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**MAIN CASE**

**Reference No:** 20/01486/VAR

**Proposal:** To vary Condition 1 (Approved Plans) of previously approved 19/01229/FUL for Proposed two storey dwelling, garage, parking, access and associated works

**Site Address:** Land Between 37 And 38 Great Fen Road Soham  
Cambridgeshire

**Applicant:** Mr & Mrs M Hill

**Case Officer:** Emma Barral Planning Officer

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Victoria Charlesworth  
Alec Jones

**Date Received:** 9 November 2020      **Expiry Date:** 14 April 2021  
**Report Number [V166]**

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE subject to the recommended conditions below:"

- 1 Approved Plans
- 2 Time Limit
- 3 Foul and Surface Water
- 4 Materials
- 5 Contamination
- 6 Construction Times
- 7 Piling Foundations
- 8 Flood Risk
- 9 Biodiversity
- 10 Access, Parking and Turning Areas
- 11 Permitted Development Rights
- 12 Permitted Development Rights

2.0 **SUMMARY OF APPLICATION**

2.1 The application submitted seeks to vary Condition 1 (Approved Plans) of previously approved 19/01229/FUL for a proposed two storey dwelling, garage, parking,

access and associated works. The proposed dwellinghouse has been repositioned within the plot and the side/rear double garage element omitted. The dwelling proposed in the current application is larger in its ground floor plan than that previously approved but is no higher being approximately 7.5 metres (24.5 feet) to its ridge and the accommodation at first floor level is reduced to the master suite only with storage and the remaining bedrooms would be located at ground floor.

2.2 The application has been called to Planning Committee by Councillor Jones for the following reason- “this decision would benefit from a wider review by the Planning committee to consider whether the continued reviewed development is detrimental to neighbours in terms of incursion of visual amenity and over development of the site”.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

19/01229/FUL	Proposed two storey dwelling, garage, parking, access and associated works.	Approved	08.09.2020
17/01176/OUT	Proposed two storey dwelling, garaging, parking, access and associated works.	Approved	21.09.2017

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is currently part of an agricultural field located between two dwellings. The dwelling to the south of the site is a two storey dwelling with outbuildings. That dwelling is located on the southern side of the plot with the outbuildings located closer to the northern boundary with the application site. The dwelling to the north of the application site is a single storey bungalow. The application site is well outside the development envelope for Soham in the countryside and is within Flood Zone 3. The character of the area is largely open, flat agricultural land with sporadic housing along the western side of the Great Fen Road. The land levels of the site are well below those of the road and the frontage of the site is enclosed by native hedging.

### 5.0 RESPONSES FROM CONSULTEES

5.1 A site notice was displayed near the site on 27 November 2020. In addition four neighbouring properties have been directly notified by letter. The full responses are available on the Council's web site. One response has been received raising the following summarised concerns:

The Old School- Objection (7<sup>th</sup> December 2020)- “Increased size inappropriate to size of outline plot.

- Substantially bigger than the approved build
- Size no longer appropriate to the size of the approved outline plan

- Condition number 13 of the Consented Scheme 19-01229-FUL

New Location Affecting Overlook, Light & Privacy, Change in location to the very back of the plot means that our windows will now face directly onto the walls & windows of the new house. Planning requiring the new build to be raised to a height 0.5m above the level of the road, combined with movement of the property to the back of the plot, means that the property will tower over our garden and back door substantially affecting out privacy and blocking light into both the house and garden. Amenities not shown on plans”.

The Old School- Objection (18<sup>th</sup> December 2020)- Further letter of objections relating to the size of the proposed dwellinghouse, impacts to neighbour amenity such as overlooking, loss of light and the raising of the land levels. Concerns that the dwellinghouse is inappropriate in the landscape, amenities not shown on the plans, no measurements on the plans, concerns for boundary treatments, ownership of land, concerns for future development and construction phase of development.

The Old School- Objection- (Letter by Hutchinsons dated 8<sup>th</sup> February 2021)- The FRA does not address any of the works that are on going which have raised the level of the land. It does not suggest that such works are necessary and repeats its earlier recommendation that the ground floor level should be built at 500mm above the level of Great Fen Road and with flood resilient construction up to 300mm above finished floor level. There is no reference to the overall ground levels being raised and it does not address any potential implications of those raised levels, including how it may affect our clients’ home. It also does not state that any works are required offsite although work appears to be taking place as part of the overall development. The FRA as submitted therefore does not address the current proposals and works that are being undertaken and we consider it is wholly inadequate on which to base any planning permission for the varied scheme.

With regard to the application generally, it is noted that it is accompanied by a supporting statement that states:

*The proposed dwelling has been slightly repositioned to overcome concerns from the Old School House, together with hipped roofs and roofs screening the rear terrace and therefore also dealing with the concerns of overlooking, all rear fenestration looks to Ely Cathedral across the fields.*

However, we would comment that the size and position of the proposed dwelling has been considerably changed and has been moved so that it is set back from the road boundary by a further 7 metres resulting in a rear garden of only 2 to 3 metres in depth. This compares with a rear garden of some 11metres for the original dwelling. Furthermore, the ground floor of the dwelling has been enlarged to such an extent that it now occupies a much greater proportion of the plot resulting in there being no room for the approved garage and no room for any private garden. The previously approved rear boundary hedge is removed in the current application and the clear implication is that it is intended to extend the plot into the adjacent field at some stage. There are no conditions requiring

either the approved hedge to be implemented and retained or for any landscaping scheme to be submitted to and approved by the Local Planning Authority and subsequently implemented and retained in situ.

The applicants have stated that this '*slight*' repositioning is to overcome the concerns from the Old School House. However, we would advise that the repositioning and enlargement of the dwelling does not overcome the concerns of our clients but instead makes the position worse. The Old School House has a large number of windows on its northern elevation facing directly onto the application site. The position of the original approved dwelling (19/01229/FUL) located at the front of the plot meant that the new building would be largely screened by an existing outbuilding and vegetation, even when the ground floor level of the new house was built up. In contrast, the current proposal which is positioned at the rear of the plot occupies a far greater area of the site. Its design and size results in a greater bulk and massing and it will be considerably more visually intrusive and bulky. The introduction of a one and a half storey dwelling in contrast to the approved two storey dwelling does not reduce the overall bulk of the dwelling because of the greatly extended footprint.

Mr and Mrs Palmer raised concern about the raised height of the dwelling arising from the recommendations of the FRA and which is also a requirement of Condition 8. We also raised this concern in our email to Ms Barral of 15 January 2021. The level of the site is shown on the approved plans to be 99.8m and Great Fen Road to be 101.4m (101.756 within the middle of the roadway). As a consequence, the requirement for the ground floor of the dwelling to be raised 500mm above the level of Great Fen Road (Condition 8) would result in the ground floor of the approved dwelling needing to be raised above ground level by between 2.1m and 2.4m in order to comply with the condition. As the finished floor level was shown to be 102.300, the floor level will be raised some 2.5m above the original levels of the site. It is noted that the new dwelling is to have a ridge height similar to the consented two storey dwelling (7.6 metres). As a consequence, the overall height of both the approved and proposed dwelling will be over 10metres. This is not shown on the submitted plans. Indeed the application is silent on this matter and no sections or finished levels are provided which would allow proper consideration of the proposals.

Furthermore, those measurements were also based on a dwelling with a ground floor area of 130sqm compared with the current dwelling of some 220sqm ground floor area. The mass of the current proposed dwelling will be considerable in these circumstances. The proposals clearly represent over-development and will result in a dwelling being built that is visually bulky and intrusive. No plans have been submitted to show the full impact of this dwelling and we consider that it cannot be determined as a variation to the earlier application. No details of the garage are provided and we would contend that a garage cannot be built within the application site if the proposed dwelling is built. This would not be in accordance with the planning permission.

The applicants have stated that the application should be considered acceptable in terms of visual amenity but have not shown how that can be the case. Indeed we consider that the reverse is true. We consider that there are too many irregularities and unexplained issues with the submitted scheme. The scheme is unacceptable

and will have unacceptable adverse impacts upon the amenities of Old School House, upon the general street scene and amenities of Great Fen Road as well as upon the character of the surrounding countryside, contrary to Policies GROWTH 2 and ENV2 and the National Planning Policy Framework.”

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

**Local Highways Authority - No Comments Received**

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

**Environmental Health - 13 November 2020-** “I have no comments that I wish to make at this time”.

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

**Environment Agency - 18 November 2020-** “We are returning this planning application consultation without comment because it is not clear why we have been consulted”.

**Environment Agency - 27 January 2021-** “Thank you for your email. We have no comment to make on this application”.

**Environment Agency- 19 February 2021-** “Our Fenland breach mapping indicates that the site could flood to a depth of up to 0.5m in the event of a breach of the Ely Ouse flood defences.

We consider that the proposed mitigation measure of raising finished floor levels up to 500mm above Great Fen Road level will minimise the risk of internal flooding in the event of a breach.

We have no objection to the variation of condition 1 to include ground floor bedrooms providing safe refuge is available at first floor level”.

**The Ely Group Of Internal Drainage Board - 23 November 2020-** “This application for development is within the Middle Fen and Mere Internal Drainage Board. The Board has no comments to make from a drainage point of view”.

**Soham Parish Council- 2 December 2020-** No comments or objections

**Soham Parish Council - 3 February 2021-** “No concerns”.

**Ward Councillors - 29 December 2020-** (Councilor Jones)- “With regard to our conversation on Christmas Eve, I feel this decision would benefit from a wider review by the Planning committee to consider whether the continued reviewed development is detrimental to neighbours in terms of incursion of visual amenity and over development of the site. Therefore can you please accept this email as my request to call in the planning application 20/01486 for the land on Gt Fen road”.

**Building Control - East Cambridgeshire District Council - 18 January 2021-** “The site plan details that it is proposed to utilise conventional soakaways on this

development which is satisfactory. There is however no detail of size etc. in relation to roof area but this can be resolved on site once work has commenced”.

## 6.0 The Planning Policy Context

### *East Cambridgeshire Local Plan 2015*

ENV 1	Landscape and settlement character
ENV 2	Design
ENV4	Climate change
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 13	Local register of buildings
ENV14	Sites of archaeological interest
HOU 2	Housing density
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

### *Supplementary Planning Documents*

Developer Contributions and Planning Obligations  
Design Guide  
Flood and Water  
Contamination  
Natural Environment  
Climate Change

### *National Planning Policy Framework 2019*

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

## 7.0 PLANNING COMMENTS

- 7.1 The main planning considerations relate to the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and parking provision, flood risk, drainage, climate change and biodiversity. It is noted that since the approval of LPA Ref 19/01229/FUL the proposed dwellinghouse has been repositioned within the plot and the side/rear double garage element omitted. The dwelling proposed in the current application is larger in its ground floor plan than that previously approved but is no higher being approximately 7.5 metres (24.5 feet) to its

ridge and the accommodation at first floor level is reduced to the master suite only with storage and the remaining bedrooms would be located at ground floor.

## 7.2 Principle of Development

- 7.3 The application site is located outside the development envelope of Soham. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its *Five Year Land Supply Report - 1 April 2019 to 31 March 2024* (published April 2020) and later in its updated *Five Year Land Supply Report - 1 April 2020 to 31 March 2025* (published December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.
- 7.4 The 2020 HDT result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years. This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.
- 7.5 The principle of development was established under LPA Ref 17/01176/OUT and 19/01229/FUL and is considered to be acceptable in principle given that a dwelling could be constructed under planning permission 19/01229/FUL.

## 7.6 Visual Amenity

- 7.7 Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.
- 7.8 The outline permission under LPA Ref 17/01176/OUT included approval of the scale of the dwellinghouse which was restricted to the footprint shown on the approved drawing and an overall height of no more than 8 metres (26 feet) above the finished raised land levels. The dwelling proposed under LPA Ref 19/01229/FUL was larger in plan form than that approved being a double fronted, two storey house but was 7.5 metres (24.5 feet) to its ridge. The details regarding land level changes are covered below in the drainage section.
- 7.9 The Officers Report for LPA Ref 19/01229/FUL stated that "Concern has been expressed by one neighbour with regard to the raising of the land levels proposed in this application, however a similar raising of land levels (300mm (1 foot) above the level of the road as opposed to the 500mm (1.6 foot) proposed in the current application) was permitted in the extant permission and it is not considered that the additional 200mm (0.6 foot) would have any significant impact either visually, in terms of its impact on the neighbouring property or on drainage". Therefore, the additional 500mm (1.6 foot) above road level was approved as part of the previous application under LPA Ref 19/01229/FUL.

- 7.10 The dwelling proposed in the current application is larger in its ground floor plan than that previously approved but is no higher being approximately 7.5 metres (24.5 feet) to its ridge with the addition of 0.5 metres (1.6 foot) above ground level of Great Fen Road (same as previous approval) and the accommodation at first floor level is reduced to the master suite only with storage and the remaining bedrooms would be located at ground floor. The overall height would therefore not increase through the current application, just the location of the proposed dwellinghouse in the plot and the design of the dwellinghouse.
- 7.11 The height of the proposed dwellinghouse would be greater than the dwellinghouse to the north which is a bungalow, however the dwellinghouse to the south is a two storey dwellinghouse and therefore the proposed dwellinghouse would not appear out of keeping with development in the immediate vicinity. It would be slightly closer in location to the neighbouring properties to the north, however the variation in location and design of the dwelling would not appear visually discordant or result in significant harm to visual amenity given the extent of build form already approved.
- 7.12 The amended design and siting of the dwelling is considered acceptable, particularly as there is no overarching architectural style of dwellings in the surrounding area. Given the countryside location of the site and the fact that the dwellinghouse has increased in size to what is considered to be the most the plot can support, a condition would also be added removing permitted development rights for extensions and outbuildings to ensure no harm to the amenity of the area by uncontrolled additions in the future.
- 7.13 The submitted plans show that the proposed materials of construction would be natural slate roof, Stamford stone and timber sash windows and doors. Details are required to ensure that the appearance of the proposed dwellinghouse assimilates into the rural setting and surrounding area.
- 7.14 It is therefore considered that the proposed development is acceptable in terms of its impact on visual amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7.15 Residential Amenity
- 7.16 Policy ENV2 requires new development proposals to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.17 Furthermore, the East Cambridgeshire Design Guide SPD states that the following will apply to development:
- In most cases, building plots should be approximately 300 square metres;
  - The footprint of any proposed development should be no more than approximately one third of the plot size;

- In most cases, rear private amenity space should be a minimum of 50 square metres;
- The distance between rear inter-visible windows should be a minimum of 20 metres; This will require the rear elevation of any dwelling to be located at least 10 metres from the rear boundary (proposed bedroom two has no window).

- 7.18 It is considered that the amended proposed dwelling is of a scale and distance from neighbouring dwellings which means that they would not result in any significant loss of light, overshadowing or visual intrusion to those neighbouring properties.
- 7.19 Two first floor rooflights would face the neighbours to the north (37a and 38 Great Fen Road) serving the landing void and the dressing room off the master bedroom. Any such overlooking would be at oblique angles and is not considered likely to result in any significant loss of privacy. It is not considered that these should be fitted with obscure glazing given the distances retained to the neighbouring dwellinghouse to the north. There is a gap of 23 metres (75 foot) retain between the flank walls and 17 metres (55 foot) to the common boundary. The ground floor window to serve the ensuite would be obscure glazed as shown on the submitted drawings. The proposed north facing windows to serve the utility room and roof light to serve bedroom 4 are not considered to result in significant harm by way of overlooking or similar.
- 7.20 Several windows would also face south, facing 37 Great Fen Road however a distance of 25 metres (82 foot) is retained to this neighbouring dwellinghouse and 8 metres (26 foot) to the common boundary and as such it is not considered that any significant harmful overlooking would occur. Moreover, the ensuite to serve bedroom three would be fitted with obscure glazing as shown on the proposed floorplans.
- 7.21 While third party comments are noted, a substantial amount of build form at already been approved at the application site under LPA Ref 17/01176/OUT and 19/01229/FUL. Moreover, the Agent statement has suggested that the amendments are to improve the relationship with Old School House to the north. The hipped roofs to the rear would screen the rear terrace area. While the dwellinghouse has moved within the plot, given the proposed dwellinghouse is no higher in overall height, the proposed dwellinghouse is not considered to result in any harm by way of overbearing, loss of outlook or overshadowing given the distances retained to the dwellinghouses to the north and to the south of the application plot. On balance it is considered that some harm to the neighbouring dwellings would not warrant an objection to the amended dwellinghouse.
- 7.22 The plot size (approximately 720sqm, 0.17 acres) and the private garden area (approximately 150sqm, 0.03 acres) are both in excess of the minimum requirements of the Council's Design Guide and would provide sufficient amenity for residents of the proposed dwelling. While the depth of the rear garden space is limited, there is private amenity space to the side of the dwellinghouse.
- 7.23 Given the neighbouring properties to either side, it is considered necessary to control the hours of construction of the property as well as requiring a piling statement where piling is required in order to ensure an acceptable impact in terms of noise and disturbance to neighbouring occupiers.

- 7.24 It is therefore considered that the proposed development could be accommodated on the site without causing any significant harm to the residential amenity of occupiers of nearby residential properties and providing adequate amenity to future occupiers in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7.25 Highway safety and parking
- 7.26 Local Plan Policy COM8 states that a dwelling should have parking provision for two motor vehicles on the site for the proposed dwellinghouse. In addition, enough space should be provided for vehicles to park and manoeuvre. While the current scheme does not propose a garage there is considered to be sufficient space for parking two vehicles in the front driveway.
- 7.27 The dwelling would be accessed off Great Fen Road via a vehicle access as consented in LPA Ref 19/01229/FUL. Conditions would be applied to the permission requiring the laying out and retention of the access, parking and turning areas and the restriction of gates within 6 metres (19 feet) of the highway.
- 7.28 It is therefore considered that the proposed development would not create any significant detrimental impacts upon highway safety or parking, in accordance with Policies COM7 and COM8 of the Local Plan 2015. The proposal is considered to be compliant with policy COM7 of the Local Plan 2015, as it provides safe and convenient access to the highway network, and Chapter 9 of the NPPF which promotes sustainable transport. Additionally, the application is considered to comply with policy COM8 as it is considered appropriate off street parking provision could be provided for the proposed dwelling.
- 7.29 Ecology
- 7.30 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) advise that opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. The Council adopted its Natural Environment SPD on the 24<sup>th</sup> September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment, but also creates new areas for wildlife to thrive.
- 7.31 The site is an agricultural field and it is not considered that the development of the site would cause any significant harm to biodiversity in the area. A condition could be appended to the grant of planning permission requiring biodiversity enhancements to be provided as part of the development and, subject to these details being agreed with the Local Planning Authority, it is considered that the proposal complies with policy ENV7 of the East Cambridgeshire Local Plan 2015.

7.32 Drainage and Flooding

- 7.33 The proposed dwelling is within Flood Zone 3 and, as such, a Flood Risk Assessment (FRA) has been submitted with the proposal which was originally the same as the document provided for LPA Ref 19/01229/FUL. However, during the course of the application the FRA was updated to reflect the new design and location of the proposed dwellinghouse and new version is dated January 2021. The amended submitted FRA gave the following recommendations-
- The proposed development is not in a Functional Floodplain. It is located in the Passive floodplain of the River Lark and River Ely Ouse and within a defended Flood Zone 3 but should be considered in Flood Zone1.
  - Although the site is located within a Internal Drainage Board catchment with a minimum standard of drainage of 1 in 50 years, this accords with Defra guidelines for rural development. Freeboard of 900mm to lowest land level is available for events greater than 1 in 50 years providing further storage within the drainage channels.
  - Ground floor level will be raised to 500mm above Great Fen Road level with flood resilient construction up to 300mm (1 foot) above finished floor level and safe refuge at first floor level.
  - Surface water drainage from the development will be by rainwater harvesting and soakaway drainage to BRE365 design and Building Regulations approval.
- 7.34 The proposed dwelling is not considered to have any greater susceptibility to or increased risk of flooding than the approved dwelling on site. The amended submitted FRA details that finished floor levels will be set 500mm (1.6 feet) above the level of the road and that flood resilient construction methods will be used for the first 300mm (1 foot) above finished floor levels which is the same as the summary given for the FRA submitted under LPA Ref 19/01229/FUL. Accordingly the submitted plans show the ground floor levels being raised by 500mm (1.6 foot) above ground floor level as defined by the road level of Great Fen Road.
- 7.35 Given the third party interest, Officers sought clear advice from the Environment Agency on the amended submitted FRA, particularly given that the majority of the bedrooms are now located at ground floor. The Environment Agency commented that “we consider that the proposed mitigation measure of raising finished floor levels up to 500mm (1.6 foot) above Great Fen Road level will minimise the risk of internal flooding in the event of a breach. We have no objection to the variation of condition 1 to include ground floor bedrooms providing safe refuge is available at first floor level”. On that basis, the proposed development is considered acceptable in terms of its susceptibility to flooding.
- 7.36 The application includes details of surface water layout on the submitted drawings. The Building Control Team have reviewed these details and have commented that “The site plan details that it is proposed to utilise conventional soakaways on this development which is satisfactory. There is however no detail of size etc. in relation to roof area but this can be resolved on site once work has commenced”. Therefore, the application does not contain significant details of the provision of foul and surface water drainage arrangements and while it is considered that there

is no obvious impediment to the provision of foul drainage, these details would be required by condition.

7.37 The proposed development is therefore considered to be acceptable in terms of its impact on flood risk and drainage and accords with the requirements of Policy ENV 8 of the East Cambridgeshire Local Plan 2015 which seeks to ensure that all development proposals should ensure to minimise flood risk.

7.38 An additional plan has been requested by the developer showing existing and proposed cross sections of the site. Once provided this will be shown as part of the presentation to members.

7.39 Climate Change

7.40 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications. The agent was invited to address the Climate change SPD that requests applicants may wish to look at minimising demand through design and maximising energy efficiency. The agent was informed of the requirements in the SPD and they submitted a sustainability statement on the 19<sup>th</sup> March 2021 which outlines their design approach and construction ideology. On review of the details submitted it is considered that the proposed development complies with the requirements of policy ENV4 of the Local Plan 2015 and the Climate Change SPD.

7.41 Other Matters

7.42 The comments given by the Case Officer under LPA Ref 19/01229/FUL are repeated for ease. "Concern has also been raised regarding the stability of the raised land levels which, at the time of writing, are being undertaken. However the stability of the raised levels is not directly a planning matter and is one which would be addressed at Building Control stage. It is not considered that there is any impediment to safely raising the land levels to the required level and the proposed development is therefore considered acceptable in that regard".

7.43 Planning Balance

7.44 The granting of a planning permission for the residential development, as proposed at this location is deemed compliant with the policies shown above, principally Local Plan Policies GROWTH 2 and GROWTH 5. The development can be undertaken without detriment to the residential amenities of neighbouring occupiers and without having an adverse impact upon either the character of the village or surrounding area and streetscene. Adequate surface water drainage measures can be made subject to condition and access to the highways network/parking provision is acceptable. The proposal is therefore recommended for approval.

8.0 APPENDICES

8.2 Appendix 1 – Recommended Conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/01486/VAR	Emma Barral Room No. 011 The Grange	Emma Barral Planning Officer 01353 665555 emma.barral@eastc
19/01229/FUL	Ely	ambs.gov.uk

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 - 20/01486/VAR Conditions

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

Plan Reference	Version No	Date Received
L(PL)GR_01		9th November 2020
L(PL)GR_02		9th November 2020
L(PL)GR_03		9th November 2020
L(PL)GR_04		9th November 2020
L(PL)GR_05		9th November 2020
L(PL)GR_06		9th November 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of the decision notice for LPA Ref 19/01229/FUL which is the 8th September 2020.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 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 the first occupation of the dwelling.
- 3 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.
- 4 No above ground construction shall take place on site until details of the external materials to be used on the development and details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 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.
- 5 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.

- 6 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.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 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.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 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.
- 8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2021 prepared by Geoff Beel Consultancy and the following mitigation measures detailed within that FRA:
  - Ground floor levels to be set 500mm above the level of Great Fen Road; and,
  - Flood resilient construction to be used up to 300mm above finished floor level and safe refuge at first floor level.
- 8 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.
- 9 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environments SPD.
- 10 Prior to first occupation of the development, the access, parking and turning areas shown on approved plan L(PL)GR\_01 shall be fully laid out and constructed to drain on site. No unbound material shall be used in the surfacing within 6 metres of the adopted public highway. Thereafter the areas shall be retained for the specific purpose of the parking and turning of vehicles.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 11 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 approved drawing L(PL)GR\_01 within 6 metres of the adopted public highway.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 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, B, C and 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.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.