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**MAIN CASE**

**Reference No:** 20/01111/FUL

**Proposal:** The erection of two detached dwellings with one detached double garage and off road parking

**Site Address:** Site Adjacent To 3 Main Street Prickwillow Cambridgeshire

**Applicant:** Mr Edward Rice

**Case Officer:** Molly Hood Planning Officer

**Parish:** Ely

**Ward:** Ely North  
 Ward Councillor/s: Simon Harries  
 Alison Whelan

**Date Received:** 25 August 2020      **Expiry Date:** 11<sup>th</sup> February 2021  
**[V127]**

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**1.0      RECOMMENDATION**

1.1      Members are recommended to APPROVE the application subject to the following recommended conditions below:

- 1      Approved plans
- 2      Time Limit - FUL/FUM - 2+ dwelling
- 3      Contamination Investigation
- 4      Reporting of unexpected contamination
- 5      Foul and Surface Water Drainage
- 6      Ground Piling
- 7      Tree Protection
- 8      Boundary Treatments
- 9      Soft landscaping scheme
- 10     Phasing
- 11     Permitted Development Removal
- 12     Permitted Development Removal
- 13     Gates - restriction
- 14     New access - width
- 15     Parking, serving, etc
- 16     Visibility splays - plans
- 17     Access drainage
- 18     Access Engineering
- 19     Construction times - Standard hours

- 20 FRA mitigation
- 21 Flood Evacuation Programme
- 22 Japanese Knotweed Removal
- 23 Sample materials
- 24 Ecology mitigation
- 25 Soft landscaping

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks permission for the construction of two detached dwellings, which vary in scale and design. Construction of these dwellings is proposed to be phased. Plot 1 is the furthest back into the site, with a centrally located modern dwelling and a detached garage. Plot 2 is an L shaped designed dwelling with an adjoining double garage and is located closer to the highway.
- 2.2 Amendments have been received for this application to overcome concerns raised regarding visual impact and residential amenity impacts to existing neighbouring properties. These amendments have largely been focused on Plot 2.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.4 The application has been called into Planning Committee by Councillor Whelan due to concerns on the impact to the area, the neighbours and the fact it is outside of the Local Plan development area.

## **3.0 PLANNING HISTORY**

- 3.1
- |              |  |           |            |
|--------------|--|-----------|------------|
| 17/01578/OUT | Proposed Dwelling  | Refused   | 03.11.2017 |
| 18/01691/OUT | Proposed dwelling  | Approved  | 10.05.2019 |
| 20/00404/FUL | Proposed construction of 3no. detached dwellings with off road parking | withdrawn | 02.06.2020 |
| 18/00364/OUT | Outline application for 2no dwellings                                  | Approved  | 23.07.2019 |

## **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located outside of the established development framework which runs adjacent to the south-west, south-east and north-east. The site is also located within Flood Zone 2 and 3 and the Goose and Swan Impact Zone. An access runs along

the north-east boundary of the site, which serves the neighbouring farm unit and No.7 Main Street. A mature trees/hedgerow belt is situated between the site and highway. The area is characterised as edge of settlement with low density of housing in close proximity.

## **5.0 RESPONSES FROM CONSULTEES**

5.1 A site notice was posted on the 25<sup>th</sup> September 2020, along with an advertisement in the Cambridge Evening News which was printed on the 2<sup>nd</sup> September 2020. Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

### **Local Highways Authority - 12 October 2020**

I note that access arrangements are essentially the same as those previously approved with respect to plots 2 and 3 of application 20/00404/FUL and I do not therefore object in that regard.

The turning areas proposed within the site however appear less than ideal with maneuvering within both likely to be difficult. Vehicles reversing out of the southern garage space of plot 1 will be particularly awkward and is likely to require multiple manoeuvres. The tandem parking proposed for plot 2 causes additional difficulties, especially when the garaged vehicle needs to leave site while a second vehicle is present.

The applicant should be invited to demonstrate how parked vehicles will independent manoeuvre within the site so as to enter and leave in forward gear, with plans being amend as may be necessary to achieve this.

Please let me know if the applicant is unable or unwilling to provide additional information and/or make necessary changes, so that I can make alternative recommendations

### **Local Highways Authority - 17 December 2020**

No objections, subject to the comments and recommended conditions:

In widening the access, the driveway must be constructed in a bound material within 5m of the carriageway edge, with any works within the highway constructed in accordance with Cambridgeshire County Councils Housing Estate Roads Construction Specification (HERCS).

It should be also be noted that surface water from the site may not be discharged onto the public highway and measures will be required to prevent this, such as constructing the driveway to draining away from the highway or by provision of a separate positive drainage system.

### **Waste Strategy (ECDC) - 16 September 2020**

No objections, comments added as an informative.

### **ECDC Trees Team - 24 September 2020**

The arboricultural report provided by Haydens identifies that the overall conflict with trees on site is minimal, with the loss of a group, hedge and one tree all categorised as 'C' grade and therefore should not prevent development.

Providing the tree protection as shown on plan 8341 - D - AIA is installed prior to any construction activities on site - No Objections

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

**Environmental Health - 3 September 2020**

It looks like we have commented on this site in the past .

I have nothing to add at this time.

Previous Comments:

Under section 6 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted. In addition, due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

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

Also, as it would appear from a satellite view that there may be the need to remove some greenery in order for this development to go ahead I would advise that there be no burning of waste on site during the construction or clearance phases. This is in order to protect existing nearby residents from smoke nuisance.

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

No other points to raise at this time but please send out the environmental notes.

**Environment Agency - 23 September 2020**

The Agency has no objection to the proposed development but wishes to make the following comments:-

National Planning Policy Framework Flood Risk Sequential Test

In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has

to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test.

### FLOOD RISK

We have reviewed the Flood Risk Assessment (FRA) submitted and find the details acceptable. However, to reduce the risk of flooding to the development and future occupants in extreme events, your authority may wish to consider applying a condition to any subsequent permission to ensure the implementation of proposed mitigation measures.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, by Geoff Beel Consultancy, Ref: GCB/SABERTON, Dated January 2019 are implemented in full unless otherwise agreed by the planning authority. The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The EA does not need to be consulted on any matters related to this condition. It should be noted that the submitted FRA states that:

1. Finished floor levels are to be raised by 1m above existing ground levels to a minimum of 1.5m AOD.
2. Flood resilient construction measures shall be incorporated up to 300mm above the finished floor level.
3. There shall be no ground floor sleeping accommodation.

### Advice to LPA

With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authority to formally consider the emergency planning and rescue implications of new development in making their decisions. We strongly recommend that your Emergency Planner is consulted on the above issues.

### Advice to Applicant

Please be aware that the FRA submitted with this planning application was for the same site but for a single dwelling. In this instance because the documents detailing the elevations have shown that the proposed mitigation measures will cover both dwellings we have accepted the use of this FRA. However it may be that future applications for the site will require the FRA to be updated.

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for

Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings - Flood Resilient Construction", which can be downloaded from the following website:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Floodline Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit [www.gov.uk/flood](http://www.gov.uk/flood). Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

If soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Building Control. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

The site is located in an area served by the public foul sewer. Foul water from the proposed development should be discharged to the public foul sewer, with the prior written approval of the sewerage undertaker.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

#### **Environment Agency - 21 December 2020**

We have reviewed the amended details submitted and have no comments to add to those made in our response AC/2020/129612 dated 23 September 2020.

#### **Cambs Wildlife Trust - 6 October 2020**

I have reviewed the relevant documents and have no specific comments to make. Recommendations for ecological enhancements should be included as a condition to planning permission, should you be minded to approve the application.

#### **Cambs Wildlife Trust - 6 January 2021**

I have reviewed the PEA and letter of 23rd Dec 20 and would conclude that the findings and recommendations are adequate. However, I would suggest that the approach to the Japanese Knotweed should be clearer: it is an offence to cause this plant to spread, which can occur accidentally through the movement of material on the site. Therefore, the removal of the Japanese knotweed should take place first, before other works commence on the site, and this should be done by a suitably qualified and experienced contractor.

I would recommend that the mitigation and enhancement measures set out in Section 6 of the report be required by way of a suitably worded planning condition(s), should permission be granted.

And to add clarity, I am in agreement with the applicants ecologist that there is unlikely to be impacts on Natural England's Ouse Washes 'Goose and Swan Functional Land' Impact Risk Zone (IRZ).

**Parish - 22 September 2020**

The City of Ely Council had no concerns with regards to this application.

**Parish - 15 December 2020**

The City of Ely Council had no concerns with regards to this application.

**Ward Councillors – 18 December 2020**

I would like this to be called into the planning committee as I am concerned that the impact on the area, the neighbours and the fact that it is outside the Local Plan development area needs to be determined by the committee.

**Consultee For Other Wards In Parish - No Comments Received**

**The Ely Group Of Internal Drainage Board - 10 September 2020**

This application for development is within the Padnal and Waterden Internal Drainage District.

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

**Natural England - 6 January 2021**

**NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

5.2 Neighbours – 10 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

#### Principle

- Outside the development envelope, on land protected by planning policies.
- Associated outline applications were only permitted due to lack of 5 year housing supply at that time without details assessment.
- One of the described outbuildings has already been demolished in 2019.

#### Residential Amenity

- The proposed development is overbearing, overlooking and would lead to a loss of privacy.
- This layout would result in overlooking and privacy issues to No.3 rear windows and back garden and the front garden of No.7. There is ample space to the front of the plot which wouldn't impact.
- Whilst it has been reduced from 3 to 2 dwellings, the development would still be overbearing and significantly larger than neighbouring houses.
- The raised finished floor levels above AOD 1.5m will lead to overlooking issues already introduced by the stepped back position of the proposed houses.

#### Visual Impact

- Out of keeping with the neighbouring environment.
- The natural building line shifts the development further from the street line compared to the approved outline applications.
- The scale is greater than what was agreed at outline and this application doesn't confirm with the previous outline.
- It would form a dominant feature in the streetscene.
- Could have a negative impact on land stability of the neighbouring historic building.
- Concern with the extent of landownership and the risk this could be used for a large residential garden and no specific boundary treatments.

#### Ecology

- The proposed development is on land designate as Goose and Swan Functional Land Impact Zone functionally linked to the Ouse Washes European Site.
- The neighbour has provided images to demonstrate a number of Swans in the adjacent field from January 2020.
- If any development is going to be pursued in this location a habitats regulation assessment should be performed to demonstrate that proposed development will not have any adverse effect on the Ouse Washes functional land in accordance with the requirements of the Habitats Regulations.
- It will have a negative impact on local wildlife and biodiversity.

#### Highway Safety

- It is not clear if the proposed visibility splays 2.4m x 43m are sufficient for access point located below existing street level. Joining the highway from a driveway with a steep gradient usually leads to reduced visibility.
- The existing access point and a significant part of Plot 1 is already used by No.7 for parking and the access and existing parking for No.7 Main Street is missing.



- Doesn't provide enough parking spaces for the two proposed houses and the existing house.

Technical Details

- The location plan and plan as proposed do not fully show the whole extent of the built-up area.
- The proposed site plan shows floor levels at 1.35m AOD, not sufficient to conform with previous planning conditions.
- Application 20/00404/FUL was withdrawn and this current application doesn't remove any of our concerns. Whilst three proposed dwellings were changed to two dwelling, small reduction in build-up area and a minor reshuffle of the layout, concerns still remain.

These comments were received after the amendment:

- We have reviewed the amended plans and our concerns remain unchanged.
- Plot 2 is positioned outside of the development envelope for Prickwillow and development on this site shouldn't be permitted.
- The proposal is substantially different from the previous outline and the scale is larger than the scope previously agreed.
- It would create a dominant feature in the streetscene, with a unconventional layout that is being proposed on Plot 1.
- The proposed houses are very tightly packed on the site with increasing distance from the street line which would inevitably lead to overlooking and loss of privacy.
- The revised plan is still showing ground levels at 1.35OAD contrary to the requirement of 1.5m AOD.
- Also raising the land could result in surface water drainage issues to our property.
- Raising the floor levels will result in overlooking and loss of privacy.
- The proposed access is currently used as the main access for No.7 Main Street.
- The access for No.7 Main Street is in fact a footpath which is not adequate for parking or turning for two cars.
- Impact to ecology and concern of extant of ownership.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational Strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

6.2 *Supplementary Planning Documents*

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

6.3 *National Planning Policy Framework 2019*

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

6.4 *Planning Practice Guidance*

6.5 *National Design Guide*

**7.0 PLANNING COMMENTS**

7.1 The main considerations of this application are: principle of development, visual amenity, residential amenity, highway safety, ecology, trees and other matters. The site has secured outline permission under two different applications for a cumulative total of three dwellings on this site (application references 18/00364/OUT and 18/01691/OUT). These permissions remain extant.

**7.2 Principle of Development**

7.2.1 The Council's latest Five Year Land Supply report, published December 2020 demonstrates the authority has 6.14 years worth of supply of deliverable homes. On the basis that the Council can demonstrate a five year land supply the NPPF 'tilted balance' of para 11(d) is not triggered.

7.2.2 Policy GROWTH2 of the Local Plan 2015 provides the locational strategy for the district and seeks for development to be concentrated within the defined settlement boundaries. Outside these areas and subject to other policies in the plan, development will be strictly controlled having regard to the need to protect the countryside and the setting of towns and villages. This proposal is located outside of the development boundary of Prickwillow and therefore within open countryside. As such the development is contrary to Policy GROWTH2 and does not meet the list of exceptions within the policy. However, the principle of development was previously agreed on this site through the approval of two outline planning permissions. As these permissions are still extant, it is considered that the principle of residential dwellings on this site is established as a material consideration.

7.2.3 The neighbouring resident comments on the sites location outside of the development envelope, stating 'the associated outlines were only permitted due to a lack of 5 year supply at that time without detailed assessment of the negative impacts'. The previously approved applications were outline permissions, meaning matters were reserved and couldn't be considered. However, the factors impacting the principle of development, i.e. flood risk and land supply were considered and in

the assessment of the tilted balance no harm outweighed the contribution of the three dwellings. These permissions remain live and development under these outline's can still proceed, therefore this forms a material planning consideration under this application.

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

### **7.3 Residential Amenity**

7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Additionally paragraph 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

7.3.2 Concerns were received from No.3 Prickwillow Road about the overbearing impact, overlooking and loss of privacy from the initial design of the dwellings. Privacy concerns were raised regarding the rear windows and curtilage of No.3 and the front curtilage of No.7. In addition, neighbour concerns addressed the finished floor levels being raised 1.5m (4.9ft) from AOD and the overlooking issues this would lead to due to the stepped back position of the proposed houses.

7.3.3 Amendments were received to Plot 2 to address the concerns about the impact to No.3 Main Street, as this property has the closest relationship and the highest possibility to be impacted in terms of overlooking, overbearing and loss of privacy. The amendments altered the location of the dwelling, moving it closer to the road and as far away as possible from the south-west boundary. In addition, changes have been made to the roof design, removing the windows from the south-west elevation and a reduction in the footprint of the property to minimise the depth of the south-west elevation. Furthermore, the garage has been positioned so it sits along the northern boundary.

7.3.4 The revisions made to Plot 2 are considered to minimise the harm to No.3 Main Street and the proposed dwelling is not considered to result in significantly detrimental impacts. The south-west elevation of the dwelling is the closest aspect to No.3 and spans 8m (26.2ft), with no openings. The depth has been reduced by 4m (13.1ft) and the bulk of built form is positioned further to the northern boundary. It is considered that the scale and location of the dwelling would not result in significant overbearing or overshadowing harm.

7.3.5 Whilst the dwelling is set back further from the highway than No.3, the property is not considered to result in significantly detrimental overlooking or loss of privacy. The closest first floor front elevation window will serve a habitable room, however there will be 7m (22.96ft) between the proposed property and the nearest point of No.3 Main Street. It is considered that the positioning of the window will restrict the views towards the neighbouring properties curtilage and rear elevation windows and roof lights. The raising of the floor levels to mitigate the flood risk is not considered to significantly impact residential amenity or lead to detrimental overlooking, as the

dwelling's ridge height would be no greater than the existing property and the positioning of the dwelling would restrict views.

- 7.3.6 Furthermore, the positioning and fenestration detailing for Plot 1 are not considered to result in significantly detrimental impacts to the residential amenity of No.7 Main Street or No.3 Main Street. The only windows on the northern elevation would be at ground floor, serving a bathroom and a secondary window to the living room. The proposal is not considered to result in detrimental impacts to the residential amenity of the existing and future occupiers and would still retain a high standard of amenity.

#### **7.4. Visual Impact**

- 7.4.1 Neighbour concerns were received about the visual impact of the proposed development, describing the proposal as out of keeping with the neighbouring environment and shifting the development further from the street than the outline permissions. Upon reviewing the outlines, layout was not a matter agreed under application 18/01691/OUT. However, layout was agreed under 18/00364/OUT and the two dwellings approved were further forward than Plot 1. This application staggers the development diagonally to form a line of built form starting from No.3 to No.7, in turn establishing a pattern of development in line with the existing graduation of dwellings from the highway. It is considered that this is not harmful to the appearance of the dwellings from the streetscene or the overall pattern of development on Prickwillow.
- 7.4.2 Main Street, has a variety of dwellings which vary in scale and design. In the immediate area, there are bungalows, one and half storey properties with dormers and full height two storey dwellings. The proposed dwellings are not considered to be at odds with the existing built form in the streetscene or the adjacent properties. The indicative streetscene image demonstrates that the proposed ridge heights sit sympathetically to the adjacent dwellings. In addition, the footprint of the dwellings would not span the width of the site and the dwellings with accompanying garages and parking are not considered to result in overdevelopment. The proposed development maintains a spacious and open appearance to the site, in keeping to the surrounding properties.
- 7.4.3 Main Street does have a variety of dwellings and the immediate area of the streetscene has a collection of materials and differently designed properties. Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. To add, the National Design Guide draws upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings to establish well- designed, high quality and attractive development.
- 7.4.4 The Design and Access Statement demonstrated an assessment of the local context, illustrating nearby modern or uniquely designed dwellings. Plot 1 brings a new modern architectural design of dwelling to the streetscene, due to the footprint shape, roof articulation and window designs. However, it is considered that the design of the property is not so extreme that it is exceptionally harmful to the character of the streetscene or results in a dominant dwelling. The more prominent features have been isolated to the rear elevations, yet the front elevation still

establishes a sympathetic modern appearance which is considered to complement the mixed architectural styles present on main street.

- 7.4.5 The neighbouring property has raised concern that the proposal would be a dominant feature in the streetscene, however both properties are considered to be sympathetic in form, scale, layout and materials. The revisions to Plot 2, in particular, help to sympathise the appearance and form of the dwelling to the adjacent property No.3. Materials proposed include facing brick work and cladding, with colour to be conditioned, slate roofing and grey/black casement windows. The full material details will be conditioned, however the use of brick and cladding is considered to be appropriate for this location.
- 7.4.6 Finally, comments on the application reference boundary treatments and the depth of the residential curtilage into the surrounding countryside. Boundary treatments will be a condition, to ensure those in particularly adjacent to the fields remain open, however the agent has advised close boarded fencing will be used along the boundary with No.3 to protect amenity. A condition will be applied to remove permitted development rights for Class E to control any future built form extending closer to the rear curtilage boundary and adjacent fields.

## **7.5 Flood Risk**

- 7.5.1 Under the previous outline applications the sequential test was applied to the proposed developments, due to the sites location in Flood Zone 2 & 3 and its high probability of flooding in accordance with the NPPG. The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding.
- 7.5.2 The Local Planning Authority considered the requirements of the Sequential Test, within the previous applications. It was determined due to the site's location adjacent to existing residential properties, that the development is in sustainable location, providing mitigation measures are applied. In addition, it was considered there is no further land available for development in Prickwillow, which is at a lower risk of flooding. All of the area in the defined development envelope for Prickwillow is within Flood Zone 2 & 3, meaning there are no other suitable sites within Prickwillow which are not within an allocated Flood Zone or demonstrate a lower probability of flooding. Therefore, the proposed development was considered acceptable in this location and passed the Sequential Test for this reason. This position remains for these current applications and the present application is still considered to meet the sequential test.
- 7.5.3 The Exception Test is required for development proposals where the Sequential Test is met. The Exception Test requires that proposals demonstrate that the development (Part A) provides wider sustainability benefits to the community that outweigh flood risk, and (Part B) that a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 7.5.4 It is considered the development provides a public benefit as it provides an additional two dwellings and contributes to the vitality by increasing sustainable

development in rural communities. In addition, the development has provided a site specific Flood Risk Assessment which demonstrates the development will be safe for its lifetime. The Environment Agency have raised no objection, recommending a condition to ensure mitigation measures are implemented. This will be controlled by condition.

*'The proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, by Geoff Beel Consultancy, Ref: GCB/SABERTON, Dated January 2019 are implemented in full unless otherwise agreed by the planning authority. The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.'*

*The EA does not need to be consulted on any matters related to this condition. It should be noted that the submitted FRA states that:*

- 1. Finished floor levels are to be raised by 1m above existing ground levels to a minimum of 1.5m AOD.*
- 2. Flood resilient construction measures shall be incorporated up to 300mm above the finished floor level.*
- 3. There shall be no ground floor sleeping accommodation.*

7.5.5 The Flood Risk Assessment states in paragraph 5.5 that the site is located in Flood Zone 2 & 3 and benefits from defences. The development is considered to be safe from effects of any flooding, with a refuge at first floor in the case of a flood. Furthermore paragraph 5.6 identifies that finished floor levels will be raised to a minimum of 1.5m (4.9ft) AOD with a further 300mm resilient construction above. In terms of flood risk mitigation, the measures outlined in the FRA, together with a condition in respect of surface and foul drainage disposal would be appropriate to reduce the risk of flood damage. The drainage condition can then address the suitability of soakaways in this area or whether an alternative means of surface water drainage is required, in line with the Internal Drainage Board's comments.

7.5.6 The Environment Agency comments cover the provision of an evacuation plan. The formulation of an evacuation plan will be controlled by condition, to ensure that the applicants are prepared in the event of a breach.

## **7.6 Highways Safety**

7.6.1 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Neighbour concerns have been raised over whether the visibility splays are appropriate for the access point and the gradient of the drive. In addition, the use of the existing access point for No.7 Main Street and insufficient parking for proposed dwellings.

7.6.2 The Local Highway Authority have raised no objection to the access arrangements, advising these are the same as previously approved. However, concerns were initially raised about the size of the turning areas and ability to manoeuvre, in particular for Plot 1. There have since been revisions to the layout of garaging on the site, which in

turn impacts the turning area. With the revisions, it is considered that the parking arrangements would provide sufficient space to allow for vehicles to safely access the highway in a forward gear. On the revised plans, the Local Highway Authority raised no objection and recommended conditions, in particular ensuring the access is constructed from a bound material.

- 7.6.3 The Local Highway Authority has not raised an objection to the access point or the indicated visibility splays. Therefore, it is considered that the access point is safe and convenient to serve the two dwellings, compliant with policy COM7. Furthermore, the proposal provides two off street parking spaces for each dwelling, in line with policy COM8. The existing access point and site does provide off street parking for No.7 Main Street, which would become void with this current application. However, the site plan demonstrates another access point which serves No.7 Main Street. The neighbouring property has raised concern over this access, however it is an existing vehicular access point to the dwelling.

## **7.7 Ecology**

- 7.7.1 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. In addition, the Natural Environment SPD seeks to establish biodiversity net gain and provides additional guidance for those sites situated in designations. The site sits in the Goose and Swan Impact Risk Zone and therefore it is necessary to ensure that the proposal would not result in any adverse impact. Whilst the site has extant planning permission, the impact of development on the Impact Zone and Ecology still have to be considered under this application.
- 7.7.2 A neighbour has raised concern over the sites location in the designated site and has provided images of swans in the adjacent field from January 2020. In addition, that a Habitats Regulation Assessment is required for the proposal to demonstrate that the development will not have an adverse effect on the Ouse Washes functional land.
- 7.7.3 The application includes a Preliminary Ecology Assessment which details the habitats on the site are of low ecological value and that there are no significant ecological constraints that would prevent the proposed works. Whilst the site is located within the goose and swan impact zone, the applicant has carried out a Preliminary Ecology Assessment dated September 2020 and has since provided further information relating specifically to geese and swans from Greenlight Environmental Consultancy. Greenlight have confirmed that at the time of survey, the field was sown with unsuitable arable crop for geese and swans and that the suitability of the site for these birds is affected by the nearby railway. Greenlight advise that the site is unsuitable for these species, particularly given the adjacent residential uses. They also confirm that any construction activities would not exceed the disturbance already created by the railway line. Greenlight conclude that the proposed development will have insignificant effects on the Goose and Swan Impact Risk Zone, owing to its relatively small scale, unsuitable habitats on site and limited predicted impacts beyond the area of works. Therefore it is not considered necessary to require the applicant to submit further information or surveys.

- 7.7.4 The site is not within a SSSI or any other designated area which triggers the requirement for an HRA assessment. Natural England's and the Wildlife Trust, agree with the Ecologist that there is unlikely to be impacts on Natural England's Ouse Washes Goose and Swan Functional Land Impact Risk Zone (IRZ). In addition, the Natural Environment SPD does not require an HRA for developments such as proposed here.
- 7.7.5 To ensure as little disturbance and post development gain is provided the mitigation measures will be conditioned, along with a soft landscaping scheme. Furthermore, a suitable condition will be included to support the appropriate removal of the Japanese knotweed in line with the Wildlife Trusts comments.

## **7.8 Trees**

- 7.8.1 Along the south-east boundary is a collection of well-established hedgerow, shrubs and trees. The development will utilise an existing access point, however some level of improvements will be required to meet standards. As such this will involve encroachment into the area of vegetation. A Tree Survey, Arboricultural Impact Assessment and Preliminary Method Statement, with tree protection details was included with the application. The Trees Officer advised that the Arboricultural Report provided by Haydens identifies that the overall conflict with trees on site is minimal, with the loss of a group, hedge and one tree all categorised as 'C' grade, and therefore should not prevent development. The development will only result in minimal disturbance to the front boundary vegetation and adequate tree protection measures have been provided for the retained trees and hedging. The tree protection plan will be conditioned.

## **7.9 Other Matters**

- 7.9.1 The neighbour comments express concern that the location plan does not fully show the whole extent of the build-up area. The plans illustrate the footprints of the immediate neighbouring properties and clearly defines the footprint of the proposed dwellings. There is not considered to be any discrepancies with the drawings submitted. In addition, the concerns with the drawings extend towards the indicated raised floor levels of the dwellings, with them being shown at 1.35m (4.4ft) AOD. The approved drawings have been checked and the proposed elevations indicate that the dwellings will be 1.5m (4.9ft) AOD, this will be also be conditioned as part of the FRA mitigation measures.

## **8.0 Planning balance**

- 8.1 The site has extant planning permission for three dwellings, therefore the principle of development has already been considered acceptable. This application would reduce the amount of built form as only two dwellings are proposed. Furthermore, the proposal is not considered to result in significant harm to the residential amenity of the surrounding occupiers, the visual appearance of the streetscene or the Goose and Swan Impact Risk Zone. In addition, the proposal meets the sequential and exceptions tests and demonstrates adequate parking, turning and safe access to the highway. The proposal is compliant to policies within the East Cambridgeshire Local Plan, the NPPF and Supplementary Planning Documents. Therefore, the application is recommended for approval.



## 9.0 APPENDICES

### Appendix 1 – List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/01111/FUL	Molly Hood Room No. 011	Molly Hood Planning Officer 01353 665555
17/01578/OUT	The Grange	molly.hood@eastca
18/01691/OUT	Ely	mbs.gov.uk
20/00404/FUL		
18/00364/OUT		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

### Appendix 1 – List of Conditions

Approve

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

Plan Reference	Version No	Date Received
G05	C	25th August 2020
G16		25th August 2020
G01	D	2nd December 2020
8341-D-AIA		9th September 2020
Arboricultural Impact Assessment		9th September 2020
Preliminary Ecological Assessment		9th September 2020
G06	E	2nd December 2020
G11	H	2nd December 2020
G15	H	2nd December 2020
G10	I	2nd December 2020
G12	H	2nd December 2020
G20	F	2nd December 2020
G21	C	2nd December 2020
G22	F	2nd December 2020

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

- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake

this work prior to consent being granted and the details need to be agreed before construction begins.

- 6 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The tree protection measures as shown on 8341 - D - AIA shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 7 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of the dwelling to which it relates and retained thereafter.
- 8 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 The development hereby permitted consists of two phases as shown on Drawing No. G07 A ; and shall be completed in accordance with the phasing plan submitted.
- 10 Reason: The applicant has requested that the development be undertaken in a phased manner for the purposes of CIL.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A of Part 2 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on GO6 E.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan GO6 E and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to the occupation of the dwellings visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan GO6 E The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 18 Before the dwelling hereby permitted is occupied, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 The development shall be carried out in accordance with the submitted Flood Risk Assessment dated January 2019 to include:
- Finished floor levels are to be raised by 1m above existing ground levels to a minimum of 1.5m AOD.
  - Flood resilient construction measures shall be incorporated up to 300mm above the finished floor level.
  - There shall be no ground floor sleeping accommodation.
- 20 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to occupation, a flood evacuation programme should be submitted and in agreed in writing with the Local Planning Authority. The approved flood evacuation plan shall be adhered to in perpetuity.
- 21 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 22 No development shall take place until a programme for the removal and disposal of the Japanese Knotweed present on site, is submitted to and agreed in writing with the Local Planning Authority. The works to remove and dispose of the species shall be carried out before any site clearance, demolition or site investigations commence. The works should be done by a suitably qualified and experienced contractor.
- 22 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 23 No above ground construction shall take place on site until details of the brick, cladding, roof covering, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 23 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 24 The development shall be carried out in accordance with the mitigation measures set out in Chapter 6, Discussions and Conclusions, of the Preliminary Ecological Appraisal dated 7th September 2020. Works shall be completed in accordance with the approved details.
- 24 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 25 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 25 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.