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**MAIN CASE**

**Reference No:** 17/01518/FUM

**Proposal:** Residential development of 10 dwellings together with new access from The Paddocks

**Site Address:** Land To Rear Of The Paddocks Cheveley CB8 9DG

**Applicant:** Lightdoor Ltd

**Case Officer:** Julie Barrow, Senior Planning Officer

**Parish:** Cheveley

**Ward:** Cheveley  
Ward Councillor/s: Councillor Peter Cresswell  
Councillor Mathew Shuter

**Date Received:** 18 August 2017      **Expiry Date:** 17 November 2017  
[S158]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to delegate APPROVAL of the application to the Planning Manager subject to the recommended conditions below and the completion of a S106 Agreement to secure the affordable housing. The conditions can be read in full at Appendix 3.

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Site Characterisation
- 4 Reporting of unexpected contamination
- 5 Materials
- 6 Permitted development - ext and outbuild
- 7 Permitted development - Windows
- 8 Soft landscaping scheme
- 9 Hard landscaping scheme
- 10 No pruning/cutting or felling/removal
- 11 Arboricultural Method Statement
- 12 Landscape maintenance
- 13 Boundary Treatments
- 14 Maintenance of open space/drainage
- 15 Construction Times
- 16 Construction Environmental Management Plan
- 17 Biodiversity Improvements
- 18 Energy and Sustainability

- 19 Highways Restrictions - Gates
- 20 Detailed Surface Water Drainage Scheme

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of ten dwellings on land to the east of The Paddocks with access through The Paddocks, a residential development currently under construction and nearing completion.
- 2.2 The proposals consist of 10 new dwellings as follows:  
2 x two bedroom bungalows – Shared ownership (affordable dwellings)  
2 x three bedroom houses  
5 x four bedroom houses  
1 x five bedroom house
- 2.3 The proposal is principally the same as that submitted under reference 17/00703/FUM and refused by the Planning Committee on 2 August 2017 for the following reason:  
*The applicant has failed to demonstrate that the proposed surface water-drainage scheme comprising a series of open ditches/watercourses in the rear gardens of dwellings will provide an adequate solution to surface water drainage on the site. In addition the scheme does not address issues of ownership or maintenance. The proposal is therefore contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015 and the Cambridgeshire Flood and Water SPD.*
- 2.4 The surface water drainage scheme has been altered so that the swales (open ditches/watercourses), are now positioned outside of any private garden areas for the proposed dwellings. The swales are now wholly located within areas of land that will be owned, managed and maintained by the existing management company that has been set up to manage and maintain the areas of communal open space on 'The Paddocks' development.
- 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.6 The application has been called-in by Cllr Cresswell: *"It falls upon me to 'call in' this application for future determination by the Planning Committee. I do so for the same reasons outlined in the previous 'call in'. There was considerable opposition to the original application by Cheveley Parish Council and local residents for the construction of 10 dwellings on this site. Both Councillor Shuter and I fully support these objections."*

## 3.0 PLANNING HISTORY

### 3.1

17/00703/FUM	Residential development of 10 dwellings together with new access from The Paddocks	Refused	02.08.2017
16/01775/FUL	The construction of a 1 in 100 year storm attenuation pond including 30% volume to allow for climate change	Approved	23.03.2017
13/01139/FUM	Erection of fifteen dwellings and creation of new access onto High Street	Approved	03.10.2014

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside the established settlement boundary and within the south-eastern part of the village, to the east of the High Street. Access is via a development known as The Paddocks. The site extends to approximately 1.2 hectares and currently forms part of Brook Stud. A public footpath runs parallel to the eastern boundary, alongside a mature hedge and tree belt. The southern boundary is also marked by a line of mature trees. A tree within the site and another beyond the northern boundary are subject to a recent Tree Preservation Order (E/06/17). A recently constructed balancing pond, which serves The Paddocks, lies just outside the north-eastern corner of the site.

### 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.

#### **Parish Council –**

- Proposal contradicts the Cheveley Planning Policy document that was incorporated into the Further Draft Local Plan.
- Site is outside development envelope.
- Preference is for brownfield sites to be developed.
- Contradicts Cheveley Village Vision February 2013.
- Cheveley has already taken its fair share of development.
- Further encroachment into the countryside is contrary to Policy ENV1.
- Development will dramatically alter the layout of the village, which is characterised largely by its linear build with green fields and paddock beyond.
- Will form a large executive style estate of 24 homes on the edge of the settlement.
- Will dominant views from the adjacent public right of way.
- Existing nearby developments have a limited impact on the character of the village.
- Village characterised by smaller housing.

- Will cause harm to the setting of Cheveley Conservation Area and Grade II listed Building (Brook Stud).
- Estimated that 69 new dwellings will be accommodated between 2014 and 2031, which represents a 15% growth rate. Highest of any medium or large village in the district.
- Does not represent sustainable development. Loss of equestrian land will impact economy, affect access to land to the south and will not bring new employment to the village.
- Village is at 'tipping point' - lack of infrastructure and level of growth already seen/anticipated.
- Proposal increases prospect of Cheveley becoming a dormitory commuter village.
- Type and location of housing will encourage use of vehicles, which will travel through the conservation zone increasing pollution and congestion.
- Further Draft Local Plan does not identify need for type housing proposed.
- Additional traffic will cause extra pollution and congestion. Bus service insufficient. Development of large executive homes is unsustainable.
- Public sewerage system is nearing capacity.
- Lack of school places.
- Development is essentially urban sprawl back fill on a Greenfield site.
- Would set dangerous precedent for development paddock land outside the development envelope.
- Drainage system still raises major concerns over flooding. Site known to have poor drainage capacity. High risk the ditches will overflow. All surface water drains to a pond, which is located on third party private property (Brook Stud) who is responsible for maintenance. Pond is within conservation area and adjacent to Grade II listed building, surely this poses an increased risk to a heritage asset.
- Following points made in response to applicant's Planning Statement:
  - Little to no CPC or public engagement prior to application being submitted.
  - Question motives of applicant not submitting plans at the same time as the original application. Would have resulted in 40% affordable housing.
  - Encourages travel by car.
  - Evidence that Cheveley has sufficient deliverable sites has been provided.
  - Any argument that the Authority lacks a five year land supply should be dismissed. The local plan is close to being finalised.
  - Comparisons with Oak Lane site (16/00084/OUT) cannot be made.
  - Cheveley is not well served by public transport.

**Ward Councillors** – See above.

**Design Out Crime Officers** – Having viewed relevant documents I am happy that the proposed layout and design would mitigate against vulnerability to crime and disorder.

**Ramblers Association South** - If it can be established that the surface water drainage system proposed will prevent footpath 2 becoming flooded, and a condition is imposed requiring the existing tall hedge, separating the site from the

footpath, to be retained as a screen, (and maintained), the Ramblers Association can only offer 'no objection', as before. However there are concerns about the possible departure from ECDC policy.

**Local Highways Authority** – “The highways authority has no objection in principal to this application.

As far as can be determined the proposed internal road layout has not changed from refused planning application 17/01518/FUM, which the highways authority did not object to.”

**CCC Growth & Economy** – Insufficient early years and primary education capacity. CIL is the only option available for securing developer contributions.

The County Council does not consider it feasible to mitigate the impact of this development by expanding Cheveley Primary School. Kettlefields Primary School has recently been expanded and has spare capacity. Where the distance to an out of catchment school is greater than 2 miles the County Council is required to fund school transport.

There are other local schools in the area with space capacity including Burrough Green and within the town of Newmarket.

**Historic Environment Team** - This application area lies in an archaeologically sensitive area adjacent to a recently excavated Medieval settlement site at land between 199-209 High Street (13/01139/FUM - Historic Environment Record ref ECB4484) and immediately west of an undated cropmarked site of enclosures and boundary ditches overlain by ridge and furrow remains. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

**Cambridgeshire Fire & Rescue** – No fire hydrant is required as a hydrant has been requested on an adjacent development (13/01139/FUM) and all properties on the new development will meet the distance requirement.

**Lead Local Flood Authority** – *“We have reviewed the submitted documents and have the following comments:*

*1. We support the use of rainwater harvesting for each dwelling as this provides a sustainable form of water management and can also help reduce the volume of surface water leaving a site. We are also supportive of the use of permeable paving as a method of source control.*

*2. The submitted Surface Water Drainage Strategy shows that ditches/swales are proposed. Above ground features such as this are generally preferred to conventional pipework as water then becomes a much more visible and tangible part of the built environment which can be enjoyed by everyone. Furthermore, blockages are easier to see and rectify than with a below ground network.*

*Swales should generally have a longitudinal slope of between 0.5-6% to allow the conveyance of surface water. In the case of this site, a slope of 0.01% has been modelled within the drainage calculations. It is however the case that for very flat sites swales can be included with a gradient of less than 1.5% if designed appropriately (e.g. with appropriate planting).*

*3. It is unclear what is meant by 'ditch attenuation tank' along the western boundary (Surface Water Drainage Strategy Plan (CL-100, P5); however at the detailed design stage it should be confirmed whether a tank or ditch/swale is proposed."*

The Lead Local Flood Authority has also recommended a condition for a detailed scheme to be submitted prior to the development commencing.

**Anglian Water** – There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

The foul drainage from this development is in the capacity of Newmarket Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for foul sewerage. The proposed method of surface water management does not relate to Anglian Water operated assets.

**Minerals and Waste Development Control Team** - No comments received.

**Conservation Officer** - No comment from a heritage viewpoint.

The application site is located approximately 17m from the boundary of the conservation area which runs along the northeast side of the public footpath. With the nearest building being located 37m from the edge of the application site. The proposed development is located to the rear of existing modern housing along The Paddocks and would not be considered to be out of character with the surrounding built form. It is not considered that the proposal would result in harm to the setting of the conservation area.

The proposed development is located to the south of the Grade II listed Brook Stud, some 30m from the closest listed building. Due to the nature of the boundary treatments currently in place, the paddocks to the south of the stud would not be considered to contribute to the setting of the listed building or its significance, therefore the proposal would not cause harm to the character, appearance or setting of the listed building.

**Trees Officer** - This application is materially similar to the previous application 17/00703/FUM aside from changes to the proposed drainage. Although drainage may have impact upon neighbouring trees, it will be for a drainage specialist to ensure that the drainage scheme does not negatively impact the trees at the site. Therefore please consider my previous comments regarding this application aside for the Arboricultural report date which is now revised as 30/07/17.

**Environmental Health (Technical Officer)** – Advise that construction times and deliveries are restricted and that a Construction Environmental Management Plan is agreed with the LPA.

**Waste Strategy Team** – ECDC will not enter private property to collect waste or recycling. It is the responsibility of the owners/residents to take waste to the highway boundary on the relevant collection day. Wheeled bin contribution currently set at £43 per property.

**Newmarket Horseman's Group** – Reiterate comments made in previous objection to application 17/00703/FUM. Would like to add that several people have advised the group that the land is used for stud purposes despite the applicant's claim that it is not.

5.2 A site notice was displayed, an advert was placed in the Cambridge Evening News and 56 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- The school is already at full capacity – this may well put house buyers off
- Increase in traffic on a narrow village road in a village already congested
- Concern about the nearby trees
- Brownfield land should be used rather than the proposed Greenfield site
- Increased development in the area will spoil the beauty and tranquillity of Cheveley as a linear village
- The site is outside the development envelope
- Drainage concerns
- Building work at the Paddocks has already caused mud on roads, damaged footpaths, noise and disruption
- The village does not need any more executive homes but affordable ones for first time buyers and older people
- Surface water is already an issue with the Paddocks and is set to increase with additional development
- The style of houses are not in keeping with the village and three storey homes will impact on privacy of neighbouring properties
- Sewage system already needs upgrading with foul smells emitting from manhole covers and raw sewage rising onto property at the bottom of the village during heavy rainfall
- The current Paddocks development dominates and degrades the character of this part of the village
- The developers and landowner are exploiting the planning system by incrementally applying for 'smaller' developments as they know that larger applications will be refused.
- The proposed drainage system is unattractive and a danger to children and pets. Historically this area of Cheveley has always had drainage problems
- The application contradicts ECDC policy of preserving land specified for the horse racing industry
- There are two sites in Oak Lane which are ripe for development and more suitable.
- Allowing this development exposes the community to further intrusive and unnecessary building.

- Objections appear to have been disregarded with little, if any, consideration. It is clear that the local community do not want this development to proceed.
- Serious and genuine concerns over drainage should convince the developers that this is not a site suitable for development.
- Proposal is contrary to Cheveley Planning Policy.
- A further 10 houses on top of the 14 in the Paddocks would create a new housing estate in the heart of the village and change the character of this beautiful village.
- Same development that was 'rejected' a month ago. Appears to be a done-deal and asking for comments from Cheveley residents is a purely cosmetic exercise.
- Noticeable increase in traffic in recent years.
- Would spoil linear nature of village and would be detrimental to existing adjacent properties which presently benefit from Cheveley's linear nature and surrounding landscape.
- Over recent years Cheveley has had its quota of large homes.
- If development goes ahead what would stop the developers only building 9 houses and putting in another application to build on the adjoining paddocks.
- Application made before existing Paddocks development completed. Presumably the two development were tactically not applied for at the same time, as one large development would have been less likely to be accepted.
- Next to a popular public footpath.
- Any further development plans for Cheveley should be deferred until the Parish Council have agreed and presented a neighbourhood development plan.
- Cumulative impact with development already under construction would constitute a scale of development that is totally out of keeping with the character of Cheveley.
- Officer's opinion that the scheme proposed under 17/00703/FUM would fundamentally alter the character and appearance of the area.
- Proposal does not meet requirements of ENV1.
- The district or country landscape officer has not been consulted on the application. Not possible to appropriately assess the landscape impacts without the opinion of a qualified landscape specialist.
- Drainage issues in relation to the location of the road and part of plot 4 being on top of an existing ditch have not been resolved.
- The site is currently in use as part of a stud farm for horse racing. The permanent loss of the land to residential housing would limit any expansion plans to the existing business, making it less resilient to economic and market changes.
- Plans do not make it clear whether the access road would be adopted.
- Current proposal is more urban in its architecture especially to the roadway with backs of garages and internal courtyards. This does not reflect the sympathetic nature of The Paddocks.
- Land is beautiful green paddocks with trees and an abundance of wildlife.
- No.195 has floor to ceiling glazing on one side. Direct views between the properties will lead to lack of privacy for all parties.
- Lack of trust – ECDC were aware of proposals for development in April 2016 and did not inform the Parish Council and residents.



- Original plans for Phase 1 were not adhered to. The attenuation tank was not constructed and a pond had to be constructed. This has not been constructed to an agreed specification. ECDC has an unacceptable and ineffectual way of policing/enforcing approved plans.
- Occupiers of new dwellings on The Paddocks have not been notified directly of application.
- This is not a sustainable development.
- Disincentive for developers to build homes on available brownfield sites as it is usually easier to build on greenfield sites.
- Site uses 3 acres of equine land on top of the previously approved 2.1 acres, together totalling 5.1 acres, i.e. 2.5% of Brook Stud.
- Loss of privacy to No.185 High Street. Although separation distances may comply with usual planning guidelines, the effect is rear as the interior of the living area will be clearly seen from the house and garden on Plot 6 and vice versa. 1.8m fencing has effective height of 1.17m due to changes in ground level.
- As a last resort there should be a screen of tall grown, evergreen trees on the boundary with No.185.
- Fact that it has been necessary to design a Hydrobrake into the main drain from the site indicates that large runoff is anticipated, requiring water flow to be reduced with the potential for backing up and flooding the ditches.
- No significant alterations to the scheme since the first application was refused apart from the houses' boundary fence being moved a few feet to the ditches are outside the garden area.
- Application is 'backfill' and will destroy prime stud land. Will render adjacent paddocks unusable for stud purposes due to lack of access.
- Drainage scheme omits any dimensions except for the large T-shape ditch on the east side, which calculates to hold 140000 litres of water.
- Water held in the large northern ditch would significantly harm the trees on the footpath.
- Developer has not demonstrated that the system will provide an adequate solution. Does not specify how two Hydro Brakes for the pond and on this application will work in conjunction with each other. No indication of where water will naturally flood to.
- Above ground SuDS drainage is not suitable for the soil.
- Omission of gates is security threat.
- Impact on Oak tree – close to Plot 6.
- A Construction Environmental Management Plan is required. LPA must ensure all construction traffic enters the site from The Paddocks.
- Would be remiss of ECDC to dismiss the comments of the Newmarket Horseman's Group.
- Failure to adhere to the Cambridgeshire Flood & Water SPD.
- Evidence that site in use in connection with stud submitted.

#### **Save Cheveley from Over-development** (residents group) –

- Petition received on 26 September with 359 signatures objecting to the application.

- Cheveley already has capacity for up to 27 additional houses (7 approved in 2016) on existing brownfield sites.
- Development is outside defined settlement boundary.
- Flood risk concerns and inappropriate drainage system.
- Loss of the amenity of greenfield land for stud purposes.
- Gradual erosion of viable stud land and corresponding reduction in the value of the stud to the local economy.
- A massive and out-of-character housing estate in the heart of the village.
- Will set precedent for other studs to develop.
- Contrary to Policies GROWTH2, ENV1 and EMP6.
- Group has sought an independent review of the drainage strategy and this report has been sent to the LLFA.
- Concerned that LLFA requests that a surface water drainage scheme be submitted before development can start. Strongly suggest that ECDC sets 'pre-approval conditions and ensures that the developer submits a proper SuDS scheme before the application is approved.
- Further petition page received 27 September with four signatures.
- Fences for the ditches will not solve the problem. Rodents will have a free run of the ditches without being able to be viewed.

Responses received from the following addresses confirming that the owners are aware of the planning application:

- Plot 1 The Paddocks
- Plot 6 The Paddocks
- Plot 7 The Paddocks
- Plot 8 The Paddocks
- Plot 9 The Paddocks

Cambridge Housing Society has confirmed that it has acquired the six affordable homes on the existing development. It also confirms it is aware of the current planning application and that if successful it would be keen to acquire the two affordable units proposed under this application.

One response received in support of the application:

- Good looking housing for the village

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy 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
- CHV 2 Housing allocation, land between 199-209 High Street
- EMP 6 Development affecting the horse racing industry

## 6.2 Supplementary Planning Documents

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

## 6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

## 6.4 Proposed Submission Local Plan 2017

- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP22 Achieving Design Excellence
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- Cheveley 3 Allocation sites

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety, drainage and flood risk and ecology and biodiversity.

### 7.2 Principle of development

7.2.1 As stated above, the proposal has previously been considered by the Planning Committee on 2 August 2017. With the exception of the surface water drainage scheme the proposal remains the same as that previously considered. A copy of the Committee Report written for application 17/00703/FUM is attached at Appendix

1 and a copy of the minutes of the Planning Committee meeting are attached at Appendix 2.

- 7.2.2 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.
- 7.2.3 The Council is currently preparing a replacement Local Plan covering the period from 2014 to 2036. At a meeting of Full Council held on 5<sup>th</sup> October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.
- 7.2.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs.
- 7.2.5 The emerging policy LP3 lists Cheveley as a "medium village" that has a reasonable range of services. Two sites have been allocated in Cheveley village by the Proposed Submission Local Plan. Policy Cheveley 3 states that site CHV.H1 benefits from consent for 15 dwellings, and is the development referred to above as The Paddocks. 14 of the 15 dwellings have been constructed and the development is nearing completion. Allocation CHV.H2 forms an extension to that site. The allocation refers to an indicative number of dwellings of 10 and states that access to the site should be via CHV.H1. In addition, the trees and hedgerow along the eastern boundary should be retained along with the TPO on site and the site must provide affordable housing in accordance with policy LP6.

- 7.2.6 Paragraph 216 of the Framework states that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.
- 7.2.7 Given that Full Council has approved the Proposed Submission Local Plan it is considered that weight can be afforded to policy Cheveley 3 and allocation CHV.H2. The Planning Committee has previously considered the site and has recorded that, subject to a satisfactory drainage scheme, that proposed development is acceptable. The Planning Committee did not consider that any significant and demonstrable harm would be caused to the amenity of the area and that all other material planning considerations (with the exception of drainage) can be adequately addressed through conditions.
- 7.2.8 The Proposed Submission Local Plan was debated by Full Council and no objections to the inclusion of the site as an allocation for 10 dwellings were made. It is therefore considered that there are no unresolved objections to the allocation that would dictate that no weight should be given to the policy. In addition, as the Planning Committee has previously stated that subject to a satisfactory drainage scheme the proposal is considered to be consistent with the relevant policies in relation to the emerging plan.
- 7.3 Visual amenity
- 7.3.1 The site lies beyond the eastern boundary of the existing development known as The Paddocks. An attenuation pond serving the existing development and a landscape buffer lie immediately to the north of the site with the built form of High Street beyond. Land forming part of Brook Stud lies to the south and east of the site and a public right of way runs alongside the eastern boundary. Although Cheveley is primarily a linear village there are examples of development in depth close by and the Planning Committee previously considered that the scale and form of development proposed would not result in significant harm to the visual amenity of the area.
- 7.3.2 The dwellings have been designed to complement the existing development on The Paddocks and subject to the use of similar materials and exterior finishes it is considered that the scheme will have the appearance of a comprehensive development in the landscape. The existing boundary trees and hedgerows are to be retained and the proposal will be subject to a detailed soft landscaping scheme that can be secured by condition.
- 7.4 Residential amenity
- 7.4.1 The layout and design of the proposed dwellings is the same as that previously considered and future residents will enjoy a satisfactory level of amenity. The relocation of the drainage swales will not affect this.
- 7.4.2 The impact of the proposal on the residential amenity of nearby occupiers has also been considered previously and the changes made to the drainage system do not affect this assessment.

- 7.4.3 A number of local residents are concerned that the drainage swales will have an adverse effect on the environment and be a danger of children and wildlife. There is no evidence to support this and refusal of the application on the grounds that the drainage swales will adversely affect amenity could not be justified.
- 7.5 Highway safety
- 7.5.1 The Local Highway Authority raised no objections to the previous application and matters in relation to highway safety and parking provision are considered to be adequately addressed by this application.
- 7.6 Drainage and flood risk
- 7.6.1 A revised Flood Risk Assessment and Surface Water Drainage Strategy has been submitted with the application. The document sets out the key features of the drainage strategy, which include rainwater harvesting and the use of permeable paving. Roadside swales and the swale proposed along the northern boundary of the site will allow surface water to drain from the site, through the swales and into an off-site watercourse. Management and maintenance of the private receiving drainage system will be undertaken by a management company set up by the developer.
- 7.6.2 The Lead Local Flood Authority (LLFA) has assessed the changes made to the drainage system and have not objected to the proposed drainage scheme. They advise they support the use of rainwater harvesting for each dwelling as it provides a sustainable form of water management and reduces the volume of surface water leaving the site. They also support the use of permeable paving.
- 7.6.3 In terms of the swales to be provided the LLFA note that the longitudinal slope of 0.01% has been modelled in the drainage calculations. While swales should generally have a longitudinal slope of between 0.5-6% to allow the conveyance of surface water; the LLFA note that swales can be included with a gradient of less than 1.5% if designed appropriately (eg with appropriate planting). They also note that it is unclear what a 'ditch attenuation tank' referred to on drawing CL-100 Rev P5 refers to. However at a detailed design stage it can be confirmed as it does not raise objections.
- 7.6.4 It is noted that there are concerns raised by neighbouring occupiers regarding flooding in the local area. Prior to the publication of this report the 'Save Cheveley from Over-development' group commissioned a review of the drainage strategy and submitted this to the LLFA. The LLFA has carried out its own review of this report and has stated that it will not be changing its response to the Local Planning Authority. A copy of the report submitted by the residents' group together with the LLFA response are attached as Appendices 3 and 4.
- 7.6.5 The LLFA does not object to the surface water drainage strategy proposed as part of this application. This is on the basis that a detailed drainage scheme is secured by planning condition. This follows the approach taken by the LLFA on many applications and is considered to be a reasonable and proportionate approach. As a result the application is considered to comply with Local Plan policy ENV8, the Flood and Water SPD and policy LP25 of the Proposed Submission Local Plan.

7.6.6 A photograph of what appears to be a incident of surface water flooding on Brook Stud has been submitted by a resident and was attached to the comments made by the residents' group. The applicant's agent has stated that the picture was of a paddock adjacent to the Brook nearly a mile away from the application site. The matter has not been verified by the case officer and as the photograph was also submitted to the LLFA the Local Planning Authority is satisfied that it has been taken into account in the LLFA's response to the application.

## 7.7 Ecology and biodiversity

7.7.1 The Trees Officer has examined the changes proposed to the drainage strategy and he has noted that it may have an impact on boundary trees. This view does not however differ from the previous proposal and it is considered that subject to an acceptable Arboricultural Method Statement accompanying the detailed drainage strategy, there is no objection to development proceeding. A planning condition in relation to tree protection can also be imposed.

7.7.3 The proposal ensures the retention of the TPO tree on site and the applicant proposes to retain the trees and hedgerow along the eastern boundary, in accordance with policy Cheveley 3 and allocation CHV.H2

7.7.2 No other matters in relation to ecology and biodiversity have arisen.

## 7.8 Other matters

7.8.1 The Growth and Economy team at Cambridgeshire County Council has now commented on the proposal. It states that there are insufficient early years and primary school places available for the predicted number of children from the development. It also acknowledges that the Community Infrastructure Levy will be payable on the development and is the recognised means of mitigating the impact. The County Council also makes reference to capacity at Kettlefields Primary School, Borough Green and within the town of Newmarket. It is therefore considered that refusal of the application on the grounds of insufficient capacity within the village of Cheveley could not therefore be justified.

7.8.2 The Parish Council and a number of residents have raised concerns regarding the capacity of the sewerage system. Anglian Water has now commented on the scheme and has stated that there is capacity for wastewater treatment and in the foul sewerage network. Their response also refers to the fact that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The applicant has confirmed that the assets referred to are the foul and surface water sewers laid in respect of The Paddocks. These have been taken into account and the applicant intends to connect into the foul sewer.

7.8.3 The proposal includes the provision of two affordable dwellings. Policy Cheveley 3, allocation CHV.H2 states that the site must provide affordable housing in accordance with policy LP6, even if the number of dwellings is 10 or less, due to the obvious linkages with site CHV.H1. Policy LP6 makes specific reference to development schemes coming forward that are below the threshold set out in the

policy for affordable housing that are subsequently followed by an obviously linked scheme. In these circumstances if the combined total of dwellings provided by the first scheme and the subsequent scheme are above the threshold set by the policy then policy CP6 as a whole will be applied with the precise level of affordable housing to be provided being 'back dated' to include the earlier scheme.

7.8.4 The scheme approved under 13/01139/FUM was for 15 dwellings with six affordable dwellings delivered on site (40% in accordance with the Local Plan policy in place at the time. The addition of 10 dwellings gives a combined total of 25 dwellings, with a requirement for 30%, i.e. eight dwellings, to be provided across the two sites. The addition of the two affordable units proposed as part of the current scheme to the six already constructed means that the required number of affordable dwellings across the two sites will be met.

7.8.5 A number of residents have expressed concerns that this report will not address all material planning considerations in relation to the proposal. As stated above, the scheme is principally the same as that submitted under 17/00703/FUM. The Planning Committee has therefore previously considered all material planning matters and determined that, subject to a satisfactory drainage scheme, all other matters were acceptable. It is open to the Planning Committee to reach a different view on any of the material planning considerations, however, the previous decision of the Committee must also be taken into account. The previous Committee Report and associated minutes are attached at Appendix 1 and 2 to ensure Members have all the relevant information to hand when assessing the application.

7.8.6 Matters in relation to contaminated land, restrictions on construction hours and archaeology can be dealt with by way of condition.

7.8.7 Following comments made by local residents the Conservation Officer has been asked to comment on the proposal. She has stated that the proposed development is located to the rear of existing modern housing along The Paddocks and would not be considered to be out of character with surrounding built form. She does not consider that the proposal would result in harm to the setting of the conservation area. In addition, the Conservation Officer is of the view that the application site does not contribute to the setting of the listed building on Brook Stud or its significance and that the proposal would not cause harm to the character, appearance or setting of the listed building.

## 7.9 Planning balance

7.9.1 As stated above the proposal would provide an additional ten dwellings to add to the Council's housing stock, including the provision of two affordable dwellings. This attracts significant weight in favour of the proposal. The short and long term economic benefits also add weight in favour, albeit limited.

7.9.2 The Planning Committee has previously satisfied itself that the proposal would not result in significant and demonstrable harm to the character and appearance of the area. Matters in relation to residential amenity, drainage, highway safety and ecology are acceptable, subject to suitably worded planning conditions. It is considered that the proposed allocation of the site by the Proposed Submission Local Plan also attracts weight in favour of the proposal. It is therefore considered



that there are no significant adverse effects that would outweigh the benefits of the proposal and the application is recommended for approval.

## 8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The previous application 17/00703/FUM was refused by Planning Committee on one ground – drainage and flood risk. The principle of development was considered acceptable.
  - No objections from the Local Highway Authority and Lead Local Flood Authority
  - The site is allocated in the Proposed Submission Local Plan under allocation CHV.H2.

## 9.0 APPENDICES

- 9.1 Appendix 1 - Committee Report 17/00703/FUM
- 9.2 Appendix 2 - Committee Minutes 2 August 2017
- 9.3 Appendix 3 – Residents' Group Drainage Review Report – JPC Environmental Services 22.09.2017
- 9.4 Appendix 4 – LLFA response to Residents' Group Drainage Review Report
- 9.5 Appendix 5 - Draft planning conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/01518/FUM	Julie Barrow Room No. 011 The Grange	Julie Barrow Senior Planning Officer
17/00703/FUM	Ely	01353 665555 julie.barrow@eastca mbs.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>