

21/01600/FUL

Site West Of 7-10 Skylarks

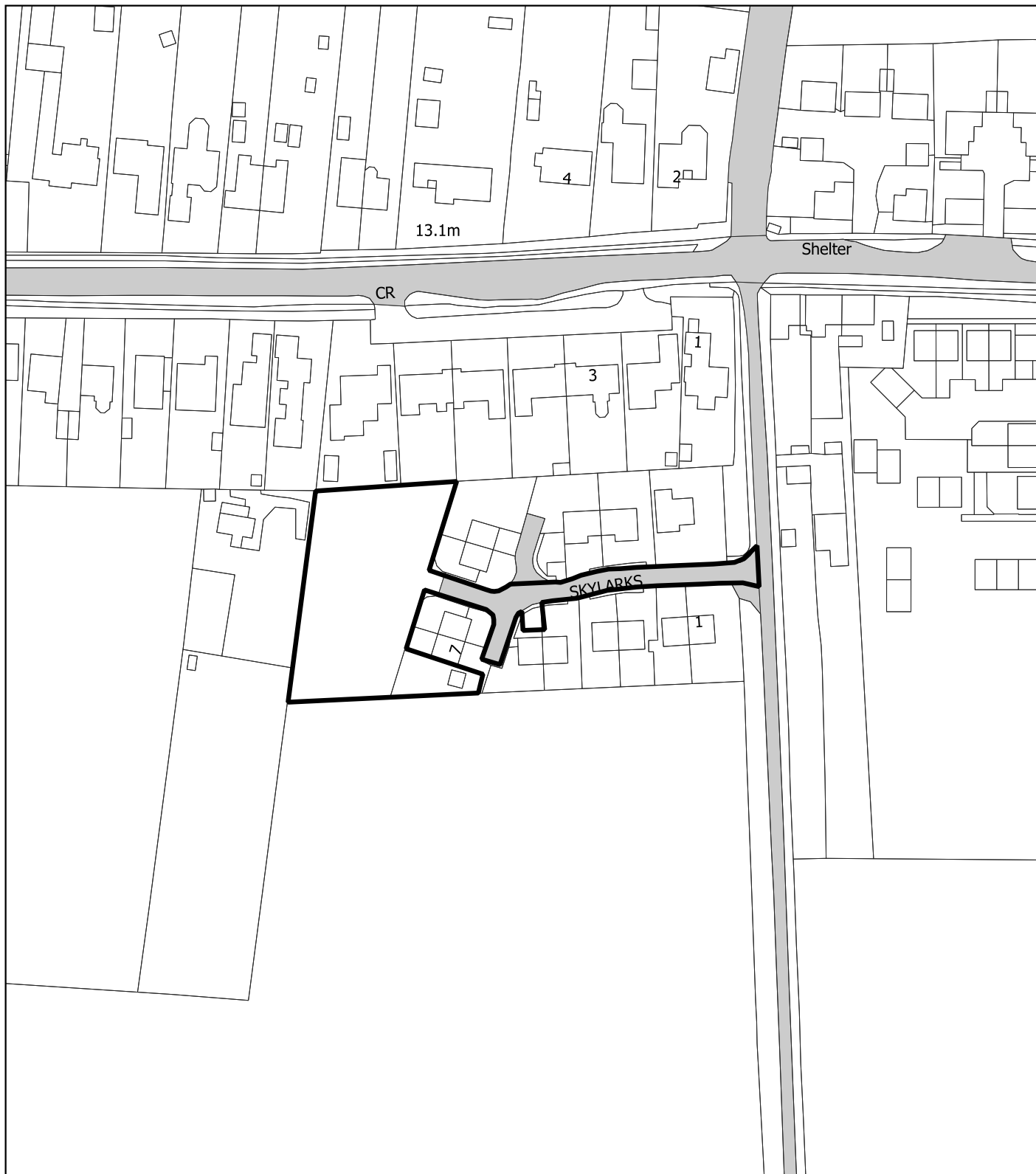
Witchford

4 x single storey affordable homes

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R205UBGGHLT00>





21/01600/FUL

Site West Of 7-10
Skylarks
Witchford



East Cambridgeshire
District Council

Date: 14/08/2023
Scale: 1:1,500



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TITLE: 21/01600/FUL

Committee: Planning Committee

Date: 2 August 2023

Author: Planning Contractor

Report No: Y36

Contact Officer: Gavin Taylor, Planning Contractor
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Site Address: Site West Of 7-10 Skylarks Witchford Cambridgeshire

Proposal: 4 x single storey affordable homes

Applicant: James Fauset

Parish: Witchford

Ward: Stretham

Ward Councillor/s: Bill Hunt
Caroline Shepherd

Date Received: 6 December 2021

Expiry Date: 11 September 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application in accordance with the following terms;

1. The Committee delegates authority to finalise the terms and completion of the S.106 agreement to the Planning Manager;
and,
2. Following the completion of the S.106, application 21/01600/FUL be approved subject to conditions at Appendix 1 (and summarised below);
or,
3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the S106 Unilateral Undertaking.

1.2 Summary of Conditions

- 1 Approved Plans

- 2 Time Limit
- 3 Drainage strategy
- 4 Construction Drainage
- 5 Streets Management
- 6 Soft landscaping
- 7 Hedgerow management plan
- 8 Biodiversity enhancement
- 9 Lighting
- 10 Boundary Treatments
- 11 Materials
- 12 Energy and sustainability
- 13 Hard Landscaping
- 14 Binder Course
- 15 Tree protection
- 16 Construction times
- 17 Piling
- 18 Unsuspected contamination
- 19 M4(2) Standard

2.0 SUMMARY OF APPLICATION

- 2.1 Permission is sought for the construction of 4No. single-storey, affordable dwellings (2 to be affordable rent and 2 to be shared ownership), accessed via the existing Skylarks development and located along the western boundary of this development.
- 2.2 The dwellings proposed are single storey, semi-detached, 2-bedroom bungalows and each pair will measure approximately 20.2m (66.3') in length, 9.3m (30'.6") in depth and with a ridge height of 5.5m (18').
- 2.3 Each dwelling is served via driveway which accommodates 2 cars. The dwellings are proposed to be connected to the existing foul and surface water drainage infrastructure serving the Skylarks development.
- 2.4 The application has been called-in by the local ward member, Councillor Hunt.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

- 3.1 **19/01157/VARM**
To Vary Condition 1 (Plans) of previously approved 16/00849/FUM for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)
Approved 20 January 2020

19/01155/VARM

To Vary Condition 1 (Plans) of previously approved 16/00849/FUM for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 17 January 2020

19/00500/FUL

Construction of 4no. two bedroom, single storey semi detached dwelling and minor re-siting of plots 7 and 8 of the scheme approved pursuant to 16/00849/FUM

Withdrawn 9 August 2019

16/00849/DISB

To discharge condition 13 (Boundary Treatments) on Decision 1.8.2017 for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 13 August 2019

16/00849/DISA

To discharge conditions 3 (Wall & Roof Materials), 4 (Contamination), 6 (Archaeology), 9 (Traffic Management), 10 (Soft Landscaping), 11 (Soft Landscape Maintenance), 12 (Hard Landscaping), 13 (Boundary Treatment), 14 (Surface Water), 18 (Biodiversity) and 19 (Energy & Sustainability) on decision 1.8.17 for Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 27 March 2018

16/00849/FUM

Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Approved 1 August 2017

15/01325/FUM

Proposed development of 14 affordable semi-detached houses (10 x 2-bed and 4 x 3-bed) including improvements to New Road

Refused 12 May 2016

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a small parcel of land situated outside of the defined development boundary for Witchford. To the east of the site is residential development of 13 affordable dwellings (Skylarks) and to the south of the site is open countryside.
- 4.2 Along the western boundary of the site is a shallow ditch and mature hedgerow and a TPO tree, bordering onto the agricultural land to the rear of No.13. The northern boundary of the site abuts the rear boundaries of properties fronting Sutton Road.
- 4.3 Public Byway No.27/07 runs north to south to the east of the site and forms the point of access to the Skylarks estate from Sutton Road.

5.0 **RESPONSES FROM CONSULTEES**

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

Witchford Parish Council - 3 November 2022

5.2 Witchford Parish Council objects to this application. Ongoing drainage issues remain of concern; while on-site drainage may be adequate this feeds into an off-site ditch which has inadequate outflow, thus leading to flooding of adjacent properties. The site is outside the village development envelope as set out in the adopted Neighbourhood Plan. The proposed new dwellings are sited on the only remaining area of open space on the Skylarks development, thus removing the potential for using this area as play space for children on what is a development of family-sized homes.

Witchford Parish Council - 6 January 2022

5.3 Witchford Parish Council considered planning application 21/01600/FUL at its meeting on 5th January 2022. The Parish Council objects to this planning application on the following grounds. Firstly, the proposed development site is outside of the Witchford village development envelope as shown on Policy Map 6 and defined in Policy SS1 of the Witchford Neighbourhood Plan. The Witchford Neighbourhood Plan was made by East Cambridgeshire District Council on 21st May 2021 and as such forms part of the Development Plan for East Cambridgeshire and must be used when determining planning applications within Witchford.

The Parish Council is also of the view that the proposed development is not compliant with Witchford Neighbourhood Plan Policy H2 Affordable Housing on Rural Exception Sites. The Parish Council does not agree with the applicant's unsubstantiated assertion at paragraph 3.16 of the Planning Statement that the criteria for rural exception sites in WNP Policy H2 'are met in this case'. Rather, the proposal does not meet the requirements of that Policy, as set out below:

i) the current approved housing developments in Witchford already provide sufficient affordable housing to meet local need

ii) this application is not accompanied by an up to date housing survey nor does it demonstrate that there is an identified need for these dwellings. The assertion in paragraph 2.6 of the applicant's Affordable Housing Statement (also paragraph 2.3 of the Planning Statement) that there is a 'demonstrable need for [the dwellings] and [a] failure to meet that need in other nearby affordable housing schemes' is not supported by any evidence.

iii) the development would result in significant harm to the area surrounding the proposed development site, by exacerbating drainage problems affecting nearby residential properties which have become worse since the construction of 13 dwellings on adjacent land, by preventing access to the public drain for maintenance and repairs to the drain, by detrimentally impacting upon a protected ash tree (part of E/18/2000), and by detrimentally affecting a hedgerow which supports a population of bats.

Ward Councillors - 11 April 2023

5.4 I wish to go on record as requesting a "Call In" to Planning Committee if the officer recommendation is to approve this application.

Local Highways Authority - 14 December 2021

5.5 I do not object to this application. The proposed development will be accessed via the neighbouring site which is suitable design for the modest intensification which will result from these additional four dwellings. However, as the site will be accessed via a public right of way, I recommend that you consult with the County's Definitive Map officer for the area. For the avoidance of doubt, the proposed internal roads are not to CCC's adoptable standards so will need to remain in private ownership.

Please append the following conditions to any permission granted:

HW2A: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on EDG/15/03/404 in writing by the Local Planning Authority.

HW23A: No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Asset Information Definitive Map Team - 24 March 2022

5.6 I write to you in response to the consultation to build 4 single storey homes on land west of the Skylarks in Witchford.

Public Byway No.7, Witchford forms part of the access to the proposed development. To view the location of the byway please view our interactive mapping online which can be found at:

<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width which may differ from what is available on the ground. If the applicant requires a copy of the Definitive Map & Statement, this can be requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches

Informatives

Should you be minded to grant planning permission then we would also be grateful that the following informatives are included:

- Public Byway 7, Witchford must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- Members of the public on foot and horse have the right of passage along the public byway; vehicular users must be aware of these users and 'give way' to them

ECDC Housing Section - 7 November 2022

5.7

Thank you for informing us of the amendments to the above application. The Strategic Housing Team understands that this application relates to an exception site where 100% affordable housing, made up of 4 single-storey bungalows, is being proposed. We support this application in principle as we believe it will help meet the housing need for the area. We would, however, still recommend engaging with the parish council and Cambridgeshire Acre to complete a local housing needs survey to further evidence the local housing need.

For the units, it is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards. Due to the proposed nature of the site, I would also recommend Developers consider building the proposed bungalows to M4(2) accessible and adaptable standards.

Should consent be granted, I would request the affordable housing provision be secured by a s106 Agreement or Unilateral Undertaking. The agreement should contain the following:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
3. That the tenure of each dwelling will be Affordable Rent, Social Rent or Shared Ownership, and no subsequent alteration will be permitted without the Council's prior approval.
4. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
5. That the Affordable Dwellings are constructed to DCLG, National Described Space Standards or as a minimum all new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.
6. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
7. That occupation will be in accordance with a nomination agreement.
8. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

ECDC Housing Section - 13 April 2022

- 5.8 Is the scheme above proposed as an exception site for local people of Witchford? If not then the affordable dwellings would be allocated to anybody with a connection to East Cambs and therefore I think we would find it hard not to justify a need.

If an exception site is proposed, then I would recommend based on the number of developments recently put forward in Witchford that the developer undertakes a local housing need study to support the evidence of need and this can be commissioned through Cambridgeshire Acre.

ECDC Trees Team – 21 November 2022

- 5.9 The submitted arboricultural demonstrates that the existing TPO'd tree and boundary hedge can be suitable protected during the development my only concern is the proposed works to the hedge as the report recommends that the hedge is faceup up hedge back to line of dry ditch it is unclear what this equates to.

I would propose that a measurable distance from a fixed point would be a clearer specification unlikely to be misinterpreted such as reduce hedge back to 1m from its centre line/boundary... this would enable access to the ditch for maintenance of it and of the hedge without removing so much of it that little of its biodiversity benefits and habitat potential would remain.

Subject to the confirmation of the hedge pruning specification there are no tree related objections to this proposal.

ECDC Trees Team - 27 January 2022

- 5.10 Due to the presence of trees in proximity to the development (Western Boundary) an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels in accordance with BS 5837:2012 Trees in relation to demolition, design and construction - Recommendations.

The details of the soft landscaping scheme will need to be confirmed to aid the integration of the development into the surrounding landscape in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, this can be done by condition if required, details shall include:

- 1) A scaled plan showing existing vegetation, tree trunks & canopy details of trees retained & tree protection fences shall be identified on all plans, in accordance with BS 5837:2012, extracted from the Arboricultural Implications Assessment (AIA), to include all trees located within 10m of site boundaries.
- 2) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving

- b) tree pit design
- c) Proposed hard standing and boundary treatments.
- 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) Specifications for operations associated with plant establishment to include a programme for the timings of the landscape works and maintenance provided, to ensure successful establishment and survival of new planting and having regard to the timing of the commencement of any development.

The western boundary contains a ditch on the development side of the hedge which will need to be maintained and its presence will affect the amount of usable garden space available. The ditch would not be suitable for culverting due to the effect this could have on the adjacent woody vegetation.

Waste Strategy (ECDC) - 5 April 2022

5.11 East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Environmental Health - 29 December 2021

5.12 Thank you for consulting me on the above proposal. No contamination assessment has been supplied with the application. However, the site is an extension of the previously consented Skylarks development and any contamination risks are likely to be very low. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

Environmental Health - 10 December 2021

5.13 Thank you for consulting us on the above application.

We have commented on this site in the past for a similar proposal.

If [the contaminated land officer] wishes to make any comments he will respond separately.

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

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

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling 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 comments to make at this time but please send out the environmental notes.

Lead Local Flood Authority - 29 June 2023

5.14

Thank you for your re-consultation.

We have reviewed the following documents:

- Flood Risk Response, GHBullard & Associates LLP, Ref: 099/2022/01/JAH

Based on these, and following discussions with the applicant, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving over all access and parking areas within the scheme. The proposed surface water network will connect into the existing network within Skylarks. The existing flow control will be upgraded to accommodate the additional flows from the further four dwellings to discharge water at a maximum rate of 5.5 l/s into the adjacent watercourse in all storms up to and including the 100-year storm, including a 40% allowance for climate change.

We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those

elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Response prepared by GHBullard & Associates LLP (ref: 099/2022/01/JAH) dated and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- f) Full details of the maintenance/adoption of the surface water drainage system;

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

Condition 2

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

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

Informatives

OW Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment

Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Riparian Ownership

The existing site has a watercourse along the western boundary. The proposed layout means several private gardens would abut the watercourses. This would lead to the watercourses being divided and maintained under riparian law by a relatively large number of land owners, as opposed to the single riparian owner in the current greenfield state. The LLFA is generally opposed to this approach, as the onus of maintenance is divided across future the land owners, meaning a lack of maintenance by one future resident may lead to flood issues to the wider site and surrounding land and property.

Lead Local Flood Authority - 13 December 2022

5.15 At present we maintain our objection to the grant of planning permission for the following reasons:

1. Volume Control

The proposals are to connect the drainage from the proposed impermeable areas into the existing surface water drainage network serving the existing dwellings. Whilst it is acknowledged that the discharge rate is being increased by the greenfield equivalent for this parcel, it must be clearly demonstrated that the proposals do not increase the volume of water discharged from the site.

2. Hydraulic Calculations

In accordance with the latest climate change peak rainfall intensity allowances, a climate change allowance should be incorporated into the surface water management scheme for the 3.3% annual exceedance probability rainfall event.

The site is within the Cam and Ely Ouse

Management Catchment and should be based on the lifetime of the development. Therefore should include a 35% climate change allowance on the 3.3% AEP hydraulic calculations.

Lead Local Flood Authority - 7 January 2022

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

1. No Surface Water Drainage Information

The applicant has not provided any information regarding the management of surface water from the four dwellings. As outlined in the Cambridgeshire Surface Water Planning Guidance document, for a full application the following should be included within the surface water strategy:

- i. Existing impermeable area
- ii. Proposed impermeable area / developable area (including an allowance for urban creep)
- iii. A description of site topography
- iv. A description of ground conditions (using site investigation where possible)
- v. Identification of any surface water flood risk
- vi. Existing site drainage arrangements
- vii. Proposed method of surface water disposal
- viii. Existing and proposed runoff rates (if discharging off-site)
- ix. Existing and proposed runoff volumes (if discharging off-site)
- x. Required volume of attenuation (m³ per m² of impermeable area)
- xi. Preliminary SuDS proposals
- xii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)
- xiii. Drainage layout drawing and supporting hydraulic calculations
- xiv. Details of proposed phasing

Until the above information has been provided, we are unable to support this application.

Anglian Water Services Ltd - 16 December 2021

5.17 Thank you for your email consultation on the planning application.

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

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

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

5.18 **Cambs Wildlife Trust - No Comments Received**

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

5.20 A site notice was displayed near the site on 16 December 2021 and a press advert was published in the Cambridge Evening News on 16 December 2021.

5.21 Neighbours – 24 neighbouring properties were notified and the responses received from all contributors are summarised below. A full copy of the responses is available on the Council's website.

- No demonstration of need

- The land should be a play area
- Impact on TPO trees and hedge
- Increased flooding and drainage concerns (existing flood issues)
- Doesn't comply with policy
- Highway safety concerns
- Cramped development
- Biodiversity impacts
- Loss of privacy
- Noise impacts
- Pollution from more cars
- Drainage ditch not accessible
- Refuse and emergency vehicles cannot access the site
- Won't be affordable housing in perpetuity

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
HOU 2	Housing Density
HOU 4	Affordable housing exception sites

6.2 *Witchford Neighbourhood Plan 2020*

SS1	A spatial strategy for Witchford
LC1	Landscape and Settlement Character
GI1	Public Rights of Way
GI3	Development and Biodiversity
H1	Housing Mix
H2	Affordable Housing on Rural Exception Sites
H3	Housing Design
IC4	Flooding

6.3 *Supplementary Planning Documents*

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

- Climate Change SPD

6.4 *National Planning Policy Framework 2021*

- 2 Achieving sustainable development
- 6 Building a strong competitive economy
- 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

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 The following key issues have been identified;

- Principle of Development
- Visual Amenity
- Access & Highways
- Residential Amenity
- Ecology & Biodiversity
- Flood Risk and Drainage
- Energy and Sustainability

7.2 **Principle of Development**

7.2.1 The site lies outside of but immediately adjacent to the settlement boundary for Witchford as set out under Policy SS1 (Policy Map 6) of the Witchford Neighbourhood Plan (WNP) and as updated in the defined development envelope in the Local Plan. WNP Policy SS1 and Local Plan policy GROWTH 2 both seek to restrict development outside of settlement boundaries to specific development types; mainly, rural exception housing, appropriate employment development and development required for land-based enterprise e.g., agriculture. The main driver for this restrictive approach is the need to protect the countryside and the setting of towns and villages, which policies WNP LC1 and Local Plan policy ENV 1 also both seek to achieve.

7.2.2 The proposal is for 4 affordable dwellings, as an extension to the existing affordable housing development at Skylarks. Policy HOU 4 supports the principle of Affordable Housing exception sites where the following criteria are met;

- There is an identified local need which cannot be met on available sites within the development envelope (including allocation sites), or sites which are part of community-led development.
- The site is well related to a village which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities.
- No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.
- The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need.

- The scheme incorporates a range of dwelling sizes, types and tenures appropriate to the identified local need; and
- The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property.

Furthermore, and more recently, Policy H2 of the WNP supports small-scale affordable housing exception sites for people with a Witchford connection subject to the following;

- the proposed development, by virtue of their size, scale and type, will not exceed the identified local needs for affordable housing;
- the types of dwellings proposed meet the needs identified in Witchford as identified in an up to date housing needs survey;
- the homes are located within easy access to Witchford village centre,
- the affordable housing is provided in perpetuity; and
- no significant harm would be caused to the character of the village, its setting or the countryside.

7.2.3 Therefore, the main considerations as to whether the principle of development is established are as follows;

- *Demonstration of Need*
- *Accessibility & connectivity (to the wider settlement)*
- *Impact on the character of the countryside*
- *Affordable housing in perpetuity*

Demonstration of Need

7.2.4 The Council's housing team has confirmed that they are content with the provision of affordable housing and have recommended that the applicant seeks the views of the Parish Council in respect of specific need, notwithstanding that they have also suggested that the housing should meet M4(2) standards in respect of accessible and adaptable homes and the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards. The applicant has provided confirmation that the development will be constructed to these standards.

7.2.5 The Parish Council has provided two responses to the proposal during its assessment of the application, objecting on both occasions. The first response raised an objection on the basis that it did not demonstrate that a need for affordable housing in the locality was required and that Witchford already provides sufficient affordable housing to meet local need, with the application unsupported by an up to date housing needs assessment. In addition, that significant harm would be caused in respect of drainage issues, and adverse impacts on protected trees and hedgerow.

7.2.6 The latest Strategic Housing Market Assessment (SHMA) published in 2021 sets out a suggested mix of housing - both market and affordable, in order to meet likely future housing needs in the Cambridgeshire and west Suffolk region. The SHMA indicates that in respect of affordable housing; a mix requirement identifying a higher percentage of 2-bedroom dwellings (35-45% of total dwellings). The SHMA is a district-wide document and therefore does not provide specific advice on

Witchford e.g., in respect of the demand for smaller affordable homes. In this regard however, WNP policy H1 does identify that “It is particularly important that the stock of smaller homes is increased in the parish.” And goes on to refer to current housing mix constraints within the village citing;

“In general house prices are well above average for East Cambridgeshire and there is a particularly high premium for larger properties which can be explained through a high demand from families in this location. Whilst it is recognised there is a high market demand for larger homes in Witchford village, it is very important that new housing stock also includes smaller homes which can cater for the needs and demands of older members of the community as well as younger adults and younger families.

“Evidence of demand for smaller homes and bungalows can be demonstrated from the results of a survey of Ely estate agents carried out in October 2018. Four estate agents responded to the survey (three both sales and lettings, one lettings only). The surveys demonstrate an excess of demand over supply in flats, bedsits, bungalows, detached, shared and affordable housing, and an excess of demand over supply for one and two bedroom properties, in both the sales and lettings sector. Quotes from the Platinum Properties Letting Agency survey response refer to this as a strong trend:

*‘We have seen demand increase massively over the last 10 years. We have a large number of migrant workers in this locality as well as younger households struggling with the affordability of purchasing’
‘Demand for 2 and 3 bedroom homes continues to increase’
‘I would suggest there is a shortage of retirement homes.’ ”*

- 7.2.7 Access to affordable housing featured strongly in the feedback from community consultations throughout the Neighbourhood Plan development period, with a significant number of respondents confirming the need for low-cost, affordable rent and shared ownership housing and a need for bungalows. This is consistent with the findings of Witchford’s Demographic & Socio-Economic Review undertaken by CambsACRE in 2017 in support of the Neighbourhood Plan.
- 7.2.8 Notwithstanding, the Council’s Housing team has advised that there are currently at least 2 applicants on the housing register currently within Witchford requiring a 2-bedroom dwelling and with over 500 applicants in adjacent settlements also requiring 2-bedroom dwellings in the locality (Sutton, Haddenham, Wentworth, Stretham, Wilburton and Ely). This is a snapshot of August’s current waiting list and it is acknowledged that this list is organic and the need may increase or decrease over time. It is also important to note that ‘local connection’ can relate to matters such as previous residence, family or employment.
- 7.2.9 In conclusion, whilst it is regrettable that the applicant has not undertaken any specific needs assessment in this instance, the evidence gleaned from the SHMA, the Neighbourhood Plan and support by the Council’s Housing Team would indicate that there is currently local demand for this small-scale development of 2-bedroom affordable bungalows and it is unlikely that the proposal would exceed demand, notwithstanding the remaining principle considerations as follows.

Accessibility & connectivity

- 7.2.10 As noted, the development would essentially form a small extension to the existing Skylarks development. This site is linked via a footpath and public Byway to Sutton Road and in-turn to the core of the village. It is important to note that when the Council approved the Skylarks development, this was under the current provisions of the Local Plan i.e., with the same criterion as set out above. It was ultimately concluded that the development, on balance, was compliant with the development plan when read as a whole, or rather, it was not refused on the basis of poor connectivity. As such, in this instance, it would not be reasonable to conclude that the development is not well-related to the core settlement, as per the concerns raised by the Parish Council.

Impact on the character of the countryside

- 7.2.11 The application site sits immediately adjacent to the development envelope of Witchford on its eastern and northern boundary and directly abuts the Skylarks development. Immediately west of the site but separated from the application site by a belt of established hedgerows and trees, is the rear land of 13 Sutton Road (shown as number 11a on the site plan) which comprises a modest barn structure set among agricultural land. In this regard, the development would relate more to the Skylarks estate and the built form of Witchford than to open countryside.
- 7.2.12 The development comprises single-storey units of accommodation and therefore its impact on the wider countryside would be very limited in terms of scale and massing. The development does not propose to remove significant areas of established boundary planting (demonstrated through the inclusion of a tree and hedge protection method statement) and therefore would assimilate well into both the existing development and the natural features of the site and would be read very much in conjunction with Skylarks estate, with the hedgerow/ tree belt confining the development to the built part of Witchford. In this regard, it is considered that the development would relate more to the built settlement than to the open countryside and therefore would not conflict with the aims of WNP policies LC1, SS1, H2, and Local Plan policies ENV 1, GROWTH 2 and HOU 4 in respect of protecting the character of the countryside and the character and setting of the village.

Affordable housing in perpetuity

- 7.2.13 The applicant has agreed that planning conditions or a legal agreement would secure the provision of the affordable housing and that it would be made available for those with a connection with Witchford as required under WNP policy H2 and Local Plan policy HOU 4. It is considered that this could reasonably be secured through a legal agreement and would meet with these policy requirements.

Principle conclusion

- 7.2.14 Having regard to the above assessment, it is considered that the principle of the development is supported through the relevant development plan policies which guide the delivery of affordable exception sites. It therefore follows that the application should be determined in accordance with other relevant policies of the development plan.

7.3 Visual Amenity

- 7.3.1 Policy ENV 1 of the Local Plan 2015 requires new development to provide a complementary relationship with existing development and conserve, preserve and

where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. This approach is essentially echoed through WNP policies LC1, SS1 and H2. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

- 7.3.2 As set out above, it is considered that the development would not result in significant harm to the character of the countryside, or to the character and settlement pattern of the village. Notwithstanding, the development is low-scale and would only be visible from immediate views from neighbouring properties and limited views, mostly of roof tops from the public byway which runs along the eastern boundary of Skylarks leading south. Whilst it is noted that the Council previously refused an application for development of the whole site, partly on the grounds of cramped development (15/01325/FUM), this was for 2-storey dwellings across the entire site and therefore is not comparable to the latest scheme as it would have had a much greater visual impact.
- 7.3.3 The scale and form of the dwellings would accord with the adjacent dwellings on Skylarks, where bungalows (as well as 2-storey dwellings) are found, finished in a mix of red brick, buff brick and render. The dwellings are proposed to be finished externally in facing brick and roof tile. Whilst specific details have not been submitted at this stage, they would be expected to complement the existing Skylarks development and details could be reasonably secured through planning condition.
- 7.3.4 In order to secure private amenity space, it is expected that boundaries would be enclosed. The southern boundaries of existing dwellings along the south of Skylarks are secured with 1.8m (5'10") high mesh fencing and therefore rear gardens are visible from the Byway. Details of boundary treatments have not been provided at this stage, but it is anticipated that a suitable scheme could be secured via a planning condition which would achieve adequate amenity whilst respecting the edge of countryside environment and the existing Skylarks development.
- 7.3.5 In summary, subject to securing appropriate details via planning condition, the development is anticipated to achieve high-quality design which would complement the character and appearance of the area, in accordance with WNP policies LC1 and H3, Local Plan policies ENV 1, ENV 2 and paragraphs 127 and 130 of the NPPF.

7.4 Access & Highways

- 7.4.1 The development would be accessed via the existing roads serving the Skylarks development. The Local Highways Authority has raised no objection to the proposal, subject to conditions ensuring that roads are made up to at least binder course prior to occupation and details for future management and maintenance are agreed. It is anticipated that the roads serving the development would fall under the same management and maintenance as the existing Skylarks estate. Nonetheless a suitably worded planning condition is considered necessary to clarify this.

7.4.2 The Council's waste collection team currently enter the Skylarks development for weekly bin collections. Wheeled bins are mainly collected from a central collection point which has capacity to accommodate weekly bin collections from the proposed 4 additional dwellings. Whilst wheeled bin distances slightly exceed distances recommended in RECAP guidance (around 40m rather than 30m(98'5") as recommended) it is not considered reasonable to refuse the application on this basis, particularly given that RECAP is guidance only and whilst material to the assessment of application, is not a strict policy requirement and would not amount to any severe harm.

7.5 Residential Amenity

7.5.1 Policy ENV2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.

Future Occupiers

7.5.2 The properties are arranged with front and rear outlooks and due to their scale and window positions, would not result in any overbearing, overlooking or overshadowing issues upon one another. Furthermore, each property is provided with over 100sq. metres (1,076sq. ft) of private amenity area, therefore in excess of the Council's minimum standards. It is also expected that a suitable scheme of boundary treatments could be secured via condition, to ensure that private amenity areas are protected.

7.5.3 The Council's Contaminated Land officer has concluded that it is unlikely that ground contamination is present that would otherwise require investigating and mitigating, however has advised that it would be prudent to ensure that should any unsuspected ground contamination be found during construction, that this is managed in accordance with current protocols e.g., cessation of construction until contaminants are investigated and mitigated etc. This can be reasonably controlled via planning condition.

Existing residents

7.5.4 Given the scale and positioning of the proposed dwellings, it is not anticipated that the amenity of existing residents would be compromised through the development, with adequate separation distances achieved, so as to avoid visual dominance, overshadowing and overlooking. Whilst the outlook for some residents may alter as a result of the development, this would not amount to severe harm.

7.5.5 Residents already within the Skylarks development are provided adequate on-site parking areas for each dwelling. Concerns have been raised that by creating an additional access to the proposed development, this would reduce the number of parking spaces available to existing occupiers. However, the site plan clearly shows that each existing dwelling is afforded 2 parking spaces and visitor parking is also achievable within the estate, without compromising highway safety or the free-flow of traffic.

7.5.6 Residents have suggested that the land should be allocated as a play area for the benefit of occupiers of the estate, however, this was not secured under the original

planning permission for the Skylarks development and the LPA are obliged to determine the proposal before them.

7.5.7 Whilst the construction element of the development may result in some noise interference, the future occupation of this modest development is unlikely to yield significant issues in respect of noise and other forms of pollution. Notwithstanding, the impacts of the construction element can be reduced through compliance with a condition restricting construction times and, if necessary, a piling method statement should piling be required as suggested by the Council's Environmental Health team.

7.5.8 In conclusion, subject to conditions, the scheme demonstrates that in general, a high-quality living environment would be achieved for existing residents and future occupiers of this development in accordance with WNP policy H3, Local Plan policy ENV2 and Chapter 12 (particularly paragraph 130) of the NPPF.

7.6 Ecology & Biodiversity

7.6.1 Policy ENV 7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network. The Council have adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed. WNP policy G13 seeks the same, through measures such as;

- Trees, hedgerows, water and other habitats integrated into the development;
- Wildflower verges along roads and formal open spaces;
- Lighting designed to avoid disturbing wildlife;
- Bat roosts and bird boxes;
- Features and corridors to help invertebrates, reptiles, hedgehogs and other mammals.

7.6.2 The application is supported by an ecology survey and small site net gain calculation, which ultimately identifies the site as of relatively low ecological value. Notwithstanding, the survey identifies that achieving net gain in biodiversity would be difficult, due to the scale of the development and the site area which limits opportunities for this. This is unfortunate and contrary to the aims of the policy NE6 of the Natural Environment SPD, which seeks to secure net gains in biodiversity. The SPD seeks to secure a higher threshold of biodiversity values across development than is currently nationally prescribed or as set out in the Local Plan and in this regard, it is not possible to strictly apply this requirement on current proposals, albeit it is anticipated that as of November 2023 the requirement for biodiversity net gain will become statute for some developments and would supersede the SPD at that point.

7.6.3 The NPPF and Local Plan currently seeks to ensure that no net loss to biodiversity results through developments and in this regard, the ecology survey sets out suggestions to mitigate the impact such as further planting and enhancing existing hedgerows, log piles and hibernacula, bird nesting and bat roosting boxes, bee bricks and invertebrate habitats. Such measures can be reasonably secured via

planning condition and should result in no net loss to biodiversity across the site and introduce opportunities to enhance some aspects of biodiversity.

- 7.6.4 Concerns have been raised regarding the impact of the development on the TPO tree and hedge located along the western boundary of the site. The applicant has set out that these areas would be protected during construction and the Council's Tree Officer has confirmed their agreement to this but has sought further detail in respect of future pruning, to ensure that the hedge is not over-pruned leading to its early decline. The future management of the existing and soft landscaping can be reasonably secured via planning condition to ensure its longevity.

Subject to delivery of an agreed scheme, the development would accord with WNP policy GI13 and Local Plan policy ENV 7.

7.7 Flood Risk and Drainage

- 7.7.1 A number of concerns have been raised throughout the life of this application in respect of existing drainage issues on neighbouring land and properties. It is understood that adjacent residents of Sutton Road have experienced surface water flooding in recent years, with flooding affecting front and rear gardens and, on occasions, flood water entering properties. Some residents have referred to such flooding incidents being linked to the Skylarks development i.e., that flooding only started once the Skylarks development was built.

- 7.7.2 The Lead Local Flood Authority has undertaken a site visit (accompanied by the case officer) and reviewed the existing drainage methods associated with the Skylarks development. The existing site drains in an easterly direction where it flows into an existing drain which runs north to south along the eastern boundary of the site. Water then flows southwards along the drainage channel before turning 90' through a recently upgraded culvert and heading westwards along field boundaries.

- 7.7.3 The development proposes to tie into the existing drainage system i.e., directing surface water run-off from the properties to the east, leaving only the rear gardens to drain freely, as the land currently does. The LLFA has concluded that the existing system has capacity to accommodate surface water run-off from the proposed extension to the development without leading to increased flooding and raises no objection, subject to conditions securing a drainage and maintenance strategy and also a scheme to ensure any surface water run-off during construction does not lead to pollutants entering watercourses.

- 7.7.4 Concerns have also been raised locally regarding the existing shallow ditch which runs along the western boundary of the site and there is currently dispute over who has responsibility over this, with the applicant claiming that it would fall under their riparian responsibility and the owners of no 13 Sutton Road (shown as number 11a on the site plan) claiming it falls within their ownership/ responsibility. The applicant has agreed that the ditch must be accessible by whomever, in order to ensure it is maintained and has agreed that they would incorporate ongoing maintenance of this drain under the wider management of the drainage systems supporting the Skylarks development and would accept a condition securing a long-term maintenance strategy. In this regard, it would be important to ensure that the rear gardens of Plots 15 to 17, whilst incorporating fencing to secure private amenity space, also allow for access to the ditch. In this regard, a condition requiring precise details of

boundary treatments (and gated access) would be necessary, to ensure access for maintenance personnel.

7.7.5 Notwithstanding the above, it is important to note that it would not be the responsibility of this development to resolve existing issues, only to ensure that it does not exacerbate an existing issue. The Planning Practice Guidance sets out that; “*A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development*” (Paragraph: 004 Reference ID: 21a-004-20140306, Revision 06032014). The LLFA has confirmed they are content that the development would not result in an increase in flood risk based on the information provided.

7.7.6 In summary, the development would achieve a sustainable means of drainage which would not lead to an increase of flooding either within the site or on adjacent land in accordance with the aims of Local Plan policy ENV 8 and WNP policy IC4.

7.8 Energy and Sustainability

7.8.1 Policy ENV 4 (Energy and water efficiency and renewable energy in construction) states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It goes on to state that applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction, as set out in the Code for Sustainable Homes (or its successor), demonstrating that developments of 5 or more dwellings would achieve energy efficiency improvements 20% above Building Regulations (as at Jan 2021). The adopted Climate Change SPD predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction.

7.8.2 The scheme is for 4 dwellings and therefore, the latter requirement for demonstrating a 20% exceedance of Building Regulations is not applicable in this instance, albeit that current Part L of Building Regulations (as of 2022) now sets a higher requirement for sustainable build than the SPD sets out in any case.

7.8.3 Notwithstanding the requirement to accord with latest Building Regulations, the application does not provide details on how it intends to maximise energy efficiency before incorporating renewable or low-carbon energy sources (if required). As such, it is necessary to require further details in respect of energy efficiency measures, in order to ensure compliance with policy ENV 4 which could for example comprise details of the building fabric, water efficiency measures and, if required any renewable energy products that may need to be incorporated on the development but which require assessment on any potential visual or residential amenity impacts. These details can be reasonably secured via planning condition and would ensure compliance with policy ENV 4.

7.9 Planning Balance & Conclusion

7.9.1 The development would result in the introduction of 4 single-storey affordable dwellings as an extension to an existing affordable housing scheme and in a location where there is strong indication of such a need in the village and immediately adjacent settlements. In addition, the development would be built to

meet the needs of an ageing or reduced-mobility population in that it would conform to M4(2) standards (accessible and adaptable homes). These matters carry substantial weight.

- 7.9.2 Furthermore, the development would not result in significant harm to the character of the countryside or the settlement pattern of the village and is located in a relatively sustainable location in transport terms (the main drivers for restricting development in the countryside as set out under policy GROWTH 2).
- 7.9.3 Whilst it has been identified that achieving net gain in biodiversity within the site would be unlikely, a suitable scheme could nonetheless be secured to introduce some biodiversity enhancements.
- 7.9.4 The scheme raises no technical concerns that cannot otherwise be made acceptable via planning conditions.
- 7.9.5 Having regard to the development plan when read as a whole, the scheme is considered to amount to sustainable development, subject to securing the necessary S106 agreement, to ensure that the affordable housing element is secured in perpetuity and subject to the conditions as set out at Appendix 1.

8.0 RECOMMENDATION

Approve as per the terms set out at section 1 above.

9.0 COSTS

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a Local Planning Authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a costs award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural i.e., relating to the way a matter has been dealt with or substantive i.e., relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation. Indeed, they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

10 APPENDICES

Appendix 1: Schedule of proposed conditions

Background Documents

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60771/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

The planning records for the following applications:

19/01157/VARM

19/01155/VARM

19/00500/FUL

16/00849/DISB

16/00849/DISA

16/00849/FUM

15/01325/FUM

APPENDIX 1 - 21/01600/FUL Conditions

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

<i>Plan Reference</i>	<i>Version No</i>	<i>Date Received</i>
EDG/15/03/400B: Location Plan		3rd November 2021
EDG/15/03/401B: Site Plan		3rd November 2021
EDG/15/03/404: Site Layout		3rd November 2021
EDG/15/038/402	Plots 14/15 & 16/17	3rd November 2021
099/2022/01/JAH	Letter re: Drainage & Flood	25th October 2022
9464-D-AIA	Tree Protection Plan	25th October 2022

- 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 commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.
The scheme shall be based upon the principles within the agreed Flood Risk Response prepared by GHBullard & Associates LLP (ref: 099/2022/01/JAH) dated and shall also include:
- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
 - c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
 - f) Full details of the maintenance/adoption of the surface water drainage system;
- 3 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction

works may compromise the ability to mitigate harmful impacts, in accordance with policy ENV 8 of the East Cambridgeshire Local Plan and IC4 of the Witchford Neighbourhood Plan 2020. This condition is pre-commencement due the drainage measures being one of the first phases of construction.

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

- 4 Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts in accordance with policies ENV 8 and ENV 9 of the East Cambridgeshire Local Plan and IC4 of the Witchford Neighbourhood Plan 2020. This condition is pre-commencement as it is necessary to have the detail in place before works begin to avoid potential risks of pollution.

- 5 No development shall proceed above ground level until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

- 5 Reason: In the interests of highway safety and residential amenity in accordance with policies COM7, COM8 and ENV 2 of the East Cambridgeshire Local Plan 2015.

- 6 No development shall proceed above ground level until a full schedule of all soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include;
 - i)A scaled plan showing the locations of new and existing vegetation
 - ii)A tree pit design specification
 - iii)A schedule detailing sizes and numbers/densities of all proposed trees/plants (Hedging ideally needs to be planted at 0.60m centres in a double staggered row, usually a 20% mix of five species for a native species hedge)
 - iv)Specifications for operations associated with plant establishment to include a program for the timings of the landscape works and maintenance, to ensure successful establishment and survival of new planting and having regard to the timing of the commencement of the development.

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.

6 Reason: To safeguard the character and appearance of the area and to promote biodiversity, in accordance with policies ENV 1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.

7 No development shall proceed above ground level until a scheme detailing the long-term management of the hedgerow along the western boundary of the site, comprising details of; the method, timings, frequency and degree of pruning, has been submitted to and approved in writing by the Local Planning Authority.

The agreed scheme shall be implemented upon first occupation and thereafter undertaken in accordance with the details agreed.

7 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area and biodiversity, in accordance with policies ENV 1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.

8 No development shall proceed above ground level until a scheme detailing biodiversity enhancements across the site including a timeframe for implementation and which follows the recommendations as set out in the submitted 'Biodiversity Small Site Net Gain Calculation' (Hayden's Arboricultural Consultants ref: 9464) has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in accordance with the approved details and thereafter retained in perpetuity.

8 Reason: To protect and enhance species and biodiversity habitats in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and GI3 of the Witchford Neighbourhood Plan 2020.

9 No development shall proceed above ground level until a lighting scheme for all streets has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be accompanied by a technical report prepared by a qualified competent person setting out;

- i) the specification of lights,
- ii) locations and heights of lighting columns,
- iii) the light levels to be achieved over the intended area and at the development site boundaries and the surrounding area.

The approved scheme shall be implemented on site prior to first occupation of the development or in agreed phases, and retained as such thereafter.

9 Reason: To safeguard the residential amenity of occupiers, the visual impact of the development and protection of nocturnal biodiversity in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.

- 10 No above ground construction shall proceed 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 first occupation of the dwelling.
- 10 Reason: To safeguard the character and appearance of the area and to enable drainage maintenance access, in accordance with policies ENV 1, ENV2 and ENV 8 of the East Cambridgeshire Local Plan 2015 and LC1 and IC4 of the Witchford Neighbourhood Plan 2020.
- 11 No works shall proceed above ground level until details of materials for the external walls and roofs of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details approved.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and H3 of the Witchford Neighbourhood Plan 2020.
- 12 No works shall proceed above ground level until details of how the development will maximise energy efficiency and, if required, details of renewable or low-carbon energy sources has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
- 12 Reason: In order to ensure that the development seeks to maximise energy efficiency and to ensure any renewable energy sources are appropriate having regard to the visual and residential amenity impacts which may result, in accordance with policies ENV 2 and ENV 4 of the East Cambridgeshire Local Plan 2015.
- 13 No above ground construction shall proceed until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing of all roads and paths serving the dwellings and any on-plot hard landscaping. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing with the Local Planning Authority prior to first occupation.
- 13 Reason: To safeguard the character and appearance of the area and in the interest of residential amenity, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and H3 of the Witchford Neighbourhood Plan 2020.
- 14 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on EDG/15/03/404 in writing by the Local Planning Authority.
- 14 Reason: In the interests of highway safety and residential amenity in accordance with policies COM7, COM8 and ENV 2 of the East Cambridgeshire Local Plan 2015.
- 15 The tree protection measures as shown in the submitted Arboricultural Impact Assessment (Haydens Arboricultural Consultants ref: 9464-D-AIA) shall be implemented

as detailed at all times during any clearance, site works or development 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.

- 15 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area and biodiversity, in accordance with policies ENV 1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015 and LC1 and GI3 of the Witchford Neighbourhood Plan 2020.
- 16 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.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 In the event of the foundations from the proposed development requiring piling, prior to the commencement of any such piling, 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.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 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.
- 18 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 ENV 9 of the East Cambridgeshire Local Plan 2015.
- 19 The development hereby permitted shall be built to the standard meeting M4(2) 'Accessible and Adaptable Dwellings' as set out under Part M of Schedule 1 to the Building Regulations 2010 (or its successor) and confirmation of this shall be provided to and agreed in writing by the Local Planning Authority prior to the first occupation of the development.

- 19 Reason: To ensure the development meets the needs of older and/or less-mobile residents in accordance with policy H1 of the Witchford Neighbourhood Plan 2020 and HOU4 of the East Cambridgeshire Local Plan 2015.