaping within the site are indicative only.
- 2.2 The application has been brought to Planning Committee as it is a departure from the development plan.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

19/01777/OUT

Proposed residential development comprising 4No. dwellings, garaging & access. (This application sought Outline planning permission, with all matters reserved apart from access).

Refused

23 April 2020

Refusal reasons relating to 19/01777/OUT:

1. The village of Isleham, while having a reasonable level of services (as described under the Village Vision in the East Cambridgeshire Local Plan 2015) has seen a significant amount of proposed dwellings being approved over and above the planned level. The proposed development, when considered cumulatively with the proposed housing allocations for Isleham and the recent approvals for housing development, would result in an unsustainable amount of residential development, which would outstrip the modest increase in employment provision envisaged for Isleham and place significantly increased pressure on local infrastructure. Until such time as the infrastructure is improved, the village is unable to cope with additional speculative development. The lack of

employment, retail and public transport opportunities within the village would result in an unsustainable pattern of development, encouraging high levels of out commuting by private vehicle. DCREOUTZ The proposal does not comply with policies GROWTH3, GROWTH5 and COM7 of the East Cambridgeshire Local Plan 2015 and in addition does not comply with paragraphs 103 and 104 of the NPPF.

2. The proposal for 4 dwellings situated within this edge of settlement location would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominately rural character of the countryside setting, causing detrimental harm to the character and amenities of the area. The dwellings would interrupt views over open countryside and would contribute to the erosion of the rural character of this part of Isleham. On this basis the proposal is considered contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 by damaging the rural character of the area.

4.0 THE SITE AND ITS ENVIRONMENT

The application site is located outside of, but adjacent to, the defined development envelope for Isleham. There are open fields to the north of the site. There is an agricultural access and linear residential development along East Fen Road to the east of the site. A pond (designated as a Local Green Space within policy 4 of the Isleham Neighbourhood Plan) and the public highway of East Fen Road are located to the south of the site, with dwellings located to the south side of East Fen Road. A Public Right of Way runs adjacent to the west boundary of the application site and beyond that is agricultural land and dwellings further to the west. The application site comprises agricultural land with some trees and vegetation adjacent to parts of the site boundaries.

5.0 RESPONSES FROM CONSULTEES

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

Isleham Parish Council

Has concerns about the application and recommends outright refusal of permission.

Objects on the following grounds:

The application is clearly beyond the boundary of the Development Envelope as identified in the Isleham Neighbourhood Plan.

Provides the reasons for refusal for planning application 19/01777/OUT which was proposed for the same site:

1. The village of Isleham, while having a reasonable level of services (as described under the Village Vision in the East Cambridgeshire Local Plan 2015) has seen a significant amount of proposed dwellings being approved over and above the planned level. The proposed development, when considered cumulatively with

the proposed housing allocations for Isleham and the recent approvals for housing development, would result in an unsustainable amount of residential development, which would outstrip the modest increase in employment provision envisaged for Isleham and place significantly increased pressure on local infrastructure. Until such time as the infrastructure is improved, the village is unable to cope with additional speculative development. The lack of employment, retail and public transport opportunities within the village would result in an unsustainable pattern of development, encouraging high levels of out commuting by private vehicle. The proposal does not comply with policies GROWTH 3, GROWTH5 and COM7 of the East Cambridgeshire Local Plan 2015 and in addition does not comply with paragraphs 103 and 104 of the NPPF.

2. The proposal for 4 dwellings situated within this edge of settlement location would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominately rural character of the countryside setting, causing detrimental harm to the character and amenities of the area. The dwellings would interrupt views over open countryside and would contribute to the erosion of the rural character of this part of Isleham. On this basis the proposal is considered contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 by damaging the rural character of the area.

Ward Councillors

Councillor Julia Huffer - Agrees with the remarks of the Parish Council who have expressed concerns about the application. Should it be recommended for approval, requests that the application is brought to Committee for further scrutiny.

Local Highways Authority

On the basis of the information submitted, in highway terms the proposed development is acceptable.

The access onto East Fen Road is of suitable width and can achieve the necessary visibility.

While no vehicle tracking has been provided, is satisfied that the access and site layout are suitable for the scale and nature of proposed development as they are of a standard form.

Where access crosses the highway verge (note the highway boundary is coincident with the application blue line) it will need to be constructed in accordance with CCC specifications, which does not include unbound surfacing materials i.e., gravel.

The applicant has not detailed how the external areas will be drained, but measures need to be included to prevent private surface water from draining to the highway.

It would be beneficial if the above comments could be addressed in a revised submission, but if not they can be addressed by condition.

In the event that the LPA are mindful to approve the application, requests the following conditions and informative are appended to any grant of permission:

Conditions:

- Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on P-6550-03.
- Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan P-6550-03 and thereafter retained for that specific use.
- Prior to the commencement of the use hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.
- The access and all hardstanding within the site shall be constructed with Adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- Prior to first occupation, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

Informative:

- Works in the Public Highway
This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

ECDC Trees Team

Due to the presence of trees in proximity to the development, an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. 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 in accordance with BS 5837:2012 Trees in relation to demolition, design and construction - Recommendations.

Environmental Health

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

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

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

If it is necessary to undertake ground piling, requests that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving, requests a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

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

Waste Strategy (ECDC)

- 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).
- The applicant has not detailed bin collection points in the outline plan/drawing. We would recommend to address it for our bin/ sacks collection service, using the toolkit of the RECAP Waste Management and Design Guide.

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision (delivery and administration) of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires a set of receptacles; the contribution is currently £53 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Cambridgeshire Archaeology

Records indicate that the site lies in an area of archaeological interest, within the historic village of Isleham, at the northern edge of the former East End area of the settlement. Recent archaeological investigations 160m to the south-east of the application area on land immediately north of Houghtons Lane indicate that the village originally extended further east and would have been larger in the Saxon and Medieval periods than it is today (Cambridgeshire Historic Environment Record reference ECB5371). Gullies and pits, and an assemblage of jars, bowls, jugs, animal bone and oyster shell were encountered within the evaluation, all of which are indicative of settlement activity (CHER ref. MCB25469). Later excavations to the east and south revealed further early medieval activity (CHER ref. MCB27643).

In the wider landscape, archaeological investigations to the west at Ellwoods Close revealed evidence of significant Saxon, medieval and post-medieval occupation as well as artefactual evidence which suggests the location of a high status Roman building in the vicinity (CHER ref. ECB4634). Investigations at Church Lane revealed significant evidence of Prehistoric, Roman, medieval and post-medieval occupation (CHER ref. ECB4610), while archaeological investigations at Priory Gardens (CHER ref. CB15283) and Beck Road (CHER ref. MCB18442) revealed further evidence of medieval and post-medieval occupation. In addition, to the west are the scheduled earthwork remains of fish ponds, hollowed lanes and platforms that were part of the Isleham priory (National Heritage List for England reference 1013278). One of over 150 Benedictine monasteries founded in England, Benedictine monasticism had its roots in the rule written about AD 530 by St Benedict of Nursia for his own abbey at Monte Cassino but the earliest attempts to develop an order came only in 1216. The only remaining standing priory building at Isleham is the Chapel of St Margaret of Antioch (a Grade I Listed Building) to the north of which lie the buried foundations of the conventional buildings and the earthwork remains of the associated agricultural complex (CHER ref. 07528).

Due to the archaeological potential of the site, a further programme of investigation and recording is required in order to provide more information regarding the

presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. This was recommended on the previous refused application (19/01777/OUT) also. Usage of the following condition is recommended:

Archaeology Condition:

- No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) The statement of significance and research objectives;
 - b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The timetable for the field investigation as part of the development programme;
 - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Cadent Gas Ltd

The planning application is in close proximity to medium and low pressure assets. No objection, but requests an informative relating to civil matters is appended to any decision notice.

Cambs Wildlife Trust

The submitted ecological report covers all the relevant issues and makes appropriate avoidance, mitigation and enhancement recommendations. If planning permission is granted, the recommendations in section 8 of the Greenwillows Associates report dated November 2022 should be secured through the use of appropriately worded planning conditions.

Asset Information Definitive Map Team

No objection to this proposal. The footpath must remain open and unobstructed at all times. Should planning permission be granted, requests the following informatives are included:

- Public Footpath 2, Isleham must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)
- No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information can be found on the County Council's website.

Cambridge Ramblers Association - No Comments Received

CCC Growth & Development - No Comments Received

Rural Planning Consultant - No Comments Received

5.2 A site notice was displayed near the site on 9 December 2022 and a press advert was published in the Cambridge Evening News on 15 December 2022.

5.3 Neighbours – 8 neighbouring properties were notified. 2 responses have been received and are summarised below. A full copy of the responses are available on the Council's website.

- It does not conform to the policies in the East Cambs Local Plan and Isleham Neighbourhood Plan.
- Impacts on residential amenity – Added disturbance, noise and light pollution from additional housing would reduce the enjoyment local residents experience of rural quiet.
- Impacts on the character of the area and its use is inappropriate.

- Impacts on highway and pedestrian safety - The significant increase of vehicle movements, both during construction and once completed, would increase highway safety risk. East Fen Road is not a through road, only has a footpath on one side of the road and there is a blind corner adjacent to 20 East Fen Road to negotiate.
- Impacts on nature conservation and trees - Some farmland birds on the RSPB Red (endangered) List are found in the proposed application area and surrounding hedge, verges and tree lines. Species seen include Grey Partridge, Starling, Mistle Thrush, Greenfinch and Hawfinch but most noticeable is the cuckoo that returns to breed in this area and has been seen sitting on the electric overhead cables crossing this area. All protected by the Wildlife and Countryside Act 1981. The application fails to show a biodiversity net gain.
- The application site is located outside of the defined development envelope which serves to protect the rural countryside, farmland, nature and wildlife habitat and prevent unnecessary development in order to protect residents.
- There are no exceptional circumstances in this application that warrant non-compliance with Policy 1 of the Neighbourhood Plan. There is no exceptional need for this type of development. It would be the beginning of in-filling on farmland outside of the development envelope that would set a precedent to despoil the rural countryside.
- Developing piecemeal on inappropriate land outside of the development envelope is not beneficial to the community, and does not show any evidence of need.
- At times of heavy rainfall, there is surface water flooding on the road in this area. Additional development exacerbate the increasing problem of surface water flooding.
- There are no significant changes between the proposed development and the previous application 19/01777/OUT.
- The previous application was refused for the following reasons which all remain valid:- damage to the rural character of the area, loss of amenity, cumulative impact, and it will have an intrusive urbanising impact on the surrounding landscape.
- The site cannot be considered as a Rural Exception Site to provide affordable housing.
- Isleham PC have developed the Neighbourhood Plan to deliver sustainable growth for the village and retain the intrinsic characteristics that make Isleham the special and unique rural village it is. This application, if approved, would lead to development of open farmland, setting a precedent that the Neighbourhood Plan can be easily overridden and the huge amount of work that went into producing the Plan by the Parish Council (and subsequently adopted by ECDC-which should give additional weight to the Plan) would count for nothing.

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 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Isleham Neighbourhood Plan 2022

Policy 1a: Housing Growth
 Policy 1b: Housing Types
 Policy 2: Isleham's Development Envelope
 Policy 3: Character & Design
 Policy 6: Heritage Assets & Locally Important Buildings & Structures
 Policy 7: Wildlife & Habitats
 Policy 9: Pedestrian Access & Public Rights of way Policy
 Policy 10: Car Parking
 Policy 11: Cycle Parking & Storage

6.3 Supplementary Planning Documents

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

6.4 National Planning Policy Framework 2021

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

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 **Principle of Development**

- 7.1.1 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at an emerging stage (with a 'regulation 19' consultation due Spring/Summer 2022), and therefore little weight should be given to its emerging content.
- 7.1.2 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.
- 7.1.3 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker, An important factor is the consideration of whether the Policy is "out of date" and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 219. Applying national policy, there are three main reasons it could be out of date, as follows:
- 7.1.4 (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;
- 7.1.5 (b) If the Council 'fails' the Housing Delivery Test. This is not the case. The Council presently sufficiently 'passes' the Test; or
- 7.1.6 (c) If the Policy is considered 'out of date' on a separate basis. This has been defined by the Courts as "have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted "*The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.*" (*Gladman Developments Limited v SSHCLG and Central Bedfordshire* [2019] EWHC 127 (Admin), [34]). Datedness will always be a "case-sensitive exercise" (*Gladman*, [36]) and will "encompass the manner in which a policy operates in relation to the determination of a particular application" (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).
- 7.1.7 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.1.8 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for

housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.

- 7.1.9 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.1.10 Turning to the facts of this particular application, the proposal is located outside of the development envelope, and is not one of the exceptions listed in GROWTH 2. The proposal is also not located at one of the three market towns, where growth is directed to by GROWTH 2. It is, therefore, clearly contrary to policy GROWTH 2.
- 7.1.11 The Council have considered whether GROWTH 2 (including development envelopes derived by it) should be considered out of date or not, and in particular in doing so considering recent appeal decision on this matter. A number of appeal decisions in settlements away from market towns have indicated that GROWTH 2 is up to date. The Inspector in a recent decision at Soham (i.e. a Market Town) identified that GROWTH 2 is out of date (APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham, dated 11 February 2022).
- 7.1.12 The Council has carefully considered all of these decisions and in particular whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the nature of the conflict). The Council considers that the Soham decision is distinguishable.
- 7.1.13 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”
- 7.1.14 This proposal, in this location (i.e. not a market town), is not consistent with that strategy.

- 7.1.15 Whilst GROWTH 1 is out of date, the locational strategy within GROWTH 2 is not out of date. The locational strategy remains entirely valid and consistent with NPPF.
- 7.1.16 Moreover, there are additional reasons related to landscape harm which confirm that GROWTH 2 is consistent with NPPF and should be considered as up-to-date for the purposes of this appeal.
- 7.1.17 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.
- 7.1.18 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.
- 7.1.19 In addition, policies 1a and 2 of the Isleham Neighbourhood Plan restrict development outside of the defined Isleham development envelope to specific categories of exception development listed within those policies. The proposed development is not for any of the specific categories of development that can be permitted, as an exception, outside of the defined development envelope for Isleham. The proposed development is therefore contrary to the locational strategy for development within Isleham, as set out within policies 1a and 2 of the Isleham Neighbourhood Plan.
- 7.1.20 For the reasons set out above, the principle of development for market housing in this location is considered to be unacceptable.

7.2 Residential Amenity

- 7.2.1 Policy ENV 2 of the Local Plan requires that all new development proposals ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.2.2 Policy 3 of the Isleham Neighbourhood Plan requires development proposals to:
- Provide adequate amenity space for future occupiers of the properties.
 - Not result in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.
- 7.2.3 The main dwellings to be affected by the proposed development are likely to be 23 Goodchilds Gardens and 20, 22, and 32 East Fen Road. The distances between the proposed dwellings and the nearest neighbouring dwellings are in excess of 20 metres (65 feet). Taking these separation distances into consideration, the proposed dwellings would not cause harm to the residential amenity of neighbouring properties in respect of overbearing, overlooking or overshadowing impacts. The proposed dwellings may result in additional disturbance, noise and light pollution to the surrounding area; however, given the limited scale of development and the significant separation distances from neighbouring dwellings, such impacts would not result in any significant harm to the residential amenity of neighbouring properties. It is considered that the proposed dwellings could be designed to ensure

that no significant impacts would be caused to the residential amenity of neighbouring properties.

- 7.2.4 The proposed dwellings would have generously sized private outdoor amenity spaces, which would not be overlooked or overshadowed. The proposed dwellings and their associated outdoor amenity spaces would provide a high standard of amenity to future occupiers of the proposed dwellings.
- 7.2.5 It is therefore considered that the proposed development would not cause any unacceptable impacts on the residential amenity of neighbouring properties, and it would provide a high standard of amenity for future occupiers of the proposed dwellings, in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015, policy 3 of the Isleham Neighbourhood Plan and guidance contained within the Design Guide SPD.

7.3 Visual Amenity

- 7.3.1 Policy ENV 1 of the Local Plan requires development proposals to protect and conserve settlement edges, their wider landscape setting, key views into and out of settlements, and the unspoilt nature and tranquillity of the area.
- 7.3.2 Policy ENV 2 of the Local Plan requires development proposals to respect the character and landscape of villages, and protect important views into and out of settlements.
- 7.3.3 Policy 3 of the Isleham Neighbourhood Plan requires development proposals to deliver high quality design by complying with various requirements set out within the policy.
- 7.3.4 The application is explicit that the proposal is for bungalows and it is accompanied by indicative details of the appearance of the bungalows; however, appearance is not a matter for consideration as part of this outline planning application and would be assessed as part of any subsequent application for reserved matters approval in any event of outline planning permission being granted. The layout and scale of the proposed development, and the character and visual impacts of residential development in this location, are matters for consideration as part of this outline planning application.
- 7.3.5 The proposal would result in 4 dwellings, located on the edge of the village and within the countryside. By virtue of its location, the proposal would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominately rural character of the countryside setting, and causing detrimental harm to the character and amenities of the area. Dwellings in this location would interrupt views over open countryside and would contribute to the erosion of the rural character of this part of Isleham.
- 7.3.6 It is therefore considered that the proposal would harm the rural character of the area, contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015.

7.4 Historic Environment

- 7.4.1 The site is not within close enough proximity to any listed buildings or the conservation area to have any significant effects on those heritage assets. However, the site is located within an area of high archaeological potential. The County Council's Historic Environment Team has no objection to the proposal, but request a condition is appended in any event of planning permission being approved, to secure a scheme of archaeological investigation, recording and mitigation.
- 7.4.2 It is therefore considered that the proposal has acceptable archaeological impacts, in accordance with policy ENV 14 of the East Cambridgeshire Local Plan 2015.

7.5 Highway safety, parking provision and the public right of way

- 7.5.1 The Local Highway Authority states that the access onto East Fen Road is of suitable width and can achieve the necessary visibility; and the access and site layout are suitable for the scale and nature of proposed development as they are of a standard form. The Local Highway Authority considers the proposed development to be acceptable in highway terms, subject to conditions being appended in any event of planning permission being approved.
- 7.5.2 The proposal demonstrates adequate parking provision of two spaces per dwelling, in addition to adequate space for cycle storage and visitor parking off the public highway.
- 7.5.3 Details of electric vehicle charging points could be secured by a planning condition, in any event of planning permission being approved, in accordance with policy 10 of the Isleham Neighbourhood Plan.
- 7.5.4 A Public Right of Way runs adjacent to the west of the application site. The County Council's Definitive Map Team has no objection to the proposal. If there was any requirement to close the public right of way during construction works, in any event of planning permission being approved, this would be a matter to be dealt with between the landowner and County Council Definitive Map Team, outside of the scope of this planning application.
- 7.5.5 It is therefore considered proposal provides acceptable details of access, manoeuvring and parking provision, would not result in any significant harm to highway safety, and would provide adequate parking provision, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and policy 10 of the Isleham Neighbourhood Plan.

7.6 Biodiversity and trees

Biodiversity

- 7.6.1 The application is accompanied by an Ecological Impact Assessment. The County Wildlife Trust has reviewed the Ecological Impact Assessment and states that it covers all the relevant issues and makes appropriate avoidance, mitigation and enhancement recommendations. The County Wildlife Trust recommends that the

recommendations in section 8 of the Ecological Impact Assessment are secured by a planning condition in any event of planning permission being granted.

- 7.6.2 On the basis of the recommendations of the Ecological Impact Assessment, the recommendation of the County Wildlife Trust, and as the application site has substantial areas of space around the proposed dwellings to provide significant biodiversity enhancements, it is considered that appropriate biodiversity conditions could be appended, in any event of planning permission being approved, that would ensure the proposed development adequately protects and enhances biodiversity, in accordance with policy ENV 7 of the East Cambridgeshire Local Plan 2015, policy 7 of the Isleham Neighbourhood Plan and guidance contained within the Natural Environment SPD.

Trees

- 7.6.3 The application site contains trees and hedging which have no formal protection.
- 7.6.4 Due to the presence of trees in proximity to the proposed development, the Council's Trees Team has stated that an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. However, the planning history of the site is a material planning consideration relevant to this application. An AIA was not requested by the Local Planning Authority for the previous planning application ref: 19/01777/OUT, which was also an outline planning application for 4 dwellings on this site. In respect of the previous application, the Council's Trees Team considered there to be no significant arboricultural issues to refuse that application. As the access proposed by the current planning application is in the same location as the access proposed by planning application ref: 19/01777/OUT, it is considered that the current planning application does not propose any material changes that would make it reasonable to require the submission of an AIA with it. Appropriate conditions could be appended, in any event of planning permission being approved, to protect trees to be retained as part of the proposal.
- 7.6.5 The proposal has some conflict with policy ENV 7 of the East Cambridgeshire Local Plan 2015 resulting from the lack of an arboricultural assessment accompanying the application. However, there are material planning considerations which outweigh this conflict and, as with planning application ref: 19/01777/OUT, it is considered that there would be no significant arboricultural issues that would warrant refusal of this planning application.

7.7 Flood Risk and Drainage

- 7.7.1 The site is within the Flood Zone 1, where the principle of residential development is acceptable in flood risk terms. Details of foul and surface water drainage could be secured by a planning condition in any event of planning permission being approved.
- 7.7.2 It is therefore considered that the proposal accords with policy ENV 8 of the East Cambridgeshire Local Plan 2015.

7.8 Other material considerations

- 7.8.1 Policy 3 of the Isleham Neighbourhood Plan states that development proposals must utilise latest technologies and materials to ensure the highest possible level of energy efficiency including the installation of solar panels on all new developments. Details of energy efficiency measures could be secured by a planning condition in any event of planning permission being approved.
- 7.8.2 Policy 9 of the Isleham Neighbourhood Plan states that development proposals that would be clearly visible from a public right of way should consider the appearance of the proposal from the right of way and incorporate green landscaping to reduce any visual impacts. A Public Right of Way runs adjacent to the west of the application site and it is considered that the proposal gives appropriate consideration to the appearance of the proposal from the public right of way by proposing bungalows. Landscaping of the site could reduce visual impacts from the public right of way, however landscaping is not a matter for consideration as part of this outline planning application. The County Council's Definitive Map Team has no objection to the proposal. If there was any requirement to close the public right of way during construction works, in any event of planning permission being approved, this would be a matter to be dealt with between the landowner and County Council Definitive Map Team, outside of the scope of this planning application.

7.9 Planning balance

- 7.9.1 It is considered that the proposed development would not result in any significant harmful impacts in respect of residential amenity, the historic environment, highway safety and the public right of way, biodiversity and trees, or flood risk and drainage.
- 7.9.2 However, the Council can demonstrate an adequate 5 year housing supply and policies GROWTH 2 of the East Cambridgeshire Local Plan 2015 and policies 1a and 2 of the Isleham Neighbourhood Plan are up-to-date. The proposed development is not for any of the specific categories of development that can be permitted, as an exception, outside of the defined development envelope for Isleham; therefore the principle of development is considered to be unacceptable, contrary to the locational strategy for development within Isleham, as set out within policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 and policies 1a and 2 of the Isleham Neighbourhood Plan. In addition, 4 dwellings within this edge of settlement location would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominately rural character of the countryside setting, causing detrimental harm to the character and amenities of the area, interrupting views over open countryside, and contributing to the erosion of the rural character of this part of Isleham; therefore the proposal would cause harm to the rural character of the area, contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015. The application is therefore recommended for refusal for the reasons set out within paragraph 1.1 of this Committee Report.

8.0 APPENDICES

Appendix 1: Committee Report for planning application ref: 19/01777/OUT
Appendix 2: Committee Decision List relating to planning application ref:
19/01777/OUT

Background Documents

22/01433/OUT

19/01777/OUT

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

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

AGENDA ITEM NO 12**MAIN CASE**

Reference No: 19/01777/OUT

Proposal: Proposed residential development comprising 4No. dwellings, garaging & access

Site Address: Site West Of 45 East Fen Road Isleham Cambridgeshire

Applicant: Albendan Ltd

Case Officer: Toni Hylton, Planning Officer

Parish: Isleham

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

Date Received: 30 December 2019 **Expiry Date:** 21st April 2020

[U211]

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 - OUT/OUM - 2+ dwelling
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Foul and Surface water drainage
- 7 access to be as shown on plan
- 8 Pedestrian visibility splays
- 9 Recommendations with ECIA to be carried out
- 10 Biodiversity Improvements
- 11 Archaeological Investigation
- 12 Restriction on working hours
- 13 Piling foundations
- 14 Tree Protection Measures
- 15 Phasing
- 16 Restrict Floor area to 999 square metres

2.0 SUMMARY OF APPLICATION

- 2.1 The application is made in outline for the erection of 4 dwellings, all matters are reserved apart from access. The plans submitted are indicative only showing a possible layout for the development of 4 detached dwellings.
- 2.2 Councillor Julia Huffer requested that the application be presented to the Planning Committee, stating “Following our conversation regarding this application should you be minded to approve this can you arrange to have it called in to committee as the Parish Council and members of the public have concerns about it”
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **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 There is no relevant planning history on this site.
- 3.2 There have been applications on land south of 61 – 71 East Fen Road;
17/02020/FUL – 2 x 3 bed bungalows – Approved
17/01247/FUL – 3 x 3 bed bungalows – Approved

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is outside of the development envelope for Isleham although adjoins the boundary to the south, a public right of way runs along the western boundary. To the rear are open fields with views of residential development along Waterside in the distance. To the eastern boundary is a farm access with linear residential development further along East Fen Road.
- 4.2 The site itself is part of an agricultural field with some trees and hedging to the boundary, a pond in the south western corner and the public right of way.

5.0 RESPONSES FROM CONSULTEES

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

Ward Councillors -

Councillor Julia Huffer requested that the application be presented to the Planning Committee (23.01.2020), stating “Following our conversation regarding this application should you be minded to approve this can you arrange to have it called in to committee as the Parish Council and members of the public have concerns about it”

Isleham Parish Council - 21 January 2020

States "We strongly object to this application on the following Material Planning Considerations: This plot of land is on the recognised circular walk of Isleham village and any development would clearly result in the loss of open and historic views across neighbouring farm land and be a yet further erosion of our rural village character. We believe that it would also add to the flooding experienced by houses/land on this part of East Fen Road.

It is particularly important to note that the proposed development would be sited on prime agricultural land which contains a wide range of wildlife, fauna and flora as well as being immediately in front of the historic Cherry Drove pond. We believe that this development would require the removal of several metres of valuable hedgerow and possibly one of the trees bordering the road.

We therefore feel that the erection of dwellings within this location, which comprises a predominantly open and rural setting, would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village. The proposed development would create significant and demonstrable harm to the character and appearance to the area and is contrary to Policies ENV1 and ENV2 and paragraphs 14, 17 and 55-68 of the national planning framework.

As you can see from the photographs below, the development would be sited adjacent to and served by an extremely poorly maintained public road. These houses are likely to add a further 8 vehicles to those that already need to use this road, resulting in further damage to this road and increase risk to pedestrians.

It is also our distinct belief that if approved this would be just the first such application for this particular site.

We would once again suggest that such a development would be completely out of proportion to both the neighbouring properties as well as the needs of the village.

The infrastructure of our village is already at breaking point. This part of Isleham already experiences significant drops in water pressure and challenges with other utilities including regular power cuts. The village is served by just one bus a day, there is just one shop (which already causes major problems with parking) and the school is running at capacity with some families already having to transport their children to schools in neighbouring towns and villages. There are VERY limited employment opportunities within the village with the vast majority of adults having to travel to neighbouring towns and cities further adding to congestion and pollution.

In November 2019 we undertook a Housing Needs survey and given that there are already a substantial number of similar properties for sale in Isleham we do not feel there is the need to lose yet another rural part of our village to development. The website www.rightmove.co.uk identifies 41 houses already for sale in the village and this at the start of January, when the market is typically low. The vast majority of these houses are being sold for a price extremely similar to this particular application.

This application should also be seen in the context of the already approved development by Bloor of 125 homes, two further applications for 200 and 80 houses

respectively and the 117 hundred individual / smaller scale developments which have been built or approved in the three-year period 2016-2019

We also appreciate that East Cambs District Council have a target to find 18,000 new houses, across the district but we do believe that this should be achieved in a proportionate manner and where there is an identified need and not just because land owners are willing to sell!

In 2017 Isleham had 1076 dwellings. This would therefore equate to a 52% increase in the number of houses in our village. This has and will continue to have a significant, detrimental impact on the character of our village with absolutely no agreed improvement to our infrastructure”

Asset Information Definitive Map Team - 23 January 2020

States “Please note Public Footpath No. 2, Isleham runs along the western boundary of the development. To view the location of the footpath please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map team do not have any objection to the development proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width.”

Local Highways Authority - 13 February 2020

States “The Highways Authority has no objection in principal to this application This application is outline with access only as such the internal arrangement will be decided at a later date. Whilst I have no objection to the location of this access and the principal of the development the LPA and developer must ensure that there is sufficient room for vehicles to enter turn on site and leave in a forward gear during the reserve matter application which is outside the remit of this application. The shown visibility to the right is actually less than the achievable distance. The location of the access near the bend in the road will increase the distance drivers can see and the visibility to the left is in line with current guidance. The speeds of vehicle passing this access will be lower than the posted speed limit therefore I have no concerns with the proposal or visibility.

Recommended Conditions and Informative relating to access and pedestrian visibility.

ECDC Trees Team - 24 January 2020

States “The site is outside any Conservation Area and is not subject to any Tree Preservation Orders.

No site visit made comments from street view with access to site photos unavailable

The site is agricultural with a hedge to the front (southern) boundary which is atypical of an unmanaged agricultural hedge, with a poor specimen tree (if still standing) on the south west corner (Ash).

The hedgerow is proposed for retention which is desirable although it will require a management proposal to bring it into a state appropriate for being at the front of

dwelling along with details of protection so it isn't destroyed during any development. The proposed access appears to use an existing gap in the hedge.

Overall there are no significant arboricultural issues to refuse this application - a robust landscaping scheme and management proposal for the hedge will be required along with protection measures during development.”

Environmental Health - 8 January 2020

No objection subject to conditions relating to contamination, working hours and piling foundations.

Waste Strategy (ECDC) - 3 February 2020

Payment towards the provision of bins.

Cambridge Ramblers Association - No Comments Received

Cambridgeshire Archaeology - 14 February 2020

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

Cadent Gas Ltd - 13 January 2020

Apparatus is nearby and needs to be considered in the construction of the development.

Cambs Wildlife Trust - 26 February 2020

States “I have no specific comments to make with regards to ecological impacts of the above planning application. The Ecological Impact Assessment identified no significant constraints to development and has made suitable recommendations with regards to protected species. As with any application, this proposal should aim to deliver a net gain in biodiversity, in line with local and national planning policy, and therefore in addition to the suggested bat and bird boxes, I recommend detailed landscape proposals incorporate native and/or wildlife friendly planting.”

CCC Growth & Development - No Comments Received

5.2 Neighbours – 7 neighbouring properties were notified and 6 responses were received and are summarised below. A full copy of the responses are available on the Council’s website.

- Outside of the development envelope
- Close to a Public Right of Way
- Harm to the views, visual amenity
- Harm to biodiversity
- Harm to the trees
- Poor parking and turning
- Impact of surface water and drainage issues
- Highway safety
- Form and character
- Impact on the landscape

5.3 A site notice was displayed near the site on 15th January 2020 and advert was placed in the Cambridge Evening news on 16th January 2020.

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

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 9 Promoting sustainable transport
- 14 Climate change, flooding and coastal change
- 15 Historic environment
- 16 Natural Environment

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.1.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

- 7.1.2 The benefits of this application are considered to be: the provision of four residential dwellings built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.1.3 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.4 The site is located outside the established development framework of Isleham, however, the site adjoins the settlement boundary in a number of places. The site is therefore considered to be sufficiently well connected to the settlement, alongside a number of residential dwellings and within close proximity to the facilities and services on offer in the village.
- 7.2 Residential Amenity
- 7.2.1 The main dwellings to be affected by the proposed development would be 23 Goodchilds Gardens, 20, 22, and 32 East Fen Road. The distances between the site and the nearest dwellings are between 15 and 30 metres. Taking these distances into consideration it is unlikely that the proposed dwellings would prove to cause harm to their amenities by way of being overbearing, overlooking or detract light. It is considered that the dwellings can be designed as part of a reserved matters application to ensure all of the neighbours' amenities are maintained. On this basis the proposal is considered to comply with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015 and Design Guide SPD 2012.
- 7.2.2 The site can accommodate 4 dwellings and provide garden sizes in excess of 50 square metres, in compliance with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015 and Design Guide SPD 2012.
- 7.3 Visual Amenity
- 7.3.1 A number of concerns have been raised with regard to the visual impact of the proposal. At this stage of the outline process there are no designs of the dwellings to indicate their height or form so the application cannot be assessed on this basis as this will form part of the reserved matters stage. It is understood there will be a loss of view, however in planning terms the right to a view is limited and the view itself is of open fields and glimpses of residential development along Waterside can be seen from the site. The view itself is not considered to be exceptional to consider the application unacceptable. The design of the dwellings has yet to be agreed and it is expected that the dwellings would be single storey, with the possibility for accommodation within the roof space which would allow for views through the site and beyond.
- 7.3.2 There is no doubt that the proposal would change the views of the area, however it is not considered to be detrimental to this village edge location, particularly when development further along East Fen Road has been permitted for single storey dwellings at the end of the established row of dwellings. Applications 17/02020/FUL and 17/01247/FUL for a combination of 5 dwellings. Whilst precedence is not a

reason support a proposal there are significant comparisons of the site which are also applicable to the application site. The sites adjoin the development framework, on open fields and can be limited in scale. On this basis the proposal is considered to be in compliance with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

7.4 Historic Environment

7.4.1 The site is not within close proximity to a Listed Building nor the Conservation Area, however the site is considered by the Historic Environment Team from the County Council to have the potential for archaeology. In close proximity to the site there has been evidence suggesting Roman, medieval and post medieval occupation. Whilst there is no objection to the proposal it will require the submission of Written Scheme of Investigation to determine any archaeological value. On this basis the proposal is considered to comply with policy ENV14 of the East Cambridgeshire District Council Local Plan 2015.

7.5 Highways and Public Right of Way

7.5.1 In consultation with the Highways Officer the proposal is considered acceptable. Whilst the internal arrangement has not been shown, it is considered that it can achieve adequate turning and manoeuvre space for vehicles to leave in a forward gear. The development can accommodate a minimum of 2 parking spaces per dwelling as shown on the indicative layout plan. On this basis the application complies with policies COM7 and COM8 of the East Cambridgeshire District Council Local Plan 2015.

7.5.2 A public right of way runs along the western boundary of the site and in consultation with the Rights of Way officer there is no objection to the proposal. Being adjacent to a public right of way does not preclude development from taking place, however it should remain available to all with no encroachment. Any proposal will need to ensure that the right of way remains open at all times as well as no storing of materials which would restrict access which can be dealt with by way of an informative to any planning permission issued. On this basis the application complies with policies COM7 and COM8 of the East Cambridgeshire District Council Local Plan 2015.

7.6 Ecology and trees

7.6.1 The application was supported by an Ecological Impact Assessment due to the nearby pond and existing vegetation on the site and was assessed by the Wildlife Trust. It was considered that recommendations for protecting species during development is acceptable and the report should be conditioned to ensure that this is carried out. To ensure a net biodiversity increase a scheme to include bird and bat boxes in the final construction of the dwellings would be required. A detailed landscape scheme should also be provided to enhance the biodiversity of the site. It is considered that the scheme can provide a biodiversity net gain in accordance with policy ENV7 of the East Cambridgeshire District Council Local Plan 2015.

7.6.2 The application states that the trees and hedge to the front will be maintained during construction. In consultation with the tree officer the proposal was not considered to be detrimental to the health of the trees and suggested a condition relating to a scheme of tree protection during construction. The application has not provided any form of landscaping as this would be part of a future reserved matters application. It

is considered that the proposal complies with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

7.7 Flood Risk and Drainage

7.7.1 The site is within the Flood Zone 1, where you would expect vulnerable developments such as dwellings to be located. With regard to drainage and surface water this can be addressed by way of condition requiring this detail to be submitted at a later date. On this basis the proposal is considered to comply with policy ENV8 of the East Cambridgeshire District Council Local Plan 2015.

7.8 Other material considerations

7.8.1 Concerns have been raised with regard to the loss of agricultural land and lack of infrastructure in the village. The site is approximately 0.25 hectares of good agricultural land. Whilst there is a loss of agricultural land in this location, it is not a reason to refuse an application.

7.8.2 With regard to the lack of infrastructure, it is a typical village in the East Cambridgeshire District, having some facilities, restricted transport links with a historic core to the village. The village does have some services, including schools, shops, places of worship and social facilities. It is understood that there are some issues relating to infrastructure but the village can accommodate residential development in this location and scale. It is recognised that the school in the village is at capacity with planned development and cannot accommodate additional students, however this is a small scale development and by the time this scheme comes to fruition there may be other alternatives. In addition the small scale development of 4 dwellings is likely to have a minimal impact on the school.-

7.9 Planning Balance

7.9.1 The site is not within an established development envelope, however at a time when the Local Planning Authority cannot demonstrate a 5 year housing land supply, new developments put forward which would be considered to be in a sustainable location should be considered favourably unless there other material considerations which dictate otherwise. The site can provide 4 new dwellings on a site sharing a boundary with the development envelope and could ensure all neighbouring amenities are maintained. It cannot be denied that the open view will be lost, but any reserved matters application could be designed to ensure views can be seen through the development and beyond. On this basis the proposal is recommended for approval.

8.0 APPENDICES

Appendix 1 - Suggested Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01777/OUT	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastca

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/01777/OUT Conditions

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

Plan Reference	Version No	Date Received
19:120 – 2		11.03.2020
GWA – Isleham EcIA 20190529_001		11.02.2020

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 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 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.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The

condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall take place until a scheme to dispose of Foul and Surface Water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the first occupation of the dwellings hereby approved.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 The access as shown on Plan 19:120-2 shall be implemented prior to the first occupation of the dwellings hereby approved and thereafter retained in perpetuity.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to the commencement of the use hereby permitted visibility splays of 2metres by 2 metres shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 The Ecological Impact Assessment submitted shall adhere to the recommendations made within the report as shown in chapter 8 of the GWA - IslehamECIA20190529-001 during the construction of the dwellings hereby approved.
- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 10 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.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 11 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.
- 11 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:
07:30 - 18:00; each day Monday-Friday,
08:00 - 13:00; Saturdays
and none on Sundays or Bank Holidays or Public Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 14 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.
- 15 The development hereby permitted consists of three phases as shown on Drawing No. 19:120 – 1 and shall be completed in accordance with the phasing plan submitted.
- 15 The applicant has requested that the development be undertaken in a phased manner for the purposes of CIL.
- 16 The floor area of the whole site shall not exceed 999 square metres including outbuildings.
- 16 Reason To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and to ensure the built development does not exceed 1,000 square metres in accordance with policy HOU3 of the East Cambridgeshire District Council Local Plan 2015.

Date of Publication of Decision List: 23rd April 2020**FOR INFORMATION ONLY****NONE OF THESE DECISIONS ARE SUBJECT TO CALL-IN**EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

PLANNING COMMITTEE – 20th April 2020
DECISION LIST

ITEM NO.	REPORT REF.	APPLICATION	DECISION	ACTION BY
5.	U204	19/00146/OUM Residential development for up to 19 dwellings. Site South East of 34 – 36 Chapel Lane, Wicken	It was resolved: That planning application reference 19/00146/OUM be REFUSED for the following reasons: <ul style="list-style-type: none"> • It is not in keeping with the built form in Wicken; • There are concerns regarding highway safety; • It will have a visual impact on the Conservation Area; and • It is out of character with the area. 	Catherine Looper, Senior planning Officer
6.	U205	19/00179/FUM Application for 16 residential dwellings (including 40% affordable) comprising two 5xbed houses, one 4xbed house, four 3xbed houses and nine 2xbed houses along with access, car parking, landscaping and	It was resolved: That planning application 19/00179/FUM be APPROVED subject to the signing of the S106 Agreement (in accordance with the Planning Committee Update) and the recommended conditions as set out in the Officer's report, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 Agreement and to issue the planning permission.	Anne James, Planning Consultant Rebecca Saunt, Planning Manager Maggie Camp, Legal Services

ITEM NO.	REPORT REF.	APPLICATION	DECISION	ACTION BY
		<p>associated infrastructure.</p> <p>Potters Cottage, 39 Church Street, Ashley, CB8 9DU</p>		Manager
7.	U206	<p>19/00376/OUM</p> <p>Outline planning application for the erection of up to 110 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Station Road and Fordham Road. All matters reserved except for means of main vehicular access.</p> <p>Land Off Station Road, Isleham</p>	<p>It was resolved:</p> <p>That planning application reference 19/00376/OUM be REFUSED for the following reasons:</p> <ul style="list-style-type: none"> • There is insufficient infrastructure to support the development; • Does not compliment the character of the village and will harm the character; • It is not in keeping with the village; and • The cumulative impact. 	Andrew Phillips, Planning Team Leader
8.	U207	<p>19/01386/FUL</p> <p>Demolition of existing cottage and outbuildings and the erection of 4no. dwellings and 1 replacement dwelling with 2no. crossovers, shared surface access road and associated</p>	<p>It was resolved:</p> <p>That planning application reference 19/01386/FUL be REFUSED for the following reason:</p> <ul style="list-style-type: none"> • Adverse impact on the countryside, as supported by the Planning Inspector's recent decision in accordance with Policies ENV1 and ENV2 of the Local Plan. 	Anne James, Planning Consultant

ITEM NO.	REPORT REF.	APPLICATION	DECISION	ACTION BY
		works. Gosling cottage, 165 The Street, Kirtling, CB8 9PD		
9.	U208	19/01413/OUM Extension of existing care home to include two storey addition to care home, 15no. assisted residential apartments, 90no. assisted residential apartments with ancillary facilities, 54 no. staff bedsits and flats, together with 37no. open market dwellings.	It was resolved unanimously: That planning application reference 19/01413/OUM be REFUSED for the reasons given in the Officer's report and updated policies as specified in the Planning Committee Update.	Angela Briggs, Planning Team Leader
10.	U209	19/01635/FUL Continue use of Shop/Café with alterations & additions to form 1No. first floor flat, access, parking & site works. 65 High Street, Sutton, CB6 2NL	It was resolved: That planning application reference 19/01635/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.	Molly Hood, Planning Officer
11.	U210	19/01589/OUT Proposed detached single storey dwelling,	It was resolved: That planning application reference 19/01589 be APPROVED for the following reasons:	Rachel Forbes, Planning Officer

ITEM NO.	REPORT REF.	APPLICATION	DECISION	ACTION BY
		garaging, access road, visibility splays and associated works. Site East Side of Herringswell Road, Herringswell Road, Kennett	<ul style="list-style-type: none"> • Members do not accept that the scheme will be an intrusion into the open countryside; and • It will be sustainable, being situated approximately 800 metres from the built form of Kennett. <p>It was further resolved:</p> <ul style="list-style-type: none"> • That the Planning Manager be given delegated authority to impose suitable conditions. 	Rebecca Saunt, Planning Manager
12.	U211	19/01777/OUT Proposed residential development comprising 4No. dwellings, garaging & access. Site West of 45 East Fen Road, Isleham	<p>It was resolved:</p> <p>That planning application reference 19/01777/OUT be REFUSED for the following reasons:</p> <ul style="list-style-type: none"> • It will cause damage to the rural character of the area; • There will be a loss of amenity; • Cumulative impact is a material consideration; and • It will have an intrusive urbanising impact on the surrounding rural landscape. 	Toni Hylton, Senior Planning Officer