



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone 01353 665555

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 21st June 2023**

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely CB7 4EE

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

TELEPHONE: (01353) 665555 EMAIL: caroline.evans@eastcambs.gov.uk

MEMBERSHIP:

Conservative Members

Cllr Christine Ambrose Smith
Cllr David Brown (Vice Chairman)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Bill Hunt (Chairman)
Cllr James Lay

Substitutes:

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Alan Sharp

Lead Officer

Simon Ellis, Planning Manager

Quorum: 5 Members

Liberal Democrat Members

Cllr Chika Akinwale
Cllr Kathrin Holtzmann
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson (Lead Member)

Substitutes:

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

**PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT
THE GRANGE AT 11:10AM FOR SITE VISITS**

AGENDA

- 1. Apologies and Substitutions** [oral]
- 2. Declarations of Interest** [oral]
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.

3. Minutes

To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on:

- a) 5th April 2023
- b) 26th April 2023
- c) 25th May 2023.

4. Chairman's Announcements

[oral]

5. Ref: 22/00827/FUM

Change of use and extension of former engineering workshop to create a new visitor centre with a cafe, restaurant and retail facilities, car parking, new highway access arrangements and public access to arboretum

Location: Barcham Trees plc, Eye Hill Drove, Soham, CB7 5XF

Applicant: Barcham Trees plc

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REPIE2GGIP700>

6. 23/00376/FUL

Front boundary treatment – retrospective

Location: 10 Dexter Lane, Littleport, CB6 1GE

Applicant: Mr Ben Davis

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RS16FIGGJHM00>

7. Planning Performance Report – April 2023

EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS

That the press and public be excluded during the consideration of the remaining item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1 and 2 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

8. Exempt Minutes

To receive and confirm as a correct record the exempt Minutes of the Planning Committee meeting held on 26th April 2023.

NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely> The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

2. The meeting will also be livestreamed on youtube for public viewing. The link will be available from the meeting webpage in advance of the meeting: <https://www.eastcambs.gov.uk/meetings/planning-committee-210623> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee caroline.evans@eastcambs.gov.uk, to register by 10am on Tuesday 20th June. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - Applicant/agent or supporters
 - Local Parish/Town Council
 - National/Statutory Bodies

A leaflet with further information about the public speaking scheme is available at <https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>

4. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
5. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

6. Reports are attached for each agenda item unless marked “oral”.
7. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
8. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3a

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 5th April 2023 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Ambrose Smith
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Maggie Camp – Director Legal Services
Holly Chapman – Senior Planning Officer
Tracy Couper – Democratic Services Manager
Richard Fitzjohn – Planning Contractor
Andrew Phillips – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant
Adeel Younis – Legal Assistant

IN ATTENDANCE

Rebecca Smith, Senior Planner, Vistry Housebuilding (Agent, Agenda Item 5 & 6/Minute 86 & 87)
Mike Pettitt (Applicant, Agenda Item 7/Minute 88)
Antony Smith (Agent, Agenda Item 7/Minute 88)
Parish Cllr Richard Radcliffe (Parish Council, Agenda Item 7/Minute 88)
Cllr Julia Huffer (Ward Councillor, Item 7/Minute 88)
Cllr Ian Bovingdon

2 other members of the public

Lucy Flintham – Office Team Leader, Development Services

82. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Sue Austen and David Brown.

83. DECLARATIONS OF INTEREST

No declarations of interest were made.

84. MINUTES

The Committee received the Minutes of the meeting held on 1st March 2023.

It was resolved:

That the Minutes of the Planning Committee meeting held on 1st March 2023 be confirmed as a correct record and be signed by the Chairman.

85. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- The meeting on 26th April will be held at St Mary's Church Hall, Ely, due to the Council Chamber being in use for Elections preparation. Timings are expected to be as usual – all details will be confirmed when the agenda is published (18th April).
- Anne James, Planning Consultant, had left the Council after over 5 years service. The Chairman stated that he had always found Anne to be a very efficient and hard-working officer and sent his best wishes to her for the future.

86. 22/01045/VARM – LAND PARCEL NORTH AND WEST OF MILLFIELD PRIMARY SCHOOL, GRANGE LANE, LITTLEPORT

Holly Chapman, Senior Planning Officer, presented a report (X190, previously circulated) recommending approval of an application seeking consent to vary the access details approved under outline consent ref 17/00757/ESO for a residential development of up to 680 dwellings and neighbourhood centre including associated infrastructure, public open space and landscaping.

The application proposals sought to remove the provision of the pedestrian footpath along Grange Lane in favour of an enhanced 3 metre (c.10 foot) wide shared pedestrian and cycle link to be provided further back into the site, set back from the carriageway edge. The site currently was under construction, with a number of dwellings built along the Grange Lane frontage and within the internal spine road (Whitworth Way). A number of the dwellings on-site also had been sold and were now occupied, meaning the development was in breach of a prior to occupation planning condition imposed upon the original 17/00757/ESO consent.

Members were shown site location plans, the phasing plan for the overall development and photographs and design plans for the proposed new alternative shared 3m pedestrian/cycle path. The Senior Planning Officer reported that this variation application was linked to the reserved matters application in the subsequent item and both needed to be considered concurrently at this meeting due to their inter-relationship.

The main considerations for the application were deemed to be:

- Impact on Pedestrian and cycle links;
- Impact on Bus provision to/within the site;
- Other Material Matters relating to Design, Landscaping, Ecology, Drainage

In summary:

- The proposed development was considered to support the delivery of a high-quality development proposal.
- The alternative adopted shared path along Grange Lane was not considered to jeopardise the ability for the scheme to deliver a safe and accessible pedestrian and cycle link, nor did it directly prevent the ability of the site to accommodate a diverted bus route within the development site itself.
- The proposed development was therefore considered to be acceptable in accordance with the policies contained within the East Cambridgeshire District Local Plan 2015 and within the National Planning Policy Framework.

For these reasons, the application was recommended for approval.

The Chairman invited the applicant's agent, Rebecca Smith, Senior Planner, Vistry Housebuilding, to address the Committee. She stated that the proposed alternative shared 3m pedestrian/cycle path was proposed due to technical difficulties associated with the realigned drainage ditch adjacent to the footpath making the original proposal prohibitively burdensome for the developer. Discussions with the local highway and drainage authorities had shown the proposal to be the best solution. The alternative shared 3m pedestrian/cycle path would be built to adoptable standard and subject to a revised S278 Agreement. However, it would also require removal of the original proposal for the provision of a bus stop along Grange Lane. Ms Smith emphasised that there was ongoing dialogue between all partners to ensure bus service provision onto the development.

The Chairman invited questions from Members and, as a result, it was confirmed that the intention was for the footpath/cycleway to be adopted via a S278 Agreement and further details were given of the proposed bus stop and shelters provision within the development. Members also asked how the footpath and ditch problem had not been picked up earlier. The Chairman commented that the site visit had demonstrated the need for a lighting column to be relocated to accommodate the revised 3m footpath/cycleway and it was confirmed that this would be addressed as part of the S278 Agreement. A Member queried if solar panelled bus information display boards for the bus stops were included in the design costs and it was reported that this could be considered. The Senior Planning Officer commented that some of the questions related to the subsequent item to be considered and the S106 included contributions for bus facilities/services. Members also asked why did footpath/cycle lane narrow.

The Chairman then invited questions to the Case Officer. The Chairman questioned the height of the fence between footpath and ditch and it was confirmed to be 1.2m high. Cllr Trapp asked where was the replacement hedge to be located and the Case Officer confirmed it was to the north of the footpath/cycle lane and the Council's Tree Officer was supportive of the proposal. Cllr Christine Ambrose-Smith questioned lighting details, to which the Case Officer responded that it would meet technical adoption standards.

During debate on the proposals, Councillor D Ambrose-Smith commented on the excellent design of the alternative shared 3m pedestrian/cycle path and expressed the view that this needed to be extended to include the proposed Yeomans Way footpath. Officers explained the constraints to achieving this due to a third-party ownership issue, and that the arrangement had already been approved by the

Council under the extant consents. In response to other queries, officers explained the arrangements for fencing and hedging of the footpath and drainage ditch.

A number of Members commented that the replacement pedestrian/cycle path was of a more acceptable design and therefore the officer recommendation for approval was proposed by Cllr Jones and seconded by Cllr C Ambrose Smith.

Councillor D Ambrose Smith reiterated his previous view as to the need to continue the excellent quality of design onto the Yeomans Way footpath for health and safety reasons, particularly due to likely access/usage by school children. Officers expressed the hope that there could be co-operation between the different parties to achieve this objective, though pointed out the difficulties given the footpath crossed other landownership and the footpath needed to be achievable to be adoptable. An additional recommendation on this matter then was put forward and accepted by the mover and seconder of the original motion.

It was resolved:

That planning application ref 22/01045/VARM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

It was also resolved:

That Officers and the Developer be requested to explore the potential for improvements to the proposed Yeomans Way Footpath.

87. 22/01378/VARM – LAND PARCEL NORTH AND WEST OF MILLFIELD PRIMARY SCHOOL, GRANGE LANE, LITTLEPORT

Holly Chapman, Senior Planning Officer, presented a report (X191, previously circulated) recommending approval of an application seeking consent to vary the approved plans, landscaping details, external material details and boundary treatment details as approved under reserved matters consent ref 22/00472/RMM.

Specifically, the proposals sought the following minor material amendments to the approved reserved matters scheme:

- Update the approved plans to reflect the omission of the frontage footpath along Grange Lane (as proposed under LPA Ref. 22/01045/VARM linked to this application).
- Revised soft landscaping along the Grange Lane frontage following removal of the footpath from the proposals;
- Slight relocation of proposed street trees to avoid clashes with private and adoptable drainage pipes and adoptable street lighting columns;
- Removal of 6no. unallocated visitor parking spaces along the northern boundary of the Public Open Space (POS) LAP C area within the eastern section of the site;

- Slight increase in foul water pumping station and relocation of access point, with the north-west POS 2m footpath realigned;
- Plot 1 and 169 garages amended to add a temporary section to facilitate Linden and Bovis marketing suites;
- Slight adjustments to western boundary fencing line along plot 50, plot 59, plot 344, plot 345 to ensure this follows the estate boundary title plan;
- Updates to details on external road surfaces to match S38 Technical Approval from the Local Highway Authority;
- Material Plan updated to propose alternative to Red Brick 2 due to supply and build quality issues.

Members were again shown site location plans, the phasing plan for the overall development and photographs and design plans for the proposed new alternative shared 3m pedestrian/cycle path. The Senior Planning Officer highlighted that the reserved matters application was linked to the variation application now approved in the preceding item.

The main considerations for this application were deemed to be:

- Pedestrian and cycle links;
- Bus provision to/within the site;
- Other Material Matters relating to Design, Landscaping, Ecology, Drainage

Members' attention was drawn to the County Highways Transport Team concerns regarding the proposed bus turning arrangement in the private car park to the proposed Community Hub. However, the Senior Planning Officer highlighted that the internal bus route and turning arrangements previously had been found to be an acceptable solution to the Local Planning Authority and Local Highways Authority, and it was on this basis that the original consent was granted.

In summary, the proposals demonstrated:

- Delivery of a high-quality development;
- Alternative adopted shared path along Grange Lane providing a safe and accessible pedestrian/cycle link;
- Proposals to deliver an internal bus route and turning provision secured as part of the agreed Design Code and original reserved matters consent;
- Acceptable in terms of its impacts regarding highways and access; landscape and ecology; drainage and flood risk; and character and appearance.
- Compliance with the mandatory and advisory requirements of the Design Code underpinning the original reserved matters consent.

The application therefore was considered to be acceptable in accordance with the policies contained within the East Cambridgeshire District Local Plan 2015 and within the National Planning Policy Framework and was recommended for approval.

The Chairman again invited the applicant's agent, Rebecca Smith, Senior Planner, Vistry Housebuilding, to address the Committee. She stated that she had no additional comments to the preceding application, but would be happy to answer any questions.

Councillor Wilson expressed concerns at buses turning on non-adopted land and, whilst Ms Smith acknowledged these concerns, she stated that there had been extended discussions and negotiations to secure bus access to the development and it was hoped that all of the relevant parties would work together further along the line to secure a bus operator to provide a service into the development. In addition, the Senior Planning Officer highlighted that the arrangement complied with the design code and already had been agreed as part of the original consent, and was a condition upon the extant reserved matters consent.

Councillor Jones queried if the revised footpath planting scheme required delegated authority. The planning officers confirmed that minor changes required could be potentially achieved under a non-material amendment. However, Councillor D Ambrose Smith expressed concern at the removal of hedging from the front of the site and stated that sufficient replacement hedging to that removed should be secured via the conditions. The planning officers confirmed the landscape condition could be varied to allow for additional planting, for which the Chairman confirmed delegated powers could be given to officers. He also queried the drainage arrangements for the ditch and these were clarified by the Senior Planning Officer. Councillor C Ambrose Smith queried drainage, and the Senior Planning Officer stated that site drainage was dealt with via alternative SuDS and that the ditch was required for highway water.

Members commended the revised proposals and close working of the various parties to produce the best possible solution. Therefore, the officer recommendation for approval was proposed by Cllr Jones and seconded by Cllr Every. However, to give reassurance on the replacement hedging issue raised by Cllr D Ambrose Smith, Members also agreed that delegated authority should be given to officers to secure this.

It was resolved:

That planning application ref 22/01378/VARM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

It was further resolved:

That authority be delegated to the Planning Manager/Planning Team Leader to revise Condition 6 relating to Soft Landscaping with regard to the provision of replacement hedge planting.

88. 22/01433/OUT – SITE WEST OF 45 EAST FEN ROAD, ISLEHAM

Richard Fitzjohn, Planning Contractor, presented a report (X192, previously circulated) recommending refusal of an application seeking outline permission for the access, layout and scale for the erection of four dwellings. Matters of appearance and landscaping were reserved at this stage. Members were shown site location plans, proposed access, site layout, scale, dwelling layouts and

indicative appearance. Members noted that a previous application for the site had been refused on 23 April 2020.

The main considerations for the application were deemed to be:

- Principle of development
- Residential amenity
- Visual amenity
- Historic environment
- Highway safety, parking provision and public right of way
- Biodiversity and trees
- Flood risk and drainage
- Other matters

In summary:

- The Council can demonstrate an adequate Five-Year Land Supply.
- The proposal is located outside of the development envelope of Isleham.
- The proposal is not located at one of the three market towns, where growth is directed to by policy GROWTH 2 of the East Cambridgeshire Local Plan 2015.
- The type of development is not one of the exceptions listed in policy GROWTH 2 of the East Cambridgeshire Local Plan 2015, or policies 1a and 2 of the Isleham Neighbourhood Plan.
- The proposal is therefore contrary to policy GROWTH 2 of the East Cambridgeshire Local Plan 2015, and policies 1a and 2 of the Isleham Neighbourhood Plan.

The Chairman invited the applicant, Mike Pettitt, and agent, Antony Smith, to speak. They highlighted that the applicant was a local person who was aware of the housing available in the village. Although extensive development was taking place there, these predominantly contained 3,4, & 5 Bed dwellings and not smaller properties/bungalows. Therefore, there was a need for 2 bed bungalows with a more modest purchase price, since there was no opportunity for people to downsize at present, particularly elderly persons wanting to remain in the village. The proposed bungalows would meet an identified local need for lifetime properties that no other developer was fulfilling and the site was located close to the amenities of the village. The application represented a simple infill development and the landscaping scheme allowed for a biodiversity net gain and would provide some economic benefit. For all of the above reasons, the application represented a sustainable development that should be supported.

The Chairman invited questions from Members to applicant/agent. Councillor Jones queried the availability of 2 bed bungalows in the village, proposed guide price for the application bungalows and impact on trees. It was stated that there was one 2 bed bungalow on the market in the village, the proposed guide price for the application bungalows would be £275K to £375K and the developer might look to protect and pay towards pond improvements. Cllr Trapp asked about the Neighbourhood Plan to which the developer responded that there were no sites coming forward in Neighbourhood Plan for bungalows.

The Chairman then invited the Parish Council representative Councillor Radcliffe to speak. He expressed concern at the waste of resources in considering this application, since a similar application had been refused in 2020. He highlighted that the village had an adopted Neighbourhood Plan and this application was

clearly outside the development envelope. He refuted the view that this was a simple infill development to meet the needs of an ageing population with no impact on the amenity of the local area, since there were no properties to the west or east of the site, it did not accord with the Neighbourhood Plan and did not meet any of the exception criteria. It would not have a positive impact on the local area, was not affordable housing and would not enhance the countryside character. For all of these reasons, he supported the recommendation for refusal.

The Chairman invited questions from Members to Councillor Radcliffe. Councillor C Ambrose Smith asked about proposed affordable housing/Community Land Trusts provision in the village and it was stated that 45 dwellings were proposed via a local Almshouse Charity/Housing Association, with some bungalows. Councillor Trapp referred to the Neighbourhood Plan/extensive level of development taking place in the village and Councillor Radcliffe emphasised that there were more than adequate development sites for the village, via those given approval and already commenced.

Councillor Huffer then spoke as a local Ward Member. She commented that the application should not have been submitted to this Committee for consideration, as it was outside the village envelope and not well served by local amenities. She highlighted the local schools issues and the fact that, as this was an outline application, there was no guarantee that 2 bed bungalows would be constructed on the site and that the Neighbourhood Plan should be supported. She urged the Committee to have regard to Cllr Radcliffe's comments on the detrimental impact of the application.

Councillor Trapp asked Councillor Huffer to comment on the provision for development for the village in the Neighbourhood Plan. She stated that this was very high for such a small village with a school that was full and roads at capacity. Councillor Stubbs queried why the application had been submitted to the Committee and the Case Officer and Planning Team Leader explained that this was a matter of interpretation of the Council's Constitution.

Councillor Wilson highlighted that the application was against the Neighbourhood Plan, which villages were encouraged to prepare, and took considerable commitment, resources and local consultation to do so. It reflected the knowledge and advice of local people. Therefore, he supported the recommendation for refusal. These concerns were supported by Cllrs Trapp, D Ambrose Smith and Stubbs

The recommendation for refusal then was proposed by the Chairman and seconded by Cllr Wilson.

Members of the Committee concurred with the views expressed by Councillor Wilson on the importance of having regard to the Neighbourhood Plan.

It was resolved unanimously:

That planning application ref 22/01433/OUT be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

89. PLANNING PERFORMANCE REPORT – FEBRUARY 2023

Andrew Phillips, Planning Team Leader, presented a report (X193, previously circulated) summarising the performance of the Planning Department in February 2023.

It was resolved unanimously:

That the Planning Performance Report for February 2023 be noted.

The meeting concluded at 4.08pm.



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3b

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 26th April 2023 in St Mary's Church Hall, St Mary's Street, Ely, CB7 4HF.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Ambrose Smith
Cllr Sue Austen
Cllr David Brown
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Maggie Camp – Director Legal Services & Monitoring Officer
Holly Chapman – Senior Planning Officer
Caroline Evans – Senior Democratic Services Officer
Richard Fitzjohn – Planning Contractor
Toni Hylton – Planning Team Leader
Andrew Phillips – Planning Team Leader
Gavin Taylor – Planning Contractor
Angela Tyrrell – Senior Legal Assistant
Adeel Younis – Legal Assistant

IN ATTENDANCE

Jon Jennings (Applicant's Agent, Agenda Item 4 / Minute 93)
Simon Kelly (Applicant's Agent, Agenda Item 4 / Minute 93)
Adam Tuck (Applicant's Agent, Agenda Item 5 / Minute 94)
Laura & Peter Wood (Objectors, Agenda Item 6 & 8 / Minute 96)
Nick Wright (Applicant, Agenda Item 4 / Minute 93)

8 other members of the public and press

Cllr Lorna Dupré (Agenda Item 6 & 8 / Minute 96)
Cllr Mark Inskip (Agenda Item 6 & 8 / Minute 96)

90. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllr Lavinia Edwards.

91. DECLARATIONS OF INTEREST

Cllr D Ambrose Smith declared himself to be predetermined against the Officer's recommendation for Agenda Item 5 (22/01021/OUT Site north of Camel Road, Littleport) and would leave the meeting for the duration of that item.

92. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- Adeel Younis (Legal Assistant) and Isabella Taylor (Planning Officer) would both be leaving the Council in May. He thanked them for their work and wished them well for the future.
- Agenda Item 7 (Planning Performance Report) would be heard out of order, before Agenda Item 6 in order to facilitate the consideration of Item 6 that included exempt information.
- This would be the last meeting of the current administration due to the upcoming local elections. He thanked all Members who had served on the Planning Committee and all Officers who had been involved with it; all had been appreciated.

93. 22/00638/FUM – NEW ENGLAND FARM, UPPER DELPH DROVE, HADDENHAM

Holly Chapman, Senior Planning Officer, presented a report (X194, previously circulated) recommending refusal of an application seeking to retain and re-clad four existing agricultural buildings to convert into six commercial units in Use Classes E(g)(iii), B2 and B8, together with associated development and off-site highway works to ensure safe access.

Members' attention was drawn to the comments from Haddenham Parish Council comments and the Internal Drainage Board as detailed on the update sheet circulated on 24th April. Neither body had any objections to the application. Three further comments had been received in support of the application and hardcopies had been provided at the start of the meeting.

A site plan, site photographs and aerial photographs illustrated the layout of the site and its location considerably closer to Earith (Huntingdonshire) than Haddenham. Elevations and floorplans were shown for the four buildings, all of which would be retained with no height change. Some minor demolition and rebuilding works would be required together with extensive highways works to Upper Delph Drove and the A1123 as well as the site junction.

The main considerations for the application were deemed to be:

- **Principle of development** – the application sought to introduce approx. 3730sqm of employment floorspace through re-cladding and converting existing buildings and was therefore supported in principle by policy EMP4 of the Local Plan 2015. However, policy HAD4 of the Haddenham & Aldreth Neighbourhood Plan required employment proposals to be “within or on the edge of the village”. By providing a specific location requirement this policy was in conflict with EMP4. The Haddenham & Aldreth Neighbourhood Plan had been made in October 2022 following a referendum, and policy HAD4 therefore took precedence over the older EMP4 where conflict existed. The proposed development was therefore considered to be unacceptable in principle since the site's location 3.5 miles from Haddenham (1.1 miles from Earith) was not “within or on the edge of the village” as required by HAD4.
- **Visual amenity** – the re-use and re-cladding of existing buildings would provide visual and physical improvements as well as improved acoustic insulation and energy saving. Lighting, boundary treatment and planting

could be controlled by condition. The proposed development was therefore considered to be acceptable in terms of visual amenity.

- **Residential amenity** – although the proposed uses of the buildings had the potential to be disruptive in terms of noise and a significant increase in vehicle movements, the location and operating hours were considered to mitigate the significantly detrimental effects. The nearest residential properties were also associated with the existing farm development. Operating hours, noise limits, and a lighting scheme and hours could all be controlled by condition. The proposed development was therefore considered to be acceptable in terms of residential amenity.
- **Highways safety** – junction and road upgrades would be undertaken meaning that, although a significant increase in vehicle movements would be expected, the application would not be detrimental to highways safety. Parking provision and cycle parking were both in accordance with policy requirements. The proposed development was therefore considered to be acceptable in terms of highways safety.
- **Flood risk and drainage** – a comprehensive drainage strategy had been proposed. The Environment Agency and the Internal Drainage Board had no objections but a late consultation response from the Lead Local Flood Authority (LLFA) meant a technical matter could not be addressed before the Committee meeting, leaving an outstanding objection with eight points of concern. It was considered that the concerns could not be addressed by condition since the proposals had not demonstrated that they could adequately mitigate exacerbated surface water flooding or increased flooding elsewhere. The proposed development was therefore considered to be unacceptable in terms of flood risk and drainage.
- **Trees, landscaping, biodiversity and ecology** – recommendations in the Phase 1 Ecological Assessment could be secured by condition and the scheme provided opportunity for a significant biodiversity net gain in accordance with adopted policies. The proposed development was therefore considered to be acceptable in terms of trees, landscaping, ecology and biodiversity.
- **Energy efficiency and renewable energy strategy** – the proposal would re-use existing buildings and improve their insulation. In order to comply with the requirements of policies ENV4 of the Local Plan and HAD13 of the Haddenham & Aldreth Neighbourhood Plan, conditions would be required regarding the number of electric vehicle charging points and the solar photovoltaic panels scheme. Subject to conditions, the proposed development was therefore considered to be acceptable in terms of energy efficiency and renewable energy strategy.

In summary, the application site was far outside the village of Haddenham and therefore failed to meet the location requirement of policy HAD4 of the Haddenham & Aldreth Neighbourhood Plan. It had also failed to demonstrate that it would not exacerbate surface water flooding or flood risk elsewhere. Although acceptable in all other respects, the application was recommended for refusal on those two grounds.

Simon Kelly, Nick Wright and Jon Jennings then addressed the Committee as the applicant/agents. Simon Kelly highlighted that no additional hard surfacing would be created and therefore the drainage situation would be unchanged. Outstanding concerns could be addressed by condition, or the decision could be deferred to

enable the applicant to address the issues. The Parish Council, as authors of the Neighbourhood Plan, supported the scheme. Strategic policy GROWTH2 supported the application, as did policies EMP2 and EMP4. Policy HAD4 supported development outside the development envelope if there was a clear reason for the location: the re-use of buildings necessarily had to occur where the buildings were located – in the case of farm buildings this would generally be in open countryside. The policy was permissive and did not specify that development could not occur elsewhere. He considered that in law there was no conflict with the policy. The application would improve existing buildings, create local jobs and diversify an existing farm business. Nick Wright, added that the buildings had no modern agricultural purpose and were therefore only suitable for conversion. They formed part of an existing development and the improved access arrangements had been approved. The objections from the LLFA had been received too late to be addressed prior to the meeting but were purely technical and he was confident that they could be resolved. There were no local objections, the Parish Council were in favour, and he had provided evidence of local interest in locating businesses there. The application complied with all relevant local and national policies apart from the Council's interpretation of the Neighbourhood Plan.

Responding to Cllr Jones's question about whether the Parish Council had a mandate to go against the Neighbourhood Plan, Simon Kelly reiterated that the issue was a matter of interpretation since the Plan did not specifically prohibit development in other locations. Legal arguments had been provided to support their position and the applicants were confident of winning an appeal, with costs, against a refusal on those grounds.

Nick Wright provided further information to Cllr Trapp about the buildings' previous uses and also explained that all of the proposed car parking would be within the existing building area. Responding to Cllr Hunt, he added that there would be no increase in the concreted area although some repairs and improvements would be made. The cladding would be non-asbestos and all necessary checks would be made regarding asbestos in the roofs. He confirmed to Cllrs Jones, Brown and Hunt that they were confident that the drainage concerns could be resolved within a matter of weeks and Jon Jennings added that the necessary technical work was already in progress with a survey having taken place the previous day and a deferral would allow them to prove this.

Cllr D Ambrose Smith asked about the entrance to the site and was informed that the improvements would result in a 6m wide access to Highways standards. Responding to questions from Cllrs Wilson and Jones, Jon Jennings and Nick Wright explained that to date there was interest in the proposed commercial units from four companies with a total of approximately 70 employees. One company was already based in Haddenham and all four were local. When asked by Cllr Every about alternative options for the site, Jon Jennings explained that a smaller conversion could take place under permitted development rights, meaning smaller units, but all existing buildings would remain in place. Nick Wright added that if improved access arrangements were required that would not be economically viable for a smaller operation.

The Senior Planning Officer informed Members that the hard copy letters supporting the proposed development had not been seen by Officers prior to the meeting. Additionally, it would not be possible to control whether or not it was local

businesses that utilised the units. She highlighted that the policy conflicts had been addressed in detail in the report and, in discussion with the Policy Officer, conflict had been found with HAD1 and HAD4. Legal arguments provided by the applicant were referenced in the report but had not been shared since they stated that they were confidential and legally privileged. The Planning Team Leader added that local/national policy interrelations had been addressed in the report. Regarding 5.4 in the Haddenham & Aldreth Plan, referred to by the applicant's agent, the Planning Team Leader emphasised that it was preamble rather than policy and reiterated that HAD1 made clear what was within the development envelope and what could be considered when outside it.

Responding to a query from Cllr Brown, the Planning Team Leader explained that granting approval subject to addressing the LLFA concerns would be inadvisable. Should Members want to permit the development, more appropriate alternatives would be to grant approval subject to conditions, or to defer the decision to give the applicants time to address the concerns.

The Senior Planning Officer confirmed to Cllr Stubbs that there were two reasons for recommending refusal: the drainage concerns and the conflict with policies in the Neighbourhood Plan. If the drainage concerns were addressed by condition then Members would need to either conclude that there was no conflict with Neighbourhood Plan policies, or provide reasons as to why permission should be granted in conflict with policy. Responding to Cllr Hunt, she explained that her professional opinion differed from the Parish Council's interpretation of the Neighbourhood Plan in that she considered, intentional or not, that the Neighbourhood Plan contained a key locational requirement that was not met by the current application.

The Chairman then opened the debate. Cllr Wilson explained that he had been a member of the group that developed the Neighbourhood Plan and the intention had been to discourage new buildings outside the development envelope. However, there had been no intention to prevent the re-use of existing buildings. He supported the change of use from empty structures to commercial units for which there was already interest and he considered that the Neighbourhood Plan could be interpreted differently from the Case Officer's position, such that the application could be approved subject to conditions regarding the drainage. Haddenham Parish Council had recently discussed the application and were unanimously in favour of it. He therefore proposed that the application be approved. Cllr C Ambrose Smith agreed and seconded the proposal for approval. Cllrs Brown and D Ambrose Smith stressed the importance of adding conditions to address the drainage concerns. Cllrs Hunt and Trapp commented that the proposals would improve the look of existing buildings and recognised that the Neighbourhood Plan had sought to prevent new construction in the countryside.

It was resolved unanimously:

That planning application ref 22/00638/FUM be APPROVED subject to suitable drainage conditions to satisfy the points raised by the Lead Local Flood Authority, on the grounds that the proposed development did not contravene the Committee's interpretation of the Haddenham & Aldreth Neighbourhood Plan.

It was further resolved:

That the Planning Manager/Planning Team Leader be given delegated authority to impose appropriate conditions in addition to the drainage conditions previously mentioned.

3:07pm Cllr D Ambrose Smith left the meeting for the duration of the following item.

94. 22/01021/OUT – SITE NORTH OF 44 CAMEL ROAD, LITTLEPORT

Richard Fitzjohn, Planning Contractor, presented a report (X195, previously circulated) recommending refusal of an application seeking outline permission for two detached dwellings, including off-street parking and associated infrastructure, with all matters reserved apart from layout. The application had previously been considered by the Committee on 1st March 2023 when all matters had been considered acceptable apart from biodiversity and flood risk; the application had been deferred for those to be addressed.

A location plan, site photos and site layout were provided to illustrate the site's location between two development envelopes and with residential properties to the north and south and an equestrian centre and paddocks to the east. The proposed site layout followed the general development along Camel Road and included off-street parking.

Following previous consideration at the 1st March Planning Committee meeting, the only remaining considerations for the application were:

- **Biodiversity** – an Ecological Walkover Survey and Biodiversity Net Gain Calculation had been received since the deferral. It had been demonstrated that a significant biodiversity net gain could be achieved and the proposed development was therefore now considered to be acceptable in terms of biodiversity.
- **Flood risk** – since the March Planning Committee meeting the applicants had engaged further with their Flood Risk Consultant, who had concluded that no more could be done in respect of flood risk mitigations. The Local Plan 2015 and the NPPF required the use of the Sequential Test to steer new developments to take place in areas with the lowest probability of flooding. The Environment Agency had not objected to the proposal but had stated that the Local Planning Authority should determine whether the Sequential Test had to be applied. The application site was within Flood Zone 3 and therefore in accordance with policy ENV8 of the Local Plan 2015 the Sequential Test had to be strictly applied. Officers remained of the view that there were other reasonably available sites for two dwellings within Littleport at lower risk of flooding, and therefore the Sequential Test was failed. However, if Members concluded that the Sequential Test was passed then the Exception Test would apply. Part (a) concerned wider sustainability benefits to the community that outweighed the flood risk; Officers did not consider this to be passed. Part (b) concerned the safety of the development's users, without increasing flood risk elsewhere, and Officers considered that conditioning the mitigations in the Flood Risk Assessment would satisfy this part of the Exception Test.

In summary, it was considered that the application should be refused due to its location within Flood Zone 3 and the availability of sites elsewhere that meant the Sequential Test was not passed.

On the invitation of the Chairman, Adam Tuck (Applicant's Agent) addressed the Committee. He reminded Members that the application had been deferred from the 1st March 2023 meeting and that Officers had since been satisfied regarding biodiversity, so the only outstanding issue was the flood risk. No harm had been identified and there were no objections. He emphasised that the Environment Agency were satisfied subject to the proposed raised floor levels. He argued that a Sequential Test was not required since the site was an infill site, and highlighted an approval along the same road earlier in the year that was within the development envelope and had therefore not required a Sequential Test. The site was owned by the family and the proposed self-build plots would enable several generations to live together and provide care as needed, thus providing a benefit.

Answering flooding-related questions from Cllrs Wilson, Trapp, Hunt and Jones, the Agent explained that the land level matched that of its neighbours on either side and only the finished floor levels would be raised (300mm above ground), not the land or driveways. This was based on the advice of flood risk specialists. All of the details were within the Flood Risk Assessment and the site was outside the 1 in 100yr flood plain. The Planning Contractor also explained that both the Environment Agency and the applicant's Flood Risk Consultant considered that raised floor levels would remove the risk of danger from flooding.

The Planning Team Leader explained that when the Local Plan was prepared any sites in the development framework underwent a Sequential Test at that point. For the application to pass the Sequential Test Members would need to be satisfied that there was nowhere else in Littleport where the two dwellings could be provided at lower risk of flooding. He also reminded Members that the two potential self-build plots could not be conditioned as to who would own or live in them.

Cllr C Ambrose Smith highlighted the anomalous nature of the small parcel of land outside the development envelope. The Planning Contractor reiterated that the site did not pass the Sequential Test because there were other reasonably available sites in Littleport; development in Flood Zone 3 required that the Sequential Test be passed. The Planning Team Leader explained to Cllr Wilson that across the District there was land in Flood Zones 1, 2 and 3, with most housing allocations in Flood Zone 1. Raising land levels reduced the risk of flooding at that location, but would increase the risk elsewhere. Responding to a query from Cllr Jones, the Planning Contractor explained that wider benefits considered acceptable to pass the Exception Test would differ for all applications.

The Chairman then opened the debate. Cllr C Ambrose Smith was supportive of the concept of different generations of family supporting each other and stressed that other locations within Littleport would not achieve that aim. Cllr Jones considered that the proposed housing would provide a benefit and that continuing to develop suitable small pockets of land was not controversial. He therefore proposed that the application be approved, as he considered there were no other locations at lower risk of flooding within Littleport where the proposed houses, with their associated benefits, could be provided, thus passing the Sequential Test; and that the Exception Test was passed due to the provision of additional housing and economic benefit together with the raised floor levels providing suitable and safe

lifetime homes without causing significant risk of flooding elsewhere. Cllr Brown seconded the proposal and Cllr C Ambrose Smith was also supportive. Cllrs Trapp and Hunt expressed concern that larger dwellings could be proposed at the reserved matters stage and therefore requested that, should outline permission be granted, any reserved matters applications be determined by the Planning Committee.

It was resolved with 7 votes in favour, 2 votes against and 0 abstentions:

That planning application ref 22/01021/OUT be APPROVED on the grounds that there were no other locations at lower risk of flooding within Littleport where the proposed houses with their associated benefits could be provided, thus passing the Sequential Test, and the Exception Test was passed due to the provision of additional housing and economic benefit together with the raised floor levels providing suitable and safe lifetime homes without causing significant risk of flooding elsewhere.

It was further resolved:

That the Planning Manager/Planning Team Leader be given delegated authority to impose appropriate conditions in addition to the drainage conditions previously mentioned.

It was further resolved:

That the associated Reserved Matters application be referred to the Planning Committee for decision.

3:50pm Cllr D Ambrose Smith returned to the meeting

95. PLANNING PERFORMANCE REPORT – MARCH 2023

Toni Hylton, Planning Team Leader, presented a report (X197, previously circulated) summarising the performance of the Planning Department in March 2023. She highlighted that determination targets were being met for major, minor and “other” applications, with a small dip for the householder applications. Officers’ caseloads had increased, as was usual for the time of year, and an Officer was leaving in May. Another appeal had been won regarding a retrospective application for a fence; a scenario that was becoming common across the country.

It was resolved unanimously:

That the Planning Performance Report for March 2023 be noted.

3:52 – 4:07pm The meeting was briefly adjourned for a comfort break.

96. 22/00057/RMM – LAND REAR OF GARDEN CLOSE, SUTTON, CB6 2RF

The Chairman explained that the item included exempt and sensitive information that would need to be considered in closed session with only the Committee Members, necessary Officers, owners of 10 Oates Lane and particular agreed interested parties present. All other presentations, questions and debate would be heard in public. A waiting room had been provided for other members of the public and press during that part of the Committee’s deliberations.

Gavin Taylor, Planning Contractor, then presented a report (X196, previously circulated) recommending approval of a reserved matters application concerning the layout, appearance, scale and landscaping for the construction of up to 47 dwellings. The outline application for the site development (including access) had been refused by the Council in 2018 and subsequently allowed on appeal in 2019. Attention was drawn to the previously-circulated update sheet and additional information that Members had received in advance of the meeting, including revisions to some of the proposed conditions.

Members were shown a location plan and aerial images illustrating the site's position to the south east of Sutton with access *via* Garden Close to the west of the site. 10 Oates Lane, the home of an individual with protected characteristics was located adjacent to the north west corner of the site and the specific issues related to this would be discussed in closed session. For comparison purposes, the indicative site plan for the outline permission was provided together with the site layout for a reserved matters application that had been refused by the Council and dismissed at appeal. Various photographs of the site and its wider context, including the access from Garden Close, were shown.

The main considerations for the application were deemed to be:

- **Principle of development** – outline permission had been granted at appeal and the site was consequently allocated for up to 53 dwellings in policy NP5 of the Sutton Neighbourhood Plan. The policy required predominantly low density single-storey dwellings, the retention of mature trees and hedgerows, and the preservation and enhancement of various views.
- **Housing mix** – a refusal reason for the previous reserved matters application had been that the mix of market housing failed to contribute to meeting the needs of the village. The current application included more 2-bedroom dwellings and more than half of the 2- and 3-bed properties would be bungalows. The 30% affordable housing included 4 bungalows, and 51% of the dwellings would meet accessibility standards. Since publication of the report, the published housing needs assessment had been reviewed and was considered to be a reliable evidence-based document. The proposed housing mix did not strictly follow its recommendations but would positively contribute to the provision of smaller homes in the village. The variance was not considered to be sufficient to warrant refusal.
- **Layout** – access had previously been agreed and the parking, density and bin collection points were all considered to be acceptable. In terms of open space, there would be a play area to the north east, a nature area to the south, and an inaccessible (fenced) green space to the north delivering biodiversity benefits.
- **Scale, Appearance and Landscaping** – 55% of the dwellings would be single-storey and all two-storey buildings would be towards the centre of the site. The number and layout of bungalows was considered to be compliant with the policy requirement for predominantly single-storey dwellings. The ridge heights of the two-storey dwellings had been reduced compared to the previously-refused reserved matters application and there were no flats or 1.5 storey dwellings proposed. It was not considered that there would be a severe impact on any of the views specified in policy NP5 of the Sutton Neighbourhood Plan. Elevations were provided for a variety of dwellings to illustrate improved design with a mix of finishes reflecting those in the locality. The Trees Officer considered that tree loss had been minimised

and the re-planting would be compliant with policy NE8 of the Natural Environment SPD.

- **Residential amenity** – compared to the previously-refused reserved matters application, there had been a revision to the proposed layout and the orientation of a dwelling to the south of a group of protected trees. There were now no concerns regarding overlooking, overbearing or overshadowing for future occupiers. In terms of existing residents, a refusal reason for the previous proposal had been the impact on the residential amenities of 10 Oates Lane. In order to address this, an area of open space would now have a stock-proof fence to provide a biodiversity area with restricted access visible from a number of dwellings, a larger buffer had been created and acoustic fencing would be included with suitable landscaping. Additionally, adjacent dwellings would be bungalows set further back. A condition would be required regarding the long-term management of the fence and landscaping in order to protect the residential amenity. There were no objections from the police regarding the risk of antisocial behaviour.
- **Biodiversity and ecology** – conditions were proposed including the provision of an updated Landscape Ecological Management Plan and a 20-year hedgerow and woodland management plan.
- **Flood risk and drainage** – the Council had previously refused an application on this site on the grounds of drainage and the Planning Inspector had disagreed at appeal. Conditions on the outline permission required the agreement of a detailed surface water strategy and foul drainage before works could commence, as well as a long-term management strategy for surface water. Anglian Water had no objections and the LLFA were content to agree details *via* outline condition.
- **Historic Environment/Archaeology** – condition 15 of the outline permission required a Written Scheme of Investigation to be agreed prior to commencement. It had previously been considered that development would not result in unacceptable impacts on the historic environment. Since the latest scheme was on a lower scale and density the same conclusions had been reached.
- **Energy & sustainability** – the application had included the details required by condition 11 of the outline permission and the Building Control team had confirmed that the development would meet the aims of policy ENV4 of the Local Plan 2015.

In summary, the application was recommended for approval subject to conditions. The Planning Consultant also explained to Members that the Council had a legal duty under s.149 of the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not.

Furthermore, the Act explained that having due regard for advancing equality involved:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

- Taking steps to meet the needs of people from protected groups where these were different from the needs of other people;
- Encouraging people from protected groups to participate in public life or in other activities where their participation was proportionately low.

The duty did not require the Council to do (or not do) anything, rather to be aware of, and have due regard to, the duty in making the decision.

Laura Wood, Objector, was invited by the Chairman to address the Committee and confirmed to the Director Legal Services and the Senior Democratic Services Officer that she wanted her statement to be heard in public session and minuted accordingly. She detailed the thought, effort, and funds that she and her husband had invested over the previous 18 years in the provision of a lifelong care home for their severely disabled son, and explained the nature and effects of his disabilities. Currently eight staff provided 24/7 care and the Adult Social Services team at the County Council had stated that the setting and team were the best possible long-term home for him. Should the provision fail then housing care would be needed elsewhere, likely in a different county, which would destroy the family. The family considered that the development, as proposed, would put the setting at risk. They had suggested alternatives, including offering to purchase the land buffer between their property and the new development, that would reduce the harm to their son's care home, but no explanation had been given as to why those alternatives would not be possible. In making their decision, she asked the Committee to consider whether enough had been done under the requirements of the Equality Act.

The Chairman then asked the Senior Democratic Services Officer to read aloud a statement that had been provided by Brett Collard, Chair of the Sutton Poor's Land Charity. The charity helped people of the village who found themselves in need and the trustees objected to the application since they considered that it represented an overdevelopment of the site that would exacerbate the existing flooding issues of land adjacent to the southern edge of the site. The land was lower than the site and included The Old Rec (leased to the Parish Council), allotments and agricultural land on The Lawns, all of which was owned by the charity and provided its income. Should the land become unusable then the charity would lose its only source of income to help people in the village who found themselves in need. The trustees were concerned that the springs existing on the application site would be impacted by construction and concretion and would find alternative outflow negatively impact the charity's land; an issue not addressed to date. They also questioned who would be responsible for the maintenance of ditches in the area that could be overwhelmed.

On the invitation of the Chairman, Cllr Lorna Dupré, a District and County Councillor for Sutton, addressed the Committee. She stressed her continued objection to the development which had significantly changed from the original intention of 25 bungalows for local people in the first Sutton Neighbourhood Plan. Sutton Parish Council also continued to object to the proposal. The percentage figures for 1, 2, 3, 4, and 5-bed properties in the 2021 housing needs assessment were provided, along with the percentages for the proposed development, and Cllr Dupre argued that there was no correlation between the two. In particular, 23% 1-bed properties were identified in the assessment and none were proposed for the development. In addition, 2/3 of the proposed plots would not conform with the minimum plot sizes in the Design Guide. Other concerns included mobility access, overdevelopment leading to increased cars on adjoining roads and at junctions,

and she was disappointed that no pedestrian access to the south had been included. She echoed the flooding concerns of the Sutton Poor's Charity and added that residents of Garden Close had objected on drainage/flooding grounds. Finally, she expressed her support and admiration for the residents of 10 Oates Lane and urged the Committee to ensure that they carefully considered their Public Sector Duty under the Equality Act in determining the application.

Cllr Mark Inskip then addressed the Committee as a District Councillor for Sutton and the Chair of the Sutton Parish Council. He asked the Committee to note the many objections to the application. He explained that he had led the village's working party for the creation and subsequent revision/updating of the Neighbourhood Plan. The Neighbourhood Plan had been made four years earlier with approximately 90% of residents in favour of it. He drew attention to policies NP5 and NP7, which the application did not comply with. NP5 concerned the application site and, in particular, specified predominantly low-density single storey bungalows. The previous reserved matters application had failed to meet this criterion since Officers had previously stated that approximately 75% single storey dwellings should be provided in order to be in accordance with the policy requirement. However, Officers' interpretation of NP5 had now changed in that approval was recommended despite only 55% of proposed dwellings being single storey. He considered that the application was an improvement on the previous design, but questioned whether "predominantly" would generally be used to describe a 55/45 split. Policy NP7 related to the housing mix meeting the needs of the village. A Housing Needs Assessment commissioned for Sutton as part of the current Neighbourhood Plan review had been finalised in September 2021, seen by the Parish Council in February 2022 and published on the Sutton Neighbourhood Plan website since March 2022. The housing mix in the proposal did not match that detailed in the assessment.

He explained to Cllr Trapp that NP5 had specified single storey dwellings to protect the views and the character of the area since the majority of dwellings in Garden Close and Lawn Lane adjacent to the site were bungalows. In answer to a further question he reiterated that there was strong support in the village for the Neighbourhood Plan, and also that made Neighbourhood Plans should, on principle, be given weight in Planning decision-making.

Cllr C Ambrose Smith commented favourably about the total number of bungalows and questioned whether viability may be the deciding factor in the overall housing mix. Cllr D Ambrose Smith asked whether the Parish Council accepted that there would be housing development on the site. Cllr Inskip explained that it was accepted that the made Neighbourhood Plan included development (a larger development than originally envisaged was approved at appeal during the examination stage of the Neighbourhood Plan) but he was there to reinforce to Members that the Neighbourhood Plan was supported by more than 90% of voters.

Cllr Jones highlighted that the outline permission granted at appeal allowed 53 dwellings, the application was for 47, and the Parish Council had originally anticipated 25; he asked whether a further compromise could be made regarding the density. Cllr Inskip reiterated that NP5 specified predominantly single storey dwellings and in his view 55% would not be within the usual definition of "predominantly". NP7 required the housing needs to be met and there was evidence of the housing needs in Sutton which the proposal did not align with.

The Chairman then invited questions for the Planning Contractor. In answer to questions from Cllr Hunt, the Planning Contractor stated that the site area was 7.8 acres and there were no public rights of way to/from the site other than *via* the main access point. He confirmed to Cllr Trapp that most parking would be tandem parking and showed on the site map where the visitor parking would be located.

Cllr Jones asked whether the 53 dwellings permitted in the appeal permission could be accommodated on-site whilst also complying with the NPPF, and whether policy NP5 should be a deciding factor in determining whether or not to permit the development. The Planning Contractor explained that bungalows were proposed on the fringes of the site and to the north, therefore his assessment of the visual impact of the development would be that it appeared to be predominantly bungalows; “predominant” could be interpreted in terms of numbers or site character. All applications needed to be determined in accordance with the Development Plan, and the Sutton Neighbourhood Plan was one of the latest additions to it.

Cllr Trapp referred to public speakers’ concerns about discharge of water, and comments in the report from the Lead Local Flood Authority (LLFA), and asked for further details. The Planning Contractor explained that Officers were reliant on the LLFA and local information, that all comments had been sent to the LLFA and that the applicant had sought to provide additional information throughout the process as well as agreeing discharge rates with the Internal Drainage Board. The outline permission required drainage to be agreed by condition and the LLFA were content with the details to date and to agree on discharge of conditions. With the Chairman’s permission a member of the public provided further information and concerns about the site’s drainage and the applicant’s proposals, and the Planning Contractor reiterated that all concerns raised had been passed to the LLFA. He added that the drainage was a pre-commencement condition, therefore if the applicant’s intended drainage scheme could not be achieved then they would need to devise an alternative for approval.

Responding to questions from Cllr Wilson about the south west corner of the site, the Planning Contractor highlighted an area outside the development site but linked to the wider biodiversity, and explained that the attenuation drain would have no houses around it. The area was required for drainage and for nature and would not be suitable for housing. He disagreed with Cllr Wilson’s judgement that some areas of the housing would be very cramped.

5:35pm Cllr Stubbs proposed, Cllr Hunt seconded, and it was unanimously agreed, that the press and public be excluded because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1 and 2 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

During the closed session Peter Wood, Objector, provided further details about the nature of his family’s objection and explained the alternatives that they had proposed which would enable the development to proceed without the risk of damaging the care home setting, including therapeutic garden, that they had created. In particular, they considered that moving the acoustic fence to the south 2m closer to the road, replacing the proposed stock fence with a solid fence, and removing the eastern acoustic fence, would remove their concerns and objection.

Cllrs C Ambrose Smith, D Ambrose Smith, Every, Jones and Trapp asked questions and received answers to further understand the Objectors' concerns and the revisions that they considered would be satisfactory. The Chairman thanked Peter and Laura Wood for their detailed explanations helping the Committee to understand the situation.

Cllr Dupré spoke in support of the Objectors' viewpoint and, should Members approve the application, requested that various conditions be added in order to protect the Objectors' current and future amenity.

The Director Legal Services and Monitoring Officer explained to Members that the Public Sector Equality Duty required "due regard" to be given. That did not mean that all issues must be fixed, rather that proper consideration must be given to the effect of their decision. Although alternative proposals had been explained, the developer had not included them in their application and Members were therefore reminded that they were being asked to determine the application before them.

The Planning Contractor explained the discussions that had been held with the Objectors and subsequently with the developer concerning the acoustic fence positioning. He also explained his understanding of the Adult Social Care Team's position, detailed Environmental Health's explanation about the effect of moving an acoustic fence further from a noise source, and the views of the police regarding the prevention of anti-social behaviour in amenity spaces. He drew attention to the proposed condition 17 regarding the restriction of roof heights.

Some Members discussed whether a deferral would be appropriate in order for the developer, 10 Oates Lane, and Officers to resolve the fence situation. Others were concerned that the fence positioning was not the only issue to be addressed. The Planning Contractor reiterated that the developer had been aware of the proposals from 10 Oates Lane and they had requested that the application be determined as presented. They had agreed an extension of time to 30th April and could therefore appeal for non-determination after that date if no decision had been reached. He emphasised that if Members were minded to defer then they would need to be clear which aspects of the application they did and did not consider to be acceptable.

6:20pm Cllr Trapp proposed, Cllr Jones seconded, and it was unanimously agreed, that the meeting should return to public session. Members of the press and public were therefore re-admitted to the meeting. The Director Legal Services and Monitoring Officer repeated the advice that had been given to Members during the closed session regarding the Public Sector Equality Duty and the need to consider the application before them rather than alternatives proposed by other parties.

Cllr Jones stated that he had several concerns regarding the application: the density, the arguments presented by Cllr Inskip, and the level of privacy afforded to 10 Oates Lane in the proposal as compared with alternative designs that could give better protection.

6:21pm Cllr Jones left the meeting and did not return.

Cllr Trapp proposed, and Cllr Austen seconded, that the application be refused due to its lack of compliance with policies NP5 and NP7, and due to the harmful effects on 10 Oates Lane of the placement of the acoustic fences. Cllr Brown commented

that across the proposed development there would be more bedrooms in houses than in bungalows, and by that measure the site could not be considered to be predominantly bungalows.

Cllr C Ambrose Smith reiterated an earlier suggestion to defer the decision for a short period to allow the relevant parties to reach a resolution on the fencing. Cllr Wilson queried whether the developer would be willing to move the fences as requested by the residents of 10 Oates Lane. The Chairman briefly permitted comments from the public gallery to allow the developer to seek clarification about what was being asked of them; they commented that replacing stock fencing with a solid fence would remove the visual amenity area providing an outlook for the new properties. Cllr D Ambrose Smith re-stated his view that the fence locations were not the sole concerns regarding the application.

It was resolved with 6 votes in favour, 3 votes against and 0 abstentions:

That planning application ref 22/00057/RMM be REFUSED on the grounds that it provided insufficient amenity protection for the residents of 10 Oates Lane by virtue of the location of the acoustic fence, and that it contradicted policies in the Sutton Neighbourhood Plan, specifically NP5's requirement for the provision of predominantly bungalows and NP7's requirements regarding the housing mix.

Following the conclusion of the formal business, the Vice Chair, Cllr Lisa Stubbs, gave a vote of thanks that was followed by a round of applause: "I want to express my gratitude to our Chair, Cllr Bill Hunt for his tremendous leadership and his ability to bridge differences and to keep us united in fulfilling our duties in the best interest of our constituents."

The meeting concluded at 6:35pm.



East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee held at The Grange, Nutholt Lane, Ely, CB7 4EE at 7:35pm on Thursday 25th May 2023

PRESENT

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Kathrin Holtzmann
Cllr Bill Hunt
Cllr James Lay
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson

OFFICERS

John Hill – Chief Executive
Sally Bonnett – Director Community
Maggie Camp – Director Legal Services
Isabel Edgar – Director Operations
Emma Grima – Director Commercial
Ian Smith – Director Finance
Tracy Couper – Democratic Services Manager
Caroline Evans – Senior Democratic Services Officer

1. TO ELECT A CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

Cllr Bill Hunt was nominated as the Committee Chairman by Cllr David Brown and seconded by Cllr Martin Goodearl.

There being no other nominations, it was resolved:

That Cllr Bill Hunt be elected as Chairman of the Planning Committee for the municipal year 2023/24.

2. TO ELECT A VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

Cllr David Brown was nominated as the Committee Vice-Chairman by Cllr Bill Hunt and seconded by Cllr Martin Goodearl.

There being no other nominations, it was resolved:

That Cllr David Brown be elected as Vice-Chairman of the Planning Committee for the municipal year 2023/24.

The meeting concluded at 7:38pm.

Chairman.....

Date.....

22/00827/FUM

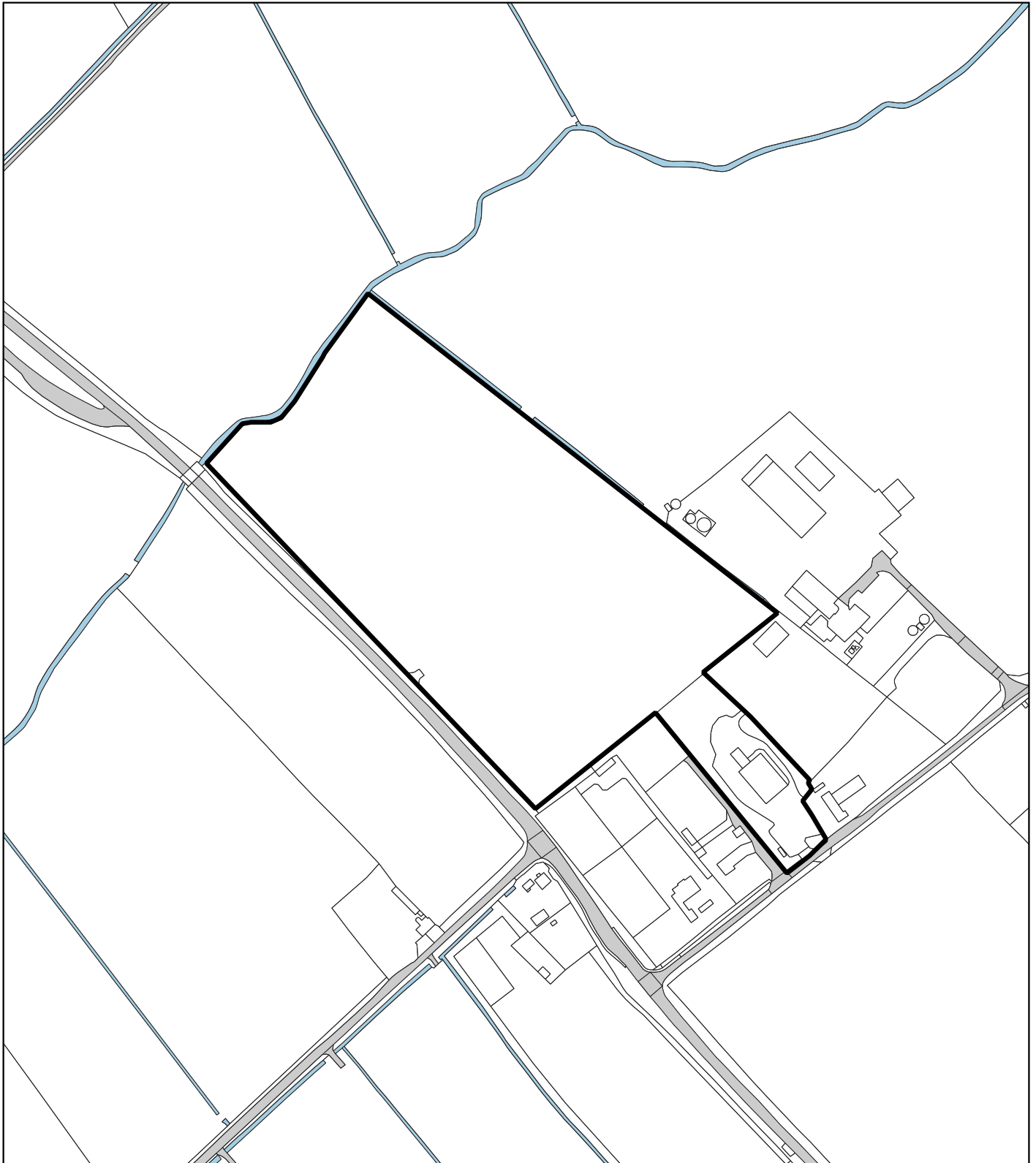
Barcham Trees Plc
Eye Hill Drove
Soham
Cambridgeshire
CB7 5XF

Change of use and extension of former engineering workshop to create a new visitor centre with a cafe, restaurant and retail facilities, car parking, new highway access arrangements and public access to arboretum

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=REPIE2GGIP700>





22/00827/FUM

Barcham Trees Plc
Eye Hill Drove
Soham



East Cambridgeshire
District Council

Date: 07/06/2023
Scale: 1:4,000



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TITLE: 22/00827/FUM

Committee: Planning Committee

Date: 21st June 2023

Author: Planning Team Leader

Report No: Y12

Contact Officer: Catherine Looper, Planning Team Leader
catherine.looper@eastcamb.s.gov.uk
01353 616205
Room No 011 The Grange Ely

Site Address: Barcham Trees Plc, Eye Hill Drive, Soham, Cambridgeshire, CB7 5XF

Proposal: Change of use and extension of former engineering workshop to create a new visitor centre with a cafe, restaurant and retail facilities, car parking, new highway access arrangements and public access to arboretum

Applicant: Barcham Trees plc

Parish: Soham

Ward: Soham North

Ward Councillor/s: Mark Goldsack
Keith Horgan

Date Received: 18 July 2022

Expiry Date: 23 June 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the signing of a Unilateral Undertaking to revoke application 17/01128/FUM and subject to the recommended conditions summarised below: The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit
- 3 Arboricultural Method Statement
- 4 Construction Environmental Management Plan
- 5 Ground Piling
- 6 Surface Water Drainage
- 7 Surface Water Run-Off

- 8 Foul Water Drainage
- 9 Reptile Method Statement
- 10 Hedgerow Removal and Replacement
- 11 Details of Play Equipment and Furniture
- 12 External Materials
- 13 Soft Landscaping
- 14 External Lighting
- 15 Biodiversity Enhancements
- 16 Construction Times
- 17 Noise Levels
- 18 External Music
- 19 Opening Times
- 20 Delivery Times
- 21 Kitchen Extraction
- 22 Boundary Treatments
- 23 External Plant, Machinery and Equipment
- 24 Highway Improvements
- 25 Vehicular Gates
- 26 Parking
- 27 Access and Hardstanding Drainage
- 28 Metalled/Sealed Surface at Access
- 29 BREEAM
- 30 Exception to Opening Hours

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the change of use of a former engineering workshop to create a visitor centre with a café, restaurant and retail facilities. The application would be associated with the existing arboretum which has been granted under application 19/00658/FUM and implemented. The application would see the arboretum opened for public access. The proposal includes car parking arrangements for the visitor centre and arboretum, access arrangements, and improvements to the junction of the A142.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.3 The application is brought before Planning Committee in accordance with the Council's constitution.

3.0 PLANNING HISTORY

3.1

19/00658/FUM

Engineering works to create new arboretum, including lake and activity areas

Approved

30 July 2019

17/01128/FUM

New arboretum and visitor facilities.

Approved

4 January 2018

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the established development frameworks for both Ely (c.2.4 miles to the north-west) and Soham (1.3 miles to the south-east). The A142 runs along the western boundary of the site and Eye Hill Drove to the south which is a narrow single country track. There are a number of residential properties which front onto Eye Hill Drove.

4.2 The western part of the site contains the arboretum which is under construction and in the process of being planted. The portion of the site to the east where the visitor centre would be located currently contains a large engineering workshop set back from the public highway. There is mature vegetation to the site boundaries which provides screening from neighbouring properties. The site is accessed from Eye Hill Drove.

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 - 26 April 2023

No comment or objection.

STC noted that this proposal will provide jobs for local people and encourage tourism

Parish - 25 July 2022

Change of use and extension of former engineering workshop to create a new visitor centre with a cafe, restaurant and retail facilities, car parking, new highway access arrangements and public access to arboretum.

Our previous comments apply. Our major concern is a suitable and safe traffic management at the junction with the busy A142

Local Highways Authority - 17 May 2023

The revised proposals as shown on the drawing 9070-F+M-01-DR-003-11 and P348 15 004 Rev C are acceptable in highway terms so I do not object to this application.

The mitigation proposals along the A142 and Eye Hill Drove align with previous permission (for a smaller scale of development) and therefore remain acceptable. Such mitigation will need to be implemented prior to commencement of use.

Please append the following conditions and informative to any permission granted:

Conditions

HW9A: Prior to commencement of use any gate or gates to the vehicular access shall be set back a minimum of 5m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

HW22A: The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Non-standard condition: Prior to the commencement of use, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 10m from the existing carriageway edge.

Informative

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Local Highways Authority - 25 August 2022

Subject to the following comments and recommendations:

Plan P348 15 004 Rev A does not show the swept path movements in the context of the proposed access, and it is not therefore possible to fully consider suitability of the proposals. The applicant should be invited to include the access arrangements on plan and to provide details of the vehicle used to define the swept paths.

From the information provided, the swept path for the vehicle turning out right from the site is shown to overhang the pedestrian crossing point on the external works proposed in the Transport Statement; this would not be acceptable, and the layout must be amended to prevent this.

While the likelihood of two large vehicle being required to pass one another at the junction is unclear, it is evident from the swept path plan that this could not be achieved.

Such occurrence would result in the junction becoming obstruct, which is likely to result in vehicles reversing either within the site or on the public highway. The applicant should be invited to quantify the likelihood of such occurrence and to demonstrate that the two-way movement between vehicles which can reasonably be anticipated to encounter one another at the access can be accommodated; otherwise, the access should be amended accordingly.

I would again recommend that this response be read in parallel with that of the County Councils Transport Assessment team.

Local Highways Authority - 26 July 2022

As a similar scheme, including the proposed highway works has prior consent (17/01128/FUM), I do not have an objection to this application. While the proposals differ, the differences are not material in highway terms.

However, the site access as shown on the drawing P348 15 004 is notably different to that previously approved. The access on Eye Hill Drove reduces to single lane width prior to the site access to avoid impact upon tree roots. To demonstrate this is suitable, the applicant will need to provide vehicle tracking for a coach entering and exiting the site, with the swept path contained within the carriageway.

The access from Eye Hill Drove, needs to be surfaced in a bound material (i.e., no gravel), for the first 5m length from the highway boundary.

Otherwise, the on-site layout, including turning provision is acceptable.

I recommend that you read this response in parallel to that of the County's Transport Assessment team.

Local Highways Authority - 9 December 2022

The latest drawings submitted showing access onto Eye Hill Drove are accepted and address previous comments made.

I therefore do not object to this application.

Please append the following conditions and informative to any permission granted:

Conditions

HW9A: Prior to commencement of use any gate or gates to the vehicular access shall be set back a minimum of 5m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

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Non-standard condition: Prior to the commencement of use, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 10m from the existing carriageway edge.

Informative

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

County Highways Transport Team - 9 December 2022

Given we recommended approval of the 2017 application and the current application proposes to reduce the size of the development, the TA team would not have any comments to make. The proposed application would generate less trips than the approved 2017 application.

Environmental Health - 9 August 2022

I have read the Phase I & II Environmental Assessment Report dated 15th February 2019 prepared by EPS and accept the findings that the site is suitable for use. A condition requiring further site investigation work is not for any change of use.

Environmental Health - 26 July 2022

We have recently commented on a Screening Opinion for this application under 22/00792/SCREEN.

Peter will respond separately with his comments regarding the Environmental Statement.

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.

The Application Form advises that there will be no trade effluent generated as part of this proposal. This would appear to be a clerical error as the D&AS correctly identifies that "Waste management would be undertaken by Barcham Trees as commercial waste". For clarity, I would be grateful if you could forward the attached Commercial Waste Duty of Care Information document to the Applicant so that they can ensure they are disposing of their waste legally.

Hours of Opening have been provided in the Application Form. These are given as 07:00 - 19:00 Monday to Friday, 08:00 - 17:00 on Saturday and none on Sundays or Bank Holidays. I have no issues to raise with this and would request that this is conditioned.

The Design and Access Statement advises that there is a mix of existing residential and commercial premises to the west. If I have calculated correctly it would appear as though it is 32m to the nearest sensitive receptor. I had previously advised in my comments to 22/00792/SCREEN that -

"I have gone back to Claire's previous comments concerning this and she advised that we would consider it necessary for a noise impact assessment and odour information to be provided with any application to ensure we are able to fully assess the potential impact on nearby residents."

I would echo these comments again due to the close proximity of sensitive receptors.

The Planning Statement discusses external mechanical plant and suggests -

"Whilst the building will be fitted with external plant and equipment to provide for extraction and ventilation, this will all be designed to industry standards. These standards are designed to be applied to far more confined urban environments where for example there may be flats above a development. Accordingly, it is reasonable to conclude that external plant can very easily be designed to avoid any adverse impacts to the closest residential properties. The details of the design, operation and future maintenance of such plant, can reasonably be controlled by way of planning conditions."

I would therefore recommend the following condition -

"The specific rated noise level emitted from mechanical plant at the site shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009."

I would also recommend a condition which stipulates there is no external lighting without prior approval from the LPA. The D&AS makes reference to LED festoon lighting located in the external café area. If possible I would be seeking a condition which would stipulate that this type of external 'mood' lighting is not left on overnight/after a certain time. This may not be practicable for all lighting for H&S reasons but I would be happy to discuss this with you in greater detail.

The Design and Access Statement advises that "Deliveries for food and retail areas would occur through Barcham nursery to the rear retail space 'out of hours". I understand why this is desirable but I would still be seeking to restrict when these deliveries can take place so that they are not totally unrestricted. I would be happy to discuss this with you in greater detail if necessary.

The café has an outdoor area. It is not known if there is an intention to have music in this area but I would expect the requested NIA to take this in to account if it is part of the proposal.

No other comments to make at this time but please send out the environmental notes.

ECDC Trees Team - 21 July 2022

No tree related objections to this application. Due to the existing trees on site that are being retained please condition the submission of an Arboricultural Method Statement to show how the retained trees will be protected throughout the development process. Please also condition the submission of a soft landscaping scheme in relation to the new visitor centre with a cafe, restaurant, retail facilities, car parking and highway access areas.

Cambridgeshire Archaeology - 29 July 2022

Thank you for your consultation with regard to the archaeological implications of the above referenced planning application.

Although this site lies in an area of archaeological potential, an archaeological evaluation of a larger area abutting the site redline to the north-west which was carried out in 2018 identified only limited archaeological evidence, predominantly consisting of post-medieval or modern ditches, furrows and field drains, with only sparse dateable material finds (Cambridgeshire Historic Environment Record reference ECB5337). On the balance of evidence it is therefore not considered that redevelopment of the former engineering workshop and its environs will be likely to impact upon significant archaeological remains, and on this basis we have no objections and no requirements for this development as proposed.

Technical Officer Access - 10 August 2022

A defined safe walking route required from family parking/Blue Badge parking.

Steps to mezzanine level need to have high contrast strip across the edge of each step to aid visually impaired people with the depth perception of each step.

The lift to the mezzanine floor should have a minimum lifting capacity of 400kg.

Flexible seating required throughout.

Please make sure that all pathways are bonded pea gravel not loose.

Good clear signage required throughout.

The Ely Group Of Internal Drainage Board - 2 June 2023

Following our response to the application, the agent has been in contact with the Board.

They have confirmed the runoff rates for the site, and that they will be as existing. It has also been confirmed that Barcham Trees will continue to pump water out of the Board's Main Drain into their reservoir, further downstream.

Therefore, the Board is happy to lift its objections to this application. The applicant will still require the Board's consent for the new discharge.

The Ely Group Of Internal Drainage Board - 2 May 2023

The application is an amendment to 22/087/FUM and is an update to the drainage strategy. The application being in connection with a change of use and extension for an Arboretum at Eye Hill Drove, Soham. The site being within the Middle Fen and Mere IDB District, with discharge being to a Board maintained drain.

Comments have previously been made to the proposals by ourselves in a letter dated 22nd July 2022, and which related to the previously lodged drainage strategy / proposals. At that time the discharge from the proposed development was to be limited to the Board's specified green field run off of 1.11 l/s/ha. On this basis the Board having no objection to the proposals, subject to a Bye Law Consent application being received.

The updated application includes a revised drainage strategy, which differs from the previous document. (The document being prepared by a different author.) It does not comply with the requirements of the Board in terms of restricting the discharge from the development to the required 1.11 l/s/ha and has not taken into account the contents of the email from the Board as included in the appendix to the previous report, or the fact that the same criteria has historically been previously applied to the development site. (Reference an FRA prepared in 2017 by Evans River and Coastal Consultants, and also referred to in the previous report on which our response the of July 2022 was based).

Notwithstanding the above, the current strategy also confirms that the site currently has no positive discharge to the IDB system, relying on overland flow and infiltration to dispose of surface run off.

The previous report limited discharge from the site to the IDB system to 1.01 l/s, based on the drained development area. The same criteria applied to the current development area of 1.02ha would result in a permitted discharge of 1.16 l/s.

Taking the above into account, and the previous response to the LPA / correspondence entered into with those acting for the applicant, the Board object to the application until the discharge is limited to that as previously advised by the IDB.

The Ely Group Of Internal Drainage Board - 1 August 2022

The above application is within the Middle Fen and Mere Internal Drainage District. The Flood Risk Assessment for the site has incorporated the Board's discharge rate requirements in the surface water design for the site. Therefore, on the basis that the applicant applies for the Board's consent for the discharge into our system, the Board has no objections to the application.

Anglian Water Services Ltd - 25 July 2022

Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Anglian Water Services Ltd - 21 July 2022

Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

If this is to change, please re-consult with us.

Environment Agency - 3 August 2022

Thank you for your consultation email received 19th July 2022. We have reviewed the information provided and have no objection but wish to make the following comments.

Flood Risk

A small part of the site is within Flood Zones 2 and 3 on our Flood Map for Planning, but within an area benefitting from flood defences.

The FRA demonstrates that the site is outside the area shown to be at risk of flooding in the event of a breach of the Ely Ouse flood defences. As such, we consider that the main source of any fluvial flood risk at this site is associated with watercourses under the jurisdiction of the Middle Fen and Mere Internal Drainage Board (IDB).

Groundwater and Contaminated Land

The site is located above a Principal Aquifer. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here: <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>. If the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted.

Foul Drainage - Guidance for Applicant

The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need a non-mains drainage system.

In addition to planning permission you may also require an Environmental Permit for your non-mains drainage system. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Further information can be found at GOV.UK:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Lead Local Flood Authority - 26 April 2023

We have reviewed the following documents:

- Flood Risk and Hydrology, Amber Planning Ltd, Ref: H8423, Dated: April 2023
- Conceptual Drainage Layout, Amber Planning Ltd, Ref: H8423-001, Dated: April 2023

Based on these, 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 the parking areas and a swale to provide further conveyance and attenuation before discharge into the adjacent watercourse at the greenfield equivalent rates.

We request the following conditions are imposed:

Condition

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 Assessment and Hydrology document prepared by Amber Planning Ltd (ref: H8423) dated April 2023 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) 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);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) 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;
- f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Permissions to connect to a receiving watercourse or sewer;

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

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

IDB Consent

This site falls within the Middle Fen and Mere Internal Drainage Board (IDB) who is managed by the Ely Group of IDBs. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

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.

Lead Local Flood Authority - 14 December 2022

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

1. Surface water flood risk

Based on the Long Term Flood Risk Mapping for surface water, it is noted that a large proportion of the car park is located in an area of low, medium and high surface water flood risk, which also appears to form an overland flood flow conveyance route. The potential depths of flooding are shown to be between 300mm and 900mm deep.

The Proposed Drainage Strategy Sheets demonstrate that the permeably paved car park is designed to attenuate surface water up to the 1% annual exceedance probability event including a 40% climate change allowance, which is shown to be partially situated in the location of the medium and high surface water flood risk. Whilst it is positive to see permeable paving proposed, it should be noted that the use of SuDS which are designed to cater for exceedance events should not be sited within areas of flood risk as this could compromise the system's ability to contain surface water drainage runoff of the proposed development, which could result in an increase in surface water flood risk. Therefore the LLFA is unable to support proposals to construct the permeable paving in the location of conveyance routes/areas of medium and high surface water flood risk.

At present, it is unclear if the proposed car park will alter the existing topography and landscape. Any proposals to raise ground levels could significantly divert and displace surface water from the existing overland flood flow conveyance route, therefore changing and increasing the surface water flood risk for neighbouring and downstream land and property. In accordance with Paragraph 167 of the National Planning Policy Framework (NPPF) and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document, it should be ensured that flood risk is not increased elsewhere. Therefore, we request modelling be provided to adequately demonstrate that the proposals of the development would not increase surface water flood risk to neighbouring land and/or property and compensatory storage can be suitably provided to protect any properties from displaced surface water. In accordance with Policy ENV 8 of the East Cambridgeshire District Council Local Plan, development should only be permitted where the risk of flooding would not cause an unacceptable risk to safety.

2. Sequential test

Based on the Flood Risk Assessment and Drainage Strategy, it is noted that the proposed visitor centre building will be located within the very low risk area for surface water with the finished floor levels raised 300mm above levels of the adjacent footways and parking areas and therefore the hazards to people is classified as 'Very Low', as per the Defra Flood Risk Assessment Guidance for New Development report (FD2320/TR2). However, the proposed car parking area located in the area of surface water flood risk is classified as 'Very Low' to 'Dangerous for Most'.

At present, the Flood Risk Assessment and Drainage Strategy states that the development site is not subject to the Sequential Test as the site is located in Flood Zone 1. However, as per paragraph 167 of the NPPF, when determining any planning applications, in light of the sequential and exception tests (as applicable), the local planning authority should ensure that flood risk from any source is not increased elsewhere and therefore the LLFA consider that the sequential test should be applied as part of this application.

3. Hydraulic calculations required

a) At present, hydraulic calculations have not been provided to support the proposed surface water strategy. Calculations to show the performance of the system for a range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) should be undertaken. For storm durations less than 1 hour, Flood Studies Report (FSR) rainfall data should be used. For storm durations greater than 1 hour, Flood Estimation Handbook (FEH) rainfall data should be used. FEH data must be used in these longer duration storms as it uses more up to data rainfall data and is more accurate for the purpose of modelling the future storm events over other data sources such as FSR for the larger duration storms.

For the critical 3.3% AEP rainfall event there should be no above ground flooding and for the 1% AEP rainfall event including an allowance for climate change some short term above ground flooding may be permitted. It should be demonstrated that flood water is below 300 mm from the buildings finished floor levels and does not disrupt emergency access routes.

b) The standard default setting of many surface water computer modelling programmes assumes a freely discharging outfall. Careful consideration is required and evidence provided to demonstrate that this assumption is correct. In many circumstances an outfall maybe surcharged affecting its hydraulic capacity and impacting on the surface water network. A surcharged outfall is likely to occur if discharging into a watercourse or surface water network near capacity. In these scenarios, and with the absence of supporting information to the contrary, it is expected the surface water calculations will assume a surcharged outfall.

c) 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 (AEP) rainfall event. The allowance used should be based on the lifetime of the development and therefore should include a 35% climate change allowance on the 3.3% AEP hydraulic calculations.

Informatives

Infiltration

Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

IDB Consent

This site falls within the Middle Fen & Mere Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

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.

Assistance For Developers

o Cambridgeshire County Council has a surface water guidance document which is available to view [here](#). This document provides checklists and templates to help ensure you include sufficient information within your drainage strategies. Following this guidance will help reduce the risk of an objection which can hold up a planning application.

Chief Executive Stephen Moir www.cambridgeshire.gov.uk

www.cambridgeshire.gov.uk

o We also offer a pre-application service which enables you to discuss your drainage proposals with the LLFA Officers prior to submission of a formal application.

Design Out Crime Officers - 26 July 2022

Thank you for the opportunity to comment on this amended planning application. I have viewed the documents and design and access statement (DAS) in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering this location past two years - a two-year period would usually provide sufficient information however, these figures also take account of Covid-19 lockdown and restrictions, I would consider this to be an area of low vulnerability to the risk of crime at present. It is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, and the environment provide a safe place for employees and visitors.

I note that there have been a few reported crimes and incidents at this location in the past, with that in mind and previous experience of issues related to café's and similar businesses in rural locations, I would like to refer you to the below recommendations:

Lighting - For the safety and security of staff and visitors our recommendation is that the area surrounding the proposed café and outside space including access roads and footpaths, car and cycle parking including loading areas are lit by columns be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source, where they are prone to damage. Care should be taken in relation to the location of lighting columns, not near trees or climbing aides. I understand the ecology issues in relation to lighting however lighting shields to prevent excess light spill are available for the welfare of wildlife and ecology. A professional lighting plan including lux level and calculations for this location would be required, to ensure the correct positioning of the lights within the location. There should be dusk to dawn bulkhead lighting above all entrances and around the building line.

Window and door standards and certification

o Doors - all door sets allowing direct access, e.g. front and rear entrance door sets, plant rooms and fire doors will be certificated to one of the following standards:

- o PAS 24 - 2016 or
- o STS 201 Issue 4:2012 or
- o LPS 1175 Issue 7.2 (2014) Security Rating 2+ or
- o STS 202 Issue 3 (2011) Burglary Rating 2 or (Commercial door sets)
- o LPS 2081 Issue 1 (2015) Security Rating B+

NB: The benefits of third party certification are recognised within ADQ, Appendix A, Note 3.

o Windows, roof windows and roof lights - all ground floor and easily accessible windows, shall be certificated to one of the following standards:

- o PAS 24 - 2016 or
- o STS 204 Issue 4:2012 or
- o LPS 1175 Issue 7.2 (2014) Security Rating 1 or
- o STS 202 Issue 3 (2011) Burglary Rating 1 or
- o LPS 2081 Issue 1 (2015) Security Rating A

NB: Easily accessible is defined within Approved Document Q Appendix A.

Curtain walling - there are now certificated companies that are registered under Secured by Design

o Curtain Walling (If applicable): - While there are few tested curtain walling systems it is advisable to see evidence that any curtain walling system is secure. Communal entrance doors within the curtain walling should still be able to achieve the relevant test and certification standard, LPS1175-SR1 or LPS2081.

Please note that recently there has been some confusion concerning appropriate window and door suppliers. It should be understood that 'Certificated to relevant standards' (Police Preferred Specification) means that any manufacturer/fabricator of the installed door or window holds independent third party certification in their own company name, from an Approved Testing/Certification House. (Please see Paragraph 19 SBD Homes 2016 and Building Regulations Approved Document Q, Appendix A, Note 2 for full details)

There are now tested products and information on those is within the Secured by Design web site. Please follow a link to the accredited product search at:

<https://www.securedbydesign.com/member-companies/accredited-product-search>

Some Accepted Certification Facilities:

- o Bluesky Certification
- o BM Trada Certification
- o BRE Global
- o British Board of Agreement (BBA)
- o British Standards Institute (BSI)
- o British Woodworking Federation (BWF)
- o Build Check Certification
- o ER Certification
- o Warrington Certification
- o IFC Certification Ltd
- o UL International (UK) Ltd
- o Wintech Engineering Limited

Alarms - BS EN 50131 for wired alarm systems 4 grades (to accommodate all EU requirements)

o Buildings - loss prevention standard 1175 Burglary resistance of buildings and fences, Intruder resistance, security grills. Shutters etc. commercial risk 2,3 and 4.

o BS 8220 - Guide for the security of Buildings against crime - comes in 3 parts and gives guidelines on security measures that can be introduced to protect against crime.

o Offices and shops

o Warehouse and distribution

o CCTV - (NSI and SSAIB accreditation is also applicable for CCTV)

o BS 7958 CCTV Management and Operation Code of Practice

o BS 8495 Export of Digital Images

o BS 8418 Remote Monitoring Stations

o BS 62676 British Standard for the minimum requirements for CCTV Surveillance in security applications

Cycle - Should be in view of active windows, well-lit and covered by CCTV. Sheffield stands should be secured into the ground (not bolted down) as per Secured by Design guidelines. Minimum requirements for such equipment are:

- o Galvanised steel bar construction (Sheffield stands). There are now certificated companies registered under Secured by Design (lock it safe) sold secure silver.
- o Minimum foundation depth of 300mm with welded 'anchor bar'
- o The cycle stands must facilitate the locking of both wheels and the crossbar.

Landscaping - there must be a good maintenance plan in place - hedging and planting should be kept down to 1m - 1.2m and tree crowns raised to 2m to ensure clear views and surveillance across each site.

I would encourage the applicant considers submitting a "Secured By Design" (SBD) commercial 2015 application as I believe this development could attain this award with consultation.

I have no further comments at this time.

Cambs Wildlife Trust - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

CCC Growth & Development - No Comments Received

Ward Councillors - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

5.2 A site notice was displayed near the site on 22nd August 2022 and a press advert was published in the Cambridge Evening News on 11 August 2022.

5.3 Neighbours – 20 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding the cessation of the Number 12 bus service increasing trips by car to the site.
- Development will enable reuse of a building.
- Less hazardous entry point.
- Concerns regarding accessibility by non-vehicle modes of transport.
- Concerns regarding vehicles using Eye Hill Drove and Barcham Road to get to and from the site.
- Concerns regarding conflict between cars and pedestrians / cyclists.
- Pleased about cycle parking provision.
- Pleased that the bus stop has been relocated.
- Questions the Crashmap data included in the Transport Statement.
- Concerns regarding accidents that have taken place on the A142.
- Requests for speed limit along Eye Hill Drove to be 30mph.
- Concerns regarding visibility at the junction with the A142.
- Concerns regarding the waiting times to exit Eye Hill Drove.

- Concerns regarding coaches turning right onto the A142.
- Concerns regarding pedestrian safety within the site.
- Concerns regarding impact on residential amenity from construction work.
- Concerns regarding external lighting.
- Preliminary Ecological Appraisal notes there are bats on site and lighting should be kept to a minimum.
- Concerns regarding opening hours.
- Concerns regarding noise and potential music.
- Concerns regarding drainage and effects on Fen Ragwort.
- No electric vehicle charging points.
- Log burner will produce carbon dioxide and other emissions.
- Concerns regarding increased traffic.
- Concerns regarding existing disturbance from Barcham Trees.

6.0 THE PLANNING POLICY CONTEXT

- 6.1 East Cambridgeshire Local Plan 2015
- | | |
|----------|---|
| GROWTH2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 4 | Delivery of growth |
| GROWTH 5 | Presumption in favour of sustainable development |
| EMP 1 | Retention of existing employment sites and allocations |
| EMP 2 | Extensions to existing businesses in the countryside |
| EMP 4 | Re-use and replacement of existing buildings in the countryside |
| EMP 7 | Tourist facilities and visitor attractions |
| 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 |
| ENV 14 | Sites of archaeological interest |
| COM 7 | Transport impact |
| COM 8 | Parking provision |
- 6.2 Supplementary Planning Documents
- Design Guide
 - Flood and Water
 - Developer Contributions and Planning Obligations
 - Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- 6.3 National Planning Policy Framework 2021
- | | |
|----|--|
| 6 | Building a strong competitive economy |
| 7 | Ensuring the vitality of town centres |
| 8 | Promoting healthy and safe communities |
| 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 |

7.0 **PLANNING COMMENTS**

7.1 The application is assessed in accordance with the development plan which comprises East Cambridgeshire Local Plan 2015. Also relevant are the associated Supplementary Planning Documents, the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

7.2 The main considerations of this application are the principle of development, visual amenity, heritage, residential amenity, traffic and transportation, parking provision, biodiversity and ecology and water management.

7.3 **Principle of Development**

7.4 The site is located outside of the established development frameworks for Soham and Ely. Policy GROWTH 2 of the Local Plan 2015 sets out the overall strategy for the distribution of growth across the district. The policy is up-to date and aims to ensure that growth takes place in appropriate locations across the district. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied. Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development is restricted to a limited number of categories. Of relevance to this application are policies EMP1, EMP2 and EMP4 of the East Cambridgeshire Local Plan 2015, which relate to extensions to businesses in the countryside and the re-use and replacement of buildings in the countryside, and EMP7 relating to tourist facilities and visitor attractions.

7.5 Policy EMP1 seeks to retain land or premises currently or last used for employment purposes and specifies use Classes B2, B8 and B1 (which is now covered by Class E.g (I to iii)).

7.6 Policy EMP2 sets out that proposals to expand existing businesses in the countryside will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality.
- The proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.
- The extension is for the purpose of the existing business; and
- Any intensification of use will not detract from residential amenity.
- Full justification for the proposals should be submitted with a planning application.

7.7 Policy EMP4 sets out that proposals for the re-use of existing buildings in the countryside for business (B1, B2, B8), tourism, outdoor recreation or community-related uses which require a planning application will be permitted where:

- It can be demonstrated that the building is of permanent and substantial construction.
- The form, bulk and design of the building is of visual merit, architectural merit or historical significance, and is in general keeping with its surroundings.
- The proposal does not harm the character and appearance of the building or the locality.
- The proposal would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated; and
- Other Local Plan policies relating to specific uses are met.

7.8 Policy EMP7 of the Local Plan 2015 sets out that proposals for new tourist or visitor attractions will be supported where there is an identified need to create new facilities or to expand or improve existing visitor attractions and facilities to ensure their continued viability.

7.9 The policy requires that:

- The proposal is of an appropriate scale and nature relative to its location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount and nature of traffic generated.
- The character & appearance of the area and natural assets would be maintained and enhanced.
- The proposal maximises opportunities for sustainable travel including walking, cycling and public transport; and
- Opportunities to reuse existing buildings have been explored.

7.10 Paragraph 84 of the NPPF sets out that planning decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside

7.11 Paragraph 85 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

7.12 The purpose of the delivery of the arboretum and visitor centre is to expand the existing business and to showcase Barcham Trees' products. The arboretum itself has already been approved under application 19/00658/FUM and is currently under construction. It should be noted that there was an application prior to this,

17/01128/FUM, under which the arboretum and a new visitor centre was approved. These applications therefore provide a significant material consideration when considering the current proposals.

- 7.13 The proposed building to accommodate the visitor centre would utilise an existing building and includes extensions to accommodate the proposals. The matters of visual impact, residential amenity and highway safety are discussed in full within the relevant sections of this report, however given the sites previously developed nature, it is not considered that there would be harm to the character and appearance of any existing buildings or the locality. The proposal would be in scale with its locality and is for the purposes of the existing business. The building which is proposed to change use is of a permanent and substantial construction, and the alterations to the existing building are considered to improve and enhance the visual appearance of the site. The proposed visitor centre would be of a smaller scale than that which was previously approved.
- 7.14 The re-use and extension of an existing building and brownfield site is proposed. The proposal would ensure the retention of land and premises last used for employment purposes and would see an increased provision of jobs. Barcham Trees currently employs 80 full time staff, and 15 seasonal staff. The proposal would provide an increase in jobs, with 100 full time positions and 20 seasonal positions.
- 7.15 The proposal includes improvements to the local highway in order to accommodate the development and ensure highway safety by way of improvements to the A142/Eye Hill Drove junction and proposed widening improvements to Eye Hill Drove. While the proposal will see an increase in visitors to the site, the Local Highways Authority considers the highway improvements will mitigate this increase.
- 7.16 The proposal may create some impacts on residential amenity (see 7.36 below), however it is considered that these may be adequately controlled by way of planning conditions to ensure that the proposal does not create any significantly detrimental impacts.
- 7.17 The NPPF is clear in that the sustainable growth and expansion of businesses in rural areas should be supported, specifically where this involves the conversion of existing buildings. It is also clear that there is support in the NPPF for the diversification of land-based rural businesses and sustainable leisure developments. The NPPF recognises that in rural areas, sites may be beyond existing settlements, in locations that are not well served by public transport. The proposal would see the arboretum opened to the public, and the creation of high quality visitor centre. This is a unique opportunity for the district, and provides a visitor attraction that is not currently found in this area. At the same time, the proposed development would enable the expansion and diversification of the existing business and enable the business to showcase its products. While the proposal is not well connected to the nearest settlement of Soham, it would be unreasonable to request that the applicant justify why sites closer to the settlement are not proposed. The proposal would be well related to the existing Barcham Trees operation, an established business covering approximately 150 acres (60.70ha).

- 7.18 It is considered that the proposal complies with policies EMP1, EMP2, EMP4, and EMP7 of the Local Plan 2015 by providing an expansion of the existing business through the conversion and extension of an existing building on a previously developed site, which would provide a tourist attraction. The engineering workshop has ceased to operate, and the proposal would mean that the site would continue to be used for employment purposes. The proposal is also considered to comply with the aims of the NPPF.
- 7.19 The principle of development is therefore considered to be acceptable providing the proposed development accords with all other relevant planning policies.
- 7.20 Retail Impact Assessment
- 7.21 Policy COM1 of the Local Plan 2015 sets out that a retail impact assessment will be required for retail schemes outside town centres which propose 280m² or more of net retail floorspace.
- 7.22 The policy sets out that outside the town centres of Ely, Soham and Littleport, proposals for retail and 'town centre uses' may be permitted under the following circumstances:
- The sequential approach has been followed and there are no suitable sequentially preferable sites available.
 - The site is suitable for the proposed use and the building form and design is appropriate in the local context.
 - The scale and type of development is directly related to the role and function of the centre or its locality, in accordance with the hierarchy in Policy GROWTH 2.
 - For retail developments of 280m² net floorspace or larger, there would be no adverse effect on the vitality and viability of the nearest town centre, or on any other centres, as demonstrated in a Retail Impact Assessment.
 - The development would enhance the character and attractiveness of the centre and its locality, and not adversely affect residential amenity; and
 - The development would be accessible by a choice of means of transport (including public transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications.
- 7.23 Policy COM1 sets out that as an exception to this approach, proposals for tourist facilities and attractions which require a rural location, or are associated with the expansion of existing tourist facilities/attractions in the countryside – and which accord with criteria in Policy EMP 7.
- 7.24 The applicant has submitted an addendum to their retail impact assessment which was considered under the previous application for the larger visitor centre 17/01128/FUM. Under the previous application, it was concluded that the proposed visitor centre and retail elements would not harm the vitality and viability of the nearest town centre. The proposal currently being considered is for a much reduced scale, and there has been no change in policy which would result in an alternative outcome. In any event, the retail impact assessment submitted concludes that there are no suitable or available locations for this type of proposal either within or immediately adjacent to Soham or Ely town centre. The report also

sets out that the proposal is likely to draw in trade from beyond the District and potentially result in subsequent combined trips to nearby centres, therefore leading to an increase in expenditure in the area. The report states that the proposal would not operate in direct competition with any other retail or leisure facilities in the area as Barcham Trees is a niche business and the supply of trees is the main focus of their retail. The original retail impact assessment sets out that the remainder of the retail aspect will include comparison goods, and lists a number of product types commonly found within garden centre settings.

- 7.25 Policy COM1 refers to the need to ensure there would be no adverse effect on the vitality and viability of the nearest town centre, or on any other town centres. The applicant maintains that the retail element of the scheme is promoting economic competition between itself and other garden centres, and not within the town centres of Soham and Ely. Economic competition between companies within a certain industry is not a material planning consideration. It is considered that the proposal will not adversely affect the vitality and viability of the town centres of Soham and Ely and as already detailed, the proposal has the potential to enhance the town centres through the increased visitor numbers to the area. The proposal will also act as a visitor attraction, which policy COM1 specifically lists as an exception. The proposal is therefore considered to be compliant with policy COM1 of the Local Plan 2015.
- 7.26 Visual Impact and Arboriculture
- 7.27 Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 and 134 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.
- 7.28 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires applications to ensure that they 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 settlements. The policy sets out that development proposals should respect the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal. The policy requires proposals to take account of settlement edges, the space between settlements, and the wider landscape setting, as well as the visually sensitive natural skylines of the area. The policy also requires proposals to take account of the unspoilt nature and tranquillity of the areas and the nocturnal character.
- 7.29 Policy ENV2 of the Local Plan 2015 requires applications to ensure that their location, layout, form, scale, massing and materials are sympathetic to the surrounding area by making efficient use of land and respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. This policy seeks to retain existing important landscaping and natural and historic features, and expects proposals to include landscape enhancement schemes.

- 7.30 The site is located in the countryside and is accessed via a lane with limited residential dwellings in the vicinity. The wider Barcham Trees site is a long-established feature within the landscape, with rows of trees visible from public vantage points. The acceptability of introducing the arboretum has already been considered under application 19/00658/FUM and is currently under construction, with engineering operations having been carried out to form the landscaped areas and lake, and planting having taken place. The arboretum is considered to remain acceptable from a visual aspect, and there have been no changes in policy which would warrant an alternative conclusion.
- 7.31 The proposed conversion and extension of the engineering workshop to form the visitor centre is considered to be a high-quality scheme, utilising attractive palette of materials such as natural timber, a stone clad chimney breast in limestone or clunch, and slate grey composite roofing. The materials at this stage are not finalised, however the indicative materials proposed would be appropriate in this setting. The formal submission of materials can be secured by way of a planning condition appended to any grant of approval. The building would feature large areas of glazing, breaking up the unrelieved expanses of the existing buildings elevations and creating a more modern appearance.
- 7.32 The existing building form toward the front of the site will retain its dimensions, with the extended elements being positioned to the side and rear of the building. The proposal will result in an altered appearance of the site, however this is considered to be much improved as a result of the application due to the more attractive external materials introduced, as well as the site frontage being clear of the existing industrial materials and machinery, and landscaped to form an attractive entrance. The extended elements of the building will remain subservient to the existing building and appear as extensions, out of sight of the public highway, respecting the existing presence of the building within the streetscene.
- 7.33 The site will feature parking to the front, and also along the south-west boundary. Further parking will be positioned between the site and the arboretum. The layout of the parking arrangements mean that the site is not dominated by parking, and the landscaped areas included within the site mean that the appearance of parking is broken up. Pedestrian routes within the site will be demarcated using timber effect concrete railway sleepers, and pea gravel set within bodpave cells will be used for the areas of hardstanding. The materials palette indicated creates a much more natural aesthetic and softens the impact of the development within the rural location.
- 7.34 The level of soft landscaping proposed is significant, and assimilates the proposed development into its surroundings. The detailed design of soft landscaping, including species and planting specifications can be secured by way of planning condition. In order to accommodate the road improvements, a hedgerow to the southern boundary will need to be replaced. However, the loss of this hedgerow is considered to be less of an impact than the previous application 17/01128/FUM in which the proposals would have seen the loss of trees and hedgerows. The details and timescale of the hedge replacement can be secured by way of a planning condition. Significantly, the current proposal would see the retention of the T002, a Category A Oak Tree which would previously have been removed. The widening of Eye Hill Drove has previously been agreed and considered acceptable in visual

terms (17/01128/FUM), however the current proposal would reduce the extent of the works as the access into the site would be positioned closer to the junction with the A142. The road improvements are not considered to be visually harmful to the character of the area. The Council's Trees Officer has reviewed the information submitted and has raised no objection to the proposals. They have requested the submission of an Arboricultural Method Statement by way of condition, to show how the retained trees will be protected throughout the development process.

- 7.35 The proposal is not considered to create any significantly detrimental impacts on the character and appearance of the area. The proposed arboretum is still considered to be acceptable within the landscape, and the proposed visitor centre is considered to improve the appearance of the engineering site. The proposal is considered to comply with policies ENV1 and ENV2 of the Local Plan 2015, as well as the provisions of the NPPF.
- 7.36 Residential Amenity
- 7.37 Paragraph 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users. Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.38 The proposed conversion of the building would introduce glazing to the building, however due to the position of the building within the site and the separation distances between the building and the nearest neighbouring dwellings, the proposal is not considered to create overlooking to neighbouring occupiers. Additionally, the separation distances between the building and neighbouring occupiers mean that the proposal would not create an overshadowing or overbearing impact.
- 7.39 Concerns have been raised by neighbours in regard to the impact on residential amenity from construction activities. This can be appropriately mitigated through the implementation of a condition which restricts construction hours. Such a condition can be appended to any grant of permission. Concerns have also been raised regarding external lighting to the site and the concern that this may provide nuisance in a rural area at night. No information regarding external lighting has been submitted, however a condition may be appended to any grant of permission that requires the submission of the details of any external lighting prior to installation in order to ensure that any proposed lighting is appropriate in terms of residential amenity. Neighbours have also raised concerns regarding the potential for disturbance should external music be played at the site. The proposal does not include this information, however a condition may be appended to any grant of permission which prevents music from being played in external areas.
- 7.40 Neighbours have raised concerns regarding the opening hours specified within the application form and the potential for disturbance. This was discussed with the agent and it was put forward that separate conditions be applied for public opening and deliveries. It is proposed that the arboretum and visitor centre is open to the public between 08:00 to 18:00 Monday – Saturday and 08:30-16:30 on Sundays, Public Holidays and Bank Holidays. The agent has advised that due to the catering

element of the proposal, that some early deliveries may be required for fresh produce. They have requested that deliveries may take place from 07:00. It is considered appropriate to restrict deliveries to the visitor centre to between 07:00 - 18.00 Monday – Saturday and 08:30-16:30 on Sundays, Public Holidays and Bank Holidays. It is considered that with the aforementioned conditions appended to any grant of permission, that residential amenity would be adequately protected from noise and disturbance. Within the permission for the previous visitor centre, it was agreed that the visitor centre could be used on a maximum of six separate days per calendar year until 21:30 and that the applicant would keep a register of all such events which is available for inspection by the Local Planning Authority. The applicant has requested that this condition is applied to any grant of permission on the current scheme, and it is considered acceptable.

- 7.41 Neighbours have raised concerns regarding disturbance from existing operations at Barcham Trees, however these matters do not fall under the scope of the current planning application.
- 7.42 Environmental Health have requested that a condition is appended to any grant of permission which requires an assessment for odour is undertaken and then incorporated in to the design of the extraction systems for the kitchen areas in order to achieve an adequate level of particulate and odour control and secondly adequate stack dispersion so as to prevent harm to residential amenity.
- 7.43 It is acknowledged that the proposal as a whole, including the highway improvement works, will have an effect on the residential amenity of existing occupiers on Eye Hill Drove. It is also accepted that the character of Eye Hill Drove is likely to change and that there will be a certain level of noise and disturbance from traffic movements and users of the visitor centre. Consideration should be given the existing use of the site which has been operating as an engineering workshop for large machinery and is likely to have created a level of noise disturbance while in operation. There will be increased traffic and deliveries to the Barcham Trees site in connection with the retail stock and cafe/restaurant, however, it is considered that once inside the visitor centre or arboretum that visitors will not directly impact on the amenity of residents. It should also be noted that the proposal would see a reduction in floorspace from the original proposal, and will result in a reduction to the roadworks required on Eye Hill Drove. On balance, it is considered that subject to the imposition of appropriate planning conditions, that the proposal will not have a significantly detrimental effect on residential amenity such that would warrant refusal of the application. It is considered that the proposal complies with Policy ENV2 of the Local Plan 2015 and the provisions of the NPPF.
- 7.44 Highway Matters
- 7.45 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way. Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient

access to the highway network. Paragraph 110 b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 104 c of the NPPF sets out that “opportunities to promote walking, cycling and public transport use are identified and pursued” and that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

- 7.46 Paragraph 85 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 7.47 The proposal includes improvements to Eye Hill Drove, involving the widening of the road up to the site access, the upgrade of the existing A142 Ely Road / Eye Hill Drove junction to include a ghost island junction, a pedestrian island crossing facility new and extended footpaths, and a new bus lay-by. The majority of works have already been agreed with the Local Highways Authority as part of application 17/01128/FUM. The proposal will see a reduction in the extent of Eye Hill Drove which requires widening, and will see the retention of more trees and hedgerows as a result. It should also be noted that the scale of the visitor centre is significantly reduced from that which was previously approved (previously 3,883sqm / 41,796sqft – current application 1,231sqm / 13,250sqft). The applicant has submitted a Transport Assessment alongside the application. The proposals and submitted information has been reviewed by the Local Highways Authority as well as the Cambridgeshire County Council Transport Assessment Team.
- 7.48 The CCC Transport Assessment Team have advised that given they recommended approval of a larger scheme in 2017, they would not have any comments to make. They note that the proposal would generate less trips than the previously approved 2017 application. The Local Highways Authority have reviewed the proposals as well and advise that the highways mitigation measures along the A142 and Eye Hill Drove align with previous permissions and therefore remain acceptable. They have requested conditions are appended to any grant of permission.
- 7.49 As part of the application the proposal includes 126 parking spaces, of which 19 will be family spaces with extra accessibility provision, and 17 will be disabled spaces. The proposal also includes parking provision for 20 motorcycles and 72 pedal bicycles.
- 7.50 Policy COM8 of the Local Plan requires development proposals to provide adequate levels of car and cycle parking and make provision for parking *broadly* in accordance with the Council’s parking standards (as set out in the policy). A mixture of uses are proposed as part of the application, including retail and café/restaurant as well as the arboretum. While the retail and food elements are considered to be a use falling under Class E of the Town and Country Planning

(Use Classes) (Amendment) (England) Regulations 2020, these are referred to by their previous use class within policy COM8 of the Local Plan 2015 (classes A1/A3). The arboretum element of the proposal would be considered a sui generis use. While these uses attract separate car parking requirements under policy COM8, it is considered that in respect of the site these uses would not operate independently, and that visitors to the arboretum would use the retail and food elements, and vice versa. The floorspaces dedicated to the retail and food elements appear to be equally split and therefore under the parking requirements of Policy COM8 the proposal would require approximately 156 parking spaces. While the parking proposal shows a small shortfall at 126 spaces, given the trip rates during weekend daytime peak hours set out in the Transport Assessment, it is considered that the parking proposed is sufficient to accommodate this specific development.

- 7.51 Policy COM8 also sets out that for a development of this type, 6% of the overall parking should be disabled parking. This would equate to 7.56 spaces under this proposal, however the applicant has overprovided and sets out that 17 spaces will be provided for disabled parking directly adjacent to the visitor centre, and on a porous macadam surface. In addition, the applicant has set aside a further 19 spaces for family parking, which offer additional space for accessibility.
- 7.52 Concerns have been raised by neighbours regarding vehicles turning left out of the site and travelling further along Eye Hill Drove. There have been requests for signage which prevents vehicles from turning left, however this has not been requested by the Local Highways Authority or the CCC Transport Assessment Team. Paragraph 56 of the NPPF states that “planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”. Given that neither the Local Highways Authority or the CCC Transport Assessment Team have requested signage to prevent vehicles turning left onto Eye Hill Drove, it is not necessary or reasonable to condition this. Likewise, neighbours have requested that coaches exiting Eye Hill Drove onto the A142 can only turn left rather than cross the carriageway, however this type of restriction has not been requested by the Local Highways Authority or the CCC Transport Assessment Team.
- 7.53 Concerns have been raised by neighbours in relation to the Number 12 bus service being ceased, however this is not a planning matter and has no bearing on the determination of the application. Concerns have been raised by neighbours in relation to the conflict between motor vehicles and other users of the public highway, however matters of highways safety have been assessed by both the Local Highways Authority and the CCC Transport Assessment Team. Concerns have also been raised regarding the vehicle accident data in the Transport Assessment and accidents that have taken place on the A142, however, this information has also been reviewed by the Local Highways Authority and the CCC Transport Assessment Team who have raised no concerns. Other highway safety concerns raised include visibility at the A142 junction, requests for the speed limit at Eye Hill Drove to be changed to 30mph, and concerns regarding pedestrian safety within the site. Visibility would have been considered by the Local Highways Authority and the CCC Transport Assessment Team when assessing the highway improvements. Changing the speed limit is not a matter that is relevant to this

planning application and is a matter that should be directed to the County Council. Pedestrian safety within the site is a matter that the site operator would be responsible for with regard to health and safety legislation. However, there is nothing within the submitted plans that indicates a significant risk.

7.54 It is noted that positive comments have been received in regard to the relocation of the bus stop, the cycle parking provision, and the use of a less hazardous entry point to the site.

7.55 It is considered that reasonable and necessary improvements can be secured to the A142 and Eye Hill Drove which will ensure highway safety. While the parking proposals show a small shortfall with policy COM8, they are broadly in accordance with the policy and supported by the Transport Assessment. On balance, the proposal is therefore considered to be acceptable in this regard.

7.56 Ecology

7.57 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

7.58 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:

- information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- the pre-development biodiversity value of the onsite habitat based on an up to date survey and ideally using the Defra metric,
- the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
- the ongoing management strategy for any proposals.

7.59 Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure. Proposals should also incorporate within the landscape scheme, features that will support the establishment of biodiversity.

- 7.60 The applicant has submitted Preliminary Ecological Appraisals (PEAs) as part of the application. The PEAs note that the “site consists predominantly of ephemeral vegetation, bare ground, earth bunds dominated by tall ruderals, with scattered broadleaved trees to the southwest corner of the site. A large farm building, spoil, refuse piles, structures and vehicles are located within the southern parcel of the site.” The reports discuss that most habitats on site are of negligible ecological value, however the habitat of most value is the unculverted wet ditch just outside the east boundary of the site and the areas of scattered trees which offer potential bird nesting. The site is located approximately 300m (984ft) from the Delph Bridge Drain SSSI which is designated for supporting the only known British population of Fen Ragwort (*Senecio Paludosus*).
- 7.61 The PEAs make a number of recommendations for avoidance, mitigation and enhancement measures and conclude that through the implementation of these measures, all significant impacts from the proposed development can be mitigated in line with relevant wildlife legislation and planning policy. The report sets out that the proposal is expected to result in significant enhancements for a range of protected species.
- 7.62 The arboretum has already been agreed under application 19/00658/FUM and brings significant environmental benefits with it such as the creation of a large area of habitat suitable for a number of species, significant tree planting in the region of 2,000 trees and the creation of a new habitat to establish Fen Ragwort. As part of this application it was conditioned that prior to first use a scheme of biodiversity enhancements were put forward. It is considered appropriate that this condition is appended to any grant of permission on the current application as this will secure enhancements on the site of the visitor centre as well as the arboretum. The report notes that it is recommended that a precautionary reptile method statement is submitted to cover the proposed clearance of the site. This can be secured by condition prior to commencement of works on the site of the visitor centre.
- 7.63 It is considered that it has been satisfactorily demonstrated that a net gain in biodiversity can be achieved at the site with the aforementioned conditions appended to any grant of permission. The proposal is therefore considered to be in accordance with policy ENV7 of the Local Plan 2015, policy NE6 of the Natural Environment SPD, and the NPPF.
- 7.64 Flood Risk and Drainage
- 7.65 Paragraph 6.9.1 of the East Cambridgeshire Local Plan 2015 is clear that “flood risk is an important issue for the district, particularly given the topography of the area and the context of climate change with related sea-level rises and increased incidents of heavy rainfall”.
- 7.66 The Cambridgeshire Flood and Water SPD follows national policy and sets out that the general approach to flood risk and planning is that development should be directed to the areas at the lowest risk of flooding. Policy ENV8 of the Local Plan 2015 sets out that all developments should contribute to an overall flood risk reduction and that the sequential and exception test will be strictly applied across the district. It sets out that development should normally be located in Flood Zone 1. The policy states that development will not be permitted where it would:

- Intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigations measures can be agreed and implemented.
- Increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- Where the risk of flooding would cause an unacceptable risk to safety.
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowances.

7.67 The Environment Agency has reviewed the proposals and advise that a small area of the site is within Flood Zones 2 and 3, but within areas benefitting from flood defences. They consider that the flood risk assessment is acceptable for the scale and nature of the development and they raise no objection to the proposal. Sequentially, the Local Planning Authority are satisfied that there are no alternative sites to locate this development due to the necessity to locate the proposal next to the existing business. The physical layout of development has been designed to avoid where practically possible, areas known to be at risk of flooding which is in line with national policy and the Cambridgeshire Flood and Water SPD. The Environment Agency note that the site is located in an area not served by the public foul sewer and therefore note that the proposal will need a non-mains drainage system. They note that the applicant may require an environmental permit for a non-mains drainage system and that this is subject to a separate application to the Environment Agency. The details of the non-mains drainage system can be secured by way of condition.

7.68 The Lead Local Flood Authority (LLFA) originally raised an objection to the scheme based on the position of the overflow car park which was located within an area of the site of low, medium and high surface water flood risk and overland flood flow conveyance route. There was also objection based on hydraulic calculations. Following receipt of these comments the applicant submitted additional information and amended the position of the car park area to overcome the concerns raised by the LLFA. The LLFA has been reconsulted on the revised information and confirms that they remove their objection as the information submitted demonstrates that surface water can be managed through the use of permeable paving over the parking areas and a swale to provide further conveyance and attenuation before discharge into the adjacent watercourse at the greenfield equivalent rates. They have requested that conditions are appended to any grant of permission which require relate to the detailed design of surface water drainage and maintenance, as well as the management of surface water run-off during the construction phase.

7.69 The Middle Fen and Mere Internal Drainage Board (IDB) have reviewed the information submitted and have confirmed that they are satisfied with the proposals. They advise that the runoff rates for the site will be as existing and that Barcham Trees will continue to pump water from the Board's Main Drain into their reservoir further downstream.

- 7.70 Anglian Water have reviewed the proposals and have raised no comments as there is no connection to any Anglian Water sewers.
- 7.71 Based on the information provided it is considered that flood risk and drainage can be adequately dealt with in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF.
- 7.72 Other Material Matters
- 7.73 Policy ENV4 of the Local Plan 2015 sets out that 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. Applications are required to demonstrate how sustainable design and construction has been considered, and all non-domestic developments of 1000m² or more are required to meet BREEAM Very Good standard or equivalent. The Planning Statement sets out that the vision for the new visitor centre building is for it be highly sustainable, reflecting the environmental quality of the wider site and arboretum. The Planning Statement sets out that the detailed design of sustainability measures can be dealt with by way of condition. This can be appended to any grant of permission.
- 7.74 Planning Balance
- 7.75 With regard to the principle of development, the proposal does not fall within one category and different elements of several policies are relevant to the proposal. On balance, the proposal is considered to comply with policies EMP1, EMP2, EMP4, and EMP7 of the Local Plan 2015 by providing an expansion of the existing business through the conversion and extension of an existing building on a previously developed site, which would provide a tourist attraction. The engineering workshop has ceased to operate, and the proposal would mean that the site would continue to be used for employment purposes. The proposal is also considered to comply with the aims of the NPPF. The proposal would bring about economic benefits in terms of additional employment, the expansion and diversification of an established business in the district, and the attraction of visitors to the area.
- 7.76 It is acknowledged that the proposal will result in an increase in traffic in the area and that nearby residents may be affected by the intensification of the site, which attracts some weight against the proposal. However, the applicant is providing a comprehensive scheme of highways improvements are part of the proposal, and these are considered to be acceptable by the Local Highways Authority and the CCC Transport Assessment Team. In the absence of an objection from the Local Highways Authority, it is considered that the scheme complies with the relevant development plan policies in relation to highway safety. In addition, it is considered that with the appropriate conditions in relation to opening hours, that the impacts on residential amenity from traffic movements would not be significantly harmful such as to warrant refusal. The proposal as a whole is not considered to create any significantly detrimental impacts on residential amenity, and appropriate conditions can be appended to any grant of permission which protect the amenity of nearby occupiers.

- 7.77 While the proposal will result in a change to the appearance of Eye Hill Drove, this is not considered to be significantly harmful such as to warrant refusal of the application, and elements of the proposal will result in an enhancement to the appearance of the engineering site. The proposal is therefore considered to be compliant with policies relating to visual appearance and design.
- 7.78 The proposal has demonstrated that the matters of flood risk and drainage can be adequately dealt with, and conditions can secure that a scheme is put forward which details sustainability measures. The proposal is not considered to create any ecological harm, and is considered to result in a significant environmental gain in terms of habitat creation.
- 7.79 On balance, the benefits of the proposal are considered to significantly outweigh the limited harm to the character and appearance of the area, and outweigh the impacts on residential amenity through increased vehicle movements in the area.

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 Local Highways Authority and the CCC Transport Assessment Team do not object to the proposal and the highway improvements have previously been approved.
 - A larger visitor centre has been permitted under 17/01128/FUM.

9.0 APPENDICES

- 9.1 Draft Planning Conditions

Background Documents

22/00827/FUM

19/00658/FUM

17/01128/FUM

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

Appendix 1 – Draft Planning Conditions – 22/00827/FUM

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

Plan Reference	Version No	Date Received
Drainage Assessment H8423-001	1	13th April 2023
9070-FM-01-DR-003	11	15th May 2023
Rear Perspective		8th July 2022
Retail Assessment 2022	Addendum	8th July 2022
Archaeological Evaluation		8th July 2022
Environmental Assessment	Phase I & II	8th July 2022
Planning Statement		8th July 2022
Ecological Appraisal 2019		8th July 2022
Ecological Appraisal 2021		8th July 2022
Structural Report		8th July 2022
Transport Statement Final	+ Appendices	8th July 2022
Tree Survey		8th July 2022
Tree Survey Plan	Appendix G	8th July 2022
20909 009 Topographical Survey		8th July 2022
9070-FM-01-DR-001-01		18th July 2022
9070-FM-01-DR-050-06		8th July 2022
9070-FM-01-DR-051-04		8th July 2022
9070-FM-01-DR-081 0A		8th July 2022
9070-FM-01-DR-081-0		8th July 2022
Design & Access Statement A01		Part 1 20th July 2022
Design & Access Statement A01		Part 2 20th July 2022
P348 15 004	C	6th December 2022
9070-FM-01-DR-008	01	20th July 2022
9070-FM-01-DR-EX-000	01	20th July 2022
P348 15 005	A	6th December 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered

that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

- 3 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 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 Assessment and Hydrology document prepared by Amber Planning Ltd (ref: H8423) dated April 2023 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance,

storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- c) 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);
 - d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - e) 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;
 - f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
 - g) Full details of the maintenance/adoption of the surface water drainage system;
 - h) Permissions to connect to a receiving watercourse or sewer;
- 6 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.
- 7 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.
- 7 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.
- 8 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first use.
- 8 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 9 Prior to commencement of any development or site clearance, a precautionary reptile method statement, in accordance with the Preliminary Ecological Appraisal dated August 2021 shall be submitted to and approved in writing by the Local Planning Authority.

- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 10 Prior to commencement, the extent of the hederow removal required in order to accomodate the road widening improvements shall be submitted to, and agreed in writing by, the Local Planning Authority. The information shall also include the details of the replacement hedging proposed, including species mix, density, maturity, and timescales for planting.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to installation, details of all play equipment and furniture (benches, bins etc.) to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall take place on site until details of the external materials to be used for the visitor centre have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Notwithstanding the approved plans, no external lighting shall be erected within the application site until details of the proposed lights, their specification, location, predicted light spill and hours of proposed use, have been submitted to and agreed in writing by the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.
- 14 Reason: To safeguard the character and appearance of the area, and residential amenity, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 15 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 15 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 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 The specific rated noise level emitted from mechanical plant at the site shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 No music shall be played at any time in any external areas of the site without the prior written approval of the Local Planning Authority.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 The use of the Arboretum and Visitor Centre shall take place only between the hours of 08:00 to 18:00 Monday - Saturday and 08:30-16:30 on Sundays, Public Holidays and Bank Holidays.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Deliveries to the visitor centre shall take place only between the hours of 07:00 to 18:00 Monday - Saturday and 08:30-16:30 on Sundays, Public Holidays and Bank Holidays.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to first use, a Risk Assessment for Odour shall be undertaken in accordance with the Ricardo EMAQ+ document - Control of Odour and Noise from Commercial Kitchen Exhaust Systems and then incorporated into the design of the extract system in order to achieve an adequate level of particulate and odour control and secondly adequate stack dispersion so as to prevent harm to the amenity. These details shall be submitted to and approved in writing by the Local Planning Authority prior to first use.

- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 No above ground construction of the Visitor Centre (including the car park and internal access road) shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first use of the Visitor Centre.
- 22 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 23 Prior to first use of the Visitor Centre details of all external plant, machinery and equipment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the nature and frequency of maintenance arrangements, the level of noise emitted and the hours of use. Development shall be carried out in accordance with the approved details.
- 23 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 24 Prior to first use of the Arboretum and Visitor Centre the highway improvement works as shown on the approved drawings shall be completed to Cambridgeshire County Council specifications and requirements.
- 24 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 25 Prior to commencement of use any gate or gates to the vehicular access shall be set back a minimum of 5 m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.
- 25 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 26 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 26 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 27 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 27 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 28 Prior to the commencement of use, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 10m from the existing carriageway edge.
- 28 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 29 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.
- A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.
- 29 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and the Climate Change SPD, 2021.
- 30 As an exception to the hours of use specified in condition 19, the Arboretum and Visitor Centre (excluding conferences) can be used on a maximum of six separate days in each calendar year between the hours of 08:00 and 21:30 on Monday - Saturday. The applicants shall keep a register of all such events, which shall be available for inspection by the Local Planning Authority upon request.
- 30 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

23/00376/FUL

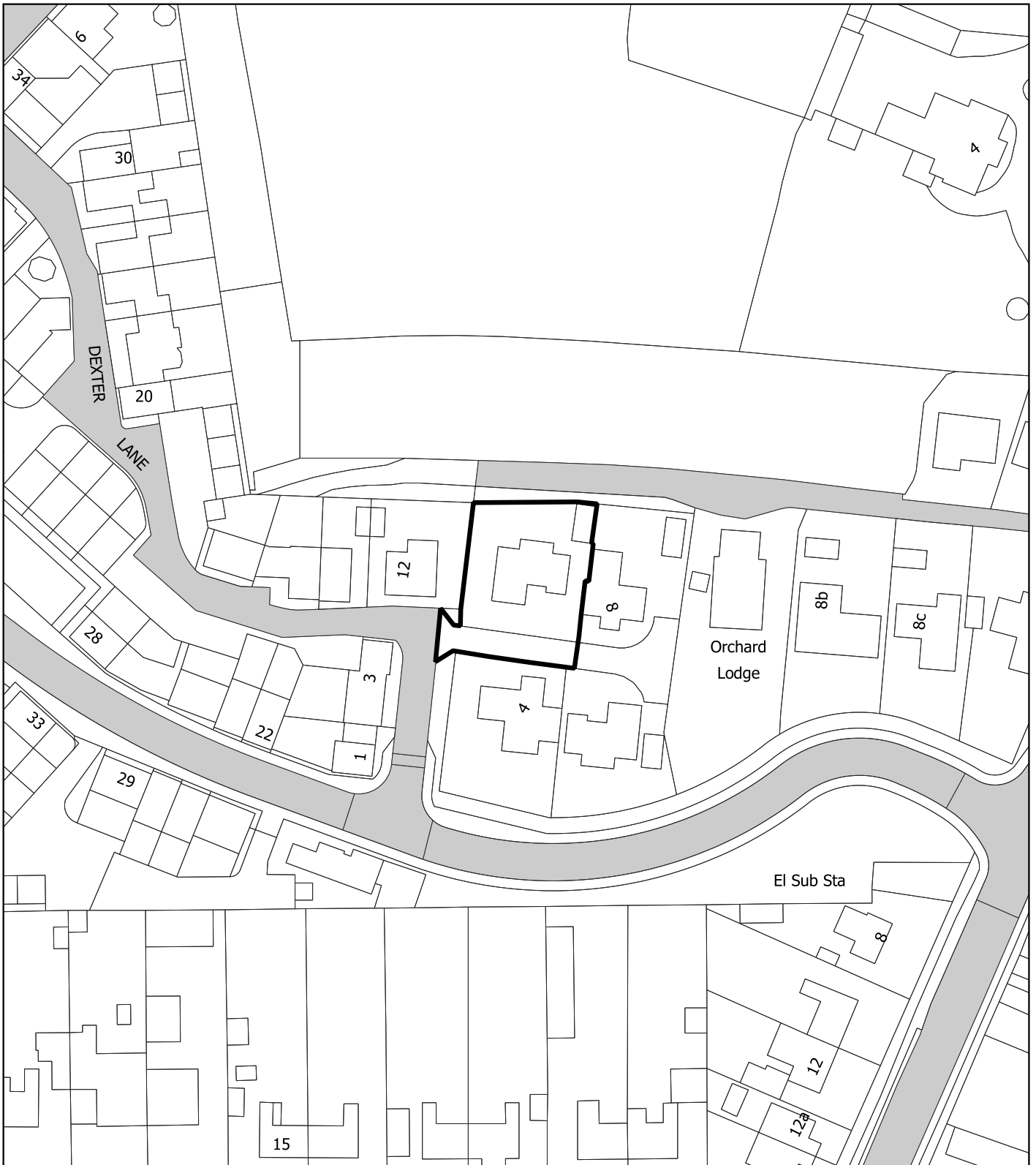
10 Dexter Lane
Littleport
Cambridgeshire
CB6 1GE

Front boundary treatment- retrospective

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=RS16FIGGJHM00>





23/00376/FUL

10 Dexter Lane
Littleport



East Cambridgeshire
District Council

Date: 07/06/2023
Scale: 1:1,000



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TITLE: 23/00376/FUL

Committee: Planning Committee

Date: 21 June 2023

Author: Senior Planning Officer

Report No: Y13

Contact Officer: Holly Chapman, Senior Planning Officer
holly.chapman@eastcambs.gov.uk
01353 616360
Room No 011 The Grange Ely

Site Address: 10 Dexter Lane, Littleport, Cambridgeshire, CB6 1GE

Proposal: Front boundary treatment- retrospective

Applicant: Mr Ben Davis

Parish: Littleport

Ward: Littleport
Ward Councillor/s: Christine Ambrose-Smith
Martin Goodearl
David Miller

Date Received: 24 March 2023

Expiry Date: 23 June 2023

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reason:

1. The fence and gates by virtue of their scale, design and location are a visually intrusive and uncharacteristic feature for a front boundary within the immediate street scene. In addition, the fence and gates fail to create a positive, complementary relationship with the character of the street scene but rather cause harm to the open visual amenity of area contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks retrospective planning permission for a 1.2-metre (c.3.9ft) fence and gates along the front boundary of the application site, adjacent to the highway and shared internal access road serving the cul-de-sac of No.4-10 Dexter

Lane, of which the application site forms a part. The fence comprises close boarded timber fence in a vertical orientation with a timber kickboard. The gates comprise timber double bar sliding gates.

- 2.2 The current application was called into planning committee by Councillor Christine Ambrose-Smith for the following reason provided: *“Since it was called in originally, I feel it should come back to Planning Committee for a decision.”*
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

- 3.1 Relevant planning history to the application is provided below:

22/01474/FUL

Front boundary treatment- retrospective

Refused

9 March 2023

18/00892/FUL

To erect 4 detached 2 storey dwellings with garages

Approved

20 September 2018

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises of a two storey detached dwelling that is located within the policy defined settlement boundary of Littleport. The site is not within a Conservation Area nor is the building itself listed.
- 4.2 The host dwelling forms part of a new residential development within Littleport. The host dwelling was constructed using a light coloured buff brick, slates and grey UPVC windows.
- 4.3 The host dwelling has a rear garden, front garden and driveway to the side of the dwelling. The dwelling fronts the road but is set back from the road by a front driveway and front garden.
- 4.4 Within the immediate vicinity of the site, the surrounding dwellings have large open front gardens that set the dwellings back from the road and create an open character. Whilst it is noted that there are examples of close boarded fencing within the immediate vicinity of the site, there are no examples of close board fencing along the front boundary treatments.

5.0 **RESPONSES FROM CONSULTEES**

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

Local Highways Authority - 17 April 2023

States: "Following a careful review of the documents provided to the Local Highway Authority as part of the above planning application, no significant adverse effect upon the public highway should result from this proposal, should it gain benefit of planning permission as this section of Dexter Lane does not form part of the public highway."

Cllr. Christine Ambrose-Smith (Ward Councillor) – 11 May 2023

States: "I was rather under the impression that an accommodation had been reached between the applicant and the Planning Department, and that the applicant agreed to lower the fence in order to meet the requirements. I further understood that a hedge was to be planted on one side or the other of the fence in order to give a more natural appearance.

I note that concern is expressed regarding the trees planted in the lawn, by others nearby. Perhaps a view from the Trees Officer might be helpful.

I have not visited the site recently but will endeavour to do so over the weekend.

Since it was called in originally, I feel it should come back to Planning Committee for a decision."

ECDC Trees Team - 23 May 2023

States: "No tree related objections please condition that the submitted soft landscaping scheme is complied with."

Parish - No Comments Received

Enforcement Section - No Comments Received

5.2 A site notice was displayed near the site on 6th April 2023.

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

- Concerns regarding the root systems of the proposed trees and hedge would affect the groundwork, private road and drainage systems;
- The addition of trees behind the fence does not conform with the previous planning decision;
- The fence remains an eye sore;
- The fence is worse than the first version submitted;
- Applicant has not made any attempt to communicate with neighbours;
- Fence is visually intrusive and uncharacteristic, and fail to create a positive, complementary relationship with the character of the street-scene;

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
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Natural Environment
Climate Change

6.3 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 4 Decision-making
- 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

7.0 PLANNING COMMENTS

7.1 The main material considerations when determining this application are:

- Visual amenity
- Residential amenity
- Highways safety and parking
- Others material matters

7.2 Visual Amenity

7.2.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development. Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.2.2 The National Planning Policy Framework 2021 Paragraphs 126 and 134 require the creation of high quality, beautiful and sustainable buildings and places. They also state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 7.2.3 The host dwelling was constructed within a cluster of 4 dwellings under reference number 18/00892/FUL. The retrospective fence does not form part of the approved development proposals, which specifically dealt with boundary treatments under Condition 11 imposed upon this consent.
- 7.2.4 These dwellings were constructed with large open front gardens and with no front boundary treatment to ensure that the dwellings were set back from the private road. This ensured that there was an open character within this cluster. The plots in this cluster are large spacious plots with space between the dwellings which further contributes to the open character of this cluster.
- 7.2.5 Within the wider area of the site, the dwellings front the highway with small front gardens and have no front boundary treatment. The open small front gardens are considered to be an established pattern of development within this area.
- 7.2.6 It is acknowledged that the proposals represent an amended re-submission of an earlier (refused) application for a part 1.8-metre and part 1.2-metre front boundary fence and gates (LPA Ref. 22/01474/FUL – **Appendix 1**). Of the original proposal, the proposed development now seeks to retain 1.2-metre close boarded front boundary treatment and gate, removing the 1.8-metre section. The revised proposals also include tree and hedge planting to the rear of the retrospective fencing.
- 7.2.7 With regard to the proposed revised height of the boundary treatment, it is acknowledged that this would exceed the ‘permitted development’ baseline of 1-metre by c.20-centimetres.
- 7.2.8 Members are reminded that ‘permitted development’ rights are established at the national level, and represent a ‘light-touch’ and far less prescriptive approach to development in comparison to planning applications, over which the Local Planning Authority has very little to no control. However, Members are also reminded that the existence of permitted development rights does not necessarily guarantee the highest quality of development.
- 7.2.9 Notwithstanding, the application proposals are not considered to be permitted development, and this warrants their consideration as part of a planning application, under which the merits of the proposed development can and should be considered.
- 7.2.10 It is fully acknowledged therefore that Applicants could have erected a 1-metre close boarded fence and gates along this boundary as their realistic fall-back position. Whilst the Local Planning Authority do not consider that this represents an appropriate or visually acceptable boundary in this location, it is simply the case that the Local Planning Authority have no control over a fence of this height or construction.
- 7.2.11 However, it is considered that the proposed fence and gates further worsen this visual harm. The fence as proposed is considered to be an alien feature within this street scene, and by enclosing the application property erodes the open character of this cluster of dwellings and the wider open character of this area.

- 7.2.12 There are no other examples of boundary treatments of this height or construction forward of the front elevation of dwellings along Dexter Lane. Whilst there are examples of lower level close boarded fences, where these are evident they form side boundaries. It is only the backs of dwellings and their rear gardens that are enclosed by close boarded fencing or brick walls along Dexter Lane, and this is considered to further evidence why the proposed boundary treatments and fencing are incongruous with the immediate and wider character and appearance of the area.
- 7.2.13 Whilst the Applicant has suggested that the fencing is required for safety purposes to enclose the garden to the dwelling, it is relevant that the application property benefits from a large private and enclosed rear garden that is considered to provide a safe and enclosed space for occupiers of the dwelling, including children.
- 7.2.14 It is also acknowledged that planting has been proposed behind the proposed fencing. Whilst this planting is considered to be a contribution to the street-scene in its own right, it's siting behind the fencing is not considered to soften the very solid and expansive stretch of fencing within the street-scene. It must also be acknowledged that, due to the nature of trees and hedges as living organisms susceptible to disease and die-back, they cannot be relied upon to make otherwise unacceptable development acceptable.
- 7.2.15 In conclusion, the adopted policies of the Local Plan make clear that development proposals should seek to provide a complementary relationship with existing development, and the National Planning Policy Framework is clear that schemes of a poor design should be refused. Whilst amendments have been made, it is considered that the fence would still be an intrusive, contrived and ultimately unacceptable addition within this street scene and would fail to be in keeping with the open character of the area. Therefore this fails to meet the requirements set out in Policies ENV1 and ENV2.
- 7.2.16 For the reasons set out above, it is not considered that there are any material considerations that would suggest the harm arising from the proposed development would be outweighed and that the proposed development should therefore be allowed, or that Members should reach a different conclusion to that under LPA Re. 21/01474/FUL.

7.3 Residential Amenity

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Additionally, paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.3.2 The fence, gates and proposed landscaping are located along the front boundary of the host dwelling. Given the nature and siting of the fence and gates, it is not considered that they have an adverse impact on neighbouring amenity by virtue of loss of light, loss of privacy, overshadowing, overbearing or overlooking. Therefore,

the development is considered to comply with policy ENV2 in respect of the impact on residential amenity.

7.4 Highway safety and parking

7.4.1 Policy COM7 states that proposed development should provide safe and convenient access to the highway network. Policy COM8 states that each dwelling should have a minimum of 2 parking spaces.

7.4.2 Due to the nature of the development, the Local Highway Authority were consulted on the application. Comments were received stating that the proposed fence and gates are on a private street and they are therefore unlikely to impact upon the public highway. Therefore, the Local Highway Authority have no objections as the road is a private street.

7.4.3 The proposed fence and gates do not impact the existing parking provisions for the host dwelling and the host dwelling still benefits from two parking spaces.

7.4.4 Therefore, it is considered that the proposed development complies with policies COM7 and COM8.

7.5 Other Material Matters

Neighbour Comments

7.5.1 Several neighbour comments were received by the Local Planning authority that raised concerns with the retrospective development and its impact upon the street-scene, as well as the impact of the proposed trees and hedges upon the drainage network and private road infrastructure within the site.

7.5.2 With regard to the visual implications of the retrospective proposals, it is considered these matters have been adequately addressed elsewhere within this report.

7.5.3 It is relevant that the Trees Officer was consulted following concerns raised by residents. The Trees Officer has not raised any objections to the proposals, subject to the imposition of a condition securing soft landscaping.

7.6 Planning Balance

7.6.1 The development fails to comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The proposal has a detrimental impact upon the character of the area and the appearance of the street scene. This harm has been balanced against the stated need to provide a secure garden for children and pets. It is considered that alternative, less harmful fencing could be erected elsewhere on the site to provide secure garden without resulting in harm to visual amenity. The need for security is not considered to outweigh the visual harm caused by the proposal.

8.0 Appendices

- 8.1 Appendix 1 – Approved Planning Committee Minutes of the 1st March 2023 Committee for LPA Ref. 22/01474/FUL (Agenda Item 9)

Background Documents

23/00376/FUL

22/01474/FUL

18/00892/FUL

National Planning Policy Framework -

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>

East Cambridgeshire Supplementary Planning Documents

[Supplementary Planning Documents | East Cambridgeshire District Council \(eastcambs.gov.uk\)](#)

It was resolved unanimously:

That planning application ref 22/01427/OUT be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report together with an additional condition restricting the two dwellings to being single-storey.

It was further resolved unanimously:

That authority be delegated to the Planning Manager to draft the additional condition regarding single-storey dwellings.

80. 22/01474/FUL 10 DEXTER LANE LITTLEPORT

Toni Hylton, Planning Team Leader presented a report (X164, previously circulated) on behalf of the Case Officer. The report recommended refusal of a retrospective application seeking permission for a fence and gates around the front boundary of the site, adjacent to the highway.

Members were shown a location plan and aerial photograph together with elevations and various site photographs. The fence was 1.8m tall in part, stepping down to 1.2m closer to the automated 5-bar sliding gate.

The main considerations for the application were deemed to be:

- **Visual and residential amenity** – the street scene in the immediate and wider vicinity of the site was open frontages that set the dwellings back from the highway. The proposed fence would enclose the application site and erode the character of the area by being an incongruous feature. Photographs from various positions in Dexter Lane showed the open nature with all plots apart from the application site having no fencing, or fencing in line with the house to retain the open frontage, or an open metal fence rather than the closeboard fencing of the application. Members' attention was drawn to two recent appeals won by the Council regarding fencing that had been refused permission on the grounds of its impact on the street scene.
- **Highways safety and parking provisions** – the Local Highways Authority had stated that two parking spaces would be retained and an acceptable visibility splay could be achieved. Therefore, in highways terms the application was considered to be acceptable.

In summary, the fence and gates were considered to be visually intrusive and an uncharacteristic boundary feature due to their scale, design and location. Rather than complementing the character of the street scene they caused harm to the open visual amenity of the area, contrary to policies ENV1 and ENV2 of the Local Plan 2015. The application was therefore recommended for refusal.

On the invitation of the Chairman, the Senior Democratic Services Officer read aloud a statement from the applicant, Ben Davis, explaining that during the purchase of their property in late 2020 they had been assured by the developer that fencing to the front of the property would be allowed. A letter dated 31st August 2020 was provided to that effect. He emphasised that the fence was a sufficient distance from the title boundary (the centre line of the private road), did not cause pedestrian or traffic issues, was in keeping with the height and style of much of the

existing fencing in the locality, did not cause loss of light or other impact to neighbouring properties, and ensured security for the property and his young child. He requested that if permission was not granted for the existing design, that a 1.2m height fence for the full width of the plot should be permitted instead. (Members had been provided with a copy of the statement and the accompanying letter dated 31st August 2020.)

The Chairman then invited Cllr D Ambrose Smith, Ward Member, to address the Committee. Cllr D Ambrose Smith highlighted various points close to the application site that had similar fencing, and reminded Members that the Local Highways Authority had found there to be no public safety impact. He asked Members to consider what harm would be caused by permitting the fence and gate to remain.

Responding to a request from Cllr Brown to clarify his position, Cllr D Ambrose Smith confirmed that in his opinion the application should be approved, contrary to the Case Officer's recommendation.

5:05pm Cllr D Ambrose Smith left the meeting for the remainder of this item.

The Chairman invited further comments from the Planning Team Leader, followed by questions from Members.

The Planning Team Leader addressed the Ward Member's open question about harm by showing a photograph of Dexter Lane and stating that if the application was to be permitted then the Authority would also need to permit the equivalent fencing on all of the other plots.

Cllr Hunt asked how the application had come about, and was informed that, as part of an enforcement case, the applicants had enquired about the likelihood of being granted retrospective planning permission. They had been informed that it was unlikely, and the Case Officer had tried to find a compromise position such as setting the fencing back from the highway in line with the building, or reducing the height, but the applicants had declined to make any changes.

Cllr Trapp queried whether or not the property's deeds permitted a fence, and highlighted that the letter provided earlier by the applicant was from the builder rather than a solicitor. The Planning Team Leader explained that Officers had been informed that the deeds said fences were not allowed, but reminded Members that aspect was not a planning matter.

Cllr Wilson asked whether he had understood correctly that, in general, fences could be constructed up to 1m high to the front of a property or 2m to the sides. The Planning Team Leader explained that a general permitted development order would allow that, subject to any specifications in the deeds, which would enable a front boundary fence of 1m or less but would not allow 1.8m as constructed. Additionally, the automated gate was 1.2m high, which could be problematic for attempts to modify the existing arrangement.

Responding to a query from Cllr C Ambrose Smith the Planning Team Leader stated that hedging could potentially be an acceptable alternative, but Members could only decide on the application as submitted.

The Chairman then opened the debate. Cllr Trapp proposed the Officer's recommendation for refusal, seconded by Cllr Jones.

Cllr Brown stated that he would abstain since it was a subjective matter on which he did not have a strong opinion. He did not consider that there would be harm, but could appreciate the Officer's viewpoint.

Cllr Wilson commented that there were other fences in the vicinity, and highlighted one at the end of the road and a shorter one on the right-hand side. He considered 1.8m to be high but also recognised that it was a matter of opinion as to whether a fence was attractive or not.

It was resolved with 4 votes in favour, 2 votes against and 1 abstention:

That planning application ref 22/01474/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

5:16pm Cllr D Ambrose Smith returned to the meeting.

81. PLANNING PERFORMANCE REPORT – JANUARY 2023

Simon Ellis, Planning Manager, presented a report (X165, previously circulated) summarising the performance of the Planning Department in January 2023. He corrected a typographical error in the final paragraph of page 1 (“...number received during 2024 **2022**...”) and stated that an increase in the number of applications received during the spring was anticipated as seen in the previous year. He explained that the reporting of the Determinations was being reviewed since the figures did not currently show when extensions of time had been granted.

Cllr Brown asked for an explanation of decision level “NA” in the “Appeals Decided” table on page 2. Upon being told that it referred to an appeal on the grounds of non-determination, he suggested that “ND” be used in future.

The Chairman thanked the Planning Department for their good work under pressure.

It was resolved:

That the Planning Performance Report for January 2023 be noted.

The meeting concluded at 5:20pm.

Chairman:.....

Date:.....

Planning Performance – April 2023

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Determinations	132	6	18	43	10	28	27
Determined on time (%)		100% (90% within 13 weeks)	78% (80% within 8 weeks)	91% (90% within 8 weeks)	100% (90% within 8 weeks)	79% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	117	5	14	40	5	27	26
Refused	15	1	4	3	5	1	1

Validations – 94% validated within 5 working days (ECDC target is 75%)

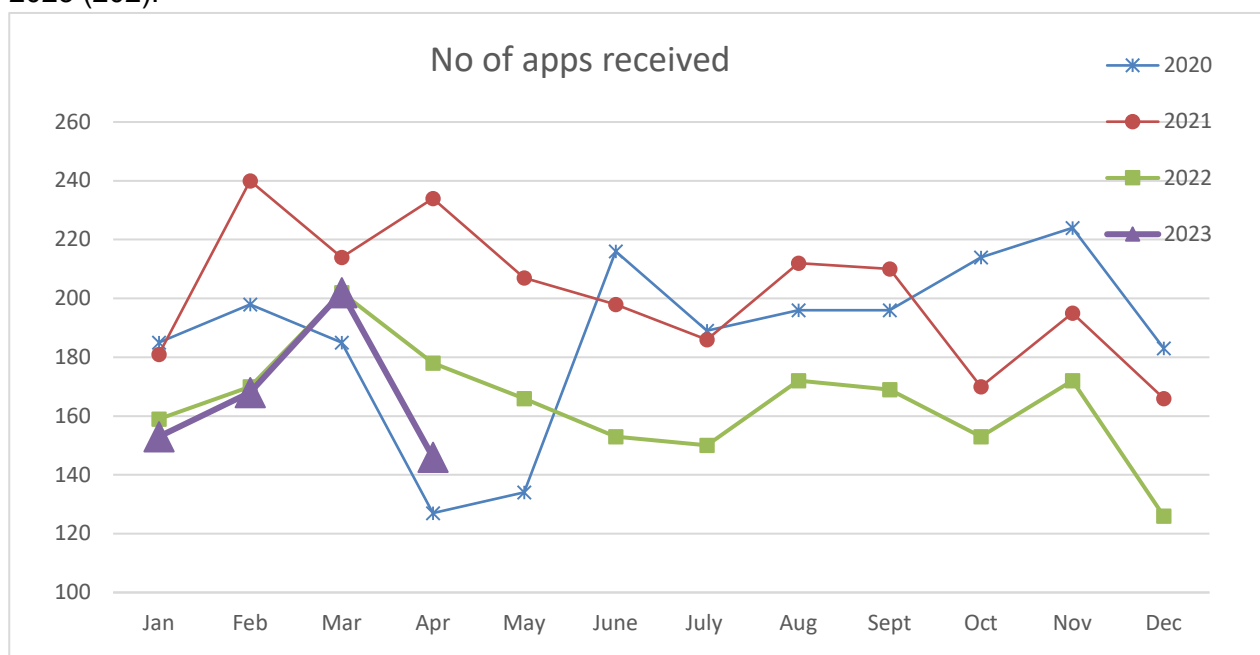
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	132	6	32	35	12	21	29

Open Cases by Team (as at 15/05/2023)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	125	10	21	30	18	46	0
Team 2 (3 FTE)	149	9	40	32	23	45	0
Team 3 (3 FTE)	141	7	41	39	22	42	0
Team 4 (0.8 FTE)	81	5	3	11	13	49	0
No Team (4 FTE)	104	19	22	2	17	18	26

(No Team includes – Trees Officer, Conservation Officer and 2 x Agency Workers.)

The Planning department received a total of 146 applications during April which is 18% decrease of number received during April 2022 (178) and 28% decrease to the number received during March 2023 (202).



Valid Appeals received – 0

Appeals decided – 9

Planning reference	Site address	Decision Level	Appeal Outcome
21/00250/FUL	The Crown Inn 14 Church Street Fordham	Delegated	Dismissed
21/01208/FUL	Land At Mepal Engine Bank Mepal	Delegated	Dismissed
21/01501/VAR	2 Hope Hall Cottages Brinkley Road Dullingham	Delegated	Dismissed
21/01800/FUL	The Crown Inn 14 Church Street Fordham	Delegated	Dismissed
22/00248/FUL	81 Qua Fen Common Soham	Delegated	Dismissed
22/00271/FUL	Home Farm Westley Waterless	Delegated	Part Allowed Part Dismissed
22/00345/FUL	Site South East Of 91 The Row Sutton	Delegated	Allowed
22/00774/FUL	The Crown Inn 14 Church Street Fordham	Delegated	Allowed
22/01259/FUL	168 high Barns Ely	Delegated	Dismissed

Upcoming Hearing dates – 2

Planning reference	Site address	Decision Level	Appeal Date
22/00736/FUL	Riverside Park 21 New River Bank Littleport	Delegated	18/07/2023
22/00341/FUM	Land at E550177 N277983 Pools Road Wilburton	Delegated	22/08/2023

Enforcement

New Complaints registered – 15 (2 Proactive)

Cases closed – 10 (0 Proactive)

Open cases/officer (2.6FTE) – 185 cases (24 Proactive)/2.6 = 71 per FTE

Notices served – 0

Comparison of Enforcement complaints received during April

Code	Description	2022	2023
ADVERT	Reports of unauthorised adverts	2	0
COND	Reports of breaches of planning conditions	4	4
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LEGOR	Reports of breaches of Legal Obligation (NEW CODE)	0	1
LISTED	Reports of unauthorised works to a Listed Building	0	0
MON	Compliance Monitoring	1	0
OP	Reports of operational development, such as building or engineering works	8	4
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	3	2
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	1	2
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	0	2
TOTAL		19	15