

22/01021/OUT

Site North Of 44 Camel Road

Littleport

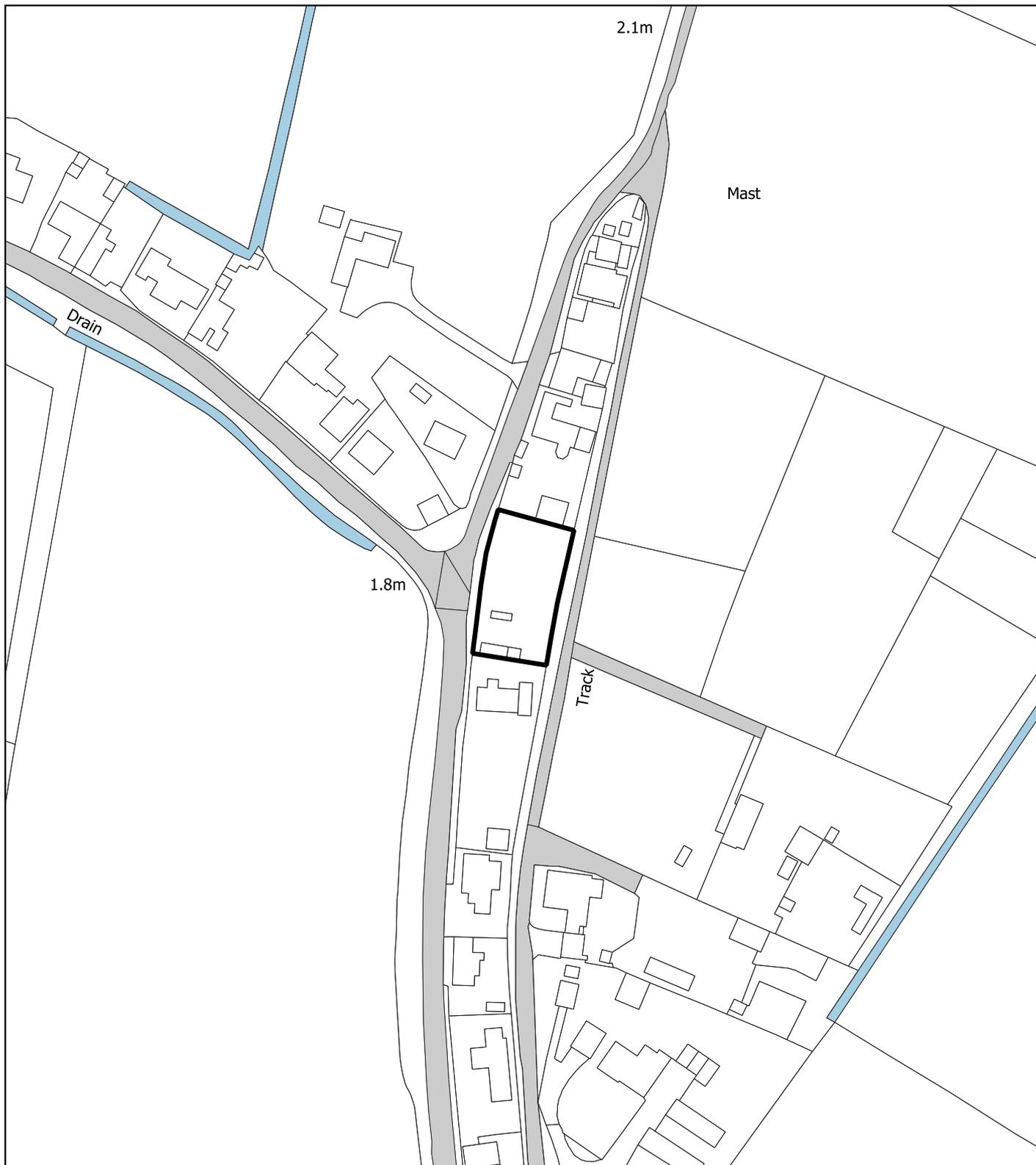
Cambridgeshire

Construction of 2no. self-build, detached dwellings, including off-street parking and 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=RHFNN1GGKLI00>





22/01021/OUT

Site North Of 44
Camel Road
Littleport



East Cambridgeshire
District Council

Date: 09/02/2023
Scale: 1:1,500



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TITLE: 22/01021/OUT

Committee: Planning Committee

Date: 26 April 2023

Author: Planning contractor

Report No: X195

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Site Address: Site North Of 44 Camel Road Littleport Cambridgeshire

Proposal: Construction of 2no. self-build, detached dwellings, including off-street parking and associated infrastructure

Applicant: Mr Clarey

Parish: Littleport

Ward: Littleport

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

Date Received: 30 August 2022

Expiry Date: 03 March 2023

1.0 RECOMMENDATION

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

1. The proposed dwellings, which are classified as a 'more vulnerable' development within 'National Planning Policy Framework Annex 3 - Flood risk vulnerability classification', would be sited within Flood Zone 3, where the Sequential Test must be passed for the development to be approved. The proposal fails to pass the Sequential Test as there are reasonably available sites elsewhere which have a lower probability of flooding. The proposal is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan 2015 and paragraph 162 of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.2 This application seeks outline planning permission, with all matters reserved apart from layout, for the construction of two detached dwellings, including off-street parking and associated infrastructure. Therefore, the layout of the proposed development is a matter for consideration under this application; however matters of access, appearance, landscaping and scale are not matters for consideration under this application.
- 2.3 The proposed layout includes two L-shape dwellings with footprints of approximately 115 square metres each, with parking and turning areas to the front and side of the dwellings, and gardens to the rear of the dwellings. Although details of access are not matters for consideration under this application, the layout indicates that the proposed dwellings would each be served by an individual access.
- 2.4 An Arboricultural Impact Assessment and revised Site Plans have been received during the course of the application, demonstrating amendments to the layout of the proposed development and the removal of three mature Silver Birch trees along the eastern (rear) boundary of the application site.
- 2.5 The application was considered by Members at the Planning Committee meeting on 1st March 2023, following the 'call-in' request by Cllr David Ambrose Smith (see Ward Councillor comments in Section 5.1 of the previous Committee Report, attached as Appendix 1 of this report).
- 2.6 At the Planning Committee meeting on 1st March 2023 it was resolved:
"That planning application ref 22/01021/OUT be DEFERRED for Officers to work with the applicant to provide maximum flood risk mitigations and a biodiversity assessment for the site, together with a proposal to achieve a biodiversity net gain, and to return the application to the Planning Committee for decision once those elements had been delivered."
- 2.7 Following the resolution of the Planning Committee on 1st March 2023, the applicants' agent has:
- Engaged further with their Flood Risk Consultant and has informed Officers that no more can be done in respect of flood risk mitigations.
 - Engaged with Ecologists who have carried out an Ecological Walkover Survey and provided a Biodiversity Net Gain Calculation for the proposed development, which demonstrates that the proposed development can potentially provide a net gain of 10.55% for habitat units and a net gain of 143.16% gain for hedgerows / linear features, with further gain expected through 'material' enhancements such as bird and bat boxes, hedgehog houses and bee blocks.
- 2.8 Following receipt of the information summarised within paragraph 2.7 of this report, the application is now being returned to the Planning Committee for a decision.

3.0 PLANNING HISTORY

3.1 21/00463/OUT

Outline application for 2no. detached dwellings

Refused

2 September 2021

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located adjacent to the east of the highway junction of Camel Road and Horsley Hale. The ground levels of the application site are significantly lower than the adjacent highway. The application site is located to the north of No.44 Camel Road and to the south of No.46 Camel Road, comprising garden land and outbuildings associated with No.44 Camel Road. There is an outdoor horse riding arena and paddocks located on land adjacent to the east of the application site. The application site is located outside of, but immediately adjacent to, the boundaries of two separate development frameworks for Littleport. The application site is located within Flood Zone 3a. Six mature Silver Birch trees were located adjacent to the boundaries of the application site at the point of this planning application being submitted; however three of those trees have since been removed during the course of the application and three have been retained.

5.0 CONSULTATIONS

5.1 No additional consultee responses have been requested or received since the previous Committee Report considered at the Planning Committee meeting on 1st March 2023. The consultee responses are summarised in the previous Committee Report, attached as Appendix 1 of this Committee Report. The full responses are available on the Council's web site.

5.2 A site notice was displayed near the site on 15 September 2022 and a press advert was published in the Cambridge Evening News on 15 September 2022. No additional neighbour responses have been requested or received since the previous Committee Report considered at the Planning Committee meeting on 1st March 2023. The neighbour response which was received is summarised in the previous Committee Report, attached as Appendix 1 of this Committee Report. The full response is available on the Council's web site.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
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 Supplementary Planning Documents

Design Guide SPD
 Contaminated Land SPD
 Flood and Water SPD
 Natural Environment SPD
 Climate Change SPD
 Developer Contributions and Planning Obligations SPD
 RECAP Waste Management Design Guide

6.3 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

7.0 **PLANNING COMMENTS**

7.1 This application was considered by Members at the Planning Committee meeting on 1st March 2023. At the Planning Committee meeting on 1st March 2023 it was resolved:

“That planning application ref 22/01021/OUT be DEFERRED for Officers to work with the applicant to provide maximum flood risk mitigations and a biodiversity assessment for the site, together with a proposal to achieve a biodiversity net gain, and to return the application to the Planning Committee for decision once those elements had been delivered.”

7.2 The unresolved matters relevant to the determination of this application are therefore the impacts of the proposed development on biodiversity and flood risk. This Committee Report deals only with those unresolved matters and should be considered alongside the previous Committee Report attached as Appendix 1 of this report.

7.3 **Biodiversity**

7.3.1 Paragraph 174 of the NPPF requires that planning decisions minimise impacts on, and provide net gains for, biodiversity.

- 7.3.2 Policy SPD.NE6 of the Natural Environment SPD states that, in addition to the provisions set out in the Local Plan, all development proposals should contribute to and enhance the natural and local environment by firstly avoiding impacts where possible, where avoidance isn't possible minimising impacts on biodiversity and providing measurable net gains for biodiversity. Furthermore, policy SPD.NE6 indicates that proposals will be refused where they do not demonstrate that the post-development biodiversity value of the onsite habitat will significantly exceed the pre-development biodiversity value of the onsite habitat.
- 7.3.3 National Planning Practice Guidance states that the existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for. It may also be relevant to consider whether any deliberate harm to this biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in assessing the underlying value of the site (and so whether a proposal would achieve a genuine gain).
- 7.3.4 The proposed development has resulted in the removal of three mature Silver Birch trees which would have provided a significant contribution to biodiversity of the on-site habitat. It is therefore considered that the removal of these trees would have resulted in significant adverse impacts on the biodiversity of the on-site habitat.
- 7.3.5 Following the Planning Committee meeting on 1st March 2023, the findings of an Ecological Walkover Survey and a Biodiversity Net Gain Calculation for the proposed development have been considered by Officers. The Silver Birch trees that were removed during the course of this application have been included as still present within this assessment. The Biodiversity Net Gain Calculation demonstrates that the proposed development can potentially provide a net gain of 10.55% for habitat units and a net gain of 143.16% gain for hedgerows / linear features, with further gain expected through 'material' enhancements such as bird and bat boxes, hedgehog houses and bee blocks. It is therefore considered that the pre-development biodiversity value of the onsite habitat would be significantly exceeded by the post-development biodiversity value of the onsite habitat.
- 7.3.6 The application therefore now demonstrates that the proposed development would sufficiently avoid, minimise and enhance biodiversity, in accordance with policy ENV 7 of the East Cambridgeshire Local Plan 2015, policy SPD.NE6 of the Natural Environment SPD and paragraph 174 of the NPPF.

7.4 Flood Risk

- 7.4.1 Paragraph 159 of the National Planning Policy Framework (NPPF) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.4.2 Paragraph 162 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source; that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding; that the strategic flood risk assessment will provide the basis for applying this test;

and that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

- 7.4.3 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Sequential Test. The Local Planning Authority must determine whether the application site passes the Sequential Test.
- 7.4.4 Policy ENV 8 of the Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1.
- 7.4.5 The proposed dwellings, which are classified as a 'more vulnerable' development within 'National Planning Policy Framework Annex 3 - Flood risk vulnerability classification', would be sited within Flood Zone 3a, as identified by the Environment Agency flood zone maps and the Council's Strategic Flood Risk Assessment, where the Sequential Test must be passed for the development to be approved.
- 7.4.6 A FRA has been submitted with the application and the Environment Agency states that they have no objection to the proposed development. However, the Environment Agency goes on to state that, in accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and that it is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.
- 7.4.7 In order to pass the Sequential Test, it is considered that the application would need to demonstrate that there are no other reasonably available sites within the parish of Littleport for the erection of two dwellings which are outside of Flood Zone 3. However, it is considered by Officers that there are other reasonably available sites for the erection of two dwellings within the parish of Littleport which are at a lower risk of flooding, and therefore the proposed development is not necessary in this location and fails the Sequential Test.
- 7.4.8 As Officers consider that the proposal fails to pass the Sequential Test, Officers consider that the proposal is contrary to Policy ENV 8 of the East Cambridgeshire Local Plan 2015 and paragraph 162 of the NPPF. However, if Members are minded to take the view that the Sequential Test has been passed, it is then a requirement for the Exception Test to be applied in accordance with paragraph 164 of the NPPF. Application of the Exception Test will require Members to take a view as to:
- a) whether the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) whether the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 7.4.9 In respect of flood risk matters, it was resolved by Members, at the Planning Committee meeting on 1st March 2023, to defer this application for Officers to work with the applicant to provide maximum flood risk mitigations.
- 7.4.10 Since the Planning Committee on 1st March 2023, the applicants' Flood Risk Consultant has informed the applicant that no more can be done in respect of flood risk mitigations. On the basis of the advice from the applicants' Flood Risk Consultant; the food risk mitigations set out within Section 7 of the Flood Risk Assessment (FRA); and the Environment Agency's position of 'no objection' with a recommendation that the flood risk mitigations within the FRA are adhered to; officers are satisfied that conditions could be appended to any grant of planning permission to ensure the best possible flood mitigation measures are provided in accordance with Section 7 of the FRA. Therefore, if Members are minded to take the view that there are no other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding in Littleport, and the Sequential Test has been passed, Officers recommend that the FRA proposes suitable flood risk mitigations to satisfy part b) of the Exception Test, as set out within paragraph 7.4.8 of this report.
- 7.4.11 In respect of part a) of the Exception Test, Officers consider that the addition of 2No. self-build dwellings would not provide wider sustainability benefits to the community that outweigh the flood risk; as the social, economic and environmental benefits of the dwellings would be very limited due to the small scale of the development.
- 7.4.12 In summary, Members must therefore determine:
- Whether the application passes the Sequential Test for flood risk.
 - Whether the application passes parts a) and b) of the Exception Test for flood risk.

7.5 Planning balance

- 7.5.1 The application site is outside of the development envelope; however, it is located in a market town and is an infill site, between existing built form. As set out in the principle of development section of this report, in this specific case, GROWTH 2 is considered to be out of date and therefore the principle of development in this location is acceptable in spatial terms. There has been no other significant harm identified in respect of visual amenity, residential amenity, highway safety and parking, biodiversity and trees, or climate change.
- 7.5.2 However, the proposed dwellings would be sited within Flood Zone 3 and Officers consider that the proposal fails to pass the Sequential Test as there are reasonably available sites elsewhere which have a lower probability of flooding. Therefore, for the reason set out within paragraph 1.1 of this Committee Report, the application is recommended for refusal.

8.0 APPENDICES

- 8.1 Appendix 1 – Previous Committee Report for planning application 22/01021/OUT, considered at the Planning Committee meeting held on 1st March 2023.

- 8.2 Appendix 2 – Extract of the Decision List for the Planning Committee held on 1st March 2023, providing a record of the decision made in respect of planning application 22/01021/OUT.
- 8.3 Appendix 3 – Extract of the approved Minutes of the Planning Committee held on 1st March 2023, providing a record of the approved Minutes in respect of planning application 22/01021/OUT.

Background Documents

22/01021/OUT

21/00463/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>

22/01021/OUT

Site North Of 44 Camel Road

Littleport

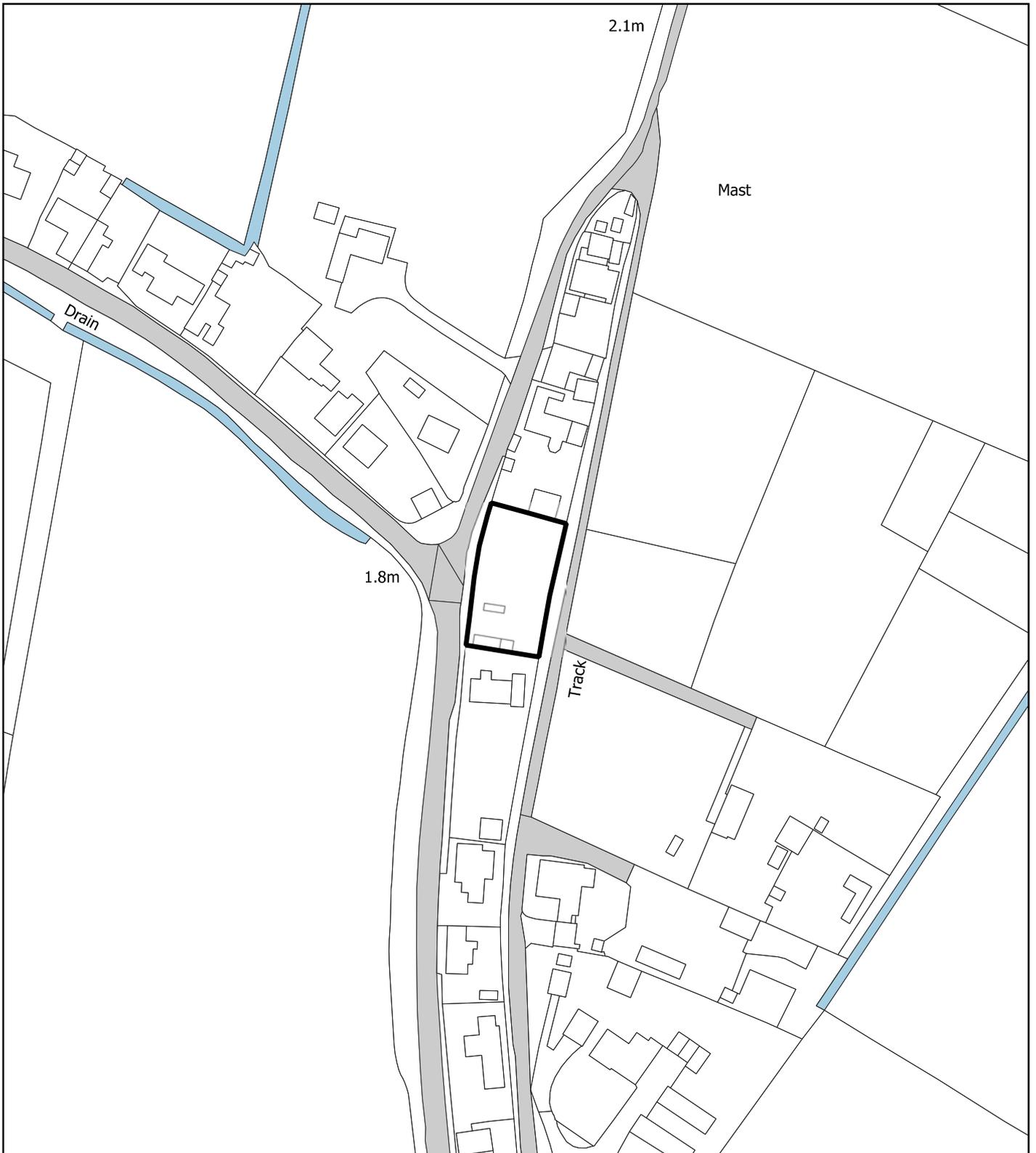
Cambridgeshire

Construction of 2no. self-build, detached dwellings, including off-street parking
and associated infrastructure

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22/01021/OUT

Site North Of 44
Camel Road
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East Cambridgeshire
District Council

Date: 09/02/2023
Scale: 1:1,500



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TITLE: 22/01021/OUT

Committee: Planning Committee

Date: 1 March 2023

Author: Planning Contractor

Report No: X161

Contact Officer: Richard Fitzjohn, Planning contractor
Richard.Fitzjohn@eastcambs.gov.uk
01353 616280
Room No 011 The Grange Ely

Site Address: Site North Of 44 Camel Road Littleport Cambridgeshire

Proposal: Construction of 2no. self-build, detached dwellings, including off-street parking and associated infrastructure

Applicant: Mr Clarey

Parish: Littleport

Ward: Littleport

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

Date Received: 30 August 2022

Expiry Date: 03 March 2023

1.0 RECOMMENDATION

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

1. The proposed dwellings, which are classified as a 'more vulnerable' development within 'National Planning Policy Framework Annex 3 - Flood risk vulnerability classification', would be sited within Flood Zone 3, where the Sequential Test must be passed for the development to be approved. The proposal fails to pass the Sequential Test as there are reasonably available sites elsewhere which have a lower probability of flooding. The proposal is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan 2015 and paragraph 162 of the National Planning Policy Framework.
2. The application fails to demonstrate that the proposed development would avoid or minimise impacts on biodiversity, or provide a biodiversity net gain, contrary to policy ENV 7 of the East Cambridgeshire Local Plan 2015, policy SPD.NE6 of the Natural Environment SPD and paragraph 174 of the NPPF.

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.2 This application seeks outline planning permission, with all matters reserved apart from layout, for the construction of two detached dwellings, including off-street parking and associated infrastructure. Therefore, the layout of the proposed development is a matter for consideration under this application; however matters of access, appearance, landscaping and scale are not matters for consideration under this application.
- 2.3 The proposed layout includes two L-shape dwellings with footprints of approximately 115 square metres each, with parking and turning areas to the front and side of the dwellings, and gardens to the rear of the dwellings. Although details of access are not matters for consideration under this application, the layout indicates that the proposed dwellings would each be served by an individual access.
- 2.4 An Arboricultural Impact Assessment and revised Site Plans have been received during the course of the application, demonstrating amendments to the layout of the proposed development and the removal of three mature Silver Birch trees along the eastern (rear) boundary of the application site.
- 2.5 The application is before the Planning Committee following the 'call-in' request by Cllr David Ambrose Smith (see Ward Councillor comments in Section 5.1 of this report).

3.0 PLANNING HISTORY

- 3.1 **21/00463/OUT**
Outline application for 2no. detached dwellings
Refused
2 September 2021

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located adjacent to the east of the highway junction of Camel Road and Horsley Hale. The ground levels of the application site are significantly lower than the adjacent highway. The application site is located to the north of No.44 Camel Road and to the south of No.46 Camel Road, comprising garden land and outbuildings associated with No.44 Camel Road. There is an outdoor horse riding arena and paddocks located on land adjacent to the east of the application site. The application site is located outside of, but immediately adjacent to, the boundaries of two separate development frameworks for Littleport. The application site is located within Flood Zone 3a. Six mature Silver Birch trees were located adjacent to the boundaries of the application site at the point of this planning application being submitted; however three of those trees have since been removed during the course of the application and three have been retained.

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.

Littleport Town Council - 3 February 2023

Unable to comment on this application as it owns land close to the site.

Littleport Town Council - 30 September 2022

No comments on this application.

City of Ely Council - 6 September 2022

No concerns regarding this application.

Ward Councillor David Ambrose Smith – 3 November 2022

“The applicant brought a similar proposal to the committee earlier in the year, so I'm sure that the committee would like to consider the revised proposals.”

Other Ward Councillors

No comments received.

Waste Strategy (ECDC) - 13 October 2022

Provide informatives detailing the waste responsibilities for future occupiers of the proposed dwellings and the relevant charges for the provision of waste collection.

The Ely Group Of Internal Drainage Board - 7 September 2022

The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

Environment Agency - 22 September 2022

No objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that finished floor levels are set at least 300mm above the surrounding ground levels.

The site is located within Flood Zone 3 on our Flood Map for Planning and Flood Zone 3a on the Council's Strategic Flood Risk Assessment (SFRA) maps. The site benefits from the Ely Ouse flood defences, and will not be inundated by the design flood event

including climate change in a defended scenario. The site is located outside the extent of the Environment Agency's Fenland breach mapping and is therefore considered to be at low risk of flooding in the event of a breach of the Ely Ouse flood defences.

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. The Environment Agency's flood risk standing advice reminds the Local Planning Authority of this and provides advice on how to apply the test.

Provide advice for the applicant in respect of the Environment Agency's flood warning system and flood evacuation plans.

Anglian Water Services Ltd - 6 September 2022

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat.

Environmental Health - 5 September 2022

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

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

If it is necessary to undertake ground piling, requests that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. 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.

Environmental Health (Scientific Officer) - 16 September 2022

Accepts the findings of the contaminated land report and recommends that a contaminated land site investigation is not required. However, recommends a condition relating to investigation and remediation of any unexpected contamination, if found during development, due to the sensitive end use (residential).

Local Highways Authority - 20 October 2022

Notes that the layout to plot one has been amended to relocate the position of the driveway away from the junction as recommended, along with changes made to parking on both plots. While ideally there should be greater distance behind parked vehicles to facilitate turning within the plot, the additional width available should make this workable. Therefore, has no objection in this regard.

While this outline application is for layout alone, it is not possible to separate this from the position of the access this will define, and therefore recommends conditions relating to both access and layout of parking and turning provision.

While the plan identifies that no unbound material shall be used within 6m of the highway boundary (the Local Highway Authority would be happy if this was amended to be from the carriageway edge) the extent of the tarmac surface is not well defined on the latest plan and should be clearly identified on any plan submitted with a Reserved Matters application.

No clear indication has been given to determine how the driveway or parking/turning area will be drained. Again, as above, this should be established as part of a Reserved Matters application. It should be noted however that permeable surfacing is not in itself considered sufficient to mitigate this and further measures such as constructing the driveway to draining away from the highway or the provision of a system of drainage to intercept any potential surface water runoff would be required.

The applicant should be advised that construction of the verge crossing must be in accordance with the current Cambridgeshire County Councils Housing Estate Road Construction Specification (HERCS).

Requests conditions are appended to any permission granted, requiring:- full details of the access arrangements and surface water drainage to be submitted to, and agreed by, the Local Planning Authority; closure of the existing access and reinstatement of the highway verge with 28 days of the bringing into use of the new access; a restriction on gates, fences and walls being erected across the approved vehicular access; provision and retention of the proposed parking and turning area; access and hardstanding within the site to be constructed with adequate drainage measures to prevent surface water run-off onto the public highway; and the vehicular access from the nearside footway edge to be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

Requests an informative advising of requirements for separate permissions from the County Council for any development involving works to the public highway.

Local Highways Authority - 6 September 2022

Notes that this is an outline application with only layout committed at this stage, however this will clearly influence the position of the access.

Whilst no objections to the layout for plot 2, the access to plot 1 would be directly at the junction of Camel Road with Horsley Hale, increasing the risk of conflict as vehicle enter or exit the site. Recommends that the layout be amended to place the access of plot 1 at the northern extent to maximise separation from the junction.

Whilst turning appears acceptable for a single parked vehicle, the proposed tandem parking will result in the manoeuvre of the first vehicle (in the covered driveway) being obstructed by the second parked vehicle. This is likely to result in either the second vehicles leaving the site to enable the first to manoeuvre, or in the first vehicle reversing out onto the highway while the second occupies the turning head. As previously advised with respect to application 21/00463/OUT, would not look to object to reversing out on to this road providing both accesses are clear of the junction, however, the applicant may wish to consider either widening or extending the turning head into the site to enable independent manoeuvring of both vehicles.

ECDC Trees Team - 3 February 2023

Since the initial plans were submitted it appears that 3 Mature Silver Birch trees of high public amenity have been removed. It is assumed from the submitted tree report and site photos that these trees had stem diameters of 410mm to 600mm. It is also reasonable to assess that these trees were at least category B trees using the definition within British standard BS5837:2012 as no other information to the contrary has been provided.

This tree removal will require replacement tree planting of 18 trees to be in accordance with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020. The replacement trees will require sufficient space to enable them to reach maturity. The indicative planting on the most recent block plan does not provide sufficient space for the trees to reach maturity. Using the dimensions of the existing trees on site the spacing between replacement trees should be approximately 5.5m which is the average crown spread of tree T3.

Due to the disregard for ECDC planning policy indicated by the removals of the 3 tree without their assessment, strongly objects to this application and recommends it is refused.

ECDC Trees Team - 3 November 2022

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.

CCC Growth & Development

No comments received.

Lead Local Flood Authority

No comments received.

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

5.3 **Neighbours** – 3 neighbouring properties were notified and 1 response has been received supporting the application and stating that the design, scale etc is good, there is no impact on anyone or the character of the area, that there has been an entrance to the site for many years, and this it appears to be a very appropriate site as the applicant wish to care for their elderly parents. A full copy of the response is available on the Council's website.

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 2	Housing density
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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 Supplementary Planning Documents

Design Guide SPD
Contaminated Land SPD
Flood and Water SPD
Natural Environment SPD
Climate Change SPD
Developer Contributions and Planning Obligations SPD
RECAP Waste Management Design Guide

6.3 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

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development and the impacts on visual amenity, residential amenity, highway safety and parking, biodiversity and trees, flood risk and drainage, and climate change.

7.2 Principle of Development

7.2.1 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.

7.2.2 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.

7.2.3 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 2021. 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]).

- 7.2.4 Officers have considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.2.5 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.
- 7.2.6 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.
- 7.2.7 Turning to the facts of this particular application, the proposal is located outside of the development envelope and is not one of the exceptions listed in GROWTH 2. On the face of it, therefore, it is contrary to GROWTH 2. However, the proposal is located at one of the three market towns where growth is directed to by GROWTH 2.
- 7.2.8 Officers have carefully considered whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the precise nature of the conflict), and for the purpose of reaching a decision on this case alone, it is considered that GROWTH 2 is considered out of date, and consequently the development envelope around the settlement of Littleport is presently 'out of date'.

- 7.2.9 The Council have further identified that there is no other basis to consider GROWTH 2 up-to-date, noting the absence of any unacceptable harms in landscape terms [see the 'Visual Amenity' section of this report].
- 7.2.10 Therefore, on the question of the principle, it is considered that the principle of development in this location, on the edge of one of this market town, is acceptable in spatial terms, because the development envelope in this location is out of date and should not be strictly applied in the way GROWTH 2 intends.
- 7.2.11 The Council's position on all settlements other than market towns is distinct from this, and all decisions are reached on a case by case basis.
- 7.2.12 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.

7.3 Visual Amenity

- 7.3.1 Policy ENV 2 of the Local Plan requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, policy ENV 2 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right. Furthermore, the East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres, the footprint of any proposed development should be no more than approximately one third of the plot size, and rear private amenity space should be 50 square metres.
- 7.3.2 This application seeks outline planning permission, with layout being the only matter for consideration at this stage. Matters of access, appearance, landscape and scale are reserved at this stage and are not for consideration und Matters stage, if outline planning permission was approved.
- 7.3.3 The proposed layout includes dwelling footprints of approximately 115 square metres, rear private amenity spaces in excess of 120 square metres, and plot sizes of approximately 400 square metres. Therefore, the plot sizes, dwelling-to-plot ratio and rear private amenity spaces are sufficient to comply with the requirements of the Design Guide SPD.
- 7.3.4 The full details of the visual appearance have not been included within the application and would need to be assessed at reserved matters stage. The scale and design of existing development along Camel Road and Horsley Hale is varied, and it is considered that two dwellings could be satisfactorily accommodated on the site without being visually intrusive. There are other residential dwellings directly to the north and south of the application plot, which provide a context against which any prospective dwellings would be seen. Given the location of the development proposals within Flood Zone 2 and 3, it is also considered very unlikely that a single-

storey dwelling would be acceptable within the site in terms of providing no means of escape in a flood event.

- 7.3.5 It is therefore considered that the visual amenity impacts of the proposed development are acceptable, in accordance with Policies ENV1 and ENV2 of the Local Plan.

7.4 Residential Amenity

- 7.4.1 Although matters of appearance and scale are not being considered as part of this application, there is sufficient room within the site, and sufficient separation from neighbouring dwellings, to accommodate two dwellings with a high standard of amenity whilst ensuring there is no significant detrimental harm caused to the amenity of neighbouring properties.

- 7.4.2 The proposed dwellings themselves are proposed to be sited parallel to one another. It is considered that, with appropriate fenestration arrangement, the proposed dwellings could be constructed within the site so as to provide a high level of residential amenity for future occupiers of the dwellings.

- 7.4.3 For these reasons, it is considered that the proposed dwellings could be constructed without giving rise to significant overlooking, overshadowing or overbearing impacts, or any other significant residential amenity impacts, in accordance with policy ENV2 of the Local Plan. The full impact of the proposed dwellings on the residential amenity of nearby occupiers, and each other, would be assessed at a reserved matters stage, if outline planning permission were to be approved.

- 7.4.4 The Environmental Health Officer has requested that conditions be imposed upon any consent with regard to construction hours and ground piling, in the interests of residential amenity. It is considered that these measures would further protect the residential amenity of existing surrounding occupiers should planning permission be approved.

7.5 Highways safely and parking

- 7.5.1 The proposed development would create two new vehicular accesses near to the junction of Camel Road and Horsley Hale. Whilst access is not a matter being considered, layout is a matter being considered and therefore this impacts on the access to the site.

- 7.5.2 The Local Highway Authority has reviewed the highway safety impacts of the proposed development and has no objections. The Local Highway Authority requests conditions are appended to any grant of planning permission requiring:- full details of the access arrangements and surface water drainage to be submitted to, and agreed by, the Local Planning Authority; closure of the existing access and reinstatement of the highway verge with 28 days of the bringing into use of the new access; a restriction on gates, fences and walls being erected across the approved vehicular access; provision and retention of the proposed parking and turning area; access and hardstanding within the site to be constructed with adequate drainage measures to prevent surface water run-off onto the public highway; the vehicular access from the

nearside footway edge to be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

- 7.5.3 If planning permission were to be approved, it is considered reasonable and necessary that the requests of the Local Highway Authority could be dealt with by planning conditions and a subsequent reserved matters application.
- 7.5.4 The proposed development demonstrates sufficient space within each plot to accommodate adequate parking provision for 2 cars, in accordance with the Council's parking standards.
- 7.5.5 It is therefore considered that the proposed development would accord with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.

7.6 Biodiversity and trees

Mitigating for loss of trees

- 7.6.1 Policy ENV 7 of the Local Plan states that all development proposals will be required to:
- Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
 - Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
 - Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.
- 7.6.2 In addition, policy SPD.NE8 of the Natural Environment SPD states that planning permission will only be granted if the proposal provides evidence that it has been subject to adequate consideration of the impact of the development on any existing trees and woodland found on-site (and off-site, if there are any trees near the site, with 'near' defined as the distance comprising 12 times the stem diameter of the off-site tree). If any trees exists on or near the development site, 'adequate consideration' is likely to mean:
- (a) the completion of a British Standard 5837 Tree Survey and, if applicable,
 - (b) an Arboricultural Method Statement, Impact Assessment and Tree Protection Plan.
- 7.6.3 The application was not originally accompanied by evidence demonstrating that adequate consideration of the impact of the development had been given to existing trees. The original consultation response from the Council's Trees Team stated that an Arboricultural Impact Assessment was required and the applicants' agent requested to submit one prior to determination of the application. This was agreed by the LPA and an Arboricultural Impact Assessment was subsequently received during the course of the application.
- 7.6.4 During the period between the application being received by the LPA and the Arboricultural Impact Assessment being submitted to the LPA, three mature Silver

Birch trees adjacent to the eastern boundary of the application site have been removed. The submitted Arboricultural Impact Assessment does not provide any assessment of the three removed Silver Birch trees; therefore it is likely that these trees were removed prior to the Arboricultural Impact Assessment being undertaken. The Local Planning Authority have not been provided with any evidence indicating that the three removed Silver Birch trees had been assessed prior to their removal.

- 7.6.5 The Council's Trees Team strongly objects to this application and recommends it is refused, due to the disregard for planning policy indicated by the removals of the three trees without their assessment.
- 7.6.6 Though it is regrettable that the trees were removed without any assessment being provided to the LPA, it is acknowledged that they were not subject to any formal protection and their removal cannot be reversed.
- 7.6.7 On the basis of the information contained within the Arboricultural Impact Assessment and recent site photos, the Council's Trees Team have made an assumption that the removed Silver Birch trees had stem diameters of between 410mm and 600mm. The Council's Trees Team have stated that it is reasonable to assess that these trees were at least category B trees, using the definition within British standard BS5837:2012, as no substantive evidence to the contrary has been submitted with the application. Policy SPD.NE8 of the Natural Environment SPD states that, where it is appropriate for higher value tree(s) (category A or B trees (BS5837)) to be lost as part of a development proposal, then appropriate mitigation, via compensatory tree planting, will be required. On the basis of the reasonable assumptions made regarding the stem diameters and classifications of the three removed Silver Birch trees, policy SPD.NE8 of the Natural Environment SPD indicates that eighteen compensatory replacement trees are required, unless demonstrably impractical or inappropriate.
- 7.6.8 Given the size constraints of the site and its physical relationship with neighbouring residential properties, it is considered to be demonstrably impractical and inappropriate to accommodate eighteen replacement trees within the site without resulting in significant conflict with the proposed development, and significant harm to the residential amenity of occupiers of existing neighbouring properties and future occupiers of the proposed dwellings. Furthermore, the Council's Trees Team have stated that the indicative planting on the submitted plans does not provide sufficient space for the trees to reach maturity and, using the dimensions of the existing trees, the spacing between replacement trees should be approximately 5.5m which is the average crown spread of tree T3.
- 7.6.9 Therefore, with consideration given to the above matters, it is considered reasonable to require that the loss of the trees be compensated through a scheme of replacement tree planting comprising fewer than eighteen trees, which could be secured by a planning condition should planning permission be approved.

Biodiversity protection and net gain

- 7.6.10 Paragraph 174 of the NPPF requires that planning decisions minimise impacts on, and provide net gains for, biodiversity.

- 7.6.11 Policy SPD.NE6 of the Natural Environment SPD states that, in addition to the provisions set out in the Local Plan, all development proposals should contribute to and enhance the natural and local environment by firstly avoiding impacts where possible, where avoidance isn't possible minimising impacts on biodiversity and providing measurable net gains for biodiversity. Furthermore, policy SPD.NE6 indicates that proposals will be refused where they do not demonstrate that the post-development biodiversity value of the onsite habitat will significantly exceed the pre-development biodiversity value of the onsite habitat.
- 7.6.12 National Planning Practice Guidance states that the existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for. It may also be relevant to consider whether any deliberate harm to this biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in assessing the underlying value of the site (and so whether a proposal would achieve a genuine gain).
- 7.6.13 The proposed development has resulted in the removal of three mature Silver Birch trees which would have provided a significant contribution to biodiversity of the on-site habitat. It is therefore considered that the removal of these trees would have resulted in significant adverse impacts on the biodiversity of the on-site habitat. However, the application is not accompanied by any information setting out the pre-development biodiversity value of the onsite habitat, or demonstrating that it would be significantly exceeded by the post-development biodiversity value of the onsite habitat.
- 7.6.14 The application fails to demonstrate that the proposed development would avoid or minimise impacts on biodiversity, or provide a biodiversity net gain, contrary to policy ENV 7 of the East Cambridgeshire Local Plan 2015, policy SPD.NE6 of the Natural Environment SPD and paragraph 174 of the NPPF.

7.7 Flood Risk and Drainage

- 7.7.1 Paragraph 159 of the National Planning Policy Framework (NPPF) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.7.2 Paragraph 162 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source; that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding; that the strategic flood risk assessment will provide the basis for applying this test; and that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 7.7.3 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Sequential Test. The Local Planning Authority must determine whether the application site passes the Sequential Test.

- 7.7.4 Policy ENV 8 of the Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1.
- 7.7.5 The proposed dwellings, which are classified as a 'more vulnerable' development within 'National Planning Policy Framework Annex 3 - Flood risk vulnerability classification', would be sited within Flood Zone 3a, as identified by the Environment Agency flood zone maps and the Council's Strategic Flood Risk Assessment, where the Sequential Test must be passed for the development to be approved.
- 7.7.6 A FRA has been submitted with the application and the Environment Agency states that they have no objection to the proposed development. However, the Environment Agency goes on to state that, in accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and that it is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.
- 7.7.7 In order to pass the Sequential Test, it is considered that the application would need to demonstrate that there are no other reasonably available sites within the parish of Littleport for the erection of two dwellings which are outside of Flood Zone 3. However, it is considered by the Local Planning Authority that there are other reasonably available sites for the erection of two dwellings within the parish of Littleport which are at a lower probability of flooding, and therefore the proposed development is not necessary in this location and fails the Sequential Test.
- 7.7.8 As the proposal fails to pass the Sequential Test, the proposal is contrary to Policy ENV 8 of the East Cambridgeshire Local Plan 2015 and paragraph 162 of the National Planning Policy Framework.
- 7.7.9 As it is considered that the Sequential Test has not been passed, it is not a requirement for the Exception Test to be applied. Only if it was considered that the Sequential Test had been passed, would it then be a requirement for the LPA to consider the following two parts of the Exception Test:
- a) whether the development provides wider sustainability community benefits to outweigh flood risk, and;
 - b) whether the development can be made safe for its lifetime without increasing flooding elsewhere.
- 7.7.10 Policy ENV 8 of the Local Plan 2015 also makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. The IDB have raised no objection to the use of soakaways, and in any event of the application being approved, these details could be secured via a condition.

7.8 Climate Change

- 7.8.1 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the

Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications.

- 7.8.2 No details relating to the requirements of the Climate Change SPD have been provided with this application. However, the application is for outline planning permission with all matters reserved apart from layout, and therefore the lack of information provided with the application would not result in the application being refused, as further details could be secured via a planning condition and / or Reserved Matters details in any event of the application being approved.

7.9 Other Material Matters

- 7.9.1 As this application is for a particularly sensitive end use (residential), it is considered reasonable and necessary that a condition would be appended in any event of planning permission being granted, requiring investigation and remediation of any unexpected contamination found during development, as requested by the Council's Scientific Officer.

- 7.9.2 The proposed dwellings are within close proximity to the existing highway and it is considered that waste could be collected from the application site in accordance with principles of the RECAP guidance.

7.10 Planning balance

- 7.10.1 The application site is outside of the development envelope; however, it is located in a market town and is an infill site, between existing built form. As set out in the principle of development section of this report, in this specific case, GROWTH 2 is considered to be out of date and therefore the principle of development in this location is acceptable in spatial terms. There has been no other significant harm identified in respect of visual amenity, residential amenity, highway safety and parking, or climate change.

- 7.10.2 However, the proposed dwellings would be sited within Flood Zone 3 and the proposal fails to pass the Sequential Test as there are reasonably available sites elsewhere which have a lower probability of flooding. In addition, the application fails to demonstrate that the proposed development would avoid or minimise impacts on biodiversity, or provide a biodiversity net gain. Therefore, for the reasons set out within paragraph 1.1 of this Committee Report, the application is recommended for refusal.

8 APPENDICES

- 8.1 Appendix 1 - Committee Report for planning application 21/00463/OUT
- 8.2 Appendix 2 - Committee Decision List for planning application 21/00463/OUT
- 8.3 Appendix 3 – Recent photo of the three mature Silver Birch trees removed during the course of the planning application.

Background Documents

22/01021/OUT

21/00463/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>

APPENDIX 1 - Committee Report for Planning Application 21/00463/OUT

21/00463/OUT

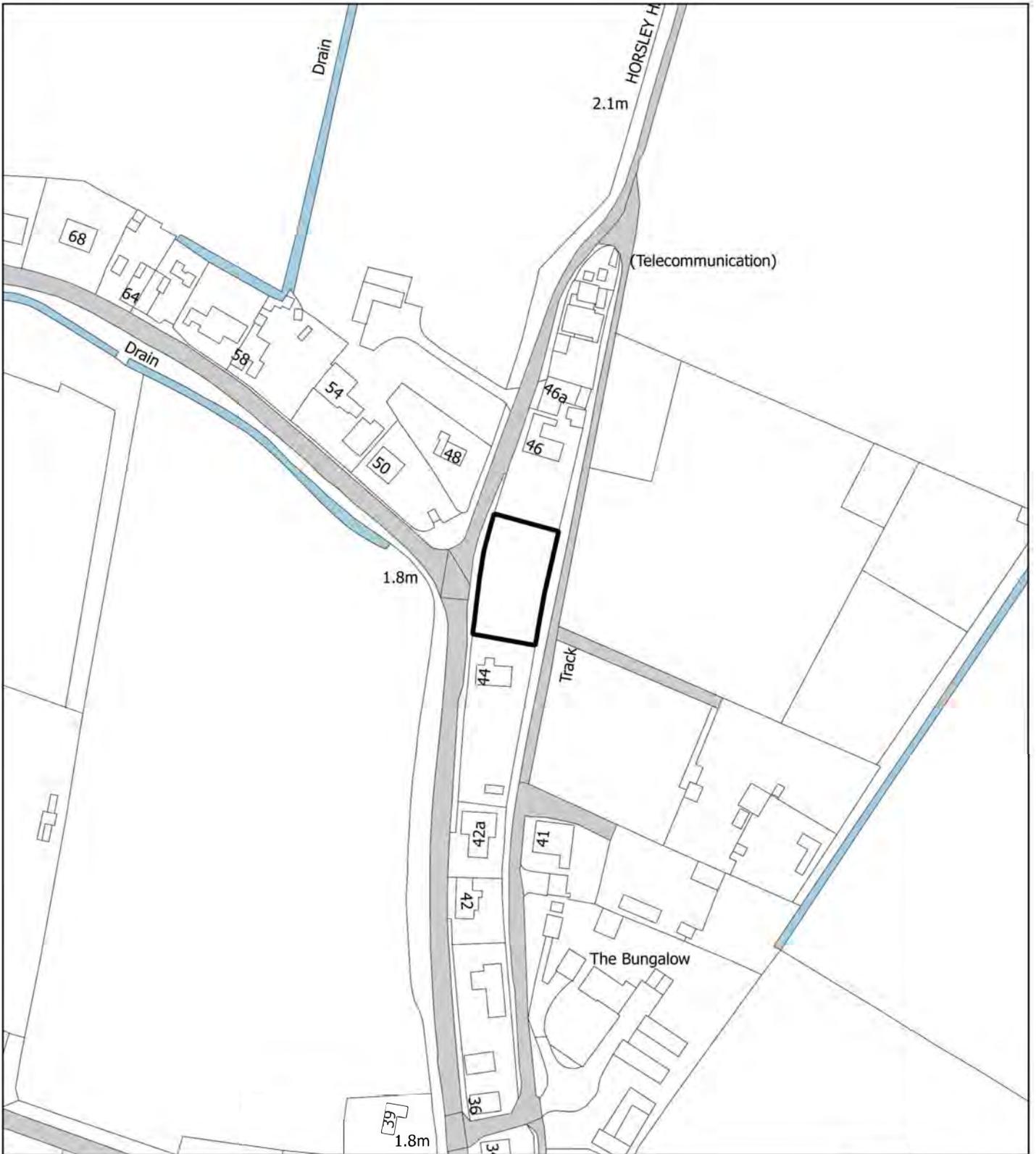
44 Camel Road
Littleport
Ely
Cambridgeshire
CB6 1PU

Outline application for 2no. detached dwellings

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=QQFI2TGG0CT00>





21/00463/OUT

44 Camel Road
Littleport



East Cambridgeshire
District Council

Date: 17/08/2021
Scale: 1:1,750



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MAIN CASE

Reference No: 21/00463/OUT

Proposal: Outline application for 2no. detached dwellings

Site Address: 44 Camel Road Littleport Ely Cambridgeshire CB6 1PU

Applicant: Mr Ian Clarey

Case Officer: Emma Barral Planning Officer

Parish: Littleport

Ward: Littleport

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

Date Received: 23 March 2021

Expiry Date: 14th July 2021

Report Number W60

1.0 RECOMMENDATION

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

1. The proposed development is situated outside of the development envelope and is not an allocated site or an affordable housing exception site; on this basis fails to comply with policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 which restricts development outside of the defined development envelopes and does not meet any of the defined exceptions within that policy.

2. The proposed development is located in Flood Zones 2 and 3 and falls outside of the development envelope. The proposed dwellings are considered to be 'more vulnerable' for the purposes of Annex 3 'Flood risk vulnerability classification' of the NPPF 2021, and the Applicant has not submitted a Flood Risk Assessment with the application to demonstrate the acceptability of the proposals with regard to flood risk. Given their location within a flood zone and outside of the development envelope, and the absence of an FRA, the proposals are considered to fail both the sequential and the exception tests, and would be contrary to Policy ENV 8 of the ECDC Local Plan 2015 and the requirements of chapter 14 of the NPPF, which requires that all development contributes to an overall flood risk reduction.

2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted relates to an Outline Planning Application with all matters reserved apart from layout for the construction of two dwellinghouses with 2 car parking spaces each and rear garden areas on the vacant parcel of land (garden land) to the north of Number 44 Camel Road and to the south of Number 46 Camel Road.
- 2.2 The application has been called to Planning Committee by Councillor David Ambrose Smith for the following reason- "I would like to 'Call In' this application for consideration by the planning committee. On the grounds that the site is on a broken boundary of the development envelope".
- 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 There is no relevant planning history associated with the application site.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located on the corner with Camel Road and Horsley Hale to the eastern wide of these public highways. The site consists of a vacant parcel of land to the north of Number 44 Camel Road and to the south of Number 46 Camel Road and has several kennels/sheds that are proposed to be removed on the southern edge of the application site. The application site is described as garden land to serve Number 44 Camel Road on the submitted application forms, and this was confirmed during the site visit. The application site is located outside the development envelope of Littleport due to a gap retained by the East Cambridgeshire Local Plan 2015 policies map. The extent of the development envelope finishes on the northern edge of the plot known as Number 44 Camel Road and continues on the western side of Camel Road and Horsley Hale to the north-west of the application site and includes Number 48 and 50 Camel Road. Numbers 45, 46a and 46b to the north of the application site also lie outside the development envelope. An extract from the East Cambridgeshire Local Plan 2015 policies map is given below for reference.

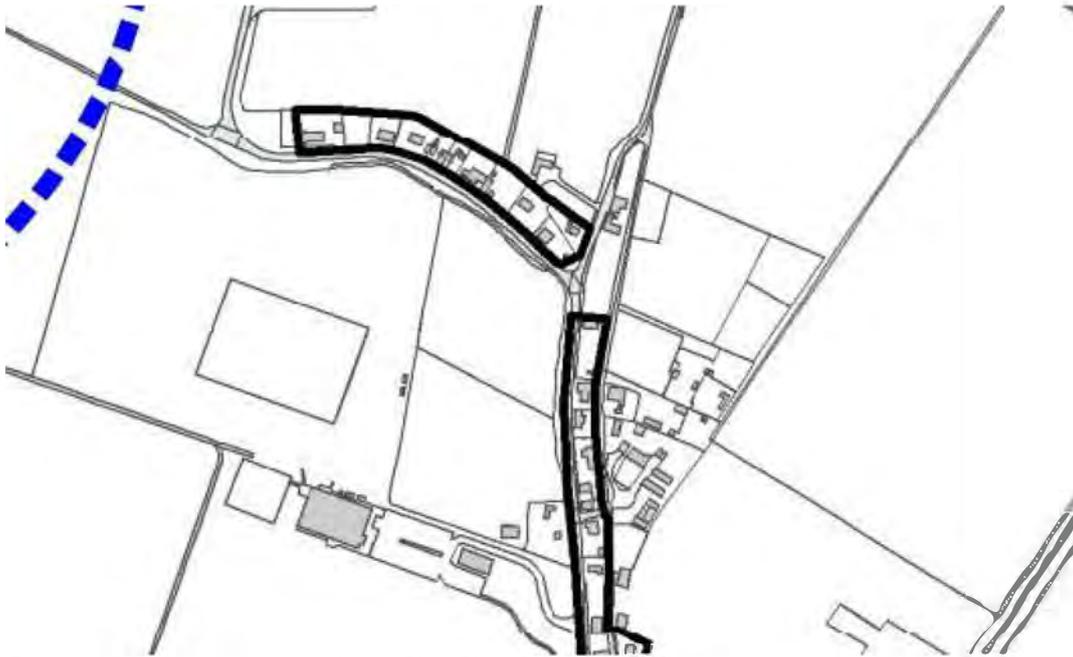


Figure 1 East Cambridgeshire Local Plan 2015 policies map (Littleport)

5.0 RESPONSES FROM CONSULTEES

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

Environmental Health - 30 March 2021- "Under section 14 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

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

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

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

I note the planning permission for a silica sand arena to the site adjacent to this application (20/01463/FUL). Condition 5 of 20/01463/FUL prevents the installation of any external lighting without permission from the LA which means I will have no concerns to raise at this time.

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

Littleport Parish Council - 7 April 2021- “Concern expressed about access and egress from the parking spaces. Would prefer that a turning circle be included in the plan”.

Ward Councillor - Cllr. David Ambrose Smith – 01 June 2021

See above for call-in details

The Ely Group Of Internal Drainage Board - 12 April 2021- “The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaways does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District. If the proposed sewage treatment plant discharges into a watercourse, the consent of the Board is required”.

Waste Strategy (ECDC) - 20 April 2021-

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

Local Highways Authority - 21 May 2021- “Subject to the following comments and recommendations: I have no objections. While this is an outline application for layout alone, this will have a clear influence on access arrangements for this site. I note that the northern driveway would access onto the unclassified Horsley Hale,

while the southern access joins Camel Road which is a C classified road, with both roads having a 30mph speed limit.

While I have some reservations regarding reversing onto the highway at this location, I note that this situation is not uncommon locally, with no history of recorded injury accidents. I also note that the Horsley Hale junction is lightly trafficked and that sight stopping distance across the bend to the southern access appears to be adequate for the posted speed limit. While I consider that turning within the southern plot would be beneficial, I have no objection to the layout proposed. The vehicular access from the existing carriageway edge within the public highway must be constructed in accordance with Cambridgeshire County Councils Housing Estate Road construction specification (HERCS) and should include the provision of a metalled/sealed surface within the site, for a minimum length of 5m from the existing carriageway edge. Both accesses should be un gated to prevent vehicles dwelling in the highway, unless the layout is amended to enable gates to be set back a minimum of 5m from the carriageway edge, with the gate set to swing clear of any parking areas.

In their full response, the LHA recommend conditions relating to the provision of further access details; closure of the existing access; restriction on the location of gates; provision of parking/serving/turning areas; and access drainage

In discussion with the LHA on the 17th August 2021, it was also confirmed that any future vehicular and pedestrian accesses serving the site could be constructed solely within highways owned land. The highway boundary extends up to the site's western boundary, and the LHA were content that any access points to serve the site could be constructed under separate highway legislation.

CCC Growth & Development - No Comments Received

5.2 A site notice was displayed near the site on 23 April 2021. A second site notice was displayed near the site on the 8th July 2021, advertising that the development proposals represented a departure from the ECDC Local Plan 2015. A press notice was published in the Cambridgeshire Evening News on the 1st July 2021.

5.3 Neighbours – Three neighbouring properties were notified, however no responses were received during the consultation process.

6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

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

ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

Natural Environment

Climate Change

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

7.0 PLANNING COMMENTS

- 7.1 The main issues to consider in the determination of this application are the principle of development, the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance, parking provision, drainage and flood risk, biodiversity and climate change.
- 7.2 Principle of Development
- 7.3 The site is not within an established development envelope of Littleport and Local Plan policy GROWTH 2 restricts market housing in such locations. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its *Five Year Land Supply Report - 1 April 2019 to 31 March 2024* (published April 2020) and later in its updated *Five Year Land Supply Report - 1 April 2020 to 31 March 2025* (published December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.
- 7.4 The 2020 HDT result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years. This adequate housing land supply

means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.

- 7.5 The application site is located outside the development envelope of Littleport. Policy GROWTH2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport. Ely is the most significant service and population centre in the district, and will be a key focus for housing, employment and retail growth. More limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. Policy GROWTH2 also states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted outside of development envelopes, and will only be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. The proposed development does not meet any of the identified exceptions, as stated in GROWTH 2, and therefore the development is unacceptable in principle. It is therefore considered that the proposed development would be contrary to policy GROWTH 2 of the East Cambridgeshire Local Plan and is unacceptable in principle.
- 7.6 Visual Amenity
- 7.7 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right. Furthermore, the East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres (c.3229sqft), the footprint of any proposed development should be no more than approximately one third of the plot size and rear private amenity space should be 50sqm (c.538sqft).
- 7.8 The details of scale, access, landscape and appearance have not been submitted as part of the outline application and would be considered at the Reserved Matters stage. On review of the submitted block plan that shows the proposed layout, the plots appear to be approximately 400sqm (4306sqft) with approximately 120sqm (1292sqft) of rear amenity space per dwellinghouse. Therefore, the extent of the proposed plot sizes and rear private amenity space is sufficient to comply with the requirements of the Design Guide SPD.
- 7.9 The full details of the visual appearance have not been included within the application and would need to be assessed at reserved matters stage, although the scale of the dwellings proposed has been shown indicatively as chalet bungalows. The scale and design of existing development along Camel Road and Horsley Hale is varied, and it is considered that two dwellings could be satisfactorily

accommodated on the site without being visually intrusive. There are other residential dwellings directly to the north and south of the application plot, which provide a context against which any prospective dwellings would be seen. Given the location of the development proposals within Flood Zone 2 and 3, it is also considered very unlikely that a single-storey dwelling would be acceptable within the site in terms of providing no means of escape in a flood event.

7.10 At this stage, the proposals are therefore considered to be in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire District Council's adopted Local Plan 2015, which requires all developments to be of high quality design and be sympathetic to, and respect the distinctive character of the area, although this would be assessed fully once details of all of the matters have been submitted, with regard to their location and scale.

7.11 Residential Amenity

7.12 Although matters of appearance and scale are not being considered as part of this application, there is sufficient room within the site, and sufficient separation from neighbouring dwellings, to accommodate 2 dwellings with a high standard of amenity whilst ensuring there is no significant detrimental harm caused to the amenity of neighbouring properties. The proposed dwellinghouses are shown indicatively to be chalet style dwellinghouses and would therefore not be significantly taller than Number 46 Camel Road to the north, which is a two storey dwellinghouse. Number 44 Camel Road to the south is a bungalow, however the submitted layout proposes a gap of 7 metres (c.23 feet) to the common boundary with this neighbouring dwellinghouse, and given its orientation to the south of the proposed plots, no harmful overlooking or overshadowing would occur if dwellings with a modest height are submitted at reserved matters stage.

7.13 There is more than sufficient distance between the indicative footprint of the proposed dwelling and the neighbouring properties to the north and south of the application plot. These distances are considered sufficient to prevent overlooking or overshadowing impacts to neighbouring occupiers and it has been demonstrated that there is sufficient room to confirm the layout is acceptable. The full impact of the proposed dwellings on the residential amenity of nearby occupiers would be assessed at reserved matters stage once all of the details are submitted.

7.14 The proposed dwellings themselves are proposed to be sited parallel to one another with a c.2.5 metre (c.8 feet) separation distance between them. The proposed dwellings are also shown indicatively to both be chalet-bungalows in their style and scale. Whilst the residential amenity impacts of the proposed dwellings upon one another would be assessed in detail at the reserved matters stage, at this stage it is considered that, with appropriate fenestration arrangement, the proposed dwellings could be constructed within the site so as to provide a high level of residential amenity for prospective occupiers of the dwellings. The indicatively shown rear dormer windows within the proposed dwellings would likely give rise to a small degree of overlooking to the rear gardens of each of the proposed dwellings, but this is not considered to be uncommon or significantly harmful to warrant concern, and is often accepted in residential areas. For these reasons, it is considered that the proposed dwellings could be constructed without giving rise to overlooking, overshadowing, overbearing, loss of light or loss of privacy to one

another, and could be designed so as to provide a high level of internal amenity for prospective occupiers also.

7.15 The Environmental Health Officer has also requested that conditions be imposed upon any consent with regard to construction hours and ground piling, in the interests of residential amenity. It is considered that these measures would further protect the residential amenity of existing surrounding occupiers should consent be granted for the construction of the proposed dwellings.

7.16 It is therefore considered that the proposed development would provide acceptable residential amenity impacts which accord with policy ENV2 of the East Cambridgeshire Local Plan 2015 although this would be assessed fully once details of all of the matters have been submitted.

7.17 Highway Safety

The proposed development would create new vehicular access(es) on to the corner of Camel Road and Horsley Hale. While access is currently not a matter being considered, the Local Highway Authority has stated that:

“while this is an outline application for layout alone, this will have a clear influence on access arrangements for this site. I note that the northern driveway would access onto the unclassified Horsley Hale, while the southern access joins Camel Road which is a C classified road, with both roads having a 30mph speed limit.

While I have some reservations regarding reversing onto the highway at this location, I note that this situation is not uncommon locally, with no history of recorded injury accidents. I also note that the Horsley Hale junction is lightly trafficked and that sight stopping distance across the bend to the southern access appears to be adequate for the posted speed limit. While I consider that turning within the southern plot would be beneficial, I have no objection to the layout proposed. The vehicular access from the existing carriageway edge within the public highway must be constructed in accordance with Cambridgeshire County Councils Housing Estate Road construction specification (HERCS) and should include the provision of a metalled/sealed surface within the site, for a minimum length of 5m from the existing carriageway edge. Both accesses should be ungated to prevent vehicles dwelling in the highway, unless the layout is amended to enable gates to be set back a minimum of 5m from the carriageway edge, with the gate set to swing clear of any parking areas”.

7.18 It is recognised that the red line boundary for the application site is drawn tightly to the western edge of Camel Road and Horsley Hale, and that the fixing of the layout at this stage agrees in principle the position of the access points to the proposed parking areas serving the dwelling. Whilst details of access have not been sought at this stage, in discussion with the LHA on the 17th August 2021, the LHA accept that provision of two vehicular access points in the indicatively shown locations would be acceptable in principle. The LHA have also confirmed that the highway boundary adjoins the application site to the east, and that the provision of the vehicular (and any pedestrian) accesses along the site frontage could be constructed entirely within highway land and under separate highway legislation.

- 7.19 There is sufficient room within each plot to accommodate adequate parking for 2 cars, in accordance with the Council's parking standards. Whilst there is not space within the site for the turning of vehicles, the LHA accept that this would not give rise to detrimental harm upon highway safety. It is therefore considered that the proposed development would accord with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015, although this would be assessed fully once details of all of the matters have been submitted.
- 7.20 Ecology
- 7.21 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) advise that opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. Furthermore, the Natural Environment SPD also seeks for biodiversity net gain under policy NE6.
- 7.22 There are no ponds within the application site that would support Great Crested News (GCN) and the site lies within a green (low risk) zone for GCNs. The application site comprises garden land to No.44 Camel Lane and the proposals would not result in the loss of any trees within the application site. Given the nature of the application site (residential garden), it is considered that the application site would unlikely support wintering birds, which Policy SPD.NE2 of the Natural Environment SPD seeks specifically to protect.
- 7.23 No relevant details relating to mitigation measures have been provided with the submission. A condition requiring a scheme of biodiversity improvements can be added if the application was approved. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. The proposed development therefore complies with Policy ENV7 of the East Cambridgeshire Local Plan 2015, and Policy NE6 of the Natural Environment SPD.
- 7.24 Flood Risk and Drainage
- 7.25 The application site is located within Flood Zone 2 and 3 (benefitting from flood defences) and is therefore at a higher risk of flooding in comparison to Flood Zone 1, where development should usually be focused. Policy ENV 8 of the ECDC Local Plan 2015 requires that the sequential and exception tests in relation to flooding are applied strictly so as to steer development towards the lowest areas of flooding. The application site falls outside of the defined development envelope, informed by the Strategic Flood Risk Assessment for the district, and on the basis of their location the proposals are not therefore considered to have passed the sequential test.

- 7.26 If the proposals were found to pass the exception test and were found to be sustainable in their location, it is considered that the proposals could satisfy the exception test if appropriate flood risk measures were submitted for consideration. The application site falls within an area of higher flood risk and the proposed dwellings are considered to be 'more vulnerable' for the purposes of Annex 3 'Flood risk vulnerability classification' of the NPPF 2021. Measures would therefore need to be submitted to demonstrate that the proposals were safe for their lifetime in terms of flood risk. The Applicant has however not submitted a Flood Risk Assessment to demonstrate that the proposals would be safe for their lifetime in terms of flood risk, or would not result in increased flood risk elsewhere.
- 7.27 The Environment Agency were not consulted as part of the application. The EA do not provide comments on the sequential test, as this is determined at the Local Authority Level. The EA only provide comment on the exception test, and as the LPA consider that the sequential test has not been passed and in the absence of an FRA, the EA were not required to provide comments.
- 7.28 For the above reasons, the proposals would therefore be contrary to Policy ENV 8 of the ECDC Local Plan 2015, the Flood and Water SPD and the NPPF on the basis of flood risk.
- 7.29 Policy ENV8 of the Local Plan 2015 also makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site; the IDB have raised no objection to the use of soakaways, and should the application be approved, these details could be secured via a condition.
- 7.30 Climate Change
- 7.31 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications. The agent was invited to address the Climate change SPD that requests applicants may wish to look at minimising demand through design and maximising energy efficiency. The agent was informed of the requirements in the SPD, however no further details have been provided at the time of determination, which weighs against the proposed development but would not result in the application being refused on this basis alone.
- 7.32 Other Material Matters
- 7.33 As this application is for a particularly sensitive end use (residential), it is recommended that conditions are appended to any grant of planning permission requiring a contamination assessment to be submitted to and agreed by the Local Planning Authority prior to commencement of any development and also to

address any unexpected contamination which may be found when carrying out the development in accordance with the comments raised by Environmental Health.

- 7.34 The proposed dwelling is not a great distance from the existing highway and it is considered that waste could be collected from the application site in accordance with principles of the RECAP guidance.
- 7.35 Planning Balance
- 7.36 The application site for the proposed dwellinghouse is located outside the development envelope of Littleport and therefore the principle of development is not acceptable. It is therefore considered that the proposed development would be contrary to policy GROWTH 2 of the East Cambridgeshire Local Plan 2015. The application is therefore recommended for refusal for this reason.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00463/OUT	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastcambs.gov.uk

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>

Date of Publication of Decision List: 6th September 2021

FOR INFORMATION ONLY

NONE OF THESE DECISIONS ARE SUBJECT TO CALL-IN



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

PLANNING COMMITTEE – 1st September 2021 – DECISION LIST

ITEM NO.	REPORT REF.	APPLICATION	DECISION	ACTION BY
5.	W58	20/01269/FUL Demolition of one dwelling and structures on site, and replacement with one dwelling and garage Springfield House, Twentypence Road, Wilburton, Ely, Cambridgeshire	It was resolved: That planning application ref 20/01269/FUL be APPROVED on the grounds that the proposed development would not be contrary to policy HOU8 in terms of the curtilage and the design. It was further resolved: That the Planning Manager be given delegated authority to impose suitable conditions, including the retention of the large tree and the protection of the on-site bats and owls.	Molly Hood, Planning Officer Rebecca Saunt, Planning Manager
6.	W59	20/01295/FUL Erection of 1 no. two storey four bedroom detached dwelling Land south east of 4 Meadowbrook, Aldreth, Cambridgeshire	It was resolved: That planning application ref 20/01295/FUL be REFUSED on the grounds that the proposed development would have a significant detrimental impact on the residential amenity of the neighbouring properties, would be visually detrimental to the local character and appearance of the street scene, and would be cramped in appearance.	Molly Hood, Planning Officer

7.	W60	21/00463/OUT Outline application for 2 no. detached dwellings 44 Camel Road, Littleport, Ely, CB6 1PU	It was resolved: That planning application ref 21/00463/OUT be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.	Emma Barral, Planning Officer
8.	W61 & W62	Planning Performance Reports – June and July 2021	It was resolved: That the Planning Performance Reports for June and July 2021 be noted.	

Appendix 3 – Recent photo of the three mature Silver Birch trees removed during the course of the planning application.



6.	X161	<p>22/01021/OUT</p> <p>Construction of 2no. self-build, detached dwellings, including off-street parking and associated infrastructure</p> <p>Site North Of 44 Camel Road, Littleport</p>	<p>It was resolved:</p> <p>That planning application ref 22/01021/OUT be DEFERRED for Officers to work with the applicant to provide maximum flood risk mitigations and a biodiversity assessment for the site, together with a proposal to achieve a biodiversity net gain, and to return the application to the Planning Committee for decision once those elements had been delivered.</p>	<p>Richard Fitzjohn, Planning Contractor</p>
7.	X162	<p>22/01228/FUL</p> <p>Construction of 8 dwellings and garages, new access road and associated works</p> <p>Land to North Of 3 Putney Hill Road, Prickwillow</p>	<p>It was resolved:</p> <p>That planning application ref 22/01228/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report together with an additional condition to secure a refuse collection strategy.</p> <p>It was further resolved:</p> <p>That authority be delegated to the Planning Manager to draft the additional condition regarding a refuse collection strategy.</p>	<p>Gavin Taylor, Planning Contractor</p> <p>Simon Ellis, Planning Manager</p>
8.	X163	<p>22/01427/OUT</p> <p>Construction of 2No detached dwellings, new access, dropped kerb and associated works</p> <p>Land Adjacent To 73 Fordham Road, Soham</p>	<p>It was resolved unanimously:</p> <p>That planning application ref 22/01427/OUT be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report together with an additional condition restricting the two dwellings to being single-storey.</p> <p>It was further resolved unanimously:</p> <p>That authority be delegated to the Planning Manager to draft the additional condition regarding single-storey dwellings.</p>	<p>Rachael Forbes, Planning Officer</p> <p>Simon Ellis, Planning Manager</p>

Council to maintenance costs and that the requested modifications would not be detrimental to the Council.

Cllr Brown proposed the Officer's recommendation for approval, which was seconded by Cllr Every.

It was resolved unanimously:

That planning application ref 22/00816/MPO be APPROVED for the modification of planning obligation 13/00785/ESO as follows:

The modification of the s106 legal agreement date 20th June 2016 attached to the planning permission 13/00785/ESO to allow for the fixed delivery of 40% affordable housing across the development; alterations to triggers for when payments are made.

It was further resolved unanimously:

That the Director Legal Services be instructed to negotiate and complete the necessary legal agreement to secure the above.

77. 22/01021/OUT SITE NORTH OF 44 CAMEL ROAD LITTLEPORT

Richard Fitzjohn, Planning Contractor, presented a report (X161, previously circulated) recommending refusal of an application seeking outline permission for the construction of two detached dwellings, including off-street parking and associated infrastructure, with all matters apart from layout reserved.

Members were shown a location plan and site photographs illustrating the site's position between two sections of Littleport's development framework, to the south and the north-west. There were residential properties immediately to the north and south of the site and an outdoor horse-riding arena and paddocks immediately to the east. The proposed site layout followed the general pattern of development along the east side of the road and car parking was proposed to the front and side of the proposed dwellings, with two new vehicular accessed from Camel Road. Members' attention was drawn to a previous application for two detached dwellings on the site that had been refused by the Committee in September 2021 due to its location outside the development framework and failure of the flood risk sequential and exception tests.

The main considerations for the application were deemed to be:

- **Principle of development** – the Planning Inspector for a recent appeal site at Soham had found that the strict application of policy GROWTH2 was not justified in that case, given that the Local Plan anticipated housing in that location and at the District's market towns. The application site was located outside the development envelope of Littleport, contrary to policy GROWTH2 but was located on the edge of one of the three market towns where growth was directed by the policy, and was in a small gap between two development framework boundaries. It was therefore considered that the circumstances of the application were similar to those in the appeal decision and therefore, for this case alone, it was considered that the principle of development was acceptable in spatial terms.

- **Visual amenity** – given the residential properties to the north and south and the equine use to the east it was considered that the land no longer served as a transition from the built form to the countryside. The plot was of sufficient size to accommodate two dwellings without being visually intrusive, and full visual amenity impacts could be assessed at the reserved matters stage. The visual amenity impacts of the proposal, including the countryside landscape impacts were therefore considered to be acceptable.
- **Residential amenity** – the proposal showed acceptable separation distances and plot and garden sizes. There would be no significant overshadowing, overbearing, overlooking or other residential amenity impacts, and full impacts would be assessed at the reserved matters stage. The residential amenity impacts of the proposal were therefore considered to be acceptable.
- **Highway safety and parking** – two new vehicular accesses were proposed near to the junction of Camel Road and Horsley Hale, with sufficient parking and turning space for two cars per property. The Local Highways Authority had stated that the proposal was acceptable, subject to conditions. The highway safety impacts of the proposal were therefore considered to be acceptable.
- **Biodiversity and trees** – during the course of the application, three mature trees (not subject to Tree Preservation Orders) had been removed from the site. Replacement trees could be secured *via* a condition for soft landscaping should planning permission be granted. The NPPF, Local Plan, and Natural Environment SPD all included requirements to protect and provide a net biodiversity gain for the land. National Planning Practice Guidance stated that the existing biodiversity value of a development site would need to be assessed when planning permission was applied for; removal of the three mature trees would have resulted in significant adverse impacts on biodiversity, but no information had been supplied regarding the pre-development biodiversity value of the on-site habitat. The application had therefore failed to demonstrate that the proposed development would avoid or minimise impacts on biodiversity, or provide a biodiversity net gain, contrary to policy ENV7 of the Local Plan 2015, policy SPD.NE6 of the Natural Environment SPD, and paragraph 174 of the NPPF.
- **Flood risk and drainage** – the application site was located in Flood Zone 3, the area at higher risk of flooding. The NPPF directed Local Planning Authorities to steer new development to areas at the lowest probability of flooding, by applying a Sequential Test, and Policy ENV8 of the Local Plan 2015 stated that the Sequential Test would be strictly applied across the District. The Environment Agency had not objected to the proposal but had stated that the development should not be permitted if there were reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and that the Sequential Test was a matter for the Local Planning Authority to determine. It was considered that there were other reasonably available sites within the parish of Littleport that were at a lower probability of flooding and therefore the proposed development was not necessary at this location and failed the Sequential Test. Since it failed the Sequential Test the proposal was contrary to policy ENV8 of the Local Plan 2015 and paragraph 162 of the NPPF.
- **Climate change** – appropriate sustainability measures could be secured *via* condition and/or in the reserved matters application.

In summary, the proposed dwellings would be within Flood Zone 3 and the site had failed the Sequential Test due to the reasonable availability of sites at lower probability of flooding. Additionally, the application did not demonstrate that the proposed development would avoid or minimise impacts on biodiversity, or provide a biodiversity net gain. For both of these reasons the application was recommended for refusal.

The Chairman invited Adam Tuck, the applicant's agent, to address the Committee. The agent stated that debate on a similar application in September 2021 had been finely balanced and the application had subsequently been refused due to its location outside the development envelope and the lack of a Flood Risk Assessment. Detailed flood risk information had been included with the current application and, following the recent Soham appeal decision, the principle of development for the site on the edge of the market town was now acceptable. No objections had been received from the Environment Agency subject to raised floor levels. A detailed site-specific Flood Risk Assessment had been provided and showed that the site was outside the Environment Agency's fenland breach mapping and was not in the "1 in 100 year flood plain", on that basis he said it was at a low risk of flooding and passed the sequential test. The Officer's recommendation for refusal included a reason related to biodiversity that had not been present on the previous refusal despite a lengthy assessment period and there had been no change to planning policy in the intervening time. There was ample space within the site boundary for planting mature trees and adding bat and bird boxes. The applicant had removed several unprotected trees (one of which had been storm damaged) since they were overhanging a public right of way and were also subject to aphid infestation and honeydew negatively affecting the neighbouring equine facilities. The proposal was for two self-build plots to provide lifetime homes for family members close to elderly and vulnerable relatives and they would be happy to accept a condition or legal agreement to that effect. Members were encouraged to approve the application.

Cllrs Jones and Trapp both commented that biodiversity implications were always considered for planning applications, and the applicant had removed mature trees since the previous application. The agent explained that the applicant was willing to address biodiversity improvements by condition or in the reserved matters application but they were frustrated that despite the eight month assessment period for the first application no concerns were raised at that point, neither had ecology concerns been mentioned for the current application until an email dated 21st February, which did not give the applicant much time to address the issues.

Cllr Every asked what plans were in place to mitigate the loss of the three or four mature trees. The agent reiterated that there was ample room within the site for trees and hedging as well as ornamental and/or fruit trees within the gardens. Details could all be determined in the landscaping considerations of the reserved matters application.

Following a request from Cllr Hunt for clarification about the felled trees, the applicant, Mr Clarey, stated that three silver birch trees had been removed, a fourth had been blown over in high winds, and a small holly tree had also been removed.

On the invitation of the Chairman, the Ward Member Cllr D Ambrose Smith addressed the Committee. He stated that the applicant's agent had already

mentioned many of his points, and additionally the Officer's arguments had been well-presented. The main concern for the previous application was its location outside the development envelope; an issue that was no longer being considered a reason for refusal for this site. The biodiversity reason for refusal was a new addition and he stated that he believed the 18 replacement trees required by the Trees Officer as a result of felling three mature trees could instead be planted on the nearby Littleport Leisure site with the agreement of the Leisure Trust and under the direction of the Trees Officer.

Cllrs Jones and Wilson asked for further information about the suggestion regarding replacement trees. Cllr D Ambrose Smith explained that the Littleport Leisure site was three fields away from the application site and had permission for 100 new trees although only approximately half had been planted to date.

2:32pm Cllr D Ambrose Smith left the meeting for the remainder of the item.

There were no further comments from the Planning Contractor, so the Chairman invited questions from Members. Cllr Trapp asked for the dimensions of the plot, which were unavailable, and commented that it was not clear from the site drawings that there would be sufficient space for the required additional trees. The Planning Contractor explained that replacement planting would not need to be in the same location as the lost trees but Members would need to be confident that the development could provide a biodiversity net gain to mitigate the loss of the trees and the pre-development site biodiversity.

Following questions from Cllr Jones about the appropriateness of off-site biodiversity mitigation, and the on-site space for tree planting, the Planning Contractor explained that off-site planting could be secured by legal agreement but that it was not possible to have a condition applying to land that was outside the applicant's ownership. However, no documents relating to off-site mitigation had been provided and therefore that scenario could not be considered in determining the application. Regarding on-site provision, it was for the applicant to demonstrate the practicalities. Because the trees had been felled during the application process the pre-development habitat was not known, although since two trees had not been felled it may be possible for an ecologist to determine the previous ecology value based on what remained.

Cllr Jones referred to the site's location in Flood Zone 3 and that, although other sites were available, the application site appeared to be a good infill location. The agent had stated that the Sequential Test had been passed due to the submitted Flood Risk Assessment and drawings, but one refusal reason was for failing the Sequential Test so further information was requested on that disparity. The Planning Contractor explained that the Flood Risk Assessment submitted with the application had concluded that the application site had passed the Sequential Test due to its location in an area protected by flood defences. However, this was incorrect since National Planning Policy did not allow flood defences to be included in the Sequential Test. He also read aloud detailed clarification from the Environment Agency regarding their comments on the application. In particular, they stated that the site was at low risk of flooding if the defences were breached but would be at high risk if they were removed altogether. He further explained to Cllr Trapp that the Environment Agency's comments were based on a breach of flood defences whereas National Planning Policy required that flood risk was

assessed without any defences. Responding to a query from Cllr Every as to whether the applicant had been given the opportunity to respond to the latest comments from the Environment Agency, the Planning Contractor stated that there was no new information that changed the report or conclusions, he had simply requested clarification from them regarding their published comments.

Cllr Wilson mentioned a nearby site with recent planning permission to build a property on stilts and questioned whether a similar approach could be used to eliminate the flood risk on the application site. He also asked whether there were other similar self-build sites available in Littleport. The Planning Contractor explained that the first consideration was to apply the Sequential Test. The use of stilts could address the subsequent Exception Test, however the application site had failed the Sequential Test and therefore the Exception Test did not apply. Nothing in the application had demonstrated why two houses could not be built elsewhere in Littleport, and there were other reasonable sites in Flood Zone 1 in Littleport.

Cllr C Ambrose Smith commented on the nearby school that had been opened in 2017 and questioned why there was concern for the safety of two dwellings if a school for over 700 pupils was acceptable. The Planning Contractor explained that the considerations for a school and dwellings were different since flood risk was assessed differently for different uses according to local and national flood risk policy.

Cllrs Jones asked whether approval would affect other applications and Cllr Hunt asked whether, if refused, the applicants could re-apply with measures addressing the flood risk and biodiversity concerns. The Planning Consultant explained that local and national flood risk policy required that the Sequential Test must be passed for approval in flood zones, and reminded Members that the previous application had been refused on the grounds of flood risk so an approval would need to consider how that had been addressed. The biodiversity concerns would be more straightforward for the applicant to resolve, but the flood risk concerns would require the Sequential Test to demonstrate that there was no other reasonably available land at lower risk of flooding on which to provide the two proposed dwellings within Littleport.

The Chairman then opened the debate.

Cllr Jones considered that the site's location was appropriate for infill development and that the biodiversity concerns could be addressed, however the flood risk issues were problematic since approval would be against the Council's policy. On that basis he supported the Officer's recommendation for refusal but hoped that the flood risk issues could be overcome so that the site could be available for development in due course.

Cllr Brown remained undecided but commented that the Minutes of the September 2021 meeting showed that the Committee's concerns regarding flood risk had been the lack of a Flood Risk Assessment, not that the site did not meet the Sequential Test. A Flood Risk Assessment had now been submitted and the Environment Agency did not object, subject to conditions.

Cllr Wilson referred to the Environment Agency's lack of objection as long as the mitigation measures in the Flood Risk Assessment were adhered to, particularly the raised floor levels, and reiterated his earlier comments regarding a nearby property on stilts. He also commented that the application site was surrounded by lower homes and therefore the flood defences were likely to be maintained and improved because of the existing dwellings. He considered that biodiversity issues could be addressed *via* strict conditions at the reserved matters stage and that self-build proposals should be supported. Additionally, the site was located between other houses. He therefore disagreed with the Officer's conclusion and proposed that the application should be approved subject to the Environment Agency's conditions and a requirement to address biodiversity at the reserved matters stage. Cllr Every seconded the proposal.

Cllr Trapp commented that the property with stilts was some distance away, and had replaced an existing house. Regarding the biodiversity mitigation by planting trees at another location, he questioned what distances could be considered acceptable and emphasised the importance of enhancing the site itself rather than off-setting elsewhere.

Cllr C Ambrose Smith suggested that a planting scheme for biodiversity could be requested by condition, as could the requirement for raised floor levels to mitigate the flood risk.

The Planning Manager explained that biodiversity considerations were required at outline stage, whereas landscaping could be addressed at the reserved matters stage. He reminded Members that a third option available to them would be deferral of the decision in order for Officers to work with the applicants to maximise the flood risk mitigations and address the biodiversity issues prior to re-consideration by the Committee. However, he emphasised that any approval of development on this site would require Members to override the Sequential Test. Cllr Wilson, with the agreement of Cllr Every, amended his proposal from approval to deferral in line with the Planning Manager's comments.

Cllr Hunt expressed concern that approval would be against the Council's policies and proposed that the Officer's recommendation for refusal should be accepted. Cllr Trapp seconded the proposal.

Cllr Jones queried whether raised floor levels would satisfy the flooding concerns. The Planning Manager explained that the Sequential Test related to the location, therefore although the maximum flood risk mitigations could be prepared if the application was deferred, in order to approve the application, the Sequential Test would still need to be overridden. Cllr Jones then queried whether the Lead Local Flood Authority would update their plans if the land level height was raised. Gavin Taylor (Planning Contractor) clarified that the Sequential Test was concerned with avoiding the risk of flooding in the first instance, though the applicant could challenge the Environment Agency's flood risk mapping if they wished to do so, which may remove the site from Flood Zone 2 and 3. He added that, once the Sequential Test was met, there were two parts to the Exception Test: the first was the wider community sustainability benefits that would be delivered, and the second concerned management of the flood risk. In answer to questions from Cllrs Every and Jones, the Planning Manager stated that deferral could potentially result in the applicant appealing for non-determination, although he thought that would be

unlikely, and explained that timeframes for reconsidering the application could not be specified since further consultation would be needed once the additional information had been prepared.

As the first proposal to be proposed and seconded, Cllr Wilson's motion for deferral was then put to the vote.

It was resolved with 5 votes in favour, 2 votes against, and 0 abstentions:

That planning application ref 22/01021/OUT be DEFERRED for Officers to work with the applicant to provide maximum flood risk mitigations and a biodiversity assessment for the site, together with a proposal to achieve a biodiversity net gain, and to return the application to the Planning Committee for decision once those elements had been delivered

3:17pm Cllr D Ambrose Smith returned to the meeting.

78. 22/01228/FUL LAND TO NORTH OF 3 PUTNEY HILL ROAD PRICKWILLOW

Gavin Taylor, Planning Contractor, presented a report (X162, previously circulated) recommending approval of an application seeking permission for the construction of eight dwellings and garages, new access road and associated works. He advised Members that this application had been called in by Cllr Harries.

Members' attention was drawn to the update sheet that had been circulated on 27th January which included an amendment to the description of development to remove the phrase 'phased development', and images provided by an objector.

A location plan and aerial image were shown to indicate the site's location within Prickwillow, in defended Flood Zone 3, on agricultural land allocated within the Local Plan for up to 10 dwellings. There were dwellings to the north-west and south of the site, an agricultural barn to the north, and open countryside to the east. Street scene images were provided showing the site's relationship with Long View, its nearest neighbour, and illustrating that ground levels were generally 1-1.2 metres below road level.

The main considerations for the application were deemed to be:

- **Principle of development** – the site had been allocated for up to ten dwellings within policy PRK 1 of the Local Plan 2015, although the requirement for 30% affordable housing was not applicable as the application was for eight dwellings rather than ten. The housing mix was acceptable from the current evidence of housing needs within Prickwillow. The site had extant permission for eight bungalows with a layout that was not significantly different from the proposed development. The extant permission was a significant material consideration for the new application.
- **Access** – the location of the proposed new site access had been agreed with the Local Highways Authority (LHA) who considered that the necessary visibility was achievable. The access would cross a ditch and would therefore require a culvert, details of which were to be agreed. In terms of access, the proposed development was therefore considered to comply with policies PRK 1 and COM 7 of the Local Plan 2015 and paragraph 110 of the NPPF.