

**21/01636/FUL**

Land Accessed Between 2 And 4

Fordham Road

Isleham

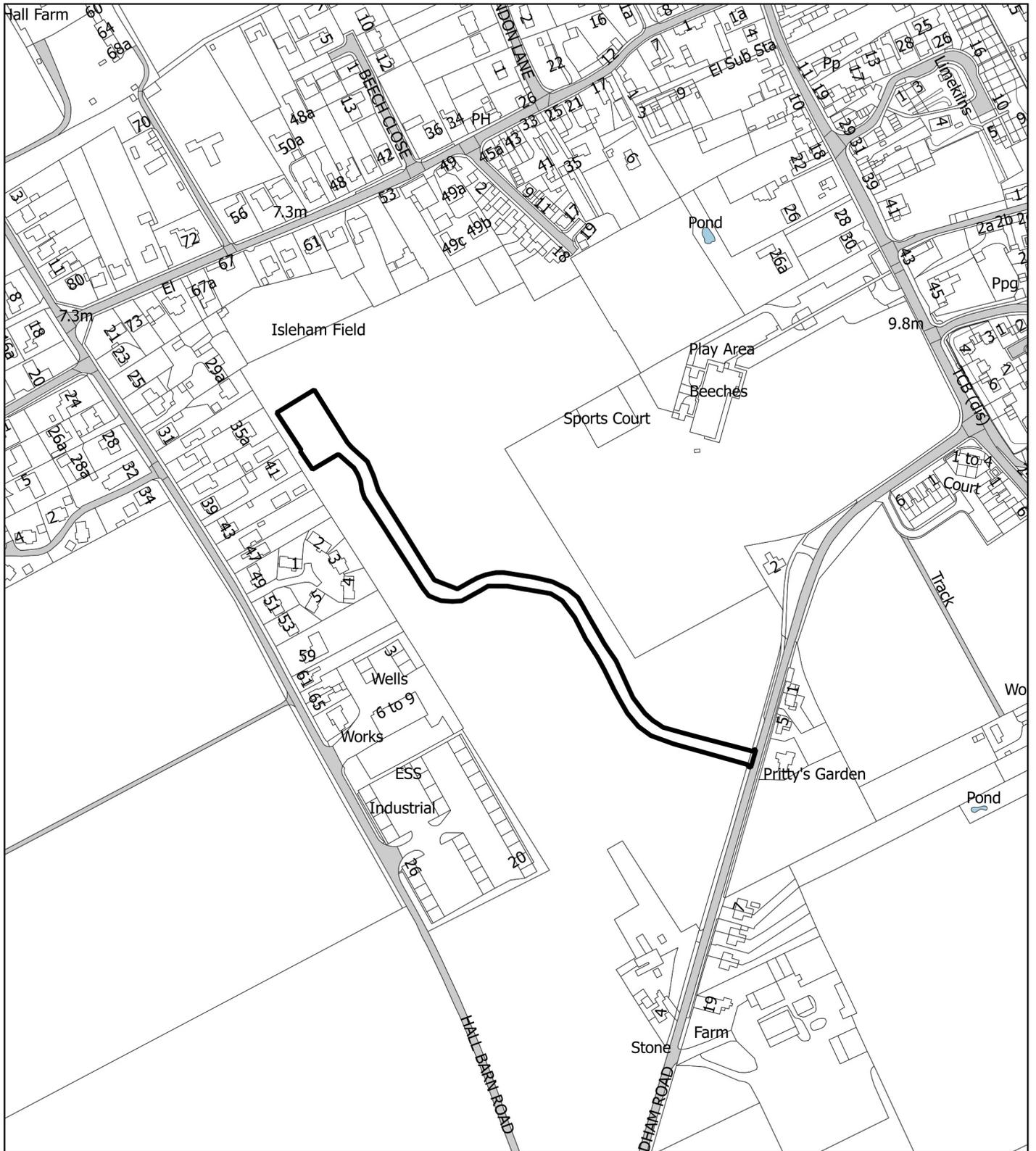
Cambridgeshire

Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2PP9UGGHYI00>





21/01636/FUL

Land Accessed Between 2  
And 4  
Fordham Road  
Isleham



East Cambridgeshire  
District Council

Date: 18/03/2022  
Scale: 1:4,000



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**MAIN CASE**

**Reference No:** 21/01636/FUL

**Proposal:** Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure

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

**Applicant:** Bloor Homes

**Case Officer:** Molly Hood Planning Officer

**Parish:** Isleham

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

**Date Received:** 17 November 2021      **Expiry Date:** 11<sup>th</sup> April 2022  
**Report Number W170**

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1.0      **RECOMMENDATION**

- 1.1      Members are recommended to APPROVE subject to the recommended conditions below:
- 1      Approved Drawings
  - 2      Time Limit - FUL/FUM - 2+ dwelling
  - 3      Reporting of unexpected contamination
  - 4      Foul and surface water drainage
  - 5      Parking, serving, etc
  - 6      Soft landscaping scheme
  - 7      Landscaping works
  - 8      Boundary treatments
  - 9      Specified Materials
  - 10     CEMP
  - 11     Biodiversity Improvements
  - 12     Electric car charging points

2.0      **SUMMARY OF APPLICATION**

2.1      Provision for self-build plots was acknowledged during the outline application (18/00363/OUM) and secured via the S106 agreement. In the subsequent reserved

matters (19/00447/RMM), plots 117, 116, 115, 114 were formerly allocated as self-build. In accordance with the S106 agreement, this application seeks confirmation that the Clause of Part 4 of the Third Schedule has been complied with and the self-build plots can be transferred to market dwellings.

- 2.2 As such permission is sought for the construction of four market dwellings with associated parking, garage and landscaping. The dwellings proposed are house types which are already approved on the surrounding residential development. Plots 117 and 114 are house type Wilton and Plots 115 and 116 are house type Hallam. Since the submission of the application, works have commenced on the site to lay the footings and initial brick work of the dwellings.
- 2.3 The application has been called into Planning Committee by Councillor J Schumann and Councillor Huffer as it was felt the application would benefit from being put back before the committee for their consideration.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

#### 3.1

18/00363/OUM	Outline planning permission with all matters reserved except for access for the erection of up to 125 dwellings including affordable housing, land to be reserved for nursery use (Use Class D1), open space including an extension to the recreation ground, play areas, sustainability drainage features and associated infrastructure including foul sewage pumping station	Approved	08.11.2018
19/00447/RMM	Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM	Approved	06.12.2019
19/00447/NMAB	Non material amendment to application 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated	Accepted	03.11.2020

works following approval of outline planning permission 18/00363/OUM seeking to reduce the entrance footpath width from 3m to 2m as previously approved under application 18/00363/OUM

19/00447/NMAC	Non material amendment in regards to agreed materials as detailed in conditions 1 and 4 to previously approved 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM	Accepted	27.10.2020
19/00447/NMAD	Non-material amendment to application 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM seeking to substitute some of the approved plots and consequential layout amendments	Accepted	14.05.2021

#### 4.0 THE SITE AND ITS ENVIRONMENT

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

#### 5.0 RESPONSES FROM CONSULTEES

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

**Parish - 7 December 2021**

As a result of their initial consultation and specifically their dialogue with the residents of houses bordering this development Bloor Homes assured residents that their properties would not be overlooked. As a result, Bloor Homes specifically agreed to only construct bungalows along the boundary with existing properties on Hall Barn Rd. This proposal is clearly not within the spirit of that commitment and will clearly affect both the light and privacy of at least three existing premises: 35a, 35b and 41 Hall Barn Rd

Similarly, we regard some of the design drawings to be misleading.

- While there is a 5m buffer zone between the gardens of the existing and new properties Bloor themselves have insisted on a 2.6 m growing height restriction, yet the updated street scene clearly shows trees taller than the houses themselves growing ( we can only assume) in this zone
- The 27.6m gap identified between the old and proposed new properties does not take into account the conservatory(s) built onto the existing houses
- The ground level for the new houses (actually the entire site) is unquestionably higher than that of the existing properties and this will exasperate the overlooking and loss of light to these properties

It would therefore be our expectation that Bloor homes honors their commitment to the existing residents and redesigns these properties as single story /dormer bungalows

**Lead Local Flood Authority - 4 February 2022**

We have reviewed the following documents:

- Planning Statement, Pegasus Group, Ref: P21-0809, Dated: November 2021

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

The above documents demonstrate that surface water from the proposed development can be managed within the wider scheme. The proposals covering the wider planning permission include these plots within the attenuation volumes accounted for and therefore there will be capacity for these dwellings within the proposed and approved wider surface water system.

We request the following condition is imposed:

**Condition**

The surface water drainage scheme shall be constructed and maintained in full accordance with the Planning Statement as submitted by Pegasus Group (ref: P21-0809) dated November 2021.

**Reason**

To prevent an increased risk of flooding and protect water quality

**Ward Councillor J Schumann – 24 January 2022**

This is a significant shift from what was previously (indicatively) agreed at outline stage and therefore I would be inclined to have this put back before the committee for their consideration.

Unless Cllr Hunt feels differently I would like this item to come to a future committee meeting. I am however, mindful that committee is a costly forum and the agendas can sometimes be lengthy so if this is not supported I will speak with Cllrs Huffer and Goldsack and see whether they feel I should reconsider.

**Ward Councillor Huffer – 2 February 2022**

After discussion with the Chair of Isleham Parish Council, I would be grateful if this item could be called into committee, as there is much local anger about this situation and I feel that the application would benefit from a public airing.

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

**Local Highways Authority - 8 December 2021**

I do not object to this application. The proposals are consistent with the wider development which benefits from existing permissions.

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

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

**ECDC Trees Team - 24 January 2022**

No tree related objections but please condition the submission of a suitable soft landscaping scheme.

**Environmental Health - No Comments Received**

**The Gardens Trust - No Comments Received**

- 5.2 A site notice was displayed near the site on 29 November 2021 and a press advert was published in the Cambridge Evening News on 2 December 2021.
- 5.3 Neighbours – Six neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Self Build

- Originally plots 114, 115, 116, 117 were to be offered as self-builds, but no discussions were entertained at the time as to the details of these builds. It is now apparent that no offers were accepted and now Bloor Homes wish to build these properties.
- Bloor initially stated they would build bungalows adjacent to Hall Barn Road - Bungalows in key locations to reduce the impact on existing adjacent dwellings.'
- Andrew Phillips, Planning Officer, stated to the Planning Committee in considering 19/00447/RMM, in Agenda Item 3, date 6 Nov 2019, "it was noted Bloor had created a Buffer Zone and Bungalows were placed along the rear of the existing properties of the Briars and the distance between them would stop the existing dwellings overlooking future residents and protect residential amenity. Existing

vegetation would be strengthened to the rear of the properties, and the self-build would be assessed when reserve matters were submitted.

#### Residential Amenity

- Parish Council were supportive of the properties subject to Bungalows being built where homes back onto Hall Barn Road. Bloor Homes stated that bungalows were to be built in key locations (including 33, 29a, 29b The Briars and thus so should include without prejudice 35a, 35b and 41 which are in similar proximity) to reduce the adverse impact on existing adjacent dwellings. It seems discriminatory to consider two storey plots when they have been determined as unsuitable along Hall Barn Road.
- The two storey properties will result in overlooking, overbearing, loss of privacy and loss of natural light from the Spring/Summer morning light.
- The base of the build seems to be at least a foot higher than our (No.35A) ground level, meaning the height of these will be unacceptable.
- There will be a great impact of 'Glare' from the house lights.
- Two storey houses are currently being built on plots 112 & 113 between the bungalows and back onto No.43, 45 and 47 Hall Barn Road which have very long gardens.
- Mr. Eburne the then Planning Director for Bloor stated "Bloor had 5\* accreditation – and neighbours could be assured that the relationship with neighbouring properties would be respected. There would be no overlooking or overbearing.
- Inappropriate design, scale and height of the two storey houses.
- The properties will be intrusive.
- The unilateral removal of the screening condition and the already established unsuitability of two storey buildings, in close proximity, on this land, must be assessed in the correct context and in the interest of protecting our privacy and amenity.

#### Landscape Buffer

- Bloor homes agreed to offer the buffer land between Hall Barn Road dwellings and the new constructions for the Hall Barn residents to manage and secure.
- The expectation was to plant trees and shrubs to screen the development, however when the day came to sign legal documents, Bloor stated we could not grow anything higher than 1.8m (3.2ft) in the buffer zone. We (Hall Barn Road residents) objected as it would not screen the estate. After further discussion, the Board of Bloor Homes decided to increase the height of planting to 2.6m (8.5ft) or else they would not sell the land. If one party had continued to object to this the whole transfer would have fallen.
- The properties will have a greater impact since Bloor Homes transferred the "Buffer Zone" to the Hall Barn Road residents adjacent to their building site.
- In the document P18-1261\_29A "Design and Access Statement" para 1.10 Landscaping; it states the following: "The scheme will benefit from the landscaping proposals approved as part of the main RM (19/00447/RMM) application. Notably the 5m landscaping buffer with additional planting at its site along the western site boundary, where the proposed dwellings back onto the rear boundaries of the adjacent dwellings." They are now not able to plant in the buffer zone and we are not able to screen, as Bloor's has committed us to agreeing the above 2.6m which does not give adequate screening.

- In the document P18-1261\_30 sheet A, the sketch Site Section is showing a cross section from 35B Hall Barn Road through the Buffer, then to a proposed new build Plot 116. The sketch of 35B is not representative and does not show the built on conservatory.
- The streetscene illustration demonstrates the properties will have trees to the rear and growing above the height of these houses, assumedly growing in the buffer zone. This gives a false impression given the restraints in the planting they placed on neighbours.
- The amended documents makes only a minor change to acknowledge the transfer of the Buffer Zone.

#### Other Matters

- As neighbour Bloor Homes contact has been non-existent.
- Bloor have already built the foundations for the four properties.

### 6.0 The Planning Policy Context

#### 6.1 East Cambridgeshire Local Plan 2015

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

#### 6.2 Draft Isleham Neighbourhood Plan

Policy 1a	Housing Growth
Policy 2	Isleham's Development Envelope
Policy 3	Character and Design
Policy 7	Wildlife & Habitats
Policy 10	Car Parking
Policy 11	Cycle Parking & Storage

#### 6.3 Supplementary Planning Documents

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

6.4 National Planning Policy Framework 2021

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

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, impact on highways safety, residential amenity, biodiversity and impact on visual appearance and character of the wider area. Outline planning permission was granted under 18/00363/OUM for up to 125 dwellings and following this an application was received for the reserved matters for 121 of those dwellings as four plots were excluded for self-build. A number of non-material amendments have been received since the reserved matters approval, which have altered minor aspects of the wider development but nothing specifically related to the four self-build plots.

7.2 Neighbourhood Plan

7.2.1 Neighbourhood planning was introduced in England through the Localism Act 2011 with legislation coming into effect in April 2012 through the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Planning Act 2017 states that Section 70 (2) of the Town and County Planning Act 1990 is to be amended to read as follows:

- ‘In dealing with such an application [for planning permission] the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations’

7.2.2 The draft Neighbourhood Plan contains a number of policies which are applicable to this current proposal, in particular Policy 1a - Housing Growth and Policy 2 – Isleham’s Development Envelope. Other policies which would apply to the development are Policy 3 – Character and Design, Policy 7 – Wildlife & Habitats, Policy 10 – Car Parking and Policy 11 – Cycle Parking and Storage. Policy 2 – (Isleham’s Development Envelope) has a modified development envelope from that within the East Cambridgeshire Local Plan 2015 and in accordance with map 5 the

site is within the settlement boundary. Whilst all of these policies are applicable to this proposal, they are only considered to have moderate weight.

7.2.3 The 'draft' Isleham Neighbourhood Plan (RNP) has been published for public consultation and recently independently examined. The Council has now updated the Isleham Neighbourhood Plan to reflect the examiner's recommendations. The Neighbourhood Plan Referendum will be held on Thursday 28 April 2022, and therefore is only regarded having moderate weight.

### 7.3 Principle of Development

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

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

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

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

*Bedfordshire* [2019] EWHC 127 (Admin), [34]). Datedness will always be a “case-sensitive exercise” (*Gladman*, [36]) and will “encompass the manner in which a policy operates in relation to the determination of a particular application” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).

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

- 7.3.9 The Council has carefully considered all of these decisions and in particular whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the nature of the conflict). The Council considers that the Soham decision is distinguishable.
- 7.3.10 All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: “general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework”. For the purposes of this application, GROWTH 2 is considered up to date, however the moderate weight of the Isleham Neighbourhood Plan and other material considerations have to be applied.
- 7.3.11 The development of these four plots as self-build dwellings has been previously agreed through the outline permission 18/00363/OUM. However, the reserved matters of those plots didn’t come forward within the time period of three years as set out by condition 2 and as such the outstanding principle from the outline permission expired. As such the site no longer has extant permission for these properties, but previously four residential properties in this location has been accepted.
- 7.3.12 An Appeal Decision (APP/W0530/W/20/3253436) in a neighbouring authority, evidences a situation where a site was outside of the defined development envelope and therefore an area of countryside, however the development sat amidst an area of modern housing. The Planning Inspector noted the surroundings of the site were subject to large housing developments, meaning the development would occupy a gap in between existing housing. As such the Inspector determined due to the surrounding context the site had more affinity with the suburban form surrounding and did not result in encroachment to the countryside. The Appeal Decision shares similarities to the site in Isleham as the four plots are enclosed by residential development.
- 7.3.13 Furthermore, a recent Appeal Decision (APP/V0510/W/21/3283673) within East Cambridgeshire allowed a single dwelling outside of the defined development envelope under policy GROWTH 2. Since defining the settlement boundaries as per the 2015 Local Plan, the surrounding area to the appeal site had seen approvals for small residential developments. As such the Planning Inspector advised the development boundary no longer reflected the current situation. The Inspector stated that whilst contrary to policy GROWTH 2, the change in the character of the area amounts to a material consideration that justifies a decision at variance with the development plan.
- 7.3.14 For the current application GROWTH 2 is considered up to date and as such the presumption in favour of sustainable development is not engaged. The proposal conflicts with GROWTH 2 due to the site’s location outside of the Local Plan development envelope and forms a departure development. However, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, there are a number of material considerations which are afforded weight in the consideration of the application. Whilst the site is outside the Local Plan’s defined development envelope it is within the updated development boundary as per the Isleham Neighbourhood Plan, which is given moderate weight. Furthermore, the

surrounding area has evolved through permissions 18/00363/OUM and 19/00447/RMM since the development boundary was defined, meaning the site is now enclosed by residential dwellings. In addition, the appeal decision within East Cambridgeshire (paragraph 7.3.17) notes the importance of considering changes to the character of an area and when defining Local Plan boundaries no longer reflect the existing situation. The development of these four plots on the Bloor Homes site would not result in encroachment to the countryside, nor would it significantly change the character of the area as the site is enclosed by residential development. Therefore, the development would protect the countryside and the setting of the village, consistent with the Framework. In review of all material planning considerations the principle of four residential dwellings on the site is acceptable.

7.3.15 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

#### 7.4 Self-Build Plots

7.4.1 Application 18/00363/OUM acknowledges the requirement for self-build plots on the wider development site to ensure the proposal was in accordance with policy HOU 1 and these were secured through the s106 agreement. Neighbour comments have expressed concern over the scale of the self-build plots and referenced the previous reserved matters application.

7.4.2 Part 4 of the Third Schedule of the s106 agreement relates to self-build dwellings and states the following:

- 1.1 Prior to first occupation of 75 % of the Market Housing Units the Self-Build Plots shall have all services and vehicular access provided.
- 1.2 Prior to the first Occupation of 75% of the Market Housing Units the Self-Build Plots shall only be marketed for sale at full market value to individuals on the Self-Build Register.
- 1.3 If after (whichever is the earlier of); (a) two years from the commencement of marketing pursuant to paragraph 1.2; or (b) the sale of 50% of the Market Housing Units within the Site (excluding the Self-Build Plots), contracts for the sale of any Self-Build Plots have not exchanged, the restrictions and obligations in this Part 4 shall no longer apply and any Dwellings built on the Self-Build Plots may be sold on the open market free from any encumbrance and the provisions within this Part 4.

7.4.3 The Planning Statement illustrates the developer's compliance with Clause (b) of 1.3, as a drawing and letter has been provided from the Design and Technical Director at Bloor Homes. The letter dated the 29<sup>th</sup> October 2021 and drawing attached as Appendix 1 to the Planning Statement illustrates 43 plots which have been sold or exchanged. However updated information received during the lifetime of the application advise Bloor Homes have sold/exchanged on 52 Plots which exceeds the 50% threshold. Furthermore, the agent has confirmed that

none of the self-build plots have reached a point where contracts have exchanged. In terms of the marketing, once the plots were available for sale the Applicant provided details to the Council. Sally Bonnet (ECDC Corporate Unit Manager) confirmed the council were notified of the plots and following this the information was sent to those registered on the Self-build register at the time (8 people) on 28/06/2021. The applicant advised that details of the self-build plots were also made available to prospective purchasers at the sales office on the site. The applicant contacted the Council on the 12<sup>th</sup> July 2021 seeking the removal of the self-build plots from the register with immediate effect.

7.4.4 Clause 1.3 only requires one of the (a) or (b) to be complied with and stipulates whichever is the earlier. The developer has demonstrated compliance with Clause 1.3 (b) and such it is considered that the plots can be released as dwellings which the developer can build out and are no longer required to be self-build plots.

## 7.5 Residential Amenity

7.5.1 Paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Furthermore, policy 3 of the Isleham Neighbourhood Plan seeks for development to not result in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.

7.5.2 Neighbour comments expressed concern over the amenity impacts of the dwellings, advising of intrusive, overlooking, overbearing, loss of privacy, glare from the lights and loss of natural light from the Spring/Summer morning light. The comments describe the proposal as inappropriate design, scale and height, with the base of the build being a foot higher than No.35a Hall Barn Road.

7.5.3 It is acknowledged that the two storey properties will have views towards the dwellings on Hall Barn Road and an element of overlooking will be introduced, however the degree of this overlooking is not considered to significantly detrimental. Both the Wilton and Hallam designs include two habitable windows and one bathroom/en-suite window to the rear.

7.5.4 The Design Guide SPD advises the distance between rear inter-visible windows should be a minimum of 20 metres (65.6ft); this will require the rear elevation of any dwelling to be located at least 10 metres (32.8ft) from the rear boundary. All four dwellings rear elevations will be situated over 10m (32.8ft) from the rear boundary and the distance between the proposal and the three directly opposite properties exceeds the 20m (65.6ft) as stipulated by The Design Guide SPD. The distance between inter-visible rear windows of the three properties and the four plots are the following:

- Plot 117 is approximately 30.4m (99.7ft) to the rear elevation of No.35a.
- Plot 116 is approximately 25.1m (82.3ft) to the edge of the conservatory and 28.1m (92.1ft) to the rear elevation of No.35b.

- Plot 115 is approximately 26.8m (87.9ft) to the rear elevation of No.41.
- Plot 114 is approximately 23.6m (77.4ft) to the rear of the conservatory and 26.9m (88.2ft) to the rear elevation.

7.5.5 Taken into the account of separation distances between the proposed dwellings and the compliance with The Design Guide, the two first floor windows on each property's rear elevation are not considered to result in detrimental impacts to residential amenity, through significant overlooking or detrimental loss of privacy. In addition, the new properties are not considered to result in significant amenity impacts as a result of glare from the windows.

7.5.6 The dwellings are 10m (32.8ft) from the rear boundary and the layout follows the pattern of built form across the wider development. It is considered the location, layout and scale of the properties would not result in detrimental overshadowing, overbearing, oppressive or intrusive impacts to the surrounding occupiers either existing or future residents of the new dwellings. The comments reference the land levels being raised on the site, however the proposal doesn't illustrate a rise in ground levels for the plots. Furthermore, confirmation was sought from the agent that the ridge heights of the proposed are in line with the adjacent two storey dwellings on plots 113 and 112. It was confirmed that new dwellings will sit at 8491mm whereas the adjacent plots at 8494mm, meaning the dwellings are marginally lower. It is considered that the proposed properties comply with policy ENV2 of the Local Plan, policy 3 of the Neighbourhood Plan and The Design Guide SPD, as well as chapter 12 of the NPPF.

7.5.7 Comments received state the unilateral removal of the screening condition and the already established unsuitability of two storey buildings, in close proximity, on this land, must be assessed in the correct context and in the interest of protecting our privacy and amenity. The comments received describe the application as discriminatory when two storey properties have been determined as previously unsuitable. Whilst revisions were made on the wider development to the corner plots, making them bungalows, the previous outline application (18/00363/OUM) did still consider two storey properties acceptable along this south-western boundary.

7.5.8 Condition 14 applied to the outline planning permission (18/00363/OUM) required at least 5% of all the dwellings to be provided on the site to be bungalows (single storey dwellings) and this has been satisfied by the wider development, therefore permitting two storey properties on this current application site would not be contrary to the previous permission. In addition, drawing CSA/2946/111 Rev B from the outline permission includes parameter heights and advises this section of the site could incorporate two storey properties. Therefore, the current application is not proposing a scheme which is considered to be contrary to the matters permitted under the previous permissions on the site.

## 7.6 Character and Appearance

7.6.1 Paragraphs 126 and 130 of the NPPF seeks to secure high quality, beautiful and sustainable buildings visually attractive development which improves the overall quality of an area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy ENV2 requires all development proposal to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing

appropriate new designs. Furthermore, Policy 3 the Neighbourhood Plan seeks for development proposals to deliver high quality through responding to important characteristics of the surrounding area including views, buildings and their materials and design features, building heights and space between buildings.

- 7.6.2 The proposal is for four detached two storey dwellings, split into two different house types which are represented elsewhere within the surrounding development. Plots 117 and 114 are proposed as the Wilton house type, whereas the central plots of 116 and 115 are the Hallam house type. The dwellings will front the internal access road and complement well to the existing layout and line of built form. Adjacent to Plot 117 is a bungalow and whilst the current property is two storey, the scale is not considered to be visually overpowering and reflects the relationship between plots 112 and 111. Furthermore, the four properties will relate well to the two storey dwellings to the south-east as they share similarities in design and form. The proposed dwellings are of a design and scale which is in keeping and complementary to the surrounding house types. It is considered the dwellings will read well within the wider streetscene.
- 7.6.3 The proposed garages for each property are in accordance with the Design Guide SPD, as these are situated to the side or rear. It is considered the positioning of the garages will not compete with host property and remain subservient in appearance within the streetscene. In addition, the parking is to the side of the properties meaning the streetscene when approaching the dwellings will not be dominated by parking.
- 7.6.4 Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible. Proposed materials for the properties include Forterra Village Harvest Multi brick for majority of the external walls, with finer architectural details in Ibstock Holmwood Natural. Roof tiles will be Marley Modern Smooth Grey and fenestration materials include UPVC white windows with a Card Room Green door. The materials will be complementary to the adjacent bungalows and two storey properties to the north-west, north-east and south-east, as aspects from each of the surrounding dwellings are mirrored within the proposal.
- 7.6.5 The four dwellings with associated parking and garages are considered to form a complementary and cohesive addition to the wider development. As such the proposal is compliant with policies ENV1 and ENV2 of 2015 Local Plan, policy 3 of the Isleham Neighbourhood Plan, The Design Guide SPD and Chapter 12 of the NPPF.

## 7.7 Highway Safety and Parking Provision

- 7.7.1 Paragraph 110 of the NPPF requires safe and suitable access to the site for all users. Local Plan policy COM7 requires proposals to provide a safe and convenient access to the public highway. The application demonstrates the access road to serve the dwellings and the agent has confirmed the access road is implemented, which was confirmed by the Officer site visit. The Local Highway Authority raise no objection to this application, advising the proposal is consistent with the wider development which benefits from existing permissions. Following the request from the LHA, the agent has confirmed the application aligns with CCC's Housing Estate Road Construction Specification. The properties are considered to have a safe, suitable and convenient access.

7.7.2 Policy COM8 requires proposals to provide adequate car and cycle parking provision. Each residential property delivers two off street car parking spaces to the side of the properties on the driveways. In addition, the parking plan illustrates each property having the availability for parking within the garages and the internal dimensions of the outbuildings (3.1m x 6m) do support this. Alternatively, the garages can be utilised for secure cycle parking. It is considered the proposed number of spaces complies with the parking standards set out within policy COM8 and policy 10 of the Neighbourhood Plan. To further ensure the developments compliance to policy 10 of the Neighbourhood Plan a condition will be applied seeking the facilities for electric vehicle charging points.

## 7.8 Drainage

7.8.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where it would intensify the risk of flooding for the development or surrounding properties elsewhere, it should also take into account climate change allowances and surface water runoff. The application confirms foul water will be via the mains sewer and surface water drainage will be handled via sustainable drainage system.

7.8.2 Application 18/00363/DISC discharged the details for the surface water and foul water drainage strategy for the wider site, however the self-build plots drainage details remain unknown at that stage. Drawing EA129-EN-090 C from 18/00363/DISC illustrates foul and surface water pipes are running under the access road and therefore in proximity to the site. The Planning Statement includes a letter from Withers Design Associates confirming the drainage scheme designed for the site accounts for the self-build plots and connection points for the four plots have been included. The letter advises that in their opinion they cannot foresee any changes or issues with these Plots on the Site. Comments from the Lead Local Flood Authority have confirmed they raise no objection in principle and that the proposals covering the wider planning permission include these plots within the attenuation volumes accounted for. As such the previously approved drainage under 18/00363/DISC offers the capacity for the four plots, however a condition is required to illustrate the dwellings connection to the wider system. The condition requesting the foul and surface water drainage details should deliver the information sought by the recommended condition from the Lead Local Flood Authority. The condition wording has been altered due to the development already commencing on site. It is considered the information supplied is sufficient to address drainage for the new dwelling and is compliant with policy ENV8 and chapter 14 of the NPPF.

## 7.9 Contamination

7.9.1 All applications for residential use are considered particularly sensitive to the presence of contamination. Under application 18/00363/OUM the entire site was subject to a Geo-Environmental and Geotechnical Site Assessment report and a Phase I Contamination Assessment. The Scientific Officer accepted the findings of those reports and confirmed the site appears to be at low risk of land contamination and no further investigation was necessary. Therefore, it is considered the matters of contamination were handled under application 18/00363/OUM and only the standard condition for unexpected contamination in the event the application is recommended

for approval will be applied. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

## 7.10 Biodiversity Net Gain

7.10.1 Paragraph 174 (d) of the NPPF seeks for developments to contribute and enhance the natural environment by minimize impacts and providing net gains for biodiversity. In addition, the Natural Environment SPD seeks to establish biodiversity net gain through policy NE6. The Local Plan 2015 includes policy ENV7 which seeks to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. In addition, the Neighbourhood Plan policy 7 seeks for development proposals to achieve an overall net gain in biodiversity, in accordance with provisions set out in the NPPF and the Environment Act 2021.

7.10.2 The site is part of wider development and as part of the outline permission (18/00363/OUM) extensive ecology reports where undertaken. However, the development is still required to deliver a biodiversity net gain through the four properties and as such a Preliminary Ecological Appraisal report has been supplied for the site. The Appraisal makes a number of recommendations to deliver a net gain through the development, including the installation of two integrated bat boxes in each dwelling and a total of eight swift boxes mounted in groups of four on separate buildings. Other recommendations included hedgehog highways and bee bricks. The Trees Officer has raised no objection and but has sought a condition for the submission of a suitable soft landscaping scheme. With the proposed measures it is considered the development will contribute and enhance the natural environment and create new habitats to support biodiversity gain, subject to the compliance condition being added. As such the proposal complies with policy ENV7 of the Local Plan, policy 7 of the Neighbourhood Plan and The Natural Environment SPD.

## 7.11 Efficiency and Renewables

7.11.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. The Planning Statement contains an Energy Statement Technical Note/Addendum which advises:

*Briary Energy undertook an Energy Strategy Statement for 125 plots at Fordham Road, Isleham, dated July 2019, which calculated the baseline energy demand and carbon emissions for the site, and determined an appropriate renewable energy strategy in order to achieve a 19% carbon emission reduction on site.*

*The 2019 Energy Statement included as part of the carbon emission and renewable energy strategy four plots that were to be assigned to be self-build properties. Appropriately sized house types from existing Bloor Homes housing stock were used in place of these units for the purpose of the planning*

*application, to ensure that the carbon emissions calculated were valid for the entire development.*

*This parcel has been reassigned and will now include two Wilton and two Hallam house types. Both house types have been assessed using the SAP 2012 methodology and we can confirm that the impact on both the overall carbon emission figures for the site will be negligible. The stated PV panel target for the development will therefore remain as 85 kWp*

7.11.2 It is considered the four dwellings will adhere to the wider developments efficiency targets and the properties will as far possible reduce carbon. The proposal is considered to address policy ENV4 and the Climate Change SPD.

## 7.12 Other Matters

7.12.1 A number of neighbour comments have raised concern over the landscape buffer, particularly highlighting the changes since the original applications were determined and the drawings submitted. The landscape buffer was transferred to the neighbouring properties and has since been subdivided to form curtilage additions to some residents on Hall Barn Road. From the Officer site visit it was noted that nearly all properties on Hall Barn Road which back onto the development have incorporated the additional 5m depth in to the curtilages. As such amended drawings were requested to remove any reference to a separated landscape buffer and any indicative landscaping, with the drawings accurately representing the subdivision of the buffer into the curtilages of the neighbours. Some comments have expressed concern that during the transfer of the land a height restriction was applied at 2.6m which restricts the planting. The Council were not a party to the transfer but are aware of the change in ownership to the land which forms the landscape buffer and should a height restriction have been placed on the transfer at 2.6m then this could interfere with the compliance of condition 6 of the reserved matters application 19/00447/RMM and be contrary to the obligation within the S106. However, those parties directly involved in the transfer may apply to have the restriction removed.

7.12.2 Immediately before the submission of the Committee Report the agent advised that their client has been corresponding with the neighbours and have confirmed that the height restriction in the covenant will be removed as requested by the neighbours. They advised this offer is on the basis of the neighbours providing written confirmation that they are removing their objections; however, their client has confirmed that they would still remove the covenant even if they didn't. No formal withdrawal of neighbour comments had been received prior to or on the 28<sup>th</sup> March 2022 and the removal of the covenant forms a private matter.

## 7.13 Planning Balance

7.13.1 The proposed development has fulfilled the requirements of s106 to allow the release of the self-build plots. The dwellings are not considered to result in significant harm to the residential amenity of surrounding occupiers or harm to the character or appearance of the surrounding development and locality beyond. The proposal will not result in significant harm to highway safety or flood risk and can deliver a biodiversity net gain.

7.13.2 Policy GROWTH 2 has been considered up to date in respect of this application and the proposed development is contrary to the locational strategy contained within GROWTH 2. However, material planning considerations, such as the site's location in the development envelope of the Isleham Neighbourhood Plan (which is afforded moderate weight), the existing surrounding character of residential properties which has evolved since the development envelope boundaries were drawn and recent appeal decisions, are considered to indicate that a departure from the Development Plan is justified. The application is therefore recommended for approval

## 8.0 APPENDICES

### 8.1 Appendix 1: Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01636/FUL	Molly Hood Room No. 011 The Grange Ely	Molly Hood Planning Officer 01353 665555 molly.hood@eastcambs.gov.uk
18/00363/OUM		
19/00447/RMM		
19/00447/NMAB		
19/00447/NMAC		
19/00447/NMAD		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 21/01636/FUL Conditions

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

Plan Reference	Version No	Date Received
P18-1261_25	C	10th February 2022
P18-1261_23	B	10th February 2022
P18-1261_24	D	10th February 2022
P18-1261_32	D	10th February 2022
P18-1261_27	C	10th February 2022
P18-1261_28	C	10th February 2022
394.PL-01		10th February 2022
394.PL-06		10th February 2022
394-1.PL-01		10th February 2022
394-1.PL-06		10th February 2022
470.PL-01		10th February 2022
470-1.PL-01		10th February 2022
GL01.PL-01		10th February 2022
P18-1261_26	B	10th February 2022
Preliminary Ecological Appraisal	Version 1	15th November 2021
CEMP		15th November 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 Within three months from the date of determination a scheme to dispose of foul and surface water should be submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of the dwellings.

- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 5 Prior to first occupation of each dwelling or commencement of use the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan P18-1261\_26 B and thereafter retained for that specific use.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 All hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing P18-1261\_25 C. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 8 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

- 9 The materials to be used in the construction of the external surfaces of the development shall be either:
  - a. As detailed on drawing P18-1261\_32 D; or,
  - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Work shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) regarding mitigation measures for noise, dust and lighting during the construction phase. The development on site shall be in accordance with the construction and delivery times as specified in the CEMP and adhered to at all times during all phases.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The biodiversity improvements outlined in the Preliminary Ecological Appraisal Report Version 1 dated September 2021 shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 11 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 12 Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 12 Reason: The application has been assessed as acceptable and complying with policy 10 of the Isleham Neighbourhood Plan on this basis.