

22/00638/FUM

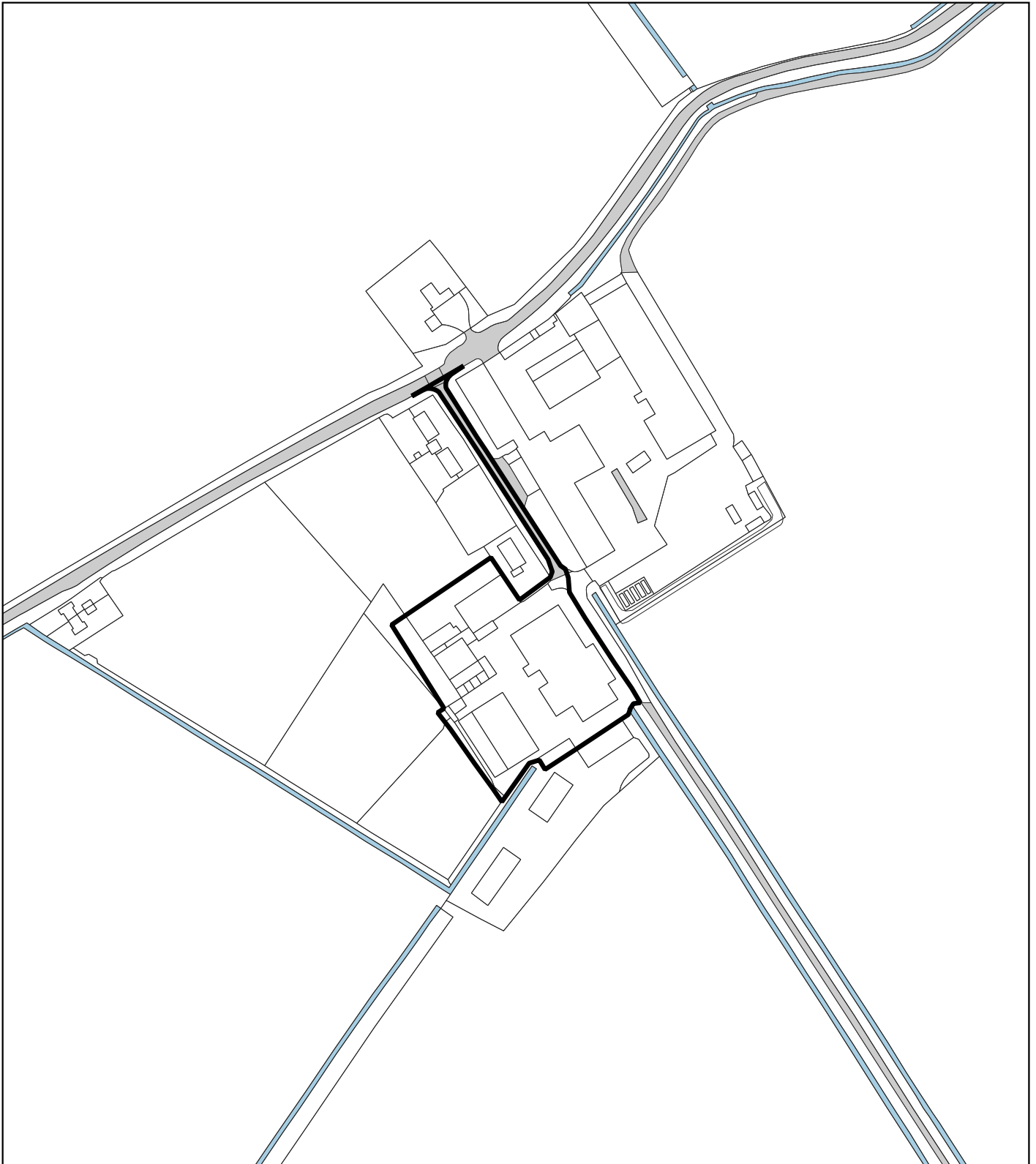
New England Farm
Upper Delph Drove
Haddenham
Cambridgeshire

Change of use of redundant agricultural buildings to provide for Class E, B2 General Industrial and B8 Storage and Distribution including external alterations and associated landscaping, access and infrastructure works

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22/00638/FUM

New England Farm
Upper Delph Drove
Haddenham



East Cambridgeshire
District Council

Date: 11/04/2023
Scale: 1:3,000



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TITLE: 22/00638/FUM

Committee: Planning Committee

Date: 26 April 2023

Author: Senior Planning Officer

Report No: X194

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Site Address: New England Farm Upper Delph Drove Haddenham Cambridgeshire

Proposal: Change of use of redundant agricultural buildings to provide for Class E, B2 General Industrial and B8 Storage and Distribution including external alterations and associated landscaping, access and infrastructure works

Applicant: A.G. Wright & Son (Farms) Ltd

Parish: Haddenham

Ward: Haddenham
Ward Councillor/s: Gareth Wilson

Date Received: 25 May 2022

Expiry Date: 5 May 2022

1.0 RECOMMENDATION

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

- 1 The proposed development seeks to upgrade and change the use of existing agricultural buildings into business use so as to create c.3,730 square metres of new employment floorspace. These buildings are located outside of the development envelope of Haddenham and therefore considered to be countryside. The site falls within the designated Haddenham and Aldreth Neighbourhood Plan area and therefore the policies of the Neighbourhood Area (2022) are relevant. Policy HAD4 of the Haddenham and Aldreth Neighbourhood Plan states that "other suitable new employment proposals within or on the edge of the village will be supported in principle", setting a clear locational requirement for new employment proposals. The proposed development is not considered to be within or on the edge of the village, and

therefore fails to meet this locational requirement. In accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and Paragraph 30 of the National Planning Policy Framework 2021. The policies within the Haddenham and Aldreth Neighbourhood Plan (2022) (including Policy HAD4) take precedence over the non-strategic policies of the East Cambridgeshire District Council Local Plan 2015 (which includes Policy EMP 4) where they are in conflict. In this instance, therefore, the proposed development is contrary to the objectives of Policy HAD4 of the Haddenham and Aldreth Neighbourhood Plan as it fails to deliver sustainable development for the purposes of the Development Plan.

- 2 The proposed development has not appropriately demonstrated how matters of surface water drainage would be dealt with, and therefore could potentially result in unacceptable flood risk. The proposed development is therefore is considered to be contrary to the objectives of Policy ENV 8 of the East Cambridgeshire Local Plan 2015 and Policy HAD15 of the Haddenham and Aldreth Neighbourhood Plan 2022, as well as the NPPF, given that it potentially fails to secure an overall flood risk reduction and could potentially exacerbate surface water flooding elsewhere.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application proposal seeks to retain and re-clad the four existing agricultural buildings within the application site so as to facilitate their conversion into six commercial units falling within Use Classes E(g)(iii) (commercial, business and leisure), B2 (general industrial) and B8 (storage/distribution). The proposed floorspace of each use is set out below:

Building and Area (sqm/sqft)	Proposed Building Use
Building 1 560 sqm / 6028 sqft	Class E(g)(iii) (formerly B1(c) (commercial business and service))
Building 2 392 sqm / 4219 sqft	Class B2 (general industrial)
Building 3 1770 sqm / 19,052 sqft	Class B8 (storage/distribution)
Building 4 1008 sqm / 10,850 sqft	Class B2 (general industrial)
Total c.3730 sqm / 40,149 sqft	

- 2.2 The works proposed to each of the buildings is set out in brief below:

Building and Proposed Works	Proposed Materials
Building 1 – installation of 3x3m (c.10ft x 10ft) roller shutter doors in SE elevation, installation of fire exits, new cladding, replacement of roof, rainwater goods installed.	Roof - Powder coated steel barge boards, profiled powder coated steel roofing, profiled translucent sheets Walls – powder coated steel cladding Entryways – aluminium roller shutter fire

	doors and steel faced exit doors RWGs – powder coated aluminium
Building 2 - installation of 3x3m roller shutter doors in NE elevation, installation of fire exits, new cladding, replacement of roof, rainwater goods installed, removal of redundant open bays.	Roof - Powder coated steel barge boards, profiled powder coated steel roofing, profiled translucent sheets Walls – powder coated steel cladding Entryways – aluminium roller shutter fire doors and steel faced exit doors RWGs – powder coated aluminium
Building 3 - installation of 3x3m roller shutter doors in NE, NW and SW elevations, installation of fire exits, new cladding, replacement of roof, rainwater goods installed, removal of redundant open bays/openings.	Roof - Powder coated steel barge boards, profiled powder coated steel roofing, profiled translucent sheets Walls – powder coated steel cladding Entryways – aluminium roller shutter fire doors and steel faced exit doors RWGs – powder coated aluminium
Building 4 - installation of 3x3m roller shutter doors in SE elevation, installation of fire exits, new cladding, replacement of roof, rainwater goods installed.	Roof - Powder coated steel barge boards, profiled powder coated steel roofing, profiled translucent sheets Walls – powder coated steel cladding Entryways – aluminium roller shutter fire doors and steel faced exit doors RWGs – powder coated aluminium
New Extension for Toilet Block	Roof - Powder coated steel barge boards, profiled powder coated steel roofing. Walls – powder coated steel cladding Entryways – aluminium roller shutter fire doors and steel faced exit doors RWGs – powder coated aluminium

2.3 The application also includes associated development and off-site highway works to ensure safe access. This includes the widening of Upper Delph Drive (from c.3.5 metres to c.6 metres); improvements and widening of the junction of Upper Delph Drive with Hill Row Causeway (A1123) from c.20 metres to c.42 metres; and upgrades to the existing internal access to the site along Upper Delph Drive.

- 2.4 To the site's northern and western boundaries, 1.8 metre (c.6ft) high weld-mesh fencing is proposed.
- 2.5 63 parking spaces (including 3 accessible spaces) and 46 cycle parking spaces are provided within the application site. Six electric vehicle charging points are also included.
- 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

- 3.1 **91/00138/FUL**
Demolition of existing house and garage and replace with new bungalow and garage.
Withdrawn
16 May 1991
- 91/00139/FUL**
Erection of agricultural workers bungalow and garage.
Withdrawn
16 May 1991
- 91/00606/FUL**
Erection of an agricultural workers bungalow and garage
Approved
28 April 1992
- 91/00607/FUL**
Erection of new bungalow and garage following demolition of existing house and garage
Approved
28 April 1992
- 92/00279/AGN**
Steel Portal Framed Extension for General Agricultural Use
Approved
4 May 1992
- 95/00616/AGN**
Erection of steel framed agricultural building to be used for straw storage
Approved
23 August 1995
- 84/00560/FUL**
DEMOLITION OF EXISTING AND ERECTION OF NEW STOCKMAN'S BUNGALOW
Approved
17 August 1984
- 86/00145/FUL**

RESISTING OF BUNGALOW

Approved

2 July 1986

19/00032/FUL

Demolition and replacement of two dwellings and garages, creation of two new accesses and associated works

Approved

13 March 2019

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises four existing agricultural buildings and associated hardstanding and access, located outside of the development envelope for Haddenham within the countryside. The site measures c.0.76-hectares (7,600sqm) in size.
- 4.2 The site lies c.1.1 miles (c.1.8km) from Earith and c.3.1 miles (c.5km) from the build-up area of Hill Row, Haddenham, and is accessed via Upper Delph Drove, with an existing access off of Hill Row Causeway (A1123).
- 4.3 There are three rural worker dwellings located to the north of the application site (No.1-3 Hermitage Bungalows), with planning consent under LPA Ref. 19/00032/FUL for the erection of a further two bungalows in amongst these existing dwellings (not yet constructed).
- 4.4 As set out within the supporting planning statement, the application site has not been in active use since 2017, although a site visit would suggest the site is still used for agricultural storage. Another agricultural complex lies opposite the application site to the north-east, and remains in active use.
- 4.5 The site lies wholly within Flood Zones 2 and 3 (high risk) and a green risk zone for Great Crested Newts, as well as within the SSSI consultation area. The site does not lie within a Conservation Area or nearby any listed buildings, structures or monuments.

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.

Local Highways Authority - 15 June 2022

States: "This response should be read in parallel to that of the County's Transport Assessment Team which will be provided separately.

Site Access & Upper Delph Drove

The site will access the public highway via Upper Delph Drove, but no detail relating to the site access has been provided within the application.

As outlined in the pre-application comments provided by CCC (January 2022), a formal junction is required (e.g., priority junction with appropriate corner radii). The largely informal agricultural access is not suitable for the additional development. The applicant will need to produce a design and also demonstrate appropriate vehicle tracking (16.5m articulated vehicle and 12m rigid truck) turning into and out of the access from the north.

Appropriate inter-vehicle visibility splays are required at the site access. Such splays must be free from obstruction from a height of at least 0.6m and contained within the application boundary or the public highway. Upper Delph Drive is a de-restricted road, but in light of the nature of the road speeds of 60mph are unlikely. I will therefore accept reduced visibility splays, but these will need to be based on observed 85th percentile speeds.

The applicant is proposing to widen Upper Delph Drive between their site and the A1123 to 5m, which is insufficient for anything other than two domestic vehicles to pass. As outlined in pre-application comments, the carriageway will need to be widened to a minimum width of 6m for the entire length between the site access and the A1123. The applicant should provide a plan showing the full extent of widening in context of the highway boundary to ensure that the works are implementable. As the impermeable area along Upper Delph Drive will be increasing, the applicant should give consideration for how it will be drained.

A1123 / Upper Delph Drive

The existing junction of the A1123 and Upper Delph Drive is unsuitable for the proposed intensification of use in the current form. As such, the applicant has prepared a mitigation scheme (drawing SK09). The central white lining has been shaped around the vehicle tracking, meaning it is indirect and the lane widths are variable. This issue has been exacerbated by the small radius on the east of the junction (should be 10m minimum, not 8m).

This arrangement is not accepted as the lane markings need to be straight on approach to the give way line. Over time, markings will deteriorate, and a northbound vehicle will then be at risk of collision with a large vehicle turning into the site, as they would be otherwise unaware of the lane allocation i.e., if you are turning left out of Upper Delph Drive, it is not logical that you need to follow the nearside carriageway edge.

In order to address the above comment, the junction footprint will likely need to increase. This increase may stray outside of the public highway, but I note the adjacent land is within the application blue line. In any case, it's unclear how the level difference between the widened junction carriageway and the adjacent private land can be accommodated without placing supporting earthworks in private land outside of the application boundary.

Vehicle tracking is also needed for vehicles turning right-in and right-out of the junction.

There are existing telegraph poles which need to be relocated to facilitate the access works. The re-location needs to be agreed with the utility provider but note that any new location should be at least 0.5m from the carriageway.

Site Layout

A site boundary is needed between the private land and public highway (fence, wall, verge, hedge etc.), to ensure access is contained to defined points. The current proposals would allow vehicles to enter/exit the highway in any manner of movements.

Turning of large vehicles has been suitably demonstrated but this may need to be reconsidered when addressing the above comments.

Conclusion

At present, there is reasonable risk that the development would have unacceptable highway safety implications. I therefore would like to invite the applicant to prepare a revised scheme which addresses the above comments.”

Local Highways Authority - 30 March 2023

States: “The revised site access as shown on the drawing SK14.2 Revision A has addressed my previous comments and is accepted.

The widening of Upper Delph Drive as shown on drawing SK14.3 Revision A is accepted. The proposed 6m width combined with the straight alignment of the road will allow large vehicles to pass, if only at slow speeds. In context of the development nature, scale and setting, this enhancement provides an appropriate balance between facilitating safe access and discouraging excessive speeds and misuse of the highway.

While it is a consideration for detailed design, the applicant may wish to consider that flush edge treatment may be accepted along the length of Upper Delph Drive, but upstand kerbs will be needed at junctions.

A1123 / Upper Delph Drive

The revised A1123 and Upper Delph Drive junction enlargement shown on drawing SK14.1 Revision A is acceptable in principle as it has addressed my previous comments. The following items will need to be considered during detailed design, but I strongly advise that the applicant (and the LPA) consider the implications now.

- o The kerbline on the eastern side of the bellmouth (within the 10m corner radius) passes within 500-600mm of the existing building structure. This structure has footings which are lower than the carriageway level so the verge will need to be re-profiled to support the carriageway widening. If earthworks of 1:3 gradient cannot be achieved (plus a 0.5m-1m level verge), a retaining structure may be required which will require commuted maintenance sums.

- o Similarly, the property immediately south-west of the junction is lower than the surrounding highway. While the carriageway widening falls within the highway boundary, the supporting earthworks will not but they will be within the application blue line (note only 1:3 gradients with initial level verge will be accepted in this case as retaining features are only acceptable when appropriate embankments are not technically feasible). As such earthworks will be necessary to support the highway, I recommend the necessary land be included in the application redline boundary but will defer this to the LPA.

o As per the Department for Transport's adoption guidance, should there be a level difference greater than 1.35m between carriageway and base of embankment, then the earthworks will need to be dedicated as highway.

Site Layout

In order to prevent misuse of the site access junction or the obstruction of visibility, the hardstanding between the highway boundary and Building 3 will need to be broken out and grass verge (or similar) reinstated. This reinstatement should approximately be for the length between the site access and first building access. In any case, a full height kerb will be needed around the access junction (as per above comment), so the parking spaces north-east of Building 3 will be inaccessible.

Conclusion

Subject to the minor changes described above the application is acceptable in highway safety terms. If the LPA are minded to grant permission in advance of the comments being addressed, I recommend the following Conditions and Informatives be appended.

Conditions

HW9A: Prior to the commencement of use any gate or gates to the vehicular access shall be set back a minimum of 10m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity

HW16A: 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 C577-P-10 Revision F and thereafter retained for that specific use.

HW18A: Prior to the commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan SK16.1 Revision A & SK16.2 Revision A. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

Informatives

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."

NB: In further discussion with the Local Highways Authority, concerns over parking to Building 3 were removed as this parking was no longer shown on the update site plan. With regard to the highway works, should consent be granted these will be subject to extensive detailed design, and it is not considered reasonable to place this onus upon the applicant at this stage. The LHA were therefore content that conditions could be imposed to address their comments.

County Highways Transport Team - 22 June 2022

States: "Background

The document reviewed is the Transport Assessment dated May 2022 produced by EAS Transport Planning Ltd to accompany the planning application for the development of a warehousing/light industrial business park with a preliminary assumption of a land-use class mix of 15% Class E(g), 35% B2, and 50% B8 on land at New England Farm, Upper Delph Drove, Earith.

Transport Assessment Review

Sustainable Transport Accessibility

The existing pedestrian and cycle infrastructure within the vicinity of the site is limited. It is noted the nearest footway on Hill Row Causeway, a 60mph road, commences c1km to the west of the site.

The nearest bus stop is situated c2km south-west of the site in Earith.

Given the location of the site and the limited local infrastructure, it is expected that the majority of users traveling to the site will travel to the site by vehicles.

Local Highway Network

The description of the surrounding highway network is acceptable for use within this assessment. It is noted the A1123 Hill Row Causeway is subject to 60mph within the vicinity of the site.

Vehicular Traffic at Site Access

It is noted a 7-day ATC survey was undertaken on Hill Row Causeway between 4th November and 10th November 2021 within the vicinity of the site access. The ATC surveys are acceptable for use within this assessment. It is noted Covid restrictions were limited during this period.

Road Safety

It is noted the latest available 60 months accident data obtained from Crashmap has been used within this assessment for the agreed study area. Whilst the use of Crashmap data is not acceptable to the Highway Authority, such data has been cross-examined with CCC accident data. No accident cluster sites have been identified. This is agreed.

Development Proposals

The proposals comprise the development of a 3,730sqm Warehousing and Industrial Business Park on the site. It is noted the preliminary unit mix on-site will comprise circa 15% E1(g) use (560sqm for industrial processes), 35% B2 use (1,400sqm for general industrial use), and 50% B8 use (1,770sqm of Warehousing space). The existing structures on-site are proposed be reused for the development,

whilst additional areas of hardstanding will be delivered to accommodate the additional parking for the site.

Access Arrangement

It is noted the existing site access is used by agricultural vehicles. The development proposes to make improvements to Upper Delph Drove to ensure that HGVs and LGVs can access and exit Upper Delph Drove from Hill Row Causeway. Site access and internal layout details should be agreed with Highways Development Management who have provided separate comments.

Parking Provision

It is noted the site post-development will comprise 3 HGV parking spaces, 62 car parking spaces and 45 cycle parking spaces. It is ultimately up to the Local Planning Authority to agree on-site parking provision.

Trip Generation

Vehicle trip generation for the proposed development has been determined using TRICS software. The trip rates included within the assessment are acceptable for use. Given the land use mix is preliminary at this stage and thus the final land use mix is unknown, vehicle trip generation should also be calculated for the land use which provides the most robust trip rates in order to provide an assessment of the worst-case land use mix scenario. This would be 100% E(g) use.

Trip Distribution and Assignment

The methodology used to determine the distribution of development trips is agreed. It is noted 50.3% of development trips will arrive/depart the site from the east, whilst 49.7% of development trips will arrive/depart the site from the west.

Highways Impact Assessment

The impact of the development on the surrounding highway network cannot be agreed until such a time as the above additional information requested has been submitted and reviewed.

Mitigation

At this stage, it is not possible to determine what mitigation is required, if necessary, to make the development acceptable. Once the full impact of the development is known, mitigation measures can be assessed.

Conclusion

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.”

County Highways Transport Team - 2 February 2023

States: “Background

The document reviewed is the Highways Response Letter dated 2nd November 2022 produced by EAS Transport Planning Ltd to accompany the planning application for the development of a warehousing/light industrial business park with

a preliminary assumption of a land-use class mix of Class E(g), B2, and B8 on land at New England Farm, Upper Delph Drove, Earith.

Transport Assessment Review Sustainable Transport Accessibility

As noted within our previous comments, given the location of the site and the limited local infrastructure, it is expected that the majority of users traveling to the site will travel to the site by vehicles.

Access Arrangement

Site access and internal layout details should be agreed with Highways Development Management who will provide separate comments.

Highways Impact Assessment

Vehicle trip generation for the proposed development has been determined using TRICS software. The trip rates included within the assessment are acceptable for use. The proposed trip generation assessment and rationale regarding the proposed land use mix is agreed. The development is anticipated to generate a worst-case 53 vehicle trips in the AM peak and 43 vehicle trips in the PM peak.

The site access junction is anticipated to operate well within capacity in the future year scenarios with development.

Conclusion

The proposals as submitted are not anticipated to cause detriment to the operation of the surrounding highway network. The Highway Authority therefore have no objections to the proposals.”

Environmental Health - 29 June 2022

States: “Thank you for consulting me on the above proposal. I have read the Phase I Geo-Environmental Desk Study report dated 20th October 2021 and accept the findings that no further works are necessary with regard to contamination. The report recommends that a suitably qualified consultant should be engaged to advise on the safe disposal and management of asbestos. The report recommends that radon protection measures are required but it is not clear that such measures are necessary. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.”

Environmental Health - 20 June 2022

States: “Thank you for consulting us on the above application. Peter will respond separately with his comments concerning the Environmental Report. The Application Form advises that there will be no trade waste generated as part of this proposal. This is highly unlikely and so I would be grateful if the applicant could be provided with the attached Commercial Waste Duty of Care document so that they can ensure they handle and dispose of their waste legally. I have read the D&AS which advises that there are three properties adjacent to the access road which are owned by the applicant and occupied by agricultural employees. It does not appear as though there are any restrictive covenants which would prevent somebody unconnected to the farm from living in these properties but I would be grateful if you could confirm this. Either way, a NIA has been submitted to support the proposal

and has identified these three properties as the closest sensitive receptors and assesses the potential impact if this proposal is permitted. The NIA (dated November 2021) advises that the proposed hours of operation are 07:00 to 19:00, Monday to Friday, 08:00 to 13:00 on Saturday and closed on Sunday. I have dealt with many B8 use applications where 24 hour use is requested and so these hours of use seem reasonable to me. I would ask that these hours are conditioned.

Location	Daytime (07:00-23:00) Rating Level, dB	Night-time (23:00-07:00) Rating Level, dB
No.3 Upper Delph Drove	35-40	25-30

Table 10: Rating Level noise limits for mechanical services plant

The Rating Levels are to be determined in line with BS 4142:2014+A1:2019 and therefore must take account of any acoustic characteristics of the noise, as described in the standard.

The NIA advises that details of the mechanical services plant proposed for use are currently unavailable and so rating level noise limits from mechanical plant to be achieved at the nearest residential receptor locations are outlined Table 10 which I include below - I would ask that there be a condition which stipulates that mechanical plant meet the levels outlined in Table 10. I would be happy to help you word a suitable condition if necessary. I would also request a condition which stipulates that a compliance report is generated once mechanical plant is known/installed. Alternatively, if you are in agreement, we could explore a condition where on the receipt of a noise complaint then the agent of change (applicant, business owner, etc.) would produce a noise report which demonstrates compliance with the Table 10 condition. Finally, I would recommend a condition which stipulates that a lighting impact assessment is undertaken if approval is granted. This is because the proposed use is potentially exempt from nuisance action if it can be described as a 'goods vehicle operating centre' and so it will be important to ensure at the planning stage that lighting will not be a problem. Nothing more to raise at this time but please send out the environmental notes."

Environmental Health - 27 January 2023

States: "I have compared the updated site plan to the previous and have no additional comments to make at this time."

Environment Agency - 20 June 2022

States: "FLOOD RISK We have reviewed the submitted Flood Risk Assessment (FRA) and have no objection to the proposed development but strongly recommend that the mitigation measures detailed in the FRA are adhered to. In particular, the FRA recommends that flood resilient measures are incorporated into the building. Advice for the LPA With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and

rescue implications of new development in making their decisions. We strongly recommend that you consult your Emergency Planner on the above issues.”

Environment Agency - 1 February 2023

States: “We have no further comment to add to our letter dated 20th June 2022 ref AC/2022/131113/01.”

The Ely Group Of Internal Drainage Board - 26 January 2023

States: “This is within the Middle Level Commissioners' jurisdiction.”

Haddenham Parish Council - 2 February 2023

States: “The Planning Committee met to consider the above application last night and the Committee were content with it subject to County Highways being satisfied with the amendments. It was also noted that permitted times of use should form part of any planning permission granted.”

ECDC Trees Team - 27 March 2023

States: “As this application appears to include tree removal an Arboricultural Impact Assessment (AIA) is required prior to determination of the application to be compliant with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020.

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

A soft landscaping scheme will also be required to include mitigation planting for the removed hedging and possibly for the removed tree depending on the conclusions in the AIA but this can be supplied by condition if preferred.”

NB: in further discussions with the Trees Officer, it was agreed that an AIA was not required, and that subject to a tree protection plan and mitigative hedge planting, the Trees Officer was happy to remove their objection. Further details of this discussion are outlined where necessary in the following report.

Lead Local Flood Authority – 11 April 2023

“States: “Thank you for your consultation which we received on 26th January 2023. At present we **object** to the grant of planning permission for the following reasons:

1. No information has been provided confirming the location, condition, and capacity of the existing drainage connection and whether it is suitable to continue draining existing areas to this asset, or whether it can receive additional flows from new impermeable areas. If this information is not available, then an alternate approach

demonstrating site surface water runoff can be managed by new drainage infrastructure alone is required.

2. The proposed discharge point is unclear. If this is to the IDB drainage network surrounding the site, the IDB should be consulted to confirm the drainage requirements for the site for both the new impermeable areas and those that will continue to discharge under existing conditions.
3. Where possible, brownfield sites should look to reinstate greenfield discharge rates at the site following redevelopment. Insufficient evidence has been provided demonstrating why the entire site area can't be limited to the lower discharge rate of 1.0 L/s.
4. Hydraulic calculations provided don't accurately represent the network illustrated in the drainage layout drawing and we can't confirm whether the proposed drainage network is adequate. Currently, the source control cascade calculations assume all porous parking structures drain into the swale before discharging via the orifice flow control. However, the drainage layout drawing shows the majority of porous parking structures bypass the swale and discharge directly via a piped network to the MH9, then discharge via the final orifice flow control.
5. Source control calculations provided don't indicate which return period have been assessed. We can't confirm whether the network has sufficient capacity during the 3.3%, 1% and 1%+CC AEP events.
6. Incorrect FSR rainfall data has been used within the calculations. FEH data must be used as it uses more up to date rainfall data and is more accurate for the purpose of modelling the future storm events over other data sources such as FSR for the larger duration storms.
7. A catchment plan should be provided clearly illustrating which areas of the site drain to which drainage network features. While the drainage layout plan differentiates between existing and proposed impermeable areas, it's not clear which drainage assets these drain to.
8. While some overland flow paths have been indicated, this has only been provided for a small are of the site. Exceedance flow routes should be provided for the entire site area and should demonstrate that such flows can be appropriately managed on site without increasing flood risk to occupants."

Informatives

IDB Consent

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

Graham Moore - Middle Level Commissioners Middle Level Drain - No Comments Received

Ward Councillors - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Huntingdonshire District Council - No Comments Received

South Cambs District Council - No Comments Received

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) - No Comments Received

Cambs Wildlife Trust - No Comments Received

5.2 A site notice was displayed near the site on 31 August 2022 and a press advert was published in the Cambridge Evening News on 30 June 2022.

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

3 Hermitage Bungalow – 22nd June 2022 and 26th January 2023

- Loss of privacy
- Loss of peace and quiet
- Loss of biodiversity

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
EMP 2	Extensions to existing businesses in the countryside
EMP 4	Re-use and redevelopment of existing buildings 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
COM 7	Transport impact
COM 8	Parking provision

6.2 Haddenham and Aldreth Neighbourhood Plan 2022

HAD 1	Spatial Strategy
HAD 4	Haddenham Business Park Extension and Other New Employment Proposals
HAD 7	Conserving and enhancing internationally designated sites
HAD 8	Protection of important views
HAD 10	Dark skies

HAD 13	Design considerations
HAD 14	Sustainable building practices
HAD 15	Flooding and sustainable drainage

- 6.3 National Planning Policy Framework 2021
Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013
Cambridgeshire Flood and Water SPD – Adopted November 2016
Natural Environment SPD – 2020
Climate Change SPD – Adopted February 2021

- 6.4 National Planning Policy Framework 2021
- Section 2 Achieving sustainable development
 - Section 4 Decision-making
 - Section 5 Delivering a sufficient supply of homes
 - 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

7.0 PLANNING COMMENTS

- 7.1 The main considerations in determining this application are; the principle of development; visual amenity; residential amenity; highways safety; drainage and flooding; trees and landscaping; biodiversity; energy efficiency and renewable energy strategy.

7.2 Principle of Development

- 7.3 The proposal seeks to retain and re-clad the four existing agricultural buildings within the application site so as to facilitate their conversion into six commercial units falling within Use Classes E(g)(iii), B2 and B8. The application also includes associated development and off-site highway works to ensure safe access.

- 7.4 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 Haddenham and Aldreth Neighbourhood Plan (“HANP”), October 2022.

- 7.5 The site is situated well outside of the defined development envelope of the Parish of Haddenham 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 HANP area boundary and therefore the policies within the HANP also form part of the assessment of this proposal.

- 7.6 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.
- 7.7 Policy EMP 4 of the Local Plan 2015 is a positively worded policy which specifically sets out that *“Proposals for the re-use of existing buildings in the countryside for business (B1, B2, B8), tourism, outdoor recreation or community-related uses which require a planning application will be permitted where:*
- *It can be demonstrated that the building is of permanent and substantial construction.*
 - *The form, bulk and design of the building is of visual merit, architectural merit or historical significance, and is in general keeping with its surroundings.*
 - *The proposal does not harm the character and appearance of the building or the locality.*
 - *The proposal would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated; **and***
 - *Other Local Plan policies relating to specific uses are met.*

The replacement of existing buildings in the countryside (for the same uses) will only be permitted where it would result in a more acceptable and sustainable development than would be achieved through conversion. In addition, bullets 1 and 5 above should also be satisfied. Proposals for replacement involving change of use to holiday cottages will not be permitted.

...con’d.” (emphasis added)

- 7.8 The proposed development seeks to re-use existing agricultural buildings within the countryside so as to introduce c.4,000sqm of new employment floorspace, and it is considered that policy EMP 4 is of most relevance to the application under consideration.
- 7.9 Should the application proposals be assessed under Policy EMP 4 of the Local Plan, it is considered that the proposals would comply with the objectives of the Policy.
- 7.10 However, as mentioned above, the site falls within the HANP area and therefore the HANP is relevant and would apply in this case. Policy HAD1 of the HANP sets out the following spatial strategy for the HANP area:

HAD1 – Spatial Strategy

“Development Envelopes for Aldreth, Haddenham Village and Hill Row are defined on the Policies Map. Sustainable development proposals within the Development Envelopes will be supported in principle, subject to being of an appropriate scale and not having an unacceptable impact on:

- i. the amenity of residents;*

- ii. *ii. the historic and natural environment;*
- iii. *iii. the provision of services and facilities; and*
- iv. *iv. the highway network.*

Land outside the Development Envelope is defined as countryside where development will normally only be allowed for agriculture, horticulture, forestry, outdoor recreation and other uses which can demonstrate a need to be located in the countryside.”

- 7.11 It is clear that Policy HAD1 seeks to restrict development outside of the defined development envelopes, and allow only for a number of exceptions for uses that genuinely require to be located within the countryside. The policy does not seek to prescribe an exhaustive list of what is not acceptable, but is clear as to what is normally to be allowed as an exception; a strict reading of Policy HAD1 would suggest that the development proposals is not one of these normal exceptions.
- 7.12 Notwithstanding, Policy HAD4 specifically relates to the expansion of the Haddenham Business Park to provide c.0.8-hectares of land for Use Classes E(g), B2 and B8. Whilst the majority of the Policy is not explicitly relevant to the development proposal, the policy includes the following requirement:
- “Subject to compliance with applicable Local Plan policies, other suitable new employment proposals **within or on the edge of the village** will be supported in principle, subject to satisfactory mitigation of any landscape, heritage, residential amenity and infrastructure impacts.” (emphasis added)*
- 7.13 The application site is situated outside of Haddenham and Aldreth development envelopes. For geographical context, the site is closer to the built development envelope of Earith (taken from Bridge End) in Huntingdonshire (c. 1.1 miles by car) than it is to the edge of the policy-defined development envelope of Hill Row, Haddenham (c. 3.1 miles by car). It is very clear therefore that the site is neither *within* nor *on the edge of* the village of Haddenham.
- 7.14 Whilst ostensibly allowing for incursions into the countryside, Policy HAD4 therefore sets a very clear locational requirement for new employment proposals, which the development proposal fails to satisfy.
- 7.15 Policy EMP 4 of the Local Plan does not have the same locational requirement, but as the latest document of relevance to be incorporated into the Development Plan, the policies contained within the HANP must be afforded greater weight in the decision making process; this includes Policy HAD4.
- 7.16 This is explicit under Section 38(5) of the Planning and Compulsory Purchase Act 2004, which directs that if a policy contained in a Development Plan for an area conflicts with another policy in the Development Plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Conflicts between development plan policies adopted, approved or published at the same time must be considered in light of all material considerations including local priorities and needs, as guided by the NPPF. The HANP was adopted in October 2022 following referendum in September 2022, and therefore the policies contained within this document carry full weight against the

Local Plan in determining planning applications within its boundary as it is the most up to date policy. The evidence base for the HANP is still considered to be robust given its very recent introduction.

- 7.17 Paragraph 30 of the NPPF also sets out the following: *“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”*
- 7.18 Policy EMP 4 of the Local Plan is not considered to be a strategic policy. This is explicit at Chapter 5 (Employment), Paragraph 5.1.1 of the Local Plan, which states: *“This chapter builds on the strategic policies in Chapter 2, and sets out a series of detailed policies which will be used to assess planning applications for employment uses.”* Chapter 5 includes Policy EMP 4, and on this basis EMP 4 is not considered to be a strategic policy. As a non-strategic policy, the policies of the HANP take precedence within the neighbourhood area.
- 7.19 The proposed site falls within the HANP boundary, and therefore Policy HAD4 applies which is clear in that it does not support the proposed introduction of employment floorspace in this location, well outside of the village. The proposed development therefore fails to comply with this policy and cannot be supported in principle.
- 7.20 A letter from Buckles Solicitors LLP on behalf of the agent was received on 27th March 2023, which advises in general that there is no conflict between the development proposal and HAD4 of the HANP. This letter has not been made public or discussed in detail within this report as it was marked as legally privileged. The letter has however been considered by Officers in reaching the conclusions outlined within this report.
- 7.21 As already set out, it is not disputed that Policy HAD1 and HAD4 of the HANP allow for limited development outside of the defined development boundaries. However, what the Applicant has failed to argue in any of their submissions is that:
- the proposals comply with Policy HAD4’s very clear locational requirement of new employment proposals coming forwards “within or on the edge of the village”;
 - the Council has a responsibility as a matter of legislation to comply with Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended), insofar as it relates to precedence of the HANP policies where a conflict is identified; and
 - to address the Examiner’s comments regarding Policy HAD4 at Paragraph 49 of their Report on the draft HANP in July 2022, in which they state: *“Paragraph 7.7 states that “other suitable new employment proposals within or on the edge of the village will be supported in principle, subject to satisfactory mitigation of any landscape, heritage, residential amenity and infrastructure impacts”. There is no difficulty with this so far as the basic*

conditions are concerned – however, it is clearly intended to be a policy, and it is potentially one which might have implications for employment policies in the Local Plan. I recommend that it be included in the Plan as a policy, preceded by the phrase “Subject to compliance with applicable Local Plan policies.....” This is a clear identification of a conflict between the HANP and the Local Plan.

- 7.22 In simple terms, the proposal fails to address the main area of conflict. This being that the proposals do not comply with the locational requirement of Policy HAD4 of the HANP.
- 7.23 On this basis, in accordance with Section 38(5) of the PCPA 2004, it is considered that Policy HAD4 has been correctly applied, and that the proposed development is unacceptable in principle.
- 7.24 There is then the question of other material considerations that could dictate a divergence from the application of the Development Plan as set out above, in accordance with Section 38(6) of the same Act. One such consideration is whether there are permitted development fall-backs.
- 7.25 Such an argument has not been advanced by the Applicant, but in simple terms, there is one permitted development avenue of note that the Applicant could explore as set out below (under the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended):
- Class R – conversion to flexible commercial use (hotel, storage, commercial/business/service (Max. 500sqm in floorspace); or
- 7.26 It is relevant that even if the above avenue was to be explored, and found to be acceptable, the floorspace to change use would total a maximum of c.500sqm. This is under one seventh of what is proposed to be created under the application proposals (c.3,730sqm). It is also to be noted that this avenue is not currently considered to be a realistic fall-back position, as it is subject to prior approval. This argument is therefore afforded limited weight at this stage and on this basis is not considered to justify a departure from the Development Plan.
- 7.27 Another relevant material consideration is that the HANP allocates c.0.8-hectares of land (under Policy HAD4) to deliver Use Classes E(g), B2 and B8. This reflects the existing allocation within the Local Plan under Policy HAD 3. However, this allocation nor the policies of the HANP or Local Plan should be construed as placing a cap upon the delivery of employment floorspace within the district. Nevertheless, it is a relevant consideration that employment provision has been accounted for on the edge of the village and that this has yet to come forwards.
- 7.28 It is further acknowledged that Paragraph 84 of the National Planning Policy Framework (NPPF) advises that planning policies and decisions should enable: “Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses.”

- 7.29 Paragraph 85 of the NPPF further goes on to advise that: “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”
- 7.30 It is therefore clear that the NPPF affords support to the development proposals. However, the HANP has been prepared so as to conform with the NPPF, and has been found sound.
- 7.31 Further assessment of the other relevant materials considerations of the proposal are addressed below in this report, but for the reasons to be set out, these are not considered to justify a departure from the Development Plan.
- 7.32 On the basis of the conclusions above, it is considered that the proposed development is contrary to Policy HAD4 of the Haddenham and Aldreth Neighbourhood Plan and is therefore not acceptable in principle.
- 7.33 Visual Amenity**
- 7.34 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. Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible.
- 7.35 As set out above, Policy EMP 4 sets out a number of design stipulations.
- 7.36 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposed development densities take into consideration the existing character of the locality and the settlement, and housing densities within the surrounding area.
- 7.37 Policy HAD8 of the HANP seeks to ensure that new buildings should demonstrate *“how the proposal can be accommodated in the countryside without having a detrimental impact, by reason of the buildings scale, materials and location, on the character and appearance of the countryside and its distinction from the built-up area.”*
- 7.38 Policy HAD10 of the HANP sets out that: *“Dark skies are to be preferred over lighting while ensuring that new developments are secure in terms of occupier and vehicle safety. Any future outdoor lighting systems should have a minimum impact on the environment, minimising light pollution and adverse effects on wildlife, subject to highway safety, the needs of particular individuals or groups, and security. Schemes should reduce the consumption of energy by promoting efficient*

outdoor lighting technologies, keeping the night-time skies dark and reducing glare.”

- 7.39 Policy HAD13 states that proposals for new development must reflect the local characteristics in the Neighbourhood Plan Area and create and contribute to a high-quality, safe and sustainable environment.
- 7.40 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. The NPPF indicates that development should be refused, which fails to improve the character and quality of an area and the way it functions.
- 7.41 The application site comprises a collection of four agricultural buildings of a steel frame construction, with various cladding materials including timber and steel. The supporting Planning Statement suggests that the site has not been in use since 2017. However, during a visit to the site in August 2022 it was evident that the site was still in use for storing agricultural machinery, hay, crates, seeds etc.
- 7.42 The buildings are of a substantial albeit utilitarian nature, and are prominent in views from Hill Row Causeway (A1123). An existing tree-belt (not within the application site) lies to the south-west of the site, and provides limited visual screening to the buildings. The buildings are nevertheless seen in the context of the agricultural complex to the north-east (opposite the site) and are in-keeping with the rural and agricultural character of the area.
- 7.43 Whilst Policy EMP4 of the Local Plan is not considered to justify the principle of the development for the reasons provided, it is still a relevant consideration insofar as its design requirements.
- 7.44 The proposals seek to re-clad the four buildings within the application site, with a small toilet-block extension also proposed. The proposed development is therefore neither a complete replacement nor retention of the existing buildings, but a mixture of both.
- 7.45 Whilst not therefore a neat fit with Policy EMP 4, it is considered that the proposals overall align with the objectives of the policy insofar as this relates to general retention and improvements to existing rural buildings and design. The re-cladding would result in a uniformity across the site, and whilst still utilitarian in nature, would result in a physical and visual improvement to the buildings that will remain in-keeping with the rural and agricultural nature of the area. The upgrades will also have a sustainability and acoustic benefit, as to be outlined within further sections of this report.
- 7.46 The proposals do not result in the uplift in scale across the site or footprint of the buildings, with the exception of the modest toilet block extension which will have a negligible visual impact.
- 7.47 Given the rural location of the application site, it is acknowledged that a poorly designed lighting scheme could result in excessive light spill. The existing agricultural use will have existing associated lighting, but with a significant

intensification of use, a much more substantial lighting scheme is likely to be required to illuminate the parking area, access roads and buildings in the interests of highway safety in particular. It is for this reason that a condition is considered necessary to secure a lighting scheme, incorporating a lighting assessment so as to be able to assess light spill. It is also considered necessary to ensure that all lighting is switched off outside of operating hours so as to protect dark skies and the rural character and appearance of the area.

7.48 The proposed development is also proposed to be enclosed by wire mesh fencing to the north and south. This is not an unexpected boundary treatment for commercial sites, and is considered to be an acceptable, light-weight option that will reduce its overall visual impact upon the character and appearance of the area. Notwithstanding, it would be expected that under any consent, a condition would be imposed requiring specific details of this boundary treatment and landscaping proposals to assimilate the fencing into the surrounding rural landscape.

7.49 It is for these reasons that the proposals are considered generally to comply with the objectives of Policies ENV 1, ENV 2, EMP 4 of the Local Plan 2015 and Policies HAD8, HAD10 and HAD13 of the HANP, as well as the NPPF.

7.50 Residential Amenity

7.51 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. Policy HAD 13 of the HANP also seeks to ensure residential amenity is protected.

7.52 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.

7.53 The proposals seek to convert the four existing agricultural buildings into six commercial units, splitting these into Class E(g)(iii) (formerly B1(c), B2 and B8 uses).

7.54 There are three existing rural worker dwellings (No.1-3 Hermitage Bungalows) immediately to the north of the application site, within the control of the Applicant. Under LPA Ref. 19/00032/FUL, consent was also granted for a further two dwellings in between No.2 and 3 Hermitage Bungalows to the north of the application site, although these are yet to be constructed. It is acknowledged that the site would result in a significant intensification of vehicle movements along Upper Delph Drove, noise and lighting impacts should it be approved, all of which have the potential to significantly and detrimentally impact upon residential amenity.

7.55 Building 1 within the northern portion of the site is located closest to the residential (agricultural worker's) dwellings along Upper Delph Drove. Building 1 is proposed to fall within Use Class E(g)(iii), or "any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)" (as defined by Article 3 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).

- 7.56 Building 2 along the site's south-western boundary is proposed to fall within Use Class B2 (general industrial). Building 3 along the north-eastern site boundary is proposed to fall within Use Class B8 (storage/distribution), and Building 4 along the south-western boundary is proposed to be divided into three separate units falling within Use Class B2 also.
- 7.57 The Environmental Health Officer has raised no objections to the proposed development, subject to conditions. These conditions relate to:
- controlling hours of operation (Mon-Fri 07:00-19:00, 08:00 to 13:00 Saturday, and closed on Sunday);
 - Controlling the noise emitted from mechanical plant (compliance with NIA submitted);
 - Preparation of a compliance report once the mechanical plant is installed; and
 - Provision of a lighting impact assessment;
- 7.58 The control of operating hours is considered to be reasonable, to ensure residential amenity of the nearby properties is protected. This is in terms of operation of the buildings/businesses and vehicle movements associated with the site.
- 7.59 The control of mechanical plant and their noise limits is also considered to be necessary for the same reason.
- 7.60 The preparation of a lighting impact assessment post-consent on its own would not satisfactorily address lighting concerns, but it is considered that this assessment could form part of a condition requiring a full lighting scheme to be provided, which the scheme could subsequently be built out in accordance with. The Applicant suggests that they are accepting of a lighting condition at Paragraph 5.9 of their supporting Planning Statement. It is considered that this condition is necessary to protect against detrimental visual amenity impacts from excessive light spill, particularly in this rural area.
- 7.61 Further to this, to protect nearby residential (and visual) amenity, it is also considered necessary to ensure that any lighting is switched off during non-operating hours via an appropriately worded condition.
- 7.62 Concerns have been raised by No.3 Hermitage Bungalow (immediately adjoining the site to the north-west) in regards to loss of privacy and peace and quiet. With regard to privacy, the siting of car parking and cycle parking near to north of Building 1 and 2 is not considered to result in loss of privacy or overlooking to the Hermitage Farm Bungalows.
- 7.63 With regard to noise and disturbance, as set out above, subject to conditions imposed for operating hours, the proposed development is not considered to result in significantly detrimental residential amenity impacts so as to warrant a refusal on this basis. The existing building nearest No.3 Hermitage Bungalows is proposed to fall within Use Class E(g)(iii), otherwise known as an industrial use that is compatible with nearby residential uses.

7.64 On the above basis, the proposed development is not considered to result in significantly detrimental residential amenity impacts and would comply with Policies ENV 2 and ENV 9 of the Local Plan and HAD13 of the HANP, as well as the NPPF.

7.65 Highways Safety and Access

7.66 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and Policy COM 7 of the ECDC Local Plan 2015 require proposals to provide safe and convenient access to the highway network.

7.67 Policy EMP 4 requires that proposals would not (by themselves or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.

7.68 Policy HAD 13 of the HANP also seeks to ensure development proposals maintain or enhance the safety of the highway.

Highway Works and Upgrades

7.69 The proposals include the following highway works and upgrades (all taking place within land owned/controlled by the applicant or the public highway extent):

- Junction with Hill Row Causeway (A1123)
 - Widening of junction from c.20 metres to c.42 metres with associated upgrades/kerbing;
- Junction of Site with Upper Delf Drive:
 - Formalised access with kerbing;
- Upper Delf Drive (highway):
 - Widened to 6-metres (from c.3.5 metres)

7.70 The site is currently served by an agricultural access and a narrow road (Upper Delf Drive) which is adopted for c.125 metres until it continues into farm tracks. The nature of traffic currently associated with the site is limited to agricultural vehicles, and the proposed development would result in notable uplift in both the type and quantum of vehicles visiting the site.

7.71 Following amendments to the proposed scheme, the Local Highways Authority and County Highways Transport Team have removed their objections.

7.72 The proposals seek to upgrade Upper Delf Drive through widening to allow for larger HGVs to pass, enter and exit the site. Improvements are also proposed to the site's junction with Upper Delf Drive and with the junction of Upper Delf Drive with Hill Row Causeway (A1123). With the exception of the main body of the application site, these works are proposed to take place within the public highway extent.

7.73 Whilst not raising any objection, the Local Highways Authority note that the highway works could result in significant expense to the applicant given falls in topography

that may result in supporting structures such as retaining walls to be required. The Applicant's attention has been drawn to these comments, and it is presumed that they are aware of the potential cost implications of the works.

7.74 In further discussion with the Local Highways Authority, concerns over parking to Building 3 were removed as this parking was no longer shown on the update site plan. With regard to the highway works within the public highway, should consent be granted these will be subject to extensive detailed design, and it is not considered reasonable to place this onus upon the applicant at this stage. The LHA were therefore content that conditions could be imposed to address their comments. The conditions recommended (relating to visibility splays, parking provision, site/access drainage, location of gates) are considered reasonable and necessary in the interests of highway safety.

7.75 The development is anticipated to generate a worst-case 53 vehicle trips in the AM peak and 43 vehicle trips in the PM peak. The site access junction is anticipated to operate well within capacity in the future year scenarios with development.

Parking

7.76 As set out at Table 3 of the Applicant's supporting Planning Statement, Policy COM 8 of the Local Plan sets out the following parking expectations for the development proposals:

Building and Area (sqm/sqft)	Proposed Building Use	Policy COM 8 / HAD13 Car Parking Requirement	Policy Compliant
Building 1 560 sqm / 6028 sqft	Class E(g)(iii) (formerly B1(c))	Up to 1 car space per 30sqm	19 spaces
Building 2 392 sqm / 4219 sqft	Class B2	Up to 1 car space per 50 sqm	8 spaces
Building 3 1770 sqm / 19,052 sqft	Class B8	Up to 1 car space per 100 sqm	18 spaces
Building 4 1008 sqm / 10,850 sqft	Class B2	Up to 1 car space per 50 sqm	20 spaces
		Total	65

7.77 The proposal indicates 63 car parking spaces on the submitted plan (including 3 disabled spaces). This is generally in accordance with the above policy requirements. Policy HAD13 of the HANP replicates the adopted requirements of Policy COM 8.

7.78 Whilst not specifically identified on the plans, it is considered that the site provides a suitable level of opportunity for HGVs to park within the site whilst unloading/onloading.

- 7.79 The proposals also incorporate c.46 cycle spaces. It is anticipated, given the nature of the A1132 and the site's distance from nearby settlements, that the majority of vehicle movements would be made by car or other motorised vehicles. The number of cycle spaces is nevertheless considered to be policy-compliant.
- 7.80 Notwithstanding the in-principle concerns raised regarding the site's location and its conflict with Policy HAD4 of the HANP, on the above basis, the proposed development and highway upgrades are considered to result in an acceptable impact upon the highway network, and would not result in detrimental highway safety impacts.
- 7.81 Drainage and Flooding**
- 7.82 Policy ENV 8 of the ECDC Local Plan seeks to ensure that all new development contributes to an overall reduction in flood risk. Policy HAD 15 of the HANP also seeks to ensure that all schemes appropriately manage on-site drainage and water resources.
- 7.83 The proposals include the provision of a storage swale to accommodate surface water runoff from the development proposals. A comprehensive arrangement of new rainwater drainage pipes, permeable paving parking spaces, and permavoid diffuser units is also proposed to manage surface water across the site. This strongly aligns with the objectives of Policy HAD15 of the HANP.
- 7.84 There are ditches around the application site, including two to the south-west and south-east.
- 7.85 The Environment Agency and IDB have raised no objections, subject to compliance with the Flood Risk Assessment mitigation measures as set out. This approach is considered to be reasonable in the interests of reducing flood risk.
- 7.86 However, despite being consulted on the 26th January 2023, the Lead Local Flood Authority provided a late consultation response on the 11th April 2023, raising eight technical reasons for objection. These are set out as follows:

1. No information has been provided confirming the location, condition, and capacity of the existing drainage connection and whether it is suitable to continue draining existing areas to this asset, or whether it can receive additional flows from new impermeable areas. If this information is not available, then an alternate approach demonstrating site surface water runoff can be managed by new drainage infrastructure alone is required.

2. The proposed discharge point is unclear. If this is to the IDB drainage network surrounding the site, the IDB should be consulted to confirm the drainage requirements for the site for both the new impermeable areas and those that will continue to discharge under existing conditions.

3. Where possible, brownfield sites should look to reinstate greenfield discharge rates at the site following redevelopment. Insufficient evidence has been provided demonstrating why the entire site area can't be limited to the lower discharge rate of 1.0 L/s.

4. Hydraulic calculations provided don't accurately represent the network illustrated in the drainage layout drawing and we can't confirm whether the proposed drainage network is adequate. Currently, the source control cascade calculations assume all porous parking structures drain into the swale before discharging via the orifice flow control. However, the drainage layout drawing shows the majority of porous parking structures bypass the swale and discharge directly via a piped network to the MH9, then discharge via the final orifice flow control.

5. Source control calculations provided don't indicate which return period have been assessed. We can't confirm whether the network has sufficient capacity during the 3.3%, 1% and 1%+CC AEP events.

6. Incorrect FSR rainfall data has been used within the calculations. FEH data must be used as it uses more up to date rainfall data and is more accurate for the purpose of modelling the future storm events over other data sources such as FSR for the larger duration storms.

7. A catchment plan should be provided clearly illustrating which areas of the site drain to which drainage network features. While the drainage layout plan differentiates between existing and proposed impermeable areas, it's not clear which drainage assets these drain to.

8. While some overland flow paths have been indicated, this has only been provided for a small area of the site. Exceedance flow routes should be provided for the entire site area and should demonstrate that such flows can be appropriately managed on site without increasing flood risk to occupants.

7.87 Given the late response provided by the LLFA, the Applicant has unfortunately not been provided with an opportunity to address these technical matters. It is likely that these matters could be addressed, but this has not been possible in the time available prior to taking the application to Planning Committee.

7.88 On this basis of this outstanding objection, the proposed development is not considered to be acceptable on the basis of it potentially resulting in unacceptable flood risk, contrary to Policy ENV 8 of the Local Plan and Policy HAD15 of the HANP, as well as the NPPF.

7.89 Trees, Landscaping and Biodiversity

7.90 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 EDCD 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. 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.

7.91 Policy HAD7 and HAD 13 of the HANP also seeks to conserve and enhance internationally designated sites, and protect landscapes features which make a

significant contribution to the character and appearance of the locality, as well as protect the removal of important landscape characteristics, including trees. Policy HAD10 seeks to protect dark skies against excessive light pollution in the interests of wildlife in particular.

- 7.92 The application site is largely devoid of trees, owing to its predominant coverage in either buildings or hardstanding. Nevertheless, there is a tree at the site's existing access onto Upper Delph Drive. Prior to its removal due to structural concerns, there was also a tree to the south-west of Building 4.
- 7.93 The Trees Officer raised objection in their formal consultation comments, but in further discussion with Officers on the 30th March 2023, has removed this objection subject to conditions being imposed relating to the provision of a tree protection plan and native hedge planting. The tree protection plan is to protect the retained tree, and the hedge replanting is to required so as to mitigate the loss of the tree removed to south-west of Building 4.
- 7.94 In discussion with the trees officer, it was agreed that the loss of the tree on the basis of its size would have likely required c.6 new trees, but hedging would be a more acceptable option for the nature of the site. On this basis, c.300m of native hedging would be expected as part of soft landscaping condition. It is considered that the site provides sufficient opportunity for this.
- 7.95 With regard to biodiversity, the application was supported by a Phase 1 Ecological Assessment, which concludes that the proposed development is unlikely to have impacts upon protected species or protected sites. A number of enhancement recommendations are set out within the ecological report, which could be secured via a condition to ensure a genuine biodiversity net gain is achieved on site. The proposals also include the provision of a swale to assist with site drainage, a feature which can support biodiversity in its own right.
- 7.96 As mentioned in preceding sections, a condition requiring the provision of a lighting scheme would need to be imposed, as well as a condition to require lighting to be switched off during non-operational hours. This is not only in the interests of visual and residential amenity, but also to protect dark skies which are also important to biodiversity.
- 7.97 On the above basis, subject to suitable conditions, it is considered that the site would protect and significantly enhance biodiversity in accordance with the aforementioned policies.
- 7.98 Energy Efficiency and Renewable Energy**
- 7.99 The Council's Climate Change SPD primarily supports the application of Policy ENV 4 of the ECDC Local Plan 2015 concerning energy efficiency in construction. Policy HAD14 of the HANP also seeks to ensure sustainable building practices. Policy HAD13 requires that an electric vehicle (EV) charging point is provided for all new off-street parking spaces created; the policy does not differentiate between domestic or non-domestic.

- 7.100 Policy ENV 4 requires that all new non-domestic developments of over 1,000sqm meet BREEAM Very Good standard or equivalent.
- 7.101 Policy HAD14 (sustainable building practices) specifically sets out that: *“Proposals that incorporate current best practice in energy conservation, including maximising the benefits of solar gain in site layouts and orientation of buildings, will be supported where such measures are designed to be integral to the building design and minimise any detrimental impact on the building or its surroundings.”* Policy HAD10 also seeks to ensure that all lighting schemes reduce the consumption of energy through the use of efficient lighting technologies.
- 7.102 The applicant has not submitted information to demonstrate that BREEAM Very Good or equivalent could be achieved and the proposal does not therefore comply with the objectives of this policy. This weighs against the application proposals.
- 7.103 However, the retention and re-use of the application buildings themselves is considered to be a fundamental basis for energy conservation, through the retrofitting of existing structures and improving their insulation. The proposals further include the provision of 6 electric vehicle charging points as well as a significant biodiversity net gain including provision of an on-site swale. The provision of solar photovoltaic panels (roof mounted) is also suggested as a possible solution in the future (Page 20 of the submitted planning statement).
- 7.104 Notwithstanding, given that the Applicant has failed to address how the scheme could achieve BREEAM Very Good or equivalent, it is considered necessary to secure a scheme for the provision of solar panels via a condition to ensure that the development genuinely strives for a reduction in energy consumption at multiple levels, not just retention of building fabric. This would also bring the development more in line with the objectives of Policy HAD14 regarding optimising solar gain. A condition relating to a lighting scheme has also already been found necessary elsewhere within this report, but it would also be expected under this condition that the Applicant/Developer demonstrates how efficient, lower-energy consumption lighting technologies will be incorporated, in accordance with Policy HAD10.
- 7.105 With regard to the six EV charging points, Policy HAD13 requires that an EV charging point is provided for all new off-street parking spaces created; the proposed development is therefore at a significant deficit. The development delivers 57 additional off-street parking spaces (with 6 existing spaces as stated on the application form). Policy HAD13 takes precedence over COM7 and COM8 of the Local Plan in terms of parking infrastructure, and on this basis it is suggested that this EV charging infrastructure for 57 spaces would need to be secured via a condition. It is acknowledged that the matter of EV charging points are soon to be a matter dealt with directly under Building Control in June 2023, but during this transitional period, it is still considered necessary to impose a condition for completeness.
- 7.106 Subject to the imposition of the suggested conditions, it is therefore considered that the proposed development would generally align with the objectives of Policy ENV 4 of the ECDC Local Plan 2015, Policies HAD10, HAD13 and HAD14 of the HANP, the Climate Change SPD and the NPPF.

7.107 Other Material Matters

7.108 *Contamination* – the Council's Scientific Officer has reviewed the environmental desk study report submitted with the application, and advises that a further contamination assessment would not be required. On this basis, the Officer recommends that only a unexpected contamination condition would be necessary as a safeguard. Whilst radon protection measures are proposed within the submitted environmental desk study report, the Scientific Officer finds that these are not required, and on this basis a condition would not need to be imposed to this effect.

7.109 Planning Balance

7.110 The proposed development seeks to introduce new employment space within the countryside through the conversion of four existing agricultural buildings.

7.111 The site falls within the designated Haddenham and Aldreth Neighbourhood Plan area and therefore the policies of the Neighbourhood Area (2022) are relevant. Policy HAD4 of the Haddenham and Aldreth Neighbourhood Plan states that “other suitable new employment proposals within or on the edge of the village will be supported in principle”, setting a clear locational requirement for new employment proposals.

7.112 The proposed development is not considered to be within or on the edge of the village, and therefore fails to meet this locational requirement. In accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and Paragraph 30 of the National Planning Policy Framework 2021. The policies within the Haddenham and Aldreth Neighbourhood Plan (2022) (including Policy HAD4) take precedence over the non-strategic policies of the East Cambridgeshire District Council Local Plan 2015 (which includes Policy EMP 4) where they are in conflict. In this instance, therefore, the proposed development is contrary to the objectives of Policy HAD4 of the Haddenham and Aldreth Neighbourhood Plan as it fails to deliver sustainable development for the purposes of the Development Plan.

7.113 The proposed development has also failed to demonstrate that it would not exacerbate surface water flooding or flood risk elsewhere, as evidenced by the Lead Local Flood Authority objection.

7.114 Whilst the development has been found to be acceptable in all other respects, the outstanding objections relating to the principle of the proposed development within this location, as well as the concerns over flood risk, are considered to warrant a recommendation for refusal on this basis.

8.0 COSTS

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

- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) clearly advises that, *"If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."* In this instance, the Haddenham and Aldreth Neighbourhood Plan (October 2022) is the latter document of relevance to form part of the Development Plan for East Cambridgeshire District Council, after the Local Plan of 2015.
 - Section 38(6) of the same Act further requires that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." It is not considered any material considerations have been presented that would warrant a departure from the Development Plan, which includes the Haddenham and Aldreth Neighbourhood Plan.
 - Members are also advised that, whilst the Parish Council do not object and therefore find no conflict with their Neighbourhood Plan, the Haddenham and Aldreth Neighbourhood Plan represents the views of the parish as a whole.

9.0 APPENDICES
None

Background Documents

22/00638/FUM
91/00138/FUL
91/00139/FUL
91/00606/FUL
91/00607/FUL
92/00279/AGN
95/00616/AGN
84/00560/FUL
86/00145/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>