

Meeting: Planning Committee

Time: 2:00 pm

Date: Wednesday 3 December 2025

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

Enquiries regarding this agenda: Patrick Adams

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Committee membership

Quorum: 5 members

Cllr Alan Sharp

Conservative members

Cllr Christine Ambrose Smith Cllr Lavinia Edwards Cllr Martin Goodearl Cllr Mark Goldsack (Vice Chair) Cllr Bill Hunt (Chair)

Liberal Democrat and Independent members

Cllr Chika Akinwale Cllr Christine Colbert Cllr James Lay Cllr John Trapp Cllr Ross Trent Cllr Christine Whelan (Lead Member)

Conservative substitutes

Cllr Keith Horgan Cllr Julia Huffer Cllr Lucius Vellacott

Liberal Democrat and Independent substitutes

Cllr Lee Denney Cllr Lorna Dupré Cllr Mary Wade

Lead Officer: David Morren, Strategic Planning and DM I Manager

10:30 am Planning Committee members meet at The Grange reception for site visit.

AGENDA

1. Apologies and substitutions

[oral]

2. Declarations of interests

[oral]

To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

3. Minutes Page 5

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 5 November 2025.

4. Chair's announcements

[oral]

24/01126/OUM – Mereside Works, Soham

Page 17

Location: Mereside Works, 25 Mereside, Soham, Ely CB7 5EE

Applicant: Butler Walsall Ltd and HP (Soham) Ltd

Public access link: 24/01126/OUM | Erection of a residential led mixed use development comprising up to 99 units; provision of 450 sqm (GIA) of Class E commercial floorspace; and creation of cycle and pedestrian links, a biodiversity wetland corridor with ponds/waterways and amenity and play space. All matters reserved except for access | Mereside Works 25 Mereside Soham Ely Cambridgeshire CB7 5EE

Proposed mixed use development of up to 99 units with amenities.

TPO/E/03/25 - Tree Preservation Order – Prickwillow

Page 71

Location: 50 Main Street, Prickwillow, Ely CB7 4UN To confirm Tree Preservation Order (TPO) E/03/25

TPO/E/04/25 – Tree Preservation Order – Little Downham

Page 95

Location: 93 Main Street, Little Downham, Ely CB6 2SX To confirm Tree Preservation Order (TPO) E/04/25

8. Planning performance report – October 2025

Page 153

Notes

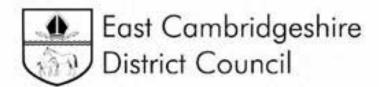
7.

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by (https://www.eastcambs.gov.uk/parking-open-spaces-and-toilets/car-parks/car-parks-ely). The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a "first come, first served" basis.

The livestream of this meeting will be available on the committee meeting's webpage (https://www.eastcambs.gov.uk/node/2641). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

- 2. The Council has a scheme to allow <u>public speaking at Planning Committee</u> (https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee <u>democratic.services@eastcambs.gov.uk</u>, to <u>register by 10am on Tuesday 2 December.</u> Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - · Applicant/agent or supporters
 - Local Ward Councillor
 - Parish/Town Council
 - County Councillors
 - National/Statutory Bodies
- 3. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
- 4. Fire instructions for meetings:
 - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
 - the fire assembly point is in the front staff car park by the exit barrier
 - the building has an auto-call system to the fire services so there is no need for anyone to call the fire services
 - the Committee Officer will sweep the area to ensure that everyone is out
- 5. Reports are attached for each agenda item unless marked "oral".
- 6. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
- 7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on Wednesday 5th November 2025

Present:

Cllr Chika Akinwale (left the meeting at 4:50 pm)

Cllr Christine Colbert

Cllr Lee Denney (substitute)

Cllr Lavinia Edwards

Cllr Mark Goldsack (Vice-Chair)

Cllr Keith Horgan (substitute) (left the meeting at 5 pm)

Cllr Julia Huffer (substitute)

Cllr Bill Hunt (Chair)

Cllr James Lay (left the meeting at 4pm)

Cllr Alan Sharp

Cllr John Trapp

Officers:

Patrick Adams - Senior Democratic Services Officer

Kevin Breslin - Locum Planning Lawyer

Sophie Browne - Planning Team Leader

Kevin Drane - Trees Officer

Rachel Gordon - Interim Planning Team Leader

Yole Medeiros - Major Projects Officer

David Morren - Strategic Planning and Development Management Manager

In attendance:

Tim Dobson – Developer's representative Graeme Thorpe – Agent for the Applicant

ECDC Comms

20. Apologies and substitutions

Apologies for absence were received from Cllr Christine Ambrose Smith, Cllr Martin Goodearl, Cllr Ross Trent and Cllr Christine Whelan. Cllr Julia Huffer substituted for Cllr Ambrose Smith, Cllr Keith Horgan substituted for Cllr Goodearl and Cllr Lee Denney substituted for Cllr Trent.

21. Declarations of interest

Councillor Julia Huffer declared a personal interest in agenda item 5, as the local member for the village of Kennett. She had not commented on this application at any parish council meetings and came to the Committee with an open mind.

22. Minutes

The Minutes of the meetings held on 3rd September 2025 were agreed as a correct record.

23. Chair's announcements

The Chair welcomed five new members of staff to the meeting: Kevin Breslin (Locum Planning Lawyer), Sophie Browne (Planning Team Leader), Rachel Gordon (Interim Planning Team Leader), Yole Medeiros (Major Projects Officer) and Ashleigh O'Connor (Planning Technical Support Team Leader).

24. 21/01549/OUM – Hansons Depot, Kennett

Yole Medeiros, Major Projects Officer, presented a report (AA80, previously circulated) recommending approval of a proposed development of up to 13 dwellings to include affordable houses and access.

Members were invited to ask questions to the officer.

In reply to Cllr Chika Akinwale, the Major Projects Officer explained that the Committee were being asked to consider an outline application. There was the potential for planting trees around the site to create a buffering zone but this would have to be approved in the reserved matters application and could not be approved at this stage. This energy and sustainability strategy would also have to be agreed as part of the reserved matters application. In reply to Cllr Mark Goldsack, the Trees Officer explained that trees on the edge of the proposed development had been removed for safety reasons, as they were beginning to decay.

In reply to Cllr James Lay, the Major Projects Officer explained that the only access to the site would be from Station Road and that an alternative access from Kennett Road could not be considered as it was outside the application red boundary.

In reply to Cllr John Trapp, the Major Projects Officer stated that the Council would consult with the Highways Authority at reserved matters, regarding his concerns about the width of the access road. Their response would be influenced by the exact number of units, the size of the homes and the layout of the street on which these would be built, which had not yet been determined. The Strategic Planning and Development Management Manager recommended that any concerns regarding the width of the access road

should be added as a condition to the reserved matters application and not to the outline application being considered by the Committee.

The Strategic Planning and Development Management Manager explained that this application had been submitted in 2021 and due its complexity it was only now being considered by the Planning Committee.

The Committee moved into debate.

Cllr Mark Goldsack saw no reason to object to the outline application for 13 properties. Cllr Julia Huffer agreed and stated that building homes on brown field sites was preferable to development on green field sites. Cllr Alan Sharp also supported the outline application but added that concerns regarding the access road and landscaping would have to addressed in the reserved matters application.

Cllr John Trapp expressed concerns regarding the location of affordable housing, the access road and its proximity to the A14.

Cllr Mark Goldsack proposed and Cllr Julia Huffer seconded the recommendation in the report. A vote was taken and with 10 votes in favour, no votes against and 1 abstention

It was resolved:

- to approve planning application 21/01549/OUM, subject to the conditions set out in Appendix 1.
- (ii) To grant delegated authority to the Strategic Planning & Development Management Manager to finalise the terms and completion of the s106 legal agreement securing affordable housing provision; as well as financial contributions towards wheeled bins, education, libraries and lifelong learning.

25. 25/00393/FUM – Anchor Lane Farm, Burwell

Yole Medeiros, Major Projects Officer, presented this report (AA81, previously circulated), which recommended the approval of an Agrivoltaics scheme, with associated infrastructure, access roads and landscaping. She explained that the proposed solar farm would provide enough power for 15,000 to 25,000 homes every year.

Graeme Thorpe, agent for the applicant, made the following statement:

"Good afternoon, Chair, Members of the Planning Committee. My name is Graeme Thorpe from PWA Planning, part of the NFU Commercial Group, and I am here today on behalf of the applicant to speak in support of the officers' recommendation for approval.

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"This application is for a 49.95 megawatt (MW) dual-purpose project that is fundamentally aligned with the Government's legal commitment under Net Zero 2050 to transition to low-carbon energy and, crucially, delivers significant local environmental benefits.

"The core principle supporting this application is the urgent need for low-carbon energy. The government's position, supported by your own Climate Change SPD, is clear: we must transform our energy system to meet our Net Zero targets. Sat alongside the previously approved Battery Storage site, this 49.95MW scheme will make a valuable contribution to that national and local objective.

"Crucially, this is an agrivoltaic scheme, designed for dual use. It is not simply a solar farm; it is a scheme that allows agricultural activity to continue in part, but also allows for the soil to rest and improve. After its temporary 40-year life, the land is returned to an improved state of cultivation. Our proposals include a firm commitment to full site reinstatement and aftercare, secured by condition and a S106 agreement.

"We understand the concerns raised by the Parish Council, the National Trust, and local residents regarding visual impact and amenity. We have worked closely with planning officers and consultees to actively mitigate these concerns.

"Considering some of the key matters, in terms of Landscape and Visual Impact, we acknowledge that the scheme will result in some visual change. However, the officer report confirms these impacts are localised and non-significant. Our comprehensive landscaping strategy, discussed with both Wicken Fen and other parties, is specifically designed to soften the development's edge, ensuring that effects will diminish further over time as the planting matures.

"Regarding ecological impacts, we recognise the site's location near to Wicken Fen SSSI and SAC. We have liaised extensively with National Trust and Wicken Fen, and they are happy with the scheme as now presented. Our submitted Habitats Regulations Assessment (HRA), agreed by Natural England and the Council's Ecologist to be adopted, concludes there will be no likely significant effects on these sites.

"In fact, alongside a substantial mitigation and enhancement plan, this scheme delivers a massive ecological biodiversity net gain. Our scheme results in a 222% net gain for area habitats, which is a tangible, measurable enhancement of the site's ecology. This will be secured for 40 years through the legally binding \$106.

"On the matter of Soils and Agricultural Land Quality, the Case Officer has assessed the impact on 'best and most versatile' (BMV) land. Given the temporary and 'Agrivoltaic' nature of the scheme, they accept that development is unlikely to lead to significant permanent loss of BMV agricultural land. The

solar panels are secured to the ground with limited soil disturbance and can be removed, with no permanent loss of agricultural land quality likely to occur. Indeed, we anticipate an improvement in the soil over this time due it being able to rest. Conditions are proposed to safeguard soil resources and agricultural land ensuring its reinstatement and restoration, and the applicant is committed to these.

"Environmental Health are satisfied with our Noise Impact Assessment, which confirms no adverse impact on residential amenity. Conditions are in place to control construction times and limit operational noise.

"While the site is in Flood Risk Zones 2 and 3, the Flood Risk Assessment has been reviewed and has been accepted by the Environment Agency. A full Emergency Flood Plan will be required and approved prior to the commencement of development.

"Finally, in terms of highway safety, the Highway Authority have no objections subject to the agreement of a Construction Traffic Management Plan. For any short-term impact on any Public Right of Way, standard procedure is to apply for the temporary closure of any affected route prior to works commencing. This includes a mechanism for an 'alternative route' scenario. We do not expect the Drove to be closed for more than 2 weeks maximum, and the applicant is committed to improvements to Newnham Drove post construction, providing better access for emergency and local vehicles including our Wicken Fen friends.

"In conclusion, the planning balance here is clear. The significant benefits of a major contribution to low-carbon energy delivery and outstanding Biodiversity Net Gain presented by this scheme fundamentally outweigh any temporary and localised adverse impacts. Any minor effects on landscape, ecology, and amenity are not significant, and can be mitigated by robust conditions, significant enhancement, a comprehensive landscape strategy, and a long-term commitment to environmental improvement.

"We ask that you endorse the officer's professional planning assessment and approve this application, subject to the recommended conditions and the S106 agreement."

Members were invited to ask questions to Mr Thorpe and the developer's representative Mr Tim Dobson.

In response to Cllr Julia Huffer, Tim Dobson stated that he would expect the solar panels to have a life expectancy of at least 25 years. He was unsure which of the components had been imported. It was understood that there were a number of British companies producing solar panels.

In reply to Cllr Chika Akinwale, Graeme Thorpe stated that a plan would be put in place to ensure that the site was decommissioned after 40 years and a bond was in place to ensure that the land returned to agricultural use. Cllr Alan Sharp queried whether the loss of agricultural land for 40 years could be described as temporary and whether the site would be decommissioned, as there would still be a demand for electricity. Tim Dobson explained that sheep could still be grazed on the land and farmers had been innovative in continuing to use land in and around solar farms. In reply to Cllr Mark Goldsack, Graeme Thorpe stated that there would be wide enough gaps between the panels to allow tractor access.

In reply to Cllr Lavinia Edwards' concerns about noise from construction, Tim Dobson stated that the landowners were sensitive to noise issues and lived close to the site. The Major Projects Officer stated that condition 21 required piling work to be restricted to between 9 am and 5 pm on each weekday, with none at weekends or bank holidays.

In reply to Cllr Alan Sharp, Tim Dobson stated that the battery was already in place, as were the cables, making this a sensible site for a solar farm.

In reply to Cllr John Trapp, Tim Dobson confirmed that screening would be in place around the development. The gaps in the buffer zone were due to overhead lines.

In reply to Clir Mark Goldsack, Graeme Thorpe confirmed that the planning consultancy was owned by the National Farmers Union.

Cllr Christine Colbert asked if the supplies to the site could be brought in by the nearby waterways. Tim Dobson confirmed that this would be considered.

The Senior Democratic Services Officer read out the following statement from Mrs Susan Bailey, Clerk to Reach Parish Council:

"Reach Parish Council was not consulted when the application was originally submitted. Whilst the site of this application sits outside our parish, Reach Parish Council has grave concerns about the cumulative adverse impact of energy developments on Burwell Fen, some of which does fall into our remit. Our concerns, which reference this application and nine others at various stages in the planning process, are captured in an email exchange between Councillor Acklam and David Morren. The correspondence rests with Mr Morren's email undertaking of 24 March 2024 to 'review whether there is scope or political will to create an SPD around this area'."

Members were invited to ask questions of the officer.

In reply to Cllr Keith Horgan, the Strategic Planning and Development Management Manager, explained that it was standard practice to have a condition stating that a decommissioning method statement had to submitted to the Council 12 months before the 40-year permission expired. He suggested that a condition could be added, that would meet the statutory tests, which could ensure that the solar farm was decommissioned at the appropriate time. The Major Projects Officer added that, if approved, any future changes to the plans approved with permission if granted would require the formal submission of an amendment to the permission or of a new planning application.

In reply to Cllr John Trapp, the Strategic Planning and Development Management Manager confirmed that the Council would liaise with the Highways Authority to manage construction traffic.

The Committee moved into debate.

Cllr James Lay supported the application as he could not see any good planning reasons to reject it.

Cllr Keith Horgan expressed his disappointment in the fact that the plan would be decommissioned in 39 and a half years and that the statutory consultee did not have to provide a certificate to prove capacity at the substation.

Cllr Julia Huffer opposed the loss of agricultural land in the area to solar farms. She concluded that this application was not right for Burwell, farming or the environment. Cllr Alan Sharp supported the construction of solar panels but not on prime agricultural land, which he doubted would ever be returned to farm land. Cllr Lee Denney agreed and expressed concern regarding the impact that this and other similar developments were having on the parish of Burwell. Cllr Lavinia Edwards asserted that this and other applications were turning a rural area into an industrial wasteland. Cllr John Trapp shared these concerns but added that this application was next to a substation, would have less impact on the countryside than other schemes already approved and other solar farms were already in the area. Its proximity to Burwell made it less damaging than other schemes in the heart of the countryside.

Cllr Lee Denney queried the 40 year lifetime for the scheme, as solar power technology was improving and the panels could end up being obsolete. Cllr Keith Horgan suggested that a decision needed to be made on the current evidence and the Committee should not speculate about what might happen in the next 40 years.

Cllr Mark Goldsack expressed sympathy regarding the loss of agricultural land and queried how the application could be said to be improving biodiversity. However, he was supportive of solar farms and this application was in a suitable location. He welcomed the involvement of the National Farmers Union in the application.

The Chair stated that the damage had already been done to the countryside and there was a clear demand for cleaner energy. He expressed his support for the scheme.

Cllr James Lay proposed and Cllr John Trapp seconded the recommendation in the report. A vote was taken and with 6 votes in favour, 4 against and 1 abstention

It was resolved:

- to approve planning application 25/00393/FUM, subject to the conditions set out in Appendix 1, with the minor changes set out in the update sheet.
- to grant delegated authority to the Strategic Planning & Development Management Manager to finalise the terms and completion of the s106 legal agreement securing biodiversity net gains (including Habitat Management and Maintenance Plan – HMMP).

Cllr James Lay left the meeting at 4 pm.

26. TPO/E/02/25 - Tree Preservation Order - Paradise, Ely

Kevin Drane, Trees Officer, presented this report (AA82, previously circulated), which recommended that the Committee confirm the Tree Preservation Order (TPO) E/02/25 for one Tree of Heaven on the Paradise Recreation Ground, Deacons Road, Ely. It was noted that the word Littleport in paragraph 3.2 of the report should read Ely and the Tree Preservation Order score on page 84 of agenda should be 17 not 15.

In reply to Cllr Keith Horgan, the Trees Officer stated that the home owner who had originally suggested that the tree had damaged his home, had withdrawn his complaint. The objector lived on the same road, further away from the tree.

In reply to Cllr Chika Akinwale, the Trees Officer explained that Council could only be liable for compensation if it refused an application to remove the tree and no such application had been received. The Council had served a Tree Preservation Order and the Committee were being asked to confirm this. Cllr Mark Goldsack understood that the firm Sedgwick International, acting on behalf of the housing insurance company, needed to find evidence that the tree was damaging the house in question and if that was the case, ask the Council to remove the tree. In this scenario, the Council would only become liable for compensation if it refused to remove the tree. The Trees Officer confirmed that this was correct.

Cllr John Trapp proposed and Cllr Christine Colbert seconded the recommendation in the report. A vote was taken and the Committee unanimously agreed

To resolve:

to Approve the confirmation of the Tree Preservation Order (TPO) E/02/25 for one Tree of Heaven.

27. Delegation Process for Nationally Significant Infrastructure Projects

The Major Projects Officer presented this report (AA83, previously circulated), which recommended that the Committee agreed to delegate authority for the

Nationally Significant Infrastructure Project (NSIP) related responses and discharge of requirements for Development Consent Orders (DCO).

In reply to Cllr Chika Akinwale, the Major Projects Officer reported that all relevant communication regarding consultation on Nationally Significant Infrastructure Projects would be shared with members of the Planning Committee, Local Members and Leaders of the Political Groups. These matters would always be discussed by the Planning Committee if there was sufficient time to do so but sometimes the responsibility for a response would have to be delegated to officers to ensure that a reply was made before the deadline. The Strategic Planning and Development Management Manager added that the Council could be given only 14 days to respond and this would probably make it impossible to take a report to Planning Committee in time.

In reply to Cllr John Trapp, the Strategic Planning and Development Management Manager explained that the Director of Legal had ruled that she could make the proposed change to the delegation process in the Constitution, as it was a minor amendment and so did not require a Council decision.

In reply to Clir Julia Huffer, the Strategic Planning and Development Management Manager reported that he considered that the Council had sufficient resources to submit Nationally Significant Infrastructure Project related responses. Members could expect to be informed if this situation changed.

The Strategic Planning and Development Management Manager explained that draft responses would be sent to Local Members before submission. There was a brief discussion as to whether the reference to Local Members in paragraph (c) of the recommendations also needed to be included in paragraphs (a) and (b). It was decided that the proposed amendments were unnecessary.

Cllr Chika Akinwale left the meeting at 4:50 pm.

The Chair proposed and Cllr Keith Horgan seconded the recommendation in the report. A vote was taken and with 6 votes in favour and 3 against and no abstentions

It was resolved:

(i) to delegate authority to the Strategic Planning and Development Management Manager and Director of Operations to submit Nationally Significant Infrastructure Project (NSIP) related resources and represent the Council at examination as part of the NSIP process on behalf of East Cambridgeshire District Council and its regulatory functions, in consultation with the Chair and Vice Chair of the Planning Committee, and the leaders of all political groups on occasions where there is not enough time for a report to be delivered to Planning Committee; and

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- (ii) to delegate authority to the Strategic Planning and Development Management Manager and Director of Operations to determine Development Consent Order (DCO) "requirements" as part of the DCO process on behalf of East Cambridgeshire District Council and its regulatory functions, in consultation with the Chair and Vice Chair of the Planning Committee, and the leaders of all political groups, on occasions where there is not enough time for a report to be delivered to Planning Committee; and
- to note that where delegated powers are used, draft responses will be sent to Local Members and the Members of the Planning Committee ahead of submission; and
- (iv) to note Appendix 1 setting out details of the Kingsway Solar Farm NSIP; and
- to delegate authority to the Director Legal and Monitoring Officer to make the necessary changes to the Council's Constitution.

28. Planning Performance Report - September 2025

David Morren, Strategic Planning and Development Management Manager, presented a report (AA84, previously circulated) summarising the performance of the Planning Department in September 2025. In reply to Cllr Mark Goldsack the Strategic Planning and Development Management Manager explained that it was difficult to predict when the inspectorate would be holding their appeal hearings. He agreed to consider this further and decide how best local members could be kept informed of the progress being made on appeals affecting their ward.

It was resolved unanimously:

that the Planning Performance Report for September 2025 be noted.

29. Exclusion of the Press and Public

The Chair proposed that the meeting should go into private session. It was resolved unanimously:

that the press and public be excluded during the consideration of the remaining item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 1, 2 and 7 of Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

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30. Quarterly performance in resolving planning enforcement cases

The Committee considered a report (AA85, previously circulated) which considered the Quarterly Performance in Resolving Planning Enforcement Cases. Officers replied to a number of queries from councillors regarding specific sites.

Cllr Keith Horgan left the meeting at 5 pm.

The Committee agreed that enforcement action should be taken if all attempts at mitigation had failed.

It was resolved that:

the Quarterly Performance in Resolving Planning Enforcement Cases be noted.

he meeting concluded at 5:17 pm.	
Chair	
Date	

24/01126/OUM

Mereside Works

25 Mereside

Soham

Ely

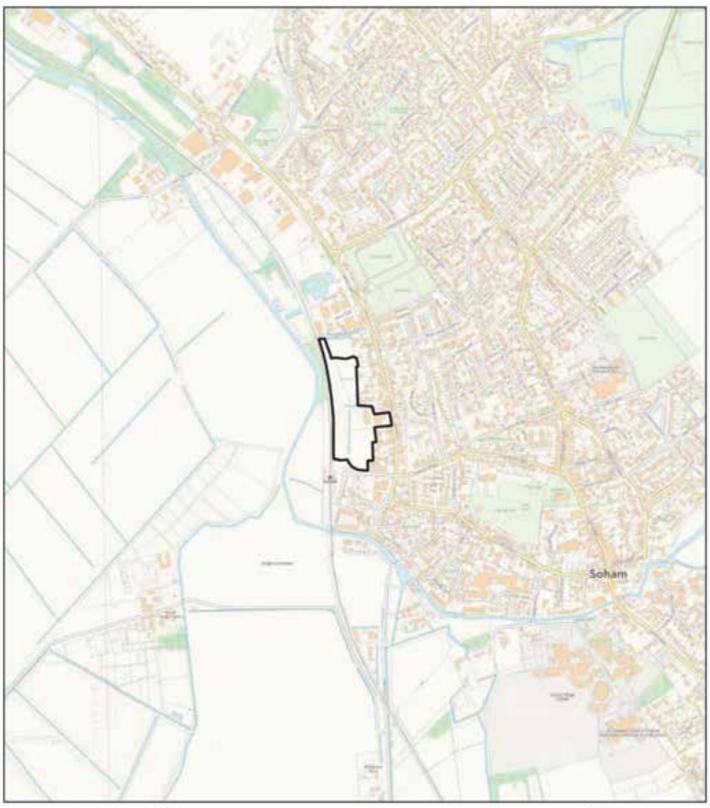
CB7 5EE

Erection of a residential led mixed use development comprising up to 99 units; provision of a commercial building (Class E) measuring 450 square metres; and creation of cycle and pedestrian links, a biodiversity wetland corridor with ponds/waterways and amenity and play space. All matters reserved except for access.

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

http://pa.eastcambs.gov.uk/online-applications/simpleSearchResults.do?action=firsPage





24/01126/OUM

Mereside Works 25 Mereside Soham



East Cambridgeshire District Council

Date: 16/10/2025 Scale: 1:10,000

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24/01126/OUM

Mereside Works 25 Mereside Soham



East Cambridgeshire District Council

Date: 16/10/2025 Scale: 1:3,500

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TITLE: 24/01126/OUM

Committee: Planning Committee

Date: 03 December 2025

Author: Principal Planning Officer

Report No: A110

Contact Officer: Selina Raj Divakar, Principal Planning Officer

selina.rajdivakar@eastcambs.gov.uk

01353616359

Room No 011 The Grange Ely

Site Address: Mereside Works 25 Mereside Soham Ely Cambridgeshire CB7 5EE

Proposal: Erection of a residential led mixed use development comprising up to 99

units; provision of 450 sqm (GIA) of Class E commercial floorspace; and creation of cycle and pedestrian links, a biodiversity wetland corridor with ponds/waterways and amenity and play space. All matters reserved

except for access

Applicant: Butler Walsall Ltd and H P (Soham) Ltd

Parish: Soham

Ward: Soham North

Ward Councillor/s: Mark Goldsack

Keith Horgan

Date Received: 27 November 2024

Expiry Date: 08 December 2025 (Extended)

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application in accordance with the following terms:
 - The Committee delegates authority to finalise the terms and completion of the S.106 legal agreement to the Planning Manager; and
 - 2. Following the completion of the S.106, application 24/01126/OUM be approved subject to the planning conditions at Appendix 1 (and summarised below); or,

- 3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the S106 legal agreement.
- 1.2 The application is being heard by committee because it triggers the Councils Constitution in respect of outline applications for over 50 dwellings (Clause 5.4, Part 3(C)).

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for a residential led mixed use development of a site for up to 99 units; provision of a commercial floorspace (Class E) measuring 450sqm; and creation of cycle and pedestrian links, a biodiversity wetland corridor with ponds/waterways and amenity and play space. Only matters of access are committed, meaning that matters of layout, scale, appearance and landscaping are reserved for future consideration.
- The application is supported by an access plan (241857/TS/01) within the Transport Statement (dated September 2024, reference: 241857/TS/LB/KBL/01 Rev A). This details how the access is proposed to be configured and shows an access directly from Mereside into the site which would have footways either side of the only vehicle access road into the development site. This access had originally served the abandoned engineering works. Visibility splays are indicated. This is the same access approved under application reference: 16/01804/FUM for a 31-unit development.
- 2.3 During the course of the application, Officers expressed concerns with the indicative layout of the scheme, quantum of development and amount of open space as well as the height distribution across the site. It is therefore considered that the indicative layout plans submitted as part of the original submission are not acceptable. As such, a revised Parameter Plan was submitted on 27 August 2025 which sets out land use areas, height parameters and key opportunities for open space. This shows areas of employment / civic / residential fronting Station Road, residential buildings up to 3.5 storeys adjacent to the railway line and the southern areas would be characterised by dwellings of up to 2.5 storeys. It marks key gateways into the site which would require special design considerations at reserved matters stage. Officers are satisfied that for the purposes of this outline application the parameters set would provide an appropriate basis for a scheme to come forward at Reserved Matters.
- The site is allocated in the Local Plan under Policy SOH 2 for a housing-led/mixed use allocation including provision of approximately 90 dwellings, a station building (and associated development) and a minimum of 0.5 hectares of office/industrial space. The site is a large proportion of the land allocated in the policy with a small parcel of land to the North of the allocation excluded due to dual land ownership and the railway station development to the South which have already been delivered also excluded.
- 2.5 This application follows on from a previously refused application (20/01174/FUM) for the construction of 91 dwellings, one commercial unit for Class E use

(comprising 73sqm), 193 car parking spaces and associated infrastructure. This application was refused for the following reasons:

- 1) Inappropriate level of affordable housing
- 2) Shortfall of open space on the site
- 3) Lack of safe and convenient road layout through the use of extensive shared surface street
- 4) Design, layout, form and landscaping would not be of provide high quality
- 5) Failure to provide acceptable living conditions for future occupiers
- 6) Failure to secure appropriate contributions and justification in relation to the creation of a station square
- 7) Failure to secure financial contributions towards education, open space and affordable housing.
- 8) Inconsistencies and discrepancies on the submitted plans.
- The current application is different in that it has been submitted in outline with all matters reserved except for access (which is the same as that approved previously under application ref: 16/01804/FUM dated 10 June 2019 for 31 units). The Parameter Plan seeks to supersede some of the detailed plans originally submitted as part of the proposal and comprises:
 - Provision of 20% affordable housing units
 - The Parameter plan sets out
 - designated areas for employment / civic space along Station Road
 - Distribution of height of residential buildings and dwellings (ranging between 3.5 storeys north of the site to between 2/2.5 storeys towards the south)
 - Location of key access points and opportunities for open space
 - Identification of key entry / exit points of the site
 - A Location Plan indicates opportunities for offsite ecological mitigation
 - Matters pertaining to appearance, landscaping, design, layout and scale are reserved.
 - Access arrangements from Mereside are detailed and confirmed to be acceptable by the requisite highway authorities.
 - The proposal would broadly comply with site allocation Policy SOH 2
 - The applicant has agreed to enter into a legal agreement to secure the necessary heads of terms as set out in Appendix 2 of this report.
- 2.7 A Design and Access Statement (DAS) has also been submitted with the proposals to provide an assessment of the site's context, and other relevant documents such as Noise Impact Assessment, Flood Risk Assessment, Biodiversity Report and Archaeology Evaluation.
- 2.8 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 Simple Search.

3.0 **PLANNING HISTORY**

3.1 16/01804/FUM – Demolition of existing buildings and redevelopment of 31 new dwellings with associated and ancillary development including access, servicing,

amenity space, landscaping and the establishment of ecological mitigation land. **Approved 10/06/2019**

3.2 16/01804/NMAA – Non-material amendment to previously approved 16/01804/FUM for Demolition of existing buildings and redevelopment of 31 new dwellings with associated and ancillary development including access, servicing, amenity space, landscaping and the establishment of ecological mitigation land.

Accepted 23/12/2021

3.3 20/01174/FUM – Demolition of the existing buildings on-site and the erection of 91 dwelling houses (63 dwelling houses and 28 flats), a ground floor commercial unit for Class E use, which includes a total of 193 parking spaces on-site and a children's play area.

Refused 07/06/2024

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises approximately 3.18 hectares (7.86 acres) and is formed of an irregularly shaped parcel of land. The site currently hosts a mix of buildings that are set back off the existing access. The land has been subject to a mix of land uses comprising railway sidings, builders' yard, construction site compound and engineering works.
- 4.2 The surrounding development comprises a mix of uses and architectural styles. The frontage along Mereside is made up predominantly of residential properties, with the exception of a care home and a children's nursery also in close proximity. To the north, off Spencer Drove, are light industrial buildings and the 'Viva Arts Theatre'. To the south is the Soham railway station and the station approach road. To the west is the railway line that provides services to Peterborough and Ipswich together with a public right of way.
- 4.3 Within the site are a network of watercourses. The site is predominately within Flood Zone 1, although a parcel of Flood Zone 3 is present within the centre of the site. The site is allocated in the East Cambridgeshire Local Plan under policy SOH 2.

5.0 RESPONSES FROM CONSULTEES

A reconsultation took place on 2nd September following the submission of an updated Parameter Plan (120 Rev P1). This ended on 23rd September 2025. Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Cadent Gas Ltd - 10 December 2024

After receiving the details of your planning application, we have completed our assessment. We have no objection in principle to your proposal from a planning perspective.

Environmental Health (Contamination) - 18 December 2024

Thank you for consulting me on the above application. I have read the Phase 1 Geo-Environmental Desk Study dated August 2024 prepared by BRD Environmental and accept the findings and recommendations. The report recommends that a Phase 2 site investigation is carried out. I recommend that a modified version of standard contaminated land condition 1 and standard contaminated land condition 4 are attached to any approval.

Local Highways Authority - 17 March 2025

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I have no objection to the proposals in principle.

Comments

Following receipt of the updated plan, which includes the amended junction radii, I have no further recommendation or comments to provide. In the event that the LPA are mindful to approve the application, subject to conditions.

15 September 2025: No further comments.

ECDC Trees Team - 19 March 2025

The submitted tree survey plan and tree retention plans are based on the out of date tree survey, the site photos amended to the out of date tree survey show areas now devoid of trees which is why it was previously stated that an up to date tree survey was provided that shows the current tree cover on site and assess the implications of the development on them. The submitted tree survey plan and tree retention plans contain errors such as group G6c being indicated as retained despite it having a dwelling and parking spaces occupying the same space, T5 being retained even though half its rooting area will be within a road likewise for trees T6, T15, T16, T17. Trees T12 and T13 are within a parking area as is some of group G4. Groups G8, G8 and T4 are shown to be impacted by the new estate road. Currently the poor quality and out of date tree information does not allow assessment of the developments impacts on the existing trees on site as such I currently object to this application and recommend it is refused.

<u>17 September 2025 – No objection</u>

With only the access being fixed there will need to be a condition for the provision of an Arboricultural Impact Assessment (AIA), there will also be a need to provide an Arboricultural Method Statement (AMS) and this should also be conditioned for provision as part of the reserved matters. The provision of a comprehensive, detailed and high-quality soft landscaping scheme will also be required by condition.

East Cambs Ecologist – 23 May 2025

Baseline Habitat Survey and Baseline units

From the information provided, the Senior Ecologist has reviewed this application for Biodiversity Net Gain and, as of (2/5/25), endorses the recorded baseline habitats with the information provided.

There are significant onsite habitat gains being proposed that, due to their scale and significance, will need to be secured via s106. That s106 will need to establish appropriate habitat management and monitoring, including a fee to pay to cover ECDC's monitoring costs, to ensure delivery of agreed targets. Those targets will be

a matter to be agreed as part of the discharge of the standard BNG condition including the submission of a final BNG plan.

Environmental Health - 12 December 2024

No objections subject to restriction of development operation and deliveries during the construction phase, submission of a Construction Environmental Management Plan (CEMP) and ground piling conditions and details of any water pumping station proposed.

08 September 2025: No further comments.

Conservation Officer - No Comments Received

Cambridgeshire Archaeology – 02 December 2024

Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition below.

02 September 2025: No objection, subject to conditions

Environment Agency – 27 May 2025

No objection.

Network Rail - 20 December 2024

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Appropriate upgrades to Network Rail's boundary fence to prevent trespass onto the railway are to be undertaken at the developer's expense.

County Highways Transport Team – 13 June 2025

The application as submitted needs to be reassessed as it does not include sufficient information for the Highway Authority to consider this application. The application is required to do the following:

- Improve adjacent pedestrian infrastructure
- All the dwellings need to be considered in a TRICS assessment
- The correct TRICS outputs need to be provided.
- The data should be revised as no data should be submitted to the CCC that is over 3 years old.

As mentioned above a junction's assessment will be required if the trip generation assessment shows 30 trips in any hourly interval for a junction. If the data showcases this then the additional information included will need to be required.

08 September 2025: As above.

06 November 2025: No objection subject to conditions.

Parish - 10 January 2025

The Town Council agrees with all concerns/objections raised by other consultees. The proposed development does not comply with the below Soham & Barway Neighbourhood plan policies:

- a. SBNP2 Affordable Housing only 21% of affordable housing needs to be 30%
- b. SBNP3 Allocation of Affordable Housing 25% of these should be first homes with reduction in price of 40%; 10% should be shared ownership and the rest (65%) should be affordable rent.
- c. SBNP4 Housing Mix & Accessible Standards 13 proposed dwellings fall below the legal floorspace standard as they are only 61sqm
- d. SBNP10 Health, Wellbeing & Health Impact Assessments For major developments of over 50 houses a Health Impact Assessment must be completed.
- e. SBNP12 Biodiversity & Wildlife Habitats -No mention of providing extra help for wildlife i.e. bird boxes, bat boxes, hedgehog next and travel holes.
- f. SBNP13 Landscape Character The proposal indicates that the whole site will have houses upwards of 2.5 stories, with some at 3 stories and some even 3.5 stories. The SBNP specifically rejects this as most houses in the town are only 2 stories.
- g. SBNP17 High Quality Design Space standards indicate that a 2 story dwelling for 4 people (2 bedrooms) should have space of 79sqm, some dwellings proposed fall below that.
- h. SBNP18 Sustainable Buildings Fit for a Net Zero carbon Future No mention of any energy conservation or reduction matters.
- i. SBNP19 Renewable Energy No mention of any energy conservation or reduction matters.
- j. SBNP20 Water Efficiency No mention of methods to conserve water.
- k. SBNP21 Flood Risk This area is on the edge of a flood risk area and almost adjacent to Soham Lode. For this reason it is essential that a proper full assessment of possible flooding and a full assessment of the development proposals to deal with surface water drainage and foul water drainage from the site is completed.
- I. SBNP22 Road Safety & Parking Please ensure that the roads adhere to Highways standard width of 5.5m and 6.3m on junctions and bends. The number of parking areas on site must be adhered to because there appears to be insufficient space for off site extra parking.
- m. SBNP25 Connectivity & Permeability Concerns raised regarding one vehicular access point to the proposed development.

Whilst we recognise that many of the issues raised will be at reserved matters stage the Town Council would like to see evidence that the developer is considering the items highlighted.

2 April 2025

Soham Town Council agree with the concerns raised by East Cambs Tree Officer.

Ward Councillors - No Comments Received

Cambs Wildlife Trust - No Comments Received

Housing Section – 17 July 2025

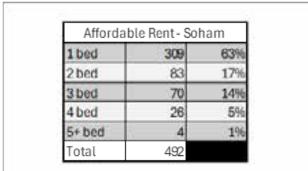
From my reading of the viability review, it is suggested that this development could meet policy and provide 30% on site affordable housing.

It also recommended that if a policy compliant offer is not made, as has been with the offer of 20%, the scheme should be subject to pre-implementation and latestage reviews of viability in order that the viability can be assessed over the lifetime of the development.

It includes the suggestion that in the absence of agreement of the viability position, any approval be subject to the adoption of the viability review figures for review purposes.

With the above in mind, I would like to see delivery of a policy compliant 30% affordable housing with a tenure split of 77% affordable rented and 23% intermediate housing. If a percentage below 30% policy is agreed and permission granted, that a mechanism is included to review the viability as per the recommendation.

Here is the latest data of bedroom need from the Housing Register of applicants that have indicated a preference for Soham seeking affordable rent. Where possible, I would like to see the dwellings allocated to affordable housing matching the need below, namely weighted towards the smaller dwellings, where 80% are either 1 or 2 bed units.



Should consent be granted, I would request a s106 Agreement containing the Affordable Housing provisions (as set out in the heads of terms in Appendix 2).

Minerals And Waste Development Control Team - No Comments Received

CCC Growth & Development - No Comments Received

Design Out Crime Officers - 10 December 2024

Having read the documents including the design and access statement (DAS) there doesn't appear to be a section on crime prevention and security. I can see that some measures have been considered, whilst this development is in its infancy it is important that security and crime prevention is discussed at the earliest opportunity to ensure that the security of buildings, and the environment provide a safe place for residents and visitors this should be considered as an integral part of any initial design for proposed development's, and incorporate the standards of "Secured by Design", to design out crime and reduce the opportunities for crime.

From my initial review this generally appears to be an acceptable layout in relation to crime prevention and the fear of crime, providing reasonable levels of natural surveillance from neighbouring properties where practical homes have been provided with back-to-back protected rear gardens which is known to reduce the risks and vulnerability to crime, homes have been provided with defensible space to their front many homes are facing each other and or overlooking open space. Vehicle parking is in-curtilage between and to the sides of properties. Pedestrian and vehicle routes are aligned together and overlooked suggesting that pedestrian safety has been considered, which should encourage some level of territoriality amongst residents.

September 2025: No further comments.

Anglian Water Services Ltd - 11 December 2024

No objections subject to conditions.

Cambridgeshire Fire And Rescue Service - 9 December 2024

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

Waste Strategy (ECDC) - 11 March 2025

- No objection – subject to advice set out in Waste Team comments.

Cambridgeshire County Council Education - 10 January 2025 *Early Years*

To mitigate this development a new early years classes will be required. The details of this project are not yet committed and therefore in accordance with Department for Education guidance it is appropriate to secure contributions based on the DFE Scorecard costs, which for new early years places in Soham is £25,855 (4Q23) per place. The level of contribution will be based on the agreed development mix (once approved) based on the number of children at the development considering 30-hour and 15-hour entitlements.

Table 5: Development	Cont	ribution	s for Earl	y Years P	or Dv	veling				
Developments in Easi Cambridgeshire	Gami	bridges	hire, Feni	and, Hunt	ingd	onshire a	nd South			
Contribution per dwelling	Market and Intermediate					Affordable Rent				
	1	2	3	4+	1	2	3	4+		
Early Years	100	931	1,862	3.258	0	3.723	5.585	6,515		

Primary Education

To mitigate this development new primary school places are proposed. The details of this project are not committed and therefore in accordance with Department for Education guidance it is appropriate to secure contributions based on the DFE Scorecard costs, which for new primary school places in Soham is £25,855 (1Q24) per place. The development would need to make, as a primary education contribution, a proportion of the expansion cost – see Table 8 below.

Table 8: Primary S	choo	I Contrib	outions P	er Dwellin	ng.					
Developments in E Cambridgeshire	ast	Cambrid	geshire, l	Fenland, F	lunt	ingdonshi	re and Sou	ıth		
Contribution per dwelling	1	Market a	nd Intern	nediate	Affordable Rent					
	1	2.	3	4+	1	2	3	4+		
Primary	0	3,878	5,171	11,635	0	15,513	20,684	31,026		

Secondary

It is necessary to seek proportionate contributions to mitigate this development – see Table 11 below, based on an expanding Soham Village college at a cost per place of £29,786 (DfE Scorecard cost).

Table 11: Secondary Con	trib	utions Pe	er dwelli	ng.						
Developments in East Car Cambridgeshire	mbni	dgeshire	Fenland	i, Huntin	gdor	shire an	d South			
Contribution per dwelling	Market and Intermediate					Affordable Rent				
	1	2	3	4+	1	2	3	4+		
Secondary	0	1,489	4,468	8,936	0	4.468	17.872	26,807		

Libraries and Lifelong Learning

This development would need to contribute £14,632 (£59 per head of population x 248 new residents OR £138.66 per dwelling).

NHS England (East of England Ambulance Service) - 5 December 2024

This development, should the application be successful, will affect Ely, Newmarket and Mildenhall Ambulance Stations, the Cambridge Hub which responds to emergency incidents to the development area as well as impact on the regional call centres.

A developer contribution will be required to mitigate the impacts of this proposal and is calculated at £30,940.

NHS England (Cambridgeshire & Peterborough Integrated Care System) - 6 December 2024

This development is not of a size and nature that would attract a specific Section 106 planning obligation. The level of planned population growth in this area, including the Soham Eastern Gateway, means that the relocation of Staploe Medical Centre into a new build medical centre is proposed in order to increase the capacity and service provisions for the local community and meet the demand from the population growth. Therefore, a proportion of the required funding for the provision of increased capacity by way of a contribution to the development of the proposed new build medical centre for Staploe Medical Centre, servicing the residents of this development, would be sought from the CIL contributions collected by the District Council in relation to this planning application

Natural England - 18 February 2025

The West Anglia Area Team have now reviewed the supplied 'Assessment of SSSIs' document, along with the 'Biodiversity Report 2020' found on the planning portal for application 24/01126/OUM.

Natural England accepts the 'Assessment of SSSIs' to be proportionate to this application and accepts its conclusions in relation to the additional Sites of Special Scientific Interest (SSSIs) not covered by the 'Biodiversity Report 2020' (Wicken Fen and Cam Washes).

We do, however, advise that you consult the Wildlife Trust in relation to nearby County Wildlife Sites (CWS), which are outside of Natural England's remit.

We also recommend that your authority re-evaluate the Accessible Natural Greenspace provision in the vicinity of Soham (discounting sensitive designated sites) and whether this is sufficient to meet the recreational needs of the current and potential new residents of the area, in light of Natural England's Green Infrastructure Standards (particularly appendix 2) published in 2023. You may find the Green Infrastructure Map useful, although its accuracy should not be relied upon.

This advice is particularly relevant given the proximity of Soham Wet Horse Fen SSSI, and the various County Wildlife Sites to Soham. These sensitive sites are designated for nature conservation, so should not be relied upon for daily recreation - alternative semi-natural greenspaces specifically designed for recreation (i.e. appropriate in extent and quality), should be provided. As avoidance is the first step of the mitigation hierarchy, we advocate addressing any Green Infrastructure deficits as early as possible, to reduce the risk of future issues.

We leave the decision on this matter to your authority and do not wish to be reconsulted.

12 September 2025 – No additional comments

Lead Local Flood Authority - 12 December 2024

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

1. Lack of Evidence

The surface water is proposed to discharge into an existing pond/ditches; however no evidence has been provided that prove the ditches themselves have an outfall.

<u>04 September 2025:</u> Our initial objection dated 10th October 2024 regarding the lack of outfall has not been addressed.

CCC Growth & Development - No Comments Received

- 5.2 A site notice was displayed near the site on 3rd December 2024.
- Neighbours 67 neighbouring properties were notified and the responses received are summarised below. Of these 7 objections have been received and received are summarised below. Following the second round of consultation, the 4 further objections were received. A full copy of the responses are available on the Council's website.
 - More houses would be an eyesore and it is too many crammed on the site
 - Concerns over drainage

- Overlooking
- Traffic concerns
- Green spaces would disappear
- Flooding
- Housing needs not being addressed no provision for older or disabled people
- Plan indicates house will have upwards of 2.5 storeys
- Don't meet space standards
- Impact to wildlife and Great Crested Newts
- Water supply
- No mention of energy conservation
- Overshadowing
- Overbearing
- Loss of privacy
- Local infrastructure already under strain
- Pollution
- Noise
- Deterioration of the road surface
- Part of the site falls within a Conservation Area. Not seen any conservation area consent.
- No public notices near at-risk dwellings. Residents given fewer than 21 days to respond
- Mereside is not a suitable road for such a large development.
- Not enough infrastructure for such a large development.
- Houses would be built on a floodplain
- Following the reconsultation which took place on 02 September 2025, 2 objections were received on the following basis:
 - Already enough traffic alongside Mereside and too many cars already parked along this busy road. A speed restriction or on-way road on Mereside should be considered.
 - Drainage systems may not be able to cope. The houses will be built on a floodplain.
 - No further comments to previous, buildings are too high, roads are too narrow and open space is not sufficient.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023) (ECLP)

GROWTH 1: Levels of housing, employment and retail growth

GROWTH 2: Locational strategy

GROWTH 3: Infrastructure requirements

GROWTH 4: Delivery of growth

GROWTH 5: Presumption in favour of sustainable development

SOH 2: Housing-led/mixed use allocation, land off Station Road

HOU 1: Housing mix

HOU 2: Housing density

HOU 3: Affordable housing provision

ENV 1: Landscape and settlement character

ENV 2: Design

ENV 4: Energy and water efficiency and renewable energy in construction

ENV 7: Biodiversity and geology

ENV 8: Flood risk ENV 9: Pollution

ENV 11: Conservation Areas

ENV 14: Sites of archaeological interest

COM 1: Location of retail and town centre uses

COM 5: Strategic green infrastructure

COM 7: Transport impact COM 8: Parking provision

6.2 Soham and Barway Neighbourhood Plan 2024 (NP)

SBNP1: Spatial Strategy SBNP2: Affordable Housing

SBNP3: Allocation of Affordable Housing

SBNP4: Housing Mix and Accessible Standards

SBNP10: Health, Wellbeing and Health Impact Assessments

SBNP12: Biodiversity and Wildlife Habitats

SBNP13: Landscape Character SBNP15: Conservation Area

SBNP17: High Quality Design

SBNP18: Sustainable Building Fit for a Net Zero Carbon Future

SBNP19:Renewable Energy SBNP20: Water Efficiency

SBNP21: Flood Risk

SBNP22: Road Safety and Parking SBNP25: Connectivity and Permeability

6.3 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land

Flood and Water

Natural Environment

Climate Change

Soham Conservation Area

6.4 National Planning Policy Framework (December 2024)

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 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 and enhancing the historic environment

6.5 Planning Practice Guidance

National Design Guide (NDG)

7 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

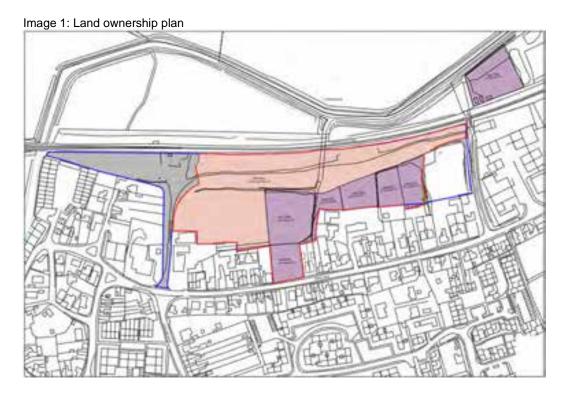
- 7.1 The main planning considerations relevant to the determination of this application relate to:
 - Principle of Development
 - Market Housing Mix
 - Affordable Housing
 - Design, Character and Density
 - Residential Amenity
 - Highways, Access and Movement
 - Historic Environment
 - Biodiversity and Trees
 - Flood Risk and Drainage
 - Contamination
 - Climate Change
 - Infrastructure

Principle of Development

- 7.2 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.
- 7.3 The application site is located wholly within the defined development envelope of Soham and is therefore considered compliant with the locational strategy set out within Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015. In addition, the site is part of a wider Local Plan site allocation under Policy SOH 2 for a housing-led / mixed use scheme. Policy SBNP1 of the Neighbourhood Plan states that Soham will grow sustainably through the plan period in accordance with the housing and employment growth strategy identified in the East Cambridgeshire Local Plan and subject to being in accordance with the Soham Design Guidance and Codes 2022.
- 7.4 East Cambridgeshire currently has a demonstrable five-year housing land supply and delivery of homes on allocated sites remains essential to maintaining this position and ensuring that the borough continues to meet its housing targets in a sustainable and plan-led manner. This would weigh in favour of the scheme. Being allocated within the adopted Local Plan, the site would make a planning contribution to the overall housing stock and affordable housing of the borough.
- 7.5 Policy SOH 2 allocated 3.6 hectares of land for a housing-led / mixed use development for up to approximately 90 dwellings, a station building, parking and associated facilities (on about 0.6ha), and a minimum of 0.5ha of office / industrial

development. Whilst it does not include the allocation area in its entirety, the application site comprises a significant portion of the wider allocation (outlined in red on Image 1 below). The areas not within the allocation are as follows:

- Soham train station that was constructed under application reference 20/00561/P18 and opened in December 2021 (Area shaded in grey).
- A parcel of land outside of the applicant's ownership located to the North-West.
 This is subject to a current live application under reference number
 23/00997/OUT seeking outline consent for 3 dwellinghouses (Uncoloured area
 outlined in blue).



7.6 Consideration of the schemes compliance with Policy SOH 2 is set out below.

Provide an attractive station square or potential setting to the station, which incorporates public open space, landscaping and appropriate orientation of buildings – and includes a mix of office/industrial and residential uses.

- 7.7 The proposed Parameter Plan establishes a framework for a balanced mix of employment, civic and residential uses within the site. Although the detailed building orientation and layout would be determined at the reserved matters stage, the parameter plans set out the general land use zones and building height parameters necessary to deliver an attractive, legible setting to the station. It is considered the general arrangement of uses along Station Road has been designed to encourage active frontages and a strong pedestrian connection, supported by opportunities to create high-quality landscaping and areas of public open space. Together, these features will contribute to the creation of a distinctive and welcoming gateway to the site, in broad accordance with the allocation requirement.
- 7.8 The allocation also requires a mix of office/industrial uses. In line with this criteria, provision has been made for employment uses. Whilst the specific type and detailed

configuration of employment floorspace (amounting to 450 sqm) will be confirmed at a later stage, it is recognised that land under Network Rail ownership at the southern end of the allocation has been identified for office / industrial uses. Accordingly, the LPA considers complementary employment activities more compatible with residential uses at this site, such as small-scale shops, services and local businesses, could be more appropriate along Station Road. This would enhance street level activity, increase dwell times and provide natural surveillance, thereby contributing to the safety and vibrancy of the station environment. Policy SBNP 5 (Vibrant Town Centre) within the Soham and Barway NP also supports opportunities for retail, leisure, tourism, flexible employment hubs, cultural and green spaces within the Station Quarter (under Policy SOH2 of the LP) which would contribute positively to the town without undermining the function of the town centre.

7.9 The proposed mix of employment and civic uses within this outline application is expected to generate consistent daytime activity and attract local services, helping to establish a vibrant civic environment around the station. The inclusion of opportunities for public open space and key routes from the Station in and around the site within the parameter framework provides a clear opportunity to deliver an attractive setting and strong sense of arrival. Whilst precise details of building layout, orientation and design will be determined at the reserved matters stage, the submitted parameter plans demonstrate a robust structure capable of achieving the aims of Policy SOH 2 and delivering high-quality policy compliant station setting.

Provide or identify sufficient safeguarded land for a station building and associated facilities, including drop-off/pick-up facilities for cars and buses, and cycle and car parking.

7.10 The drop off and pick up facilities for cars, buses, cycles and car parking were approved within application reference 20/00561/P18.

Have particular regard to the layout and the scale, height, design and massing of buildings, and landscaping, in order to minimise amenity impact on adjoining properties, and to provide an attractive setting to Soham.

- 7.11 Matters relating to the scale, height, design and massing of buildings and landscaping will be addressed at the reserved matters stage. Indicative heights are set out in the Parameter Plan, which aligns with Local and Neighbourhood Plans and is discussed further in the 'Visual Amenity' section of this report. Development of up to 3.5 storeys is proposed nearer to the railway, away from existing residential dwellings, reducing to a maximum height of 2.5 storeys adjacent to existing development on Mereside. Buildings along the Station Road frontage will be limited to no more than 2 storeys to respect the privacy and outlook of nearby properties, including the care home.
- 7.12 Areas of open space and landscaping have been strategically located around key entrances / exits to create an attractive setting for Soham. The proposed extent of open space indicates broad compliance with the Council's standards, although precise requirements will be confirmed once the development quantum is finalised. Careful consideration will be given to the massing, design and scale of buildings, particularly in relation to existing dwellings on Mereside. In addition, long and short views to and from the site will be assessed within a Landscape Visual Impact

Assessment (LVIA) to ensure that proposed building heights are acceptable particularly in view of the change in topography across the site.

7.13 It is considered that the proposed distribution of height, land uses and landscaping meets the requirements of the outline consent and achieve an appropriate balance between development and visual amenity.

Demonstrate through a Transport Assessment that safe vehicular (car and bus), pedestrian and cycle access can be provided into and within the site.

7.14 The application has been submitted with a Transport Assessment that has been reviewed by the Highways Authority. The contents and conclusions of this are discussed in the relevant sections.

Provide a pedestrian and cycle link to the town centre, via the current station approach road – and a pedestrian and cycle link onto Spencer Drove.

- 7.15 It is not considered reasonable to request the pedestrian and cycle link to connect the train station to the town centre, given the train station has already been brought forward. However, a pedestrian and cycle link are shown to connect the station with Spencer Drove. This is envisaged to be car-free to prioritise pedestrian and cycle routes through the site and such design elements should be taken into account at reserved matters stage.
- 7.16 Under application 20/00561/P18 a footbridge was approved and constructed to provide access to the West, this had the effect of closing the Spencer Drove level crossing. This broadly accords with the requirements of the allocation policy and does not form part of this applications proposal.

Provide good pedestrian and cycle links across the site, between the housing, station and commercial uses.

7.17 The area which forms part of the allocation under consideration allows for a route through the site which prioritises pedestrians and cycles from the station, which runs between commercial uses proposed at the station frontage and between proposed housing either side of this through route.

Provide a new pedestrian link to the farmland to the west, via a new bridge which serves the railway platforms (and at the same time, effect the closure of the existing crossing point at the southern end of the site).

- 7.18 Not applicable to the current site / application.
- 7.19 The remaining considerations including highways, noise and vibration, flood risk, affordable housing and type and mix of dwellings will be assessed in the relevant sections below, noting that the allocation policy calls for consideration to all these aspects.

Market Housing Mix

- 7.20 Policy HOU 1 of the Local Plan requires housing developments of 10 or more dwellings to provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs. Point 13 within Policy SOH 2 requires the site to: Provide a mix of dwelling types and sizes to reflect current evidence of need within Soham.
- 7.21 Policy SBNP4 of the Soham and Barway Neighbourhood Plan (SBNP) states that Housing development should contribute to meeting the existing and future needs of the parish. A mix in the size and tenure of housing will be required taking into account the needs of young people looking for smaller homes, growing families as well as the needs of older residents as set out in the Five Year Land Supply Report (published 23 December 2024). The policy goes on to state that in order to meet the specific needs of the Neighbourhood Area, the housing mix of sites should be provided at the following rates unless otherwise identified in an up to date Housing Needs Assessment or Housing Needs Survey:

Market	1 bed 10%	2 bed 25%	3 bed 40%	
Affordable Housing	15%	40%	25%	20%

7.22 Based on the indicative accommodation schedule the applicant sets out the market housing mix across the whole site would be as follows:

	1 Bed	2 bed	3 bed	4+ bed
Market	10%	25%	40%	25%

7.23 The proposed market housing mix is weighted predominantly at 3-bedroom properties which makes up 40% of the mix, followed by 2 and 4+-bedroom properties which makes up 25% of the mix respectively. The mix is exactly in line with the Neighbourhood Plan requirements. Policy HOU 1 of the Local Plan suggests that there is a need for more 2 and 3 bed dwellings which this proposed development would provide, therefore the mix is considered acceptable.

Affordable Housing

Policy HOU 3 of the Local Plan 2015 sets out that all new open market housing developments which incorporate more than 10 dwellings will be required to make appropriate provision for an element of affordable housing. A minimum of 30% of the total number of dwellings to be provided will be sought in the north of the district unless it can be demonstrated by the applicant via a financial viability assessment that this would not be viable. This amount is also supported by the allocation requirement under Policy SOH 2. Policy HOU 3 explains that Soham, for the purpose of the policy, is within the north. The Council in its own Viability Assessment Information Report (v2) April 2019 concluded on a strategic basis that sites in Soham would be unlikely to be viable while providing more than 20% affordable housing.

- 7.25 Policy SBNP2 of the NP states that all new open market housing developments which incorporate more than 10 or more dwellings will be required to make provision for 30% affordable housing unless otherwise demonstrated, by a site-specific financial viability appraisal, that such provision would make the development unviable. This policy seeks a tenure mix of 25% First Homes (40% discount), 10% Shared Ownership, and 65% Affordable/Social Rent.
- The current application proposes **20% on-site affordable housing**, equivalent to 18 units, which falls below the 30% policy requirement but aligns with the conclusions of both the applicant's and the Council's viability consultants. The applicant's FVA (DJC Housing Consultants) assessed the scheme based on 91 dwellings and indicated a deficit of £5,092,206, suggesting no affordable housing could be supported. The Council's review (ET Planning) disagreed, identifying a surplus of £862,280 after accounting for reasonable land, development, and profit assumptions.
- 7.27 Following this review, the applicant offered 20% affordable housing, consistent with the findings of the 2019 District Viability Report submitted under the previously refused application (reference: 20/01174/FUM). While below the policy target, this level is considered reasonable subject to securing an early and late-stage viability review through a Section 106 Agreement to allow future reassessment should viability improve.
- 7.28 Of the proposed 18 affordable units, the applicant has indicated a mix of 1–4 bedroom dwellings (15% 1-bed, 40% 2-bed, 25% 3-bed, and 20% 4-bed) with a tenure split of approximately **65% affordable rent and 35% shared ownership**. The Council's Housing Officer considers the proposed mix and tenure broadly acceptable, subject to final negotiation through the Section 106 Agreement.
- 7.29 Although Policy SBNP2 refers to the provision of First Homes, the December 2024 update to the National Planning Policy Framework removed this requirement. The substitution of additional shared ownership units in place of First Homes is therefore considered policy compliant.
- 7.30 A local connection cascade mechanism will also be secured via the Section 106 Agreement in accordance with Policy SBNP3, giving priority to those with connections to Soham and Barway, then surrounding parishes, and finally the wider district.
- 7.31 While the proposal does not achieve full policy compliance, it has been demonstrated that the level of affordable housing proposed is justified by viability evidence. Subject to securing the Section 106 obligations outlined above, the proposal is considered to comply with Policies HOU 3 and SOH 2 of the Local Plan and Policies SBNP2, SBNP3 and SBNP4 of the Soham & Barway Neighbourhood Plan.

Fire Safety

The Fire Service requests that adequate provision of fire hydrants be made for the development either by way of a s106 agreement or planning condition. Were permission being granted such provision would be secured by an appropriately

worded planning condition requiring the developer to submit details of fire hydrant location and connection.

Design, Character and Density

- Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) require new development to complement the existing built form and relate sympathetically to its surroundings in terms of location, layout, scale, massing, materials, and colour. Proposals must respond positively to local context and architectural traditions, enhance the character and quality of the area, and contribute to the public realm. Policy SOH 2 further requires development of this allocated site to pay particular regard to design, layout, height, and landscaping to minimise impacts on neighbouring amenity and provide an attractive setting for Soham and the station. These objectives accord with Chapter 12 of the NPPF, which seeks high-quality, visually attractive, and locally responsive design.
- 7.33 The application site is allocated under Policy SOH 2 for around 90 dwellings, and residential development here is therefore planned and supported in principle, subject to detailed design and layout. Although this application is in outline form, with only access for consideration, the potential visual and landscape impacts of up to 99 dwellings must still be assessed. While no new Landscape and Visual Appraisal (LVA) has been provided, the conclusions, to some extent, from the previous 91-dwelling scheme remain relevant.
- 7.34 That LVA identified the site as part of an urban fringe landscape, influenced by adjacent industrial development to the north and west. It found that redevelopment could enhance the town's edge, provide a landscaped buffer between the railway line and nearby properties, and contribute to the regeneration of this part of Soham, consistent with the Local Plan's allocation aims. Although introducing new built form will inevitably change the site's character, the inclusion of open space, green corridors, and landscaping will soften views and assist with integration into the surrounding urban form. Given its well-contained boundaries and separation from the open fenland by the railway line, the site is not considered to harm the wider countryside setting. Appropriate green buffer would be essential to providing both a functional and visual divide between the development, railway and wider fenland. Accordingly, it is considered development of this site, subject to final design quality to be secured at Reserved Matters stage would be acceptable.
- Policy HOU 2 requires housing density to reflect site context and constraints while optimising land use and maintaining amenity. The site's form, gas main easement, acoustic exclusion zone adjacent to the railway, and a small area of Flood Zone 3 have informed the submitted Parameter Plan. These constraints are appropriately acknowledged and will guide the detailed design.
- 7.36 The Parameter Plan demonstrates how the quantum of up to 99 dwellings could be accommodated with a logical height distribution. Taller elements (up to 3.5 storeys) are positioned near the railway, stepping down to 2–2.5 storeys towards existing dwellings. While this slightly exceeds the Neighbourhood Plan's height limit of 2.5 storeys, the approach reflects national policy objectives to optimise site potential, and the step-down arrangement helps to reduce visual impact. Additionally, the supporting text for policy SBNP17 (high quality design) allows for higher residential

development where they are located at key locations and where it would not dominate the landscape and respect the character. This will be subject to further review through a Landscape and Visual Impact Assessment at Reserved Matters stage.

- 7.37 The indicative layout also identifies open space and green infrastructure, with potential for a key pedestrian/cycle corridor along the gas main easement, incorporating SUDs and amenity space. The quantum of open space, including children's play provision, will need to be demonstrated at the detailed design stage to meet SPD standards.
- 7.38 At Reserved Matters stage, particular attention should be given to:
 - Appropriate green buffer between the railway and development;
 - Delivering generous civic and amenity space fronting Station Road;
 - Providing attractive, well-defined gateways from Station Road, Spencer Drove, Mereside and Soham Station;
 - Incorporation of appropriate sustainable urban drainage
 - Ensuring a safe and legible pedestrian/cycle network integrated with public realm and appropriate amount of open space as required by Developers Contribution SPD;
 - Implementing height distribution as indicated in the Parameter Plan, subject to visual review.
- 7.39 Secure by design officers have requested the developer engage with them at the design development stage to ensure appropriate crime prevention measures are designed into the scheme. Furthermore, Network Rail has requested that appropriate upgrades to their boundary fence to be undertaken to be maintained in perpetuity as a result of increase risk of trespass resulting from the development. Whilst it is not considered appropriate for the developer to take full responsibility for the boundary fencing it is considered necessary for the developer to contribute towards mitigation including providing and maintaining the boundary fencing. This will be secured by way of Grampian style condition.
- 7.40 The Local Planning Authority acknowledges the concerns raised regarding the scale of development and the amount of open space proposed. However, evidence demonstrates that through appropriate height distribution and site layout, up to 99 dwellings can be accommodated while maintaining suitable open space and landscape provision. This approach is considered to address the site's constraints and has been accepted in principle by the LPA.
- 7.41 The site is allocated for housing under Policy SOH 2 and is therefore supported in principle. Although some buildings may exceed the Neighbourhood Plan height limit, this is balanced by the site's containment and the efficient use of land. Subject to the detailed design, landscaping, and open space being secured through the reserved matters process. Subject to appropriate measures to be secured by condition and legal agreement, as outlined above, the proposal is considered acceptable and compliant with Policies HOU 2, ENV 1, ENV 2, SOH 2 and the NPPF.

Residential Amenity

- 7.42 Policy SOH 2 requires the proposal to demonstrate that vibration and noise pollution from the adjacent railway line can be adequately mitigated. The policy also requires the proposal to have regard to the layout and the scale, height, design and massing of buildings, and landscaping, in order to minimise amenity impact on adjoining properties, and to provide an attractive setting to Soham. Furthermore, Policy SVNP17 seeks to ensure adequate amenity space provision for future occupiers of new residential development.
- 7.43 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity fronting Mereside. It should also be borne in mind that part of the site has in the past been used for light industrial use. LP Policy ENV 9 seeks to protect residential occupiers from noise, smell, vibration and other forms of pollution.

Existing Occupiers

- 7.44 The introduction of residential development on this largely open site will alter the outlook of neighbouring residents and result in some increase in activity and traffic. Nearby properties include The Brambles care home (104 Station Road) and Nos. 13–25 Mereside (Nos. 19, 21 and 25 located either side of the proposed access). However, given the site's allocation for housing, any impact is not considered so significant as to warrant refusal, subject to appropriate design at the reserved matters stage.
- 7.45 Concerns regarding overlooking, privacy, and noise can be addressed through suitable separation distances, building heights, and plot orientation in accordance with the Design Guide. Construction impacts can be controlled through conditions limiting working hours and requiring a Construction Environmental Management Plan (CEMP).
- 7.46 While additional traffic on Mereside is expected, it is not considered excessive or out of keeping with the area, particularly given the proximity of the recently reopened railway station. As such, noise and disturbance impacts on existing residents are not considered significant.
- 7.47 A Noise Impact Assessment (NIA) has been submitted, based on the now superseded layout albeit the baseline environment remains representative of current conditions. The Environmental Health Officer (EHO) has reviewed the NIA and raises no objection, noting that freight train movements have reduced since the earlier survey according to the current timetable.
- 7.48 The EHO advises that development on the site remains acceptable in principle, provided careful layout design is adopted. The NIA proposes mitigation through closed windows and mechanical ventilation, which aligns with national guidance; however, the LPA's preference is for natural ventilation where possible. Where possible, a 20m Acoustic and Vibration Exclusion Zone adjacent to the railway should be maintained, and no dwellings should be located within this area at reserved matters stage. However, it is understood that where distances are less

appropriate noise and vibration mitigation such as noise insulation and barriers, should be provided.

Commercial / Employment use

- 7.49 For any future mixed-use element, the EHO recommends conditions restricting the type of commercial uses, hours of operation, external lighting, mechanical plant, and delivery times to protect residential amenity. Noise from any pumping station should also be assessed and mitigated.
- 7.50 As the application is in outline form, the submitted Parameter Plan is indicative. It is considered that a suitable layout could be achieved which mitigates identified noise sources and provides acceptable internal noise levels with partially open windows, as the Council does not generally support reliance solely on mechanical ventilation.

Future Occupiers

- 7.51 It is considered that future occupiers of the site would have a good standard of amenity in terms of the site's position in relation to the services and facilities available within Soham. However, internal quality of accommodation and garden sizes should be dictated by national and local standards to ensure all properties are high-quality. Furthermore, under Policy Growth 3 together with the Council's Developer Contributions SPD requires that development make provision of open space and play areas. In the first instance this should be made on site. An Open Space Assessment would be required to ensure compliance with the Council's Open Space standards. A condition to this effect is considered necessary to ensure the delivery of high quality inclusive open space.
- 7.52 While the details of this application (appearance, layout, scale and landscaping) would be considered at a reserved matters stage, it is considered that an appropriately designed scheme could be brought forward which prevents detrimental impacts to the amenity of neighbouring occupiers and ensures high standards of amenity for future occupiers, in accordance with policies ENV2 and SOH 2 of the Local Plan and the NPPF.

Highways, Access and Movement

7.53 Policy ENV 2 of the East Cambridgeshire Local Plan (2015) requires development proposals to incorporate the highway and access principles set out in Policy COM 7, ensuring safe and convenient access for all users, minimising conflict between vehicles, pedestrians, and cyclists, and providing permeability to walking and cycling routes while protecting public rights of way. Policy COM 8 seeks adequate parking provision, while paragraph 115 of the NPPF requires "safe and suitable access for all users." Paragraph 109 further encourages opportunities to promote walking, cycling, and public transport use, and to focus significant development in sustainable locations offering genuine transport choices. Paragraph 116 of the NPPF states that development should only be refused on highway grounds where there would be an *unacceptable impact on highway safety* or where the *residual cumulative impacts* on the network would be *severe*.

7.54 Following consultation with the County Highways Authority, a revised Transport Statement (Rev C, September 2024) was submitted to address earlier comments.

Proposed Access

- 7.55 Vehicular access would be taken from the west side of Mereside via an existing access serving two industrial units. This would be upgraded to serve the development, consistent with the previously approved access under permission 16/01804/FUM. The proposed junction provides a 5.5m carriageway width with 6m kerb radii, 2m footways on both sides, and visibility splays of 43m set back 2.4m, in accordance with *Manual for Streets* guidance. The County Highways Authority notes some inaccuracies in the submitted visibility splay drawings but is satisfied that these can be corrected by condition requiring updated details.
- 7.56 The proposed access can accommodate refuse and service vehicles, and the indicative layout on drawing 241857/TS/01 within Appendix B of the Transport Statement, shows 5.5m-wide internal roads with 2m footways, turning heads, and emergency access points. The Highways Authority raises no objection, subject to conditions requiring adequate drainage to prevent surface water run-off and a sealed surface for the first 5m from the carriageway edge.

Pedestrian and Cycle Connectivity

- 7.57 Policy SOH 2 requires pedestrian and cycle links towards Spencer Drove and Station Road. The proposal includes such connections, supported by the County Highways Authority, provided footways are at least 2m wide.
- 7.58 Existing footways run along both sides of Mereside, with an uncontrolled pedestrian crossing located approximately 140m south of the site. From here, pedestrians can access the town centre via Station Road or Mereside, connecting through West Drive or Gardeners Lane. Given the anticipated increase in pedestrian activity, improvements such as tactile paving and dropped kerbs at the West Drive/Station Road and Gardeners Lane/Clay Street junctions will be secured via a Section 278 Agreement. A welcome pack promoting sustainable travel, including walking, cycling, and bus information (with free bus travel for residents), will be secured by condition.
- 7.59 Both the aforementioned junctions currently have uncontrolled drop kerb crossings and non-tactile paving. It is therefore considered that with the increase in footfall pedestrian infrastructure should be improved and therefore it would be necessary for ground pram crossings and tactile paving at the junction of West Drive / Station Road and Gardeners Lane with Clay Street should be secured by way of agreement under a Section 278. The developer has agreed to this provision. Furthermore, a welcome park for all new residents detailing local walking and cycling routes, non-motorised user infrastructure and bus information which includes free bus travel for each residential unit. This will be secured by condition.

Trip Generation & Transport Assessment

7.60 Trip generation has been calculated using the TRICS database, which is an accepted methodology.

- 7.61 The County Highways Authority notes that the assessment used urban sites rather than small-town comparators, and that it measures total vehicle movements rather than total person movements as required by local guidance. However, this is not expected to materially alter the outcome. A full person-based assessment, disaggregated by mode, should be undertaken at the reserved matters stage once the final development quantum is confirmed, to align with national and local transport policy.
- 7.62 Existing trip rates assume full occupation of the current light industrial uses. The proposed development (99 dwellings and 450 sqm of Class E commercial space) includes these baseline and committed development trips within its assessment.

Committed Development and Modelling

- 7.63 The Transport Statement reviewed 14 permitted and 10 allocated sites within Soham, Isleham, and Fordham. None, aside from this site and Broad Piece, are expected to significantly increase traffic along Mereside.
- The County Highways Authority raised concerns over missing or unclear data within the Transport Statement, including growth rate assumptions, visibility splay measurements, and junction modelling inputs. It is noted that 2030 (anticipated year of full occupation) was not modelled, contrary to the Cambridgeshire Transport Assessment Requirements, though 2035 results indicate no capacity issues.
- 7.65 While the Transport Statement contains several technical errors, the available data suggests that the development would not have a *severe* impact on the local highway network, and that the Mereside/Station Road junction would continue to operate within capacity.
- 7.66 Necessary off-site improvements, mitigation, and monitoring will be secured through planning conditions and a Section 106 agreement. Subject to these, the proposal is considered to comply with Policies ENV 2, COM 7, and COM 8 of the Local Plan.

Parking Provision

- 7.67 Policy COM 8 requires adequate car and cycle parking. The Council's standards seek two spaces per dwelling and one visitor space per four units. Given the site's sustainable location within 100m of Soham Station, slightly reduced parking levels may be appropriate, particularly for flats, to promote pedestrian-friendly streets in line with NPPF principles.
- At this stage, the Local and County Highways Authority raises no objection to the proposal, subject to conditions and the Section 106 agreement securing the agreed highway works and sustainable travel measures. A condition will also ensure adequate provision for refuse and servicing at the reserved matters stage. On this basis, the proposal is considered to meet the requirements of Policies SOH 2, COM 7, and COM 8 of the Local Plan and the NPPF.

Historic Environment

- 7.69 The southern portion of the site lies within the designated Soham Conservation Area. Under Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, special regard must be given to the desirability of preserving or enhancing the area's character and appearance.
- 7.70 The Soham Conservation Area SPD describes the settlement as a linear village that has expanded east and west towards the railway line at Mereside. The site sits within this established pattern of development, and its form and position are consistent with the existing urban grain. Redevelopment of this previously developed land would not appear unduly prominent and would integrate appropriately with the surrounding townscape.
- 7.71 The site currently contains redundant light industrial buildings with a mixed historic use. Its redevelopment offers an opportunity to enhance the setting of the conservation area through the removal of detracting structures and the delivery of a more cohesive design response. It was accepted under the previous application that redevelopment would create a stronger frontage within the conservation area without causing harm to its significance. The proposal is therefore considered to have a neutral impact and is acceptable in accordance with Policy ENV 11 of the Local Plan.

Archaeology

- 7.72 Policy ENV 14 of the Local Plan requires development affecting sites of archaeological potential to protect, enhance, and where appropriate conserve heritage assets and their settings, supported by appropriate evaluation.
- 7.73 Cambridgeshire County Council's Archaeology Team advise that the site lies within an area of high archaeological potential on the western edge of the settlement. Previous investigations nearby have identified evidence of prehistoric, Iron Age, Saxo-Norman, and medieval occupation, as well as proximity to the Grade I listed Church of St Andrew, which may overlie an early Saxon burial ground.
- 7.74 Accordingly, the Historic Environment Team recommend that a programme of archaeological investigation be secured by condition to ensure appropriate recording and mitigation prior to development.

Biodiversity & Trees

7.75 Policy ENV 7 of the East Cambridgeshire Local Plan (2015) recognises the importance of habitats such as trees, hedgerows, wetlands, and ponds in supporting biodiversity and ecological connectivity. Paragraphs 180 and 187 of the NPPF require development to minimise impacts on biodiversity, deliver measurable net gains, and contribute to resilient ecological networks. Policy NE6 of the Natural Environment SPD also requires applicants to provide clear evidence of how biodiversity impacts will be avoided, mitigated, and managed, supported by pre- and post-development biodiversity assessments.

Trees and Landscaping

7.76 The proposal would involve the removal of several internal trees, with boundary trees largely retained. The Council's Tree Officer notes errors in the submitted arboricultural plans, which were based on a now superseded layout. As access is the only fixed element at this stage, detailed arboricultural information—including an updated Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS), and a comprehensive soft landscaping scheme—will be required by condition at the reserved matters stage.

Ecology and Mitigation

- 7.77 A Biodiversity Update Report (BSG Ecology, 2024) and updated BNG metric confirm that site conditions remain consistent with previous surveys. The Council's Senior Ecologist initially raised two concerns: potential recreational impacts on nearby designated sites (including Wicken Fen and Soham Wet Horse Fen SSSI) and potential effects on protected species.
- 7.78 Given the site's relatively high density and limited on-site greenspace, an increase in recreational pressure on nearby protected habitats is expected. To mitigate this, an off-site financial contribution towards improvements to natural greenspace in the Soham area—particularly the Soham Commons—will be secured through a Section 106 agreement in accordance with the Soham Commons Recreational Mitigation Scheme. This aligns with Natural England's advice which seeks to maintain the nearby Country Wildlife Sites and fen for daily recreation.
- 7.79 With regard to protected species, the site and surrounding area support habitats for bats, reptiles, and Great Crested Newts. To mitigate potential impacts, conditions will require:
 - a Construction Environmental Management Plan (CEMP) for biodiversity,
 - a sensitive lighting strategy, and
 - a biodiversity enhancement scheme (e.g. bat/bird boxes, hedgehog highways, and habitat features).
- 7.80 The applicant has agreed to these measures, and the Council's Ecologist has withdrawn their objection. An informative will advise on the requirement for protected species licensing if necessary.

Biodiversity Net Gain (BNG)

7.81 Policy SBNP 12 of the Soham Neighbourhood Plan requires a minimum 20% biodiversity net gain (BNG), exceeding the 10% national requirement under the Environment Act 2021. The Senior Ecologist has confirmed the baseline habitat values as:

Area habitats: 12.01 units
Hedgerows: 0.18 units
Watercourses: 0.62 units

7.82 While the outline submission does not yet demonstrate how the full 20% BNG will be achieved, indicative figures suggest significant habitat gains are possible. The

applicant proposes to deliver at least 10% on-site and to secure the remaining requirement through the purchase of biodiversity units from a local habitat bank within the same National Character Area, which is considered appropriate and policy compliant.

7.83 To ensure delivery, a Section 106 agreement will secure on-site habitat creation, off-site unit purchases, and long-term management and monitoring for a minimum of 30 years, including an ECDC monitoring fee. The final Biodiversity Net Gain Plan and detailed habitat management strategy will be required prior to commencement, in accordance with Policy ENV 7 of the Local Plan, Policy SBNP 12 of the Soham Neighbourhood Plan, and Section 15 of the NPPF.

Sites of Special Scientific Interest (SSSIs)

- 7.84 Natural England identify this development site is within the zone of potential risk for publicly accessible Sites of Special Scientific Interest (SSSIs) sensitive to the effects of recreational pressure. Within this zone, proposals for any net increase in residential units may affect the notified features of the SSSI(s) through increased recreational pressure.
- 7.85 An assessment of SSSIs within 2-5km of the application site was submitted on 21 January 2025 and Cam Washes SSSI and Wicken Fen SSSI are located within 5km of the development proposals. However, it is noted the travel distances to these both are much more than the 5km distance. Parking for both the SSSI sites are located sufficiently away from the application site to ensure no harm would be cause to the SSSI as a result of the development. Natural England accepts the 'Assessment of SSSIs' to be proportionate to this application and accepts its conclusions in relation to the additional Sites of Special Scientific Interest (SSSIs) not covered by the 'Biodiversity Report 2020' (Wicken Fen and Cam Washes).

Flood Risk & Drainage

- 7.86 Policy ENV 8 of the East Cambridgeshire Local Plan (2015) requires all developments to contribute to an overall reduction in flood risk and to strictly apply the sequential and exception tests. Development should normally be located in Flood Zone 1 and will not be permitted where it would increase the risk of flooding on-site or elsewhere, compromise flood defences, or create unsafe access during flooding events. Policy SOH 2 of the allocation requires demonstration that the flood risk on the site can be adequately mitigated and adequate capacity in the sewage treatment works and the foul sewerage network exists.
- 7.87 The site falls within Flood Zones 1 and 3, varying across its extent, and forms part of the allocated residential site under Policy SOH2 of the Local Plan. As such, it has already satisfied the sequential test. The majority of built development is proposed within areas of lowest flood risk, with only limited pockets of Flood Zone 3 to be retained as open or landscaped areas.
- 7.88 An updated Flood Risk Assessment (FRA) and Drainage Strategy prepared by Lanmor Consulting supports the application following comments by the Lead Local Flood Authority (LLFA). Following review of the updated information the LLFA raise no objection in principle. The revised documents demonstrate that surface water from the proposed development can be managed through the use of attenuation,

restricting surface water discharge to 6.18 QBAR. Furthermore, the LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. Water quality has also been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

- 7.89 The applicant has confirmed that existing on-site ditches connect to Soham Lode and will form part of an integrated Sustainable Drainage System (SuDS). The FRA confirms surface water runoff rates will be restricted to greenfield rates using appropriate flow control devices. Whilst the principles of the strategy are considered acceptable by the LLFA, it is currently based on a layout which is not considered to be acceptable by the LPA. Therefore, it will be necessary for this to be updated once at the reserved matters stage.
- 7.90 Consistent with the previously refused scheme, conditions are recommended to secure:
 - a detailed surface water drainage design;
 - construction-phase surface water management measures; and
 - verification reports confirming completion in accordance with approved details.

These conditions will ensure the drainage system operates effectively and mitigates any increased flood risk.

- 7.91 The Environment Agency has confirmed that the small isolated area of Flood Zone 3 within the site is linked to an existing low-lying pond or ordinary watercourse and that flood extents are not expected to increase with climate change. No objection is raised in respect of main river flooding. Given that Soham lies within an area of serious water stress, water efficiency measures will be secured at reserved matters stage.
- 7.92 Anglian Water has confirmed that the development is within the Soham Water Recycling Centre catchment, which currently lacks capacity to accommodate additional foul flows. A condition will therefore require written confirmation from Anglian Water, prior to occupation, that capacity is available. However, the foul sewerage network has adequate capacity for the proposed flows, and surface water discharge via the SuDS system to Soham Lode is acceptable in principle, subject to a condition requiring an updated Drainage Strategy once the final layout and quantum of development are confirmed.
- 7.93 Subject to these conditions, it is considered that the proposal accords with Policy ENV 8 of the East Cambridgeshire Local Plan (2015), the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF. Flood risk and drainage matters can therefore be appropriately managed and do not present a reason for refusal.

Contamination

7.94 The application includes the submission of a Phase 1 Geo-Environmental Desk Study dated August 2024 prepared by BRD Environmental. The Council's Scientific Officer has reviewed this report and accepts the findings and recommendations.

The report sets out that a Phase II investigation is carried out. The Council's Scientific Officer has requested that conditions are appended to any grant of permission in relation to contamination investigation, the submission of a remediation scheme, the implementation of any remediation, and the reporting of any unexpected contamination. This is considered to be appropriate and with the imposition of these conditions the proposal is considered to be compliant with policy ENV9 of the Local Plan 2015 which seeks to ensure that "development proposals should minimise, and where possible, reduce all emissions and other forms of pollution".

Climate Change

- 7.95 Policy ENV4 of the East Cambridgeshire Local Plan (2015) seeks to achieve reduced or zero-carbon development. It requires schemes to first maximise energy efficiency and then incorporate renewable or low-carbon energy sources where practicable. For developments of five or more dwellings, the policy expects standards equivalent to Code for Sustainable Homes Level 4 (or its replacement).
- 7.96 Policies 18 and 20 of the Soham and Barway Neighbourhood Plan require new development to support the transition to a low-carbon future through energy-efficient design and reduced water consumption. Residential schemes should achieve a water efficiency rate of no more than 110 litres per person per day, and non-residential proposals should meet BREEAM 'Good' for water use where possible.
- 7.97 The Council's Climate Change SPD provides guidance on minimising energy demand, improving efficiency, incorporating renewable energy, and achieving high water efficiency standards.
- 7.98 The submitted Design and Access Statement confirms that the development will be designed to achieve at least a 35% reduction in regulated CO₂ emissions compared to 2013 Building Regulations, with energy efficiency measures and solar panels proposed to help meet this target. Dwellings will be designed to achieve a maximum internal water consumption of 105 litres per person per day, which exceeds the local policy standard. Given the area's identified water stress, it is recommended that a Water Consumption Strategy be secured by condition to ensure that the specified level can be met.
- 7.99 At this outline stage, it is considered that the proposal can deliver a sustainable and energy-efficient scheme consistent with Policy ENV4, the Climate Change SPD, and the Neighbourhood Plan. A condition will require submission of an Energy and Sustainability Strategy at the reserved matters stage, detailing the proposed energy efficiency and renewable energy measures.

7.100 Infrastructure and Development Contributions

7.101 Policy GROWTH 3 of the East Cambridgeshire Local Plan (2015) requires that new development is supported by appropriate physical, social and green infrastructure. Where this is not delivered through the Community Infrastructure Levy (CIL), developments must provide or contribute towards the infrastructure and community facilities made necessary by the scheme. Such measures are secured through planning conditions or Section 106 (S106) legal agreements.

- 7.102 Given the scale of development proposed, contributions are required towards education, libraries, sustainable drainage (SuDS), affordable housing, the NHS Ambulance Service, and ecological mitigation to offset recreational impacts on protected sites. These contributions meet the tests of the Community Infrastructure Levy Regulations 2010 (as amended): they are necessary, directly related to the development, and fairly and reasonably related in scale and kind.
- 7.103 With regard to affordable housing, the applicant has agreed to a local connection cascade within the S106 agreement, ensuring priority for households from Soham before widening to neighbouring parishes and the wider district. A tenure split of approximately 65% rented and 35% intermediate housing has been agreed in line with local housing need and Policy HOU4.
- 7.104 The applicant has agreed to the Council's proposed Heads of Terms. Subject to completion of the required S106 legal agreement, the development would comply with Policies GROWTH 3 and HOU4 of the Local Plan.

7.105 Planning Balance

- 7.106 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.107 The site lies within Soham's development envelope and is allocated under Policy SOH2 of the Local Plan. The proposal would deliver the regeneration of a brownfield site, contributing to identified local and district housing needs, including affordable housing (minimum 20% provision). While this falls short of the 30% target, it represents a meaningful contribution and will be secured via S106.
- 7.108 The scheme would deliver substantial social benefits through housing provision and affordable homes, alongside moderate economic benefits from construction and local spending. Environmental benefits include biodiversity net gain, open space improvements, and enhanced highway infrastructure. Contributions to education and health services will help mitigate local impacts.
- 7.109 It is considered that an appropriately designed scheme at reserved matters stage could deliver a high-quality residential environment that complements the character of the area, protects neighbour amenity, and achieves good standards of access, drainage, and sustainability. The proposal accords with the relevant policies of the Local Plan, including SOH2, HOU2, ENV1, ENV2, ENV8, COM7, and COM8, and with the NPPF.
- 7.110 On balance, the proposal is considered to comply with the development plan when read as a whole. The identified benefits outweigh any limited adverse impacts. The application is therefore recommended for approval, subject to the completion of a S106 legal agreement and the conditions set out below.

8 COST

8.1 An appeal can be lodged against a refusal of planning permission or a condition

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

- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members attention is particularly drawn to the following points:
 - Allocated site (Policy SOH2) with the principle of development being accepted for housing / employment uses and the outline proposal broadly meets the requirements of the application.
 - This is an outline application with all matters reserved apart from access and the local highway authority has raised no objections on this basis.
 - The developer has agreed to the developer contributions sought including the minimum provision of 20% affordable housing.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and

it is considered that the recommendation set out below would not undermine the objectives of the duty.

APPENDICES

Appendix 1 – Recommended Conditions

Appendix 2 – Heads of terms

Appendix 3 - Plans

Appendix 1 – Recommended Conditions

Approved Plans

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

Plan Reference	Version no	Date received
200	P1	13 Nov 2025
120	P1	28 Aug 2025
Transport Statement	Rev C	12 Nov 2025

Reason: To define the scope and extent of this permission.

Approval of reserved matters

2 Approval of the details of the layout, scale, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.

Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.

Commercial / Employment Space

3 The reserved matters application shall be submitted with details of the commercial / employment uses amounting to 450sqm floorspace shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.

The requirements of Policy COM 1 of the East Cambridgeshire Local Plan 2015 (as amended) shall apply, particularly with regard to retail floorspace.

Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.

Commencement of development

4 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters relating to that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

Quantum

5 The total development hereby permitted within the site shall comprise not more than 99 dwellings.

Reason: To define the planning permission having regard to the proposal put forward and assessed by the Local Planning Authority for a maximum of 99 dwellings

Noise Impact Assessment

The reserved matters application shall be submitted with an updated Noise Impact Assessment which shall also include details of the foul pumping station

Reason: To safeguard the residential amenity of the neighbouring occupiers, in accordance with policy ENV 2of the East Cambridgeshire Local Plan 2015.

Aboricultural Impact / Method Statement

7 No operations shall commence on site in connection with the development hereby approved (including demolition works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorized vehicles or construction machinery) until a detailed Arboricultural Impact Assessment (AIA) as defined by British Standard BS: 5837 (2012) Trees in

relation to demolition, design and construction - Recommendations has been submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Energy and Sustainability

8 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason: The application has been assessed as acceptable and complying with policy ENV4 of the East Cambridgeshire Local Plan 2015 on this basis.

Habitat Management and Monitoring Plan

9 Concurrently with the first submission of reserved matters a scheme of biodiversity protection, mitigation and enhancement, including a timeframe for implementation and a long-term (30 year) Habitat Management and Monitoring Plan (HMMP), informed by an updated ecological appraisal of the site which includes a monitoring schedule, shall be submitted to and approved in writing by the local planning authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

Reason: To protect and enhance species in accordance with policy ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Biodiversity Net Gain Metric

10 Concurrently with the submission of reserved matters, an updated Biodiversity Net Gain (BNG) metric calculation tool assessment, reflecting the final site layout, landscaping and habitat creation proposals, shall be submitted and approved in writing by the Local Planning Authority. The updated assessment shall demonstrate that the development will achieve a minimum of 20% measurable net gain in biodiversity value compared with the pre-development baseline, in accordance with the Environment Act 2021 and associated guidance.

The development shall thereafter be carried out in accordance with the approved detail, and all approved biodiversity enhancements shall be delivered and maintained for a minimum period of 30 years from creation of the last habitat.

Reason: To protect and enhance species in accordance with policy ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Site Levels

11 Concurrently with the first submission of reserved matters the following information shall have been submitted to and approved in writing by the local planning authority: i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 (as amended 2023).

Tree Protection Measures

- Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with British Standard BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS as relevant to the site:
 - a) Location and installation of services/ utilities/ drainage.
 - b) Methods of any demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) A full specification for the installation of boundary treatment works within or adjacent RPA's.
 - e) A full specification for the construction of any roads in relation to RPA's, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) A specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
 - k) Methodology and detailed assessment of any agreed root pruning.
 - I) Details of Arboricultural supervision and inspection by a suitably qualified tree specialist.
 - m) Details for reporting of inspection and supervision.
 - n) Methods to improve the rooting environment for retained and proposed trees and landscaping.
 - o) Veteran and ancient tree protection and management.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Soft landscaping

- 13 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - 1) A scaled plan showing existing vegetation, tree trunks & canopy details of trees retained & tree protection fences shall be identified on all plans, in accordance with BS 5837:2012, extracted from the Arboricultural Implications Assessment (AIA), to include all trees located within 10m of site boundaries.
 - 2) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design and construction details shall be provided, structural Cells shall be utilised as the preferred method of construction method of construction where appropriate.
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) any area usage within tree Root Protection Areas (RPAs);
 - 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - 4) Specifications for operations associated with plant establishment to include a programme of the timing of the landscape work and maintenance shall be provided, having regard to the timing of the commencement of any part of the development hereby permitted.

- 5) Types and dimensions of all boundary treatments, there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced in the first planting season. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
- 6) A drainage & services overlay drawing shall be provided to show the interface of SUDS, manholes, attenuation and pipe routes in relation to soft landscape.
- 7) A programme for the timing of the landscape work shall be provided, having regard to the timing of the commencement of any part of the development hereby permitted.
- 8) Soft landscape works shall be audited at completion and verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. The Landscape Architect shall report all findings to the Local Planning Authority before sign off of Conditions and final planning approval.

Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

Archaeology

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

Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

Contamination

- No development shall take place unless otherwise agreed in writing by the Local Planning Authority until an investigation and risk assessment into the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken.
 - (A) The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. This must be conducted in accordance with Land Contamination Risk Management, Environment Agency 2023. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of any contamination.
 - (ii) An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - Adjoining land
 - Groundwaters and surface waters
 - Ecological systems
 - Archaeological sites and ancient monuments
 - (iii) Where remediation is required, an appraisal of the remedial options, and proposal of the preferred option(s).
 - (B) Where remediation is required under A(iii), any proposed remediation works shall be carried

out in accordance with the approved details before any development takes place unless an alternative timescale is agreed in writing with the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, and prior to first occupation, a verification report must be prepared and approved in writing by the Local Planning Authority.

Reason: The application has been assessed as acceptable and complying with policy ENV4 of the East Cambridgeshire Local Plan 2015 on this basis.

Construction Environmental Management Plan

Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015.

Construction Environmental Management Plan - Biodiversity

17 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include but not limited to the following;

- Risk assessment of potentially damaging construction activities, including lighting, noise and dust.
- b) Identification of "biodiversity protection zones" during the phases of works.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- a schedule of supplementary surveys for protected/notable species, review of mitigation measures and protected species licencing procedure for the phase works.

The CEMP shall be adhered to at all times during all phases.

Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

Ground Piling

18 In the event of the foundations from the proposed development requiring piling, prior to the commencement of any piling, a report/method statement shall be submitted to and approved in writing by the Local Planning Authority, detailing the type of piling and mitigation measure to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Local Plan.

Surface Water Drainage

19 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with

the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Lanmor Consulting (ref: 241857/FRA/LB/KBL/01) dated September 2024 and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- b) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- c) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants:
- d) Permissions to connect to a receiving watercourse or sewer;
- e) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Surface water run-off

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Visibility Splays

21 Prior to commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 241857/TS/01. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

Phasing Plan

22 Prior to development commencing a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

Reason: To ensure the efficient delivery of the approved development.

Waste Management Plan

- Prior to the commencement of development, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
 - a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction;
 - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste;
 - c) measures and protocols to ensure effective segregation of waste at source including waste

- sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site;
- d) measures to ensure best use is made of any mineral resource incidentally extracted;
- e) any other steps to ensure the minimisation of waste during construction;
- f) the location and timing of provision of facilities pursuant to criteria a/b/c/d;
- g) proposed monitoring and timing of submission of monitoring reports;
- h) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development;
- a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material; and
- j) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material, access to storage and collection points by users and waste collection vehicles. The
- k) Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.

Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014, and ENV2 of the Local Plan 2015.

Verification of Surface water drainage system

Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.

Water efficiency

The development hereby approved in relation to each building, plot or phase (whichever is relevant) shall not progress beyond damp proof course level until a Water Conservation strategy for the efficient use of mains water within the residential parts of the development, pursuant to a water consumption limit of 110 litres per person per day and which demonstrates a minimum water efficiency standard equivalent to BREAAM very good for non-residential parts, unless demonstrated not practicable, has been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the strategy so agreed and shall be retained as such thereafter.

REASON: To ensure that the development makes efficient use of mains water in line with Policy ENV4 and Building Regulations 2015.

Lighting Strategy

- The development hereby approved shall not progress beyond completion of superstructure level until a detailed lighting strategy outlining the lighting of all external areas within the site, including:
 - a) Locations, lighting design, lighting details, specification, elevations/drawings, light spillage and lighting/illumination levels.
 - b) Details of baffles, filters and other mitigation to be employed, taking account of the provision of locations of foraging and commuting bats in and surrounding the site, artificial shelters for birds, bats and invertebrates in suitable locations so as to avoid adverse impact on the habitat

provided for these species. Lighting shall be provided in accordance with the recommendations contained within the Preliminary Ecological Appraisal (By Greengage Dated September 2024) and Bat Emergence Survey (By Greengate Dated August 2024) hereby approved (or other such recommendations by a qualified professional and agreed in writing by the LPA).

c) Evidence of ability to meet acceptable Secured by Design principles to the satisfaction of the LPA in discussion with the Metropolitan Police Secure by Design Officer. The details shall be submitted to the Local Planning Authority in writing to be agreed. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

REASON: To ensure that the development incorporates lighting that contributes high standard of residential quality, contributes to Secured by Design Principles and does not have an adverse impact on ecology and species habitat.

Fire Hydrants

- 27 a) No above ground development should take place until a water scheme for the provision of fire hydrants to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme, has been submitted to and approved in writing by the Local Planning Authority in agreement with the fire authority.
 - b) The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

No occupation of the development can occur prior to the installed fire hydrants being inspected and tested for operational use by the fire authority. Proposed water schemes should be submitted in pdf format. All required hydrants will be plotted.

Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use.

Foul Drainage

Prior to occupation written confirmation from Anglian Water must be submitted confirming the upgrades at Soham water recycling centre have been completed, and there is sufficient headroom to accommodate the foul flows from the development site.

Reason: To prevent possible deterioration to the receiving watercourse and pollution.

Vehicular Access

29 Before the dwellings herby permitted are occupied, the vehicular access from the nearside footway edge shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

Reason: To prevent loose material from being carried on the public carriageway in the interests of highway safety and to ensure a suitable and durable access is provided in accordance with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.

Pedestrian and Cycleway

30 Prior to first occupation of any residential or retail units, there shall be a 3m wide shared use path from the development onto Station Road directly by the train station, as Indicatively shown on drawing 241857/TS/01. Detail to be submitted to and approved in writing by the Local Highway Authority.

Reason: In the interests of pedestrian and cycle highway safety, in accordance with COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.

Travel Plan

31 Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of bus taster tickets and/or cycle discount vouchers, welcome pack detailing local walking and cycling routes, NMU infrastructure and bus information for each residential unit. The Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met.

Reason: In the interests of highway safety for future occupiers of the development, in accordance with COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.

Vehicle Turning

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

Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

PD Restriction

33 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or reenacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on plan reference WRD-002-104.

Reason: In the interests of highway safety, in accordance with COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.

Construction and Delivery Times

34 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:

07:30 to 18:00 each day Monday-Friday

07:30 to 13:00 Saturdays; and

None on Sundays, Bank Holidays and Public Holidays.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

35 Network Rail Boundary Fence Upgrade

No dwelling hereby approved shall be occupied until a scheme for the upgrading of the Network Rail boundary fencing adjacent to the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Network. The approved fencing works shall be fully implemented in accordance with the approved details prior to the first occupation of any dwelling and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of railway safety and to ensure that an appropriate secure boundary treatment is provided between the development and the operational railway to safeguard future residents and rail infrastructure.

36 Open Space Provision

Applications for the approval of Reserved Matters shall include a detailed Open Space Strategy for the layout, design, delivery and long-term management of all areas of public open space within the development. The strategy shall demonstrate that the total quantum of open space provided is no less than the amount required by the Developers Contributions SPD (as amended). The Strategy shall include details of the location, size, specification and accessibility of all open space, including any children's play areas, which shall provide for inclusive, high quality play opportunities. The development shall be carried out in accordance with the Open Space Strategy and thereafter retained and maintained in perpetuity, unless otherwise agreed in writing.

Reason: To ensure high quality amenity space for future occupiers of the development in line with Policy Growth 3 of the Local Plan.

INFORMATIVES

1

Informatives: Partial discharge of the archaeology condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the

programme set out in the WSI.

- Works in the Public Highway This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- 3 The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use
- The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - On or within 8 metres of a main river
 - On or within 8 metres of a flood defence structure or culverted main river
 - Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing
 - enquiries@environment-agency.gov.uk.
- The developer is minded to ensure, no additional drainage is to be directed towards Network Rail's land, in terms of maximum flow rate. Note that Network Rail's land also includes the station approach road.
- The public level crossing at Spencer Drove has been closed. However, there remains a private level crossing at this location which benefits land that is held as part of the development consortium's title (held by HP (Soham) Ltd.):
 - It is not believed that vehicular use is made of Spencer Drove level crossing and therefore it is requested that the developer agrees with Network Rail to release its rights in the level crossing so that the level crossing may be removed and the railway boundary secured to prevent trespass. Access to HP (Soham) Ltd.'s land to the west of the railway will remain available via the public footpath.
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option 2.
- Protection of existing assets If a public sewer is shown on record plans within the land identified for the proposed development. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 9 INFORMATIVE Building near to a public sewer No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2.
- 10 INFORMATIVE: The developer should note that the site drainage details submitted have not been

approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

- Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance: https://www.cambridgeshire.gov.uk/asset-library/Cambridgeshires-Culvert-Policy.pdf. Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.
- Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.
- Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.
- Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

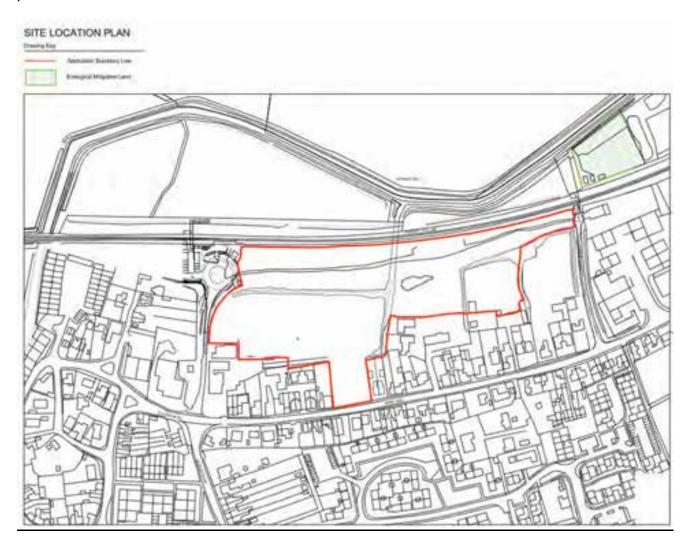
Appendix 2 – Heads of terms

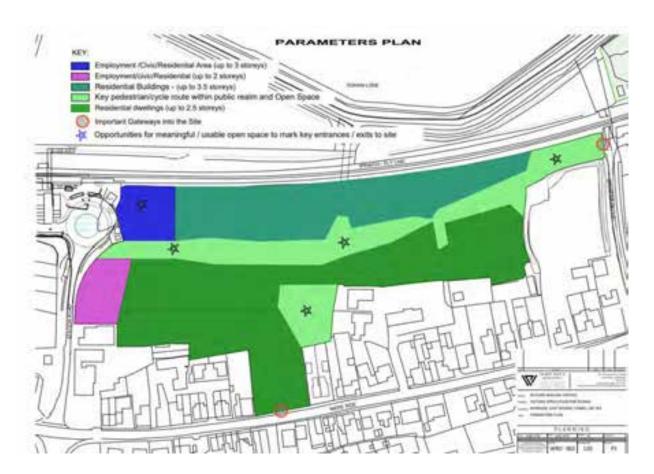
Education Early Years To mitigate this development a new early years classes will be required. The details of this project are not yet committed and therefore in accordance with Department for Education guidance it is appropriate to secure contributions based on the DFE Scorecard costs, which for new early years places in Soham is £25,855 (4Q23) per place. The level of contribution will be based on the agreed development mix (once approved) based on the number of children at the development considering 30hour and 15-hour entitlements. Table 5 sets out the contributions per dwelling: Table 5: Development Contributions for Early Years Per Dweiing Developments in East Cambridgeshire, Fenland, Huntingdonshire and South Cambridgeshire Market and Intermediate Affordable Rent Contribution per dwelling 2 1 3 Early Years 931 6.515 Primary Education The development would need to make a contribution towards a proportion of expansion costs of existing primary facilities. The details of this project are not committed and therefore in accordance with Department for Education guidance it is appropriate to secure contributions based on the DFE Scorecard costs, which for new primary school places in Soham is £25,855 (1Q24) per place see table 8 for contributions per dwelling. Table 8: Primary School Contributions Per Dwelling. Developments in East Cambridgeshire, Fenland, Huntingdonshire and South Cambridgeshire Contribution per Market and Intermediate Affordable Rent dwelling 4+ 11.635 20.684 31,026 Primary 0 3,878 5,171 0 15,513 Secondary There are forecast to be 25 secondary-aged children generated by this development. It is necessary to seek proportionate contributions to mitigate this development based on an expanding Soham Village college at a cost per place of £29,786 (DfE Scorecard cost). Table 11 sets out contributions per dwelling. Table 11: Secondary Contributions Per dwelling. Developments in East Cambridgeshire, Fenland, Huntingdonshire and South Cambridgeshire Market and Intermediate Affordable Rent Contribution per dwelling 4+ 1,489 4,468 8.936 Secondary Life long £14,632 (£59 per head of population x 248 new residents or £138.66 per learning dwelling). £30,940 NHS England Ambulance Services Affordable 20% Affordable Housing (65% affordable rent / 35% intermediate) including the Housing following provisions:

	That the dwellings will be Affordable Housing in accordance with the
	definition contained in NPPF.
	 That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
	3. That the tenure of each dwelling will be Social Rent, Affordable Rent or Intermediate Housing and no subsequent alteration will be permitted without the Council's prior approval.
	4. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
	 That occupation will in accordance with a nomination agreement giving priority to applicants with the relevant local connection – draft of standard Exception Site nomination agreement to be attached.
	6. That the dwellings are built to HCA design and quality standards.
	7. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants."
	Early and Late Stage Review mechanisms to be included.
Ecology	Off-site contribution to increasing or improving off-site natural greenspace is considered necessary for spend in the local area, which in turn would have the intention of alleviating recreational pressure on protected sites. To achieve this, a suitable s106 contribution is necessary, either in a broad sense (such as a financial contribution to improving or extending natural greenspace which is accessible to the public in the Soham area) and/or more specifically (such as a contribution towards improvements to the Soham Commons, in line with the published study PE32 Soham CommonsRec & Biodiversity Study.pdf).
	 Soham Commons contribution either (£125 per dwelling or implementation of mitigation measures as identified in the Soham Commons Recreational and Biodiversity Enhancement Study).
	 Secure BNG onsite with S106 (including monitoring fee) Securing offsite BNG credits
Highways	Prior to first occupation of any residential or retail units, the applicant shall install on the ground pram crossings with tactile paving at the junction of West Drive with Station Road and Gardeners Lane with Clay Street. Detail to be submitted to and approved in writing by the Local Highway Authority via Section 278 agreement.

Appendix 3 - Plans

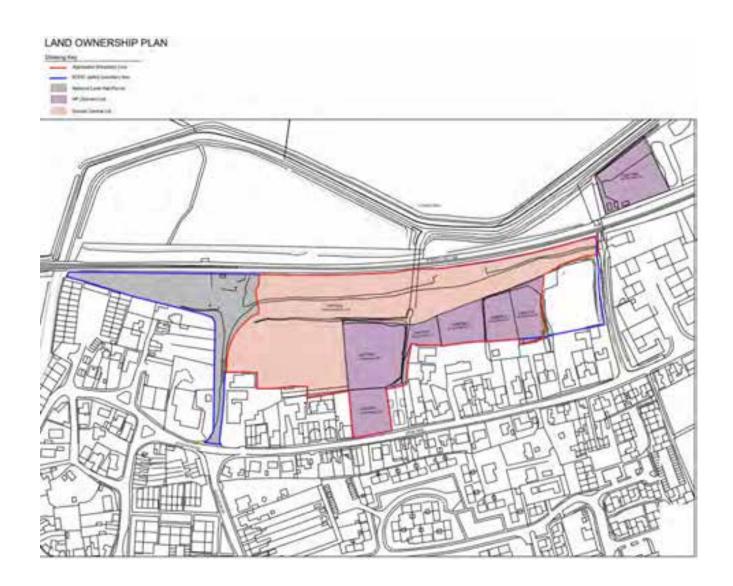
The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.





Site Access Arrangements off Mereside





TITLE: TPO/E/03/25

Committee: Planning Committee

Date: 03/12/2025

Author: Kevin Drane, Trees Officer

Report No: AA111

Contact Officer: Kevin Drane Trees Officer

kevin.drane@eastcambs.gov.uk

01353 616332

Room No 011 The Grange Ely

Site Address: 50 Main Street, Prickwillow, Ely, Cambridgeshire CB7 4UN

Proposal: To confirm Tree Preservation Order (TPO) E/03/25

Parish: Ely

Ward: Ely North

Ward Councillor/s: Chika Akinwale

Alison Whelan

Date Made: 12/06/2025

1.0 RECOMMENDATION

- 1.1 Members are recommended to APPROVE the confirmation of the tree preservation order for the following reasons. The woodland is a prominent feature, in good health, it offers a significant visual contribution to the amenity of the local landscape in this part of Prickwillow. It also provides a significant ecological benefit and habitat provision rare to this part of Cambridgeshire.
- 1.2 The Committee is determining the confirmation because it triggers the Council's Constitution in respect of objections to the TPO being received from a member of the public and their agent within the statutory consultation period.

2.0 COSTS

2.1 If a TPO is made and confirmed and there are subsequent applications for works to trees in the woodland that are refused then the tree owner or neighbours could have an opportunity to claim compensation if, as a result of the Council's decision, the tree owner or any neighbours suffer any significant loss or damage as a result of the refusal of works within 12 months of that decision being made, if costing more than £500 to repair.

3.0 THE SITE AND ITS ENVIRONMENT

- 3.1 The order was made following receipt of a request from the woodland owners to assess the woodland for its suitability for protection by TPO, to protect their legacy for the future.
- The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 16 September 2024 because:

 The woodland assessed is considered to be of significant amenity value in this part of Prickwillow, contributing to the biodiversity and green infrastructure of the local area and as such worthy of retention.
- 3.3 Area of the woodland to be protected is 11,677.242m², 2.886ac or 1.168ha.

4.0 RESPONSES FROM CONSULTEES

- 4.1 One objection to the serving of this TPO was received in writing from a neighbouring property owner. The statements of objection are attached in full in Appendix 1. There was one neighbour comment received in support of the TPO attached in full in Appendix 2. No comments at all were received from the Parish council.
- 4.2 The objections from the neighbour were as follows:
 - 1. We feel that the benefits to the local community were overstated as there is no public right of access or real visibility from the village road.
 - 2. The major issue is the lack of maintenance and planning, which now results in constant issues for us in terms of light obstruction, overhanging branches, excessive shaded areas and hazards such as nettles etc. The preservation order is likely to exacerbate these issues, and the woodland is likely to only increase as a nuisance for us which we will not be able to address without risk of penalty from the Council. A buffer area would avoid the unnecessary issues that we experience. The indicated area should be cleared and exempt from the TPO to ensure we do not continue to endure overhanging branches on trees we would not, under the TPO, be able to maintain, meaning the issue will get consistently worse for us.
 - 3. There are trees pressing against the fence overhanging the garden by 10ft, this is a nuisance and unpleasant outlook and is likely to become a health and safety issue. The overhanging branches are persistent and unnecessary issue for us; it overshadows our Laurel hedge. The trees are already overhanging our daughter's trampoline, and we are concerned that left as is they could cause a health and safety risk, especially if we cannot maintain those trees ourselves. We have had to erect a fence to stop the constant branches and stinging nettles coming through and eventually over the boundary. The TPO will prevent us being able to do anything about the issue. This will eventually render it impossible for us to use the rear of our garden.
 - 4. We respect your right to want to plant trees for the environment, but this should not result in this being problematic for those affected by it. The TPO will prevent us or anyone else being able to do anything to address the issues being caused.

- 4.3 The supporting comments were as follows:
 - Views of the woodland from publicly accessible points are limited to gaps between properties some of which are large, over the roofs of the bungalows nearby and from the carpark for the drainage museum. The limited visibility is reflected in the TPO assessment which still demonstrates that the woodland is suitable for long-term protection by TPO.
 - 2. The presence of a TPO does not stop reasonable maintenance of the woodland. The claimed light obstruction, over hanging branches and shading are considered minor in nature with pruning options available that could reduce the claimed issue. The presence of a TPO does not remove the tree owner's legal duty of care regarding maintaining the trees in as safe a condition as is reasonably practicable. Subject to approval of a tree work application, neighbouring landowners can submit applications to undertake works to the TPO trees though they could only undertake works in line with the vertical boundary without permission from the tree owner and this would be the case even without the TPO. Submitting tree work applications is free. Not confirming the TPO would not result in an obligation for trees to be removed for the indicated buffer zone and there is no legal requirement for this area to be cleared.
 - 3. Works to trees impacting with the fence to alleviate the issue including tree removals if required would be approved should an application be submitted. The reasonable reduction of overhanging branches would also be acceptable if it were not detrimental to the tree's health or their structural stability. Maintenance works to prevent branches growing through the fence and overhanging the boundary could be granted ongoing consent to prevent the need to submit multiple tree work applications.
 - 4. The presence of a TPO does not stop reasonable maintenance of the woodland but an application would be required for most works. The removal of deadwood is exempt and there are processes in place to allow emergency works to be undertaken expediently. Neighbouring landowners can also submit applications to undertake works to the TPO trees as per point 2.

5.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

- Whilst determining if the tree was of sufficient amenity value or not is to some extent subjective, this woodland is visible from the public footpath, road, and neighbouring properties. The Trees Officer remains of the opinion that the woodland makes a significant visual contribution to the local landscape, the amenity, biodiversity and character of the area.
- Amenity is a subjective term open to some individual interpretation. Public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the woodland is mature and visible from the public footpath and road as well as neighbouring gardens and is considered to benefit the area in relation to its contribution to the street scene and locality and is considered of sufficient public amenity to warrant long-term protection.

5.3 If the Planning Committee decides not to confirm the TPO, the TPO will lapse, and the owner or future owners could then remove the woodland without any permission required from the Council. If the Committee confirms the TPO it ensures that suitable evidence is provided before a decision to remove trees can be made and ensures suitable replacement planting is undertaken if appropriate.

5.4 **Human Rights Act**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

5.5 **Equalities and Diversities**

In considering this planning application, due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

6.0 APPENDICES

Appendix 1 Statement of objection to the TPO from neighbour at 42 Main Street.

Appendix 2 Statement of support for the TPO from neighbour at 54 Main Street.

Appendix 3 Aerial view of woodland

Appendix 4 Documents:

ECDC TPO Assessment Sheet & user guide Copy of the TPO/E/02/25 document and plan

7.0 Background Documents

Town & Country Planning Act 1990

Town & Country Planning (Tree Preservation) (England) Regulations 2012

National Guidance -Tree Preservation Orders and trees in conservation areas from 6th March 2014 http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-

<u>orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/</u>				
replacement/				

Dear John and Sonia

Further to the information we received in regard to the tree preservation order, it is most likely we will need to object to this as part of the formal process. While we appreciate there is value in the wood, we feel that the benefits to the local community were over stated as there is no public right of access or real visibility from the village road and the cost to us is unnecessarily high. The major issue is the lack of maintenance and planning, which now results in constant issues for us in terms of light obstruction, over hanging branches, excessive shaded areas and hazards such as nettles etc. All of this could be avoided with maintenance. The preservation order is likely to exacerbate these issues and the woodland is likely to only increase as a nuisance for us which we will not be able to address without risk of penalty from the council. On these grounds it is likely we will find we have no option but to object and we felt it respectful to notify you of this in advance.

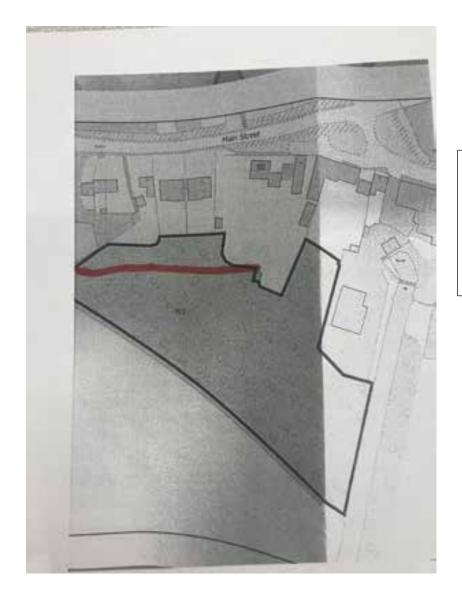
Regards

Sean

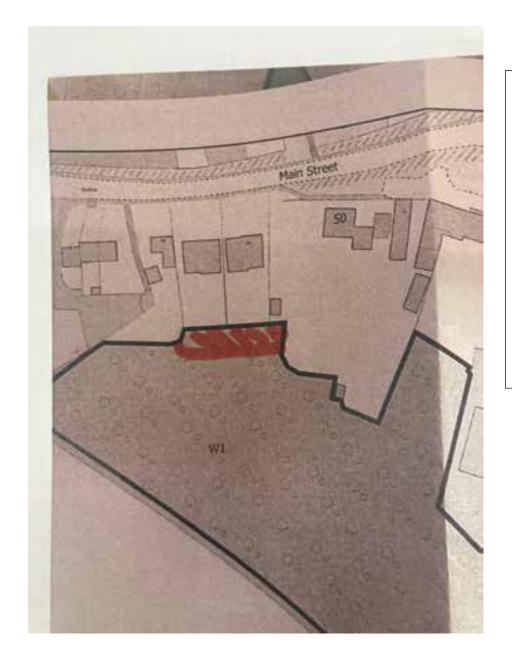


It is clear from the plans that there is a good deal of clear space in front of number 50 before the woodland so clearly this is the ideal situation.

Unfortunately for 42 & 44 the woodland is a constant issue through its planning and a lack of maintenance as it is pinned right up against our fences



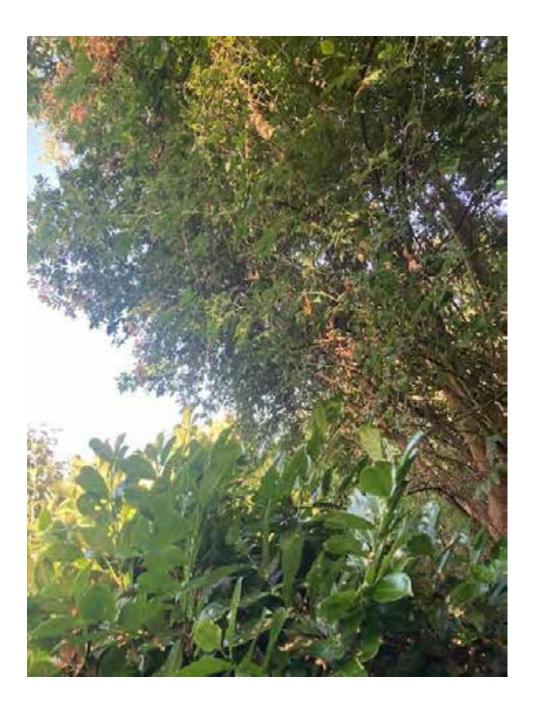
A buffer in line with what is in place at number 50, would avoid the unnecessary issues that we experience



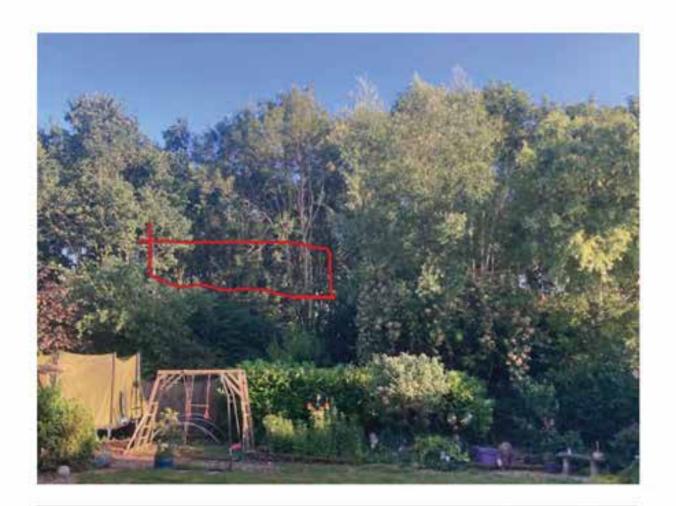
This area should be cleared and exempt from any protection order due to a need for maintenance and to ensure we do not continue to endure overhanging branches on trees we would not, under the TPO, be able to maintain meaning the issue will get consistently worse for us.



This is quite unsightly, is growing without any maintenance and is now pressing against and damaging our fence. It already has about a 10 foot over hang towards the middle of our garden at a height that is now, through neglect, too high to easily trim – this is both a nuisance and an unpleasant outlook for us and will at some point, if not already, cause a potential health and safety issue.



Clearly shows the issue of over hang which is a persistent and unnecessary issue for us. The laurel is in our garden and is completely overshadowed by the trees. The wood should be maintained so that it does not cause issues for neighbours. There is currently an at least 10 foot over hang with further growth likely. This cannot allowed to continue just because the trees were planted without a small buffer zone before the boundary line.



There should not be anything beyond the point of the red line to avoid unnecessary maintenance on our behalf or as it is now constant issues. If this was the line and it was maintained all parties could be happy. The trees are already overhanging our daughter's trampoline and we are concerned that left as is they could cause a health and safety risk especially if we cannot maintain those trees ourselves.



We have had to erect a fence to stop the constant branches and stinging nettles coming through and eventually over the boundary. This is unnecessary and easily could have been avoided if the trees had not been planted right up to the boundary line and a buffer zone was in place. The TPO will prevent us being able to do anything about the issue. This will eventually render it impossible for us to use the rear of our garden.



Another area of constant irritation. This is now overhanging again and needs to be addressed - as before it is not unreasonable to think if a woodland is planted through a grant scheme there should be sufficient governance to ensure it is maintained. We respect your right to want to plant trees for the environment but this should not result in this being problematic for those affected by it. The TPO will prevent us or anyone else being able to do anything to address the issues being caused. We have repeatedly raised the issue with you. These trees are not in your sight line from your property as you did not plant in that area but these pictures should evidence the issues we are facing.

From: To: Cc:

Kevio Drane

Subject: Date:

Tree Preservation Order - 50 Main St., Prickwillow, TPO/E/03/25 29 June 2025 14:45:40

Warning: Unusual sender

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hi Kevin,

We have the following comments regarding the tree preservation order.

We are generally supportive, but have 2 considerations, below.

- 1. The Main Foul Sewer passes very close to the demarcated area, and the roots from the trees might potentially extend to disturb the main sewer. In the event of any damage to the sewer due to tree planting, this would cause back up of sewage into our property, we would expect prompt access to be granted to make appropriate repairs at the land owners expense. The land that seems to be potentially "at risk" is marked as "A" on the attached map.
- 2. One or two trees substantially overhang our back fence. We respectfully request that we have the right to clear and unobstructed access to our fence. Specifically, we would ask that no.50 actively manages the damson tree that encroaches close to the play area we have set up for our grandchildren (or confirms we have the right to do so). This damson tree drops significant quantities of fruit into our rear garden which in turn attracts substantial numbers of wasps if the tree is not kept under control by regular pruning. We have marked the location of this tree as "B" on the attached map.

So overall no objections as long as common sense prevails and the 2 points above can be taken into consideration.

Please confirm receipt and that these comments have been taken under consideration.

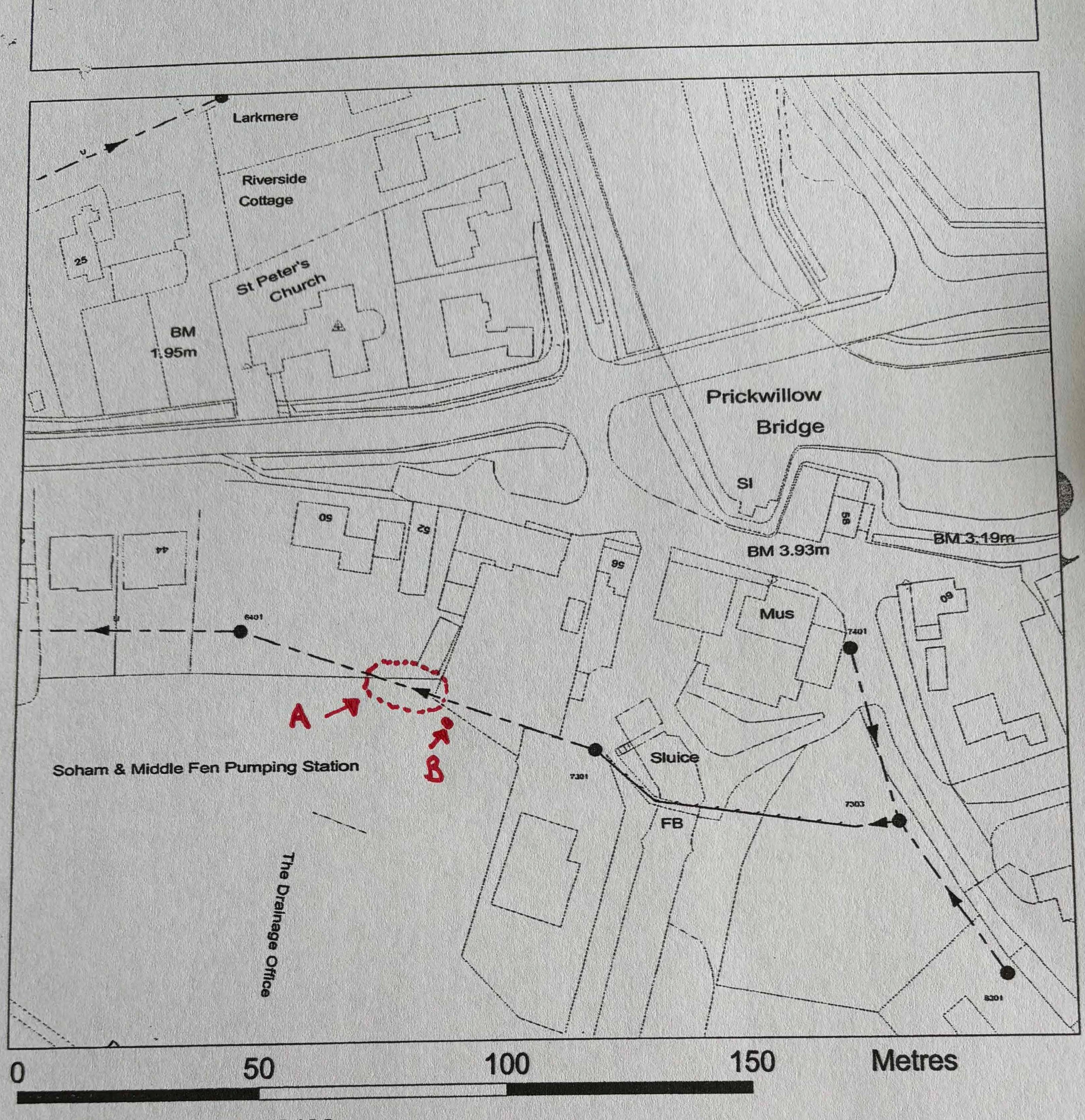
Thanks,

Chris.









Map Centre 559720, 282439

SEWER ASSET LEGEND Manholes Foul Combined Surface GEODESYS Foul Decommisioned Foul S104/Private Main Foul Sewerage LAND & PROPERTY INFORMATION Sewerage PO BOX 485, Huntingdon, PE29 6YB Surface S104/Private Main Surface Sewerage Surface Decommisioned DX123730 Huntingdon 6 Combined Sewerage Combined Decommisioned Rising Main Sewerage

Title: B712272-1

Scale: 1:1250

Date: 13/04/2010 09:43

Code:

This plan must be used in conjunction with the search results attached.

The information shown on this drawing is based on the data currently recorded but the position must be regarded as approximate.

Service pipes, private sewers and drains are not generally shown. The actual position of all apparatus MUST be established by trial holes.

No liability whatsoever is accepted for any error or omission. This information is valid for the date printed.

This plan is produced by Anglian Water Services Ltd. trading as GEODESYS from Ordnance Survey digital map data which is protected by Crown copyright and remains the property of Ordnance Survey, (c)Crown copyright, 100018507

This map data is to be used for the purposes of viewing the location of Anglian Water 'plant' only.

Any other use of the map data or further copies are not permitted.

Appendix 3



Part 1: Amenity Assessment

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so

FAIR Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse **POOR** Trees in obvious decline, or with significant structural defects requiring major intervention to allow their

POOR Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult

DEAD Tree with no indication of life

DYING Trees showing very little signs of life or remaining vitality, or with severe,

DANGEROUS irremediable structural defects, including advanced decay and insecure roothold.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

b) Retention span

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection.

Sub-total 1

The prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes: Any 0 equating to do not apply TPO - 1-6 equating to TPO indefensible

d) Other factors

Only one score should be applied per tree (or group):

• 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups

- 'Members of groups of trees that are important for their cohesion' This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero-score disqualification (under part 3).

Sub-total 2

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' for example, survey identifies tree standing on a potential infill plot However, central government advice is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- <u>1-6 TPO indefensible</u> This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO This covers trees which have qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- <u>16+ Definitely merits TPO</u> Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location		50 Main Street Prickwillow Ely Cambridgeshire CB7 4UN	
Date:	21/03/2025	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed						
Category	Description (incl. species)	Situation				
W1 Woodland	Young woodland approx. 30 yrs old, mostly same age range but some natural regeneration occurring, heights or up to 16m with diameters of 300mm-450mm. mostly mixed native species but with some nonnatives included in small numbers.	To rear of 50 Main Street as per plan				

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes

W1=5 good overall but some dying Ash trees as to be expected but does not detract on value of the wood as a whole.

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes

W1=5 most of the species have a further life expectancy of 100+ years due to age and species all species have potential to reach 100 yrs and woodland expected to persist beyond this via natural regeneration or replacement planting.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees Highly suitable 4) Large trees, or medium trees clearly visible to the public Suitable 3) Medium trees, or large trees with limited view only Suitable 2) Young, small, or medium/large trees visible only with difficulty Barely suitable

1) Trees not visible to the public, regardless of size

Probably unsuitable

Score & Notes

W1=3 views are limited due to location but visible from neighbouring properties, limited views between dwellings and public views from museum carpark.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent
- -1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

W1=4 as a woodland it is a cohesive group with the individuals aiding the significance of the whole.

^{*} Relates to existing context and is intended to apply to severe irremediable defects only

^{*}Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

W1=2 Woodland owners are mature and are concerned for the future of the woodland should their circumstances change at short notice.

Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible just
16+	Definitely merits TPO

Add Scores for Total:

W1=19 definitely merits a TPO

Decision:		
Serve a TPO		

TITLE: TPO/E/04/25

Committee: Planning Committee

Date: 03/12/25

Author: Kevin Drane Trees Officer

Report No: AA112

Contact Officer: Kevin Drane Trees Officer

kevin.drane@eastcambs.gov.uk

01353 616332

Room No 011 The Grange Ely

Site Address: 93 Main Street, Little Downham, Ely CB6 2SX

Proposal: To confirm Tree Preservation Order (TPO) E/04/25

Parish: Little Downham

Ward: Little Downham

Ward Councillor/s: Anna Bailey

Date Made: 23/06/2025

1.0 RECOMMENDATION

- 1.1 Members are recommended to APPROVE the confirmation of the tree preservation order for the following reasons. The tree is a prominent feature, in good health, it offers a significant visual contribution to the amenity of the local landscape in this part of Little Downham and there is currently insufficient evidence to link it to the subsidence case in the officer's opinion.
- 1.2 The confirmation is being determined by Committee because it triggers the Council's Constitution in respect of objections to the TPO being received from a member of the public and their agent within the statutory consultation period.

2.0 Costs

2.1 If a TPO is made and confirmed and a subsequent application for works to the tree are refused then the tree owner would have an opportunity to claim compensation if, as a result of the Council's decision, the tree owner suffers any significant loss or damage as a result of the tree within 12 months of that decision being made, costing more than £500 to repair.

3.0 THE SITE AND ITS ENVIRONMENT

- 3.1 The Order was made following receipt of a section 211 notification for the tree's removal and the resulting visit to site and assessment of the information provided undertaken by the trees officer.
- The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 16 September 2024 because:
 The tree assessed is considered to be of amenity value in this part of Little Downham, contributing to the biodiversity and green infrastructure of the local area

4.0 RESPONSES FROM CONSULTEES

and as such worthy of retention.

- 4.1 Two objections to the serving of this TPO were received in writing from a neighbouring property owner and the insurance company's arboricultural representative within the consultation period. The statements of objection are attached in full in Appendix 1.
- 4.2 The objections from the neighbour were as follows:
 - 1. The tree has been identified by the insurance company as directly linked to ongoing subsidence issues at our property.
 - 2. Two arboricultural reports make it clear that the tree should be removed. Our home should be protected from this damage.
 - 3. The tree is not a public amenity as it can only be seen by neighbouring properties.
 - 4. The only biodiversity we have seen is its use by a large group of crows who make a lot of noise and scare other birds away reducing biodiversity.
 - The tree creates a nuisance from falling leaves throughout the year, especially in the summer.
 - The tree overhangs the boundary leaving a mess on the lawn and blocking the garage gutters, it also blocks sunlight into our garden.
- 4.3 The objections from the agent were as follows:
 - 1. The LPA have failed to demonstrate how the tree provides any reasonable degree of amenity. The LPA have failed to provide evidence that amenity and expediency have been considered in a structured and consistent way.
 - 2. The tree has been directly linked as causal to subsidence damage at 93 Main Street as part of the section 211 notification with supporting evidence provided by comprehensive suite of evidence.
 - 3. The LPA has failed to recognise the evidence provided as causal to the subsidence.
 - 4. The serving of a TPO restricts the trees removal which is part of the proposed solution to the subsidence issues which will result in increased costs to the insurer and risk ongoing damage.

5.0 OFFICER RESPONSES TO THE POINTS RAISED BY OBJECTORS

5.1 Responses to neighbour comments.

- 1. The causal link to the tree is based on the tree's proximity to the garage, no trial pits have been excavated in proximity to the garage to ascertain if any roots have developed beyond the boundary wall. The trial pits dug in proximity to the dwelling did not contain any Lime tree roots. Approval has already been granted for the removal of the large high water demand Poplar tree which has been directly linked to the subsidence issues, lime trees are regarded as a moderate water demanding species.
- 2. The Arboricultural reports link the tree to the subsidence only by its proximity to the garage. The movement of the garage is likely a result of the proximity of the high water demand Poplar tree already approved for removal, once this tree is removed it would then be possible to see if the removal of the one large tree will be sufficient unless further trial pits are dug to confirm the presence of root from the Lime tree in proximity to the garage. This suggestion was refused for consideration by the arboricultural consultants.
- 3. The stated visibility of the tree by neighbouring properties suggests that it does have a limited public visual amenity value.
- 4. This is a native species of tree that has a biodiversity value beyond just bird life. The woodland trust state that the species supports over 110 insects as a foodplant, including scarce hook-tip moth, the high aphid biomass is prey for other insects and birds and honeydew feeders. Excellent summer blossom for insects, especially Bees.
- 5. Management of falling leaves is a basic maintenance issue and not regarded as a justification for tree removals.
- 6. Same as point five but pruning of the overhanging branches would be regarded as reasonable management and approval would be likely if an application for the works were submitted dependent upon the extent of the works.

5.2 Responses to the agent's comments

- A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was undertaken which resulted in the tree having a score of 16 = Definitely merits TPO. This demonstrates that the tree provides a reasonable degree of amenity and evidence's that amenity and expediency have been considered in a structured and consistent way.
- 2. The claimed link to the subsidence is based on the tree's proximity to the garage and the garage's movement but fails to demonstrate that it is the Lime tree that is responsible and not the large Poplar tree that has already been approved for removal. Poplar and Conifer roots were found in the two trial pits no Lime tree roots were found. No trial pits have been dug in proximity to the garage. Poplar and Conifer species are high water demanding species, Lime is a moderate water demand species. Only after the Poplar tree and the neighbour's trees identified for removal are removed will it be possible to assess if the Lime tree is linked to the subsidence or if trial pits are dug and Lime tree roots found. Currently no notification for the neighbour's tree removals has been made in accordance with the report's recommendations.
- 3. See point 2.
- 4. If evidence directly linking the Lime tree to the subsidence is provided, such as trial pit results with Lime tree roots discovered or if continued movement after

the other trees identified for removal are removed is provided, approval for the trees removal would be granted.

6 OTHER MATERIAL MATTERS

- Whilst determining if the tree was of sufficient amenity value or not is to some extent subjective, this tree is clearly visible from the public footpath, roads and neighbouring properties. The Trees Officer remains of the opinion that tree T1 makes a significant visual contribution to the local landscape, the amenity and character of the area.
- Amenity is a subjective term open to some individual interpretation. Public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the tree is mature and visible from the public footpath, road as well as neighbouring gardens and is considered to benefit the area in relation to its contribution to the street scene and locality and therefore is considered a significant public amenity.
- 6.3 If the Planning Committee decide not to confirm the TPO, the TPO will lapse, and the owner can then remove the tree without any permission required from the Council. If the committee confirms the TPO it ensures that suitable evidence is provided before a decision to remove the tree can be made and ensure suitable replacement planting is undertaken.

6.4 **Human Rights Act**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

6.5 **Equalities and Diversities**

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

7.0 APPENDICES

- Appendix 1 Statement of objection to the TPO from the neighbour.
- Appendix 2 Statement of objection to the TPO from the agent/Arboriculturist.
- Appendix 3 Tree Survey and Site Report, as part of the section 211 notification.
- Appendix 4 Photos of tree and its situation.
- Appendix 5 Tree Preservation Order and Map.

7.0 <u>Background Documents</u>

Town & Country Planning Act 1990
Town & Country Planning (Tree Preservation) (England) Regulations 2012
National Guidance -Tree Preservation Orders and trees in conservation areas from 6th March 2014 http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-order-enforced-including-tree-replacement/

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Appendix 1



Mr Kevin Drane
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
CB7 4FF

Dear Sirs

Objection to Tree Preservation Order No. TPO/E/04/25

We write to formally raise our sincere objections to the above Tree Preservation Order application.

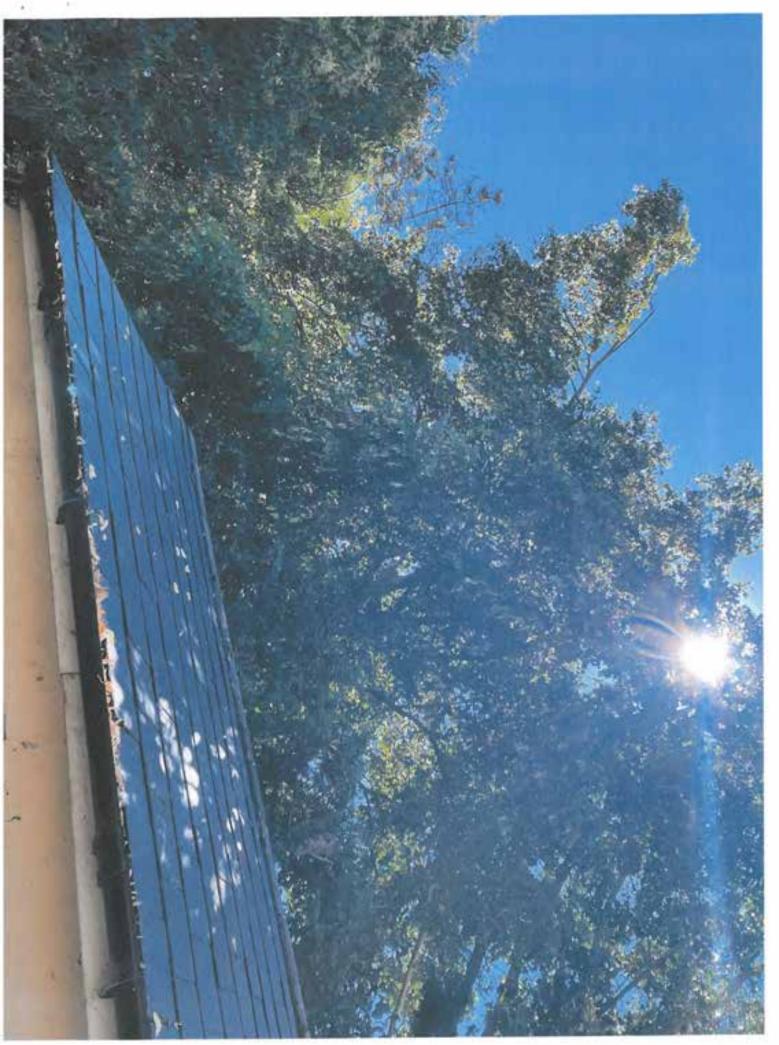
This T1 Lime Tree has been identified by our Insurance Company as being directly related to ongoing subsidence at our above property. It is therefore very surprising that an application is now being made to protect this tree. Our home has been badly affected by clay-shrinkage subsidence linked to this tree (amongst others at the neighbouring property). Two separate arborologist reports have made clear that T1 Lime should be removed to abate the significant nuisance being caused to us. Why should this tree be protected? We have suffered damage and intrusion to our home, totally beyond our control from outside our boundary. Surely our family home should be protected.

This T1 Lime tree is not a public amenity at all. It can only be seen by the neighbouring properties (seen most by us) and the only biodiversity we have witnessed is a large group of crows, who make a noise nuisance from dawn onwards and have caused other birds to avoid the area, thus actually diminishing the biodiversity.

This tree has also created a nuisance of falling leaves throughout the year, especially during summer and autumn, when the garden should be enjoyed the most. It is hanging over our boundary and has left a mess all over our lawn and blocked our garage guttering with lime leaves and debris and blocks sunlight into our garden. Please see images attached. Is this a public amenity?

I urge you to reject this application.





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Page 103



Enviro Trees UK
Century Buildings
14 St Marys Parsonage
Manchester
M3 2DE

Mr David Morren

East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

Dear Sir/Madam

TREE PRESERVATION ORDER OBJECTION -TPO/E/04/25

I am writing to formally object to the Tree Preservation Order listed above.

The reasons for my objection have summarised below.

 When assessing amenity to make provision for the preservation of trees or woodlands in their area', The Planning Practice Guidance states;

"When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a <u>structured</u> and <u>consistent</u> <u>way</u>, taking into account the following criteria:"

Visibility

"The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public."

Individual, collective and wider impact

"Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

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- ·size and form;
- ·future potential as an amenity;
- ·rarity, cultural or historic value;
- ·contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area."

Other factors

"Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order."

The LPA have failed to demonstrate how the protection of the Lime Tree T1 would provide any reasonable degree of amenity.

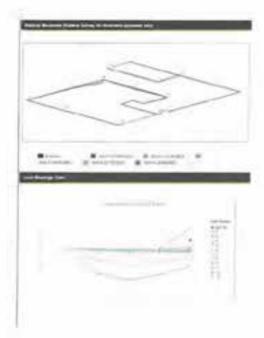
The LPA have failed to provide any evidence that both amenity and expediency have been considered in a structured and consistent way

- 2. The Lime tree T1 has been directly linked as causal vegetation to subsidence damage at 93 Main Street, Little Downham, CB6 2SX. As part of the S211 tree works application that proceeded this Tree Preservation Order, a comprehensive suite of evidence was provided with an Arboricultural Survey Report produced by JCA Arboricultural & Ecoligical Consultants (JCA Ref 18335c/TT-Rev) which included the following data;
 - Tree survey indicating significant vegetation in proximity to the damage.
 - Series of recommendations covering both current claim (causal) and future risk recommendations
 - Root Analysis from trial pit/borehole
 - Level monitoring data
 - Soil analysis and plasticity assessment

Analysis of the tree data indicates that the Lime tree T1 is a significant causal feature based upon known and accepted data sets



This assumption is backed up by level monitoring data that clearly indicates vegetation linke Page: 105t.



The LPA have failed to recognise the evidence provided that the Lime tree (T1) has been identified as causal vegetation in the ongoing subsidence damage.

The implementation of this TPO restricts the removal of this tree, which is part of the long-term solution to resolving the subsidence. This will directly result in increased costs to the insurer and increases the risk of future ongoing damage.

Considering these two points that have been raised above, I strongly urge the Local Authority to not confirm the TPO and to consider the impacts of their decision upon both the resident suffering from tree attributed subsidence damage, and the risk to the Local Authority of future compensation claims from this action.

If you have any other queries, please do not hesitate to contact me.

Regards

Brian Higginson Dip.Arb(RFS) M.Arbor.A Senior Arboricultural Consultant



w: www.envirotrees.uk



Site Investigation Report

WHC reference: 8218

Job information

Client: BVS Subsidence Ltd

Client reference: H021132576

Visit date: 7th October - 8th October 2024

Report date: 1st November 2024

Job Summary



Address: 93 Main Street, Little Downham, Ely, Cambridgeshire, DB6 2SX

Services Utilised:



Trial Hole Actioned: Yes Number: 2



Borehole Actioned: No Number: 0



Dynamic or Mackintosh probe

Actioned: No Number: 0



CCTV survey Actioned: No



Drainage repairs Actioned: No



Root samples taken Actioned: Yes



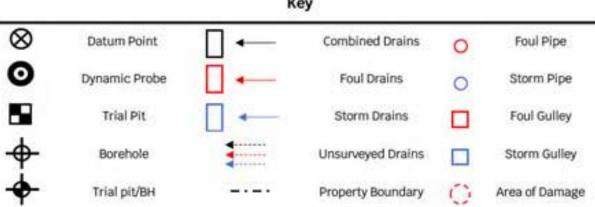
Soil samples taken Actioned: Yes



Contact us Read below

Plans





Job Information

Job Overview:

Brief

William Hunt Consulting were commissioned by BVS Subsidence Ltd to undertake a site investigation within the area of concern, located at the rear right-hand elevation of the property. Site Investigation to consist of 2No. Trial Pit together with Laboratory Testing.

Findings:

Trial Pit Records

Trial Pit Details can be found in Appendix A, where in trial pit 1, a 750mm thick concrete footing was founded at a depth of 1.30m below ground level, with a 280mm projection. Trial Pit 1 found Tarmac to a depth of 0.08m below ground level, followed by Made Ground MOT to a depth of 0.38m BGL. Made Ground consisting of topsoil and clay was then recorded to a depth of 0.68m BGL, followed by Sand to 1.28m BGL. Below this, firm very dry silty Clay was encountered to a depth of 1.38m BGL, underlain by firm to stiff very dry grey Clay with chalk fragments to 2.25m below ground level, becoming stiff at 1.85m, at which point the trial pit was terminated due to refusal. Trial Pit did not encounter groundwater, with roots present at 0.88m, 1.25m, 1.30m, 1.40m, 1.70m and 2.20m.

In trial pit 2, a root barrier was encountered to a depth of 1.73m below ground level. Trial Pit 2 found Tarmac to a depth of 0.08m below ground level, followed by Made Ground MOT to a depth of 0.30m BGL. Made Ground consisting of topsoil and clay was then recorded to a depth of 0.60m BGL, underlain by sand to 1.20m BGL. Below this, firm to stiff very dry grey Clay with fragments of chalk was encountered to a depth of 1.80m BGL, at which point the trial pit was terminated.

Root Identification

Root Identification Results can be found in Appendix B, where in trial pit 1, multiple Cupressaceae roots were identified at depths of 0.88m, 1.25m and 1.40m with root diameters of 4mm, 3mm and 3mm, respectively.

Trial Pit 1 also identified multiple Populus roots at depths of 1.25m, 1.30m, 1.40m, 1.70m and 2.20m with root diameters of 2mm, 23mm, 1.50m, <1mm and 2mm. Starch absent in all roots encountered, with all roots in a state of decay.

Soil Sample Testing

Laboratory Testing Results can be found in Appendix C.

Photographs

Images:

Photo 1 – Trial Pit 1



Photo 2 – Trial Pit 1



Photo 3 – Trial Pit`



Photo 4 – Trial Pit 1



Photo 5 – Trial Pit 1



Photo 6 – Trial Pit 1



Photo 7 – Trial Pit 2

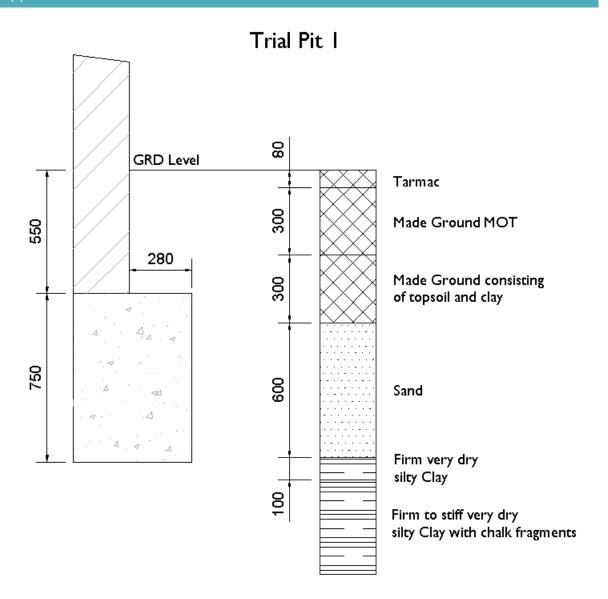


Photo 8 – Trial Pit 2



Photo 9 – Trial Pit 2





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Appendix B – Root Identification Results

ROOT IDENTIFICATION

93 Main Street

Client Reference: WHC016(8218) Report Date: 30 October 2024

Our Ref: R59126

Sub Sample	Species identified		Root Diameter	Starch
TP1:		VII		
0.88m	Cupressaceae spp.		4 mm	Absent
1.25m	Cupressaceae spp.	1	3 mm	Absent
1.25m	Populus spp. *	2	2 mm	Absent
1.3m	Populus spp. *	3	23 mm	Absent
1.4m	Cupressaceae spp.	4	3 mm	Absent
1.4m	Populus spp. *		1.5 mm	Absent
1.7m	Populus spp. *	5	<1 mm	Absent
2.2m	Populus spp. *	6	2 mm	Absent

Comments:

- 1 Plus 1 other also identified as Cupressaceae spp.
- 2 Plus 1 other also identified as Populus spp.
- 3 Plus 1 other also identified as Populus spp.
- 4 Plus 1 other also identified as Cupressaceae spp.
- 5 Plus 1 other also identified as Populus spp.
- 6 Plus 1 other also identified as Populus spp.

Cupressaceae spp. include Lawson cypress, western red cedar, Monterey cypress, Leyland cypress and junipers. Populus spp. are poplars and aspens.

All roots in a state of decay.

^{*} EPSL research has developed a unique ability to differentiate Willows from Poplars. No other laboratory in the UK can currently provide this service. We now offer this benefit at no extra cost.

Laboratory Summary Results

93 Main Street, Uitle Downham, Dy, Cambridgeshire, C86 25X (8218)

William Hunt Consolbing

Our Ref: Location:

Clerk

WHC016

	Pr.pe	Water	Paction	Make Soil Liquid Room Type Content Praction Limit Limit	Posts	Pachoty	Augent	-	3 tag	Cardadi Cardadi	joy gesthei	Passes of	Steam Name	-	* 100	Sugne Costeri (1/1)	Dayler 1	i
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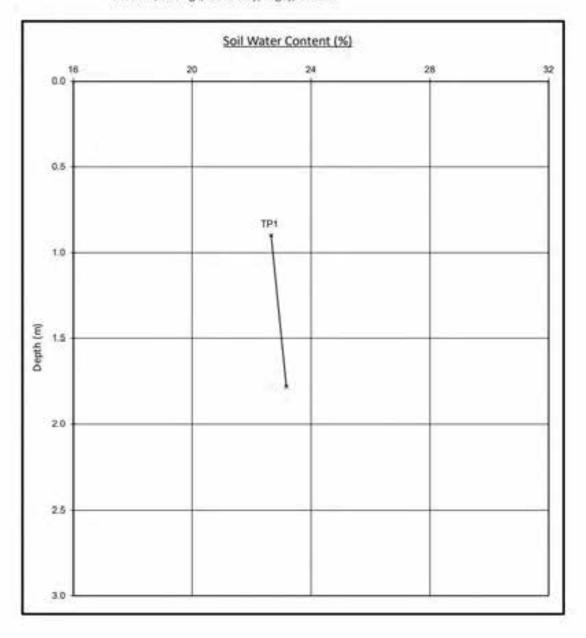
Water Content Profiles

Our Ref : WHC016

Location: 93 Main Street, Little Downham, Ely, Cambridgeshire, CB6 25X (8218)

Work carried out for: William Hunt Consulting

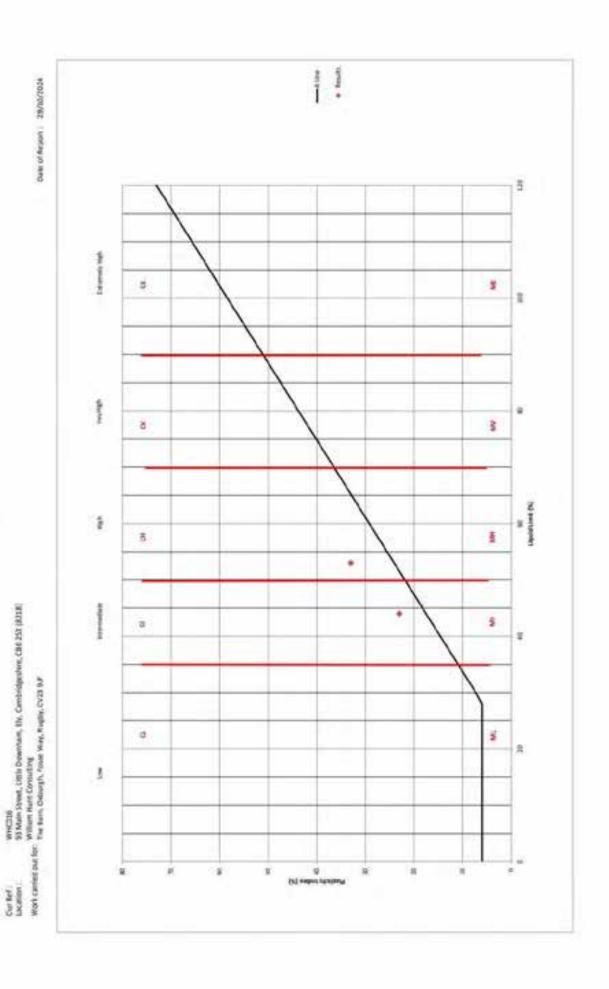
The Barn, Oxburgh, Fosse Way, Rugby, CV23 9JF



Notes

 # plotted, 0.4 Li, and Pt.+2 (after Driscoll, 1983) should only be applied to London Clay (and similarly overconsolidated clay) at shallow depths.

Plasticity Chart





Contact us

Need further information?

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Telephone. Email.

www.williamhuntconsulting.com

at 93 Main Street Little Downham Ely Cambridgeshire CB6 2SX

Client:

Building Validation Solutions on behalf of Covea

Client Address:

Waters Meeting House 1 Waters Meeting Road Bolton Lancashire BL1 8HQ

Client Telephone:

Insured:

Mr and Mrs Homer

Claim Number:

H021132576

JCA Ref:

18335c/TT - Rev 1

Client Ref:

0595635

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1. Introduction

1.1 Purpose of the Report

1.1.1 An Arboricultural review has been requested by our client (Building Validation Solutions) in relation to ongoing subsidence damage at 93 Main Street, Little Downham, Ely, Cambridgeshire, CB6 2SX.

1.2 Terms of Reference

- 1.2.1 JCA visited the property in May 2022 as subsidence damage had occurred to the main dwelling. An arboricultural report was prepared (JCA Ref: **18335/AJB**, dated 20th May 2022), which recommended the removal of a large Poplar tree (**T2**) located in the neighbouring garden (No.97 Main Street).
- 1.2.2 We have been informed by **Building Validation Solutions** that the Poplar tree (**T2**) has not been removed and that damage is still occurring at the property. In addition, damage has now been observed to the subject property garage and to the boundary wall between No.93 and No.97 Main Street.
- 1.2.3 We have therefore been instructed to review our report findings based on the information provided and consider vegetation management options. We <u>have not</u> revisited the property on this occasion.
- 1.2.4 We have been supplied with details of the site investigation, which was carried out by **Geocore Site Investigations Ltd**, and have included the salient points in this report. We have applied this information to our knowledge of trees and the arboricultural data we gathered on site and prescribed recommendations for current, or future action, if required.
- 1.2.5 We are to prepare our findings in a detailed report, making specific recommendations as to any arboricultural management which may be required.

1.3 Scope of the Report

- 1.3.1 The subject property is a two-storey, detached house with a detached garage.
- 1.3.2 Damage has occurred to the rear right-hand corner of the building when viewed from the front (as indicated on the Site Plan at **Appendix 2**).
- 1.3.3 Damage has now also been reported to the garage and the boundary wall between No.93 and No.97 Main Street.
- 1.3.4 The distance between the vegetation surveyed and the building is measured from the closest part of the property.

2. Survey Conditions and Methods

2.1 Date of Inspection and name of Inspector

2.1.1 The site was surveyed during May 2022 by **Andrew Bussey** *LANTRA Accredited PTI*.

2.2 Data Collection Methods

- 2.2.1 The inspection was carried out at ground level using visual assessment of the tree canopy, stem and rooting area. No digging or drilling was carried out on this occasion.
- 2.2.2 The measurements were made using instruments including clinometers for tree *HEIGHT*, diameter tapes for *STEM DIAMETER* (measured at 1.5m above ground level) and tape measures or electronic distometers for *CROWN SPREAD* and *DISTANCE TO PROPERTY*.
- 2.2.3 AGE CLASS and LIFE EXPECTANCY values are estimated based upon our knowledge of trees and the way they grow. No core sampling was carried out on this occasion.
- 2.2.4 The term *INFLUENCING DISTANCE* as used in this report is not derived from the NHBC's 'zones of influence' formula. It is merely an estimation of the potential of a tree or shrub to cause damage to the subject property after due consideration of many factors including soil characteristics, specimen size, vigour, species, likely water uptake and distance from the property.
- 2.2.5 'NHBC WATER DEMAND' (low, moderate or high) are categories originated by the National House Building Council. The concept was designed to be used as an aid for determining the correct foundation depths for new build situations where there are existing trees present.

3. Ground Investigation, Soil & Root Analysis

3.1 Introduction

- 3.1.1 Trees influence soil conditions, and in some soil types root activity can create a soil moisture deficit (S.M.D.), which means that the amount of water being used by the tree and by natural evaporation has exceeded the amount of water entering the ground through precipitation or other means. This deficit can lead to soil shrinkage which in turn can cause a building to move, particularly if its foundations are shallow. The result is *SUBSIDENCE*.
- 3.1.2 The soil's *PLASTICITY INDEX, PLASTIC LIMIT, MOISTURE CONTENT* and the likely water uptake of the tree/trees in question are key factors in determining whether shrinkage has occurred.
- 3.1.3 On shrinkable soils, damage to buildings can also occur as a result of tree removal. In such cases, re-hydration of the soil beyond that which would ordinarily occur prior to the removal of vegetation can cause an upwards movement of the ground which is known as *HEAVE*. Trees should not, therefore, be removed without due consideration of likely effects.
- 3.1.4 The ground investigation and root analysis at this site have been carried out by others. Results of these investigations are briefly summarised below.

3.2 Foundation Types and Depths

3.2.1 Information regarding the foundation depth has not been included within the site investigation factual report.

3.3 Soil Types

3.3.1 Borehole 1A:

- The soils *plasticity index* ranged from 19% to 29%.
- *Moisture contents* within the soil samples ranged from 13% to 27%.
- The *plastic limit* of the soils ranged from 18% to 24%.
- The *liquid limit* of the soils ranged from 37% to 53%.

These results indicate that the clay soil found within **Trial Pit/Borehole 1** is of low to medium shrinkability and that the soil is desiccated at a depth of 4 metres.

3.4 Root Analysis

- 3.4.1 Microscopic examination of tree root anatomy generally enables the GENUS of roots recovered during the ground investigation to be established. However, it rarely identifies individuals to SPECIES level.
- 3.4.2 Certain species, for instance Willows and Poplars, are indistinguishable by these methods and identification can only be made at FAMILY level.
- 3.4.3 The diameter and the depth of the root can be an indication of its significance.
- 3.4.4 To establish whether the root is alive, iodine is used to test for starch which is stored in some cells of living tree roots but is broken down by micro-organisms upon the death of a root in the soil.
- 3.4.5 Live root samples are normally a prerequisite for establishing, on a balance of probability, which vegetation is the most likely cause of any damage noted.
- 3.4.6 Results of the analysis of root material recovered during the ground investigation are summarised in the table below.

Trial Pit/ B/hole	Sample Depth (m)	Family	Genus	Diam. (mm)	Starch Test
1	2.5-2.75	Salicaceae	Salix (Willows) or Populus (Poplars)	Not specified	Negative

3.4.7 The root identification is a match to the vegetation identified as T2 in this report.

3.5 Monitoring Results (Level Readings)

- 3.5.1 Level readings at the subject property are being monitored in twelve separate locations. The first level readings were measured in June 2022, with further readings taken in August, October and December 2022 and in February 2023.
- 3.5.2 The results indicate seasonal movement, with subsidence in August 2022 when the weather was warmer/dryer then showing signs of recovery from October 2022 through to February 2023, when the weather was wetter.
- 3.5.3 All the monitoring results can be viewed in the following tables.



Level Readings (Displayed in metres)

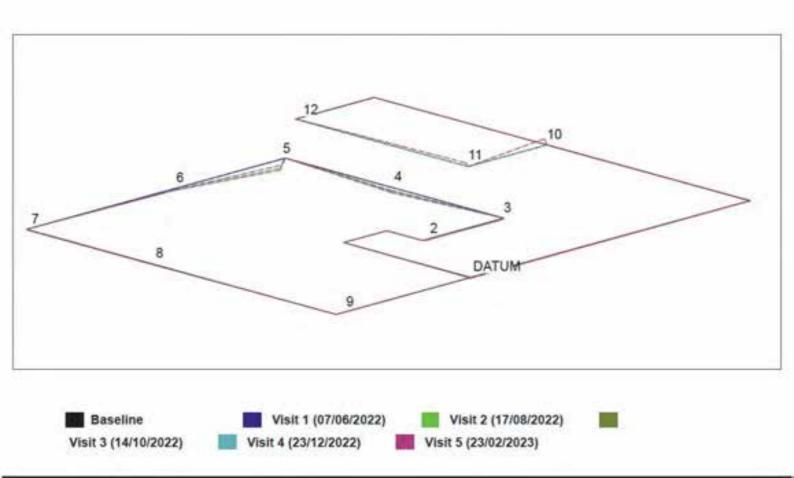
Visits	2	3	4	5	6	7	8	7 9
07/06/2022	10.0009	10.0033	9.9898	9,9904	10.0002	10.0021	10.0015	10.0000
17/08/2022	10.0005	10.0026	9.9832	9.9763	9.9977	10.0014	10.0008	10.0000
14/10/2022	9,9999	10.0015	9,9808	9.9730	9.9973	10.0016	10.0010	10.0000
23/12/2022	9.9997	10.0016	9.9828	9.9758	9.9977	10.0013	10.0003	10.0000
23/02/2023	9.9995	10.0017	9.9846	9.9808	9.9984	10.0014	10.0007	10.0000
Visits	10	11	12	DATUM				
07/06/2022				10.0239				
17/08/2022				10.0230				
14/10/2022				10.0229				
23/12/2022	9.9434	9.9009	9.9108	10.0229				
23/02/2023	9.9545	9.9058	9.9114	10.0229				

DATUM: Datum is level station 1, it has an assumed value of 10,0000m. No suitable remote datum available. If this is not suitable please advise if a deep datum is required.

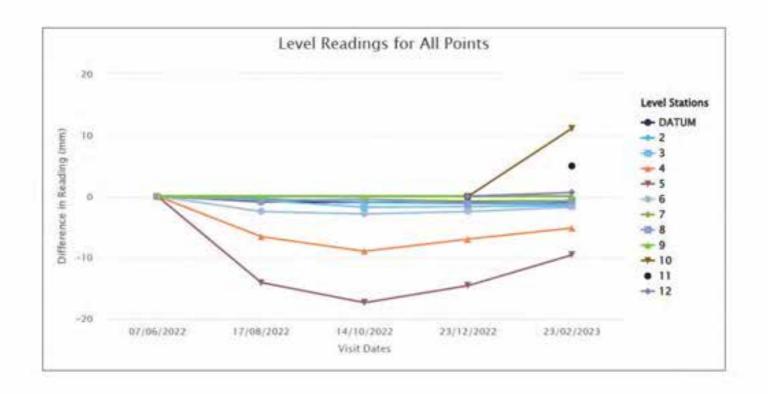
Level Reading	s Difference	(Displayed in	millimetres)					
Visits	2	3	4	5	6	7	8	¥ 9
07/06/2022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
17/08/2022	-0.40 ↓	-0.70 🔱	-6.60 🖖	-14,10 🔱	-2.50 ↓	-0.70 ↓	-0.70 🔱	0.00 =
14/10/2022	-0.60 ↓	-1.10 ↓	-2.40 ↓	-3.30 🔱	-0.40 ↓	0.20 个	0.20 个	0.00 =
23/12/2022	-0.20 ↓	0.10 个	2.00 个	2.80 个	0.40 个	-0.30 🕹	-0.70 ↓	0.00 =
23/02/2023	-0.20 ↓	0.10 个	1.80 个	5.00 个	0.70 个	0.10 个	0.40 个	0.00 =
Visits	10	11	12	DATUM				
07/06/2022				N/A				
17/08/2022				-0.90 ↓				
14/10/2022				-0.10 ↓				
23/12/2022	0.00 =	0.00 =	0.00 =	0.00 =				
23/02/2023	11.10 个	4.90 个	0.60 个	0.00 =				



Relative Movement (Relative Survey, for illustration purposes only)



Level Readings Chart



4. Status of the Trees

- 4.1 A Tree Preservation Order (TPO) and Conservation Area check was made in March 2022 with *East Cambridgeshire District Council*.
- 4.2 We are informed that the site is within the **Little Downham Conservation Area**.
- 4.3 Before any work is organised for trees with a stem diameter of above 75mm, a 'notice of intent' must be submitted to the Local Authority, outlining all the proposed works along with a suitable justification. A waiting period of six weeks is then required, during which time the Local Authority may or may not decide to afford the trees with further protective status. If, after the required timescale has lapsed and/or the authority does not wish to allocate a Tree Preservation Order (TPO), the works may commence as planned.
- 4.4 No work must be done to trees with a stem diameter of above 75mm until the above process has been completed and the trees have not been allocated with a TPO.

5. Tree Descriptions & Recommendations

- 5.1 Descriptions of the surveyed vegetation and all recommended work are detailed in the tables at **Appendix 1**.
- 5.2 Please refer to the site plan at **Appendix 2** for the locations of the vegetation surveyed and all the relevant site features.

6. Discussion

- 6.1 We have been informed by our client that the damage observed at the house is due to clay shrinkage caused by vegetation, with the damage to the garage being due to a combination of subsidence damage and mechanical damage.
- 6.2 Based on this information, having previously made a detailed survey of the site and having given due consideration to the information supplied, we remain satisfied that subsidence damage has occurred as a result of drying shrinkage caused by vegetation within influencing distance of the property.
- 6.3 We remain satisfied that the Poplar tree (identified as T2) remains the principal cause of the damage to the house, especially considering its size and the roots identified. In addition, T2 is also potentially contributing to the subsidence damage reported to the garage. To negate its influence on the house and garage, the only vegetation management option available is to remove T2 and treat its stump to prevent regrowth, as previously advised.
- 6.4 With regards to the damaged boundary wall, based on the species, the location, and the size of the adjacent hedge (H1), based on probability, these specimens are the most likely cause of the damage reported. It should also be noted that H1 could also be potentially contributing to the damage observed to the house and garage.
- 6.5 With regards to the damaged garage, as mentioned above, **T2** is likely to be contributing to this. However, considering the species, the size, and the location of **H1**, **T3** and **T4**, these trees are also likely to be contributing to the damage.
- To negate their influence on the boundary wall, the garage and the house, we have recommended the removal of **H1**, **T3** and **T4** (with the stumps of **T3** and **T4** being treated to prevent regrowth).
- 6.7 We consider the vegetation identified as **T5**, **T6** and **T7** to be of possible future concern to the subject property, if left unmanaged. We have therefore recommended that **T5**, **T6** and **T7** be maintained at their current height and spread over the forthcoming years. These works are only recommended as a precaution and are not considered a priority to resolve the damage observed at the subject property.
- 6.8 We have summarised all our tree specific recommendations in **Section 7** and made general recommendations in **Section 8**. The effect of these recommendations should be to prevent further damage by reducing the moisture uptake close to the problem area.

Summary of Tree Specific Recommendations

Item	Species	Recommended Action	Location	Planning Restriction
H1	Leyland Cypress	Remove to ground level.	95 and 97 Main Street	Conservation Area
T2	Poplar	Remove to ground level and treat the stump to prevent regrowth.	97 Main Street	Conservation Area
Т3	Lime	Remove to ground level and treat the stump to prevent regrowth.	97 Main Street	Conservation Area
T4	Cherry	Remove to ground level and treat the stump to prevent regrowth.	Subject Property	Conservation Area
T5	Copper Beech	Maintain at current height and spread over the forthcoming years.	Subject Property	Conservation Area
T6	Camperdown Elm	Maintain at current height and spread over the forthcoming years.	Subject Property	Conservation Area
T 7	Walnut	Maintain at current height and spread over the forthcoming years.	Subject Property	Conservation Area

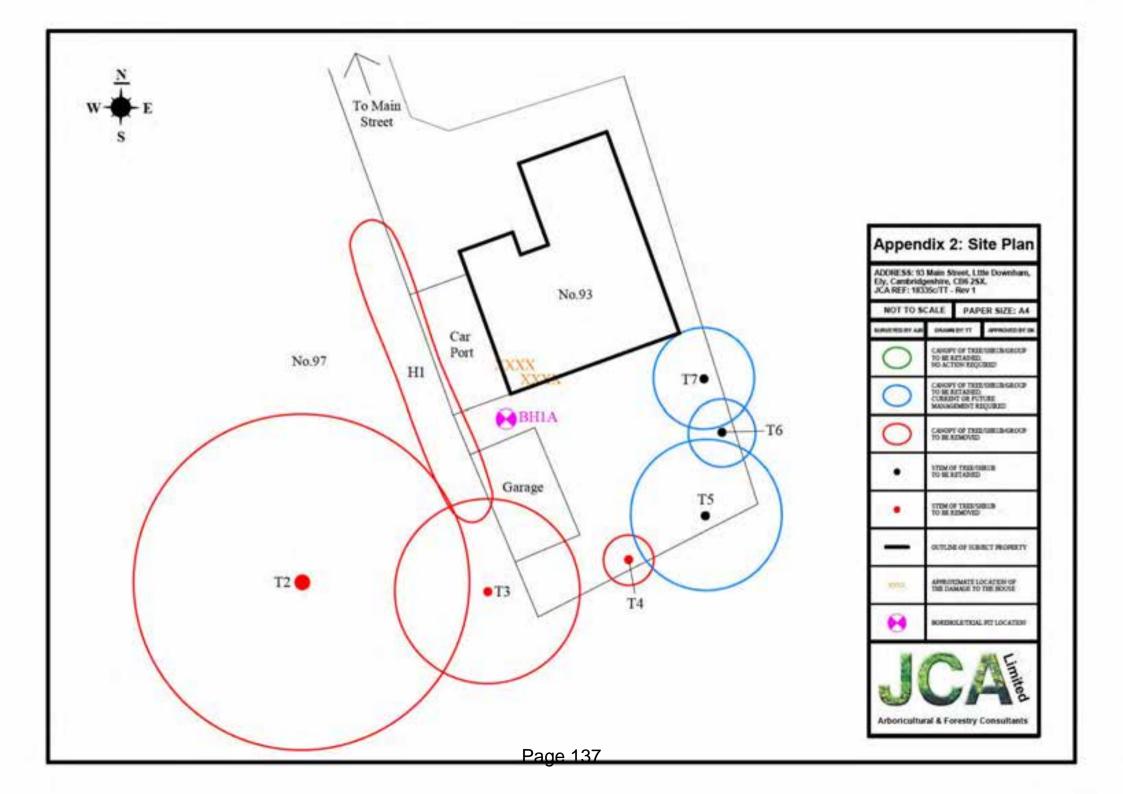
8. General Recommendations and Observations

- 8.1 This report is based upon a visual inspection. JCA Limited shall not be responsible for events which happen after this time due to factors which were not apparent at the time, and the acceptance of this report constitutes an agreement with the guidelines and the terms listed in this report.
- 8.2 All tree work must be carried out to BS 3998: 2010 'Recommendations for Tree Work'.
- 8.3 Any tree work should be carried out by qualified, experienced and skilled arboricultural contractors covered by adequate *public liability and employers liability insurance*. Any defects seen by a contractor or the employer that were not apparent to the consultant must be brought to the consultant's attention immediately.
- 8.4 The influence of trees on the soil and on buildings may change as they grow, as climate varies or as other changes occur in the local environment. It is therefore advisable to have trees inspected by JCA Limited annually.
- 8.5 That the project engineer considers all possible solutions which may not involve vegetation works, if there is a wider public or ecological interest in retaining the trees influencing the property.
- 8.6 The property and the damage should be monitored by the project engineer on a regular basis after the recommended tree works are complete.
- 8.7 If, after the works have been carried out, there is little improvement, this may mean that the situation cannot be rectified by arboricultural means alone. If this point is reached the situation must be reassessed in conjunction with other experts.
- 8.8 No liability can be accepted by the consultant in respect of the trees unless the recommendations of this report are carried out under their supervision and within their timescale.
- 8.9 That the project engineer considers the possibility of heave.

Appendices

Appendix 1

Tree Ref.	Age Common Name Botanical Name	Height (m)	Stem Diameter (cm)	Canopy Spread (m)	Owner / Occupier Observations	Condition	Distance to Property (m)	NHBC Water Demand	Life Expectancy (yrs)	Within Potential Influencing Distance	Root Identification Match	Contributing to Damage	Recommendations
Н 1	Early-mature Leyland Cypress X Cupressocyparis leylandii	To 7	To 20#	See plan	The Policy Holder has informed us that this hedge is located in the garden of 95 Main Street and 97 Main Street. A previously topped hedge. We are informed that these trees are now damaging the boundary wall.	GOOD	4 (house)	HIGH	20+	Yes	No	Likely	Remove to ground level.
Т 2	Mature Poplar Populus sp	25#	90#	20#	The Policy Holder has informed us that this tree is located in the garden of 97 Main Street. A large tree which could not be fully inspected due to off-site location.	GOOD	17#	HIGH	40+	Yes	Yes	Yes	Remove to ground level and treat the stump to prevent regrowth.
Т 3	Early-mature Lime Tilia sp.	14	40, 30#	12#	The Policy Holder has informed us that this tree is located in the garden of 97 Main Street. Twin-stemmed at 1m with a balanced crown. Not inspected doe to off-site location. We are informed that damage has now occurred to the garage.	GOOD	11# (house) 3# (garage)	MOD	40+	Yes	No	Likely	Remove to ground level and treat the stump to prevent regrowth.
Т 4	Semi-mature Cherry Prunus sp	6	15	3	Policy Holder Single-stemmed and vertical with a balanced crown. We are informed that damage has now occurred to the garage.	GOOD	10.2 (house) <3.5 (garage)	MOD	40+	Yes	No	Likely	Remove to ground level and treat the stump to prevent regrowth.
Т 5	Early-mature Copper Beech Fagus sylvatica 'Atropurpurea'	14	28	9	Policy Holder Single-stemmed and vertical with a balanced crown.	GOOD	9.5	MOD	40+	Yes	No	No	Maintain at current height and spread over the forthcoming years.
Т 6	Early-mature Camperdown Elm Ulmus glabra 'Camperdownii'	2.5	25	4	Policy Holder A tree with a weeping form.	GOOD	5.8	HIGH	40+	Yes	No	No	Maintain at current height and spread over the forthcoming years.
Т 7	Early-mature Walnut Juglans regia	5	25	6	Policy Holder Single-stemmed and vertical with a balanced crown. Previously crown reduced.	GOOD	3	MOD	40+	Yes	No	No	Maintain at current height and spread over the forthcoming years.



Appendix 3: Author Qualifications

Principal Consultant and Managing Director

Jonathan Cocking *F.R.E.S., Tech. Cert. (Arbor.A), PDipArb (RFS) FArborA CBiol MSB. MICFor.* Jonathan is a Registered Consultant and Fellow of the Arboricultural Association and sits on its Professional Committee. He has 31 years' experience in the Arboricultural profession and served for eight years as Senior Arboriculturist with a large local authority before establishing JCA in 1997. Jonathan has since developed JCA's portfolio of services and its extensive client base. He is a Chartered Biologist, a Chartered Arboriculturalist and an Expert Witness with much experience of litigation work.

Technical Director

Toby Thwaites *BSc (Hons), HND (Arboriculture), MArborA.* Toby joined JCA in 1998 after graduating in Ecology at the University of Huddersfield and has since graduated in Arboriculture at the University of Central Lancashire. A former JCA team leader and Consulting Arboriculturist, Toby is now Technical Director and oversees all office and on-site activities at JCA and is on hand to offer technical support and advice.

Operations Director

Charles Cocking *FdSc* (*Arboriculture*), *MArborA*. Charles joined JCA in January 2014 having previously worked for the company on a part time basis during 2013. Charles obtained his Foundation Degree in Arboriculture at Askham Bryan College, York, and is a Professional Member of the Arboricultural Association. Charles now oversees all internal operations for the company.

Consulting Staff: Arboriculture

Andrew Bussey. Andrew started working in consultancy at JCA in 2006 having spent 12 years working as an arborist for various private companies before joining a Local Authority forestry team. He has various NPTC qualifications, is QTRA qualified and is a LANTRA Accredited Professional Tree Inspector.

Emily Wilde FdSc (Arboriculture). Emily joined JCA having previously worked for various private tree surgery and consultancy companies over the past 8 years. She initially obtained a ND in Forestry & Arboriculture, followed by a FdSc in Arboriculture at Askham Bryan College, York. Emily has various NPTC certificates and is QTRA qualified.

Mick Eltringham *ND (Forestry)*. Mick joined JCA after spending 12 years working in the industry for various private companies in the north and south of England. He has also spent the last five years working as a consultant for two canopy research projects in the Amazon Rainforest, working with Oxford University and the University of Arizona. He has various NPTC Qualifications.

Dan Kemp FdSc (Arboriculture). Dan joined JCA with nearly 30 years' experience in arboriculture. He worked as a London Tree Officer for 12 years and in several arboricultural and horticultural management posts, specialising particularly in tree risk assessments and tree related subsidence.

Luke Wickham *FdSc* (*Arboriculture and Urban Forestry*). Luke joined JCA in 2021 after obtaining his Foundation Degree in Arboriculture and Urban Forestry at Askham Bryan College. Having previously worked within the industry for the past 4 years, running his own small business and sub-contracting for local firms, Luke brings a sound knowledge and understanding of the practical and academic sides of the industry.

Matt Large *DipArb L4 (ABC) TechArborA*. Matt is based in Northampton and assists JCA by undertaking surveys in the south of the country. He has been involved in the arboricultural sector since 1996 and obtained a Level 4 Diploma in Arboriculture in 2011. Matt is a LANTRA Accredited Professional Tree Inspector.

Jonnie Setterfield BSc (Hons) MArborA. / Richard Daubeny Level 3 Arboriculture / Peter Wilkins BA (Hons) MArborA MIEnvSc. Jonnie, Richard and Peter are based in the south-east of the UK and assist JCA by undertaking surveys in the south of the country.

Administrative Staff

Catherine Cocking Accounts Manager. Kelly Saunders Accounts Assistant.

Lorraine Spink Administrative Assistant. **Lisa Beedham** Marketing Manager.

We hope that this report provides all the necessary information, but should any further advice be needed please do not hesitate to contact the author.

The contents of this report are true to the best of our knowledge and belief.

Signed

Toby Thwaites BSc (Hons), HND (Arboriculture), MArborA..

2nd May 2023

For and on behalf of JCA Ltd

Registered Office

Unit 80 Bowers Mill Branch Road Barkisland Halifax HX4 0AD



www.jcaac.com

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JCA Ltd. Arboricultural and Ecological Consultants Professional Tree and Ecology Advice nationwide

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- Arboricultural Implication Assessments (AIA)
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- . Tree Root Identification

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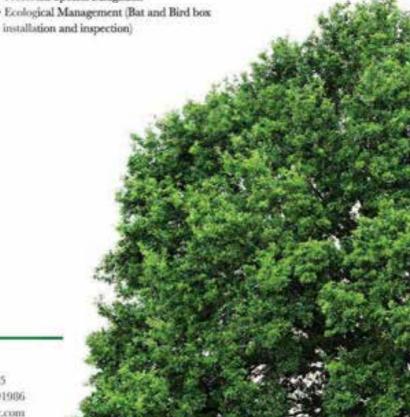
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- · Great Crested Newt eDNA Sampling
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- · Preparation for Environmental Impact Assessment (EIA)
- · Invasive Species Surveys
- Code for Sustainable Homes

Ecological Post-Planning Services

- · Biodiversity Enhancement Plans
- Protected Species Mitigation Ecological Management (Bat and Bird box

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HEAD QUARTERS;

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Appendix 4





Part 1: Amenity Assessment

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so

FAIR Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse

POOR Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult

DEAD Tree with no indication of life

DYING Trees showing very little signs of life or remaining vitality, or with severe,

DANGEROUS irremediable structural defects, including advanced decay and insecure roothold.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

b) Retention span

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection.

Sub-total 1

The prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes: Any 0 equating to do not apply TPO - 1-6 equating to TPO indefensible

d) Other factors

Only one score should be applied per tree (or group):

• 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups

- 'Members of groups of trees that are important for their cohesion' This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero-score disqualification (under part 3).

Sub-total 2

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' for example, survey identifies tree standing on a potential infill plot However, central government advice is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- <u>1-6 TPO indefensible</u> This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO This covers trees which have qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- <u>16+ Definitely merits TPO</u> Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Post	al Address/Location	97 M	ain Street Little Downham Ely Cambridgeshire CB6 2SX
Date:	06/04/2025	Surveyor:	Kevin Drane

DESCRIPTION OF TRE	E(S) – Please continue on separate sheet if needed	
Category	Description (incl. species)	Situation
T1	Lime – twin stemmed from 2.5m, crown weighted to southeast due to large Poplar nearby, good health/vigour, no significant defects visible when visited	In rear garden approx. 6m from boundary as per plan

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes

T1 = 3 due to being crown suppressed on northern aspect by neighbouring Poplar that is due for removal

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes

T1 = 4 approximately 30-40 years old, max possible life expectancy 400years

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees Highly suitable Suitable 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only Suitable 2) Young, small, or medium/large trees visible only with difficulty Barely suitable 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes

T1 = 3 currently screened by large Poplar that is due for removal

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- -1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

T1 = 1 though it will have some habitat importance within the garden due to scale and being native species

^{*} Relates to existing context and is intended to apply to severe irremediable defects only

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

T1 = 5 S211 notice expired and identified for removal vie subsidence report though not directly linked to the damage.

Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible just
16+	Definitely merits TPO

Add Scores for Total: T1 = 16 Merits TPO

Decision:

Request subsidence company reconsider action but serve TPO if they refuse.

Dated: 23rd June 2025 TPO/E/04/25

TOWN AND COUNTRY PLANNING ACT 1990

TREE

PRESERVATION

ORDER

Relating to: - 97 Main Street Little Downham Ely Cambridgeshire CB6 2SX

Printed and Published by:

East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE

ORDER.TPO

TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

TREE PRESERVATION ORDER

Town and Country Planning Act 1990 The Tree Preservation Order at 97 Main Street Little Downham Ely Cambridgeshire CB6 2SX, TPO/E/04/25 2024

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order at 97 Main Street Little Downham Ely Cambridgeshire CB6 2SX, TPO/E/04/25 2024

Interpretation

- 2. (1) In this Order "the authority" means the East Cambridgeshire District Council
 - (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

- **3.** (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
 - (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Signed on behalf of the East Cambridgeshire District Council Authorised by the Council to sign in that behalf CONFIRMATION OF ORDER This Order was confirmed by East Cambridgeshire District Council without modification on the day of OR This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by , on the day of Authorised by the Council to sign in that behalf DECISION NOT TO CONFIRM ORDER A decision not to confirm this Order was taken by East Cambridgeshire District Council on the day of Authorised by the Council to sign in that behalf VARIATION OF ORDER This Order was varied by the East Cambridgeshire District Council on the day of under the reference number Authorised by the Council to sign in that behalf REVOCATION OF ORDER This Order was revoked by the East Cambridgeshire District Council on the day of under the reference number Authorised by the Council to sign in that behalf

Dated this 23rd day of June 2025

SCHEDULE SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map Description Situation

T1 Lime Tree In rear garden approx. 6m

from boundary as per plan

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map Description Situation

NONE

Groups of trees

(within a broken black line on the map)

Reference on map Description Situation

(including number of trees in

the group)

NONE

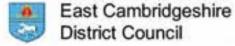
Woodlands

(within a continuous black line on the map)

Reference on map Description Situation

NONE





Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012

> TREE PRESERVATION ORDER No. E/04/25

> > 97 Main Street Little Downham Ely Cambridgeshire CB6 2SX

> > > T1 - Lime

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE D.Morren Planning Manager

The tree locations are indicative and may not reflect the exact locations

Date: 18/06/2025

Scale: 1:600



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Planning Performance – October 2025

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

All figures include all types of planning applications.

Determinations

	Total	Major	Minor	Householder	Other	DIS	Trees	Pre App
						/NMA		
Determinations	141	4	18	30	17	36	36	21
Determined on		100%	95%	97%	100%	72%	100%	n/a
time (%)		(90% within	(80% within	(90% within 8	(90% within	(80% within	(100% within	
(1.5)		13 weeks)	8 weeks)	weeks)	8 weeks)	8 weeks)	8 weeks)	
Approved	128	4	16	27	11	34	36	n/a
Refused	13	0	2	3	6	2	0	n/a

Validations – 99% validated within 5 working days (ECDC target is 85%)

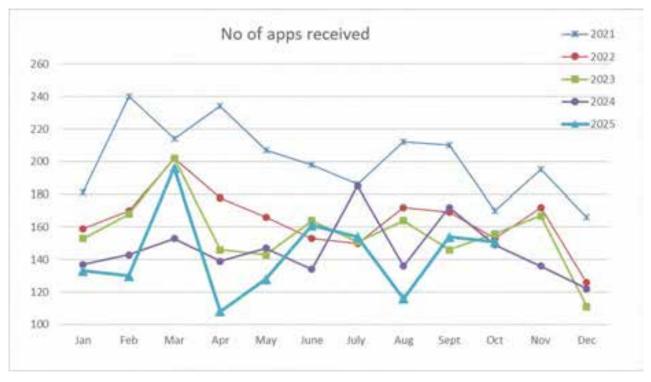
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Validations	150	2	14	34	15	24	47	14

Open Cases by Team (as at 21/11/2025)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
Team North (5 FTE)	149	9	34	28	22	43	0	13
Team South (6 FTE)	126	11	21	26	21	34	0	13
No Team (3 FTE)	50	0	1	2	5	1	40	1

(No Team includes – Trees Officer and Conservation Officer)

The Planning department received a total of 151 applications during October which is a 1% decrease of the number received during October 2024 (149) and a 2% decrease to the number received during September 2025 (154).



PL080622 Page Rd 1 1 5 m 8 - page 1

Valid Planning Appeals received during October, currently with The Planning Inspectorate for decision– 2

Appeal reference	Site address	Decision Level *
25/00030/REFAPP	Possenhofen 21D Cannon Street Little Downham	DEL
25/00031/REFAPP	Britannia 5 Kirtling Road Saxon Street Newmarket	DEL

Appeals decided – 3

Appeal reference	Site address	Decision *
25/00008/REFAPP	Land East Of 19 Station Road Fordham	APPWIT
25/00010/REFAPP	Old Orchard House 1B Upton Lane Littleport	ALLOW
25/00007/REFAPP	6 Mulberry Close Bottisham	ALLOW

Upcoming Hearing dates - 0

Enforcement

New Complaints registered – 19 (1 Proactive) Cases closed – 35 (4 Proactive) Open cases per Officer (2.6fte) – 134 (16 Proactive)/2.6fte = 51 FTE

Notices served - 1

Comparison of Enforcement complaints received during October

Code	Description	2024	2025
ADVERT	Reports of unauthorised adverts		2
COND	Reports of breaches of planning conditions	5	2
CONSRV	Reports of unauthorised works in a Conservation Area		
DEM	Reports of unauthorised demolition in a Conservation Area		
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act		1
LEGOB	Legal Obligation monitoring		
LEGOR	Legal Obligation report		
LISTED	Reports of unauthorised works to a Listed Building	3	1
MON	Compliance Monitoring		1
OP	Reports of operational development, such as building or engineering works	9	4
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	1	
PLAN	Reports that a development is not being built in accordance with approved plans		4
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions		1
TRECON	No notice of tree works in a Conservation area		
TREHDG	Hedgerow Regulations breach		
TRETPO	Unauthorised works to TPO tree	0	
UNTIDY	Reports of untidy land or buildings harming the visual amenity		1
USE	Reports of the change of use of land or buildings	2	2
	TOTAL	20	19

* Code descriptions:

DIS	Discharge of Condition	DISMISS	Appeal Dismissed
NMA	Non material Amendment	ALLOW	Appeal Allowed
COMM	Committee Decision	NONDET	Appeal for non determination

DEL	Delegated Decision	APPWIT	Appeal withdrawn