



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 4 October 2023

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

Enquiries regarding this agenda: Hannah Walker

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Committee membership

Quorum: 5 members

Conservative members

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

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Alan Sharp

Liberal Democrat members

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

Liberal Democrat substitutes

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

Lead Officer: Simon Ellis, Planning Manager

10:40am: Planning Committee members meet at The Grange reception for site visits.

AGENDA

- 1. Apologies and substitutions** [oral]
- 2. Declarations of interests** [oral]

To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

3. Minutes

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 6 September 2023.

4. Chairman's announcements

[oral]

5. 22/00128/FUM

Alterations and extensions to existing packaging facility to accommodate additional corrugator, boilers, starch plant, effluent plant, reel store, pallet store, transformers, parking, landscaping, and infrastructure works.

Location: David S Smith Corrugated Limited, Fordham Road, Newmarket, CB8 7TX

Applicant: DS Smith Packaging UK Limited

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7NPNAGG0CT00>

6. 23/00737/FUL

Demolition of outbuildings, change of use of cold store to form one flat, erection of two dwellings, and associated works.

Location: 30-36 Market Street Ely, CB7 4LS

Applicant: Aitus Associates Ltd

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RX2P0ZGGLP900>

7. 23/00775/FUL

Erection of a dwelling and associated change of use of agricultural land to amenity land.

Location: Ridgeway Farm, Common Road, Witchford, CB6 2HZ

Applicant: Mr M Thompson

Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXOTVGGGLXM00>

8. Planning performance report – August 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) (<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.

The livestream of this meeting will be available on [the committee meeting’s webpage](https://www.eastcambs.gov.uk/meetings/planning-committee-041023) (<https://www.eastcambs.gov.uk/meetings/planning-committee-041023>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee) (<https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>). If you wish to speak on an application being considered at the Planning Committee please contact Democratic Services democratic.services@eastcambs.gov.uk, to **register by 10am on Tuesday 3rd October**. 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
3. 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.
4. Fire instructions for meetings:
 - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and 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
5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as 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
7. 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

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 6 September 2023

Present:

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

Officers:

Maggie Camp – Director Legal Services
Caroline Evans – Senior Democratic Services Officer
Simon Ellis – Planning Manager
Rachael Forbes – Planning Officer
Catherine Looper – Planning Team Leader
Andrew Phillips – Planning Team Leader
Gavin Taylor – Planning Contractor
Angela Tyrrell – Senior Legal Assistant
Hannah Walker – Trainee Democratic Services Officer

In attendance:

Cllr Charlotte Cane (Ward Member, Agenda Item 7 / Minute 27)
Cllr Lucius Vellacott (Ward Member, Agenda Item 5 / Minute 25)

Sue and Duncan Anderson Margetts (Objectors, Agenda Item 6 / Minute 26)
Ryan Bruty (Applicant, Agenda Item 5 / Minute 25)
Dr Claire Daunton (Objector, Agenda Item 7 / Minute 27)
Philip Kratz (Applicant's Agent, Agenda Item 6 / Minute 26)
Parish Cllr Jon Ogborn (Agenda Item 7 / Minute 27)
Harry Pickford (Lead Local Flood Authority, Agenda Item 6 / Minute 26)
Sophie Rixon (Objector, Agenda Item 5 / Minute 25)
David Scott (Applicant, Agenda Item 8 / Minute 28)
Dr Tom Shackleton (Objector, Agenda Item 7 / Minute 27)
Rob Snowling (Applicant, Agenda Item 5 / Minute 25)
Kerry Willett (Objector, Agenda Item 5 / Minute 25)
4 other members of the public

Bobbie Athinodorou – Development Services Support Officer
Annalise Lister – Communications Manager
Samar Nakhleh – Planning Support Officer

21. Apologies and substitutions

Apologies for absence were received from Cllr Kathrin Holtzmann.

22. Declarations of interest

No declarations of interest were made.

23. Minutes

The Committee received the Minutes of the meeting held on 2 August 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 2 August 2023 be confirmed as a correct record and be signed by the Chairman.

24. Chairman's announcements

The Chairman made the following announcements:

- Caroline Evans would be leaving the Council for a new position at the University of Cambridge. He thanked her for her work and wished her well in her new role.
- Jasmine Moffatt was welcomed to the Council as a new Planning Assistant.

On the invitation of the Chairman, the Planning Manager informed Members that the Government had published an update to the National Planning Performance Framework (NPPF) earlier in the day. The Strategic Planning Manager had reviewed it and Officers were satisfied that the changes did not affect any items on the meeting's agenda. The update mainly related to wind turbines.

25. 21/01048/HYBM – Land rear of 81-111 Brook Street, Soham

Catherine Looper, Planning Team Leader, presented a report (Y35, previously circulated) recommending approval of a hybrid application seeking:

- full planning permission for the demolition of 81 Brook Street and construction of a replacement bungalow in a new position together with creation of access to the wider site, and:
- outline planning permission for the construction of up to 80 new homes (including 20% affordable housing), public open space and associated infrastructure, with all matters reserved apart from access.

Members were shown the location plan and an aerial overview of its position with existing housing to the south.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was located wholly within the development envelope of Soham and formed part of the wider SOH1 allocation within the Local Plan 2015. It was therefore considered to be acceptable in principle, subject to compliance with other relevant policies in the Local Plan 2015.
- **Affordable housing and self-build** – 5% self-build plots and 20% affordable housing would be secured *via* a S106 legal agreement.
- **Residential amenity** – the proposed replacement dwelling was not considered to create overlooking, overbearing or overshadowing to neighbouring properties. The change of use of the wider site to a residential development would alter the outlook of neighbouring properties and there may be some impact from increased noise and traffic movements from the site. However, this was not considered to be sufficiently detrimental to warrant refusal. Indicative site plans demonstrated that appropriate separation distances and orientations could be achieved at the reserved matters stage to mitigate potential impacts on residential amenity. Conditions were recommended regarding construction times, a construction environmental management plan, and ground piling.
- **Visual amenity** – the proposed replacement dwelling would be of a modest scale and design, set back from Brook Street with a limited street presence. Details of the design, appearance, landscaping and scale of the wider site would be supplied at the reserved matters stage but illustrative plans indicated that an appropriate scheme could be brought forward which retained the existing trees and hedgerows. There would be no conservation impacts and the Landscape Visual Impact Assessment concluded that the small number of visual effects would be localised and limited in extent.
- **Highways matters** – the site access would be a priority T-junction from Brook Street and there were no objections from the Local Highways Authority or the Cambridgeshire County Council Transport Assessment team. The existing footway on the western side of Staples Lane between Brook Street and Fordham would be widened and financial contributions towards the A142/Fordham Road/A1123 roundabout improvement scheme would be secured *via* the S106 legal agreement. A public footpath through the site would be retained and the Definitive Maps Officer had recommended appropriate conditions.
- **Ecology** – the applicant had supplied an Ecological Assessment and there had been no objections from the Wildlife Trust or Natural England. A biodiversity net gain would be achieved by conditioning the provision of high-quality habitats within the open space (+12.6% for habitats and +11.5% for hedges) and the Wildlife Trust were satisfied that this was realistic and achievable. They also considered that the proposed financial contributions (secured *via* the S106 legal agreement) towards the Soham Commons Access and Biodiversity Enhancement Project would provide additional mitigation to reduce the impacts on East Fen Common to negligible.
- **Flood risk and drainage** – the site lay within flood zones 1, 2 and 3 with indicative layouts showing that development could be directed

towards the areas of the site at lower risk of flooding, with open space towards the land in flood zones 2 and 3. The site was a small parcel of land within the wider residential allocation SOH1 in the Local Plan 2015, and as such it had passed the sequential test since development had been accepted on the site. There were no formal objections from the Internal Drainage Board, Anglian Water, the Environment Agency or the Lead Local Flood Authority in relation to flood risk or drainage and they had recommended appropriate conditions.

- **Sustainability** – an Energy and Sustainability statement had been supplied which set out key considerations to be addressed through the application of Building Regulations standards and developer responsibility. A condition was recommended to require submission of an energy and sustainability strategy for the development prior to the commencement of works but the evidence indicated that an appropriate scheme could be designed to maximise energy efficiency and incorporate renewable or low carbon energy sources.

The S106 legal agreement would cover affordable housing, self-build and custom housing plots, open space, SuDS, wheeled bins, and contributions to Soham Common Land, education and libraries, and highway improvements. In summary, the principle of development and the proposed access were considered to be acceptable and, on balance, given the material considerations, the application complied with the Local Plan 2015 as a whole. It was therefore recommended for approval subject to the signing of a S106 agreement.

The Chairman then invited Sophie Rixon and Kerry Willett to address the Committee. Ms Rixon stressed that SOH1 required the site to be developed in a comprehensive way with the preparation of a masterplan for the whole area. This application did not include a SOH1 site-wide masterplan and therefore did not comply with the requirements of the SOH1 allocation, which in turn meant that it contravened the Local Plan 2015. She drew particular attention to the comments from the Environment Agency on the application that had repeatedly referenced the importance of the allocation policy requirement for a masterplan and had stated that the sequential test for the entire allocation was not necessarily relevant in relation to just the application site. They had stated that they considered the proposal to be an unsustainable development and also commented that the Council's Single Issue Review had identified that the District would have a significant excess of housing supply over the plan period, which they suggested should be a consideration with regard to the application. They also highlighted that they were only able to object in various specific circumstances, and their concerns with this application did not fall within their remit for objecting. Ms Rixon considered that the full land allocation not being within the applicant's ownership was not a sufficient justification for the lack of a site-wide plan, and questioned the conclusion that there were adequate flood risk mitigations in place given the comments of the Environment Agency and the proposed flooding condition 42. Ms Willett highlighted multiple concerns with the application including: the negative impact that the development and the potential introduction of domestic cats would have on the wildlife in the lode and on the common; the impact of

increased litter; the lack of commitment to use solar panels and air-source and/or ground-source heat pumps; the unrealistically high number of trees that would be needed for the development to be carbon-neutral; and the additional pressure that would be placed on the town's roads, GP surgery and schools. She commented that the traffic surveys were out of date since they were conducted prior to the construction of three recent estates in Soham and Fordham. She urged the Committee to consider the health and wellbeing of residents and to listen to the views of residents and the responses to surveys.

Cllr Trapp asked for, and received, confirmation that the objectors lived near the application site and then requested further information about their flooding concerns. They explained that many of the local objections referenced flooding issues and one of them had included photographs and high levels of detail. The common flooded in the winter, although they acknowledged that it was separated from the application site by the lode, and residents had also referenced flooding on the application site.

The Senior Democratic Services Officer then read aloud a statement from another objector, Kathy Clarke. The statement focussed on the application site being home to many wildflowers and wildlife, and having views that gave pleasure to many. The ground was usually wet and in winter was waterlogged which raised concerns that the impact of building on the land would be to displace the water to other nearby land and, potentially, to result in future subsidence of the new homes. Further concerns were the capacity of the town's sewage system, the impact of the additional traffic on the already busy Brook Street, and the ability of the town's infrastructure (such as the GP surgery, the dentist and the schools) to cope with a further increase in the local population.

The Chairman then invited Rob Snowling to address the Committee on behalf of the applicant. He introduced himself as the Planning Director for Pigeon and explained that he was accompanied by Ryan Bruty, Technical Director, who would also be available to answer Members' questions. The proposed development would be a high-quality design-led scheme with the existing landscape features incorporated into the public realm together with a linear park along the lode. £400k would be invested in local infrastructure and £900k for education, the Soham Commons, and for junction improvements, therefore the wider town would benefit in more ways than just the provision of new homes. The site was located close to local services and formed part of a larger allocation within the Local Plan 2015. The development would be designed to connect well with the wider site and would include a high-quality green edge. The footway along Staples Lane would be widened to encourage walking and cycling to and from the site. Across the site's 1.5 hectares the intention was to deliver green tree-lined streets with additional planting of trees, wildflowers and shrubs resulting in a biodiversity net gain of over 10% and the S106 agreement would include the transfer of the open spaces for maintenance purposes. SuDS and swales would be included in the extensive open space, with surface water storage sufficient for a 1 in 100 year flood event so that there would be no flooding on or off the site. In addition, the banks of the lode would be maintained and all homes would have finished

floor levels at least 300mm above the flood level for additional protection. Anglian Water had stated that their infrastructure was currently sufficient and they were also committed to undertake any necessary improvements. The site would be constructed on a dwelling-centric fabric-first approach and would include elements such as solar panels, air-source heat pumps and water-saving measures. 20% of the homes would be affordable in line with the 2019 viability study and 5% would be self-build plots. A number of the homes would be bungalows and smaller houses in line with local needs. Extensive consultations had taken place and they were confident that all issues had now been addressed in the proposal or in the S106 agreement. The proposal was well designed and of a high quality that would be a positive contribution to the town.

Cllr Brown asked why the applicants had chosen not to submit a comprehensive plan for the wider SOH1 site allocation. Mr Snowling explained that the SOH1 land outside the application was separate to that owned by the landowners that the applicant was working with and the current application would therefore represent phase 1 of the wider development. Nonetheless, they had submitted illustrative plans as to how the application could fit within a connected SOH1 neighbourhood and facilitate the wider scheme, for example the linear parkland had been specifically designed to be able to extend into the rest of the site.

Cllr Trapp questioned the affordable housing provision being proposed as 20% rather than the 30+% stated in the Local Plan. Mr Snowling explained that 20% affordable housing had been agreed at the pre-application stage in line with the 2019 viability report. They had worked with the housing officer on the proposal and had included a high number of smaller homes within the market provision to be attractive to first-time buyers. Responding to a question from Cllr Akinwale about the provision of accessible parking spaces, Mr Snowling explained that parking details would be addressed at the reserved matters stage but the illustrative scheme included parking in excess of the required standards.

Cllr Trapp asked about the drainage concerns resulting from there being no comprehensive plan for the SOH1 entire allocation. Cllr Akinwale referenced the site's location in part within flood zones 2 and 3, and the Environment Agency's lack of long-term guarantee regarding flood defences, and questioned what measures would be in place for long-term sustainability. Cllr Hunt referred to an objector's comment that there was an unsustainable flood risk on the site and asked for the applicants' viewpoint. The applicants explained that flood modelling across the entire SOH1 site had been undertaken and the design ensured that homes would be located away from the areas that would potentially be subject to flooding, with green infrastructure located closer to the lode. Flood water would only reach the proposed dwellings if the flood defences failed, and for that reason the homes would have 300mm raised floor levels as mitigation for a breach of the defences. The defences to the north of the lode were lower than to the south so the common would flood in preference to the site, and there would be a commitment for the management of the area of the lode adjacent to the

scheme in order to appropriately maintain and protect it. The applicants had engaged with the Environment Agency on this project for several years and their most recent consultation responses recommended various conditions but recorded no concerns because earlier issues had now been resolved. The applicants stressed their confidence that flood risk concerns had been addressed and that the proposal was a technically robust landscape-led scheme.

The Senior Democratic Services Officer then read aloud a statement from Soham Town Council expressing their concerns about the application. They considered that the proposal was unsustainable in terms of the additional burden of sewage and surface water on a system that was already at capacity. They were also concerned that Brook Street would struggle to accommodate further vehicles and the extra traffic would heavily impact the junction with Fordham Road. They did not support building on land in flood zone 3, and they urged the developer to liaise with the landowner(s) for the remainder of SOH1 land to address issues of drainage, flooding and extra traffic for the whole development.

On the invitation of the Chairman, Cllr Lucius Vellacott addressed the Committee in his role as Ward Member for Soham South. Cllr Vellacott explained that, in addition to local residents, he had spoken to the Case Officer, the Town Council, and the developer, and he intended to represent his residents' views with a pragmatic approach. The development would build new homes on green space and some residents were opposed on those grounds. However, the site was allocated for housing within the Local Plan 2015 and the proposal would provide public open space on what was currently privately-owned land. He considered that the provision of 18 2-bedroom market homes was commendable but below 30% affordable housing was a concern. He stressed the importance of protecting the town's common land and biodiversity, and the use of traditional design in the buildings. Financial commitments should be ringfenced for infrastructure that was currently insufficient, such as the GP surgery. The developers had, to an extent, shown that flood protection was in place but the application lacked a masterplan for the wider site and there were also local concerns about the potential for overloading the sewage system. Similarly, the County Highways team had not objected but Brook Street and Fordham Road would undoubtedly be affected. He stressed that there was strength of feeling on both sides and he considered that there were positive and negative aspects to the proposal. He asked the Committee to balance the needs of the local residents with the need for development, and to ensure that any development took place on the Council's terms.

Responding to questions from Cllr Trapp, Cllr Vellacott stated that there was little parking provision on Brook Street and there were concerns about congestion from the increase in traffic. Regarding the provision of affordable and smaller homes, he explained that the developer's proposal was acceptable because it complied with the 2019 viability evidence but Soham would always need more housing suitable for young people and 30% affordable housing would therefore have been preferable.

Cllr Lay referred to Soham Town Council's comments regarding sewage and asked for assurance that the system would be sufficient. Cllr Vellacott explained that his role had been simply to relay residents' concerns and he asked the committee to be careful about setting a precedent for the future in terms of sustainability.

The Chairman invited further comments from the Case Officer, followed by questions from Members. To address concerns regarding sewage, the Planning Team Leader read aloud part of the most recent comments from Anglian Water in which they stated that they would be obligated to accept the foul flows from the development if it was approved, and that they would take the necessary steps to ensure that there was sufficient treatment capacity if needed. Regarding flooding, the Environment Agency had stated on 13 June 2023 that the development was acceptable in principle subject to conditions, and in their appendix had explained that flood issues were outside their remit. The Lead Local Flood authority and the Internal Drainage Board had also not objected, and she reiterated that no objections had been received from statutory consultees. Elements such as parking would be for consideration at the reserved matters stage but the applicants had submitted an indicative drawing to demonstrate that an appropriate scheme could be designed for the site. To mitigate the impact on Brook Street during the construction phase a Construction Environmental Management Plan (CEMP) would be required by condition. In terms of concerns about the loss of green space, the site was currently private land with a public footpath through it and was not part of the Soham Commons.

Cllr Ambrose Smith requested confirmation that 20% affordable housing, rather than 30%, was recognised as acceptable in Soham and Littleport. The Planning Team Leader agreed, and it was later confirmed by Cllrs Goodearl and Hunt that the relative house prices in the towns compared to the villages was the reason for the altered figures. Responding to a query from Cllr Lay, the Planning Team Leader stated that 77% of the affordable housing would be for rent and the remainder would be shared ownership. The Housing Officer was satisfied with the provision and it would be secured *via* the S106 agreement.

Cllr Brown received clarification that, if the application was approved, the subsequent reserved matters application would not automatically be presented to the Committee for determination but Members could request that as part of their decision today if they wished.

Returning to the issues of potential flooding, Cllr Trapp drew attention to the Environment Agency's latest comments on p.23 of the Officer's report that indicated concerns about the lack of a masterplan or sequential approach. The Planning Team Leader reiterated that the Environment Agency's full response stated that they were satisfied that the proposal could be allowed in principle. All of the concerns that they had raised focussed on flood issues that were outside their remit.

The Chairman then opened the debate. Cllr Goodearl considered that the proposed access and the proposed demolition/replacement dwelling were both acceptable but that the future details of the main site should be determined by the Committee rather than by Officers under delegated powers. He therefore proposed the Officer's recommendation, with an additional requirement for the reserved matters application to be brought to the Committee for decision. Cllr Lay seconded the proposal.

Cllr Whelan expressed safety concerns about the access for up to 80 houses being at a location, close to a pub, on a road that had been stated by some residents to be a "rat-run". Cllr Trapp agreed with those concerns and the impact of the additional traffic on Brook Street. Whilst recognising that the site was allocated in the Local Plan 2015 for development, he questioned why 20% affordable housing should be accepted rather than 30%, criticised the lack of a masterplan for the wider site, and remained concerned about the flood risk being significant for some areas of the development.

It was resolved with 7 votes in favour, 3 votes against and 0 abstentions:

- i) That planning application ref 21/01048/HYBM be APPROVED subject to the signing of the S106 Legal Agreement and conditions as detailed in Appendix 1 of the Officer's report, with authority delegated to the Planning Manager and Director Legal to complete the S106 Legal Agreement and to issue the planning permission with any minor revisions to the conditions delegated to the Planning Manager.
- ii) That the Planning Manager be given delegated powers to refuse planning permission on the basis of the absence of an agreed S106 Legal Agreement should the applicant not agree any necessary extensions to the statutory determination period to enable the completion of the S106 Legal Agreement.

It was further resolved:

That the application be brought back to Committee at the Reserved Matters stage.

26. 21/01600/FUL – Site west of 7-10 Skylarks, Witchford

Gavin Taylor, Planning Contractor, presented a report (Y36, previously circulated) recommending approval of an application seeking permission for the construction of four single-storey 2-bed affordable dwellings accessed *via* the existing Skylarks development and located along its western boundary. The bungalows would be two pairs of semi-detached dwellings each with a driveway to accommodate two cars. The properties would be connected to the existing foul and surface water drainage infrastructure serving the Skylarks development.

A location plan and aerial photographs illustrated the site's location on the western side of Witchford with open countryside to the south and linear development to the north. It was a parcel of undeveloped land outside, but

immediately adjacent to, the development envelope and accessed *via* a public byway.

The main considerations for the application were deemed to be:

- **Principle of development** – policies in both the Local Plan 2015 and the Witchford Neighbourhood Plan (WNP) sought to control developments outside development envelopes in order to protect the countryside and the setting of towns and villages. However, policy H2 of the Witchford Neighbourhood Plan supported small-scale affordable housing exception sites for people with a Witchford connection, subject to various caveats which were addressed in turn:
 - Although the applicant had not undertaken a detailed housing needs assessment for Witchford, the 2021 Strategic Housing Market Assessment had suggested that 35-45% of affordable housing should be 2-bed dwellings and community feedback on the neighbourhood plan had highlighted the need for access to affordable housing and bungalows. The Council's housing register in August 2023 indicated two Witchford applicants waiting for 2-bed properties and over 500 applicants in immediately adjacent settlements also waiting for 2-bed properties. It was therefore not considered that the development would exceed demand.
 - The application would form a small extension to the existing Skylarks development which had not been refused on connectivity grounds and therefore the proposed development was also considered to be in a sustainable location.
 - The applicant had agreed to enter into a S106 legal agreement to secure the affordable housing in perpetuity and that it would be available to those with a Witchford connection as required by policies H2 of the WNP and HOU4 of the Local Plan 2015.
 - The site's location immediately adjacent to the development envelope on its northern and eastern boundaries, and abutting the Skylarks development, caused it to relate more to the built environment than the countryside. The single-storey units would have minimal impact on the wider countryside and, subject to suitable materials and boundary treatments could assimilate well into the built environment.

It was therefore considered that the principle of development complied with the relevant development plan policies for the delivery of affordable housing exception sites.

- **Visual amenity** – the proposed development would form a low-scale natural extension to Skylarks and would complement the character and appearance of the area. It was therefore considered to be in accordance with policies LC1 and H3 of the Witchford Neighbourhood Plan, policies ENV1 and ENV 2 of the Local Plan 2015, and paragraphs 127 and 130 of the NPPF.
- **Access and highways** – access would be *via* the existing Skylarks access and there were no Highways objections. There would be two parking spaces for each dwelling and waste collection would be from a central collection point that was currently already in use by the existing Skylarks residents. The proposed development was therefore

considered to comply with policies COM7 and COM8 of the Local Plan 2015.

- **Residential amenity** – there would be suitable separation distances between the existing and proposed dwellings, with no overlooking, overshadowing or overbearing, and each property would have an adequate private garden area. Boundary treatments and restricted construction hours would be secured by condition. It was considered that the development would result in a high-quality living environment for existing residents and for future occupiers of the development in accordance with policy H3 of the Witchford Neighbourhood Plan, policy ENV2 of the Local Plan 2015, and Chapter 12 of the NPPF.
- **Ecology and biodiversity** – the application had been supported by an ecological survey and the site was of relatively low ecological importance. The boundary hedge and trees were not within the applicant's ownership and a condition was recommended regarding protection and maintenance. Biodiversity enhancements would be secured by condition and there would be no net loss of biodiversity. It was therefore considered that, subject to delivery of an agreed scheme for biodiversity, the proposed development would comply with policy GI13 of the Witchford Neighbourhood Plan and policy ENV7 of the Local Plan 2015.
- **Flood risk and drainage** – the development would link to the existing Skylarks drainage system (which had sufficient capacity) and underground storage would discharge surface water to the open drainage next to the byway to the east of the site. Although there was an objection from the neighbour regarding the western ditch, there were no objections from the Lead Local Flood Authority (LLFA) and it was considered that a suitable management strategy could be determined. The development would not increase flood risk and was considered to comply with policy ENV8 of the Local Plan 2015 and policy IC4 of the Witchford Neighbourhood Plan.
- **Energy and sustainability** – a condition was recommended to ensure that the development maximised energy efficiency before relying on renewable or low carbon energy sources, in accordance with policy ENV4 of the Local Plan 2015.

In summary, the scheme proposed four affordable bungalows where there was a strong indication of need. They would be built to M4(2) standards for accessible and adaptable homes to ensure longevity for the occupiers. The development would accord with the development plan when taken as a whole and would constitute sustainable development subject to conditions and a S106 agreement. The application was therefore recommended for approval.

On the invitation of the Chairman, objectors Sue and Duncan Anderson Margetts addressed the Committee after first handing round copies of their comments and some related photographs. Mrs Anderson Margetts detailed multiple concerns with the application and said that she was speaking on behalf of several residents from Sutton Road and Skylarks. The site had been contentious for around 8 years, with the latest issues having run for 4 years including a previous application that had been withdrawn before a

refusal decision regarding overdevelopment could be made. In terms of wildlife and habitat disturbance, no full ecological survey had been provided and the preliminary survey stated that there was no evidence of protected species. However, bats, lizards and newts were all present in the immediate area and the 250m long, 3-15m high dense hedge, which had been there in perpetuity, provided a rich and diverse habitat which they stated should not be disturbed. The Bats Conservation Trust had stated that the hedge was an ideal habitat for bats to roost and feed. Additionally, the report had said that there were no watercourses, whereas there was a ditch by the hedge to the west, to the eastern boundary, and to the south. They stated that the development would be contrary to biodiversity net gain principles since it would result in a net loss of biodiversity. Alternatively, the site could be used for offsetting other developments and providing a nature amenity for Skylarks residents as well as mitigating flooding by planting additional trees. Regarding the hedge and an ash tree with a Tree Protection Order, they were concerned that the planned root protection area would not be sufficient for the size of the tree, and drew attention to photographs of the ivy on the tree that had been highlighted as a wildlife-rich habitat but recently appeared to have died. Their other objection concerned flood risk and drainage, particularly along the contended boundary with their land. They reported that the purpose of the ditch to the west was to capture surface water from the site and prevent flooding of neighbouring land to the west. Issues had already arisen since the Skylarks development was completed and four further dwellings would exacerbate the problem by increasing the surface water. They had no confidence in the proposed drainage plan since it linked to the existing drainage which was already insufficient. Finally, they considered that there was no housing need to justify the development in the face of the concerns, and stated that the Parish Council also continued to object although they had been unable to attend the meeting.

The objectors confirmed to Cllr Wilson that they lived on a smallholding at the western boundary of the application site, and to Cllr Whelan that on average they saw around 12 bats emerging from their side of the hedge and feeding along it each evening.

Cllr Trapp raised various queries regarding the ownership of the hedge and ditch as well as the ditch's use for drainage. The objectors explained that they believed that they owned the hedge and, generally, ownership of a hedge and adjacent ditch was linked but they were hoping to reach an agreement regarding the ditch. Drainage from part of the wider site went to the east but they claimed that Skylarks was not built to plan since there was a sump in place. Water from the site draining to the west currently ran into the ditch and then into a culvert and surface water already flooded the site at times so they had no confidence that the proposals would prevent flooding once the additional building footprints were in place since run-off would be accelerated with no natural on-site retention.

The Chairman then invited Philip Kratz, the applicant's agent, to address the committee. The agent explained that he was representing the Cambridge Housing Society, which was the largest local housing association with over

3000 dwellings housing a total of more than 7000 residents. They were governed by a Board of local people and were very well managed with high standards of customer satisfaction. Their application for four bungalows represented the conclusion of the Skylarks development. In order to be overdevelopment they would need to give rise to adverse effects but the modest scale would not result in overshadowing or other harm. Regarding drainage concerns, he stated that the issues had been carefully considered, including by the Lead Local Flood Authority, the Environment Agency and the Internal Drainage Board, and the conclusion was that the proposal would be beneficial for surface water drainage on the site because it would move the water from the west to the east. He acknowledged that the hedge may be a good feeding location for bats but doubted the likelihood of them roosting there. An objecting neighbour's chartered surveyor had concluded that the hedge belonged to the objectors and the ditch to the applicants. He stated that this was the optimal position because it would ensure that the Cambridge Housing Society would maintain the ditch well, and the hedge would be untouched by them since it was not in their ownership. Only three bungalows had been provided as affordable housing in recent years and this application would provide four more to meet a specific need for an aging population. The homes would be owned by the Cambridge Housing Society in perpetuity and would therefore meet an identified local need.

Responding to a query from Cllr Akinwale about the Parish Council's suggestion that the land should be used as play space instead, the agent commented that the location at the back of other houses would not be suitable for a play area and such a use would also very negatively affect the biodiversity.

Cllr Wilson asked for further information about the claim that the applicant would own the homes in perpetuity, and also asked why they had not been included in the proposal for the existing Skylarks development. The agent explained that, since there would be no public funding, the Cambridge Housing Society could choose not to permit staircasing to 100% for the shared ownership properties. That would be their preference since the properties were intended to meet long term needs, but the details would be finalised in cooperation with the Council's housing officer. The intention had always been to include the proposed bungalows in Skylarks but funding issues had prevented their inclusion in the first phase. Responding to a question from Cllr Trapp, the agent added that the applicant would charge a subsidised social rent on the portion of the home that was not owned, and the starting point was usually 50/50. The Cambridge Housing Society's policy was to provide truly affordable homes, and amongst their very high resident numbers they had a high satisfaction rating.

Cllr Lay raised a concern about the privacy afforded to existing residents behind bungalow 17 (in the north west corner) and Cllr Hunt asked about the general impact on neighbours, in particular regarding overlooking. The agent stressed that bungalows had been designed for this section of the wider site in order to protect residential amenity. 6ft fencing would address most issues

and a boundary treatment condition had been proposed in order to protect and maintain the privacy of all residents.

Cllr Hunt questioned why the original Skylarks development was within the development envelope whereas the new proposal was not, and asked for confirmation that the applicant owned the western ditch and that the ditch maintenance could be required by condition. The agent explained that the existing development had originally been outside the development envelope but the Neighbourhood Plan had redefined the boundary to include the development. The objecting neighbour's chartered surveyor had provided a report the previous week that indicated the ditch belonged to the applicants, they would therefore be able to add it to their maintenance schedule.

Cllr Whelan commented on the position of bungalow 15 (in the south west corner) very close to the western drainage ditch and asked whether this would have an adverse impact. The agent commented that there was sufficient space for the bungalow not to interfere with the ditch and reiterated that he has not seen the ditch with significant levels of water in it. The site had been designed to drain water from the west to the east and the eastern culvert was designed accordingly.

The Chairman addressed Harry Pickford from the Lead Local Flood Authority, who had been invited by the Case Officer to the meeting, and asked for his professional opinion as to whether the proposed development would or would not increase the risk of flooding to Sutton Road and/or Skylarks. Mr Pickford explained that the proposals would take surface water on the site from the west to the east – including water that would previously have drained to the west – and this would reduce the natural discharge into the western ditch. Based on the information provided he had concluded that the flooding risk would not increase. Cllr Hunt suggested that the culvert to the east of Skylarks looked to have excess capacity at present, and asked about the permeability of the road surface. Mr Pickford confirmed that the culvert appeared large, although he had not been involved in discussions around its installation, and confirmed that permeable paving would be used that would allow surface water to percolate through the road surface to be collected in the sub-base of the road.

The Senior Democratic Services Officer read aloud a statement from District Councillor Caroline Shepherd and County Councillor Lorna Dupré which drew attention to the Parish Council's objections on the grounds of drainage and flood risk, location outside the development envelope, and the loss of amenity space. The statement expressed concern about the vulnerability of nearby properties to flooding, especially those to the southern side of Sutton Road, since such incidences had occurred since the building of Skylarks and four further dwellings could add to the risk. In addition, the uncertainty about the ownership of the ditch to the west of the site could affect its maintenance and thus further increase the flooding risk. The Committee were also requested to avoid creating a situation of multiple riparian responsibilities, as advised in the LLFA's consultation response. The site was located outside the development envelope that had been established by the Witchford Neighbourhood Plan

and although it had been classed as a rural exception site the applicant had not commissioned and submitted a local housing needs survey to evidence the need for the development, despite requests to do so. The Committee were therefore asked to uphold the status of the Neighbourhood Plan. The proposed loss of amenity space was criticised, particularly given the wider development being family homes, with the suggestion that it had the potential to negatively affect the quality of life for existing and future residents. The existing access road to Skylarks was not as wide as originally planned and the addition of further traffic to the access was a concern. Finally, the Committee were asked to carefully consider the biodiversity information provided by the earlier objector.

The Chairman invited further comments from the Case Officer, followed by questions from Members. The Planning Contractor responded to various points raised during the public speaking section:

- Overdevelopment was generally assessed in terms of aspects such as visual impact and in this instance the application was considered to function well within the site, with no overdevelopment concerns.
- The submitted biodiversity survey work was considered to be sufficient, particularly with regard to planning practice guidance for a proportionate response. It was considered that appropriate conditions could mitigate the concerns and, if protected species were found during construction, then the developers would have obligations towards them to ensure they were protected.
- In terms of biodiversity net gain, he read aloud a passage from the conclusion of the biodiversity net gain assessment highlighting that enhancement opportunities were available, for example by the inclusion of log piles in the post-development phase, to provide a net gain for the site and the biodiversity aspects accorded with policy.
- Although a housing needs assessment had not been submitted, available information from the housing register and the 2021 Strategic Housing Market Assessment indicated that four new 2-bed bungalows would not be an overprovision.
- The scheme's relationship with the existing development would not result in undue harm to the countryside and the land was neither allocated for amenity/green space in the Neighbourhood Plan nor had it been defined as such in the original Skylarks application.
- There were no Highways concerns regarding access.
- There would not be multiple riparian responsibilities for the drainage; it would be managed by the housing provider and a suitable strategy would be secured by condition for its maintenance in perpetuity.

Cllrs Wilson and Trapp asked for, and received, clarification about colour coding on a presentation slide about the flood risk on the site. The Planning Contractor also explained that the details of drainage and hard landscaping would be secured by condition, but the expectation was for permeable surfaces on the highways and drives to enable surface water to be stored below the surface, together with water from roofs *via* the guttering, and then drain to the east. He agreed with Cllr Trapp's estimate that approximately 50% of the site's surface water would therefore drain to the east.

Responding to queries from Cllr Trapp regarding Parish Council comments on drainage and on the proposal being contrary to the Neighbourhood Plan, the Planning Contractor explained that the culvert to the east of the site, under the main access point, then drained south to a culvert that turned 90° west before eventually turning north to the outflow, and reminded Members that the Lead Local Flood Authority considered the capacity to be adequate. Regarding the Neighbourhood Plan, Officers had carefully considered all of the criteria and concluded that the application was, on balance, acceptable due to an identified housing need and meeting other exception criteria. Cllr Trapp also asked about the prior flooding of Skylarks that had been mentioned by the objector, and questioned whether a S106 agreement could be used to address ditch and culvert maintenance to prevent flooding. The Planning Consultant explained that no details had been provided regarding previous flooding, and suggested that it could either be related to heavy winter rainfall in 2020 or, if there had been a blockage or similar issue then concerns should be addressed to the housing provider. In terms of a potential S106 agreement to address flooding concerns, he stated that if Members were concerned that the existing proposal could not manage any flood risk, taking into account the proposed planning conditions, then they should consider whether they felt the development to be appropriate.

The Chairman then opened the debate. Cllr Ambrose Smith commented on the attractive and well-maintained character of the existing Skylarks development and commended the proposal to add four small bungalows that she was sure would be popular. She proposed that the Officer's recommendation for approval should be accepted. Cllr Wilson seconded the proposal, adding that a small development of small affordable homes was ideal for the District. He was also pleased that the ditch situation had been resolved and that the Cambridge Housing Society would have to keep it clear.

Cllr Trapp agreed that there was substantial need for smaller bungalows and they would be a beneficial addition to the housing mix. He was concerned about the existing flooding but accepted that draining half of the site to culvert at the east could decrease the risk. While Neighbourhood Plans were very important he considered that the application represented a genuine exclusion site and, on balance, he supported the application.

Cllr Hunt stressed that Planning Committee members were not technically qualified and therefore relied on expert opinions to inform aspects of their decision making. Making a decision that disregarded or contradicted an expert opinion would not be wise. In this case, a flood expert had clearly stated that the flood risk would not be increased by the development. With that expert opinion provided, other aspects needed to then be considered such as whether the development would cause significant harm to the character of the village. In his view, that would not be the case and he therefore supported the proposal to approve the application.

It was resolved with 8 votes in favour, 0 votes against and 2 abstentions:

- i) That planning application ref 21/01600/FUL be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report and finalising the terms and completion of the S106 agreement, with authority delegated to the Planning Manager to complete the S106 agreement.
- ii) That delegated authority be given to refuse the application in the event that the Applicant would not agree any necessary extensions to the statutory determination period to enable the completion of the S106 agreement.

4:12 – 4:24pm the meeting was adjourned for a comfort break.

27. 23/00205/OUM – Land rear of 163-187 High Street, Bottisham

Andrew Phillips, Planning Team Leader, presented a report (Y37, previously circulated) detailing reasons that an application seeking permission for a class C2 retirement care home comprising up to 170 individual dwellings and up to 30% (approximately 51) affordable dwellings would have been refused on. The development would also include a café/bar, a wellness centre, a gym, a library, a salon and therapy/treatment rooms. All matters were reserved apart from access.

A location plan and aerial views were provided to illustrate the site's location on the edge of Bottisham on undeveloped land with existing housing to the west and south and an existing care home to the east. The main vehicle entrance for the retirement village would be to the south, and for the affordable housing to the west. A narrow strip of land not in the applicant's ownership separated the parcel intended for the retirement village and public open space from that planned for the affordable homes and it was not yet known whether there would be access between the two sections. The public right of way on the western boundary would remain and there would also be some off-site footpath works to provide easier access from the retirement village to the existing bus stops. An indicative site plan was shown for the entire site, including the proposed public open space to the south.

The main considerations for the application were deemed to be:

- **Planning history** – the application was fundamentally the same as a previously-refused application that had been dismissed at appeal with the Inspector agreeing with the Council's decision that the development would cause harm to the green belt. The main differences between that application and the current application were a reduction in the indicative maximum building heights (from 12m to 10m) and the provision of an Alternative Site Assessment.
- **Green belt** – the site was entirely within the green belt. Paragraphs 147 and 148 of the NPPF were highlighted, which stated that inappropriate development was by definition harmful to the green belt and should therefore not be approved except in very special circumstances, and that such circumstances would not exist unless the

harm was clearly outweighed by other considerations. The Inspectors decision in the previous appeal had stated that the proposal would harm the green belt permanence and openness and would encroach into the countryside.

- **Alternative site assessment** – the applicant had provided an alternative site assessment to try to justify the development in the proposed location but an independent review had concluded that it was not robust in the way in which it had been undertaken. The District's land was approximately 3% green belt and no specific special need was evident for why the retirement care village should be built on this specific green belt site. There was therefore no change in circumstances that would warrant going against the Inspector's previous decision to dismiss the appeal.
- **Need for development** – there were no specific allocations for C2 use class (care or residential institutions) within the Local Plan 2015 although policies HOU6 and HOU1 supported C2 and Lifetime Homes respectively. It should therefore be accepted that there was a need to provide dwellings for those aged 65+ and that some of those dwellings would be in the form of retirement villages. A table illustrating the elderly care spectrum was provided to show the range of accommodation and care provision for different types of elderly housing provision. The proposed retirement care village spanned the range from sheltered housing provision to care home provision in terms of the level of care that would be needed and available.
- **Single issue review** – a Single Issue Review was expected to be presented to Full Council for adoption on 19 October, subject to the Inspector's timetable, and if it was agreed then policies GROWTH1 and GROWTH2 in the Local Plan 2015 would regain full weight. The Committee were therefore recommended to agree a reason for refusal would be the conflict with policy GROWTH2, but to recognise that Officers would make a judgement as to the weigh of the conflict when addressing the public inquiry for the appeal.
- **Impact on medical/health providers** – in considering the impact of the application, NHS England had requested a contribution of £68,680 towards the ambulance service, the Cambridgeshire and Peterborough Integrated Care Board had stated that there was very little capacity to accommodate the development and had requested £115,733, and the Bottisham Medical Practice had stated that the additional development would overwhelm their service such that they may be forced to close. The Council and the developer were therefore seeking to add suitable contributions into the S106 agreement if the application were approved, but, based on the recommendations in the previous appeal decision it was considered likely that the Inspector would remove those contributions.
- **Heritage and visual amenity** – the site was partially within the conservation area and there was a public right of way through the site. It was considered that the proposal would have less than substantial harm on built heritage and moderate harm to the visual rural character of the area, subject to the final design.

- **Affordable dwellings** – within the whole District it was considered that there was significant under-provision of affordable housing. Since the site was outside the development envelope and in the green belt it would usually first be considered as an exception site under policy HOU4 of the Local Plan 2015 and as such the starting point would be 100% affordable housing for those with a local connection. The proposal sought 30% affordable housing either on-site or off-site *via* a contribution. Since the affordable housing would be grouped together and clearly separate from the retirement village the proposal would be likely to fail the usual good practice of ensuring that affordable housing was tenure-blind.

In summary, the benefits to the scheme were considered to be: the provision of affordable housing and a large C2 use class allocation to meet the housing needs of the elderly; the employment that would be generated; a biodiversity net gain; public open space; and the provision of additional services for Bottisham. However, those benefits were considered to be clearly outweighed by the substantial harm caused by the provision of both the retirement housing and the affordable housing (not specifically for local community needs) in the green belt, and the harm to heritage and the impact on the rural area. The applicant had not demonstrated that the development needed to be placed on green belt land and the application was therefore recommended for refusal. The Council was being asked for its view at a public inquiry and the Committee was therefore recommended to conclude that the Council's view was to refuse the application.

The Chairman then invited Dr Tom Shackleton to address the Committee. Dr Shackleton explained that he was speaking as a GP and partner at the local medical practice. The practice served approximately 6000 patients and already covered a high proportion of care homes. Other local GP practices had an average of 0.6% of their patients in care homes whereas 7.8% of the Bottisham patients were care home residents. The new proposal would result in an increased density of people with high care needs who required proactive GP services. The practice already dedicated a significant amount of GP time each week to rounds at care homes and a further increase would destabilise the practice. Care home residents also tended to require additional care such as physiotherapy and a high density of users would place an excessive pressure on the locality teams for those services. The GP practice had very little space into which it could expand and the costs to support additional care residents would also be ongoing. He stressed that increasing the density of patients with high or complex needs was extremely concerning for the GP practice and would very negatively impact the services that they could provide.

Responding to a question from Cllr Lay, Dr Shackleton stated that there were currently some vacancies in the village's existing care homes but since there had been some updating of the buildings he did not know whether the vacancies were all related to demand.

Cllr Ambrose Smith asked about the expected number of new patients if the development was approved. Dr Shackleton explained that the Cambridgeshire and Peterborough Integrated Care Board had submitted figures in order to determine a S106 contribution but there was an inherent and large uncertainty since the units could accommodate either a single individual or a couple. Nonetheless, the expected figure would be in the region of 200 new patients, which would be significant. The practice valued the doctor-patient relationship for continuity of care and therefore currently limited their doctors to the number of patients they could see on their ward rounds. Additional patients would also impact services such as ambulances (for emergencies and for routine transfers), palliative care and physiotherapists.

Responding to related questions from Cllr Trapp, Dr Shackleton added that the practice's current proactive ward rounds for the village's care homes occupied 4 GP sessions per week. Without those ward rounds there would be 68 additional GP appointments available each week, and with more care home residents to serve more surgery-based appointments would be lost. In addition to the planned rounds there was also a significant time commitment relating to emergency home visits, the majority of which were for care home residents. Staff time for activities such as registering patients, arranging repeat prescriptions, preparing reports for other agencies was also a notable burden. Their patient list currently included approximately 220 care home residents so the proposed facility would double that commitment if the same level of proactive ward rounds was required. Dr Shackleton also agreed with Cllr Brown that the elderly often had high dental needs so the proposal would also be likely to place a significant pressure on local dentistry.

Jon Ogborn, Chair of Bottisham Parish Council, was invited by the Chairman to address the Committee. Mr Ogborn stated that the Parish Council had commented on the previous application and subsequent appeal and they did not support the proposed development for many reasons. Firstly, the proposed site was on green belt land that had a high landscape value and was special to the village. Only 3% of land in East Cambridgeshire was designated as green belt land. 50 new affordable homes were already under construction in Bottisham and more were not needed. Just 7 miles away in Stapleford a near-identical scheme was being built by the same developer; a local resident with knowledge of county-wide planning for care provision had stated that a new retirement home in Bottisham was not required and staff recruitment in the village's existing residential care provision was already difficult due to the poor transport options in the rural setting. The Parish Council also echoed the concerns already highlighted about the pressure on the GP practice. He summarised that there was no need for affordable homes or a residential care village in Bottisham that would justify a new development in the green belt. The proposal would also negatively impact the available medical care for residents in Bottisham and nearby settlements.

The Chairman then invited Dr Claire Daunton, County Councillor for the Fulbourn Division, to address the Committee. Dr Daunton explained that she was a patient at Bottisham's GP surgery, a member of the surgery's Patient

Participation Group (PPG), and the division she represented at Cambridgeshire County Council bordered Bottisham. Many of the neighbouring villages and settlements relied on the services and facilities of Bottisham. She outlined three particular areas of concern: an overprovision of elderly facilities in the area, impact on the GP practice, and the use of green belt land. Bottisham already had two elderly care facilities very close to the proposed site and such co-location was poor for diversity and an integrated community. The proposed C2 class would not preclude full nursing care, although a retirement village was specified in the application. The village's GP facility was small compared to others, with only 3 partners (2 of which worked part-time), and with a disproportionately high number of patients over 65 years of age (26%). The practice already served the existing care homes which placed a large burden on the surgery, as had already been explained. Areas such as dispensing time would be impacted in addition to the GPs and the surgery could not cope with an additional 170 or more elderly patients. Even if the surgery could be extended, the funding for the necessary additional staff was unlikely to be forthcoming. The general facilities of Bottisham were well used, including by those from nearby villages, and the resulting traffic caused problems at times. The inevitable increase in vehicles for both residents and staff would exacerbate the existing pressures on the local roads.

On the invitation of the Chairman, Cllr Cane addressed the Committee as the Ward Member for Bottisham. She reminded Members that in March 2021 they had refused the previous application and that decision had been upheld at appeal. The application site was in the green belt, outside the development envelope, and partly in the conservation area, all of which meant that there would need to be a very strong case of exceptional need for it to be suitable for approval. However, Bottisham already had a high level of good provision for elderly residents and vacancies existed in those establishments. There had also been substantial amounts of affordable housing built in the village, including 50 properties under construction, all of which were in locations that were more integrated to the wider community. The applicant's Alternative Sites Assessment had considered sites that were available to them, whereas the District should look to where provision was most needed, to the north. Not only did Bottisham already have substantial accommodation for the elderly, but the applicants had recently received planning permission for a similar development nearby and an internet search had indicated a further 11 similar facilities within 10 miles. She therefore did not consider that the applicant had demonstrated an exceptional need for the development in the proposed location. In her opinion, there were many other reasons why the application should be refused, but fundamentally they all related to there being no exceptional need. She urged the Committee to refuse the application and provide Officers with a clear case to submit to the Inspector at the appeal.

Cllr Trapp referenced comments in the report regarding foul water backing up and asked whether the situation had been resolved. Cllr Cane explained that the issue was not immediately adjacent to the application site but would use the same services. Although Anglian Water would necessarily accept responsibility for developments that were approved, the systems did not

always cope with the demands of the village and, to the best of her knowledge, the particular issue that had been highlighted remained unresolved.

The Chairman invited further comments from the Case Officer, followed by questions for him from the Committee Members. Responding to points raised by the public speakers, the Planning Team Leader provided further clarification:

- He stressed that the description of the proposal was for a retirement care village, not a care home or a retirement village, and explained that a retirement care village catered for a broad range of needs from low level domestic help through to the high demands of care home needs.
- The medical providers had estimated that there would be 383 residents across the entire site including both the retirement care village and the affordable dwellings.
- S106 contributions could only be used for infrastructure (such as an extension to a GP surgery) rather than ongoing costs (such as the salaries of additional staff for an extended GP surgery). It was also important to note that the Inspector at the previous appeal had stated that it would be for the Clinical Commissioning Group, not a S106 agreement, to allocate any necessary funds for the surgery.
- Anglian Water had confirmed that there was sufficient capacity for waste water.

Cllr Trapp asked whether the proposed 170 units would include provision for the nursing staff since there would be 24/7 staffing, and highlighted the very limited bus service to Bottisham meaning that staff would have issues getting to and from the site by public transport. He also asked for clarification about the appeal for non-determination that was mentioned on p.3 of the Officer's report. The Planning Team Leader explained that the 170 units were all for care provision and there were no floor plans or other detail provided regarding staff accommodation or how the 24/7 care would be delivered. In terms of the appeal, all applications had a statutory timeframe and in this case the applicant chose not to continue negotiations regarding an extension of time but to submit an appeal for non-determination instead. It would therefore be up to the Planning Inspector to determine whether or not the application should be approved and the Committee's decision would form the basis of the Council's response to the appeal.

The Chairman then opened the debate and proposed that the Officer's recommendation be approved. He stated that there had been a clear strength of feeling that the residents of Bottisham and people from a wider area did not want the proposed development. Cllr Brown seconded the proposal and reminded Members that a very similar proposal had been previously refused by the Committee and the subsequent appeal had been dismissed by the Inspector. He stated that its location on green belt land was entirely unacceptable and he urged the Committee to send the strongest possible message to the Planning Inspectorate by unanimously voting against the proposal.

Cllrs Akinwale, Whelan, Lay, Wilson and Trapp all spoke against the proposal, highlighting its inappropriate location and noting the lack of anyone, including the developer, speaking in favour of it.

It was resolved unanimously:

That planning application ref 23/00205/OUM would have been REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report, had the Council been able to determine the application before the applicant lodged an appeal against non-determination.

5:15pm Cllr James Lay left the meeting and did not return.

28. 23/00656/FUL – 4 Church Farm Close, Wentworth

Rachael Forbes, Planning Officer, presented a report (Y38, previously circulated) recommending approval of an application seeking retrospective planning permission for the change of use of paddock land to domestic garden including the siting of garden structures.

Members were shown a location plan and aerial view illustrating the site's location partly within the development envelope of Wentworth, with open countryside to the west and countryside and the A142 to the north. Plans of the former paddock boundary and the locations of the new ponds, paving and greenhouse were shown.

The main considerations for the application were deemed to be:

- **Principle of development** – change of use from paddock land to garden land outside the development envelope was contrary to policy GROWTH2 of the Local Plan 2015. However, paragraph 47 of the National Planning Policy Framework (NPPF) stated that applications should be determined in accordance with the development plan unless material considerations indicated otherwise. In this case, the 2005 approved plans for the dwelling and garage showed no physical boundary between the garden and paddock and the planning statement set out that in 2008 the previous owners had constructed a patio and shed partly on the garden and partly on the paddock as well as establishing a grass lawn across the garden and paddock. In 2015 the current owners had purchased the property and continued to use the land as a single space, as had been shown on the sales particulars. Since then they had introduced additional domestic structures across the site including two ponds and a greenhouse. Various aerial photographs were provided in support of these descriptions. Since there was clear evidence of the use of the paddock as a domestic garden, with no demarcation between the paddock and garden, for more than 10 years this was a material consideration in the determination of the application.
- **Visual impact** – the site was bounded to the north, west and south by hornbeam hedging planted by the applicants, pre-existing hawthorn hedge and a pre-existing 1.3m post and rail fence. There were limited views of the site from the public realm and the proposed garden land

did not extend beyond the cluster of dwellings to the south of the site. It was not an isolated location and if viewed from outside the site only the boundary treatments would be visible, which would potentially be no different to the view if the land was in use as a paddock. The greenhouse, ponds and paving were all of a domestic scale, a high standard of design, and there was limited visibility of any of them from outside the site. It was therefore considered that the proposal would not result in a significant adverse impact to the character and appearance of the area, or result in significant harm to the countryside, and was therefore compliant with policies ENV1 and ENV2 of the Local Plan 2015.

- **Other matters** – it was considered that the proposal would not result in any adverse impacts to residential amenity of neighbouring properties. The proposal would provide a biodiversity net gain and was acceptable in terms of flood risk.

In summary, although the proposal did not accord with policy GROWTH2 it would not cause harm to the character of the countryside, which was a key aim of the policy. It was acceptable in all other aspects and complied with all other relevant policies of the Local Plan 2015. It was therefore considered that no demonstrable harm would arise from the proposed development. Evidence had also been provided to suggest that the site had been laid to lawn and in use as a private garden for long enough to establish a lawful use through the passage of time; this was not definitive but had been given some weight. All of these aspects were material considerations of sufficient weight to warrant departure from the Local Plan 2015 in respect of the strict application of policy GROWTH2, and the application was therefore recommended for approval.

On the invitation of the Chairman, the applicant David Scott addressed the Committee. He explained that the lawn had been established since 2009 and in use as a garden since then. There had been no clear separation between the paddock land and garden land when he purchased the property, and there was no clear view of the land from outside the application site. He detailed the wildlife that was attracted to the site by the installation of the ponds, introduction of a log pile, and keeping the grass long in places. He stressed the importance that his family placed on supporting nature and encouraging increased biodiversity. They were planning to introduce a wildflower meadow and many trees had already been planted with the long-term intention to create a tree corridor across the garden to encourage more birds.

There were no further comments from the Case Officer, or questions for her, so the Chairman opened the debate. Cllrs Hunt, Wilson and Akinwale complimented the quality and beauty of the garden. The Officer's recommendation for approval was proposed by Cllr Wilson and seconded by Cllr Akinwale. Cllr Trapp agreed with their comments but reminded the Committee to consider the application in terms of planning policy. He stated that a planning application should have been submitted much earlier but accepted that the current owners had been unaware of the need. On balance, he supported the proposal but with some reservations.

It was resolved unanimously:
That planning application ref 23/00656/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

29. Planning performance report – July 2023

Simon Ellis, Planning Manager, presented a report (Y39, previously circulated) summarising the performance of the Planning Department in July 2023, and provided the Committee with an update from the department.

Jasmine Moffatt had been appointed as a Planning Assistant on 4 September and Charlotte Elston as a Planning Officer on 14 August. There remained two vacancies that were currently filled by Planning Consultants with the net effect of a full complement of staff in the department. Recruitment of new Senior Planning Officers remained difficult. Workload was high, with the main challenge being the backlog of applications from previous years that Members would see coming to Committee over the next few months.

The public inquiry for the Bottisham application that had been considered earlier in the meeting would commence on 17 October and would be held in the Council Chamber. It had been scheduled for 6 days but there was an expectation that this would be shortened since there was a relevant previous Inspector's decision so the inquiry focus would be narrowed to whether there was sufficient new evidence to overcome the previous decision. There would be a case conference later that week for the Inspector and both parties' barristers to discuss the details. The Council's focus would be on the green belt but today's public speakers could also contribute their viewpoints to the inquiry.

Several appeals had recently been allowed. The Government measured appeal decisions for major applications, so there was no cause for concern from that perspective, but he was monitoring the situation and if appeals continued to be allowed then he would review the process for delegated refusal decisions.

Responding to a question from Cllr Trapp, the Planning Manager explained that the statutory determination date for major applications was 13 weeks and for minor applications was 8 weeks. Once that date was passed the applicant could submit an appeal for non-determination but mostly agreed an extension date with the Officers. In the case of the Bottisham application, the records would permanently show that the Council did not determine the application; the applicants' appeal for non-determination meant that the Council were no longer the decision-maker.

It was resolved unanimously:
That the Planning Performance Report for July 2023 be noted.

The meeting concluded at 5:39pm.

22/00128/FUM

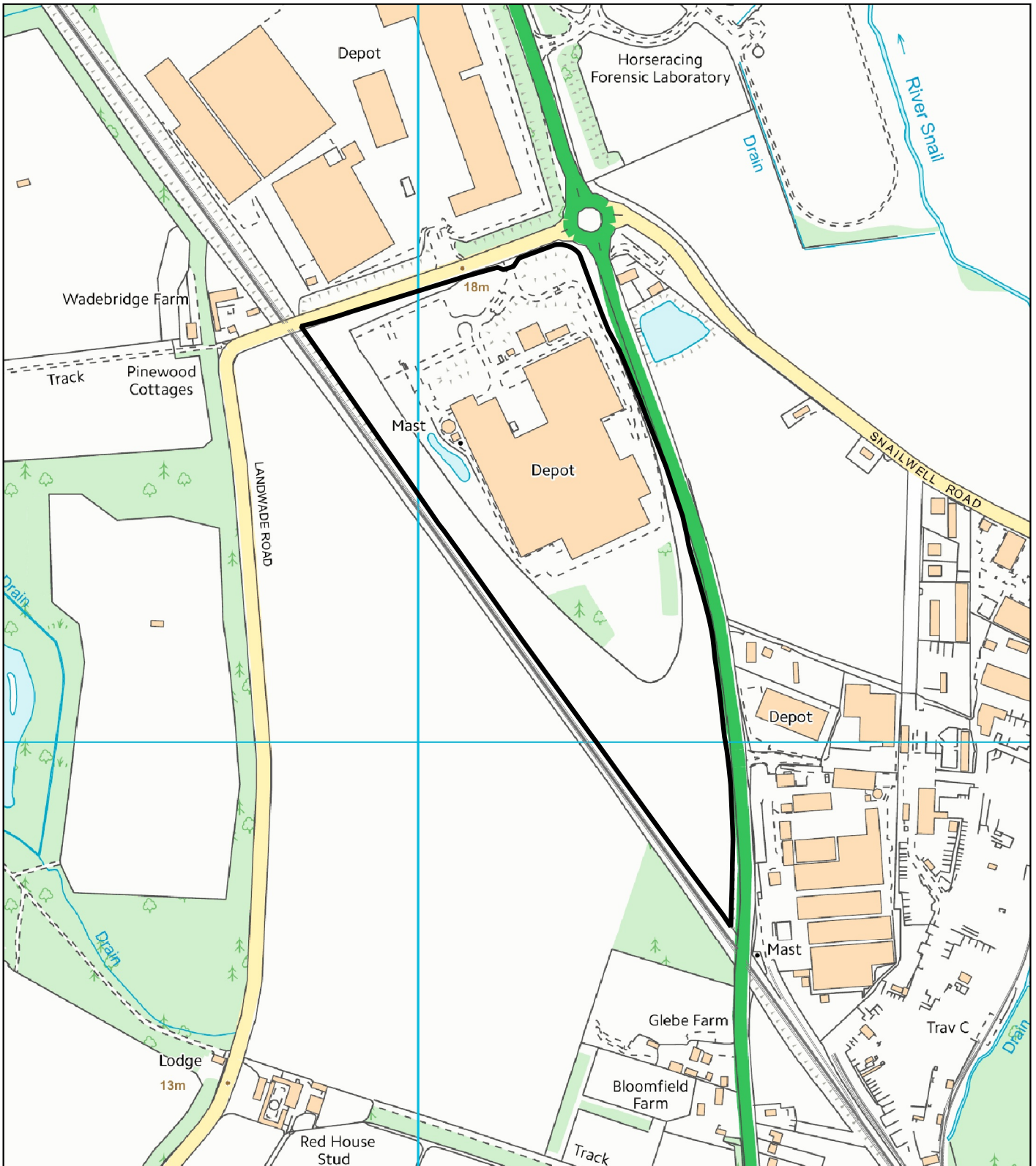
David S Smith Corrugated Limited
Fordham Road
Newmarket
CB8 7TX

Alterations and extensions to existing packaging facility to accommodate additional corrugator, boilers, starch plant, effluent plant, reel store, pallet store, transformers, parking, landscaping, and infrastructure works

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=R7NPNAGG0CT00>





22/00128/FUM

DS Smith Packaging UK
Limited
Fordham Road
Newmarket



East Cambridgeshire
District Council

Date: 20/09/2023
Scale: 1:6,000



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TITLE: 22/00128/FUM

Committee: Planning Committee

Date: 4 October 2023

Author: Planning Team Leader

Report No: Y59

Contact Officer: Dan Smith, Planning Team Leader
Dan.smith@eastcambs.gov.uk
01353 616306
Room No. 011 The Grange Ely

Site Address: David S Smith Corrugated Limited Fordham Road Newmarket, CB8 7TX

Proposal: Alterations and extensions to existing packaging facility to accommodate additional corrugator, boilers, starch plant, effluent plant, reel store, pallet store, transformers, parking, landscaping, and infrastructure works.

Applicant: DS Smith Packaging UK Limited

Parish: Fordham

Ward: Fordham and Isleham

Ward Councillor/s: Julia Huffer
Kelli Pettitt

Date Received: 11 February 2022

Expiry Date: 13 October 2023

1.0 RECOMMENDATION

1.1 Members are recommended to approve the proposed development subject to the recommended conditions below. The proposed conditions can be read in full in Appendix 1 of the report.

- 1.2
1. Approved plans
 2. Timescale for implementation
 3. Surface water drainage for construction phase
 4. Surface water drainage for operational phase
 5. Foul water drainage
 6. Construction access
 7. Access gates
 8. Highways improvement works
 9. Biodiversity mitigation
 10. Construction Environmental Management Plan

11. Construction hours
12. Piling method statement
13. Materials
14. Noise mitigation
15. Renewable and Low/Zero Carbon Strategy
16. Parking, turning and access
17. Cycle parking
18. Travel Plan
19. Hard surfacing
20. Soft landscaping management
21. Boundary treatments
22. Biodiversity enhancements
23. Noise management plan
24. Soft landscaping implementation
25. External lighting

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for alterations and extensions to the existing factory, parking areas, landscaping and infrastructure works. The extensions to the building are in two main areas to the north end and south end of the main building and would accommodate additional machinery required for the production of packaging, as well as boilers, plant, storage and transformers. The extension to the north end would be a warehouse extension of approximately 4,000m² (~43,000 sq ft). The extensions to the southern end would be an extension to the factory area of approximately 15,000m² (~161,500 sq ft).
- 2.2 The application also includes details regarding significant additional landscape planting on the site and enhancements to biodiversity. Details of a temporary access for construction vehicles taken off the A142 have also been provided as part of this application.
- 2.3 The application is relatively uncontentious and has been referred to the planning committee as the floorspace created is in excess of the 1,000m² threshold contained within the Council's constitution.
- 2.4 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 The main permissions relating to the site are as follows:

95/00871/FUL	Erection of building for use as an integrated corrugating plant, including site works, landscaping and construction of new access	Approved	07.02.1996
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00/00485/FUL	Chill store and assembly area, associated offices, external works and drainage, extension of existing workshop and new gatehouse	Approved	12.10.2000
04/00511/FUM	Extension of existing storage building and relocation of existing pallet stores	Approved	23.07.2004
15/00478/FUM	Marketing and Training Centre adjacent to the existing packaging factory with separate car parking and new hard and soft landscaping	Approved	26.11.2015
17/01951/FUL	Combined heat and power plant	Approved	03.04.2018
21/01364/SCRE EN	SCREENING OPINION - Proposed development comprising of an extension of the existing packaging facility by c.18,000sqm floorspace	ES Not Required	31.01.2022

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site is a wedge-shaped parcel of land of approximately 14 hectares (~35 acres) located between the A142 to the east, the Ely-Bury St Edmonds rail line to the west and Landwade Road to the north. The existing site is comprised of the main site access and parking area off Landwade Road to the northern end of the site, a large factory building sitting roughly centrally on the site with further car parking on its eastern side and a smaller building to the south of the main factory building which is understood to be used for marketing and training. There is open grassland to the south of the site with some areas of tree planting to both the north and south of the main building. The boundaries of the site are enclosed by security fencing inside boundary planting comprised of managed hedgerows and trees along the road boundaries and sparser hedge planting along the rail line.
- 4.2 The main factory building covers approximately 27,000 m² (~291,000 sq ft) and is comprised of three main linked elements ranging in height between 10.5 metres (~34 ft) and 12 metres (~39 ft). The land levels within the site are somewhat lower than those of the surrounding roads.
- 4.3 The site is not located within a settlement envelope and is therefore within the countryside. It is within an allocated employment site defined by policy FRD 8 of the Local Plan. The site is largely within Flood Zone 1 (land considered to be at the lowest risk of flooding) although a sliver of the site along the western boundary falls within Flood Zone 3. The site is within the Fordham Neighbourhood Plan Area. The site is not within any protected habitats, although it is approximately half a kilometre

from Chippenham Fen which is designated a RAMSAR site, a Special Area of Conservation, a SSSI and a National Nature Reserve. Snailwell Meadows SSSI is located approximately 300m from the site and the Snailwell Grasslands and Woods County Wildlife Site is approximately 350m away.

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.

Fordham Parish Council - 14 March 2022

States it has no objections to the application.

Local Highways Authority - 14 March 2022

Notes the site benefits from an existing access which is suitable for the proposed extension provided that it will continue to operate within capacity. The internal site roads are privately maintained but turning provision appears suitable. Notes that the parking provision is notably lower than Local Plan Policy but defers to the LPA regarding the suitability of provision.

States that insufficient detail has been provided in respect of the construction access regarding its positioning and design. Requests dimensioned drawings supported by vehicle tracking and that the construction access is moved north so that it is offset from the taper of the opposing right turn lane

Local Highways Authority – 14 June 2022

Notes that a design for the temporary construction access onto the A142 has been provided, but requests additional detail and changes be made to its design.

Local Highways Authority – 13 July 2022

Commented on revised construction access details that further changes were required.

Local Highways Authority – 22 July 2022

Commented on revised construction access details that further changes were required.

Local Highways Authority – 25 July 2022

Confirmed that the amended construction access details were acceptable. Has provided details of conditions it requests in respect of a restriction on gates, the provision of the temporary construction access onto the A142 and the prevention of surface water run-off onto the adopted highway.

CCC Transport Assessment Team – 19 April 2023

Reviewed the submitted Transport Assessment in respect of the existing site operation, existing access, the existing parking provision, the local highway network, public transport accessibility, pedestrian and cycle accessibility, existing trip generation and the impact of the development on those aspects of the site operation. The review concluded that the Transport Assessment did not include sufficient information to determine the impact of the development on the surrounding highway network. It therefore requested that the application not be determined until such time

as the additional information had been submitted and reviewed. [An updated Transport Assessment was subsequently submitted]

CCC Transport Assessment Team – 23 August 2023

Reviewed the updated Transport Assessment and concluded that the development was acceptable in respect of its impact on the roads and junctions in the immediate vicinity of the site and the wider highway network, subject to a scheme of junction improvement and footpath/cyclepath widening at the roundabout with the A142 and Landwade Road. It requested conditions in respect of the provision of a detailed scheme for those works as well as a condition requiring the provision and implementation of a Travel Plan for the site.

Environment Agency - 7 March 2022

States it has no formal comment to make but provides advice to the applicant that the site is located above a Principal Aquifer and within a Source Protection Zone and that the developer should address risks to controlled waters from contamination at the site.

Lead Local Flood Authority - 16 March 2022

Objected to the proposed development on the basis that the discharge location for the surface water drainage system had not been determined, the lack of pump failure modelling, insufficient provision of SuDS and concerns regarding surface water discharge quality, attenuation volume estimates and limitations in the hydraulic calculations provided.

Lead Local Flood Authority – 19 July 2022

Maintained its objections.

Lead Local Flood Authority – 3 April 2023

Removed its objection based on revised information provided by the applicant's drainage consultants. It states that the submitted Flood Risk Assessment and additional information demonstrate that surface water from the proposed development can be managed through the use of permeable paving over the parking areas, filter strips and drains where available around the site to capture and convey surface water and the use of geo-cellular storage prior to pumping surface water at a rate of 5.6 l/s through the existing outfall from the site.

It requests conditions in respect of the provision of a detailed surface water drainage scheme including management arrangements and the provision of details of measures to manage surface water run-off during construction.

Anglian Water Services Ltd - 4 March 2022

States that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site and requests an informative be added to any decision to that effect.

States that the foul drainage from this development is in the catchment of Newmarket Water Recycling Centre that will have available capacity for these flows

States that the development would lead to a risk of used water flooding downstream and that it will need to plan effectively for the proposed development, if permission is

granted. As a full assessment cannot be made due to lack of information, it requests a condition requiring phasing plan and/or on-site drainage strategy. Does not object subject to such a condition being applied.

States that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Notes the applicant has indicated on their application form that their method of surface water drainage is via SuDS and that if the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

Environmental Health - 21 March 2022

Does not object to the proposed development. Requests conditions in respect of construction times and deliveries and that a piling method statement is submitted in the event that piling is required.

Notes that the proposed extensions will host production operating 24/7 and that any new mechanical plant will be located internally. However, due to the extension of the south section of the facility, the existing evaporate coolers will be relocated. The Noise Impact Assessment (NIA) has assessed this to ensure that the new location will not affect the surrounding receptors.

Requests that the noise mitigation suggested in the NIA is conditioned to be implemented and that the recommended Noise Management Plan is also conditioned.

Notes that a Construction Environmental Management Plan has been submitted and that, save for minor discrepancies regarding construction hours and delivery hours, the CEMP is acceptable. Requests that the CEMP is the subject of a condition, as well as a restriction on external lighting unless first approved.

Environmental Health - 24 June 2022

Requests that the Lighting Calculation report and the Proposed Lighting Layout document be conditioned.

ECDC Trees Team - 21 April 2022

Notes that while the proposal involves the loss of a developing copse of trees, the mitigation planting is to a high level and offers a general improvement in the habitat provision of the site as the soft landscaping scheme is of a high standard and appropriate for the site.

Requests amendments to the planting medium and the submission of a Woodland Management and Creation Scheme to providing landscaping management for a period of at least 20 years.

ECDC Trees Team - 4 July 2022

States that the submitted altered specification for the tree planting pits is acceptable but that when back filling the tree pits topsoil should only be used to a depth to match the existing soil profiles (normally 300-400mm topsoil). Recommends approval of the application in respect of the impact on trees.

Natural England - 9 March 2022

Noted the potential for impacts on designated sites at Chippenham Fen Ramsar site, a component of Fenland Special Area of Conservation (SAC), Chippenham Fen & Snailwell Poor's Fen Site of Special Scientific Interest (SSSI), Snailwell Meadows SSSI and Brackland Rough SSSI. Stated further information was required in respect of drainage and water supply in order to determine the significance of these impacts and the scope for mitigation.

Natural England - 24 June 2022

Stated that the proposed amendments to the application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Natural England has since confirmed that the information it requested in its initial response has been supplied by the applicant and it does not have any further comment to make on this application.

Network Rail - 7 March 2022

Does not object to the proposed development. Requests that the developer contact them regarding issues concerning site practices during construction.

Cadent Gas Ltd – 21 March 2022

Does not object to the application. Notes the presence of gas infrastructure within the site and the minimum building distances from such infrastructure. Refers to need to consult the Health and Safety Executive (see below).

HSE (Planning Advice Team) – 30 August 2022

States that the HSE's advice is that it does not advise, on safety grounds, against the granting of planning permission in this case.

Design Out Crime Officers - 1 March 2022

States the site is in an area of low vulnerability to crime. Makes recommendations in respect of lighting, cycle storage, and the specification of security fencing.

Design Out Crime Officers - 13 June 2022

Confirmed that the lighting plan would provide the appropriate lighting for the area, taking into consideration ecological requirements and the safety of staff and visitors to the site.

Design Out Crime Officers - 25 July 2022

Stated that additional information in respect of the specification of cycle storage was acceptable.

Cambridgeshire Archaeology – 7 April 2022

Does not object to the application. States that a trench-based evaluation was conducted at the site in September 2021 (HER ref ECB 6765) and that while this found occupation traces dating to the Neolithic, Bronze Age and Iron Age periods, their contexts retained no integrity owing to previous truncation at the site caused by development. Confirms that there will therefore be no further requirements for archaeological works on site.

Waste Strategy (ECDC) – 29 March 2022

Advised no comments to make.

Ward Councillors - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Cambs Wildlife Trust - No Comments Received

CCC Growth & Development - No Comments Received

Asset Information Definitive Map Team - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 A site notice was displayed near the site on 15 March 2022 and a press advert was published in the Cambridge Evening News on 3 March 2022.

5.3 Neighbours – 15 neighbouring properties were notified. Two representations were received in response to the public consultation and these are summarised below. A full copy of the responses is available on the Council’s website.

- Affects street scene
- Condition of roads
- Construction noise and disturbance
- Groundwater issues
- Highway safety
- Landscape impact
- Lighting Impact
- Loss of privacy
- Noise pollution
- Noise sensitive
- Over bearing
- Pollution issues
- Residential amenity
- Surface water drainage

6.0 The Planning Policy Context

- 6.1 East Cambridgeshire Local Plan 2015
- GROWTH 2 Locational strategy
 - GROWTH 3 Infrastructure requirements
 - GROWTH 4 Delivery of growth
 - GROWTH 5 Presumption in favour of sustainable development
 - EMP 2 Extensions to existing businesses in the countryside
 - 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 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
FRD 8	Employment allocation, land south of Landwade Road

6.2 Fordham Neighbourhood Plan 2018

Policy 2	Character & Design
Policy 4	Maintaining Separation
Policy 8	Wildlife & Habitats
Policy 11	Car Parking

6.3 Supplementary Planning Documents

Design Guide – Adopted March 2012

Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

Natural Environment SPD – Adopted September 2020

Climate Change – Adopted February 2021

6.4 *National Planning Policy Framework 2021*

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 6	Building a strong competitive economy
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015), the Peterborough and Cambridgeshire Minerals and Waste Local Plan (2021) and the Fordham Neighbourhood Plan 2016 – 2036.

7.2 The main planning considerations in this case are the principle of development, the impact on visual amenity, residential amenity, highway safety and parking, ecology and trees, flood risk and drainage.

7.3 Principle of Development

7.4 The application site lies in the countryside where policy GROWTH 2 of the Local Plan generally restricts development, subject to exceptions detailed within that policy and others within the Local Plan. One such exception is for extensions to existing business that accord with policy EMP 2 and another is where sites in the countryside are specifically allocated within the Local Plan as part of policy GROWTH 4 and, in this case, allocation policy FRD 8.

7.5 Policy EMP 2 states 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.

In this case, the extension is clearly demonstrated as being for the purpose of the existing business. The other requirements of the policy are dealt with below, but are considered to be acceptable, such that the requirements of policy EMP 2 are met in full.

7.6 Policy GROWTH 4 makes provision for the allocation of approximately 139 hectares of employment development (B1/B2/B8 uses) plus additional floorspace on other existing sites. Policy FRD 8 relates specifically to the DS Smith site. That policy states that approximately 14.5 hectares (the site) is allocated for employment development (in the old use classes B1/B2 and B8). It notes that about half the site is currently occupied by development associated with DS Smith, but there is potential for further on-site expansion, particularly to the south and west. The policy states that development proposals will be expected to:

- Have particular regard to the layout and the scale, height, design and massing of buildings, and landscaping, in order to minimise the visual impact from the A142 and railway line.
- Provide for the retention of existing hedgerows and trees on the site boundaries, and include significant areas of new landscaping and planting on the boundaries (particularly alongside the A142 and the railway line).
- Demonstrate that safe vehicular access can be provided from Landwade Road (which takes account of the existing access points and development in the vicinity), and provide necessary highway improvements.
- Provide contributions towards the creation of two bus lay-bys and bus stops and a pedestrian crossing facility on Newmarket Road, to serve the employment cluster.
- Demonstrate there is adequate capacity in the sewage treatment works and the foul sewerage network
- Comply with the other policies of the Local Plan.

7.7 Policy FRD 8 and the above requirements, including the stated need for a masterplan for the site, are tailored towards the potential for other separate employment uses on the site. In this case, an expansion of the existing business via extensions to the main existing building are proposed and some of the requirements

of the policy are not considered reasonable in this case. It is not considered that a masterplan is required in order to properly plan and assess the impacts of the extensions. Furthermore, in this case, it is not considered reasonable to require contributions towards additional bus stops as the proposals seek only to expand the existing factory and storage facilities and would not result in significant additional staffing levels on the site – the applicant’s Planning Statement suggests that the expansion would require an additional 23 staff operating on a shift basis with some shifts starting and finishing at times when buses would be unlikely to be operating.

7.8 In respect of the other requirements of the proposal, which are considered in detail below, the scheme is considered to comply with the requirements of the allocation policy.

7.9 The proposed development is therefore considered acceptable in principle.

7.10 Visual amenity

7.11 Policy ENV 1 of the Local Plan requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 of the Local Plan requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Policy 2 of the Neighbourhood Plan states that delivering high quality design is responding to context, such as the size and shape of the site; views of the site, nearby buildings or other features; topography of the site and its surrounds; and materials and vernacular design. Proposals can respond positively to context through the mix of buildings, their scale, their height, their bulk, the space between buildings and their positions, materials used, rhythm of the building and its fenestration, roof angles, landscaping, and specific design features, amongst many other considerations. Policy 4 of the Fordham Neighbourhood Plan states that development proposals located in areas between Fordham and any neighbouring settlement that would either visually or physically reduce the separation, or sense of separation, will not be supported. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions.

7.12 The site is part of a cluster of commercial and industrial sites which include the Turners transport and CP Foods sites immediately to the north on the opposite side of Landwade Road and the existing industrial site to the south east of the site on the opposite side of the A142. Land to the east and north east of the site is also allocated for employment development within the Local Plan. The site is primarily seen in glimpsed views from the A142 and from the industrial and residential properties on the eastern side of that road. There are no public footpaths in the immediate vicinity of the site.

7.13 The submitted Landscape and Visual Impact Assessment notes that this combination of industrial built development and the busy A road leads to the

immediate site surrounds being of low scenic quality, with a low to medium landscape value and a low susceptibility to the type of development proposed.

- 7.14 The extensions proposed would be of a similar scale and form to the existing ranges of the building, following the linear pattern of the existing buildings and with the characteristic curved roof form.
- 7.15 The site currently benefits from landscape planting at the northern end and along the A142 and a significant scheme of landscape enhancement including native woodland planting along the western boundary with the rail line and around the open southern end of the site is proposed in the application. Supplementary boundary planting along the eastern boundary with the A142 is also proposed.
- 7.16 The LVIA categorises that the proposed development would have negligible effects in the wider landscape and the overall landscape effects would be a minor adverse impact during construction, due to the presence of the temporary construction access of the A142, but with enhanced landscaping proposals providing a minor beneficial impact during the operational phase of development as the enhanced landscaping scheme matures.
- 7.17 The proposed development is on an allocated site where additional built development is anticipated in an area of limited landscape quality with existing industrial development, a main road and rail line which detract from the natural landscape at present. The proposed development would increase the prominence of the building locally, however landscape enhancements would mitigate that impact and lead to a beneficial visual impact in the near future. Given the existing use of the site, the extent of the existing built development on the site and the location of the extensions, it is not considered that the development would result in any loss of separation between Fordham and neighbouring villages.
- 7.18 Detailed elements which contribute to the design and visual impact of the development, such as materials and hard and soft landscaping proposals would be secured by condition.
- 7.19 On that basis, the proposed development is considered to result in an acceptable design and appearance in respect of the character or appearance of the area and is therefore acceptable in respect of its impact on visual amenity, in accordance with policies ENV 1, ENV 2 and FRD 8 of the East Cambridgeshire Local Plan 2015, Policy 2 and Policy 4 of the Fordham Neighbourhood Plan and the NPPF.

7.20 Residential Amenity

- 7.21 Policy ENV2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity. Policy ENV 9 states that proposals will be refused where, individually or cumulatively, there are unacceptable impacts arising from the development on general amenity and the tranquillity of the wider rural area, including noise and light pollution and air quality. Policy 2 of the Neighbourhood Plan states that development proposals must deliver

high quality design through not resulting in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.

- 7.22 While the built form of the proposed extensions is large, it is considered that they are sited a sufficient distance from neighbouring residential dwellings so as not to cause any significant loss of light, visual intrusion or overshadowing to those neighbours. The nearest dwellings, Nos. 119 and 121 Fordham Road, are located to the east of the northern end of the application site, facing north. They are separated from the proposed northern extension by approximately 50 metres including the intervening A142. The other nearest dwelling, No 216 Fordham Road, is located to the south west of the main building on site, more-or-less opposite the existing education and marketing centre. Again, the extensions proposed are considered to be far enough away from that neighbouring property that they would not impact on the amenity of its residents in respect of their built form.
- 7.23 The site is currently in an industrial use which would be intensified by the expansion of the factory. This has the potential to increase noise and other disturbance, such as light pollution, to neighbouring residential properties.
- 7.24 The application was accompanied by a Noise Impact Assessment (NIA) which considers the noise impact on these nearest residential properties in respect of breakout noise and noise from HGV movements and the use of forklift trucks. The NIA concludes that HGV movements and the operation of forklift trucks can occur at any time without causing noise nuisance. This is a continuation of the existing situation. In respect of noise from industrial processes within the building, the NIA concludes that the activities can operate 24 hours a day, seven days a week (as at present) provided that all doors and windows in the facades remain closed and that the facades and roofs of the extensions are insulated with a cladding system sufficient to provide a minimum 37dB reduction in noise breakout. It states that a number of cladding systems are capable of providing such a reduction. It also suggests that a Noise Management Plan is required to be implemented to ensure best practice is used to mitigate operational noise during the night time.
- 7.25 The Council's Environmental Health Officer has considered the assessment and notes that the site is currently used 24 hours a day and, as an extension to the existing production facility, it is proposed that the hours of use for the extended facility would remain 24 hours a day. The Council's EHO notes that new mechanical plant will be located internally and is content that this is acceptable in terms of noise generation. The EHO notes that the existing evaporative coolers will be relocated from the southern section of the facility but that the NIA demonstrates that the new location will not affect neighbouring dwellings. The EHO agrees with the conclusions of the NIA which states that in order to ensure noise from the proposed extension is below current background levels, mitigation in the form of all doors and windows remaining closed while the noisy activities are being carried out and the insulation of the facades and roofs to ensure a minimum sound reduction of 37 dB is necessary. The EHO agrees with the conclusion of the NIA that this level of sound reduction can be achieved by a number of insulating classing systems. These recommendations from the NIA would be secured by condition to ensure they are implemented and adhered to.

- 7.26 The EHO also requests that a Noise Management Plan as suggested by the NIA is required to be submitted to the LPA for approval and thereafter implemented on site. This NMP would cover matters related to the operation of the building, particularly during the night time including the maintenance of machinery, the operation of vehicles, the switching off of equipment when not required, the use of white noise reversing alarms on HGVs and forklifts and the proper maintenance of roads. It should also provide details for the reporting of noise problems to the site supervisor. A condition requiring the submission of and adherence to a NMP would be applied to the permission.
- 7.27 In respect of lighting, new column and building mounted lighting would be required to illuminate the new access road, loading areas and parking bays. A lighting scheme and light spill calculations have been provided by the applicant. The lighting is primarily on the western side of the building away from residential neighbours and at either end of the building. This scheme and calculations have been considered by the Council's EHO and he raises no concerns, suggesting that compliance with the scheme be the subject of a condition. He also requests that a condition be applied that no additional lighting be installed on site without the prior approval of the LPA. It is therefore considered that the proposed development is acceptable in respect of its impact on neighbouring properties in respect of lighting.
- 7.28 Construction noise has the potential to negatively impact on the amenity of neighbouring occupiers and the Council's EHO has therefore requested that construction hours be controlled to 07:30 to 18:00 on weekdays and 07:30 to 13:00 on Saturdays with no Sunday or Bank Holiday construction. Were piled foundations necessary, the EHO has requested a piling method statement be provided to ensure impact on neighbouring amenity was managed during that process. Both of these elements would be controlled by condition to ensure the construction process has an acceptable impact on neighbouring properties. A Construction Environmental Management Plan has also been provided as part of the application and a condition would also be applied to the permission to ensure the development is carried out in accordance with that plan.
- 7.29 The application details that the increase in vehicle movements including HGVs would not be significant in respect of any potential impact on air quality and that at the levels proposed an air quality assessment is not required by national guidance. Given the existing use of the site, its allocation for additional commercial development and the nearby A142 and other highway network, it is not considered that vehicle movements would have any significant impact on air quality. The use of the factory will be for similar processes to those currently undertaken and the application states that all extraction flues will comply with the Clean Air Act. The existing and proposed ventilation systems would vent general building air which does not contain pollutants. On that basis, the proposed development is considered to be acceptable in respect of its impact on air quality.
- 7.30 On the basis of the above and subject to the conditions detailed, the proposed development is considered acceptable in respect of its impact on neighbouring residential properties during the construction and operational phases, in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015, Policy 2 of the Fordham Neighbourhood Plan and the NPPF.

7.31 Historic Environment

- 7.32 Policy ENV 11 of the Local Plan details the requirements for development that would be within or affect the setting of Conservation Areas. Policy ENV 12 states that proposals that affect the setting of a Listed Building will only be permitted where they preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset and do not materially harm the immediate or wider setting of the Listed Building. Policy ENV 14 sets out the requirements for assessing development proposals at or affecting sites of known or potential archaeological interest.
- 7.33 The site is not particularly close to any designated heritage assets, with the grade II listed buildings of Biggin Stud Farmhouse approximately 400m away to the north and St Nicholas Church and Landwade Hall and barn (all grade II listed) approximately 600m to the west of the site. The Conservation Areas of Snailwell and Fordham are approximately 800m and 2km away from the site respectively. The nearest scheduled monument is the Roman Villa South of Snailwell Fen which is approximately 500m east of the site. At this distance and given the scale of existing buildings on site as well as intervening buildings in the landscape, it is not considered that the proposed extensions would have any significant impact on the setting of these designated heritage assets. The submitted LVIA confirms that there is no intervisibility with any heritage designations.
- 7.34 In respect of archaeology, the site was the subject of a trench-based evaluation in September 2021. Cambridgeshire Archaeology Team has commented that while this evaluation found occupation traces dating to the Neolithic, Bronze Age and Iron Age periods, their contexts retained no integrity due to previous development on the site. The Archaeology Team has therefore confirmed that there are no further requirements for archaeological works on site.
- 7.35 The proposed development is therefore considered to have a neutral and acceptable impact on the historic environment, in accordance with policies ENV 11, ENV 12 and ENV 14 of the East Cambridgeshire Local Plan 2015.

7.36 Highway Safety and Parking

- 7.37 Policy COM 7 of the Local Plan states that development proposals shall provide a safe and convenient access to the highway network and Policy COM 8 details the adopted parking standards for development. Policy 11 of the Neighbourhood Plan states that development proposals will be required to meet the parking standards in the up to date Local Plan as a minimum, not result in unplanned on-street parking and provide electric charging points.
- 7.38 The site benefits from an existing access taken from Landwade Road to the north and the car and HGV movements associated with the extended facility would continue to use that access. The LHA commented that this access is suitable for the proposed extension provided that it will continue to operate within capacity which the submitted Transport Assessment (TA) indicates will be the case.
- 7.39 In respect of the impact on the highway network and sustainable travel, the CCC Transport Assessment Team (CCCTAT) initially considered that the application had

not provided sufficient information in respect of the baseline survey data used for trip generation, HGV parking demand, the assumptions used trip generation predictions and the lack of junction capacity assessments for junctions in the vicinity. On that basis it requested that the application not be determined until a revised TA had been submitted and considered.

- 7.40 The applicant subsequently submitted an updated TA which CCCTAT has considered and commented on. It has confirmed that the additional traffic survey carried out to establish the existing trip generation and parking demand for the site is acceptable, the parking analysis is acceptable and the junction assessments are acceptable.
- 7.41 In respect of the impact of additional traffic associated with the development, the TA provides a worst-case scenario trip generation. The proposed development is anticipated to generate 43 two-way vehicle trips in the AM peak and 67 two-way vehicles in the PM peak. CCCTAT has confirmed that the impact of the development on junction capacities is acceptable – the site access and nearest roundabout will continue to operate within capacity. The A142/Newmarket Road roundabout is already operating over capacity, however the proposed development on this site will have a minimal impact on the operation of that roundabout. On that basis, the impact of the development on the wider highway network is considered acceptable.
- 7.42 The current car parking provision at the site is 202 car parking spaces. The current peak car parking demand at the site based on the parking analysis is 102 spaces, meaning use is well-under capacity at approximately 50%. However, the applicant notes in the revised TA that visitor and contractor numbers do fluctuate day-to-day and that on some occasions the car park is almost full.
- 7.43 The TA suggests that peak time parking demand will increase by 14 spaces and the application therefore proposes an additional 15 car parking spaces to accommodate that additional demand as well as an additional visitor space.
- 7.44 The current HGV parking provision at the site is 55 HGV trailer spaces. The TA states that 8 of these spaces are used by contractors' HGVs and that DS Smith's fleet of 72 HGVs is accommodated across the remaining 47 spaces. At peak times (6am to 3pm) when most of the vehicles are on site, the HGVs not accommodated in the parking area are accommodated elsewhere on site, primarily in the loading bays, at the external store in or maintenance. The application proposes 17 additional HGV parking bays. While this is below the anticipated increase in HGV movements, but this is due to not all HGVs requiring to park on site with loading taking place in loading bays and HGVs exiting the site rather than parking in parking areas. The level of provision is therefore considered to be acceptable. Tracking drawings demonstrate that the accesses, loading bays and parking areas will operate satisfactorily. The laying out of the accesses, parking and turning areas and their retention for those purposes would be secured by a planning condition.
- 7.45 In respect of pedestrian and cycle accessibility, there is limited provision of footway on Landwade Road. In order to provide a continuous footpath/cycle route between the site and Fordham, the Transport Assessment proposes that a 2.5 metre wide path between the site access and the splitter island at the A142/Landwade Road

roundabout be provided. The Transport Assessment Team states that the footway/cycleway should be 3m wide as opposed to a 2.5m wide, with the latter only being acceptable where there are existing land constraints. It therefore requests that a scheme of works for a suitable specified footway/cycleway be secured via a planning condition. On that basis the impact of the development in respect of sustainable travel accessibility is considered acceptable.

- 7.46 The application also proposes an additional six covered cycle parking spaces. This is a substantial under-provision of cycle parking facilities based on the level of extension when floorspace is considered, however this is reflective of the limited additional staffing requirements of the extension. Were additional cycle parking to be required by staff in time, this could be provided on site and the required Travel Plan could include a review mechanism to address that need. The proposed cycle parking would be required by condition.
- 7.47 Due to the layout of the site and the number of large vehicle movements associated with the construction of the extensions as well as the need to continue to operate the factory during construction, a temporary construction access onto the A142 in the form of a left-in/left-out junction has been proposed. The applicant and the LHA have revised the proposal for this temporary junction over the course of the application process. The LHA is content that the revised proposals are acceptable and has requested conditions regarding the provision of the access and adequate visibility splays from it. The proposed temporary access would be required to be used by large construction vehicles and delivery vehicles associated with the construction of the development. The removal of the access once construction is complete would also be required by condition.
- 7.48 On the basis of the above, the proposed development is considered to be acceptable in respect of its impact on highway safety during both the construction and operational phases and in its provision of HGV, car and cycle parking to meet the demands of the development. The proposal therefore accords with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and Policy 11 of the Fordham Neighbourhood Plan.
- 7.49 Ecology**
- 7.50 Policy ENV 7 of the Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network. The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed.
- 7.51 The application includes an Ecological Impact Assessment (EclA) which considers the biodiversity value of the existing site and the potential impact of the development on both on-site and off-site ecology. The assessment includes surveys and habitat suitability assessment for protected species including birds, bats, reptiles, Great Crested Newts, badgers and other animals and describes and evaluates the existing habitat types on the site.

- 7.52 In respect of the impact on species, the EclA concludes that there would not be any significant impact from the operational phase of the development, other than to breeding birds were lost habitat not replaced. The impact on species is constrained to the construction phase, where significant effects on invertebrates, GCN, amphibians, reptiles and birds are noted as likely if mitigation were not carried out. However, the assessment concludes that suitable mitigation can be undertaken to avoid impacts on those species. Those mitigation measures would be part of a Construction Environmental Management Plan and would include specifications for the appropriate timing of works, pollution prevention measures, measures to ensure exposed excavations would be secured or provided with mammal ladders and capping of pipework and services, at night time to prevent animals becoming trapped; and measures to reduce construction impacts on bats and birds, such as appropriate timing of works and minimising night time lighting of the sites.
- 7.53 In respect of the existing habitats on site, areas of planted trees, scrub, and grassland would be lost. The EclA recommends mitigation and enhancement of the habitat on site via an extensive planting scheme including native woodland, ecological scrub, tree planting, wildflower meadow, flower mix and marginal pond edge planting as well as log piles to provide habitat for invertebrates, reptiles and amphibians. A Habitat Management Plan covering 30 years is also proposed.
- 7.54 The EclA concludes that following mitigation, there will be significant positive effects in respect of habitats and species at both a site-wide and local level. On that basis, it is considered that the ecological impacts of both the construction phase and the operational phase have been adequately mitigated and that significant biodiversity enhancement can be achieved on site. Measures necessary to ensure this would be controlled by condition.
- 7.55 The submitted EclA also considers the impact of the proposed development on the designated sites at Fenland SAC and Chippenham Fen Ramsar, Snailwell Meadows SSSI, Chippenham Fen and Snailwell Poor's Fen SSSI and Brackland Rough SSSI. The EclA concludes that the development in respect of traffic generation would not give rise to air quality effects that would impact on the nature conservation sites. It also notes that foul water will be disposed of via existing infrastructure and that surface water discharge will be managed such that there is no significant hydrological effects on those sites. The water demand for the proposed development which was initially of concern to Natural England has been addressed by the applicant and Natural England has since confirmed it does not have any further comment to make on this application.
- 7.56 Subject to conditions relating to ecological mitigation during construction and acceptable foul and surface water drainage proposals, the proposed development is therefore considered acceptable in respect of the designated sites and on existing ecology on site and would result in an acceptable level of ecological enhancement on site in accordance with policy ENV 7 of the East Cambridgeshire Local Plan 2015.
- 7.57 Flood Risk and Drainage**
- 7.58 Policy ENV 8 of the Local Plan requires major development to be supported by a site-specific Flood Risk Assessment. It further requires that all applications for new

development demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed, primarily through the use of Sustainable Drainage Systems (SuDS).

- 7.59 The application site is largely within Flood Zone 1 (which is at the lowest risk of surface water flooding) with a small sliver of the western edge being within Flood Zone 3 (high risk of flooding). The submitted drainage strategy confirms that development will not extend into Flood Zone 3.
- 7.60 The surface water drainage strategy for the site has been the subject of significant discussion between the Lead Local Flood Authority and the applicant's drainage consultant. The LLFA initially objected to the drainage information on the basis that the discharge location for the surface water drainage system had not been determined, the lack of pump failure modelling, insufficient provision of SuDS and concerns regarding surface water discharge quality, attenuation volume estimates and limitations in the hydraulic calculations provided. The information initially submitted with the application has been revised and supplemented on the basis of further investigatory work by the applicant's drainage consultant. This has established the location of the drainage outfall, provided additional information in respect of pump failure modelling, the justification of non-SuDS based tanking of surface water, specification of appropriate surface water filtering, increasing the size of the below-ground geo-cellular tank and the agreement to provide hydraulic calculations by condition.
- 7.61 On that basis, the LLFA has withdrawn its objections in respect of the surface water drainage of the site and has recommended conditions in respect of the provision of a detailed surface water drainage scheme, as well as a surface water management scheme for the construction phase of the development. On that basis, the LLFA is content with the surface water drainage impacts of the proposed development. It is therefore considered that the proposed development is acceptable in respect of the flood risk considerations on site and the provision of appropriate surface water drainage infrastructure and pollution control.
- 7.62 The submitted drainage report states that a new foul connection would be required to service the southern extension and that this would be achieved via a new foul water drainage system which, due to the shallowness of the existing system, will require pumping. A packaged pumping station is proposed. Anglian Water has confirmed that there is capacity within its wastewater treatment facility to accommodate the additional flows from the development, but expresses concern regarding the potential for used water flooding downstream in the absence of a detailed foul water drainage design. However, it states that it is content for permission to be granted subject to the application of a condition requiring such a detailed drainage design. On that basis the proposed development is considered to be acceptable in respect of the foul water drainage demands.
- 7.63 In respect of trade effluent, the drainage strategy states that the existing site currently discharges effluent water which consists of treated ink washings from a water-based packaging printing process. It confirms that the existing facility benefits from a trade effluent discharge license with Anglian Water, specifying how trade effluent is discharged and monitored and providing the maximum discharge rate

and quantity of the trade effluent. It states that effluent from processes undertaken within the proposed extension would be of the same nature as the existing and that agreement for the additional effluent discharge would be agreed with Anglian Water. It notes it is discussing this license with Anglian Water and given Anglian Water's response to the consultation, detailed above, it is not considered that there is any obvious impediment to the provision of adequate trade effluent discharge.

7.64 The proposed development is therefore considered to be acceptable in respect of flood risk and drainage considerations, in accordance with policy ENV 8 of the East Cambridgeshire Local Plan 2015.

7.65 Other Material Matters

7.66 Sustainability

7.67 East Cambridgeshire District Council (ECDC) declared a Climate Emergency in 2019 and has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did (adopted February 2021). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications, though the starting point for determining planning applications remains the East Cambridgeshire Local Plan (2015). Policy ENV4 of the Local Plan 2015 states 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" and that "applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction." In addition, the NPPF places high importance on addressing climate change in plan making and decision taking. Policy CC1 of the Climate Change SPD sets out that applicants could demonstrate their approach to:

- Minimising demand for energy through design;
- Maximising energy efficiency through design;
- Carbon dioxide reduction achieved through items a and b above, and through incorporation of renewable and low carbon energy sources;
- Water efficiency (including whether, for residential development, the design intends to voluntarily incorporate the Part G Building Regulations option of estimated water consumption set at no more than 110 litres per person per day, rather than the standard 125l/p/d);
- Site waste management;
- Use of materials (such as low carbon-embodied materials); and,
- Adaptability of the building, as the climate continues to change.

7.68 The application is supported by a Renewable and Low/Zero Carbon Statement. This statement sets out the sustainability measures which would be implemented as part of the scheme. It confirms that while BREEAM accreditation would not be applied for, the measures proposed would exceed the carbon standards for BREEAM 'very good' classification (which is the standard required by policy).

- 7.69 The measures proposed are the use of passive design including thermal performance of building materials, use of natural lighting and the reduction of heat loss and solar gain. A roof-mounted photovoltaic array is proposed with an annual yield of 1000MWh which would be used on site. Six electric car charging points would be implemented, energy efficient lighting would be used and low-carbon energy generation employed including waste heat being re-used via a heat exchange and the use of Air Source Heat Pumps. An intelligent Building Management System would also be installed as part of the extension which would monitor and predict energy demands and water usage. Rainwater harvesting and low water use fittings are also proposed.
- 7.70 On the basis of that provision, the proposed development is considered to adequately address the requirements of the Council's policies and guidance on sustainability. The implementation of the measures within the Renewable and Low/Zero Carbon Statement would be secured by condition.
- 7.71 *Major Hazard Consultation Zone*
- 7.72 The site lies within a consultation zone for a major hazard site relating to the H W Coates site to the south east of the application site and a gas pipeline which is located on the very northern portion of the application site. The Health and Safety executive and Cadent Gas have been consulted and have responded. The Health and Safety executive has returned comments stating that it does not advise against the granting of approval on safety grounds. Cadent Gas states it does not object to the proposed development and has provided informatives to be added to any grant of planning permission.
- 7.73 There is therefore no impediment to granting planning permission based on the proximity of the extensions to the pipeline and hazard site.
- 7.74 **Planning Balance**
- 7.75 The application proposes an extension of the existing manufacturing facility to support the existing established business. The site is allocated for such employment development and broadly complies with the allocation policy, save in respect of elements which would be more relevant when considering accommodation for new businesses on site.
- 7.76 The proposed development is not considered to cause any significant harm to the countryside nor the built and historic environments. The development contains proposals for enhancements to the existing landscape which will ultimately enhance the visual appearance of the site. The development would not cause any significant harm to neighbouring residential properties and issues of noise and light pollution could be managed via conditions and working practices. The proposals are acceptable in respect of their impact on highway safety and would provide adequate parking facilities on site. The development would not have any significant impact on off-site designated sites of ecological importance and would deliver on-site biodiversity enhancements and provide for acceptable mitigation of flood risk and adequate surface and foul water drainage.

7.77 The proposed development is therefore considered to acceptable, subject to the conditions specified above and set out in detail in Appendix 1 and is therefore recommended for approval.

8.0 COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

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 allocation of the site for employment use;
- The acceptable detailed impacts of the development;
- The lack of objection from statutory consultees.

9.0 APPENDICES

9.1 Appendix 1 – Proposed conditions.

Background Documents

22/00128/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 - 22/00128/FUM Conditions

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

Plan Reference	Version No	Date Received
3385-MAB-00-ZZ-DR-L-40101	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40102	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40103	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40104	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40105	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40106	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40107	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40108	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40109	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40110	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40200	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40201	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40202	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40203	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40204	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40205	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40206	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40207	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40208	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40209	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40210	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40211	P03	11th February 2022
3385-MAB-00-ZZ-DR-L-40212	P03	11th February 2022
3385-MAB-00-ZZ-SP-L-40920	P03	11th February 2022
SK-M-005		11th February 2022
SK-MEP-004 (Proposed)	P02	11th February 2022
3385-MAB-00-ZZ-DR-L-40910	P03	11th February 2022
Arboricultural Impact Assessment		11th February 2022
Noise Impact Assessment	01	11th February 2022
Utilities Statement	02	11th February 2022
Flood Risk Assessment	Issue 2	11th February 2022
Ecological Impact Assessment	02	11th February 2022
Renewable Energy and Low/Zero	02	11th February 2022
Travel Plan	Issue 1	11th February 2022
3385-MAB-00-00-DR-A-00200	P04	11th February 2022
3385-MAB-00-00-DR-A-00220	P06	11th February 2022
3385-MAB-00-00-DR-A-00221	P01	11th February 2022
3385-MAB-00-00-DR-A-00302	P04	11th February 2022
3385-MAB-00-Rf-DR-A-00308	P04	11th February 2022
3385-MAB-00-ZZ-DR-A-00630	P04	11th February 2022
3385-MAB-00-ZZ-DR-A-00631	P04	11th February 2022
3385-MAB-00-ZZ-DR-A-00632	P04	11th February 2022
3385-MAB-00-ZZ-DR-A-00730	P01	11th February 2022
3385-MAB-00-ZZ-DR-L-40000	P05	11th February 2022
3385-MAB-00-ZZ-DR-L-40051	P02	11th February 2022

3385-MAB-00-ZZ-DR-L-40100 P02	11th February 2022
CH001 02	25th July 2022
Transport Assessment Addendum	17th August 2023
3385-MAB-00-ZZ-DR-L-40050 P02	11th February 2022
DSF-ARUP-ZZ-XX-FN-C-0002	17th March 2023
Construction Management Plan V6	6th May 2022
Lighting Calculation Report	6th May 2022
3385-MAB-00-ZZ-DR-L-40300 P03	6th May 2022
DSF-ARUP-ZZ-XX-DR-E-0001 P01	6th May 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, 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.
- 3 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 4 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be installed on site prior to the first occupation of the development. 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 following approved documents:
 - Flood Risk Assessment, ARUP, Ref: DSF-ARUP-ZZ-XX-RP-C-0002 Issue 2, Dated: 10 December 2021;
 - File Note Response to LLFA Comments, ARUP, Ref: DSF-ARUP-ZZ-XX-FN-C-0002, Dated: 17 March 2023, and shall also include:
 - a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference

numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

e) Survey of existing outfall system and any proposed works where required to ensure this can convey surface water from the site;

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;

i) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

- 4 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.
- 5 No construction above damp proof course level shall be carried out until a scheme for on-site foul water drainage works, including connection point and discharge rate and the phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. No occupation of any phase shall occur until the foul water drainage works relating to that phase have been carried out in accordance with the approved scheme.
- 5 Reason: To ensure provision of adequate foul water drainage infrastructure and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall commence until the temporary construction access and visibility splays, shown on approved drawing CH001 Rev 02, have been implemented. The access shall be constructed so that it drains onto the application site. Thereafter the splays shall be maintained free from obstruction over 0.6m above the level of the adjacent highway carriageway. All delivery, construction and muck away vehicles associated with the construction of the development and only those vehicles, shall use that access to enter and leave the site. The temporary construction access shall be removed within 3 months of completion of construction works. The access shall not be used by contractors nor site visitors.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to commencement of development any gate or gates to the temporary construction access shall be set back a minimum of 20m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. No gates or other obstruction of the access shall be installed within 20m from the near edge of the highway carriageway. Any gates installed shall be removed within 3 months of completion of construction works.

- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 No development shall commence until a scheme for the provision of a 3m wide footway/cycleway between the existing splitter island crossing on the A142 Newmarket Road arm of the A142/Landwade Road/Snailwell Road roundabout and the site access junction, inclusive of widening the existing splitter island crossing on the Landwade Road arm of the roundabout to 3m in width (as shown indicatively in Figure 2 of the Transport Assessment Addendum dated 16th August 2023) has been submitted to and approved in writing by the Local Planning. Where it can be demonstrated that land constraints prevent the full 3m width being delivered a minimum 2.5m wide footway/cycleway shall be provided. The approved scheme shall thereafter be fully implemented prior to the first occupation of the development.
- 8 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and to provide adequate facilities to enable sustainable travel to the site. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 No development shall commence until a detailed scheme of biodiversity mitigation measures, based on the recommendations of the approved Ecological Impact Assessment, has been submitted to and approved in writing by the Local Planning Authority. Thereafter no development shall be undertaken other than in complete accordance with that approved scheme.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 No development shall be carried out other than in complete accordance with the approved Construction Management Plan reference P982/DSSmith.CMP.001.V6 v6, unless otherwise agreed in writing by the Local Planning Authority.
- 10 Reason: In the interests of highway safety, residential amenity and environmental protection in accordance with policies COM7, ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.
- 11 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.
- 11 Reason: In the interests of residential amenity in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.
- 12 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.

- 12 Reason: In the interests of residential amenity in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.
- 13 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No construction nor post-occupation operation of the development, hereby approved, shall take place other than in complete accordance with section 3.3 of the approved Nova Acoustics Noise Impact Assessment version 01 dated 4/10/2021.
- 14 Reason: In the interests of residential amenity in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to the first use of the development, each of the measures detailed in section 3 of the approved Renewable Energy and Low/Zero Carbon Statement reference DSF-ARUP-ZZ-XX-RP-N-0002 Rev 02 and as shown on the approved elevations and plans shall be implemented on site and shall thereafter be retained.
- 15 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.
- 16 Prior to the first use of the development, the internal access roads, parking bays and turning areas shown on approved plan 3385-MAB-00-00-DR-A-00220 Rev P06, shall be fully constructed and shall be brought into use. The roads, bays and turning areas shall be constructed such that they drain on site. Thereafter the roads, bays and turning areas shall remain free from obstruction and shall be used for the specific purpose of the access, parking and turning of vehicles.
- 16 Reason: In the interests of highway safety and the adequate provision of parking, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to the first use of the development, the new covered bicycle parking stands, shown on approved plan 3385-MAB-00-00-DR-A-00220 Rev P06, shall be provided and thereafter retained.
- 17 Reason: To ensure the adequate provision of cycle parking, in accordance with policy COM8 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to the first use of the development, an updated Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. That plan shall provide up-to-date information regarding bus services, baseline mode share data from which the Travel Plan target for car use reduction can be based and include measures to review the need for additional cycle parking provision over and above that secured by condition 17 of this permission and deliver such additional provision. Thereafter the development shall be operated in full accordance with the approved Travel Plan.

- 18 Reason: In the interests of sustainable development and to ensure the adequate provision of cycle parking, in accordance with policies ENV 4 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to the first use of the development, the hard landscaping proposals shown on approved drawings 3385-MAB-00-ZZ-DR-L-40100 Rev P02, 3385-MAB-00-ZZ-DR-L-40101 Rev P02, 3385-MAB-00-ZZ-DR-L-40102 Rev P02, 3385-MAB-00-ZZ-DR-L-40103 Rev P02, 3385-MAB-00-ZZ-DR-L-40104 Rev P02, 3385-MAB-00-ZZ-DR-L-40105 Rev P02, 3385-MAB-00-ZZ-DR-L-40106 Rev P02, 3385-MAB-00-ZZ-DR-L-40107 Rev P02, 3385-MAB-00-ZZ-DR-L-40108 Rev P02, 3385-MAB-00-ZZ-DR-L-40109 Rev P02 and 3385-MAB-00-ZZ-DR-L-40110 Rev P02 shall be implemented on site.
- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to the first use of the development, a Hedgerow and Woodland Management and Creation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details on the following:
- 1) The areas of woodland and hedgerows to be retained and/or enhanced;
 - 2) Areas where new woodland and hedgerows will be established;
 - 3) The methodology for the establishment of new areas of native woodland and hedgerows; (timings and details for plot thinning and coppicing operations and removal of protective fencing/guards);
 - 4) Management of existing woodland and hedgerows to enhance its amenity and ecological value; (timings and details for plot thinning and coppicing operations);
 - 5) Details of responsibility for the future management of the woodland areas and hedgerows;
 - 6) Details to cover a period of no less than 20 years or until decommission of the development.
- Thereafter the approved scheme shall be implemented and managed for its lifetime.
- 20 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to the first use of the development, details of any new boundary treatments to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first use of the development.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the first use of the development, a detailed scheme of biodiversity enhancement measures based on the recommendations of the approved Ecological Impact Assessment and including a timescale for implementation and a Habitat Management Plan covering a minimum of 30 years from the implementation of the measures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the approved timescale and managed in accordance with the approved Habitat Management Plan.

- 22 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 23 Prior to the first use of the development, a Noise Management Plan for the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of the following:
- Plant and machinery maintenance regimes;
 - Closure of all external doors to the building during operation;
 - Practices for use of forklifts and other vehicles on site;
 - Switch off of equipment when not in use;
 - Use of white noise reversing alarms;
 - Maintenance of access roads;
 - Reporting procedures for noise concerns/complaints.
- Thereafter the site shall be operated in full accordance with the approved Noise Management Plan.
- 23 Reason: In the interests of residential amenity in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.
- 24 Prior to the end of the first full planting season following first use of the development, the soft landscaping scheme detailed on approved drawings 3385-MAB-00-ZZ-DR-L-40200 Rev P03, 3385-MAB-00-ZZ-DR-L-40201 Rev P03, 3385-MAB-00-ZZ-DR-L-40202 Rev P03, 3385-MAB-00-ZZ-DR-L-40203 Rev P03, 3385-MAB-00-ZZ-DR-L-40204 Rev P03, 3385-MAB-00-ZZ-DR-L-40205 Rev P03, 3385-MAB-00-ZZ-DR-L-40206 Rev P03, 3385-MAB-00-ZZ-DR-L-40207 Rev P03, 3385-MAB-00-ZZ-DR-L-40208 Rev P03, 3385-MAB-00-ZZ-DR-L-40209 Rev P03, 3385-MAB-00-ZZ-DR-L-40210 Rev P03, 3385-MAB-00-ZZ-DR-L-40211 Rev P03, 3385-MAB-00-ZZ-DR-L-40212 Rev P03, 3385-MAB-00-ZZ-DR-L-40300 Rev P03 and 3385-MAB-00-ZZ-DR-L-40910 Rev P03 shall be fully implemented in accordance with the approved Outline Landscape Specification reference 3385-MAB-00-ZZ-SP-L-40920 Rev P03.
- Thereafter the soft landscaping (except where it falls within the Hedgerow and Woodland Management and Creation Scheme approved under condition 20) shall be maintained in accordance with the 5-year maintenance schedule contained within section 5.0 of the approved Outline Landscape Specification reference 3385-MAB-00-ZZ-SP-L-40920 Rev P03.
- 24 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 25 No external lights shall be erected within the site (either freestanding or building-mounted) other than those detailed on approved drawing DSF-ARUP-ZZ-XX-DR-E-0001 Rev P01 and the approved Lighting Calculation Report.
- 25 Reason: In the interests of visual and residential amenity in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.

23/00737/FUL

30-36 Market Street

Ely

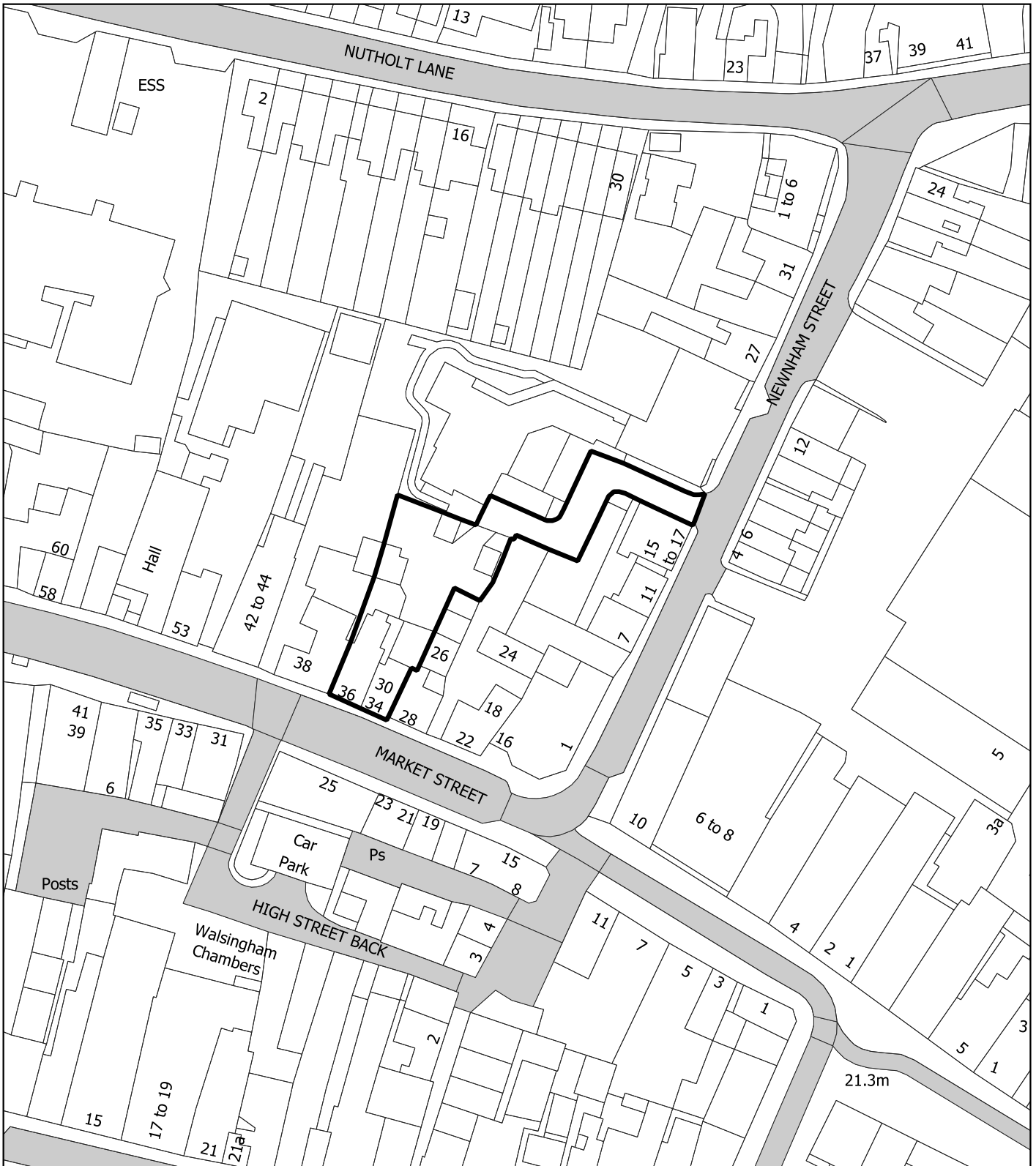
CB7 4LS

Demolition of outbuildings, change of use of cold store to form one flat, erection of two dwellings, and associated works

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=RX2P0ZGGLP900>





23/00737/FUL

30-36 Market Street
Ely



East Cambridgeshire
District Council

Date: 20/09/2023
Scale: 1:1,000



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TITLE: 23/00737/FUL

Committee: Planning Committee

Date: 04 October 2023

Author: Senior Planning Officer

Report No: Y60

Contact Officer: Holly Chapman, Senior Planning Officer
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01353 616360
Room No 011 The Grange Ely

Site Address: 30-36 Market Street Ely Cambridgeshire CB7 4LS

Proposal: Demolition of outbuildings, change of use of cold store to form one flat, erection of two dwellings, and associated works

Applicant: Aitus Associates Ltd

Parish: Ely

Ward: Ely East

Ward Councillor/s: Kathrin Holtzmann
Mary Wade

Date Received: 30 June 2023

Expiry Date: 06 October 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application 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 years)
- 3 Submission of remediation scheme
- 4 Implement of approved remediation scheme
- 5 Construction Environmental Management Plan
- 6 Piling foundations
- 7 Foul and Surface water drainage
- 8 Written Scheme of Investigation (Archaeology)
- 9 Sample materials
- 10 Detailed design
- 11 Parking, serving, etc

- 12 Hard landscaping scheme
- 13 Soft landscaping scheme
- 14 Boundary Treatments
- 15 Construction times - Standard hours
- 16 Demolition of Existing Structures
- 17 Biodiversity Improvements
- 18 Bin and Cycle Store Details
- 19 Air Source Heat Pump Noise Level
- 20 Permitted Development Removal
- 21 Permitted Development Removal - Fences etc

2.0 **SUMMARY OF APPLICATION**

- 2.1 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/>.
- 2.2 The proposal seeks consent for the erection of a pair of semi-detached one-bedroom dwellings and the conversion and extension of an existing store within No.30 Market Street, to facilitate the creation of a single studio flat. Associated works include the demolition of existing outbuildings within the application site, and relocation of the existing staircase to the flat of No. 32 Market Street above No.30-36 Market Street.
- 2.3 The existing brick outbuilding closest to the Woolpack Yard development within the application site to be demolished measures c.4.3 metres (c.14ft) to ridge, c.3.6 metres (c.12ft) in width and c.4.6 metres (c.15ft) in depth.
- 2.4 A summary of the proposed semi-detached dwellings is outlined below in the following Table 1.

	Proposed Building	Feet
Ridge	c.4.5 metres	c.14.8 feet
Eaves	c.2.2 metres	c.7.2 feet
Depth	c.17.4 metres	c.57 feet
Width	c.6.9 metres	c.22.6 feet

Table 1 – Measurements of the proposed semi-detached dwellings

- 2.5 A summary of the proposed internal space standards of the proposed dwellings and flat is also outlined within Table 2 below:

	Proposed Internal Space Standard	Square Feet
Dwelling 1	c.42 sqm	c.452 square feet
Dwelling 2	c.42 sqm	c.452 square feet
Flat 3	c.35 sqm	c.377 square feet

Table 2 – Proposed internal floorspace of the proposed development

- 2.6 All properties as shown are single-bedroom units, with Flat 3 comprising a 'studio', whereby the kitchen-diner and bedroom are shown to be in an open-plan arrangement. It is noted that the proposed studio (Flat 3) falls below the minimum

space standard of 37sqm (c.398sqft) established by the Nationally Described Space Standards (NDSS) (March 2015).

- 2.7 In addition to the proposed flats, a central landscaped courtyard area is to be shown, with four parking spaces provided for the existing commercial units along Market Street. The proposed development itself is to be car-free as confirmed by the Agent.
- 2.8 New boundary treatments are also proposed, including brick-wall infills enclosing the eastern boundary of the application site, although no specific details have been provided with the application. An electronic, automated sliding 3-bar gate is also proposed at the site's access with the Woolpack Yard car park to the north. A new pedestrian gate is also proposed, providing access from Newnham Street.
- 2.9 The application follows an earlier refusal for a similar development scheme, which was refused at Planning Committee in December 2022, for reasons relating to significantly detrimental residential amenity impacts upon occupiers of the Woolpack Yard development to the north of the application site (**Appendix 2 – Committee Report LPA Ref. 21/01832/FUL / Appendix 3 – Decision Notice LPA Ref. 21/01832/FUL**). The current proposals have removed a flat from the development proposal, reducing the overall scale of the development since the previous refusal, and re-siting the development within the application site so that it is further away from the Woolpack Yard development.
- 2.10 In accordance with the Council's Constitution, the application has been referred to Planning Committee for determination following discussion with the Chair of the Committee. This is on the basis of the previous determination at Planning Committee, and given that the current application seeks to address the main areas of concern raised under the previous refusal.

3.0 PLANNING HISTORY

- 3.1 **21/01832/FUL**
Demolition of outbuildings, change of use of cold store, erection of four flats, and associated works
Refused
8 December 2022

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises an area of hardstanding to the rear of No.30-36 Market Street, Ely, within the defined development envelope for Ely and directly adjoining the town centre boundary. The site is accessed via Newnham Street via the internal access road and car parking area associated with the Woolpack Yard development. The main body of the application site totals c.450 square metres in size (c.0.045 hectares), excluding 30-36 Market Street and the access road from Newnham Street.
- 4.2 The site is currently used for the parking of vehicles and contains three brick and timber outbuildings to be demolished to facilitate the proposals.

- 4.3 To the north of the application site lies the Woolpack Yard development, with a number of flats associated with the development facing onto the application site; these flats are across three-storeys. An area of outdoor space and connecting footpath associated with the flats directly adjoins the application site to the north, and is separated by a low level mesh fence. This amenity space and footpath appear to be maintained and in use, as corroborated by multiple site visits and consultation responses received from residents of the Woolpack Yard development under the previous application.
- 4.4 To the east of the application site lies No.26 Market Street, an existing dwelling with a small courtyard/parking space attached to its north. A high level rear kitchen window faces onto the application site.
- 4.5 To the south of the application site lies No.30-36 Market Street, in use as a barbers and dry cleaners. Two flats are located above these properties, facing onto the application site.
- 4.6 To the west of the application site lies 38-40 Market Street. Under LPA Ref. 17/00429/FUL, the creation of a flat above No.38 Market Street was permitted, following the conversion of existing office space. No.40 Market Street – a two storey dwelling – lies behind No.38 and benefits from its own private amenity space.
- 4.7 The application site lies within Ely Conservation Area. There are no listed buildings immediately adjoining the application site, nor are there any listed structures or monuments nearby. Ely Cathedral is nevertheless visible in views from within the application site.
- 4.8 The application site also lies within the Goose and Swan Functional Land Impact Risk Zone (IRZ) and a Green Risk Zone for Great Crested Newts (GCN) (low risk).
- 4.9 The whole application site lies within an area of low flood risk (Flood Zone 1) and does not lie within an area at high risk of surface water flooding.

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.

Cambridgeshire Archaeology - 6 July 2023

States: "Our records indicate that the site lies in an area of high archaeological potential, situated in the medieval core of the City of Ely, roughly 100m to the north of the grounds of Ely Abbey and Cathedral Precinct (Cambridgeshire Historic Environment Record reference 07322). Archaeological investigations carried out in 1987 within the north range of the Norman Cathedral revealed extensive evidence of occupation from the 10th century, including structural remains and a ditch interpreted as an early precinct boundary (Holton-Krayenbuhl, Cocke & Malim 1989, Ely Cathedral Precincts: The North Range. In PCAS Volume LXXVIII). Archaeological monitoring at the Cross Green Swale in 2014 revealed twenty inhumation burials, three potential walls and multiple demolition layers, which possibly relate to the 14th century parish church of Holy Cross (CHER ref ECB4375). In addition, an archaeological monitoring at the Old Library, adjacent to

the Cathedral south choir side identified mortar and stone foundations layers for the construction of the first two eastern bays for use as chapels in the 12th century. The last main phase of activity relate to the conversion of the two chapels into one large cell (CHER ref. ECB4482).

Previous archaeological investigations a short distance to the east of the proposed development on land between Newnham Street and Brays Lane identified evidence of Neolithic, Bronze Age, Iron Age, Roman and Saxon occupation as well as medieval features, including a well backfilled with demolition material and boundary ditches. It seems likely that these related to the estate of the Bray family in the later C13 and early C14. In c 1322 the estate was left to Ely Cathedral and the field system was reorganised (CHER ref. ECB2454). In addition, other archaeological investigations in the vicinity, for example at the site of the former White Hart (CHER ref. MCB16067), and 80m south-east of the site at Market Place (CHER ref. CB14654) have revealed further evidence of medieval and post-medieval occupation.

We have commented on previous applications within the same bounds (21/01832/FUL) and advise that our previous recommendations still apply. Due to the archaeological potential of the site, a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI."

Environmental Health - 6 July 2023

States: "I would advise that demolition and construction times and deliveries during the demolition and construction phases 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

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

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 previous application included the provision for ASHPs. It is not known if this application also intends to use ASHPs but I would recommend the following condition regardless -

"The specific rated noise level emitted from any external mechanical plant 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.

I have also attached some guidance on ASHPs which I would ask the applicant to take on board when selecting, siting and installing them.

Finally, as the property consists of flats we would advise the developer to gain advice from the Fire Authority to ensure the correct precautions are in place.

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

Conservation Officer - 10 July 2023

States: “The application site is a commercial building of C17 origins on the north side of Market Street, within the Ely conservation area. Since the 2021 application the building has been identified through the ongoing Cambridgeshire Local Heritage Project as a candidate for the ECDC local list, described thus:

'House. Late C17, converted to shops C19 and to shops and flats mid C20. Timber frame, clad with C19 gault brick; plain tiled roofs. 2 storeys; 3-window range. 2 early C20 plate-glass shop display windows, that to No. 32 with glazed door. Between display windows is main entrance to former house: recessed half-glazed door. Hood on scrolled acanthus consoles. 3 2/2 horned sashes to first floor. Saw-toothed eaves cornice. Stacks removed. East gable head with some exposed framing with brick nogging. INTERIOR: No 30 with reused double-wave-moulded bridging beam with run-out stops to ground floor. Boxed bridging beams elsewhere. No. 32 with large blocked fireplace in rear room.'

<https://local-heritage-list.org.uk/cambridgeshire>

Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states: 'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, relationship to adjacent assets [and] use of materials...It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate.'

Historic map evidence shows that there were relatively few rear service buildings behind Market Street so the proposed new block is purely speculative in this location. Nevertheless its form, scale and language reference the kind of buildings (eg stables, coach houses etc) characteristically found in backland locations, and its crisp use of materials and detailing is complimentary without descending to pastiche. This fulfills Advice Note 2's criteria for development in historic settings.

Recommendation - no objection subject to following conditions:

MT1A Samples of brick & slate

MT4A Details of external doors & windows.”

Parish - 18 July 2023

States: “The City of Ely Council has no concerns with regards to this application but note the comments made by the archaeological consultant.”

Environmental Health - 25 July 2023

States: “I commented on the contamination related information submitted with the previous application 21/01832/FUL on 5th December 2022. In my previous response I advised that "any asbestos containing material in the buildings must be removed and disposed of safely in compliance with the Control of Asbestos regulations 2012". There appears to be asbestos containing material on the site. Asbestos removal when not carried out correctly has the potential to cause harm to human health and soil contamination and there are residents living in close proximity to the site who could be affected. Therefore, I recommend that a planning

condition is included to control the asbestos removal. I recommend that standard contaminated land conditions 2, 3, and 4 are attached to any grant of permission.”

Local Highways Authority - 20 September 2023

States: “I do not foresee any highway safety issues which could arise from a car free development in this central location. Should a future resident wish to own a car, they will need to abide by the same on-street / private car park restrictions as anyone else.

By formalising the commercial car parking, a turning / manoeuvring area has been provided which appears suitable for most day to day uses. If an occasional larger vehicle needs access to the site, then it would likely need to be from Newnham Street but this would most likely be an inconvenience to other road users rather than a hazard.

While a bin store has been provided in the courtyard area, this is quite a distance from the public highway so you would need to check with your own waste collection team to see if they are willing to enter Woolpack Yard, a private street with restrictive geometry, for collection.

As no additional car parking is proposed, there will be no vehicular intensification of use of the site access, so I wouldn't seek to object to the application but I do recommend bin collection is clarified.”

CCC Growth & Development -

No Comments Received

Ward Councillors -

No Comments Received

Consultee For Other Wards In Parish -

No Comments Received

5.2 A site notice was displayed near the site on 14 July 2023 and a press advert was published in the Cambridge Evening News on 13 July 2023.

5.3 Neighbours – 71 neighbouring properties were notified and the six responses received are summarised below. A full copy of the responses are available on the Council's website.

- Concerns over acceptability of vehicular access;
- Concerns over parking availability for carers;
- Concerns over conflicts between vehicles and mobility scooters and visibility;
- Concerns over emergency vehicle access;
- Concerns over delivery vehicles;
- Concerns over electronic gates and noise;
- Accuracy of plans;
- Affects a Right of Access
- Affects a Right of Way
- Affects street scene
- Highway safety

- Loss of privacy
- Loss of public amenity
- Noise sensitive / concerns for heating units/air source heat pump
- Over bearing
- Over-looking
- Parking and Turning
- Pollution issues

6.0 **THE PLANNING POLICY CONTEXT**

The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 14	Sites of archaeological interest
COM 2	Retail uses in town centres
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

- Developer Contributions and Planning Obligations
- Design Guide
- Contaminated Land
- Flood and Water
- Natural Environment
- Climate Change
- Ely Conservation Area Appraisal

6.3 National Planning Policy Framework 2023

- 2 Achieving sustainable development
- 4 Decision-making
- 6 Building a strong, competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

Technical Housing Standards – Nationally Described Space Standards (March 2015)

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

7.3 The application site lies wholly within the development envelope for Ely, where Policy GROWTH 2 of the ECDC Local Plan 2015 seeks to permit development, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.

7.4 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 As set out within the Design Guide SPD, back-land development such as that proposed will only be considered to be acceptable if the following criterion are met:

- Back land development (one dwelling built behind another) will only be acceptable if supported by a contextual analysis of the locality (particularly with reference to the point below about large houses);
- There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway;
- Adequate protection against noise and disturbance must be provided for the host dwelling;
- Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
- The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;

- There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots.

- 7.6 Paragraph 119 of the NPPF sets out that, *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”* This is caveated by Footnote 47, insofar that this presumption in favour of brownfield development does not apply *“where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.”*
- 7.7 Whilst not located within the defined town centre, Paragraph 86(f) of the NPPF sets out that planning policies should *“recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*
- 7.8 Following a contextual analysis of the application site and surrounding development, it is considered that the introduction of development in this location would not be uncharacteristic for this area of Market Street. There are a number of dwellings and buildings ‘in-depth’ to the rear of Market Street, and dwellings are commonplace above retail units. The compliance of the proposals with the other criterion as stipulated within the Design Guide SPD will be discussed elsewhere within this report.
- 7.9 The proposed development is therefore acknowledged to comprise residential infill in a sustainable location adjoining the town centre boundary, and by virtue of its location has the potential to support the vitality of the town centre. On this basis, the Local Planning Authority (LPA) consider the principle of the proposed development is acceptable and accords with the general thrust of the policies of the Local Plan 2015, the Design Guide SPD and the NPPF on a locational basis.
- 7.10 The proposed dwellings would be liable to the Community Infrastructure Levy (CIL), and this payment would be in line with Policy GROWTH 3 and the Developer Contributions SPD.
- 7.11 With regard to the loss of the existing cold store to the rear of No.30 Market Street, this loss and change of use is not considered to conflict with the objectives of Policy COM 2 in retaining retail uses within the town centre boundary. As part of the city’s primary shopping frontage, No.30-36 Market Street are being retained as retail units. The loss of the small cold store is not considered to impinge upon the function of these retail units, measuring less than c.4 square metres, and is considered to result in a negligible loss of retail floorspace.
- 7.12 On the above basis, the principle of the proposed development is considered to be acceptable on a locational basis, and the development is considered to be acceptable in principle in accordance with Policies GROWTH 2, GROWTH 5 and COM 2 of the ECDC Local Plan 2015 and the guidance contained within the National Planning Policy Framework.

7.13 Residential Amenity

7.14 Policy ENV 2 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. Paragraph 130 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. The impacts of the proposed development on separate existing and prospective occupiers is discussed in turn as follows.

Residential Amenity for Prospective Occupiers of the Proposed Dwellings and Flat

7.15 The proposal includes the provision of three flats (2 x 1-bedroom flats and 1 x studio flat). Flats 1 – 2 measure c.42 sqm internally (c.452 sqft) and Flat 3 measures c.35 sqm internally (c.377 sqft ft).

7.16 Flats 1 and 2 will satisfy the minimum requirements of the Nationally Described Space Standards (NDSS) (March 2015) for a single occupancy, single storey development, this being 37sqm (c.398 sqft). Whilst all drawings show a double bed (thereby suggesting double occupancy), this cannot be presumed, and therefore the minimum 37sqm standard is considered to be the accepted baseline.

7.17 Whilst Flat 3 falls below the baseline size expected for a single occupancy flat, it is acknowledged that it is a studio apartment not reflected within the NDSS. However, it should also be noted that elsewhere in Government Legislation, namely the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no permitted development rights are afforded to a change of use that would result in the creation of a dwelling of less than 37sqm (c.398sqft). The proposed development is therefore considered to result in the provision of a dwelling of a sub-standard level of accommodation that weighs against the application.

7.18 The NDSS is nevertheless a material consideration in the decision-making process, but does not form part of a specific policy within the Local Plan 2015. Compliance with the NDSS is therefore expected, but not mandated by policy. Whilst the provision of a sub-standard level of accommodation therefore weighs against the application, it would be unreasonable for the LPA to refuse the application on this basis.

7.19 It is acknowledged that the driving force of the development proposals is to provide compact accommodation within the city centre, and it has been demonstrated that, whilst falling below the accepted minimum standard, all dwellings and flat could provide an acceptable level of internal amenity.

7.20 The proposed flat and dwellings will benefit from a communal landscaped courtyard and this is considered to be a high quality and acceptable level of shared amenity space for the properties within the denser city centre context.

7.21 It is acknowledged that the two dwellings would not benefit from their own private amenity space, as is often expected. However, private amenity spaces are not common-place within the context of the application site, which is characterised by

retail frontages with flats above. Given the size of the properties proposed (one-bedroom) it is not considered that the absence of private amenity space is to the significant detriment of residential amenity, particularly given that a secure play-space for children is not expected. The accessibility of local parks within 100 – 300 metres (0.06 - 0.19 miles) of the application site is also considered to justify a relaxation of the Design Guide SPD requirements, which anticipates most dwellings to benefit from a minimum of 50sqm private amenity space.

- 7.22 The ground floor flat and two dwellings will also benefit from an acceptable level of defensible space around the ground floor windows to protect the residential amenity of prospective occupiers. It is further acknowledged that the site is not publicly accessible, and this will limit the amount of pedestrian and vehicular traffic in close proximity to the proposed development.
- 7.23 On the above basis, the proposed flats are considered to benefit from an acceptable level of internal and external residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015 and the NPPF.

Impacts of the Proposed Development on Market Street Residential Occupiers

- 7.24 For the purposes of this assessment, 'Market Street residential properties' is taken to include No.26 Market Street; No.28 Market Street; the flats above No.30-36 and 38 Market Street; and 40 Market Street. These are the immediate residential properties adjoining the application site along Market Street.
- 7.25 The proposed Flat 3 (conversion of the existing ground floor store to No.30 Market Street) is not considered to result in any significantly detrimental residential amenity effects upon surrounding Market Street residential properties in terms of overlooking, overbearing, overshadowing, loss of light or loss of privacy by virtue of its location and design.
- 7.26 The proposed pair of semi-detached dwellings (Dwellings 1 and 2) are not considered to result in any significantly detrimental residential amenity effects upon the nearby Market Street residential properties in terms of overshadowing, overbearing, overlooking, loss of light and loss of privacy by virtue of their siting, scale and design.
- 7.27 The modest scale of development along the shared western boundary with No.40 Market Street in particular is considered to preclude any detrimental impacts in terms of overbearing, overshadowing or loss of light to No.40 Market Street and its rear private amenity space. The high level roof lights will also preclude any significantly detrimental overlooking of this rear amenity space.

Impacts of the Proposed Development on Woolpack Yard Development

- 7.28 For the purposes of this assessment, 'Woolpack Yard development' is taken to include the south/south-west facing residential flats across three-storeys immediately adjoining the application site to the north. This includes the outdoor amenity space and footpath associated with the development.

- 7.29 As to be noted at Appendix 2 (previous Committee Report for LPA Ref. 21/01832/FUL), concern was previously raised by Officers regarding northernmost two-storey element of the previously proposed development block, containing three-flats in total. This element of the development was proposed to be located only c.4.4 metres (c.14.1 feet) from the south/south-west facing elevation of the Woolpack Yard development, and c.50 centimetres (c.1.7 feet) from the existing mesh fencing of the outdoor amenity space associated with the Woolpack development. These measurements were taken at their closest points to the Woolpack Yard development, with the widest point of separation measuring c.4.8 metres (c.16 feet).
- 7.30 The previous development was subsequently refused for reasons relating to significantly detrimental residential amenity effects upon Woolpack Yard occupiers, given the scale and siting of the development.
- 7.31 The current submission comprises a re-worked scheme that seeks to address the previous concerns raised. The development proposed is now entirely single-storey in its scale, measuring a maximum of c.4.5 metres to ridge (c.14.8 feet). The development is also now sited a further c.1.4 metres (c.4.6 feet) from the ground floor of the Woolpack Yard development, totalling 5.8 metres (c.19 feet), with the widest point measuring c.6.3 metres (c.21 feet).
- 7.32 The introduction of the proposed development in its revised form is considered to have addressed previous concerns regarding physical enclosure of the Woolpack Yard development, as well as concerns over significantly detrimental overbearing, oppressive development and poor outlook. This is on the basis of the notably lowered scale and increased separation of the proposed development from the Woolpack Yard development.
- 7.33 Whilst the development will still introduce new development in closer proximity to the main outlooks, habitable windows (and patio doors), and outdoor amenity space to the Woolpack Yard development, the scale of development proposed is commensurate with existing outbuildings within the application site (proposed to be removed), and likewise is of a more domestic scale that is considered to be acceptable in proximity to the Woolpack Yard development. The scale and proximity of the proposed development to the Woolpack Yard development is no longer therefore considered to result in significantly detrimental residential amenity effects upon the occupiers of the adjoining development by virtue of overbearing, oppressive or poor outlook.
- 7.34 It is also acknowledged that the removal of existing outbuildings within the application site will assist in opening up the application site more generally, reducing the enclosure of the Woolpack Yard development. This is particularly the case with the removal of the existing boiler room, currently c.3.6 metres (c.11.8 feet) from the ground floor of the Woolpack Yard development. This is considered to be a betterment to the Woolpack Yard development and its occupiers, and will go some way to offsetting any impacts of introducing the new development proposed.
- 7.35 The revised proposals are therefore considered to accord with the objectives of the Local Plan 2015 and the NPPF in ensuring no significantly detrimental effects on

the residential amenity of nearby occupiers; providing healthy and safe communities; well-designed and beautiful places; and development that support communities' health and social well-being. The proposal is considered to be in accordance with the objectives of Policy ENV 2 of the ECDC Local Plan 2015 and the guidance contained within the NPPF by virtue of its siting, scale and design.

7.36 Character and Appearance

- 7.37 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.
- 7.38 Policy ENV 11 of the ECDC Local Plan 2015 requires that proposed development within a Conservation Area be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.39 Policy ENV 14 states that, development proposals at or affecting all sites of known or potential archaeological interest will not be permitted where the proposals would cause substantial harm to new or known nationally important sites.
- 7.40 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.41 The East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres (3229sqft), the footprint of any proposed development should be no more than approximately one third of the plot size.
- 7.42 The National Planning Policy Framework (September 2023) sets a higher bar for design, whereby all development should seek to achieve beautiful, high-quality, well-designed and sustainable buildings.
- 7.43 With regard to plot density and the impact this would have on the character and appearance of the area, it is acknowledged that development to the rear of Market Street has grown organically, meaning that plot sizes and density are varied. Development along Market Street extends linearly to the north, with associated extensions and outbuildings. The introduction of the application proposals is not therefore considered to be uncharacteristic of the pattern of development within this area of Market Street.

- 7.44 The proposed development is considered to represent a high quality design, that respects and enhances the character and appearance of the area. The proposed pair of semi-detached dwellings follows the linear pattern of existing development along Market Street which extends back into the application site, and respects the overall scale, massing and form of the properties front Market Street in its width and scale.
- 7.45 By virtue of the site's location, the proposed development would be screened from view along Market Street by existing development. Whilst there are breaks in development along Market Street, given the scale of the proposed development and depth of existing development along Market Street, views of the proposed scheme are unlikely to be afforded.
- 7.46 The proposed development would be visible from Newnham Street given breaks in development within the street-scene. Notwithstanding, existing development is currently visible behind development along Newnham Street, and the introduction of additional development is not therefore considered to be inherently harmful or enclose important views. Indeed, by virtue of its design, siting and scale, the proposed development is considered to enhance the street-scene and the character and appearance of the area.
- 7.47 With regard to the heritage impacts of the proposed development, as noted within the Conservation Officer's formal consultation comments, historically there is no precedent for service buildings to the rear of Market Street. However, the Conservation Officer notes that the form, scale and architectural language of the proposed development is commensurate to that of buildings characteristically found in such back-land locations.
- 7.48 It is acknowledged that the site itself, whilst not untidy, is a by-product of multiple extensions and developments along Market Street, resulting in the introduction of a collection of utilitarian outbuildings and a patchwork of hard landscaping and boundary treatments.
- 7.49 The proposed development is therefore considered to result in a net enhancement to the Conservation Area, by introducing a high quality and comprehensively designed development proposal. This aligns strongly with the objectives of Policy ENV 11. The proposed development is not considered to have any impact upon the setting or significance of Ely Cathedral.
- 7.50 The detailed materials of the proposed development have not been provided with the application itself, and it is critical that these are of a high quality to ensure the successful delivery of a high quality scheme. The indicative materials shown are considered to be generally acceptable in their assimilation with existing development. Nevertheless, specific materials would need to be secured via a condition upon any grant of planning approval, as well as specific details of external doors and windows to ensure this quality is universal throughout the development.
- 7.51 It is also considered pertinent to remove permitted development rights for the extension and alteration of the dwellings proposed, given the heritage sensitivities of the application site, and the compact nature of the development within a

physically constrained site. It is considered that the utilisation of permitted development rights could undermine the design integrity of the proposals, as well as the open courtyard layout of the development. This would likely be to the detriment to the character and appearance of the area, and to neighbour amenity also by bringing development closer to the site's boundaries.

- 7.52 With regard to archaeological heritage assets, the County Council Historic Environment Team raise no objections to the proposed development, subject to a pre-commencement condition being imposed to secure an archaeological investigation within the application site. This is a standard conditional approach for areas of high archaeological potential, such as the application site, and the development proposals are therefore considered to be acceptable subject to the imposition of such a condition in accordance with Policy ENV 14 of the ECDC Local Plan 2015 and the NPPF.
- 7.53 For the above reasons, the introduction of the proposed development is considered to result in a complementary form of development that enhances the character or appearance of the area, and would provide a net enhancement to the setting and significance of the Ely Conservation Area. The proposals are therefore considered to comply with Policies ENV 1, ENV 2, ENV 11, ENV 14 and HOU 2 of the ECDC Local Plan 2015, the Design Guide SPD, the Ely Conservation Area Appraisal and the NPPF.
- 7.54 Highways, Parking and Access
- 7.55 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 requires proposals to provide safe and convenient access to the highway network. Section 9 of the NPPF seeks to secure sustainable transport.
- 7.56 The application site is currently used for the informal parking of staff vehicles associated with the retail uses within 30-36 Market Street. Four parking spaces have been formally shown on the submitted plans to serve the retained retail uses.
- 7.57 As clarified with the Applicant's Agent, the four parking spaces proposed are to re-provide the existing parking provision for the commercial uses, and on the basis of the requirements set out within Policy COM 8, this level of parking is considered to be acceptable.
- 7.58 The proposed development is to be a car-free development, as clarified with the Applicant's Agent. Policy COM 8 states that: *"In appropriate circumstances, parking standards may be relaxed in order to reflect accessibility of by non-car modes, and/or if lower levels of provision would protect or enhance the character of Conservation Areas or other sensitive locations. Car free development may be considered acceptable where there is clear justification having regard to the location and the current and proposed availability of alternative transport modes."*
- 7.59 It is accepted that, on the basis of the size of the dwellings; their central location within the City of Ely and its services; and their proximity to a high number of alternative modes of transport, the principle of a car-free development is

acceptable within the application site. It is also to be noted that a secure cycle store is denoted on the plans for the benefit of prospective occupiers. Whilst specific details of the cycle store have not been put forward, these could be secured via a condition.

- 7.60 As a car-free development, there is to be no increase in vehicle movements associated with the site with the exception of deliveries to the proposed flats. The four parking spaces for the retained retail uses are to be retained, and therefore vehicular movements associated with the retail uses are expected to remain unchanged.
- 7.61 With regard to deliveries, there are existing dwellings above No.30-36 Market Street (including those to the rear of the site), and it is expected that the delivery arrangements for the proposed dwellings will be comparable to these existing properties.
- 7.62 It is noted that the Local Highways Authority have provided comments on the application, raising no objections to the proposed development, albeit seeking clarification regarding waste collection.
- 7.63 Under the previous application, the Waste Team raised no objections to the proposed development in terms of collection of waste from the proposed dwellings. This was on the basis that waste collections are already being made behind the properties along Market Street, meaning that this relationship can continue so as to serve the proposed development. Specific details of the bin store could be secured via a condition, as these details have not been provided within the submission. No comments from the Waste Team have been provided under this application.
- 7.64 Concerns have been raised by residents of the Woolpack Yard development regarding highway safety and vulnerable individuals or those of impaired mobility. Concerns have also been raised in relation to emergency service access. For the reasons outlined above, it is expected that the vehicle movements associated with the proposed development are to be comparable to those existing, with the exception of a slight increase in deliveries to the site. Emergency vehicle access to Woolpack Yard remains unchanged. It is not therefore considered that the proposed development would result in an increased risk to highway or pedestrian safety, or access for emergency services, to warrant a reason for refusal on this basis.
- 7.65 For the above reasons, the proposals are not considered to result in any adverse highway safety concerns, and the proposals are therefore considered to be compliant with Policies COM 7 and COM 8 of the ECDC Local Plan 2015 and the NPPF.
- 7.66 Ecology, Trees and Biodiversity
- 7.67 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals

should protect, conserve and where possible enhance 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. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.

- 7.68 The Natural Environment SPD also requires that all new development demonstrates a biodiversity net gain (Policy NE.6).
- 7.69 The application site comprises existing hard-standing and a number of outbuildings.
- 7.70 The submitted Preliminary Ecological Appraisal (PEA) concludes the following: *“The Site is not covered by any statutory or non-statutory wildlife site designation and does not comprise ancient woodland. The Site comprised man-made habitats of negligible conservation or biodiversity value that do not present a significant development constraint.”*
- 7.71 The submitted PEA also concludes in relation to fauna: *“With the exception of the potential presence of small numbers of nesting birds using the residential building (not to be affected by the proposed Development) the Site was considered to be of negligible value to protected species. 4.4 The buildings proposed for removal to enable development were assessed, in line with best practice guidance, as being of negligible bat roost suitability.”*
- 7.72 The conclusions of the PEA are not disputed by the LPA, and the PEA goes on to set out a number of enhancement opportunities within the application site. These amount to:
- 130 mm square gaps at the base of any replacement or new boundary walls or fences to allow passage of hedgehogs through the Site;
 - The provision of integrated bat roost boxes into new buildings
- 7.73 The enhancement measures are considered to be limited, and it is considered that a full soft landscaping strategy would also need to be secured via a condition to further provide a biodiversity enhancement. It is considered that the site provides sufficient opportunity to facilitate this.
- 7.74 The proposed development would not result in the loss of or impact upon any trees.
- 7.75 Whilst located within the Goose and Swan Functional Land Impact Risk Zone (IRZ), it is not considered that the proposed development would impinge upon the availability of suitable habitat for geese and swan given the nature and location of the application site within the built up development envelope of Ely.
- 7.76 On the above basis, the proposed development is considered to be acceptable in accordance with Policy ENV 7 of the ECDC Local Plan 2015, the Natural Environment SPD and the NPPF subject to securing the identified enhancement opportunities and soft landscaping via appropriately worded conditions.

7.77 Flood Risk and Drainage

7.78 Policy ENV8 of the Local Plan 2015 makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction.

7.79 The application site lies within Flood Zone 1 and is therefore at the lowest risk of flooding and where residential development should be focused.

7.80 No details of the proposed foul or surface water details have been submitted with the application proposals. As such, a condition would need to be imposed to secure these details.

7.81 For these reasons, subject to the imposition of an appropriately worded condition, the proposals are considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan and the Flood and Water SPD.

7.82 Other Material Matters

7.83 The Environmental Health Officer has recommended the imposition of a site investigation and remediation scheme for contamination on the basis that the end use of the application site is susceptible to contamination. Subject to the imposition of a site investigation condition, the proposal is therefore considered to be acceptable in accordance with Policy ENV 9 of the ECDC Local Plan 2015.

7.84 The Environmental Health Officer has also recommended the imposition of conditions upon any grant of consent relating to a restriction upon hours of construction; a restriction upon ground piling; the provision of a Construction Environmental Management Plan (CEMP); and a control over the noise limits from the proposed Air Source Heat Pump (ASHP). All conditions are considered necessary in the interests of residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015.

7.85 The Council's Climate Change SPD supports Policy ENV 4 of the ECDC Local Plan 2015 in improving efficiency during construction and in development proposals. As the total number of units proposed does not total five or more, there is no policy requirement for a detailed energy strategy. Notwithstanding, it is acknowledged that the proposals are located in a sustainable location and would benefit from an ASHP to provide a renewable form of energy generation. Subject to conditions, the proposals could also include the provision of a biodiversity net gain and sustainable drainage measures. On this basis, the proposals are considered to satisfy the above policies given the scale of the development proposed

7.86 Within comments provided, concern has been raised by Woolpack Yard residents regarding the noise impacts of the electronic automated gate provided. No specific details of this system have been submitted with the application, and will be secured via a condition. The noise impacts of the gate can be assessed at condition discharge stage, although such impacts are generally considered to be minimal

upon neighbouring residential amenity, particularly with the likely infrequent use of these gates.

- 7.87 In the neighbour comments received, concerns were also raised over the accuracy and quality of the submitted plans. Whilst the plans do not show the relationship of the proposed development with the habitable windows of the Woolpack Yard development, the plans are considered to provide an accurate relationship between existing and proposed development. Visits to the site have also informed Officer opinions of this relationship.
- 7.88 Planning Balance
- 7.89 The application site is located within the development envelope for Ely, and proposes the erection of a pair of semi-detached dwellings, as well as the conversion and extension of an existing store, to form the creation of one flat. The principle of the proposed development in a sustainable location is considered to be acceptable on a locational basis, and the proposals are not considered to result in significantly detrimental residential amenity effects upon the existing and prospective occupiers of the Woolpack Yard development. The proposed development is also considered to enhance the character or appearance of the area, and provide a net enhancement to the setting and significance of the Ely Conservation Area.
- 7.90 The proposal would in all other respects provide a safe and acceptable means of vehicular and pedestrian access and incorporate measures to deliver a biodiversity net. The proposals are also considered to be acceptable in terms of flood risk, drainage, climate change and contamination.
- 7.91 For the above reason, the application is therefore recommended for approval, on the basis that it complies with the policies contained within the ECDC Local Plan 2015, the adopted Supplementary Planning Documents and the NPPF.

8.0 APPENDICES

APPENDIX 1 - 23/00737/FUL Conditions

APPENDIX 2 – Committee Report LPA Ref. 21/01832/FUL

APPENDIX 3 – Decision Notice LPA Ref. 21/01832/FUL

Background Documents

23/00737/FUL

21/01832/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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 23/00737/FUL Conditions

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

Plan Reference	Version No	Date Received
001	Rev A	30th June 2023
005	Rev A	30th June 2023
012	Rev B	30th June 2023
015	Rev B	30th June 2023
34588NOLS-01		30th June 2023
34588NOLS-02		30th June 2023
ELY-01-21-A		30th June 2023

- 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 remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 Prior to the commencement of any development, the remediation scheme approved in Condition 3 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with

policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 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.
- 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 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of the hereby approved development.
- 7 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.
- 8 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a. The statement of significance and research objectives;
 - b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c. The timetable for the field investigation as part of the development programme;
 - d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

- 8 REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 No above ground construction shall take place on site until details of the external bricks and slates to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction shall take place on site until details of the external doors and windows to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 10 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan Ref. 21-816-3-012 Rev B and thereafter retained for that specific use.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include parking and turning areas. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and 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 assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until details of the boundary treatments (including vehicular and pedestrian access gates) shown on Drawing Ref. 21-816-3-012 Rev B have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the hereby approved development.
- 14 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, and to safeguard residential amenity, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 15 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.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 The existing outbuildings on the site as shown in a dashed outline on Drawing Ref. 21-816-3-012 Rev B shall be demolished in their entirety prior to first occupation of the hereby approved development.
- 16 Reason: The application has been assessed as acceptable on this basis in accordance with Policies GROWTH 2, ENV 1, ENV 2, ENV 11, ENV 12, COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and the NPPF.
- 17 Prior to first occupation the scheme of biodiversity improvements (bat boxes and hedgehog holes) shown on Drawing Ref. 21-816-3-012 Rev B and 21-816-3-015 Rev B shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 17 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.
- 18 Prior to above ground construction, details of the bin and cycle stores shown on Drawing Ref. 21-816-3-012 Rev B shall be submitted to and agreed in writing by the Local Planning Authority. The bin and cycle stores shall be in-situ in accordance with the approved details prior to first occupation of the hereby approved development and thereafter retained.

- 18 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, and in the interests of highway safety, in accordance with policies ENV2, ENV11, ENV12, COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 19 The specific rated noise level emitted from any external mechanical plant 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.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, C and D of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 20 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no fences, gates or walls shall be erected within the site, other than those expressly authorised by Condition 14 of this consent.
- 21 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

21/01832/FUL

Rear Of 30-36 Market Street

Ely

Cambridgeshire

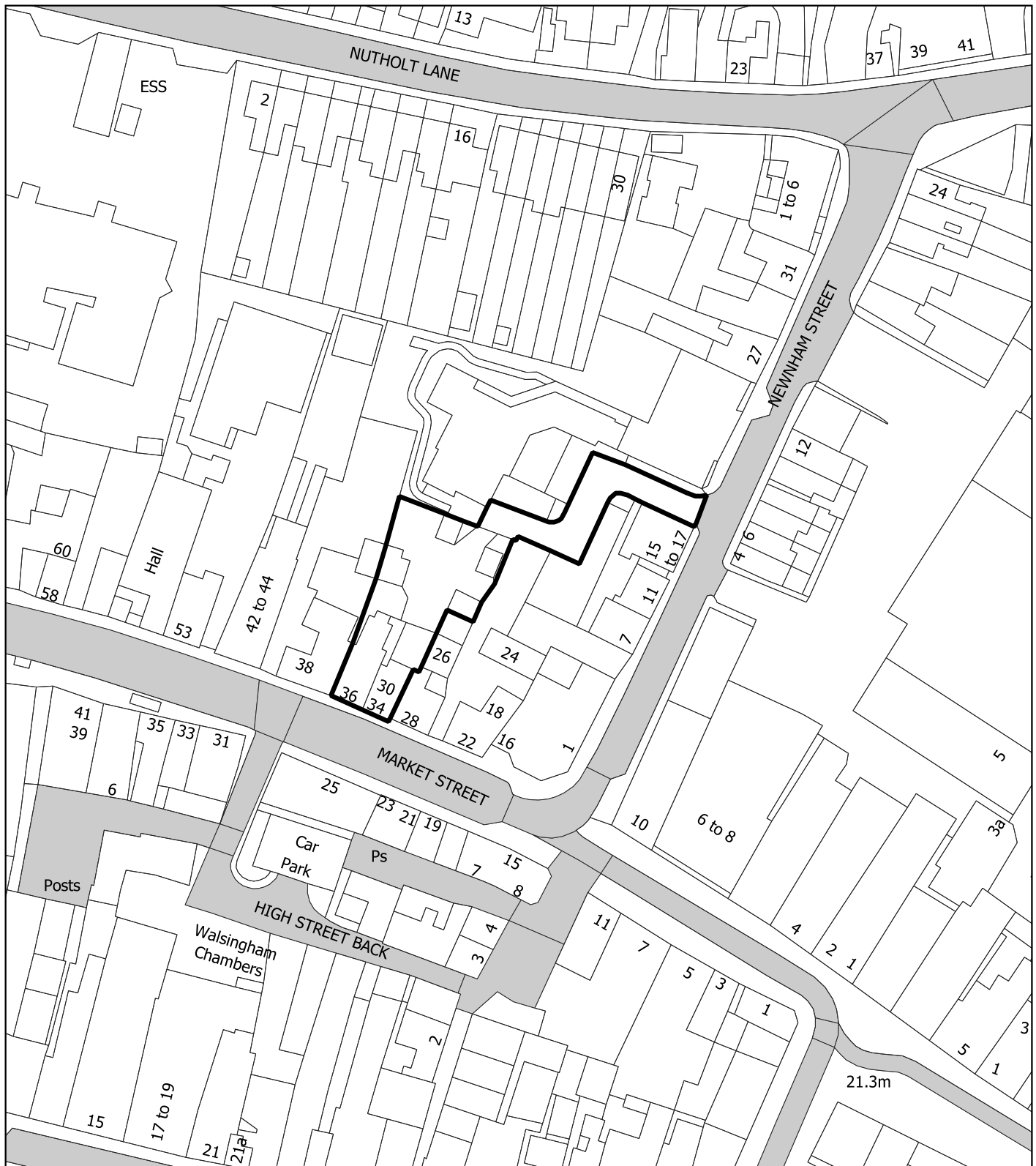
CB7 4LS

Demolition of outbuildings, change of use of cold store, erection of four flats,
and associated works

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=R4H2BAGGJA800>





21/01832/FUL

Rear Of 30-36 Market Street
Ely



East Cambridgeshire
District Council

Date: 24/11/2022
Scale: 1:1,000



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21-01832-FUL Committee Report

Reference No: 21/01832/FUL

Proposal: Demolition of outbuildings, change of use of cold store, erection of four flats, and associated works

Site Address: Rear Of 30-36 Market Street Ely Cambridgeshire CB7 4LS

Applicant: Aitus Associates Ltd

Case Officer: Holly Chapman Senior Planning Officer

Parish: Ely

Ward: Ely East
Ward Councillor/s: Matthew Downey
Lis Every

Date Received: 21 December 2021 **Expiry Date:** 15 February 2022
Report Number [X123]

1.0 **RECOMMENDATION**

1.1 Members are recommended to **REFUSE** the application for the following reasons:

- 1 The application proposal seeks to introduce a part single-storey and part two-storey detached flat block in close proximity to the southern/southwestern elevations of the existing flats and outdoor amenity space associated with the Woolpack Yard development. The proposed development is considered to result in significantly detrimental residential amenity effects upon existing and prospective occupiers of this section of the Woolpack Yard development. This is by virtue of the scale and proximity of the proposed development to the Woolpack Yard development, which is considered to result in an overbearing and oppressive form of development that results in a loss of outlook for occupiers of the Woolpack Yard development, and loss of amenity to the communal outdoor amenity space. This is contrary to the objectives of Policies GROWTH 2, GROWTH 5 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 and the guidance contained within the National Planning Policy Framework, which require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers, as well as 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.
- 2 On the basis of the potentially significant inaccuracy of the submitted sun studies, there is still substantial concern over the potential for the proposed development to result in greater and potentially significantly detrimental residential amenity effects in terms of overshadowing and loss of light to the southern/southwestern elevations

of the existing flats and outdoor amenity space associated with the Woolpack Yard development. This is considered to be contrary to the objectives of Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 and the guidance contained within the National Planning Policy Framework, which require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers, as well as 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.

2.0 **SUMMARY OF APPLICATION**

2.1 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.eastcambbs.gov.uk/online-applications/>.

2.2 The application has been called in by Cllr. Every for the following reason: *“There is a great need for small flat living accommodation in the centre of Ely. This application is for additional flats behind flats in Market Street already owned by the applicant and will add 3 flats to our housing stock in an infill site. It is being called in for the Planning Committee to determine if the benefits outweigh any issues of possible harm.”*

2.3 The proposal seeks consent for the erection of a detached part single-storey and part two-storey building, and the conversion and extension of an existing store within No.30 Market Street, to facilitate the creation of four flats. Associated works include the demolition of existing outbuildings within the application site, and relocation of the existing staircase to the flat of No. 32 Market Street above No.30-36 Market Street.

2.4 The existing brick outbuilding closest to the Woolpack Yard development within the application site to be demolished measures c.4.3 metres to ridge, c.3.6 metres in width and c.4.6 metres in depth.

2.5 A summary of the proposed development is outlined below in the following Table 1.

	Proposed Building	Feet
Ridge	c.6.6 metres	c.22 feet
Eaves	c.2.3 – 4.3 metres	c.7.5 to c.14 feet
Depth	c.18.8 metres	c.62 feet
Width	c.6.9 metres	c.23 feet

Table 1 – Measurements of the proposed development

2.6 A summary of the proposed internal space standards of the proposed flats is also outlined within Table 2 below:

Flat	Proposed Internal Space Standard	Square Feet
Flat 1	c.42 sqm	c.452 square feet
Flat 2	c.42 sqm	c.452 square feet
Flat 3	c.42 sqm	c.452 square feet
Flat 4	c.29 sqm	c.312 square feet

Table 2 – Proposed internal floorspace of the proposed flats

- 2.7 All flats as shown are single-bedroom flats, with Flat 4 comprising a 'studio', whereby the kitchen-diner and bedroom are shown to be in an open-plan arrangement. It is noted that the proposed studio (Flat 4) falls below the minimum space standard of 37sqm (c.398sqft) established by the Nationally Described Space Standards (NDSS) (March 2015).
- 2.8 In addition to the proposed flats, a central landscaped courtyard area is to be shown, with four parking spaces provided for the existing commercial units along Market Street. The proposed residential element of the proposal is to be car free.
- 2.9 It is important to note that the application proposals have been revised during the course of the application in response to Officer concerns. These revisions included:
- Amendment to the roof form of the proposed two-storey element of the proposed flat block from a pitched roof to hipped roof/cat-slide roof, with the introduction of a blank box dormer facing north;
 - Provision of sun-study;
 - Provision of CGIs;
- 2.10 Whilst a number of Officer concerns have been addressed through design revisions and clarification, an acceptable solution has unfortunately not been agreed upon with regard to the overall design of the proposed flat block. The reasons for this are to be outlined within this report.

3.0 PLANNING HISTORY

3.1

11/00863/FUL	Replacement door & window to front of shop (Retrospective)	Refused	14.11.2011
81/00695/FUL	CHANGE OF USE FROM RECORD SHOP TO ELECTRICAL AMUSEMENT PREMISES	Approved	25.09.1981
85/00135/FUL	CHANGE OF USE TO PHOTOGRAPHIC PROCESSING SALES AND RECEPTION	Approved	18.04.1985

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises an area of hardstanding to the rear of No.30-36 Market Street, Ely, within the defined development envelope for Ely and directly adjoining the town centre boundary. The site is accessed via Newnham Street via the internal access road and car parking area associated with the Woolpack Yard development. The main body of the application site totals c.450 square metres in size (c.0.045 hectares), excluding the access road from Newnham Street.

- 4.2 The site is currently used for the parking of vehicles and contains three brick and timber outbuildings to be demolished to facilitate the proposals.
- 4.3 To the north of the application site lies the Woolpack Yard development, with a number of flats associated with the development facing onto the application site; these flats are across three-storeys. An area of outdoor space and connecting footpath associated with the flats directly adjoins the application site to the north, and is separated by a low level mesh fence. This amenity space and footpath appear to be maintained and in use, as corroborated by consultation responses received from residents of the Woolpack Yard development.
- 4.4 To the east of the application site lies No.26 Market Street, an existing dwelling with a small courtyard/parking space attached to its north. A high level rear kitchen window faces onto the application site.
- 4.5 To the south of the application site lies No.30-36 Market Street, in use as a barbers and dry cleaners. Two flats are located above these properties, facing onto the application site.
- 4.6 To the west of the application site lies 38-40 Market Street. Under LPA Ref. 17/00429/FUL, the creation of a flat above No.38 Market Street was permitted, following the conversion of existing office space. No.40 Market Street – a two storey dwelling – lies behind No.38 and benefits from its own private amenity space.
- 4.7 The application site lies within Ely Conservation Area. There are no listed buildings immediately adjoining the application site, nor are there any listed structures or monuments nearby. Ely Cathedral is nevertheless visible in views from within the application site.
- 4.8 The application site also lies within the Goose and Swan Functional Land Impact Risk Zone (IRZ) and a Green Risk Zone for Great Crested Newts (GCN) (low risk).
- 4.9 The whole application site lies within an area of low flood risk (Flood Zone 1) and does not lie within an area at high risk of surface water flooding.

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.

Environmental Health - 5 January 2022

States: "As stated in Section 7 of the application form, where land is known to be contaminated, where contamination is suspected, or the proposed use would be particularly vulnerable to the presence of contamination, an appropriate contamination assessment will be required with the application. The applicant will need to supply an appropriate contamination assessment with the application. In addition, due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction and demolition phases 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

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

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 Planning Statement advises that the flats will be heated by ASHPs. I would recommend the following condition to control any noise associated with the ASHPs -

"The specific rated noise level emitted shall not exceed the existing background noise level by more than 5 dB. 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."

Finally, as the property consists of flats we would advise the developer to gain advice from the Fire Authority to ensure the correct precautions are in place.

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

Cambridgeshire Archaeology - 17 January 2022

States: "Our records indicate that the site lies in an area of high archaeological potential, situated in the medieval core of the City of Ely, roughly 100m to the north of the grounds of Ely Abbey and Cathedral Precinct (Cambridgeshire Historic Environment Record reference 07322). Archaeological investigations carried out in 1987 within the north range of the Norman Cathedral revealed extensive evidence of occupation from the 10th century, including structural remains and a ditch interpreted as an early precinct boundary (Holton-Krayenbuhl, Cocke & Malim 1989,

Ely Cathedral Precincts: The North Range. In PCAS Volume LXXVIII). Archaeological monitoring at the Cross Green Swale in 2014 revealed twenty inhumation burials, three potential walls and multiple demolition layers, which possibly relate to the 14th century parish church of Holy Cross (CHER ref ECB4375). In addition, an archaeological monitoring at the Old Library, adjacent to the Cathedral south choir side identified mortar and stone foundations layers for the construction of the first two eastern bays for use as chapels in the 12th century. The last main phase of activity relate to the conversion of the two chapels into one large cell. (ECB4482).

Previous archaeological investigations a short distance to the east of the proposed development on land between Newnham Street and Brays Lane identified evidence of Neolithic, Bronze Age, Iron Age, Roman and Saxon occupation as well as medieval features, including a well backfilled with demolition material and boundary ditches. It seems likely that these related to the estate of the Bray family in the later C13 and early C14. In c 1322 the estate was left to Ely Cathedral and the field system was reorganised (ECB2454). In addition, other archaeological investigations in the vicinity, for example at the site of the former White Hart (MCB16067), and 80m south-east of the site at Market Place (CB14654) have revealed further evidence of medieval and post-medieval occupation.

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DLUHC:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.”

Local Highways Authority - 17 January 2022

States: “This proposed development is accessed from private highway. The connection to the public highway at Woolpark Yard is not to current highway standards with the main item which may impact upon highway safety being restricted inter-vehicular visibility and pedestrian visibility (recommended 2m x 2m to back of footway) to the south.

These proposals include four dwellings, each with a single vehicle parking space. The current level of parking is difficult to quantify given the ad-hoc nature of the site's existing use. Should this development result in a measurable increase in vehicular trips to and from the site, then the applicant should demonstrate that appropriate level of pedestrian visibility are achievable at the junction onto Newnham Street. I welcome further clarification from the applicant.

A 6.5m turning area has been provided to the rear of the proposed parking area. While this is suitable for domestic vehicles, I would recommend that the applicant provide suitable turning, free from the public highway, for modest sized delivery vehicles which may regularly access the site, primarily for the purpose of deliveries to the new dwellings. Turning should be appropriate for a modest delivery vehicle such as a panel or box van.

Please consult with Cambridgeshire Fire & Rescue regarding compliance with Building Regulations Part B5 (access and facilities for the fire service).

I also recommend that you consult with East Cambridgeshire District Council's Waste Team. While bin storage is proposed, I am unsure how/where bins will be collected. Should a bin collection point be required, it will need to be free from the public highway where it could otherwise cause an obstruction within this City centre location.

Upon receipt of further information from the application, please re-consult the LHA so that I can provide additional commentary or recommend conditions if appropriate.”

Conservation Officer - 18 January 2022

States: “The application site is an unlisted C19 commercial building on the north side of Market Street, within the Ely conservation area. Its rear ranges correspond to footprints shown on historic mapping but are themselves C20 postwar additions, and the outbuildings slated for demolition are utilitarian C20 structures. Market Street is part of the medieval core of Ely and the 2009 conservation area appraisal ascribes it to the same character zone as the High Street (zone E). Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states: 'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, relationship to adjacent assets [and] use of materials...It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate.' Historic map evidence shows

that there were relatively few rear service buildings behind Market Street so the proposed new block is purely speculative in this location. Nevertheless its form, scale and language reference the kind of buildings (eg stables, coach houses) characteristically found in backland locations, and its crisp use of materials and detailing is complimentary without descending to pastiche. This fulfills Advice Note 2's criteria for development in historic settings. Recommendation - no objection subject to following conditions:

Recommendation - no objection subject to following conditions.”

In their full response, the Conservation Officer recommends conditions relating to the provision of samples of brick and slate, as well as details of external doors and windows.”

City of Ely Council – 25 January 2022

States: “The City of Ely Council has no concerns with regards to this application.”

City of Ely Council - 6 September 2022

States: “The City of Ely Council had no concerns regarding the amendments to this application.”

Waste Strategy (ECDC) – 6 April 2022

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

- I would ask that the waste presentation point be put along the main highway, either Market Street or Newham Street as it would be very difficult for the dust carts to enter and turn in the backstreet.

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.”

Waste Strategy (ECDC) – 6 July 2022 (in an email to the Applicant)

States: “I spoke to our team this morning, as collections are happening from the rear of the flats at the moment, we are happy to continue with that rather than they bring the bins to Newham Street.”

Cllr. Liz Every (Ward Councillor for the Ely East Ward) – 3 November 2022

States: ““There is a great need for small flat living accommodation in the centre of Ely. This application is for additional flats behind flats in Market Street already owned by the applicant and will add 3 flats to our housing stock in an infill site. It is being called in for the Planning Committee to determine if the benefits outweigh any issues of possible harm.”

Consultee For Other Wards In Parish - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

CCC Growth & Development - No Comments Received

Building Control - East Cambridgeshire District Council - No Comments Received

- 5.2 A site notice was displayed near the site on 6 January 2022 and a press advert was published in the Cambridge Evening News on 13 January 2022.
- 5.3 Neighbours – 9 neighbouring properties were notified and the responses received are summarised below. Full copies of the responses are available on the Council’s website.

Objecting (9 comments)

- Concerns over air conditioning unit and noise;
- Poor quality of plans – do not show Woolpack Yard development windows and doors in relation to proposed development;
- Concerns over building work, vehicles and disruption;
- Concerns over loss of privacy for Woolpack Yard residents;
- Loss of views for Woolpack Yard development;
- Affects public views / loss of views to Cathedral;
- Highway safety and dangerous for those using mobility scooters/limited mobility;
- Loss of privacy;
- Noise sensitive;
- Over bearing;
- Over looking;
- Affects right of access;
- Affects right of way;
- Over shadowing
- Parking and turning, narrowness of the access roadway;
- Increased traffic;
- Pollution issues, dust;
- Loss of daylight and sunshine;
- Privacy lost when outside gardening or sitting outside the flat(s);
- Concerns over electronic gates and noise
- Concerns over access for ambulance services;
- Concerns over deliveries;
- Concerns over fire access for proposed development;
- Queries over bin store placement;
- Incorrect notification of Sanctuary Housing;
- Loss of light to private garden areas;

- Removal of designated parking space;

Support (2 comments)

- Chronic shortage of rental properties within Ely;
- Ideal starter homes;

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2 Locational strategy
GROWTH 3 Infrastructure requirements
GROWTH 5 Presumption in favour of sustainable development
HOU 2 Housing density
ENV 1 Landscape and settlement character
ENV 2 Design
ENV 4 Energy and water efficiency and renewable energy in construction
ENV 7 Biodiversity and geology
ENV 8 Flood risk
ENV 9 Pollution
ENV 11 Conservation Areas
ENV 14 Sites of archaeological interest
COM 2 Retail uses in town centres
COM 7 Transport impact
COM 8 Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide
Contaminated Land
Flood and Water
Natural Environment
Climate Change
Ely Conservation Area Appraisal

6.3 National Planning Policy Framework 2021

2 Achieving sustainable development
4 Decision-making
6 Building a strong, competitive economy
7 Ensuring the vitality of town centres
8 Promoting healthy and safe communities
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

Technical Housing Standards – Nationally Described Space Standards (March

2015)

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

7.3 The application site lies wholly within the development envelope for Ely, where Policy GROWTH 2 of the ECDC Local Plan 2015 seeks to permit development, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.

7.4 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 As set out within the Design Guide SPD, back-land development such as that proposed will only be considered to be acceptable if the following criterion are met:

- Back land development (one dwelling built behind another) will only be acceptable if supported by a contextual analysis of the locality (particularly with reference to the point below about large houses);
- There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway;
- Adequate protection against noise and disturbance must be provided for the host dwelling;
- Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
- The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;
- There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots.

7.6 Paragraph 119 of the NPPF sets out that, *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy*

living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land." This is caveated by Footnote 47, insofar that this presumption in favour of brownfield development does not apply "where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity."

- 7.7 Whilst not located within the defined town centre, Paragraph 86(f) of the NPPF sets out that planning policies should *"recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites."*
- 7.8 Following a contextual analysis of the application site and surrounding development, it is considered that the introduction of development in this location would not be uncharacteristic for this area of Market Street. There are number of dwellings and buildings 'in-depth' to the rear of Market Street, and dwellings are commonplace above retail units. The compliance of the proposals with the other criterion as stipulated within the Design Guide SPD will be discussed elsewhere within this report.
- 7.9 The proposed development is therefore acknowledged to comprise residential infill in a sustainable location adjoining the town centre boundary, and by virtue of its location has the potential to support the vitality of the town centre. On this basis, the Local Planning Authority (LPA) consider the principle of the proposed development is acceptable and accords with the general thrust of the policies of the Local Plan 2015, the Design Guide SPD and the NPPF on a locational basis.
- 7.10 The proposed dwellings would be liable to the Community Infrastructure Levy (CIL), and this payment would be in line with Policy GROWTH 3 and the Developer Contributions SPD.
- 7.11 With regard to the loss of the existing cold store to the rear of No.30 Market Street, this loss and change of use is not considered to conflict with the objectives of Policy COM 2 in retaining retail uses within the town centre boundary. As part of the city's primary shopping frontage, No.30-36 Market Street are being retained as retail units. The loss of the small cold store is not considered to impinge upon the function of these retail units, measuring less than c.4 square metres, and is considered to result in a negligible loss of retail floorspace.
- 7.12 Notwithstanding the above, for the reasons to be set out within the following section of this report, it is not considered that the development proposal accords with the objectives of the Local Plan 2015 or NPPF in terms of securing a healthy living conditions and improving the social conditions in the area.
- 7.13 On the above basis, whilst the principle of the proposed development is considered to be generally acceptable on a locational basis, for the reasons to be set out within the following section of this report, the proposed development is not considered to be acceptable in principle in accordance with Policies GROWTH 2 and GROWTH 5 of the EDC Local Plan 2015 and the guidance contained within the National Planning Policy Framework.

7.14 Residential Amenity

7.15 Policy ENV 2 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. Paragraph 130 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. The impacts of the proposed development on separate existing and prospective occupiers is discussed in turn as follows.

Residential Amenity for Prospective Occupiers of the Proposed Flats

- 7.16 The proposal includes the provision of four flats (3 x 1-bedroom flats and 1 x studio flat). Flats 1 – 3 measure c.42 sqm internally (c.452 sqft) and Flat 4 measures c.29 sqm internally (c.312 sqft ft).
- 7.17 Within the submitted Planning Statement, it is stated that all flats (with the exception of the proposed studio) will satisfy the requirements of the Nationally Described Space Standards (NDSS) (March 2015) for a single occupancy, single storey development, this being 37sqm (c.398 sqft). Whilst all drawings show a double bed (thereby suggesting double occupancy), this cannot be presumed, and therefore the minimum 37sqm standard is considered to be the accepted baseline.
- 7.18 Whilst Flat 4 falls below the baseline size expected for a single occupancy flat, it is acknowledged that it is a studio apartment not reflected within the NDSS. However, it should also be noted that elsewhere in Government Legislation, namely the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no permitted development rights are afforded to a change of use that would result in the creation of a dwelling of less than 37sqm (c.398sqft). The proposed development is therefore considered to result in the provision of a dwelling of a sub-standard level of accommodation that weighs against the application.
- 7.19 The NDSS is nevertheless a material consideration in the decision-making process, but does not form part of a specific policy within the Local Plan 2015. Compliance with the NDSS is therefore expected, but not mandated by policy. Whilst the provision of a sub-standard level of accommodation therefore weighs against the application, it would be unreasonable for the LPA to refuse the application on this basis.
- 7.20 It is acknowledged that the driving force of the development proposals is to provide compact accommodation within the city centre, and it has been demonstrated that, whilst falling below the accepted minimum standard, all flats could provide an acceptable level of internal amenity.
- 7.21 The proposed flats will benefit from a communal landscaped courtyard and this is considered to be a high quality and acceptable level of shared amenity space for the proposed flats within the city centre.
- 7.22 The ground floor flats will also benefit from an acceptable level of defensible space around the ground floor windows to protect the residential amenity of prospective

occupiers. It is further acknowledged that the site is not publicly accessible, and this will limit the amount of pedestrian and vehicular traffic in close proximity to the proposed development.

- 7.23 On the above basis, the proposed flats are considered to benefit from an acceptable level of internal and external residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015 and the NPPF.

Impacts of the Proposed Development on Market Street Residential Occupiers

- 7.24 For the purposes of this assessment, 'Market Street residential properties' is taken to include No.26 Market Street; No.28 Market Street; the flats above No.30-36 and 38 Market Street; and 40 Market Street. These are the immediate residential properties adjoining the application site along Market Street.
- 7.25 The proposed Flat 4 (conversion of the existing ground floor store to No.30 Market Street) is not considered to result in any significantly detrimental residential amenity effects upon surrounding Market Street residential properties in terms of overlooking, overbearing, overshadowing, loss of light or loss of privacy by virtue of its location and design.
- 7.26 The proposed flat block (Flats 1 – 3) in its revised form is not considered to result in any significantly detrimental residential amenity effects upon the nearby Market Street residential properties in terms of overshadowing, overbearing, overlooking, loss of light and loss of privacy by virtue of its siting, scale and design.
- 7.27 The modest scale of development along the shared western boundary with No.40 Market Street in particular is considered to preclude any detrimental impacts in terms of overbearing, overshadowing or loss of light to No.40 Market Street and its rear private amenity space. The high level roof lights will also preclude any significantly detrimental overlooking of this rear amenity space.

Impacts of the Proposed Development on Woolpack Yard Development

- 7.28 For the purposes of this assessment, 'Woolpack Yard development' is taken to include the south/south-west facing residential flats across three-storeys immediately adjoining the application site to the north. This includes the outdoor amenity space and footpath associated with the development.
- 7.29 During consideration of the application, the Applicant's agent was advised of concerns regarding the proximity and scale of the proposal to the Woolpack Yard development.
- 7.30 This concern related specifically to the northernmost two-storey element of the proposed flat block. This element of the flat block is proposed to be located c.4.4 metres (c.14.1 feet) from the south/south-west facing elevation of the Woolpack Yard development, and c.50 centimetres (c.1.7 feet) from the existing mesh fencing of the outdoor amenity space associated with this development. These measurements are taken at their closest points to the Woolpack Yard development, with the widest point of separation measuring c.4.8 metres (c.15.7 feet).

- 7.31 In response to Officer concerns, the Applicant provided amended plans altering the roof form of the proposed two-storey element of the flat block, as well as a sun study. Whilst the revision has made a minor change to the overall massing of the proposed development, it is not considered to have resulted in a meaningful improvement to the relationship of the proposal with the Woolpack Yard development. This is particularly given that the overall scale and proximity of the proposed development has not been reduced from that originally proposed.
- 7.32 The introduction of the proposed development in its revised form is still considered to physically enclose the Woolpack Yard development, significantly impinging upon the residential amenity of the habitable space within the ground floor and first floor flats within the existing Woolpack Yard development, as well as those residents who benefit from the outdoor amenity space immediately adjoining the application site to the north.
- 7.33 It is considered that, by virtue of the proposed development's proximity and scale to the main outlook and habitable windows (and patio doors) to the Woolpack Yard development, there would be significantly detrimental residential amenity effects upon the occupiers of the Woolpack Yard development in terms of overbearing; oppressive development and poor outlook.
- 7.34 This concern also extends to the proximity of the proposed development to the outdoor amenity space used by the Woolpack Yard residents. It is acknowledged that the outdoor amenity space is communal and currently separated from the application site by a low level mesh fence; it cannot therefore be argued that this space is entirely private. Nevertheless, this space is used by the residents of the Woolpack Yard development, as evidenced by visits to the site and from responses received from the residents themselves. It is considered that the construction of the proposed two-storey flat block in such close proximity to the outdoor space contributes to the enclosure of this space through the introduction of an overbearing and oppressive form of development, impinging upon the enjoyment of this space for the occupiers of the Woolpack Yard development.
- 7.35 There are also significant concerns with the accuracy of the submitted sun studies, which differ between the spring and autumn equinoxes (March and September); this should not be the case. There are also concerns with the sun studies, given that they appear to show a notable reduction in the shading of the Woolpack Yard development when the development is constructed. With the exception of the removal of the single-storey outbuildings, there appears to be no other element of the proposals that would warrant the notably drastic improvement in the shading of the Woolpack Yard development. On the basis of the potentially significant inaccuracies of this study, there is still substantial concern over the potential for the proposed development to result in greater and potentially significantly detrimental overshadowing and loss of light to the Woolpack Yard development.
- 7.36 The Applicant has put forward an argument to suggest that there is a great need for smaller flatted accommodation within the City of Ely, and whilst no formal evidence has been put forward to corroborate this, the provision of these flats should not come at the expense of the residential amenity of existing occupiers of established smaller flatted accommodation.

- 7.37 It is also important to recognise that the Woolpack Yard development comprises assisted living for older individuals. An overarching objective of local and national policies is for new development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; there is therefore no presumption that specialist accommodation should enjoy any lower levels of residential amenity than the market dwellings proposed.
- 7.38 The creation of sub-standard accommodation is not supported by any local or national policy.
- 7.39 The Applicant's agent has also put forward in discussion that the Woolpack Yard development affected by the proposed development benefits from additional windows within its western elevation to lessen the impact of the proposals. This argument is not considered to be acceptable in this instance. On the basis of site visits and correspondence from residents of the Woolpack Yard development, the western facing side windows are considered to be secondary windows to the Woolpack Yard development, with the southern facing windows forming the main primary outlooks.
- 7.40 During discussions on the application, the removal of the existing outbuildings within the application site and their impact on the Woolpack Yard development was also considered. However, it is not considered that the removal of the northernmost single-storey brick outbuilding can be used to off-set the impacts of the proposed two-storey development on the Woolpack Yard development, insofar that the massing of the proposed development and existing brick outbuilding is not considered to be comparable; the proposed development is almost twice the width of the existing brick outbuilding, and over 2 metres (c.6.6ft) taller.
- 7.41 Members are advised that Officers are not objecting to the principle of providing smaller flatted accommodation within the application site. Indeed, the Applicant was encouraged to consider removing a unit of accommodation in an attempt to address Officer concerns on a number of occasions. Such a revision has not been forthcoming.
- 7.42 The introduction of the proposed development in such close proximity to the Woolpack Yard development is therefore considered to be entirely contrary to the objectives of the Local Plan 2015 and the NPPF in ensuring no significantly detrimental effects on the residential amenity of nearby occupiers; providing healthy and safe communities; well-designed and beautiful places; and development that support communities' health and social well-being. The proposal is considered to be in direct conflict with the objectives of Policy ENV 2 of the EDC Local Plan 2015 and the guidance contained within the NPPF by virtue of its siting, scale and design.
- 7.43 Character and Appearance
- 7.44 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the

East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

- 7.45 Policy ENV 11 of the ECDC Local Plan 2015 requires that proposed development within a Conservation Area be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.46 Policy ENV 14 states that, development proposals at or affecting all sites of known or potential archaeological interest will not be permitted where the proposals would cause substantial harm to new or known nationally important sites.
- 7.47 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.48 The East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres (3229sqft), the footprint of any proposed development should be no more than approximately one third of the plot size and rear private amenity space should be 50sqm (538sqft).
- 7.49 The recent updates to the National Planning Policy Framework (July 2021) have also resulted in a higher bar being set for design, whereby all development should seek to achieve beautiful, high-quality, well-designed and sustainable buildings.
- 7.50 With regard to plot density and the impact this would have on the character and appearance of the area, it is acknowledged that development to the rear of Market Street has grown organically, meaning that plot sizes and density are varied. Development along Market Street extends linearly to the north, with associated extensions and outbuildings. The introduction of the application proposals is not therefore considered to be uncharacteristic of the pattern of development within this area of Market Street.
- 7.51 The proposed development is considered to represent a high quality design, that respects and enhances the character and appearance of the area. As acknowledged within the submitted Design Statement, the proposed flat block follows the linear pattern of existing development along Market Street which extends back into the application site, and respects the overall scale, massing and form of the properties front Market Street in its width and scale.
- 7.52 By virtue of the site's location, the proposed development would be screened from view along Market Street by existing development. Whilst there are breaks in development along Market Street, given the scale of the proposed development and depth of existing development along Market Street, views of the proposed scheme are unlikely to be afforded.

- 7.53 The proposed development would be visible from Newnham Street given breaks in development within the street-scene. Notwithstanding, existing development is currently visible behind development along Newnham Street, and the introduction of additional development is not therefore considered to be inherently harmful or enclose important views. Indeed, by virtue of its design, siting and scale, the proposed development is considered to enhance the street-scene and the character and appearance of the area.
- 7.54 With regard to the heritage impacts of the proposed development, as noted within the Conservation Officer's formal consultation comments, historically there is no precedent for service buildings to the rear of Market Street. However, the Conservation Officer notes that the form, scale and architectural language of the proposed development is commensurate to that of buildings characteristically found in such back-land locations.
- 7.55 It is acknowledged that the site itself, whilst not untidy, is a by-product of multiple extensions and developments along Market Street, resulting in the introduction of a collection of utilitarian outbuildings and a patchwork of hard landscaping and boundary treatments.
- 7.56 The proposed development is therefore considered to result in a net enhancement to the Conservation Area, by introducing a high quality and comprehensively designed development proposal. This aligns strongly with the objectives of Policy ENV 11. The proposed development is not considered to have any impact upon the setting or significance of Ely Cathedral.
- 7.57 The detailed materials of the proposed flat block have not been provided with the application itself, and it is critical that these are of a high quality to ensure the successful delivery of a high quality scheme. The indicative materials shown are considered to be generally acceptable in their assimilation with existing development. Nevertheless, specific materials would need to be secured via a condition upon any grant of planning approval, as well as specific details of external doors and windows to ensure this quality is universal throughout the development.
- 7.58 With regard to archaeological heritage assets, the County Council Historic Environment Team raise no objections to the proposed development, subject to a pre-commencement condition being imposed to secure an archaeological investigation within the application site. This is a standard conditional approach for areas of high archaeological potential, such as the application site, and the development proposals are therefore considered to be acceptable subject to the imposition of such a condition in accordance with Policy ENV 14 of the ECDC Local Plan 2015 and the NPPF.
- 7.59 For the above reasons, the introduction of the proposed development is considered to result in a complementary form of development that enhances the character or appearance of the area, and would provide a net enhancement to the setting and significance of the Ely Conservation Area. The proposals are therefore considered to comply with Policies ENV 1, ENV 2, ENV 11, ENV 14 and HOU 2 of the ECDC

Local Plan 2015, the Design Guide SPD, the Ely Conservation Area Appraisal and the NPPF.

7.60 Highways, Parking and Access

- 7.61 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 requires proposals to provide safe and convenient access to the highway network. Section 9 of the NPPF seeks to secure sustainable transport.
- 7.62 The application site is currently used for the informal parking of staff vehicles associated with the retail uses within 30-36 Market Street. Four parking spaces have been formally shown on the submitted plans to serve the retained retail uses.
- 7.63 Within the Applicant's Planning Statement, it is clarified that the two businesses currently each benefit from two parking spaces within the application site (four in total). The application proposals therefore seek to re-provide this provision, and on the basis of the requirements set out within Policy COM 8, this level of parking is considered to be acceptable.
- 7.64 Comments from No.32 Market Street have advised that the proposed development would preclude their use of an allocated parking space for their flat. It is considered that this is a land ownership matter outside of the formal planning application process.
- 7.65 The proposed development is to be a car-free development. Policy COM 8 states that: *"In appropriate circumstances, parking standards may be relaxed in order to reflect accessibility of by non-car modes, and/or if lower levels of provision would protect or enhance the character of Conservation Areas or other sensitive locations. Car free development may be considered acceptable where there is clear justification having regard to the location and the current and proposed availability of alternative transport modes."*
- 7.66 It is accepted that, on the basis of the size of the dwellings; their central location within the City of Ely and its services; and their proximity to a high number of alternative modes of transport, the principle of a car-free development is acceptable within the application site. It is also to be noted that a secure cycle store is denoted on the plans for the benefit of prospective occupiers. Whilst specific details of the cycle store have not been put forward, these could be secured via a condition.
- 7.67 The Local Highways Authority have provided comments on the application, raising concerns over the visibility splays of the access onto Newnham Street should there be a marked increase in vehicle trips to the site; space for delivery vehicles; and requested that the Waste Team, Building Control and Fire and Rescue Service be consulted.
- 7.68 As a car-free development, there is to be no increase in vehicle movements associated with the site with the exception of deliveries to the proposed flats. The four parking spaces for the retained retail uses are to be retained, and therefore

vehicular movements associated with the retail uses are expected to remain unchanged.

- 7.69 With regard to deliveries, there are existing dwellings above No.30-36 Market Street, and it is expected that the delivery arrangements for the proposed dwellings will be comparable to these existing properties.
- 7.70 The Waste Team have raised no objections to the proposed development in terms of collection of waste from the proposed dwellings in an email to the Applicant's agent dated 6th July 2022. This is on the basis that waste collections are already being made behind the properties along Market Street, meaning that this relationship can continue so as to serve the proposed development.
- 7.71 Building Control and the Cambridgeshire Fire and Rescue Service have been consulted on the application, and have not provided any comments.
- 7.72 Concerns have been raised by residents of the Woolpack Yard development regarding highway safety and vulnerable individuals or those of impaired mobility. Concerns have also been raised in relation to emergency service access. For the reasons outlined above, it is expected that the vehicle movements associated with the proposed development are to be comparable to those existing, with the exception of a slight increase in deliveries to the site. Emergency vehicle access to Woolpack Yard remains unchanged. It is not therefore considered that the proposed development would result in an increased risk to highway or pedestrian safety, or access for emergency services, to warrant a reason for refusal on this basis.
- 7.73 For the above reasons, the proposals are not considered to result in any adverse highway safety concerns, and the proposals are therefore considered to be compliant with Policies COM 7 and COM 8 of the ECDC Local Plan 2015 and the NPPF.
- 7.74 Ecology, Trees and Biodiversity
- 7.75 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance 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. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 7.76 The Natural Environment SPD also requires that all new development demonstrates a biodiversity net gain (Policy NE.6).
- 7.77 The application site comprises existing hard-standing and a number of outbuildings.

- 7.78 The submitted Preliminary Ecological Appraisal (PEA) concludes the following: *“The Site comprised man-made habitats of negligible conservation or biodiversity value that do not present a significant development constraint.”*
- 7.79 The submitted PEA also concludes in relation to fauna: *“With the exception of the potential presence of small numbers of nesting birds using the residential building (not to be affected by the proposed Development) the Site was considered to be of negligible value to protected species. 4.4 The buildings proposed for removal to enable development were assessed, in line with best practice guidance, as being of negligible bat roost suitability.”*
- 7.80 The conclusions of the PEA are not disputed by the LPA, and the PEA goes on to set out a number of enhancement opportunities within the application site. These amount to:
- 130 mm square gaps at the base of any replacement or new boundary walls or fences to allow passage of hedgehogs through the Site;
 - The provision of integrated bat roost boxes into new buildings
- 7.81 The enhancement measures are considered to be limited, and it is considered that a full soft landscaping strategy would also need to be secured via a condition to further provided a biodiversity enhancement. It is considered that the site provides sufficient opportunity to facilitate this.
- 7.82 The proposed development would not result in the loss off or impact upon any trees.
- 7.83 Whilst located within the Goose and Swan Functional Land Impact Risk Zone (IRZ), it is not considered that the proposed development would impinge upon the availability of suitable habitat for geese and swan given the nature and location of the application site within the built up development envelope of Ely.
- 7.84 On the above basis, the proposed development is considered to be acceptable in accordance with Policy ENV 7 of the ECDC Local Plan 2015, the Natural Environment SPD and the NPPF subject to securing the identified enhancement opportunities and soft landscaping via appropriately worded conditions.
- 7.85 Flood Risk and Drainage
- 7.86 Policy ENV8 of the Local Plan 2015 makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction.
- 7.87 The application site lies within Flood Zone 1 and is therefore at the lowest risk of flooding and where residential development should be focused.
- 7.88 No details of the proposed foul or surface water details have been submitted with the application proposals. As such, a condition would need to be imposed to secure these details. The Planning Statement submitted with the application

proposals accepts that such a condition would be necessary upon any grant of consent.

- 7.89 For these reasons, subject to the imposition of an appropriately worded condition, the proposals are considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan and the Flood and Water SPD.
- 7.90 Other Material Matters
- 7.91 The Environmental Health Officer has recommended the imposition of a site investigation for contamination on the basis that the end use of the application site is susceptible to contamination. Within the submitted Planning Statement, it is acknowledged that such a condition would likely be necessary upon any grant of consent. Subject to the imposition of a site investigation condition, the proposal is therefore considered to be acceptable in accordance with Policy ENV 9 of the ECDC Local Plan 2015.
- 7.92 The Environmental Health Officer has also recommended the imposition of conditions upon any grant of consent relating to a restriction upon hours of construction; a restriction upon ground piling; the provision of a Construction Environmental Management Plan (CEMP); and a control over the noise limits from the proposed Air Source Heat Pump (ASHP). All conditions are considered necessary in the interests of residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015.
- 7.93 The Council's Climate Change SPD supports Policy ENV 4 of the ECDC Local Plan 2015 in improving efficiency during construction and in development proposals. As the total number of units proposed does not total five or more, there is no policy requirement for a detailed energy strategy. Notwithstanding, it is acknowledged that the proposals are located in a sustainable location and would benefit from an ASHP to provide a renewable form of energy generation. Subject to conditions, the proposals could also include the provision of a biodiversity net gain and sustainable drainage measures. On this basis, the proposals are considered to satisfy the above policies given the scale of the development proposed
- 7.94 In the neighbour comments received, concerns were also raised over the accuracy and quality of the submitted plans and the number of individuals notified. Whilst the plans do not show the relationship of the proposed development with the habitable windows of the Woolpack Yard development, visits to the site have informed Officer opinions of this relationship. It is also relevant that a meeting with the Woolpack Yard residents was offered by the case officer on a number of occasions. However, no meeting was formally accepted by Woolpack Yard residents and did not therefore take place. Notwithstanding, it is considered that the notification and advertisement of the application has been sufficient in line with standard practice.
- 7.95 The impact of the proposed development over loss of views of the cathedral has been raised by residents of the Woolpack Yard development. This is however not a material consideration in the decision-making process.

7.96 Planning Balance

- 7.97 The application site is located within the development envelope for Ely, and proposes the erection of a detached flat block, as well as the conversion and extension of an existing store, to form the creation of four flats. Whilst the principle of the proposed development in a sustainable location is considered to be acceptable on a locational basis, the proposals are considered to result in significantly detrimental residential amenity effects upon the existing and prospective occupiers of the Woolpack Yard development. This is by virtue of the scale and proximity of the proposed development to the Woolpack Yard development, which is considered to result in an overbearing and oppressive form of development that results in a loss of outlook for occupiers of the Woolpack Yard development, and loss of amenity to the communal outdoor amenity space. This is contrary to the objectives of Policies GROWTH 2, GROWTH 5 and ENV 2 of the ECDC Local Plan 2015 and the guidance contained within the NPPF.
- 7.98 On the basis of the potential significant inaccuracies of this study. Therefore, there is still substantial concern over the potential for the proposed development to result in greater and potentially significantly detrimental overshadowing and loss of light to the Woolpack Yard development. This is considered therefore to be contrary to the objectives of ENV 2 and the NPPF in protecting residential amenity of existing and prospective occupiers.
- 7.99 Whilst there are a number of benefits to the application proposal, the proposed development seeks to introduce additional smaller flatted accommodation at the cost of the residential amenity of existing smaller flatted accommodation. It is not therefore considered that these benefits outweigh the significantly detrimental residential amenity effects upon the residents of the Woolpack Yard development. It is also important to acknowledged that the proposed development provides a unit of accommodation that is not fully compliant with the national requirements for minimum internal space standards, which is considered to weigh against the application proposals.
- 7.100 The proposal would in all other respects provide a safe and acceptable means of vehicular and pedestrian access and incorporate measures to deliver a biodiversity net. The proposals are also considered to be acceptable in terms of flood risk, drainage, climate change and contamination.
- 7.101 For the above reason, the application is therefore recommended for refusal, on the basis that it fails to comply with the policies contained within the ECDC Local Plan 2015, the adopted Supplementary Planning Documents and the NPPF.

Background Documents

Location

Contact Officer(s)

21/01832/FUL
11/00863/FUL
81/00695/FUL
85/00135/FUL

Holly Chapman
Room No. 011
The Grange
Ely

Holly Chapman
Senior Planning Officer
01353 665555
holly.chapman@eastcambs.gov.uk

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>



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: Ely (01353) 665555
www.eastcambs.gov.uk

Aitus Associates Ltd



This matter is being dealt with by:

Holly Chapman

Telephone: 01353 616360

E-mail: holly.chapman@eastcambs.gov.uk

My Ref: 21/01832/FUL

Your ref

8th December 2022

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

The Council hereby **refuses** the following:

Proposal: Demolition of outbuildings, change of use of cold store, erection of four flats, and associated works
Location: Rear Of 30-36 Market Street Ely Cambridgeshire CB7 4LS
Applicant: Aitus Associates Ltd

The Council hereby refuses permission for the application reference **21/01832/FUL** registered 21st December 2021.

REASONS FOR REFUSAL

- 1 The application proposal seeks to introduce a part single-storey and part two-storey detached flat block in close proximity to the southern/southwestern elevations of the existing flats and outdoor amenity space associated with the Woolpack Yard development. The proposed development is considered to result in significantly detrimental residential amenity effects upon existing and prospective occupiers of this section of the Woolpack Yard development. This is by virtue of the scale and proximity of the proposed development to the Woolpack Yard development, which is considered to result in an overbearing and oppressive form of development that results in a loss of outlook for occupiers of the Woolpack Yard development, and loss of amenity to the communal outdoor amenity space. This is contrary to the objectives of Policies GROWTH 2, GROWTH 5 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 and the guidance contained within the National Planning Policy Framework, which require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers, as well as 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.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The decision to refuse this application was made by Planning Committee on 7 December 2022 having regard to the policies and proposals in the Local Development Plan and all relevant materials considerations, including the NPPF. Planning committee considered the application and the applicant or agent had the opportunity to speak to the committee and promote the application. Unfortunately this was not sufficient to overcome members concerns in regards to residential amenity.



Simon Ellis
Planning Manager

Dated: 8th December 2022

23/00775/FUL

Ridgeway Farm

Common Road

Witchford

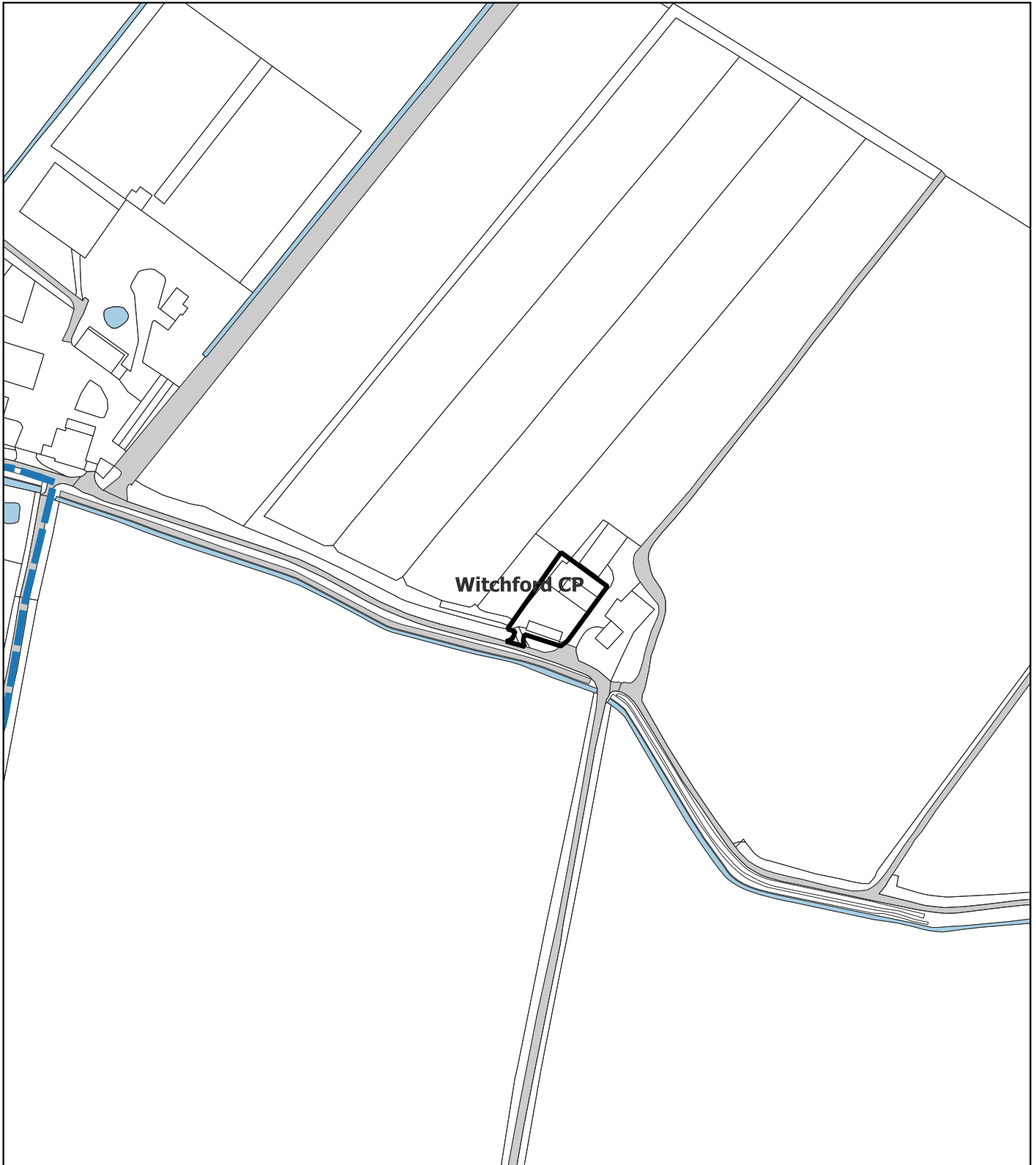
CB6 2HZ

Erection of a dwelling and associated change of use of agricultural land to amenity land

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=RXOTVGGGLXM00>





22/00775/FUL

Ridgeway Farm
Common Road
Witchford



East Cambridgeshire
District Council

Date: 22/09/2023
Scale: 1:2,783



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TITLE: 23/00775/FUL

Committee: Planning Committee

Date: 4 October 2023

Author: Senior Planning Officer

Report No: Y61

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

Site Address: Ridgeway Farm Common Road Witchford Cambridgeshire CB6 2HZ

Proposal: Erection of a dwelling and associated change of use of agricultural land to amenity land

Applicant: Mr M Thompson

Parish: Witchford

Ward: Stretham

Ward Councillor/s: Bill Hunt
Caroline Shepherd

Date Received: 12 July 2023

Expiry Date: 6 October 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application 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 -FUL/FUM/LBC
- 3 Contamination
- 4 Reporting of unexpected contamination
- 5 Piling foundations
- 6 Tree Protection Measures
- 7 Bio Enhance
- 8 Parking, serving, etc
- 9 Soft landscaping scheme
- 10 Hard landscaping scheme

- 11 Boundary
- 12 Sample materials
- 13 Construction times - Standard hours
- 14 Demolition of existing structure
- 15 Permitted Development Removal

2.0 SUMMARY OF APPLICATION

- 2.1 The application proposal comprises the erection of a detached two-storey market dwelling and change of use of agricultural land to residential amenity land/curtilage, following the demolition of the existing agricultural barn.
- 2.2 The site would be served by the existing access, albeit this is proposed to be widened and formalised.
- 2.3 The proposed dwelling is of a traditional design, to be constructed from buff bricks, slates, anthracite windows and doors, bay windows and timber porches, with a gable-end chimney stack. It would measure c. 7.4 metres (c.24ft) to ridge, c.13 metres (c.42.5ft) in depth, c.12.7 metres (c.42ft) in width, and c.5 metres (c.16.5ft) to eaves.
- 2.4 As part of the change of use of agricultural land to residential amenity land, the proposals seek to retain the existing stable block to the front of the existing agricultural building proposed to be replaced. This is to be used incidental to the enjoyment of the proposed dwellinghouse. No changes are proposed to the stable block.
- 2.5 The application is being presented at Planning Committee in accordance with the Council's constitution as it represents a departure from the development plan.
- 2.6 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

22/01123/FUL

Demolition of existing dwelling and construction of replacement dwelling

Withdrawn

14 March 2023

22/00745/ARN

Conversion of machinery storage building to residential dwelling

Grant – Prior Approval

23 September 2022

23/00436/FUL

Erection of a dwelling and associated change of use of agricultural land to amenity land

Refused

6 June 2023

23/00441/FUL

Demolition of existing dwelling and erection of replacement dwelling

Approved

14 August 2023

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises the agricultural buildings associated with Ridgeway Farm, comprising an agricultural barn and a stable block. The site is located outside of the development envelope of Witchford to the north of the village, where residential dwellings within the street-scene are sparse. This development is not located within the conservation area or in proximity to a listed building, and is located within Flood Zone (low risk).

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.

Environmental Health - 19 July 2023

Thank you for consulting us on the above application.

We have commented on a similar application at this site in the past.

Peter will respond separately with his comments concerning the Contaminated Land Study.

I would advise that demolition and construction times and deliveries during the demolition and construction phases 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 Planning Statement advises that the agricultural building will be demolished and an adjacent agricultural building will be relocated as part of this proposal.

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

The Ely Group Of Internal Drainage Board - 25 July 2023

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

If the proposed sewage treatment plant discharges into a watercourse, the consent of the Board is required.

Parish - 3 August 2023

Witchford Parish Council objects to this application. The site is outside village development envelope and contravenes Policy SS1 in the Witchford Neighbourhood Plan. When considered with the other recent applications for development in this location, this constitutes encroachment of residential development into the countryside.

Local Highways Authority - 8 August 2023

On the basis of the information submitted, from the perspective a highway perspective the proposed development is acceptable.

The proposed access, as shown on 23-047933-102-C is acceptable to serve as a means of access to this development. While this access is at the same location as the existing, it will need to be enhanced as the current access is little more than an unmade track.

Within the site suitable provision has been made for parking and vehicle turning.

In the event that the LPA are minded to approve the application, please append the following informative to any consent granted:

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.

Environmental Health - 21 September 2023

Thank you for consulting me on the above proposal. I have read the Phase I Geo-Environmental Desk Study report dated 30th August 2023 prepared by EPS and accept the findings. The report recommends further site investigation to assess any risks that may be present from soils in areas used as hardstanding or under the base of the buildings. I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of planning permission.

Waste Strategy (ECDC) - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

CCC Growth & Development - No Comments Received

Ward Councillors - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

- 5.2 A site notice was displayed near the site on 4 August 2023 and a press advert was published in the Cambridge Evening News on 27 July 2023. No comments were received.
- 5.3 Neighbours – No neighbouring properties were notified given the proximity of the site to existing dwellings and the ownership of the adjoining property, this being within the Applicant's control.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
EMP 4	Re-use and replacement of existing buildings in the countryside
EMP 6	Development affecting the horse racing industry
COM 7	Transport impact
COM 8	Parking provision

6.2 *Witchford Neighbourhood Plan 2020*

WNP SS1 A spatial strategy for Witchford
WNP IC4 Flooding
WNP T1 Getting around the village
WNP GI3 Development and biodiversity
WNP LC1 Landscape and settlement character

6.3 *Supplementary Planning Documents*

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

6.4 *National Planning Policy Framework 2023*

2 Achieving sustainable development
4 Decision-making
6 Building a strong, competitive economy
9 Promoting the use of sustainable transport
11 Making effective use of land
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 considerations for this application are considered to relate to the principle of the proposed development; visual and residential amenity impacts and highways safety. Matters of biodiversity and ecology; flood risk and drainage; and contamination/pollution will also be considered.

Principle of Development

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan is the East Cambridgeshire District Council Local Plan (“Local Plan”), 2015 and due to the site’s location, the Witchford Neighbourhood Plan (“WNP”), May 2020.

7.3 The site is situated well outside of the defined development envelope of the Parish of Witchford and therefore is considered to be in the countryside, as set out within Policy GROWTH 2 of the Local Plan. However, the site also falls within the designated WNP area boundary and therefore the policies within the WNP also form part of the assessment of this proposal.

7.4 Policy GROWTH 2 of the Local Plan states that outside development envelopes, development will be restricted and controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to a limited list of exceptions such as for affordable housing schemes, dwellings for essential rural workers, and re-use and replacement of buildings within the countryside etc, as listed in the Policy. Market housing is not an exception as set out within this policy.

7.5 Policy WNP SS1 of the WNP also states:

“Outside the development envelope, development will be restricted to:

- rural exception housing on the edge of the village where such schemes accord with Policy WNP H2 of this plan;*
- appropriate employment development at the Sedgeway Business Park where such schemes accord with Policy WNP – E2 of this plan;*
- and development for agriculture, horticulture, outdoor recreation, essential educational infrastructure and other uses that need to be located in the countryside.”*

7.6 The proposal seeks to introduce a market dwelling outside of the defined development envelope for Witchford, as well as changing the use of existing agricultural land and building to residential amenity land and an incidental outbuilding. The provision of a market dwelling and change of use of agricultural land to residential curtilage would not accord with the policies contained within the Local Plan or WNP, and the proposal is therefore considered to be in conflict with the Development Plan in this regard.

7.7 However, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, there are material considerations which are afforded weight in the consideration of the application. Whilst the site is outside the Local Plan’s defined

development envelope, it is relevant that part of the application site benefits from an extant Class Q consent for the conversion of the central barn into a dwelling-house. This includes the creation of a curtilage around the barn forming part of the permitted residential use. This consent was established under Class Q of The Town and Country (General Permitted Development)(England) Order 2015 (as amended), which the policies of the Development Plan do not seek to replicate or indeed preclude as they are established at the national level.

- 7.8 The Applicant therefore benefits from an extant and realistic fall-back position which has established the principle of a single residential dwelling within the application site. This extant planning history is afforded significant weight in the determination of the application which is considered to warrant a departure from the Development Plan, which would otherwise seek to restrict residential development in this location.
- 7.9 With regard to the actual replacement of the barn with a new building, Policy EMP4 of the Local Plan 2015 states that the replacement of non-residential rural buildings for residential use will not normally be permitted. This is clarified by the pre-ambles to the policy which states: *“The replacement of rural buildings for residential use will not normally be considered appropriate, in order to minimise impact on the character of the countryside.”*
- 7.10 The policy does not entirely preclude the replacement of existing rural buildings, and for the reasons above and those to be provided below, it is considered that the replacement of the existing barn with a new dwelling-house would result in an acceptable impact upon the character of the countryside, so as to not find conflict with the overall objectives of Policy EMP 4.
- 7.11 The need to demonstrate that a business use of the existing barn is unviable or unrealistic prior to its use as a residential dwelling under Policy EMP 4 is considered to be unreasonable in light of the extant fall-back consent for its residential use.
- 7.12 The re-use and retention of the existing stable block as an incidental building is considered to comply with the overall objectives of Policy EMP 4. The visual impacts of the proposal are to be considered in greater detail elsewhere within this report, and the proposed incidental domestic use is considered to be compatible with the proposed residential use within the site. Whilst Policy EMP 4 seeks for the business use of the building to be explored in terms of its viability or deliverability, it is not considered that the delivery of a business use would be desirable in the context of the residential use proposed given its very close proximity. It is therefore considered more compatible to assimilate the building into the residential use now proposed.
- 7.13 Policy EMP 6 relating to equine development is not considered to be applicable here as the stable block was used in conjunction with an established agricultural use as opposed to equine development.
- 7.14 It is also considered that the retention and re-use of the stable block as an incidental outbuilding precludes the need for further domestic outbuildings to be erected within the curtilage of the proposed dwelling, restricting the further

encroachment of development into the countryside whilst retaining a rural building commensurate with rural character of the area.

- 7.15 With regard to the enlargement of the domestic curtilage of the proposed dwelling beyond that established under the Class Q consent, it is acknowledged that this would result in further encroachment into the countryside, and would be in conflict with GROWTH 2 of the Local Plan and Policy WNP SSI of the WNP, insofar as the policies do not allow for enlargement of domestic curtilages within the countryside.
- 7.16 However, it is considered that the extant fall-back position of a Class Q dwelling is a material consideration of substantial weight to warrant a departure from GROWTH 2 in terms of allowing the creation and/or the enlargement of the domestic curtilage as proposed. This being that the extant fall-back position has created a residential use and curtilage within the countryside otherwise not permitted by the Development Plan. Further to this, it is also acknowledged that the curtilage consented under the Class Q application is disproportionate to that conventionally expected for rural dwellings, allowing currently for the parking of two vehicles and no private amenity space. An enlargement to this curtilage is therefore considered a betterment to future occupiers of the prospective dwelling in terms of residential amenity.
- 7.17 With regard to the curtilage proposed, it is considered to be physically well-enclosed by existing built form (this being the existing barn to be replaced and stable block), as well as the existing (and consented replacement) dwelling to the east. The curtilage would be commensurate to that of a rural dwelling, and indeed that of the adjoining dwelling to the east. It is considered that the proposed domestic curtilage would not result in significantly detrimental harm to the character and appearance of the countryside,
- 7.18 In accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004 (as amended), whilst the proposed development is contrary to Policy GROWTH 2 of the Local Plan and Policy WNP SS1 of the WNP Development Plan by virtue of its siting outside of the defined development envelope of Witchford, the extant fall-back consent for a residential dwelling in this location (established under LPA Ref. 22/00745/ARN) is considered to result in an overriding material consideration of significant weight that would warrant a departure from the Development Plan in this particular instance. For the reasons provided above and in subsequent sections of this report, the proposed development is also considered to protect, conserve and enhance the character and appearance of the countryside, satisfying a key objective of Policy GROWTH 2 of the Local Plan.

Character and Appearance

- 7.19 In terms of visual amenity, Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Policy ENV2 requires all development proposals to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.

- 7.20 Policy EMP 4 of the Local Plan relating to retention of rural buildings also sets out stipulations relating to permanence of construction; relationship of the building with its surroundings; and impact of the proposed use of the building upon the character and appearance of the building and/or locality.
- 7.21 Paragraphs 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.
- 7.22 Policy WNP LC1 of the Witchford Neighbourhood Plan states that “development proposals shall respect and not adversely impact upon the key views from the edge of Witchford village out into the countryside and the views from the countryside into the Witchford village”.
- 7.23 Policy WNP H3 of the Witchford Neighbourhood Plan states that “All residential development schemes will be expected to achieve high quality design and a good standard of amenity for all existing and future occupants of land and building. Schemes shall complement and enhance local distinctiveness and character by retaining or enhancing the special qualities of Witchford and its setting (as described in the Witchford Landscape Appraisal). All residential development shall contribute positively to the quality of Witchford as a place.”
- 7.24 The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions.
- 7.25 The proposed dwelling is traditional in its design, and is visually similar in its appearance to the dwelling proposed adjacent under LPA Ref. 23/00441/FUL. Whilst taller than the approved Class Q barn conversion, the proposed dwelling is more compact in its overall floor area.
- 7.26 It is considered that the design of the dwelling is acceptable on balance, and its design is considered to have a neutral impact upon the character and appearance of the countryside. Details of materials would need to be secured by way of a condition.
- 7.27 As above, the proposed change of use of the land to form domestic curtilage is considered to have an acceptable impact upon the character and appearance of the countryside, given its existing enclosure and the surrounding development. The proposed area of curtilage is a mixture of hard-surfacing, rubble and agricultural machinery, and whilst the use of this area as domestic curtilage would likely result in a formalisation of this space, it is considered that this would result in a negligible amount of urbanisation so as to result in significantly detrimental harm to the character and appearance of the countryside.
- 7.28 The retention and re-use of the stable block is considered to comply with the objectives of Policies ENV 1, ENV 2 and EMP 4 of the Local Plan and WNP H3 of the WNP insofar that it represents an established and acceptable incursion into the countryside which is part-and-parcel of the established agricultural and rural landscape.

- 7.29 The proposed dwelling and its associated curtilage and retention of the stable block is also considered to generally respect the natural hierarchy across the original farmstead by virtue of the site's size and the outbuildings afforded to it. The relationship of main farmhouse and ancillary farm buildings is generally retained by the proposed development.
- 7.30 The retained stable block for use as an outbuilding incidental to the enjoyment of the dwellinghouse proposed is considered to be of an ample size to meet the domestic needs of the property. Given the rural location of the application site, and the existence of this outbuilding, it is considered that a control of permitted development rights for outbuildings would be pertinent to prevent further physical encroachment into the countryside. Similarly, a control over extensions to the dwelling is also considered pertinent for this reason, to avoid an overdevelopment of the site. It is acknowledged that the extant Class Q consent permitted a barn conversion of a larger footprint, but this was a singular, simplified and agricultural form, commensurate with its landscape. To extend the proposed dwelling further could begin to undermine the rural vernacular of the dwelling, as well as introducing a more suburban form which is likely to be incongruous in the street-scene.
- 7.31 For all of the reasons outlined above, it is considered that the proposed development would result in an acceptable and complementary form of development that would protect, conserve and enhance the character and appearance of the area and wider countryside, and therefore complies with the objectives of Policies ENV 1, ENV 2 and EMP 4 of Local Plan, Policy WNP H3 and WNP LC1 the Witchford Neighbourhood Plan and the NPPF.

Residential Amenity

- 7.32 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. 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.
- 7.33 As above, Policy WNP H3 of the WNP also sets expectations for all residential development to provide a good standard of amenity for all existing and future occupants of land and building.
- 7.34 With consideration given to the height, scale, siting and window positionings of the proposed dwellings, it is considered that the proposed development would not result in any significant overbearing, overshadowing or overlooking impacts, or any other significant residential amenity impacts, to any neighbouring property. The application site has already secured the principle of one dwelling in this general location and the replacement dwelling is not therefore considered to add significant concerns to amenity.
- 7.35 The proposed dwelling would have in excess of 50m² rear private amenity space, in accordance with guidance contained within the Council's Design Guide SPD.

- 7.36 The Environmental Health Officer has raised no concerns with regard to the siting or nature of the proposal, given that all agricultural buildings are proposed to be removed. The removal of the agricultural building to the north of the application site is outside of the control of this application, given its siting outside of the red line location plan. Notwithstanding, whether the barn to the north is to be retained or removed, the proposed dwelling is considered to benefit from an acceptable level of residential amenity internally and externally by virtue of its siting and scale in relation to the existing barn.
- 7.37 On the basis of the above, the proposed development is considered to comply with the above policy objectives.

Highway Safety

- 7.38 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two parking spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 require proposals to provide safe and convenient access to the highway network.
- 7.39 Policy WNP T1 of the Witchford Neighbourhood Plan states that: *“Development proposals which help to create a more walkable neighbourhood in the village will be supported.”*
- 7.40 Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 7.41 Policy COM 8 of the ECDC Local Plan requires 2 spaces for the proposed dwelling. The application proposals provide well in-exceedance of this level.
- 7.42 The Local Highways Authority have not raised any objections to the proposals, subject to the proposed upgraded existing access to be constructed to Cambridgeshire County Council Highways standards. This could be secured via a condition.
- 7.43 For the above reasons, it is considered that the proposals would accord with the objectives of the above policies.
- 7.44 *Flood Risk and Drainage* – the proposal seeks to replace an existing building in an area of low flood risk (Flood Zone 1). As set out within the Applicant’s planning statement, it is considered that an appropriately worded condition could be imposed to secure an appropriate drainage scheme, as no such details have been submitted with the application. Subject to a condition, the proposal is considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan 2015, Policy IC4 of the Witchford Neighbourhood Plan 2022 and the NPPF.
- 7.45 *Climate Change and Sustainability* – the proposal seeks to introduce a new dwelling. No supporting information has been submitted as to how the proposal would accord with the objectives Policy ENV 4 of the ECDC Local Plan 2015, the Climate Change SPD or the NPPF in seeking to secure low-carbon development.

This weighs against the application proposal but is not considered to warrant a reason for refusal on this basis.

- 7.46 *Biodiversity, Trees and Ecology* – Policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the EDC Local Plan 2015 seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 7.47 Policy WNP G13 of the WNP also states: “Development should avoid adverse impacts on biodiversity and provide net gains in biodiversity by creating, restoring and enhancing habitats for the benefit of species. In doing so, applicants must seek to retain and where possible enhance the network of species and habitats currently present in the parish”.
- 7.48 The Natural Environment SPD Policy SPD.NE6 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.49 The application is supported by an ecological appraisal of the site and buildings, which conclude that the buildings do not support any protected species and that the overall ecology of the application site is poor.
- 7.50 Notwithstanding, the development proposal triggers the above requirement for biodiversity net gain. It is considered the application site presents ample opportunities for securing a significant biodiversity net gain. No information has been put forward to suggest compliance with the above policy requirements for the specific proposals put forwards, and therefore a condition will be imposed for such details to be secured such as in the form of a soft landscaping scheme and biodiversity enhancement scheme. This is considered to be acceptable in order for the proposals to comply with the above policies.
- 7.51 *Contamination and Pollution* – the Scientific Officer has requested that conditions be imposed upon any grant of approval regarding further site investigation and verification regarding contamination.
- 7.52 As the proposals seek to remove the existing agricultural building and erect a new dwelling, this condition is considered to be reasonable.
- 7.53 The Environmental Health Officer has also requested condition restricting construction hours and ground piling in the interests of residential amenity. Given the adjoining occupier this is considered to be reasonable in the interests of protecting residential amenity. On the above basis, the proposal is therefore considered to comply with Policy ENV 9 of the EDC Local Plan 2015 and the NPPF.

Planning Balance

- 7.54 The proposal seeks to introduce a replacement dwelling outside of the defined development envelope for Witchford, which would replace the barn conversion

approved under extant consent LPA Ref. 22/00745/ARN. The proposed development also seeks to provide an enlarged residential curtilage to the proposed dwelling, and retained stable block for use as an incidental outbuilding.

- 7.55 In accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004 (as amended), whilst the proposed development is contrary to Policy GROWTH 2 of the Local Plan and Policy WNP SS1 of the WNP Development Plan by virtue of its siting outside of the defined development envelope of Witchford, the extant fall-back consent for a residential dwelling in this location (established under LPA Ref. 22/00745/ARN) is considered to result in an overriding material consideration of significant weight that would warrant a departure from the Development Plan in this particular instance. For the reasons provided above and in subsequent sections of this report, the proposed development is also considered to protect, conserve and enhance the character and appearance of the countryside, satisfying a key objective of Policy GROWTH 2 of the Local Plan.
- 7.56 The development is considered to be acceptable in all other respects, subject to the recommended conditions contained within Appendix 1 of this report.
- 7.57 The application proposals are therefore recommended for approval on this basis.

8.0 **APPENDICES**

APPENDIX 1 - 23/00775/FUL Conditions

Background Documents

23/00775/FUL
22/01123/FUL
22/00745/ARN
23/00436/FUL
23/00441/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>

APPENDIX 1 - 23/00775/FUL Conditions

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

Plan Reference	Version No	Date Received
047933 001	A	11th July 2023
047933 002	B	18th July 2023
047933 006		11th July 2023
047933 010		11th July 2023
047933 102	C	18th July 2023
047933 107		11th July 2023
047933 111		11th July 2023

- 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 unless otherwise agreed in writing by the Local Planning Authority until an investigation and risk assessment into the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken.

(A) The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. This must be conducted in accordance with Land Contamination Risk Management, Environment Agency 2020. The report of the findings must include:

- (i) A survey of the extent, scale and nature of any contamination;
- (ii) An assessment of the potential risks to:
 - o Human health
 - o Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - o Adjoining land
 - o Groundwaters and surface waters
 - o Ecological systems
 - o Archaeological sites and ancient monuments
- (iii) Where remediation is required, an appraisal of the remedial options, and proposal of the preferred option(s).

(B) Where remediation is required under A(iii), any proposed remediation works shall be carried out in accordance with the approved details before any development takes place unless an alternative timescale is agreed in writing with the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, and prior to first occupation, a verification report must be prepared and approved in writing by the Local Planning Authority.

- 3 REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ENV 9 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 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 and Policy WNP H3 of the Witchford Neighbourhood Plan. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation of any part of the hereby approved development.
- 6 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.
- 7 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the hereby approved development, and thereafter retained.
- 7 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and Policies WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.

- 8 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 23 047933 102 Rev C and thereafter retained for that specific use.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To assimilate the development into its surroundings, and in the interests of protecting and enhancing species, in accordance with policies ENV1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015, the Natural Environment SPD, Policy WNP GI3 of the Witchford Neighbourhood Plan and the NPPF
- 10 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include parking and turning areas. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 10 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and Policies WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no fences, gates or walls shall be erected within the curtilage of the hereby approved dwellinghouse forward of any wall of the dwellinghouse which fronts onto a road, other than those expressly authorised by Condition 7 of this consent.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 12 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 13 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.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 of the Witchford Neighbourhood Plan.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A and E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 16 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.
- 16 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, and Policy WNP GI3 of the Witchford Neighbourhood Plan.

Planning Performance – August 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	130	3	18	40	9	24	36
Determined on time (%)		100% (90% within 13 weeks)	100% (80% within 8 weeks)	95% (90% within 8 weeks)	100% (90% within 8 weeks)	71% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	123	3	15	37	9	24	35
Refused	7	0	3	3	0	0	1

Validations – 94% validated within 5 working days (ECDC target is 80%)

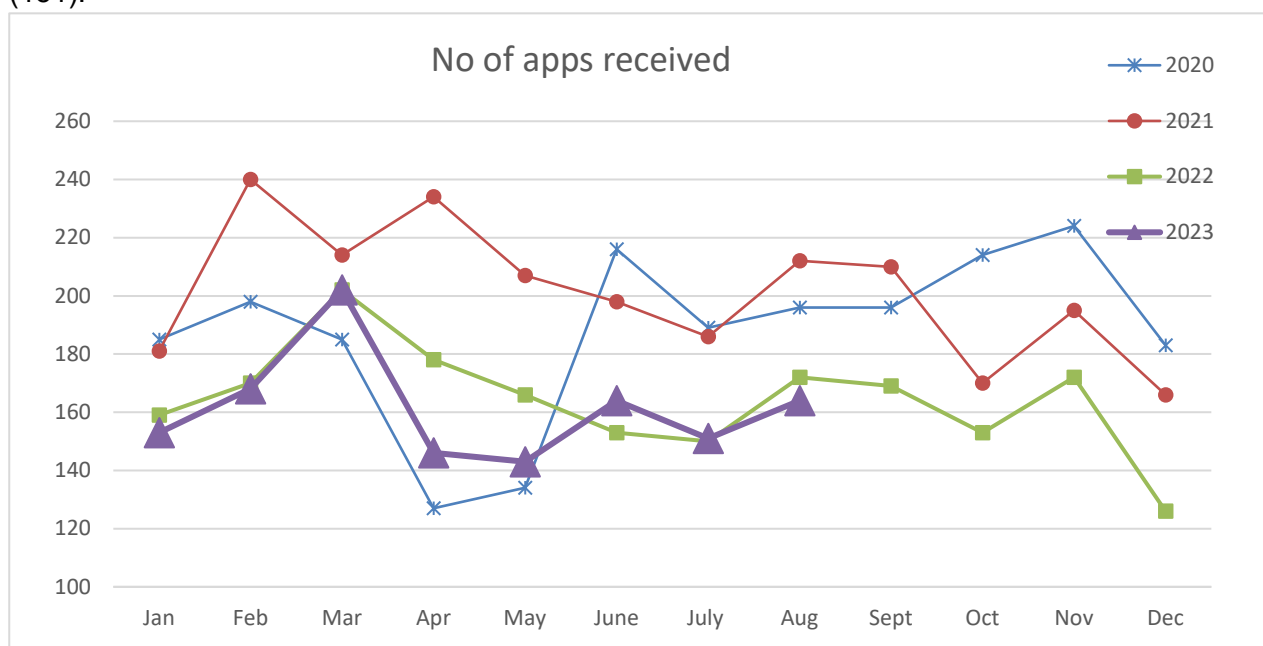
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	142	1	23	27	22	27	43

Open Cases by Team (as at 18/09/2023)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	53	6	10	4	12	21	0
Team 2 (3 FTE)	150	8	43	21	27	31	0
Team 3 (3 FTE)	100	8	24	8	22	38	0
Team 4 (2.8 FTE)	113	4	9	30	29	41	0
No Team (4.4 FTE)	125	19	25	1	15	18	46

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 164 applications during August which is 5% decrease of number received during August 2022 (172) and 9% increase to the number received during July 2023 (151).



Valid Appeals received – 0

Appeals decided – 9

Planning reference	Site address	Decision Level	Appeal Outcome
22/00022/FUL	Lazy Otter Cambridge Road Stretham	Delegated	Dismissed
22/00180/OUM	Land At Cambridge Road Stretham	Delegated	Allowed
22/01097/OUT	Cara Lodge Dullingham Ley Dullingham Newmarket	Delegated	Dismissed
ENFORCEMENT	G T & S E Taylor & Sons 17 Oak Lane Littleport		EN Notice Quashed
ENFORCEMENT	Lazy Otter Cambridge Road Stretham		Dismissed
ENFORCEMENT	Unit 14 17 Oak Lane Littleport		Allowed
ENFORCEMENT	Unit 15 17 Oak Lane Littleport		Dismissed
ENFORCEMENT	Unit 20 17 Oak Lane Littleport		Allowed
ENFORCEMENT	23 Forehill Ely		Dismissed

Upcoming Hearing dates – 1

Planning reference	Site address	Decision Level	Appeal Date
23/00205/OUM (INQUIRY)	Land Rear Of 163 To 187 High Street Bottisham	Non-determination	17/10/2023

Enforcement

New Complaints registered – 18 (0 Proactive)

Cases closed – 9 (1 Proactive)

Open cases/officer (2.6FTE) – 170 cases (16 Proactive)/2.6 = 65 per FTE

Notices served – 0

Comparison of Enforcement complaints received during August

Code	Description	2022	2023
ADVERT	Reports of unauthorised adverts	0	1
COND	Reports of breaches of planning conditions	2	1
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	0
LISTED	Reports of unauthorised works to a Listed Building	0	1
MON	Compliance Monitoring	1	1
OP	Reports of operational development, such as building or engineering works	4	7
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	0	4
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	7	2
TOTAL		14	17