



EAST CAMBRIDGESHIRE  
DISTRICT COUNCIL

# East Cambridgeshire Local Plan – Single Issue Review (SIR) Proposed Submission Stage Response Form

PLEASE USE BLACK INK TO COMPLETE THIS FORM  
Please refer to 'Guidance notes on completing the Representation Form'

From 3 May to 13 June 2022, you can make representations on the soundness and legal compliance of the proposed submission Single Issue Review of the Local Plan. **All comments must be received by 11:59pm on 13 June 2022.** Responses made at this stage will be treated as formal representations and considered by an independent Planning Inspector: late submissions are unlikely to be considered by the Inspector.

Where possible, we prefer you to use this form when submitting your comments. This allows you to type your comments next to the policy or paragraph that you want to comment on. If you need any help in completing this form, please read the guidance note available on our website which explains how to make comments and how any comments will be dealt with. Please send your completed form either via email or through the post.

## PART A: YOUR DETAILS

|  |   |
|--|---|
| <b>Data Protection and Freedom of Information</b><br>All personal information that you provide will be used solely for the purpose of the consultation on the documents listed in this form. Please note that each comment and the name of the person who made the comment will be featured on our website - comments will not be confidential. Full comments, including addresses, will also be available to view on request. <b>By submitting this response, you are agreeing to these conditions.</b> |   |
| Name: <b>Cambridgeshire County Council (Strategic Assets Team)</b>   | Agent (if applicable): <b>Carter Jonas LLP</b>                        |
| Organisation (if applicable):  | Name: <b>Brian Flynn</b>  |
| Address: <b>c/o Agent</b>  | Address: <b>Carter Jonas LLP<br/>One Station Square<br/>Cambridge</b> |
| Postcode:  | Postcode: <b>CB1 2GA</b>  |
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| Tel:   | Tel: <b>[REDACTED]</b>  |
| <b>Signature: Carter Jonas on behalf of Cambridgeshire County Council (Strategic Assets Team)</b>  | <b>Date: 13/06/22</b>   |

We will send all correspondence by email if you provide us with your email address. If Agent details are provided, we will send all correspondence to them.

Do you wish to be notified of any of the following? (Please tick as appropriate)

- The Submission of the Local Plan for independent examination:
- The Publication of the Inspector's Report:
- The Adoption of the Local Plan:

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and any suggested change. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies**

**If you need assistance please call 01353 665555  
Please email completed forms to [planningpolicy@eastcambs.gov.uk](mailto:planningpolicy@eastcambs.gov.uk) or post to:**



EAST CAMBRIDGESHIRE  
DISTRICT COUNCIL

## East Cambridgeshire Local Plan – Single Issue Review (SIR)

for examination.

### PART B: QUESTIONS

ONE FORM SHOULD BE COMPLETED FOR EACH REPRESENTATION

Q1. To which part of the SIR Local Plan or Sustainability Appraisal (SA) does this representation relate?

**Paragraph Section 2 (Paragraphs 2.1 to 2.4)**

Q2. Do you consider the following to be legally compliant?

|                               |                              |                             |                                     |
|-------------------------------|------------------------------|-----------------------------|-------------------------------------|
| SIR Local Plan                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Don't know <input type="checkbox"/> |
| Sustainability Appraisal (SA) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Don't know <input type="checkbox"/> |

Q3. Do you consider the SIR Local Plan is:

|   |                              |  |                                     |
|---|------------------------------|--|-------------------------------------|
| Positively Prepared                       | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Don't know <input type="checkbox"/> |
| Justified                                 | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Don't know <input type="checkbox"/> |
| Effective                                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | Don't know <input type="checkbox"/> |
| Consistent with national policy           | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Don't know <input type="checkbox"/> |
| In compliance with the Duty to Co-Operate | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | Don't know <input type="checkbox"/> |

Q4. If you answered 'No' to question 2 or 3 above, please give details below. Please be as precise as possible and follow guidance in our note 'Guidance notes on completing the Representation Form'. You can also use this box to set out your representation if you support the SIR Local Plan or SA.

**Section 2 of the Proposed Submission SIR seeks to explain why the document is needed. In summary, based on the findings of the Second Review of the East Cambridgeshire Local Plan (April 2020), it was concluded that the housing requirement needed to be updated. As a consequence the SIR seeks to only update the housing requirement contained in Policy GROWTH 1 of the adopted East Cambridgeshire Local Plan, and no other policies. It is noted that Paragraphs 3.29 to 3.31 of the Second Review considered whether Policy GROWTH 2: Locational Strategy needed to be updated, and it was concluded that that an update of this policy was not required.**

**As set out below, there are two recent appeal decisions in East Cambridgeshire which are relevant to the scope of SIR, one appeal that indicates that Policy GROWTH 2 and Policy GROWTH 4 are out of date, and another appeal that identifies a significant need for affordable housing and an acute need for housing for older persons and extra care accommodation. It is considered that these appeal decisions should have led to a reassessment of the conclusions in the Second Review, in order to determine whether Policy GROWTH 2 and Policy GROWTH 4 should be updated too, and whether the proposed housing requirement in revised Policy GROWTH 1 should be adjusted to address affordable and older person housing needs.**

**The appeal by Persimmon Homes East Midlands at land to the north east of Broad Piece, Soham (Appeal Ref: APP/V0510/W/21/3282449) for a development of 175 dwellings was allowed in February 2022 – the appeal decision is attached to these representations in Appendix 1. Paragraphs 14 to 18 of the appeal decision are relevant to the SIR because they provide the Appeal Inspector's findings about whether other policies from the adopted East Cambridgeshire Local Plan are out of date or not. The Appeal Inspector concluded that Policy GROWTH 2 and Policy GROWTH 4 were out of date for the purposes of this appeal. It would be an inconsistent outcome for an appeal involving major development to conclude that two strategic policies are out of date, but for those same policies to remain unchanged when there is a review process taking place as part of the SIR. Policy GROWTH 2 and Policy GROWTH 4 will remain out of date, and there is no timetable for their review. It is considered that this appeal decision should have led to a reassessment of the conclusions in the Second Review, and Policy GROWTH 2 and Policy GROWTH 4 should also be updated as part of the review process.**

The appeal by Axis Land Partnerships Limited at land at 163-187 High Street, Bottisham (Appeal Ref: APP/V0510/W/21/3282241) for a retirement care village and affordable housing was dismissed in April 2022. – the appeal decision is attached to these representations in Appendix 2. Paragraphs 58 and 59 of the appeal decision highlight the affordable housing needs and delivery in East Cambridgeshire, and identifies a significant need for affordable housing, poor delivery of affordable housing that has led to a significant shortfall, and persistent under-delivery of affordable housing during the last 10 years. Paragraphs 62 to 66 of the appeal decision firstly confirms that Policy GROWTH 1 does not address the needs for older persons or extra care accommodation and is inconsistent with national policy and guidance in this regard, and secondly highlights the increasing need for older persons housing and the current shortfall in extra care accommodation. It is considered that this appeal decision should have led to a reassessment of the conclusions of the Second Review, followed by amendments to updated Policy GROWTH 1 to address affordable housing needs, the housing needs of older persons, and extra care accommodation; as set out in the representations to Section 4 and Proposed Change 4 the housing requirement should be subject to upward adjustments to address affordable housing needs.

Q5. If you answered 'No' to question 2 or 3 above, please set out what change(s) you consider necessary, and why, to make the SIR Local Plan or SA legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text. Please be as precise as possible.

**It is requested that, for the reasons set out above and based on findings from the recent appeal decisions in Soham and Bottisham, the following amendments are made to Section 2 of SIR:**

- **The conclusions of the Second Review (April 2020) are reassessed to reflect the findings of the Soham and Bottisham appeal decisions, and in particular the paragraphs in those decisions referred to in Question 4 above;**
- **To update Policy GROWTH 2 and Policy GROWTH 4 of the adopted East Cambridgeshire Local Plan because those policies are also out of date (as determined in the Soham appeal) and should be part of the current review process;**
- **To reassess the housing requirement in Policy GROWTH 1 to ensure it meets affordable housing, older persons housing, and extra care accommodation needs (as identified in the Bottisham appeal), so that it is consistent with Paragraphs 60 and 62 of the NPPF.**

Q6. It is important to note that written and oral representations carry exactly the same weight and will be given equal consideration in the examination. As such, do you consider it necessary to participate at the oral part of the examination?

**Yes I do wish to participate at the oral examination**

*THANK YOU FOR TAKING TIME TO RESPOND*

**If you need assistance please call 01353 665555**

**Please email forms to: [planningpolicy@eastcambs.gov.uk](mailto:planningpolicy@eastcambs.gov.uk)  
Or post to: Local Plan Consultation, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7 4EE**

(Office only) Ref:.....

**APPENDIX 1**

**Appeal Decision**

**Land to the north east of Broad Piece, Soham (Appeal Ref: APP/V0510/W/21/3282449)**



## Appeal Decision

Inquiry held on 11-14 January 2022

Site visit made on 14 January 2022

**by Michael Boniface MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> February 2022

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**Appeal Ref: APP/V0510/W/21/3282449**

**Land to the North East of Broad Piece, Soham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Persimmon Homes East Midlands against the decision of East Cambridgeshire District Council.
  - The application Ref 19/00717/OUM, dated 16 May 2019, was refused by notice dated 8 March 2021.
  - The development proposed is up to 175 dwellings and associated infrastructure.
- 

### Decision

1. The appeal is allowed and planning permission is granted for up to 175 dwellings and associated infrastructure at Land to the North East of Broad Piece, Soham in accordance with the terms of the application, Ref 19/00717/OUM, dated 16 May 2019, subject to the conditions contained in the attached Schedule.

### Applications for costs

2. At the Inquiry applications for costs were made by East Cambridgeshire District Council against Persimmon Homes East Midlands and by Persimmon Homes East Midlands against East Cambridgeshire District Council. These applications are the subject of separate Decisions.

### Preliminary Matters

3. The application is submitted in outline with all matters reserved for subsequent consideration except for the access into the site. This is the basis upon which I have considered the appeal.
4. Before the exchange of evidence, the Council confirmed that it no longer had concerns about transport and highways; flooding and drainage; or the effect on the character and appearance of the area. As such, it did not provide evidence on these topics and opted not to defend its second, third and fourth reasons for refusal.
5. At the case management conference preceding the Inquiry, the main issue in this case was identified. However, in addition to addressing this matter, the appellant provided written evidence dealing with affordable housing; custom/self-build; design; drainage; and transport. Witnesses were made available at the Inquiry by the appellant but none of this evidence was challenged by the Council and it did not seek to cross examine on these topics,

nor did any interested parties opt to ask questions. As such, it was not necessary to call these witnesses for oral evidence and the unchallenged written evidence has been taken into account.

6. The Government published its 2021 Housing Delivery Test (HDT) results on 14 January 2022, to be applied from the following day. As these results had not been known before the Inquiry closed, the parties were given the opportunity to comment in writing and their responses have been taken into account.
7. A signed and executed version of the S106 agreement securing planning obligations was received after the Inquiry, in accordance with an agreed timetable. I deal with this later in my decision.

### **Main Issue**

8. The main issue is whether the site is a suitable location for the proposed residential development, having regard to planning policy.

### **Reasons**

9. The development plan, so far as it is relevant to the appeal proposal, comprises the East Cambridgeshire Local Plan (April 2015) (ECLP) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) (M&WLP). Policy GROWTH 1 of the ECLP expects the delivery of some 11,500 dwellings in East Cambridgeshire during the plan period, with the balance of the need (some 1,500) being met by neighbouring authorities under the duty to cooperate.
10. ECLP Policy GROWTH 2 provides the locational strategy for delivering the expected growth in the district. The majority of development is to be focused on the market towns of Ely, Soham and Littleport. Development is supported within defined development envelopes and strictly controlled outside of these envelopes, having regard to the need to protect the countryside and setting of towns and villages.
11. Policy GROWTH 4 of the ECLP explains that sites will be allocated for the delivery of approximately 6,500 dwellings on the edge of towns and villages and includes a list of allocations for Soham. The supporting text refers to broad locations on the edge of key settlements as potential sources of housing supply. These are identified in a key diagram and there is no disagreement between the parties that the appeal site falls within one such area.
12. Although broad locations are said to be indicative, supply is anticipated from these areas in the later part of the plan period. Indeed, some 1,800 dwellings contributing to the supply identified in the ECLP is expected at the broad locations. Therefore, the supporting text is an important consideration in this case that assists with interpretation of the policy. It is intended that the specific site boundaries will be identified through the next Local Plan review but this is yet to occur and the Council abandoned its last attempt to prepare a new Local Plan during the latter part of the examination process.
13. It is agreed between the parties that policy GROWTH 1 is out of date since the plan is now more than five years old and the identified housing requirement can no longer be relied upon. The Council is now pursuing a Single Issue

Review of the ECLP but this is at a relatively early stage of preparation and the Council accepts that it should attract very little weight at this time.

14. There was much debate during the Inquiry as to whether policies GROWTH 2 and GROWTH 4 should also be considered out of date for the purposes of this appeal. Based on the evidence put to me there is little doubt in my mind that they should. Policy GROWTH 2 is a locational strategy predicated on delivering the housing requirement contained in out-of-date policy GROWTH 1. This requirement cannot be relied upon and the amount of housing now needed in the district within this plan period to 2031 is uncertain, as is the question of whether the need can be accommodated within existing settlement envelopes and/or whether sufficient housing allocations exist. The Council's planning witness accepted during cross examination that it would be wrong to assume what the locational strategy should be without knowing the new housing requirement and I agree.
15. What is known, is that the balance of the need identified at the plan making stage will no longer be accommodated by adjoining authorities. In addition to that balance of 1,500 homes that the plan does not seek to deliver, there has been a significant shortfall against the ECLP housing requirement to date, meaning that the plan cannot be said to have been effective in delivering the anticipated housing need to date.
16. Whilst there is no dispute that for the purposes of calculating housing land supply, the standard method should now be used and that this seeks to address past shortfalls, that does not make the hefty shortfalls against the ECLP requirement immaterial. It is, in my view, an important indication that the ECLP has not been effective in meeting housing needs since the beginning of the plan period and casts further doubt as to whether the Council's locational strategy can be relied upon to significantly boost housing delivery in line with the National Planning Policy Framework (the Framework). The latest HDT results, whilst showing an improved position in the district, still indicate that sufficient housing has not been delivered over the past three years, as has been the case in this district against previous HDT results published by the Government.
17. Continued strict application of policy GROWTH 2 would be likely to worsen this situation. Whilst the general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework, the policy can no longer be considered up to date because it can no longer be said that sufficient housing can and will be accommodated within the defined settlement envelopes. This is particularly so when the plan itself anticipated that development outside of the envelopes would at some point be needed within the plan period, at the broad locations identified. This must reduce the amount of weight that is placed on conflict with the policy.
18. Similarly, policy GROWTH 4 only makes allocations with the objective of delivering against the out-of-date housing requirement. The past shortfalls in delivery against the plan requirement are indicative that the allocations are not meeting housing needs and may be insufficient. Even if the Council can currently demonstrate a deliverable housing land supply in the region it suggests against its Local Housing Need, that does not make the long-term strategy of the ECLP any more reliable when it comes to housing delivery.

19. The parties agree that there are a large number of policies relevant to this appeal but there is great disparity about which policies are most important for determining the application, or the appeal in this case. There is, in my view, an important distinction between a policy being relevant and a policy being 'most important' in the context of the Framework.
20. In this case, there are a number of general policies in the development plan that are applicable to proposals involving housing and that should be taken into account. However, the real question in this case is whether the proposed housing development is acceptable in principle. That is a question that can only be answered by reference to the policies discussed above, albeit within the context of considering the development plan as a whole, with its many other relevant policies. For this particular proposal, policies GROWTH 1, GROWTH 2 and GROWTH 4 are the most important for determining the case in that they together set out the amount and locational strategy for the delivery of housing, including restricting development outside settlement envelopes. They are all out of date for the reasons I have set out and so the Framework's presumption in favour of sustainable development applies.
21. I recognise that previous Inspectors have concluded differently, finding that policies GROWTH 2 and GROWTH 4 are not out of date. I have no doubt that this was the case at the time they considered them and in the context of the cases they were dealing with, which were not at a market town. However, the decisions highlighted by the parties were now some time ago and I must consider circumstances as I find them now<sup>1</sup>. I do not know what evidence was presented to the Inspectors in those cases but it can be expected that the pertinent issues were tested to a greater degree through this Inquiry than would have been the case as part of the hearings procedure followed there. In this case, I have been presented with evidence from the appellant seeking to persuade me to take a different view, including detail of the very small number of houses granted planning permission as exceptions to Policy GROWTH 2 in recent years. Based on the evidence that I have seen and having considered this appeal proposal on its own merits, a different conclusion is now warranted.
22. The only policy with which the Council suggests a conflict is GROWTH 2 and the appellant accepts that to be the case. There can be no other conclusion, given that the appeal site is located outside of the development envelope and the proposed housing scheme does not fall within the defined list of exceptions. I will come on to consider this policy conflict in the round, later in this decision.

## **Other Matters**

### *Housing land supply*

23. Much time was taken up at the Inquiry discussing the potential contribution of individual sites to the Council's housing land supply but given the small deficit identified by the appellant against the requisite five-year requirement it is not necessary for me to consider more than a couple of matters in my decision.
24. I do not accept the appellants argument that a windfall allowance should only be made at years four and five of the Council's supply. The evidence available to the Inquiry clearly demonstrates a healthy past provision of windfall sites in the district, far exceeding the 50dpa that the Council seeks to include at years

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<sup>1</sup> APP/V0510/W/20/3245551, APP/V0510/W/18/3213834 and APP/V0510/W/19/3227487



three, four and five<sup>2</sup>. No provision is made for years one and two so as to avoid double counting, given that any schemes likely to deliver in those years would likely already have planning permission and be included in the supply on that basis. The evidence suggests that further sites could well be identified and begin to deliver by year 3 and does not indicate any likelihood of the number of windfall sites diminishing. As such, it seems to me that the windfall allowance suggested by the Council is a realistic, reasonable and robust one.

25. One of the sites in dispute between the parties is at Stanford Park, Burwell (Ref. 50028) and involves a scheme for up to 91 mobile homes. The Council expects that 64 of these will be delivered in the five-year period. The development has detailed planning permission and so, in accordance with the Framework, should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. In this case, there has been clear progress on site in implementing the planning permission with works to construct an internal road. There is also up to date evidence from the developer which the Council has had regard to in concluding on the likely supply from this site. Although the developer has identified some supply issues resulting from the pandemic and acknowledges that mobile homes are generally slower to sell than traditional housing, this is allowed for in the Council's modest trajectory. Having commenced development, there is more than a realistic prospect that 64 units can be delivered in the five-year period and there is no clear evidence before me to indicate otherwise.
26. My conclusion in relation to these two matters means that 114 units should be added to the supply suggested by the appellant. Consequently, the Council can demonstrate a deliverable five-year housing land supply, whichever of the calculations put to me are applied, noting that there was some disagreement on the correct inputs. For the purposes of this appeal, it is not necessary for me to determine the exact housing land supply figure beyond the requisite five years.

#### *Other considerations*

27. Many local people raised concerns about the potential impact of the development on local highways. This is a topic addressed extensively in written evidence, including in a comprehensive Transport Assessment. It has been demonstrated that the scheme can be accommodated without material harm to highway safety or capacity, with a range of highway improvements and mitigation proposed as part of the development. As part of the works, a section of Broad Piece would be widened within the highway boundary. This would result in the loss of a small strip of land currently used by some residents for parking but would not materially impact on highway safety. Residents would continue to have sufficient space to pull clear of the carriageway and greater opportunities for on-street parking are also likely to be available after road widening. No conflict with policies COM 7 or COM 8 of the ECLP would result in so far as they seek to avoid highway safety and capacity issues.
28. I have had careful regard to concerns about flooding and drainage. The submitted Flood Risk Assessment demonstrates that the scheme can be accommodated without increasing flood risk to surrounding properties. I acknowledge the reservations of some interested parties and the past issues

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<sup>2</sup> Five Year Land Supply Report

that have been experienced, but that does not mean that a suitable scheme cannot be achieved. Indeed, appropriate drainage provision that controls surface water run-off may assist in improving the current situation. The scheme is currently in outline with much of the detail yet to be designed. What is clear, having regard to the evidence submitted and the comments from the Lead Local Flood Authority, is that a suitable drainage scheme can be achieved and the subsequent detail can be secured by planning condition. The scheme would accord with policy ENV 8 of the ECLP.

29. A Landscape and Visual Impact Assessment considers the likely landscape and visual effects of the scheme and concludes that no significant harm would result. Although there would be an inherent loss of agricultural land and countryside, the site is very well contained by existing built form and I concur that the effects on the character and appearance of the area would be very small indeed. There would be no conflict with ECLP policy ENV 1.
30. The site would be close to a sewage treatment works, though the indicative masterplan indicates that houses could be sited away from this area, with intervening open space. An Odour Assessment determines that suitable living conditions would be achieved for future residents. There would be no conflict with Policy 16 of the M&WLP or ENV 9 of the ECLP.
31. Generally, as a ploughed field, there would be limited impact on biodiversity resulting from the scheme and it has been demonstrated that an overall biodiversity net gain would result from the measures to be incorporated into the scheme. The submitted wildlife surveys identify the presence of a bat in the garage building to be demolished for access to the site but improvements to hedgerows and new greens spaces would be likely to provide some mitigation for this loss of habitat. A protected species licence will need to be obtained from Natural England before any disturbance takes place.
32. Some noise and disturbance would be likely to result from the development, affecting neighbouring occupants. However, this would be a relatively short-term impact during construction. Once complete, the residential development would be compatible with the surrounding, predominantly residential land uses. Given the outline nature of the scheme the ultimate layout of the proposed houses is not yet known but it is clear from the indicative details provided that a suitable scheme could be achieved that would not unacceptably impact on neighbours living conditions.
33. Concerns that local facilities and infrastructure cannot accommodate the future residents of the proposed scheme are noted but I am mindful of the detailed evidence provided by the Council and other service providers in this regard. Subject to appropriate developer contributions, there is no evidence before me that any services or facilities would exceed their capacity. On the other hand, the additional population of the development would be likely to support local businesses and facilities through increased expenditure.
34. As set out above, the appellant submitted evidence on a range of topics and demonstrated that the proposal would contribute towards the local need for affordable housing and custom/self-build housing. It was also clear that the scheme was capable of delivering a high-quality design that would contribute positively to the character and appearance of the area. Other benefits were identified, including economic benefits during construction. Together, these matters weigh significantly in favour of the proposal, as does the delivery of

additional market housing in the context of the Framework's objective to significantly boost supply. The scheme, subject to reserved matters approval, could provide a suitable housing mix and density, as well as delivering affordable housing in accordance with policies HOU 1, HOU 2, HOU 3.

### **Conditions**

35. The parties agreed a list of conditions considered necessary in the event that planning permission is granted. These have been attached without significant alteration but have been amended to improve their precision and otherwise ensure compliance with the appropriate tests. The conditions and the reason for imposing them are contained in the attached Schedule.
36. Condition 27 requires that works the subject of another planning permission are completed prior to any dwelling approved as part of the appeal scheme being occupied. The scheme involves the surfacing of a short section of footpath to the north of the site. Having discussed the suitability of such a condition during the condition's session, it was clarified that the works are to be carried out by the appellant and are deliverable in line with the trigger incorporated into the condition. Therefore, I am satisfied that the condition is reasonable and would ensure that suitable pedestrian access is provided to the north of the site, where a school is currently located.

### **Planning Obligations**

37. A S106 agreement would secure a range of planning obligations to make the development acceptable in planning terms and mitigate the impact of the development on local infrastructure. The obligations include financial contributions towards local education provision, libraries, wheeled bins, necessary highway improvements and a contribution towards mitigating the impacts of the development on Soham Common. It would also secure a policy compliant provision of self and custom build housing, and the provision of a sustainable urban drainage system with future maintenance arrangements.
38. The Council provided a CIL Compliance Statement demonstrating how these obligations meet the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The appellant accepts that these obligations are necessary and otherwise in accordance with the tests. I agree with this conclusion and have taken the obligations into account.
39. I also agree that 30% affordable housing is a necessary and CIL compliant obligation having regard to ECLP policy HOU 3 and have taken this into account. The appellant refers to an enhanced affordable housing offer equating to 36% provision. Whilst additional provision is undoubtedly a good thing, particularly given the need in the district, the additional provision is not necessary to make the development acceptable in planning terms and cannot constitute a reason for granting planning permission. As such, I have not attached additional weight in favour of the proposal for provision beyond the policy requirement.

### **Planning Balance and Conclusion**

40. I have found a conflict with a single policy of the development plan, in that the appeal site falls outside of the development envelope for Soham defined by policy GROWTH 2. That is a policy which I have determined to be out of date and for the reasons set out, reduces the weight that I attach to the conflict.

41. It is very apparent that the scheme otherwise accords with the development plan. GROWTH 2 seeks to direct housing development to Soham, one of three market towns that are a focus for development. Furthermore, the appeal site falls within a broad location specifically identified and expected to deliver a significant quantum of development during the later part of the plan period. The Council does not dispute that Soham is a sustainable location for development and made no argument that the development would cause unacceptable harm to the setting of the town, a stated purpose of policy GROWTH 2.
42. Even if the Council can currently demonstrate a housing land supply in the region it suggests (more than 6.5 years), there has been significant under delivery against the development plan requirement to date and there can be no certainty that the strategy contained in the ECLP will deliver sufficient housing in the long-term of the plan period. In fact, the evidence before me suggests that it will not. There has been a persistent failure to meet housing requirements in the area based upon published HDT results and it seems likely that the strict application of out-of-date policies is a relevant factor.
43. Despite a conflict with one important but out of date policy, I have found overwhelming compliance with other relevant policies of the development plan. Overall, I find that the appeal proposal would be in accordance with the development plan taken as a whole and material considerations indicate firmly in favour of the proposal. There would be very few adverse impacts arising from the development but so far as harm would result, for example from the loss of agricultural land or changes to the character of this previously undeveloped countryside, it is far outweighed by the significant benefits of the scheme.
44. The Council itself accepts that planning permission should be granted if the tilted balance applies, as I have determined to be the case.
45. In light of the above, the appeal is allowed.

████████████████████

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel

He called:

Richard Kay BA (Hons) Strategic Planning Manager  
DipTP MA

Barbara Greengrass BSc Planning Team Leader  
(Hons) MSc MRTPI

### FOR THE APPELLANT:

Charlie Banner QC

He called:

Cameron Austin-Fell Planning Director, RPS Consulting Services Ltd  
BA (Hons) MSC MRTPI

Paul Hill BA (Hons) Senior Director, RPS Planning and Development  
MRTPI

James Stacey BA (Hons) Senior Director, Tetlow King Planning  
DipTP MRTPI

Andy Moger BA (Hons) Tetlow King Planning  
MA MRTPI

Jonathan Reynolds BA Technical Director, SLR Consulting Ltd  
(Hons) DipTP MA MRTPI

Simon Parfitt MSc BA Director, David Tucker Associates  
MCILT

Rob Hill BSc MCIHT Director, Infrastructure Design Ltd  
GMICE

### INTERESTED PERSONS:

Councillor Warner  
Mike Rose  
Judith Carballo

Soham Town Council  
Local resident  
Cambridgeshire County Council

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1 Appellant's opening submissions
- 2 Council's opening submissions
- 3 Speaking notes of Cllr Warner and Mr Rose, with attachments
- 4 Transport response to Mr Rose from the appellant
- 5 Drainage response to interested parties from the appellant
- 6 Draft conditions
- 7 CIL Compliance Statement
- 8 Court judgement – Dignity Funerals v Breckland District Council...
- 9 Updated 5YHLS Position Statement
- 10 Written costs application from Council
- 11 Revised affordable housing figures from appellant
- 12 Updated CIL Compliance Statement
- 13 Final draft of S106 agreement
- 14 Revised conditions, clean version and tracked changes version
- 15 Note on condition 26 from the appellant
- 16 Appellant's costs response and application against the Council
- 17 Site visit meeting place
- 18 Closing submission of the Council
- 19 Closing submissions of the appellant

## **DOCUMENTS SUBMITTED AFTER THE INQUIRY**

- 1 Council's submission on 2021 HDT results
- 2 Appellant's submission on 2021 HDT results
- 3 Completed S106 agreement

## **SCHEDULE OF CONDITIONS**

- 1) Save for the details of vehicular access into the site from Broad Piece, details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

Reason: In accordance with the timescale agreed between the parties to ensure prompt delivery, and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: SSS/LP/001 Rev B, 18409-02 Rev E, 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2 Rev B.

Reason: In the interests of certainty and to define the terms of the permission.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for but not be limited to:

- (i) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials and site facilities;
- (iv) A dust management plan;
- (v) Measures to control the emission of noise;
- (vi) Wheel washing facilities;
- (vii) Surface, storm and waste water management and disposal including any pollution to surface and ground water bodies; and
- (viii) Lighting during construction phase.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

- 6) No above ground construction shall take place until a Foul Water Strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out to serve that dwelling, in accordance with the Foul Water Strategy so approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent flooding in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 7) No above ground works shall commence until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the submitted Flood Risk Assessment prepared by Amazi Consulting Ltd (ref: AMA743 Rev A) dated 23 April 2019 and the Drainage Feasibility Layout prepared by Infrastructure Design Limited (ref: 971-00-01 Rev B) dated December 2019 and shall include:

- (i) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- (ii) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- (iii) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- (iv) Full details of the proposed attenuation and flow control measures;
- (v) 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;
- (vi) Full details of the maintenance/adoption of the surface water drainage system;
- (vii) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- (viii) Full details of measures taken to reduce the existing surface water flood risk to adjacent areas from the site.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework and Planning Practice Guidance.

Reason: To prevent the risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with the policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 8) Details of long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first



occupation of any of the dwellings hereby approved. The submitted details should identify run-off sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. Thereafter, maintenance shall be undertaken in accordance with the approved maintenance plan.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted and to prevent the increased risk of flooding, protect water quality and improve habitat in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 9) 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: To ensure a sustainable development in accordance with policy ENV 4 of the East Cambridgeshire Local Plan.

- 10) No development shall take place until a Phase 2 Intrusive Site Investigation and Risk Assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV 9 of the East Cambridgeshire Local Plan.

- 11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place within the area concerned until an investigation and risk assessment has been undertaken and submitted to and

approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken and following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV 9 of the East Cambridgeshire Local Plan.

- 12) No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. No development shall take place on land within the WSI area other than in accordance with the approved WSI which shall include:
- (i) The statement of significance and research objectives;
  - (ii) The programme and methodology of site investigation and recording;
  - (iii) The nomination of a competent person(s) or organisation to undertake the agreed works.
  - (iv) The programme for post-excavation assessment and subsequent analysis, reporting, publication and dissemination, and deposition of the resulting archive.

Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV 14 of the East Cambridgeshire Local Plan.

- 13) Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 – 18:00 each day Monday – Friday; 07:30 – 13:00 on Saturdays; and none on Sundays, Public Holidays or Bank Holidays.

Reason: To protect neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 14) As part of the first reserved matters application, a Landscape and Ecology Management Plan, setting out details of mitigation, habitat creation and long term management to achieve the target conditions for created habitats, in line with the Biodiversity Impact Assessment calculator (as set out in Appendix 2 to the Natural Environment Statement Rev B – Jan 2021), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed Management Plan and maintained in perpetuity thereafter.

Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.

- 15) The recommendations made within Section 5 of the Ecological Impact Assessment (May 2019), shall be adhered to at all times throughout the construction and operational phase of the development.
- Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.
- 16) Prior to occupation of the first dwelling, the provision and implementation of a Travel Plan shall be agreed in writing with the Local Planning Authority. The Plan shall include the provision of cycle discount vouchers and/or bus taster tickets and shall be provided to new occupiers of the development. The Plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- Reason: To encourage sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.
- 17) Prior to the occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 18) Prior to occupation of the first dwelling, the new access junction shall have been constructed in accordance with approved plan 18409-02-Rev E. The junction shall thereafter be retained in that form.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 19) Prior to occupation of the first dwelling, the visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 18409-02- Rev E. 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 and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 20) Prior to occupation of the first dwelling, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.
- Reason: To ensure that estate roads are managed and maintained to a suitable and safe standard in accordance with policy COM 7 of the East Cambridgeshire Local Plan.
- 21) In the event that any piling is required, a report/method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration shall have first been submitted to and approved in writing by the Local Planning Authority. Noise and

vibration control on the development shall be carried out in accordance with the approved details.

Reason: To safeguard neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 22) As part of any reserved matters application, details of the number, type and location of electric vehicle charging points (EVCP) to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The EVCP shall be installed as approved prior to occupation of the dwelling to which it relates and retained thereafter.

Reason: To encourage and facilitate sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 23) No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 'Trees in relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development.

Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission are required, as is the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

Reason: To ensure that the trees on site are adequately protected so as to maintain the character and appearance of the area in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan.

- 24) As part of the first reserved matters application, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (i) Identify noise levels from adjoining features such as the adjoining potato store, rail and public highways;
- (ii) Demonstrate how the proposed layout and dwellings have been designed so as to ensure that non-noise sensitive frontages or rooms face noise creating areas or sources so as to achieve acceptable internal noise levels with windows open;
- (iii) Demonstrate that private amenity space meets acceptable noise levels.

The Noise Mitigation Scheme shall be implemented as approved.

Reason: To ensure acceptable living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 25) Prior to the approval of reserved matters, details of a Design Code shall have been submitted to and approved in writing by the Local Planning Authority. The Design Code shall demonstrate how the objectives of the Design and Access Statement and illustrative masterplan will be met. Any

reserved matters application shall demonstrate compliance with the approved Design Code. The Design Code shall include the following:

- (i) principles for built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plots and vistas;
- (ii) a strategy for a hierarchy of streets and spaces;
- (iii) design principles for the public realm, areas of public open space including planted areas, and area for play, including principles for biodiversity enhancements and conservation of flora and fauna interests;
- (iv) design principles for hard and soft landscaping including the inclusion of trees and hedgerows;
- (v) design principles for sustainable drainage systems (SuDS);
- (vi) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including sustainable design and construction of the buildings;
- (vii) principles for accessibility to buildings and public spaces for those with impaired mobility;
- (viii) design principles for structures including street lighting, boundary treatments including walling, street furniture, signage, public art, and play equipment;
- (ix) principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, highways and other vehicular accesses within the site and including site access proposals;
- (x) principles for on-street and off-street residential vehicular parking, including principles to discourage casual parking and to encourage parking in designated spaces;
- (xi) principles for cycle parking and storage; and
- (xii) the principles for integrating strategic utility requirements, landscaping and highway design.

Reason: To ensure high quality design in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan and the Design Guide SPD.

- 26) The development hereby approved shall include 20% of the dwellings built to Lifetime Homes standard (or equivalent).

Reason: To ensure dwellings are suitable or easily adaptable for occupation by the elderly or people with disabilities in accordance with Policy HOU 1 of the East Cambridgeshire Local Plan.

- 27) Prior to the first occupation of any dwelling in the development hereby approved, the footway improvement works as detailed in planning permission reference 19/01729/FUL (or any equivalent subsequent planning permission for the same works) shall have been completed in accordance with the approved details.

Reason: To ensure safe and convenient pedestrian access to nearby facilities in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 28) Prior to the first occupation of any dwelling hereby approved, the offsite highway works to be carried out within the public highway and as detailed in drawing nos. 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2B shall have been completed in accordance with the approved details.

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

**APPENDIX 2**

**Appeal Decision**

**Land at 163-187 High Street, Bottisham (Appeal Ref: APP/V0510/W/21/3282241)**



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## Appeal Decision

Inquiry held on 25 to 28 January and 1, 2 and 4 February 2022

Site visit made on 7 February 2022

**by O S Woodward BA(Hons.) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> April 2022

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**Appeal Ref: APP/V0510/W/21/3282241**  
**163-187 High Street, Bottisham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Axis Land Partnerships Limited on behalf of Bottisham Farming Limited against the decision of East Cambridgeshire District Council.
  - The application Ref 20/00296/OUM, dated 17 February 2020, was refused by decision notice dated 5 March 2021.
  - The development proposed is *the development of a retirement care village in use class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and use class C3 affordable dwellings (comprising up to 30% on-site provision), public open space, play provision, landscaping, car parking, access and associated development.*
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### DECISION

1. The appeal is dismissed.

### PRELIMINARY MATTERS

2. The proposal includes a retirement care village, in use class C2. A retirement care village is a form of extra care housing. The proposed flats would be self-contained, privately purchased units. In addition, an extensive range of communal facilities would be provided, such as a café, and well-being, fitness, and leisure facilities. On-site care, up to and including 24/7 care, would be provided, but on a sliding scale and on a separate contract to the accommodation and communal facilities. As defined by Planning Practice Guidance<sup>1</sup> (the PPG), this element of the proposal would be 'extra care housing' where residents are able to live independently, as distinct from 'care homes', which are aimed solely at elderly people that require high levels of care for daily living. The PPG also confirms that extra care housing is a form of older peoples housing.
3. A s106 Planning Obligation, dated 24 February 2022 (the s106), has been provided. This secures the extra care units to be use class C2, but provides no further controls beyond requiring that at least one person in each unit requires extra care (defined as personal care required due to old age, disablement or past or present mental disorder) and is 65+ years old. However, limiting the use of the proposed use class C2 floorspace to extra care, as opposed to care home, purposes could be achieved by condition. In addition, the description of

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<sup>1</sup> Paragraph: 010 Reference ID: 63-010-20190626



development includes the words 'retirement care village' and the additional facilities. The appeal site is also in a countryside setting and of a size which would provide large amounts of landscaping. There is therefore sufficient control over the type of proposed development to allow me to determine the appeal on the basis that the proposal is not only for extra care housing but would also be for a particular sub-set of this product called a 'retirement care village'.

4. Following the closing of the inquiry, a relevant appeal decision was issued<sup>2</sup> relating to a site on land to the north east of Broad Piece in Soham. I accepted this decision and provided all parties with the opportunity to comment.
5. The effect of the proposal on local healthcare provision was not a reason for refusal of the application and is not contested by the Council. However, it is a concern raised by a local GP Surgery, the Bottisham Medical Practice (the BMP), who had Rule 6 status at the inquiry.

## **MAIN ISSUES**

6. It is common ground that the scheme proposed would be inappropriate development in the Green Belt through the construction of new buildings, amongst other works, and because none of the Green Belt exceptions set out in Paragraph 149 of the National Planning Policy Framework (the Framework) apply. I agree. Taking this into account, the main issues are:
  - the effect of the proposed development on the character and appearance of the area, in particular the character and setting of Bottisham village and the character and landscape of the surrounding countryside;
  - the effect of the proposal on healthcare; and,
  - whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal.

## **REASONS**

7. The Development Plan includes the East Cambridgeshire Local Plan, April 2015 (the LP). There is debate around the weight to be applied to any conflict with Policy GROWTH 2, which I deal with as appropriate below.

## **Character and Appearance**

### *The Site and Proposal*

8. The appeal site is split into two distinct fields by a hedgerow, creating a northern field and a southern field. The appeal site as a whole is surrounded on three sides by existing built form, with residential properties to the south and west, and an existing care home development to the west. To the north and further afield to the east and west is open countryside.
9. The application is made in outline, with all matters reserved apart from access. Parameters plans have been submitted and could be conditioned to control development heights and the broad locations for development. This would be

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<sup>2</sup> Ref APP/V0510/W/21/3282449, dated 11 February 2022

the retirement care village on the 'L' shaped part of the northern field in buildings up to a maximum height of 12 metres (m), and the affordable housing on the square piece of land by Rowan Close, at buildings up to a maximum height of 8.5m. Indicatively, the area of land for the retirement care village element of the proposals comprises approximately 3.4 hectares (ha) and a further 0.7ha for private amenity space and landscaping. Indicatively, 0.7ha has been set aside for the affordable housing, the amount, scale, design, and layout of which is not yet known.

10. Access would be from High Street (vehicular and pedestrian) and from Rowan Close (pedestrian and cycle). The alignment of the access road is applied for in full and would be along the western boundary of the site, near to the existing footpath.
11. Landscaping in general would be a reserved matter or condition(s), but details have been provided confirming that public open space and enhanced landscaping, including the retention of existing trees (some of which are the subject of a Tree Preservation Order<sup>3</sup>), is proposed to the southern field. In addition, hedgerows to the northern and eastern boundaries of the appeal site, and to the hedgerow separating the northern and southern fields, would be retained and enhanced, including groups of woodland trees just set back from the northern boundary. The s106 also secures the provision and contributions towards maintenance of the landscaped areas of the site.

#### *Landscape Effects*

12. The appeal site falls within two landscape character areas, as set out in the Cambridgeshire Landscape Guidelines, 1991. These are the Planned Peat Fen/Fenlands area, which covers most of the northern field, and also the Chalklands area, mainly to the southern field. The key characteristics include rolling countryside, fairly large fields, and a number of woodlands and tree belts which break up long distance views. Policy ENV 1 of the LP also explicitly seeks to protect, conserve and enhance the settlement edge, to protect individual trees, hedgerows and field patterns, the unspoilt nature and tranquillity of the area including light pollution, and key views into and out of settlements. It is common ground between the parties, and I agree, that the site does not constitute a valued landscape, as defined at Paragraph 174 of the Framework.
13. The northern field is a fairly flat, nondescript agricultural field. It is of limited intrinsic value beyond simply being a field and has a low landscape value. The southern field is of semi-parkland character, with managed grassland and sporadic, mature trees. It has a direct relationship with the historic core of Bottisham along the northern side of High Street, including the rear garden and claiveoyee of the grade II Listed Bottisham House. This has a moderate landscape value.
14. The views northwards are foreshortened by a fairly extensive tree belt. The views to the east are more extensive to low lying hills in the middle distance. The views are pleasant but are not scenic. There is limited visual connectivity between the two fields, which are different in character and split by the hedgerow which, although fairly low, is a clear delineation between the two parcels of land. On my site visit I observed that the southern field gains its

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<sup>3</sup> Ref TPO/E/15/19, dated 3 January 2020

character from its intrinsic semi-parkland character and relationship to the properties along High Street. I did not find a meaningful relationship with the northern field nor wider views of the countryside. Likewise, the northern field feels more visually connected to the further agricultural fields to the north and east, than to the southern field.

15. It is common ground between the parties that the most appropriate measure for the effect of the proposal is at 15 years, once the landscaping scheme matures. An intermittent tree belt and strengthened hedgerow is proposed along the long northern boundary. This would be along the line of an existing hedgerow and in the context of substantial existing tree belts in the area, including one close by to the north. This would be in-keeping with the character of the area. The proposed built form would also all be within one existing field and would not alter existing hedgerow or field patterns. However, even at the 15 year point, there would remain an obvious and clear built form on the former agricultural northern field, with buildings up to 12m tall, and fairly extensive in floorplan, still likely to be clearly visible on the site.
16. Overall, although there would be a fairly high degree of change, this would be inevitable with any development of reasonable scale on an agricultural field. The northern field is also of low existing landscape value. The harm to the landscape from this element of the proposal would therefore be low.
17. The southern field would be enhanced through improved landscaping, new trees and improved hedgerow planting. There would be some negative effect to its setting from the proposed development to the northern field, but this would only be at a low level as set out above, and would be seen in the context of existing built form to three sides of the field. The important relationship to the historic core of Bottisham along High Street would not be materially affected. However, the existing views out to the countryside to the east, which are fairly extensive, and the, albeit foreshortened, views to the north, would be significantly reduced by the proposed built development, even allowing for the proposed landscaping, thereby harming the connection with the surrounding countryside.
18. Overall, the improvements to the field itself would be set against the low to moderate harm from the changes to the setting. I assess the overall harm to landscape to the southern field to be low.

### *Visual Effects*

19. There would be two key groups of receptors affected by the proposal – residents in surrounding properties, and users of nearby footpaths and bridleways.
20. The rear windows and gardens of several properties along High Street overlook the appeal site. The proposal would affect this, but at distance in the northern field. The southern field would be enhanced by the proposed landscaping. There would, nevertheless, be a minor negative effect on the wider setting from the proposed built form where there is currently an agricultural field and the partial blocking of views out to the wider countryside. The overall effect on these residents would be minor negative.
21. The properties along Maple Close and Cedar Walk are closer to the proposed built form and look out in a more easterly direction, where the widest

countryside views currently exist. The proposed access road would also be in proximity to these properties. However, the access road would be the other side of the existing footpath and a proposed new landscaping belt, and the built form would be partially mitigated by the proposed landscaping. The overall effect on these residents would be moderate negative, primarily due to the access road.

22. The residents at Rowan Close overlook the western side of the site and would be fairly close to the proposed affordable housing. However, there are existing properties backing onto the southern boundary of that part of the appeal site and the proposal would be seen in that context. There would be a moderate negative harm to those residents. The residents at Ancient Meadows are fairly distant from the appeal site to the west, and any views of the proposal would be oblique and would be in the context of the existing homes along Beechwood Avenue. There would be a minor negative effect to those residents.
23. Footpath 25/10 runs along the western boundary of the site, alongside the proposed access road. It would be fairly significantly affected due to the proximity of the proposed road and the built development, and curtailment of views out to the wider countryside. However, beyond the proposed access road the southern field would be enhanced through the proposed landscaping. In this context, the level of harm would be moderate negative. It's also important to note that the footpath itself has limited value, only providing access to the residential properties and not to the wider countryside.
24. Footpath 25/2 runs alongside the Ancient Meadows properties and then further northwards to an elevated bridleway. A hedgerow runs across the path. South of this, the path offers relatively unobstructed views of the proposed development, albeit at distance. North of the hedgerow, even allowing for the slight elevation of the bridleway, intervening trees and hedgerows significantly reduce any visual effect. From all parts of the route, the proposal would be seen in the context of the existing backdrop of Bottisham village and its built form. The overall effect on views from this footpath would be minor negative.

### *Overall*

25. The visual harm from the proposal would be low in the main, although with some moderate effects to the closest local residents and footpath 25/10. The landscape effects would also at worst be 'low negative', particularly at 15 years after the proposed landscaping matures. Consequently, there would be low to moderate harm to the character and appearance of the area, and low harm to landscape character. The proposal therefore fails to comply with Policies ENV 1 and ENV 2 of the LP, both of which require the character and appearance of the area to be protected.
26. Policy GROWTH 2 of the LP strictly controls development outside defined settlement boundaries. However, exceptions are set out, where proposals may be acceptable subject to complying with other policies. The exceptions include 'residential care homes' (Policy HOU 6). The policy, as it relates to the appeal proposal, is therefore intrinsically linked to Policy HOU 6, and if the proposal accords with that policy, then it also accords with Policy GROWTH 2.
27. Policy HOU 6 of the LP comes in two parts. The first part applies to the type of extra care housing proposed with the appeal, because at supporting paragraph 4.7.3 it explicitly references both retirement villages and extra care housing.

This also links Policy GROWTH 2 to the proposal, because although that policy only refers to 'care homes' it also directly references Policy HOU 6, which is where the detail on what this means is set out. However, the second part of the policy, despite being discussed at the inquiry, explicitly references care homes and is not relevant to the proposal. With regard to the relevant, first part, of the policy, it states, amongst other things, that proposals should have no adverse impact on the character of the locality. I have found harm to the character and appearance of the area and therefore the retirement care village element of the proposal conflicts with this policy, and therefore also Policy GROWTH 2.

28. A further exception set out in Policy GROWTH 2 where proposals may be acceptable outside settlement boundaries is for affordable housing, with direct reference to Policy HOU 4. This policy sets out a number of criteria for affordable housing to be acceptable in such locations. The criteria relevant to character and appearance is that no *significant* harm be caused (emphasis mine). I have only identified low to moderate harm to character and appearance, or the wider landscape. The affordable housing element of the proposal therefore complies with Policy HOU 4, as it relates to character and appearance, and therefore, by extension, also to Policy GROWTH 2.

## Healthcare

### *Effect on the BMP*

29. The tenure of the proposed accommodation and whether or not it is self-contained would not directly affect the level of care needs of the future occupants. However, the proposed retirement care village would provide significant communal facilities. Although on-site care would be provided this would be in a separate financial package to the service charge for the communal facilities and general upkeep. Whilst there would be no explicit restriction on the type of person moving in, or on the proportion that would require very high care needs, eg 'continuing care' patients in particular, the nature of the product would likely limit this proportion. There would be little incentive for a person with very high care needs to move to a development whose main selling point was communal facilities that they would not benefit from but would need to pay towards.
30. I acknowledge, however, that this may not always be the case, possibly due to personal preference, one of a couple requiring the very high care needs but not both, or other factors. In addition, evidence was provided that, the longer that people stay in the facility, the greater their care requirements, although the increase is relatively low, moving from nine hours per week on entry to 15 hours by the seventh year<sup>4</sup>.
31. Taking all of the above into account, the appellant's evidence that the likely split of future occupants would be a third of residents having low level needs, a third having medium level needs and a third having high level needs, seems reasonable. This is distinctly different to a care home. This is important because such a profile of future occupants would have a lower requirement for GP care provision than has been assumed by the BMP in their evidence, which assumed a worst case scenario of a care home profile for all future residents.

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<sup>4</sup> Putting the 'care' in Housing-with-Care Integrated Retirement Communities: improving care quality and tackling the workforce crisis, by Associated Retirement Community Operators, undated

32. The BMP have assumed that all of the future occupants would be new additions to their practice. However, a proportion of future occupants are likely to move from the local area, including some from within the catchment of the BMP and would therefore likely include some existing patients. It is also possible that some of the future occupants would want to keep their existing GP, although I acknowledge that in practical terms, both for the patient and GP, this is likely to be a small number.
33. Nevertheless, even allowing for the factors described above, the proposal would undoubtedly give rise to an increase in patients, all of them elderly, to be accommodated by GP services in the area, likely mostly at the BMP. This would clearly give rise to an increase in workload for local GP services, and specifically for the BMP.

#### *Effect on Wider Healthcare*

34. Uncontested evidence was provided by the appellant that the proposed development would decrease pressure on the National Health Service (NHS). This is because studies have shown that older people that live in extra care developments of the type proposed have better health outcomes than those that continue to live at home, including improvements in depression, perceived health, and memory, which leads to a decreased need for nurse and GP appointments, and an estimated saving to the NHS of £1,991 per person over five years<sup>5</sup>.
35. Specifically with regard to Covid-19, evidence has been provided that, on average, residents of retirement care villages had better outcomes than similarly aged people still living at home. Fewer residents died compared to the general population of the same age, at 0.97% compared to 1.09%, and the retirement care village section of the extra care offer had an even better outcome at 0.51%<sup>6</sup>. The BMP provided evidence of worse outcomes from an academic paper, but those were in relation to care home residents and not therefore directly comparable to the appeal proposal.

#### *Overall*

36. The Cambridgeshire and Peterborough Clinical Commissioning Group (the CCG), in their letter dated 2 February 2022, have requested mitigation of £132,585 for the capital costs for the BMP associated with the increased healthcare demand for the surgery. The CCG also request an unspecified sum be allocated in mitigation of the clinical needs to be created by the proposal. The BMP have undertaken their own calculations, and concluded that the minimum requirement to respond to the increased demand to their services would be 1.25 GPs full time, equating to c.£100,000 per annum excluding administrative and non-GP costs. However, this is based on the partially erroneous assumptions the BMP have made as set out above, and the likely demand on GP time would be lower.
37. Moreover, this is moot because, for the reasons set out above, although the proposal would increase pressure on local GP services and this pressure would fall largely, or almost entirely, on the BMP, it would decrease pressure on

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<sup>5</sup> Integrated Care Homes and Support: Measurable Outcomes for Healthy Ageing The ExtraCare Charitable Trust Research Report March 2019 – paragraphs 2.3 to 2.8

<sup>6</sup> Retirement Village and Extra Care Housing in England: Operators' Experience during the COVID-19 Pandemic RE-COV Study Full Report April 2021 – Section 3.2, page 8

health services as a whole. In this context, a contribution towards healthcare services would not be necessary to make the development acceptable, or fairly and reasonably related in scale and kind to the development.

38. The responsibility for allocating the increased pressure on the BMP falls on the CCG, which is the group with the responsibility of allocating, planning and buying local NHS services. If, as seems likely, the BMP would require additional resources as a result of the proposal, this is for the CCG to respond to, and to allocate funding as appropriate. This falls outside of the planning system in a situation such as this, where the overall effect on healthcare would be to reduce demand for resources.
39. The s106 includes a clause with the provision of a healthcare contribution. However, it is drafted such that I can modify or remove this clause. Therefore, for the avoidance of doubt, I confirm that the healthcare contribution as set out in the s106 is not necessary.

### **Green Belt**

In this section, I have adopted the following ascending scale in terms of weighting – limited, moderate, significant, substantial.

40. The critical test is as set out at Paragraph 148 of the Framework – is the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, *clearly* outweighed by other considerations (emphasis mine)?

#### *Harm*

#### Green Belt Essential Characteristics

41. Harm to the Green Belt can be caused by harming the essential characteristics, as set out in Paragraph 137 of the Framework, of openness and permanence.
42. The PPG finds that the duration and remediability of a proposal influences its effect on the permanence of the Green Belt<sup>7</sup>. It is common ground, and I agree, that the proposal, once constructed, would remain indefinitely. Any effect on the Green Belt would be permanent and would therefore harm this essential characteristic.
43. The PPG finds that openness should be considered both spatially and visually. It can also include non-permanent factors, such as cars. The detailed design and layout of the proposed buildings and any ancillary structure is not yet known. However, the parameters plans confirm that a series of buildings of up to 12m tall are likely. Due to the scale of the proposal, these would be of significant volume. There would also be a fair amount of activity associated with the proposal, from residents, workers and visitors, and also fairly extensive car parking. The proposal would therefore have a significant negative effect on the spatial openness of the appeal site.
44. There would also be an effect on visual openness. This would be mitigated to a degree by landscaping but there would still be a noticeable effect on the visual openness of the site and its immediate surroundings. There would also be an effect on views across the site from footpaths, roads, and nearby properties. The proposal would be viewed in the context of a wider parcel of Green Belt

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<sup>7</sup> Paragraph: 001 Reference ID: 64-001-20190722

land, including the countryside to the north and east up to woodland areas and tree boundaries. The Council agree with this allocation. Within this parcel, the perception of the proposal would be more limited, particularly when set against the backdrop of the existing Bottisham village. However, there would still be a moderate negative effect on the visual openness of the Green Belt due to the scale of the proposed development, which would be clearly visible even against the backdrop of the village, and extensive in scale.

### Green Belt Purposes

45. Paragraph 138 of the Framework sets out the five purposes of Green Belt land. I assess the proposal against each purpose below:

(a) 'to check the unrestricted sprawl of large built-up areas'

46. Bottisham is not a large built-up area and this purpose is not relevant.

(b) 'to prevent neighbouring towns merging into one another'

47. The two relevant built-up areas are Bottisham and Swaffham Bulbeck, both of which are villages. The purpose relates to towns. Paragraphs 142 and 144 of the Framework make it clear that, where the document wishes to refer to villages as opposed to towns, it does so. This purpose is not therefore relevant to the proposal.

(c) 'to assist in safeguarding the countryside from encroachment'

48. The proposal would encroach into the countryside because it is for extensive built form, up to 12m in height, and would be built on a currently agricultural field. This purpose would therefore be harmed, albeit the level of harm is tempered, to a degree, because the proposal sits in a wider 'parcel' of Green Belt land, as described above.

(d) 'to preserve the setting and special character of historic towns'

49. Bottisham is not a town and this purpose is not relevant to Bottisham. The Greater Cambridge Green Belt Assessment, by LUC, dated August 2021, states that the setting of Cambridge includes the rural setting of Green Belt villages. However, Bottisham is difficult to appreciate in the context of Cambridge due to its distance to the east of the city. There might be some very slight diminution of this setting from the proposal from far reaching views of Cambridge from the east with the proposal in the foreground, but the effect, and the harm to this purpose, would be negligible. This purpose would not, therefore, be materially harmed.

(e) 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'

50. No specific evidence has been provided that the proposal would be in place of a more urban site, as opposed to other non-Green Belt greenfield land. A key aspect of the proposal is that it would be for a retirement care village in a countryside setting with a significant landscape setting, which would not be achievable on an urban site. I see no reason why it would prevent the development of urban sites for different styles of extra care product, particularly given that the level of extra care need significantly exceeds the proposed provision (see below), and there would be residual need even after construction of the proposal. This purpose would not, therefore, be harmed.



51. Overall, the proposal would harm Green Belt permanence and openness, and would encroach into the countryside. It therefore fails to comply with Policy ENV 10 of the LP, which requires that development not harm the openness of the Green Belt. As directed by Paragraph 148 of the Framework, I give substantial weight to the proposal for inappropriate development, and to the harm to the Green Belt's essential characteristics and purposes that I have identified.

#### Other Harm

52. The Bottisham Conservation Area largely lies to the south of the appeal site but the proposed access road would also partially lie within the conservation area. The significance of the conservation area is derived from the intrinsic character of the various historic buildings located throughout Bottisham, and this particular part of the conservation area by the relationship of the historic buildings with the southern field behind, and the parkland setting it provides. There would be harm to the conservation area and its setting, primarily through the proposed access road, and also, albeit only slightly, from the proposed development in the northern field. However, this would be mitigated by the proposed landscaping, particularly as it matures, and by the proposed enhancements to the immediate setting of the southern field through the new tree planting and landscaping.

53. The Grade II Listed Bottisham House lies directly to the south of the southern field. The house has clear views of, and a direct relationship to, the southern field and its parkland character, both from upper storey windows and a clairvoyee in the garden. There are also long distance views of the northern field and the wider countryside, particularly to the east, from the building and the clairvoyee. These factors contribute to the significance of the setting of the building. The proposal would harm the setting of the northern field and wider countryside through the proposed change of character from agricultural to built development. However, as with the conservation area, this harm would be mitigated by the proposed landscaping and enhancements to the southern field.

54. The level of harm to the setting of the Grade II Listed Bottisham House and Bottisham Conservation Area would therefore be low, and I attribute to this limited weight.

55. There would be low to moderate harm to the character and appearance of the appeal site, and the wider area and landscape, as set out above. The proposal therefore conflicts with Policies ENV 1 and ENV 2 of the LP. The retirement care village element of the proposal also conflicts with Policies HOU 6 and GROWTH 2 of the LP. However, it is almost impossible to imagine a scheme of reasonable scale proposed on a greenfield site that would not cause some harm to the character of the locality. This is recognised by the Framework, which has a more balanced approach than the LP policies. Paragraph 174(b) only seeks to recognise the intrinsic character and beauty of the countryside, and does not prevent all development of the countryside. Paragraph 79 states that villages should be allowed to grow and thrive. I therefore place limited weight on this conflict, and to the associated conflicts with Policies ENV 1, ENV 2 and HOU 6 of the LP.

56. In addition, it is common ground, and I agree, that Policy GROWTH 1 of the LP is out-of-date because it is based on housing requirement figures that are more

than five years old. Policy GROWTH 2 is the key policy for directing the location of development in the District. It focusses the majority of development on Ely, Littleport and Soham, and within defined settlement boundaries. The policy strictly controls development outside these boundaries. This locational strategy for development is based on the out-of-date figures from Policy GROWTH 1. A Single Issue Review of the Local Plan is underway but is at a relatively early stage. It is common ground, and I agree, that until this review is further progressed, it can carry limited weight. We are therefore in a position where we cannot know with any certainty what the future location strategy for development will be and, specifically, whether or not its strict controls over development outside of settlement boundaries will persist. Therefore, I place limited weight on the conflict with Policy GROWTH 2 identified above.

### *Other Considerations*

#### Affordable Housing

57. The s106 commits the appellant to achieving the maximum possible number of affordable housing units on-site, within the land allocated for affordable housing on the parameters plan, and subject to detailed design considerations at the reserved matters stage. If this is a shortfall on the policy compliant level of affordable housing, at 30% of the extra care units, then a payment in lieu is secured through the s106.
58. It is agreed between the parties that there is a significant need for affordable housing. The latest Strategic Housing Market Assessment<sup>8</sup> sets this at 3,517 net dwellings in the period 2011 to 2031, or 176 dwellings per annum (dpa). The latest Annual Monitoring Report (AMR)<sup>9</sup> shows the total gross affordable housing completions from 2011 to 2021 has been 479 dwellings, or 48dpa, equating to a delivery shortfall of 1,281 homes even before accounting for any affordable dwellings that may have been lost in that period.
59. The level of proposed affordable housing would be policy compliant. The Council can demonstrate a five year supply of overall housing land. However, this does not reduce the importance I place on the Council's persistent and meaningful under-delivery of affordable homes over the past 10 years. I therefore place substantial positive weight on the proposed affordable housing.
60. During cross-examination, the Council indicated that the weight to be applied to the proposed delivery of affordable housing should be tempered by the harm they claim the affordable housing buildings would cause to character and appearance. However, I do not agree with this approach. The weight to be applied to the proposed provision of affordable housing stands on its own, as does any harm or otherwise to character and appearance that must be counted separately.

#### Older Persons Housing

61. The total area of proposed floorspace is currently unknown. However, the development would likely provide in the order of 170 bedrooms within the proposed use class C2 flats, based on the indicative proposed floorspace figures, and this is a reasonable assumption of the likely scale of the proposed

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<sup>8</sup> The Strategic Housing Market Assessment 2013 for the Cambridge Housing Sub-Region

<sup>9</sup> East Cambridgeshire Authority's Annual Monitoring Report (AMR) 2020-2021, Table 6

- development. The precise number of persons this would accommodate is difficult to quantify, but would almost certainly be in excess of 200.
62. Policy GROWTH 1 of the LP is out-of-date and in any event says nothing about the specific need for older persons accommodation, extra care or otherwise. However, Paragraphs 60 and 62 of the Framework confirm that addressing the needs of groups with specific housing requirements, including for the elderly, is a key part of national planning policy. The PPG states that the national need for older people's housing is critical<sup>10</sup>. The number of people aged 65+ in the District is predicted to rise by 58% from 2020 to 2040, an increase of 10,404 persons from a base of 18,041<sup>11</sup>, strongly indicating a likely increase in need for older persons accommodation in the future.
63. When looking at the age demographic the development is likely to cater for, those aged 75+, evidence has been provided by the appellant that the Council's need for accommodation in 2025, the likely year of opening of the development, would be 418 private extra care dwellings. This is based on a ratio of 45 people aged 75+ per 1,000 population. This was contested at the appeal, and lower ratios have been used by, for example, GL Hearn in their report, at 27 per 1,000. However, this report, which also assumes a lower proportion of owner occupiers within this group at 56% compared to the appellant's 69%, still concludes that there is a shortfall of extra care dwellings in the District at 118 in 2020 and predicted to rise to 271 by 2040.
64. Evidence was provided by the BMP, and supported by the Council, of vacancies in existing care homes in Bottisham, thereby indicating that sufficient provision of older persons accommodation is already being provided in the village. However, the examples given are of care homes, and one a social care home not even solely aimed at the elderly, and do not represent the same type of extra care accommodation as is being proposed.
65. Providing choice and a range of options of accommodation to older persons is important due to their differing needs, desires, and requirements for care support. Extra care accommodation in general, and retirement care villages specifically, are key components of the range of older persons accommodation. The supporting text to Policy HOU 1 of the LP, at paragraph 4.2.3, explicitly acknowledges the need for extra care housing. At present, there are no retirement care villages in the District, only a small extra care facility in Ely called Rosalyn Court.
66. Overall, I am therefore satisfied that there is a need for not only older persons accommodation, but specifically extra care accommodation, in the District. I am also satisfied that the need is acute and growing.
67. There is limited data available of how this need is being met. The AMR does not provide a breakdown, although it does acknowledge that there were no use class C2 completions in 2020-2021. Appendix C<sup>12</sup> of the Council's Five Year Land Supply Report looks at the projected delivery of older persons accommodation over the next five years, and finds the likely provision of 97 beds in care homes, and no provision of extra care accommodation.

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<sup>10</sup> Paragraph: 001 Reference ID: 63-001-20190626

<sup>11</sup> Housing Needs of Specific Groups Cambridgeshire and West Suffolk October 2021, page 273

<sup>12</sup> East Cambridgeshire District Council Five Year Land Supply Report 1 April 2021 to 31 March 2026 Published 13 October 2021

68. There are no applications, no site allocations, and no predicted completions in the next five years for extra care accommodation. There are site allocations for general housing in use class C3. However, the uncontested evidence given in this appeal is that unless sites are specifically allocated for use class C2 development, the developers of such schemes are unable to compete with the providers of general housing. These allocations cannot therefore be relied upon to provide extra care accommodation.
69. When an older person requires accommodation with an element of care support it is likely that the need is imminent and should be met quickly. I therefore place greater reliance on the predicted provision of extra care accommodation in three years, the likely date of opening of the proposed development, rather than the five year period used in the Council's report. To a certain extent, this does not matter, though, because the predicted supply of extra care accommodation falls significantly below the identified need, even using the most conservative assumptions.
70. The market catchment of the proposed accommodation includes areas outside of the Council's land. This was explored at the appeal, however, given the acute and unmet need identified in the District as set out above, there is no need to dwell on this other than to acknowledge that even in the catchment area there is only one further extra care scheme, and even that is more urban and has fewer communal facilities than proposed in the appeal scheme.
71. The health and wellbeing benefits of the type of extra care accommodation proposed, both to the residents themselves and to the wider healthcare economy, also contribute to the weight to be given to the proposed older persons accommodation.
72. The Council have advanced the argument that the overall weight for older persons accommodation needs to take account of the likelihood of the need being able to be met on preferable sites. However, as with the similar situation for affordable housing, I do not agree with this approach. The weight to be applied to the proposed provision of older persons accommodation stands on its own, and the consideration of alternative sites must be considered separately.
73. Overall, due to the acute, growing, and unmet need for older persons accommodation generally, and extra care accommodation specifically, as well as the additional benefits of retirement care village on improved health for occupiers, I place substantial positive weight on the proposed use class C2 accommodation.

#### Housing Stock

74. Over 80% of older people in the District live in under-occupied homes, which is a high proportion, although it does approximately tally with the average for England as a whole<sup>13</sup>. It is not possible at this stage to precisely predict the number of future occupiers of the proposed use class C2 accommodation that would come from current occupiers of these homes, but there would undoubtedly be some, and potentially a high proportion of the future occupiers would be drawn from this pool. The release of some of these family-sized

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<sup>13</sup> Housing Needs of Specific Groups Cambridgeshire and West Suffolk October 2021, by GL Hearn - Figure 28

homes would benefit other demographics in the housing market, and the overall fluidity of the market. I place significant weight on this benefit.

### Housing Supply

75. Both the proposed affordable housing and the extra care accommodation would contribute to the District's housing land supply. This is an important factor, irrespective of the fact that the five year housing land supply is currently being met, because the continued adequate provision of housing is one of, if not the most, important factor in national and local planning policy. I place significant positive weight on this.

### Employment

76. There would be short term employment generation during construction. There would also be long term employment generation during operation. This would be fairly significant due to the on-site communal facilities and on-site care provision. As directed by Paragraph 81 of the Framework, I attribute significant positive weight to the proposed employment generation that would support economic growth and productivity.

### Public Open Space

77. The Council are concerned that there would be a loss to the perceived recreation and leisure value of the southern field through the harm to the setting of the field they say is caused by the proposed built works. However, there would be no building on the field, the works would have minimal effect on its recreation and leisure value, and in fact the proposal would open up access to the currently private southern field. Extensive landscaping, planting, and new footpaths are also proposed in this field, and could be secured by condition. The Framework, at Paragraph 120(a), encourages improved public access to the countryside, which the proposal would provide. The proposed extensive area of new public open space weighs positively in the planning balance. I attribute this moderate positive weight.

### Access to Services

78. It is common ground, and I agree, that the proposal is in an accessible location. Bottisham provides a range of services and facilities, and there would be good access to the town because of its proximity and because there are footpaths directly from the site to the town centre. I place moderate positive weight on this factor.

### Biodiversity

79. The planning application the subject of this appeal was accompanied by a Biodiversity Net Gain Assessment. This concluded that the proposed landscaping works would result in a biodiversity net gain of 10% for habitats and 47% for hedgerows. These significant gains are possible because of the low biodiversity of the existing site, which is just two open fields and limited hedgerow and other planting. These gains could be secured by condition(s) and I place moderate positive weight on this benefit.

### Alternative Sites

80. The appellant submitted an Alternative Sites Assessment (ASA) to demonstrate that the appeal site is the only suitable, available and deliverable site for the

proposal. The Council raised concerns that the ASA took place after the decision on the application and was not produced in consultation with it. However, there was no concern raised in relation to the professionalism of the production of the ASA. I am primarily concerned with the quality of the ASA and not its provenance, and have assessed the document on its own terms.

81. Various filters were used in the ASA to sift through potential sites. The size filter adopts a range of 3.5ha to 7.5ha. The upper limit of the size filter is based on the size of the part of the appeal site to be developed plus an allowance to go larger. The lower limit is based on known operator requirements for a retirement care village, which are at least 3.5 ha<sup>14</sup>. I have no reason to dispute that the site area range of 3.5ha to 7.5ha is a reasonable one with regard to the size of site required for a retirement care village in a countryside setting. However, in the search for an alternative site, the upper limit of the filter is unfairly restrictive. For example, the size filter would actually filter out the appeal site itself, which is 8.4ha, if the open space land to the southern field is included. I am aware that this land is not a necessity for a retirement care village, but the size filter removes the possibility for this more granular assessment, which if applied to other sites might have found them to be suitable.
82. The smaller parts of bigger sites are also filtered out because it is considered that the development of larger, mixed-use sites would take longer than the three year timescale achievable for the appeal site. This timescale filter is also applied to all sites, irrespective of size. I agree that there is an acute and growing need for older persons accommodation. I also agree that in an ideal world, any suitable, available and deliverable alternative site should be able to be developed within three years. However, this is an unreasonably restrictive filter because it does not allow for the complex reality of the planning and development process. A timescale filter that is only just long enough to accommodate the timescales for the proposed development, if all goes well, is insufficiently flexible. For example, if taken from the inception of interest in the scheme, the appeal proposal itself could not now be delivered within three years.
83. I agree with the conclusions of the ASA that the four sites that have met the filtering criteria and are assessed in detail are not suitable alternative sites. However, as a result of the filters used, it is only these four sites that have undergone detailed assessment, from an initial pool of 285 potential sites. It is imperative that non-Green Belt sites are given a proper hearing for it to be robustly demonstrated that it would not be feasible to develop sites elsewhere. This has not been achieved by the ASA due to these two filters being too tightly drawn, to the extent that if applied to the appeal site itself, it would not even pass the filtering process. Without more detailed assessment of a greater range of potential sites, it is not possible for me to robustly conclude that there are no suitable, available and deliverable alternative sites.

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<sup>14</sup> Rangeford Villages letter, dated 8 November 2021

84. Independently of the appellant's ASA, the Council have also set out five preferred sites to the appeal site. I set out below my conclusions on each of these sites, none of which I find to be suitable, available and deliverable alternatives:

- Clare House – the site has an existing use class C3 consent, and a reserved matters application was lodged during the course of the inquiry which keeps this consent alive. Further arguments were advanced in relation to the shape of the site and the possibility for it to be split, but I do not need to consider these issues because the site is fundamentally not available;
- Station Gateway (Ref ELY7 in the LP) – this is an over 12ha site allocated for mixed use development, none of which is explicitly for use class C2 accommodation. It is the appellant's uncontested evidence that use class C2 cannot compete in an open market against use class C3 due to the extra communal facilities and other costs. I agree. In addition, the site is in multiple ownerships, significant transport infrastructure is required as part of development, and the site is unlikely to come forward for at least five years;
- Land off Brook Street, Soham (Ref SOH1 in the LP) – this is a 20ha site with a mixed-use allocation in the LP, including for c.400 dwellings. However, as with the Station Gateway site, there is no express support for use class C2;
- Eastern Gateway (Ref SOH3 in the LP) – a 33ha site, with a mixed-use allocation in the LP including for c.600 dwellings. However, as with the above two sites, there is no express support for use class C2; and,
- Land north of Blackberry Lane (Ref SOH6 in the LP) – a 4.4ha site, with a mixed-use allocation in the LP including for up to 100 dwellings. However, as with the above three sites, there is no express support for use class C2.

85. I acknowledge that no suitable alternative sites have been identified by either party. However, only 3% of land in the District is Green Belt, and only three villages, including Bottisham, are sited in this Green Belt land. This makes it even more important that a robust ASA is provided to justify the use of Green Belt land. I place the onus for this on the appellant. It is their proposal to justify. Due to the two filters being too tightly drawn and the resultant deficient detailed assessment of individual sites, the submitted ASA is not robust. It has therefore not been adequately demonstrated that the proposal needs to be located in the Green Belt or that it would not be feasible to find a suitable site elsewhere.

86. My attention has been drawn to a recent appeal decision<sup>15</sup>, made on 29 December 2021, in relation to a site within the adjacent South Cambridgeshire District Council. The decision related to a similar proposal for a retirement care village on Green Belt land and the appeal was allowed. I am not aware of the full facts of the case, but a key difference between the two appeals is that a much greater proportion of South Cambridgeshire's land is within Green Belt compared to East Cambridgeshire. There is therefore an even

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<sup>15</sup> Appeal Ref APP/W0530/W/21/3280395

greater requirement for a robust ASA to be completed for appeal proposals on Green Belt land in East Cambridgeshire.

### *Overall*

87. There would be substantial benefits from the proposed extra care accommodation and affordable housing. There would also be significant benefits from general housing provision, the release of family-sized housing stock, and employment generation. There would be moderate benefits from biodiversity net gain, the proposed public open space, and that the site is accessible to the services and facilities of Bottisham. These are important considerations and, in combination, amount to a substantial positive weighting.
88. However, there would be harm to the permanence, openness and some of the purposes of Green Belt land. These all attract substantial negative weight. Because of the limited weight to attach to Policy GROWTH 2 of the LP, which is the source of the heavy restriction on greenfield development outside of settlement boundaries, as well as the substantial weighting attributed to Green Belt harm in the Framework, I place significant negative weight on the other consideration that a robust ASA has not been provided. I cannot, therefore, be sure that there are not suitable, available and deliverable non-Green Belt alternatives, including greenfield development outside of settlement boundaries, which would be sequentially preferable to the appeal site. There is also harm, albeit with only a low to moderate weighting, to the character and appearance of the area, the wider landscape, and the heritage assets of Bottisham Conservation Area and the Bottisham House Grade II Listed building.
89. Overall, the other considerations, although including substantial benefits, also include a deficient ASA, and they do not clearly outweigh the harm to the Green Belt that I have identified, and the other harms. Consequently, the 'very special circumstances' necessary to justify the proposed development do not exist.

## **OTHER MATTERS**

### **Heritage**

90. As set out above, subject to the mitigation and proposed landscaping, the overall level of harm to both heritage assets would be low. It falls within the description of 'less than substantial', as defined by the Framework, and at the lower end of this scale. The public benefits of the proposal are extensive, as set out in detail above, and easily outweigh the harm. The proposal therefore complies with Paragraph 202 of the Framework.

### **Interested Persons**

91. Several interested persons, including Councillors Ogborn, Cane and Wilson, spoke in opposition to the appeal proposal at the inquiry. A number of written objections have also been received, including from Councillors Daunton, and Bottisham Parish Council.
92. The objections raised various concerns in addition to those addressed above and below: some affordable housing is about to be built and no more is needed in the village; the affordable housing would not be integrated into the wider development; the increase in vehicle movements would harm highway safety and traffic congestion, and would also increase pollution and car parking



problems – these are all particular issues because of proximity of the primary school; the south field has archaeological value; Bottisham is not a suitable location in terms of accessibility because it has no train station and only infrequent busses, and the appeal site itself has poor access to Bottisham because it has narrow broken footpaths not suitable for the elderly; and, opposition to the principle of the loss of the agricultural land.

93. I have taken all of these factors into consideration. Most are not in dispute between the main parties. Most were addressed in the officer's report, with the Council concluding that there would be no material harm in these regards. The Highways Authority have confirmed that they have no objection to the proposal. No substantiated evidence has been submitted that leads me to any different view. The detail of any mitigation could be controlled by condition(s) where necessary.

### **CONCLUSION**

94. For the reasons set out above, the appeal is dismissed.



INSPECTOR

## **ANNEX A: APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel. He called:

|                    |                                      |
|--------------------|--------------------------------------|
| Anne James MRTPI   | Planning Consultant, ECDC            |
| Robert Browne CMLI | Associate, Wynee-Williams Associates |
| Russell Wisnall    | Legal Assistant, ECDC                |

### FOR THE APPELLANT:

Zack Simons of Counsel. He called:

|                                   |  |
|-----------------------------------|--|
| Nick Sedgwick CIHCM               | Director, Sedgwick Consultancy<br>Limited/Associate, Ben Cave Associates |
| Jessamy Venables MRICS            | Director, Carterwood   |
| Robert Belcher FRICS<br>(retired) | Consultant, Carterwood   |
| Charles Crawford CMLI             | Director, LDA Design   |
| Jon Sneddon MRTPI                 | Managing Director, Tetlow King Planning                                  |
| Jay Mehta                         | Partner, Howes Percival LLP  |

### FOR THE BOTTISHAM MEDICAL PRACTICE:

|   |  |
|---|--|
| Dr Tamara Keith MBBS DFSRH<br>DRCOG MRCPCH MRCPGP | GP Partner, Bottisham Medical Practice |
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### INTERESTED PERSONS:

|                           |   |
|---------------------------|---|
| Councillor Jon Ogborn     | Chair of Bottisham Parish Council                   |
| Councillor Charlotte Cane | Bottisham Ward Councillor                           |
| Councillor John Wilson    | Vice-chair Bottisham Parish Council                 |
| Robert Stocking           | Resident  |
| Anthony Jolley            | Resident  |
| John Harris               | Resident  |
| Stuart Clarke MRTPI       | Principal Planner, Cambridgeshire County<br>Council |

## **ANNEX B: INQUIRY AND POST INQUIRY DOCUMENTS**

- 1 Appellant's Opening & Appearances, dated 25 January 2022
- 2 Opening Statement of the Council, dated 25 January 2022
- 3 Opening Statement, by Dr Keith
- 4 Mr Jolley Representations, dated 26 January 2022
- 5 Round Table Session on Character and Appearance and Green Belt Openness, updated Agenda, dated 28 January 2022
- 6 Draft s106 Planning Obligation Ref JZM/230260.0003
- 7 White Crown Stables - Application Form, dated 10 October 2018
- 8 White Crown Stables - Decision Notice Ref 18/01435/OUM, dated 5 February 2020
- 9 Cambridgeshire County Council Email re Archaeology Condition, dated 13 April 2020, including attached site plan
- 10 Burston Nurseries Ltd - Appeal Decision Ref APP/B1930/W/21/3279463, dated 31 January 2022
- 11 Suggested Route for Inspector's Site Visit, dated 1 February 2022
- 12 Climate Change SPD, dated 8 February 2021
- 13 Natural Environment SPD, dated 24 September 2020
- 14 Statement to the Inspector, dated 2 Feb 2022, by Councillor John Wilson
- 15 Email from Kasia Gdaniec, Cambridgeshire County Council Senior Archaeologist, dated 13 April 2020
- 16 Cambridgeshire and Peterborough Clinical Commissioning Group Letter, dated 2 February 2022
- 17 Letter from Phil Thacker, Water and Planning Manager at Cambridgeshire Fire Authority, dated 3 February 2022
- 18 Email from Anne James, Planning Consultant at ECDC, dated 4 February 2022
- 19 Land North of the Railway Viaduct, Ledbury - Appeal Decision Ref APP/W1850/W/20/3244410, dated 15 March 2021
- 20 Land North of the Railway Viaduct, Ledbury - S106 Planning Obligation, dated 2 October 2020
- 21 Land at Wykin Lane, Nuneaton - Appeal Decision Ref APP/K2420/W/20/3262295, dated 21 May 2021
- 22 Land at Wykin Lane, Nuneaton - s106 Planning Obligation, dated 27 April 2021
- 23 Email from Ricky Ching, Senior Associate Town Planner at the NHS, dated 4 February 2022
- 24 Closing Submissions of the Council, by Jack Smyth, dated 4 February 2022
- 25 Closing Statement, by Dr Keith, dated 4 February 2022
- 26 Appellant's Closing Submissions, by Zack Simons, dated 4 February 2022
- 27 East Cambridgeshire District Council Note, submitted 4 March 2022
- 28 Letter from Iain Warner, Tetlow King Planning, dated 3 march 2022
- 29 Land to the North East of Broad Piece, Soham - Appeal Decision Ref APP/V0510/W/21/3282449, dated 11 February 2022