



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 6th March 2019

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL: (01353) 665555 EMAIL: Janis.murfet@eastcamb.gov.uk

Conservative Members	Liberal Democrat Members	Independent Members:
Cllr Joshua Schumann (Chairman) Cllr Mike Rouse (Vice- Chairman) Cllr Christine Ambrose Smith Cllr David Chaplin Cllr Paul Cox Cllr Lavinia Edwards Cllr Mark Goldsack Cllr Bill Hunt Cllr Stuart Smith	Cllr Sue Austen (Spokes)	Cllr Derrick Beckett
Substitute Members Cllr Elaine Griffin-Singh Cllr Neil Hitchin Cllr Lisa Stubbs	Substitute Members Cllr Christine Whelan	Substitute Members -
Lead Officers: Jo Brooks, Director, Operations Rebecca Saunt, Planning Manager		
Quorum: 5 Members		

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 10.00am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions

[oral]

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

3. **Minutes**
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 6th February 2019

4. **Chairman's Announcements** **[oral]**

5. **18/01447/OUT**
Residential redevelopment of existing timber yard.
59A Great Fen Road, Soham, CB7 5UH
Applicant: Border Farm Timber
Site Visit: 10.25am

6. **18/01448/FUL**
New dwelling.
Forge Farm Cottage, Brinkley Road, Westley Waterless
Applicant: Mr John Peters
Site Visit: 11.10am

7. **18/01548/RMA**
Reserved matters for the construction of seven dwellings.
Land Rear of 32 Lisle Lane, Ely
Applicant: Mr & Mrs R Garrett
Site Visit: 10.05am

8. **18/01514/FUM**

Change of use of existing agricultural buildings (Units 1,2,3,4,5,6,7,8,9,10,11 & 12) to B1, B2 & B8 (part retrospective).

GT & SE Taylor & Sons, 17 Oak Lane, Littleport

Applicant: GT & SE Taylor & Sons

Site Visit: 12.10pm

9. **18/01596/FUL**

RETROSPECTIVE Change of use of former agricultural building (Unit 11) to use for the sorting, display and storage of locally recycled, upcycled and craft goods by Independent Traders (including furniture, household/garden items and textiles) intended for sale by internet and to visitors in person.

Unit 11, 17 Oak Lane, Littleport

Applicant: GT & SE Taylor & Sons

Site Visit: 12.10pm

10. **18/01730/FUM**

Change of use of part of an existing agricultural building (Units 16 and 17) to D2 use (Unit 16 – retrospective)

GT & SE Taylor & Sons, 17 Oak Lane, Littleport

Applicant: GT & SE Taylor & Sons

Site Visit: 12.10pm

11. **Planning Performance Report – January 2019**

1.	<p>Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.</p> <p>This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.</p> <p>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 60 people plus Applicants, Agents, the Press and Registered Speakers.</p> <p>Admittance to the Council Chamber is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting.</p> <p>There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question times and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.</p>
2.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none"> ▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts. ▪ The fire assembly point is in the front staff car park by the exit barrier. ▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services. <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p>
3.	<p>Reports are attached for each agenda item unless marked "oral".</p>
4.	<p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk</p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>"That the press and public be excluded during the consideration of the remaining items no. 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 there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."</p>

MAIN CASE

Reference No: 18/01447/OUT

Proposal: Residential redevelopment of existing timber yard (Erection of four dwellings)

Site Address: 59A Great Fen Road Soham Ely Cambridgeshire CB7 5UH

Applicant: Border Farm Timber

Case Officer: Dan Smith, Planning Consultant

Parish: Soham

Ward: Soham North
 Ward Councillor/s: Councillor Mark Goldsack
 Councillor Carol Sennitt

Date Received: 15 October 2018 **Expiry Date:** 11 March 2019

[T210]

1.0 RECOMMENDATION

- 1.1 Members are recommended to REFUSE the application for the following reasons:
- 1.1.1 The proposed dwellings are located within the countryside and, by virtue of their distance from the main settlement of Soham and other local services and facilities; the lack of any public transport serving the site; and the lack of footpath or cycleway links, are situated in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the additional dwellings would be heavily reliant on private motor vehicles in order to access any local services or facilities. The proposed development would therefore cause harm in terms of the social and environmental elements of sustainable development. This identified harm would significantly and demonstrably outweigh the benefits derived from the provision of four dwellings, contrary to policies ENV 2 and GROWTH 2 of the East Cambridgeshire Local Plan 2015, policies LP3, LP22 and LP28 of the Submitted Local Plan 2018 and paragraph 11 of the National Planning Policy Framework 2019.
- 1.1.2 The proposed residential redevelopment of the site would result in the loss of an employment site. No evidence of a lack of viability of employment use on the site has been provided nor have any significant environmental or community benefits to outweigh the loss of the business use from the site been sufficiently demonstrated. The proposal is therefore contrary to policy EMP 1 of the East Cambridgeshire Local Plan 2015 and policy LP8 of the Submitted Local Plan 2018.

1.1.3 The proposed dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Soham with a lower probability of flooding and is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan, the Cambridgeshire Flood and Water SPD, the provisions of the PPG on Flooding and Coastal Change and the National Planning Policy Framework 2019.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline planning permission for the residential redevelopment of the site. The application is outline with all matters reserved meaning the approval of the detailed matters of access, layout, scale, appearance and landscaping would be reserved for future consideration. The application documents confirm that permission is being sought for the erection of four dwellings on the site. The indicative plans show four bungalows, however the scale of the buildings is a matter which is being reserved for future consideration.

2.2 The application has been referred to Planning Committee at the request of Councillor Mark Goldsack.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

01/00732/FUL	Removal of agricultural occupancy condition	Approved	08.11.2001
10/00650/FUL	Application for the change of use of part of the land to the side and rear of 59a Great Fen Road to Timber Yard (Retrospective).	Withdrawn	16.09.2010
11/00603/FUL	Change of use of part of the land to the side and rear of 59a Great Fen Road to Timber Yard (Retrospective).	Approved	08.09.2011

13/00070/VAR	Variation of condition 1 (hours of opening)	Approved	18.03.2013
13/00575/FUL	Erection of Agricultural Building (296 floor Area)	Approved	13.09.2013
15/00299/FUL	Erection of replacement office building	Approved	12.05.2015
16/00907/FUL	Single Storey Detached Dwelling	Withdrawn	06.12.2016
17/00355/FUL	Detached Dwelling on frontage of site	Approved	12.03.2018

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is an existing timber yard accessed off Great Fen Road located behind existing dwellings on the road frontage and is accessed via a driveway which runs between the two dwellings. The site is largely used for the outdoor storage of timber, however there are low sheds along both side boundaries of the site. To the front of the site there is a row of detached single storey dwellings as well as the office building permitted to be replaced by a dwelling under permission 17/00355/FUL. On the land to the rear there is an agricultural storage building which is also owned by the applicants but is not included within the application site.
- 4.2 The site is far outside of the established development envelope of Soham and is approximately 3 miles from the nearest extent of the envelope and 4 miles from the town centre. The site is located within Flood Zone 3. The surrounding area is considered to be primarily agricultural with sporadic housing along Great Fen Road.

5.0 RESPONSES FROM CONSULTEES

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

Soham Town Council – expresses concern regarding the proposed development on the basis that it is outside of the development envelope, is a poor development site and would result in the loss of employment through the closing of the timber yard.

Ward Councillors – no comments received.

The Ely Group Of Internal Drainage Board – does not object to the proposed development provided that the proposed soakaways would be an effective means of surface water drainage.

Local Highways Authority – states it has no objections to the principle of the development subject to conditions requiring the provision of a minimum width of access, adequate parking and turning areas on site and a restriction on the erection of gates across the access.

CCC Growth & Development - no comments received.

Environmental Health – states that no contamination report has been provided and that as the development is vulnerable to contamination conditions regarding the investigation and remediation of contamination and the presence of unanticipated contamination would be required. It also requests a condition restricting construction hours in the interests of the amenity of neighbouring dwellings.

Waste Strategy (ECDC) – States it will not enter private property to collect waste receptacles and that it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. It suggests that a defined collection point at the access road entrance for the properties should be provided to avoid causing an obstruction on collection days. It notes its prerogative to charge for the provision of waste receptacles.

Environment Agency – objects to the proposed development on the grounds that the site lies within Flood Zone 3a which is defined as having a high probability of flooding where, notwithstanding the mitigating measures proposed, the risk to life and property, from flooding would be unacceptable if the development were to be allowed.

It states that the proposed development is located within the area identified as being at residual risk of flooding from the Ely Ouse and that the Flood Risk Assessment (FRA) has not utilised the Fenland modelling study to assess the residual risk of flooding to the site. This modelling shows that the site would flood to 0.5-0.6m if a breach in the defences occurred during a 1% AEP (Annual Exceedance Probability) event. The impacts of climate change on flood levels will likely increase the depth of flooding that will occur, unfortunately we do not have climate change scenarios for this location.

It recommends that floor levels are raised to 0.8 metres which would reduce the risk of internal flooding or that they are provided as two storey dwellings to provide first floor refuge. If that was achieved it states it would remove its objection.

Consultee For Other Wards In Parish - no comments received.

5.2 Neighbours – Three neighbouring properties were notified of the planning application. No responses were received to that consultation.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 1 Levels of housing, employment and retail growth
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 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 *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

6.3 *National Planning Policy Framework 2019*

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

Planning Practice Guidance

6.4 *Submitted Local Plan 2018*

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

7.0 PLANNING COMMENTS

7.1 The main planning considerations are the principle of development; impact on visual amenity; residential amenity; highway safety and parking provision; contamination; flood risk and drainage; and biodiversity.

7.2 Principle of Development

7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Soham in the countryside. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition.

7.2.2 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. The Council's Five Year Housing Land Supply Report (November 2018) demonstrates that the Council has a 3.94 year supply of deliverable housing land. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan and LP3 and of the Submitted Local Plan 2018, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 Suffolk Coastal District Council v Hopkins Homes Ltd) re-emphasised that where relevant policies are out of date, the "tilted balance" within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted 'unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

7.2.3 A balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.

7.3 Benefits of the scheme

7.3.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.

7.3.2 The social benefits of the scheme are the provision of four dwellings which would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable

housing needs. At four dwellings, the limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in four additional households in the locality which could provide some benefit in terms of the viability of local services and facilities, however the dwellings are not located close to any such facilities or accessible to them except by private car. Furthermore, the limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.

7.3.3 The economic benefits of the scheme would include the construction of four houses which would bring about temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme from construction are afforded relatively limited weight. There would also be a potential beneficial impact on the local economy in terms of the use of local services and facilities, however due to the small scheme size and its distance from such services and facilities, the benefit is likely to be relatively limited. The increase in population may also contribute a limited benefit to the local labour market.

7.3.4 There is potential for a limited environmental benefit in the form of some ecological enhancement on site resulting from the development.

7.4 Adverse Impacts

7.4.1 It is considered that the adverse impacts of the scheme are its unsustainable location, distant from any local services and facilities, devoid of public transport links and with no footpath or cycleway links, the loss of the existing business use from the site and the location of the site in an area at high risk of flooding. These impacts are discussed in more detail below.

7.5 Sustainability

7.5.1 As per paragraph 8 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. While there are existing dwellings along the frontage of Great Fen Road, the site is otherwise located a considerable distance from any other social amenities and occupants would not have easy access to community groups or facilities. The site is located over 3 miles from the nearest point of the Soham Development Envelope and is 4 miles from its centre. It is not accessible by public transport nor public footpath or cycleway. Occupants of the site would therefore be heavily reliant on the car to gain access to services and facilities. This would not accord with the requirements of the NPPF nor the environmental dimension of sustainable development and the location remote from such services and facilities would weigh against the social dimension of sustainable development.

7.5.2 Due to the lack of accessible services and facilities and public transport, the dwellings would also result in occupants relying almost exclusively on private motor vehicles for access to the services in the wider area and for access to jobs and social opportunities more widely. On that basis, the proposed development is considered to perform badly against the social element of sustainability, which focusses on the need for development to support strong, healthy communities by

providing housing to meet the needs of current and future generations and by providing accessible services.

- 7.5.3 The scheme is also considered to perform badly against the environmental role of sustainability which focusses on the need to protect and enhance the environment through using natural resources prudently, minimising pollution, and mitigating and adapting to climate change. The over-reliance on private motor vehicles and the requirement to travel considerable distance to access even the most basic services and facilities would not be sustainable from an environmental point of view.
- 7.5.4 While there are existing dwellings on the frontage of Great Fen Road, some of which, such as the dwelling adjacent to the access to the site, have been given permission in the recent past, the proposed site is for a larger number of dwellings than the single dwellings that have been approved in the immediate vicinity. The harm identified above in terms of the unsustainable location and nature of the site would therefore be considerably worse when compared to previous permissions issued as it would result in more households living in an unsustainable location.
- 7.6 Loss of Business Use
- 7.6.1 Policy EMP1 of the East Cambridgeshire Local Plan 2015 seeks to ensure the retention of sites which are currently or were lastly used for employment purposes, other than in exceptional circumstances where it is demonstrated either that the site is no longer a viable employment site or the redevelopment would bring significant environmental or community benefits.
- 7.6.2 No evidence has been provided in respect of the lack of viability of the site as an employment site has been as part of the application, nor have any significant environmental benefits been evidenced which would outweigh the loss of the business use.
- 7.6.3 The applicant has advanced the argument that as a timber yard is a *sui generis* use, it ought not to be subject to the requirements of policy EMP1 to retain business uses (as the policy refers to B1, B2 and B8 uses). However, it is clear that the site operates as a business and the intention of the policy is to retain sites which provide employment uses and it is not the practice of the Council to exclude sites which are designated as *sui generis* from that protection where they clearly provide for employment through a business use.
- 7.6.4 On that basis, the redevelopment of the site for residential purposes is contrary to policies EMP1 of the East Cambridgeshire Local Plan 2015 and LP8 of the Submitted Local Plan 2018.
- 7.7 Visual Amenity
- 7.7.1 The proposed development of the site would not project further back into the open countryside than the existing development. The indicative plans show four bungalows and, subject to an appropriate scale of building which would be considered in detail at reserved matters stage, it is not considered that such development would cause any significant harm to the visual amenity of the area or to the character of the wider countryside. Siting buildings off the side boundaries of

the site could also allow for more effective landscaping of those boundaries. While the proposed development would result in four residential bungalows on the site, these would replace the development associated with the existing timber yard business and it is considered this would result in a neutral impact on the visual amenity of the area.

7.7.2 It is therefore considered that the proposed development would comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018 in respect of its impact on visual amenity.

7.8 Residential Amenity

7.8.1 The indicative layout plan demonstrates that it would be possible to locate the dwellings such that they would not cause any significant, loss of light, visual intrusion or overlooking of neighbouring dwellings.

7.8.2 The use of the access next to the existing frontage dwelling for the proposed residential properties is not considered likely to cause any significantly greater impact in terms of noise disturbance to the existing properties than the use of the access to serve the timber yard.

7.8.3 There could be the potential for some noise disturbance to existing dwellings from the construction phase of the development, however this could be adequately mitigated by the imposition of a condition restricting construction hours.

7.8.4 It is therefore considered that the proposal complies with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018 in respect of residential amenity.

7.9 Highway Safety and Parking Provision

7.9.1 While means of access is reserved for future consideration, the plans submitted indicate that the site is currently accessed via a 6 metre wide access and the Local Highways Authority has confirmed this is sufficient to serve the proposed dwellings. It is therefore considered that there is a means of providing adequate vehicular access to the site, which would be considered in detail at reserved matters stage were outline planning permission granted.

7.9.2 While the layout of the development is reserved for future consideration, the indicative layout demonstrates that adequate parking and turning could be provided on site for four dwellings.

7.9.3 It is therefore considered that the proposal complies with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018 in respect of highway safety and parking.

7.10 Contamination

7.10.1 Due to the nature of the existing use as a timber yard and the likelihood that the proposed residential end use could be vulnerable to the presence of contamination,

it is considered that investigation and remediation of contamination would be required in order to ensure the site would be safe for habitation. The Council's Environmental Health Officer is content that a condition requiring a scheme of investigation and remediation and another addressing unanticipated contamination could give sufficient protection if the application was approved.

- 7.10.2 It is therefore considered that the proposal complies with policy ENV9 of the East Cambridgeshire Local Plan 2015 and policy LP26 of the Submitted Local Plan 2018 in respect of the risks of land contamination.
- 7.11 Flood Risk and Drainage
- 7.11.1 The application site is wholly within Floodzone 3, meaning it is at a high probability of surface water flooding. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 7.11.2 Paragraph 11 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Areas at risk of flooding are one of those specific areas which the NPPF lists as being protected.
- 7.11.3 The NPPF requires that a sequential approach is taken to the location of development based on flood risk, meaning development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.
- 7.11.4 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Table 3 of the NPPF Planning Practice Guidance makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.
- 7.11.5 Paragraph 158 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding.
- 7.11.6 Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites within the Parish of Soham suitable for the erection of a single dwelling which are outside of Flood Zone 3.

- 7.11.7 A Flood Risk Sequential Test has not been submitted by the applicant. The Cambridgeshire Flood and Water SPD states this should be completed by the applicant. In the absence of one the LPA have considered the requirements of the Sequential Test. There are a number of allocated sites for housing within the Parish of Soham, as specified within the East Cambridgeshire Local Plan 2015. In addition, a number of planning applications for new dwellings have recently been approved in more sustainable locations within the Parish of Soham and windfall sites not within Flood Zone 3. It is therefore considered by the Local Planning Authority that there are a number of other reasonably available sites for housing development within the Parish of Soham which are at a lower probability of flooding. Therefore, the application has not demonstrated that the proposed additional dwellings are necessary in this location and the application fails the Sequential Test for this reason.
- 7.11.8 It should also be noted that the Cambridgeshire Flood and Water SPD advises that applications for sites in Flood Zone 2 and 3 where there is no Sequential Test information provided will be deemed to have failed the Sequential test.
- 7.11.9 Had the Sequential Test be passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.11.10 The exception test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- 7.11.11 A site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall food risk. Both elements need to be passed for development to be allocated or permitted under paragraph 161 of the NPPF.
- 7.11.12 The application fails to demonstrate that the dwellings provide wider sustainability benefits to the community that outweigh flood risk and therefore fails part one of the exception test.
- 7.11.13 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place dwellings in an area at significant risk of flooding, contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework 2019.
- 7.12 Biodiversity
- 7.12.1 The site is largely given over to commercial timber storage. The buildings on site which would be demolished are shallow pitched roof, modern storage sheds and are not considered suitable for the roosting of bats. It is therefore not considered that the proposed redevelopment would harm ecological interests on the site or in the wider area. The NPPF and East Cambridgeshire Local Plan 2015 policy ENV 7 require that development enhance biodiversity and it is considered that the proposed development could achieve this through measures, including for example, bird and bat boxes which could be incorporated into the final design.

7.12.2 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP30 of the Submitted Local Plan 2018 in respect of the protection and enhancement of biodiversity.

7.13 Planning Balance

7.13.1 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified is the harm caused by the unsustainable location of the site, the loss of the business use and the harm caused by placing new residential development in Flood Zone 3. The identified harm would conflict with the social and environmental objectives of sustainable development and is considered to be so significant that it significantly and demonstrably outweighs the limited benefits which would be derived from the provision of the dwellings. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be refused.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01447/OUT	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



18/01447/OUT

59A Great Fen Road
Soham



East Cambridgeshire
District Council

Date: 20/02/2019
Scale: 1:1,500



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MAIN CASE

Reference No: 18/01448/FUL

Proposal: New dwelling

Site Address: Forge Farm Cottage Brinkley Road Westley Waterless
Newmarket Suffolk CB8 0RD

Applicant: Mr John Peters

Case Officer: Catherine Looper, Planning Officer

Parish: Westley Waterless

Ward: Bottisham
Ward Councillor/s: Councillor Alan Sharp
Councillor David Chaplin

Date Received: 1 November 2018 **Expiry Date:** 08/03/2019

[T211]

1.0 **RECOMMENDATION**

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

1. The proposed dwelling is located within the countryside and, by virtue of its distance from the settlement of Westley Waterless, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework. The proposal fails to comply with the policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1 and LP17 of the Submitted Local Plan 2018, and Paragraphs 11 and 79 of the National Planning Policy Framework, as it fails to promote sustainable development.

2. The resulting development will have an overly cramped appearance, contrived layout and appear incongruous within the street-scene. The development site does not lend itself to residential development and the proposal would appear out of keeping in this plot and would appear incongruous in the grounds of another dwelling. This harm would be further exacerbated by the removal of a significant section of mature hedgerow to accommodate the access. The development is not considered to be in accordance with Local Plan Policy ENV1 and ENV2 and Policy LP28 and LP22 of the Proposed Submission Local Plan 2017 which states that development should respect the density, landscape and character of the surrounding area and is recommended for refusal on these grounds.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of a dwelling on garden land adjacent to Forge Farm Cottage. The proposed dwelling is 1.5 storey and has a frontage of 10m. The proposed dwelling extends back into the plot by 11.2m. The upper floor is served by roof lights and dormer windows of a gable design.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called into Planning Committee by Councillor Alan Sharp.

3.0 PLANNING HISTORY

3.1

07/01208/FUL	Demolition of cottage, erection of new dwelling and change of use of land to residential garden	Refused	06.03.2008
17/00512/OUT	Erection of a replacement dwelling and associated garage on land at Forge Farm Cottage	Approved	26.07.2017
18/00392/FUL	Two storey rear extension	Approved	21.05.2018

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises garden land to Forge Farm Cottage and is enclosed by a mature hedgerow. The surrounding area is agricultural land and is open in nature. The site is located outside of the development envelope of Westley Waterless and is found alongside a 60mph road.

5.0 RESPONSES FROM CONSULTEES

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

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

CCC Growth & Development - No Comments Received

ECDC Trees Team - No Comments Received

Waste Strategy (ECDC) – No objections raised. Standard informatives recommended.

Parish - No Comments Received

Ward Councillors - No Comments Received

5.2 Neighbours – Due to the rural location, no neighbouring properties were notified. An advert was placed in the Cambridge Evening News. No responses have been received.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

6.2 *Supplementary Planning Documents*

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

6.3 *National Planning Policy Framework 2018*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 *Submitted Local Plan 2018*

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside

LP5	Community-led development
LP6	Meeting Local Housing Needs
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and other matters.

7.2 Principle of Development

7.3 The application site lies outside of the defined development boundary. The development of the site for housing would therefore conflict with policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 and policy LP3 of the Submitted Local Plan 2018 which seek to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policy GROWTH 2 and policy LP3 cannot be considered up to date in so far as they relates to supply of housing land.

7.4 In this situation the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

7.5 Paragraph 79 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. The site is located in a rural location, with only the historic adjacent dwelling found in the locality. It is therefore considered to be an unsustainable location for the erection of a new dwelling, similar to the conclusions of the Inspector in a recent appeal decision which forms a material consideration to be given significant weight in determining this application. Appeal decision for The Cotes in Soham (APP/V0510/W/16/3143840) cited the location as unsustainable due to the reliance on the car. The appeal stated that “*both (sites) would be reliant on the car to gain access to services and facilities. This would not accord with the Framework or the environmental dimension of sustainable development*” and “*the isolation of the sites from community facilities would weigh against the social dimension and would not accord with paragraph 55 of the Framework regarding the location of rural housing*”. Furthermore, the appeal also stated “*given the distance of the sites from local facilities and the unsuitability of the road for pedestrian access, I conclude on this issue that the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities*”. This application site is approximately 250 metres from the edge of Westley Waterless which does not

benefit from an adequate level of services. In addition, the public transport services are poor and mean that future occupiers would be reliant on the use of a vehicle in order to access services and facilities further afield. Members are also aware of subsequent appeal decisions in Little Downham and Isleham relating to unsustainable locations and reliance on the private motor vehicle (APP/VO510/W/3158114 and APP/V0510/W/3160576 respectively).

- 7.6 It is considered that the proposal is contrary to policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018 which require that development is designed to reduce the need to travel, particularly by car, and to promote sustainable forms of transport. This site is located outside of the development envelope and as such, the Local Planning Authority view it as unsustainable as there are a number of sites within adjacent villages which are in a more sustainable location.
- 7.7 Residential Amenity
- 7.8 Under policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 this application should take care to ensure there is no significantly detrimental harm to the residential amenity of the future occupiers and neighbouring occupiers as a result of the proposed. The Design Guide SPD requires new dwellings to provide a minimum of 50sqm private amenity space. The proposal will provide sufficient space as to comply with this.
- 7.9 Due to the location of the proposal in relation to the neighbouring dwelling it is not considered to cause a significant loss of privacy for neighbouring occupiers or create overbearing or overshadowing impacts. As a result it is considered to broadly comply with the residential amenity aspect of policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018
- 7.10 Visual Amenity
- 7.11 In terms of visual amenity, policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Under policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2018 this application should ensure that it provides a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements.
- 7.12 The proposal, by virtue of its design and positioning, would constitute a cramped and contrived form of development on a plot which does not appear to warrant residential development. Forge Farm Cottage is a detached dwelling set in spacious grounds with mature boundary treatments. In addition, Forge Farm Cottage is historic and is set within a wide garden. The introduction of a further dwelling in this location would create a dense and urbanising form of development which is not characteristic in the vicinity of the site. In addition this would necessitate the removal of a significant section of mature hedgerow to the front of the site which would increase the urbanising impact of the proposal in the rural setting. The siting of the proposed development is considered to be inappropriate

for its setting and will appear out of keeping with the pattern of development in this area. It will appear cramped and visually discordant in the street scene. This will result in a poor relationship with the adjacent property and overdevelopment of the site.

- 7.13 As a result, the proposal is considered contrary to policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.
- 7.14 Highways
- 7.15 Under policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018 this application should ensure that it can provide safe and convenient access to the highway network. The Local Highways Authority did not object to the principle of the application but have requested a number of necessary conditions which can be attached to any approval. As a result the application is considered to comply with policy COM7 and policy LP17 in relation to safe and convenient access. Local Plan policy COM8 requires new dwellings to provide a minimum of two parking spaces. The layout shows adequate parking at the dwelling for two motor vehicles. As a result the application is considered to comply with policy COM8.
- 7.16 Flood Risk, Drainage and Contamination
- 7.17 The details of foul and surface water drainage have not been submitted as part of the application. However, a scheme to deal with surface water can be secured by way of condition as can unexpected contamination due to the sensitive end use.
- 7.18 Other Material Matters
- 7.19 Consideration has been given to the ecological value of the site. The site upon visit is currently used as garden land. Policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. It is recommended that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously undeveloped land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements.
- 7.20 Planning Balance
- 7.21 On balance the application would provide one additional house to the district's housing stock. However this is considered to be an unsustainable location outside of the defined development envelope of Westley Waterless and would result in the reliance on a vehicle in order to access basic services, contrary to policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018. In addition, the proposal would appear cramped and contrived, on a site which does not

warrant residential development and would be harmful to the character and appearance of the area. The application is therefore recommended for refusal.

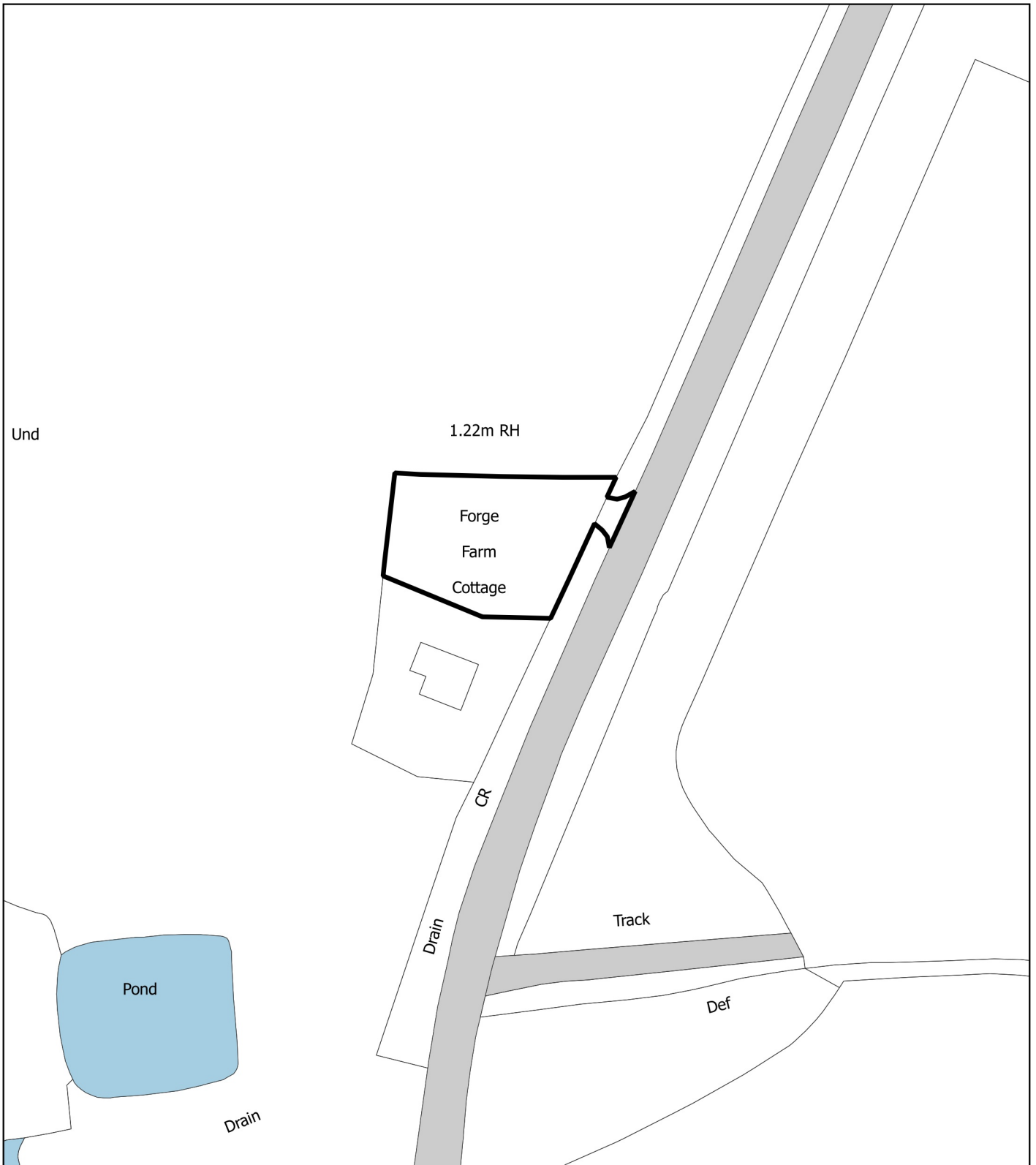
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01448/FUL	Catherine Looper Room No. 011	Catherine Looper Planning Officer 01353 665555
07/01208/FUL	The Grange	catherine.looper@e
17/00512/OUT	Ely	astcambs.gov.uk
18/00392/FUL		

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>



18/01448/FUL

Forge Farm Cottage
Brinkley Road
Westley Waterless



East Cambridgeshire
District Council

Date: 20/02/2019
Scale: 1:750



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MAIN CASE

Reference No: 18/01548/RMA

Proposal: Reserved matters for the construction of seven dwellings

Site Address: Land Rear Of 32 Lisle Lane Ely Cambridgeshire

Applicant: Mr & Mrs R Garrett

Case Officer: Angela Briggs, Planning Team Leader

Parish: Ely

Ward: Ely East
 Ward Councillor/s: Councillor Richard Hobbs
 Councillor Lis Every

Date Received: 16 November 2018 **Expiry Date:** 11th March 2019

[T212]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

1. Approved Plans
2. Time Limit – RMA
3. Sample Materials
4. Parking & Turning
5. Visibility Splays - plans
6. Construction Environmental Management Plan (CEMP)
7. Burning of Waste
8. Boundary Treatment
9. Soft and hard Landscaping maintenance

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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

- 2.2 The application seeks planning permission for seven dwellings on land to the rear of 32 Lisle Lane, Ely. The proposal is submitted as a reserved matters application and includes appearance, landscaping, layout and scale. This application follows a previously approved outline permission, Ref: 15/00956/OUT for residential development. The application was originally submitted for eight dwellings. The application has since been amended to reduce this to seven dwellings in total.
- 2.3 During the outline application, means of access was included as this was considered significant, and as such was duly considered as part of the outline application. The access, and impact on highway safety, were assessed and recommended for approval by the Local Highways Authority. Access and highway safety will therefore not form part of the consideration for this Reserved Matters application, other than ensuring that the access dimensions remain the same as previously approved (condition 6 on the outline consent which can be viewed at Appendix 2).
- 2.4 The application has been called in to be decided by Planning Committee by Councillor Pearson on the grounds of the impact on highway safety on the wider area.

3.0 PLANNING HISTORY

3.1

15/00956/OUT	Proposed residential development	Approved	17.12.2015
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located within the established development framework of Ely and within the Ely Conservation Area. The site once formed a garden area to the rear of 32 Lisle Lane, but the site has now been cleared of most vegetation and is unkempt. The site is surrounded on three sides by residential dwellings with the Royal Mail Sorting Office adjoining the north-eastern boundary. The site lies within a Water Treatment Works Safeguarding Area and is approximately 300m from the River Great Ouse County Wildlife Site. The site is also within a 2km consultation zone for the Ely Pits and Meadows SSSI.

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.

Ely City Council – The City of Ely Council have no concerns regarding this application.

Ward Councillors – No comments received.

Conservation Officer – The Conservation Officer originally raised concern about the original submission for eight dwellings due to the cramped form and design of the scheme. No objections raised in relation to the amended scheme for seven dwellings.

Consultee For Other Wards In Parish - From Councillor Andy Pearson: In my opinion the area in which the estate will exit cannot cope with the additional entrance or exit for the following reasons:

- The area has too many exits or roadways joining in a short distance. There is Aldi, Old Brewery Close, Willow Walk, plus the exit from Sainsbury/Country Park Cresswells Lane. A distance of 1 tenth of a mile.
- The road itself is a main through road in Ely, it is used by a large amount of traffic, including many lorries and deliveries. It is also the route for the circular bus
- The cycle path has been completed at the top end of Lisle lane, where it meets this area it becomes part of the main highway and hence dangerous in my opinion
- In addition there are two pelican crossings within this distance
- There are two major supermarkets, plus entrance to the post office (including its fleet of vehicles), the exit from Lidl is almost opposite the proposed entrance. This will cause a major problem with turning.
- Re the post office, the placement of two major letter boxes outside the post office causes further congestion between 5pm and 6pm when businesses park on double yellow lines blocking the road, to drop post off, this also occurs during other hours. This would cause a blind spot from anyone exiting the new dwellings. I will agree it should not as they are double yellow, however the car park at the post office is either full or locked at those time. The police have never to my knowledge ever enforced any action here.
- The entrance to the new housing will not just be used by residents, it can possibly carry private signs but they will not be adhered to
- The traffic in this area is busy all day however, on rush hour times, most of Saturday morning it can come to a standstill, the addition frustration and activity at a new entrance is something that will not assist in this issue.
- In addition to the traffic lights at the pelican crossing there is a major junction within approx. 200 meters controlled by lights, the traffic would congest over the proposed exit on the other carriageway, it does already with Lidl and this has its issues
- The road from Fore Hill, and Broad Street into Lisle Lane is a blind corner. I have previously campaigned how dangerous this area is.

I understand a survey has been carried out by the county council, in my experience these are not carried out over a period of time, these need to be carried out at peak times, which I have stated above.

I feel an additional entrance would be dangerous to vehicles, cyclists and most of all pedestrians. Have other options for an exit been explored, these might prove more expensive to the builder however in the scheme of a profit margin on these house it would be little. Is there no way an exit could be made onto Cresswells Lane, certainly **not** Willow Walk, where the garages exit as I fear this may be another plan.

I have lived in Ely the majority of my life, I have seen this area developed from Orchards to what it is now, a busy main road, with as I have stated Supermarkets, Post office, New housing estates, sheltered housing, and warehouse, and now a newly developed private sheltered housing. This road is used by every taxi company to travel from the estates in the North of Ely on my ward to the railway station. It is likewise used by the same people driving, cycling or walking to the station. It is a route to the two largest car parks covering the City Centre, and it is also the access road for people travelling from Prickwillow, Littleport and Queen Adelaide to the car parks and supermarket. Not to count those coming from south of the city to use the amenities. The introduction of the new housing in the north of the City will also add to the additional traffic.

I have used my experience as a serving police officer for almost 30 years to assess what I see as the risk.

This is the first time I have objected to any planning application, and it shows how passionate I feel about this. There was a perfectly good large bungalow where the planning is proposed, which has since been demolished, with the intention to build these houses. This is not six more houses, this is six more families, potentially with two cars per house. Then when the children grow possibly more cars. Plus delivery drivers, refuse collections, and other using the cul de sac to turn around or park so as to run across to the shops, I have seen this plenty of times with people parking on the path.

In an area under a 10th of a mile I feel this is dangerous and should not be approved.

I have written this email as my opinion, however I have been approached many times prior to this application by concerned residence who were worried about the potential proposal.

Environmental Health Officer: No objections subject to conditions relating to land contamination, construction and delivery times and a CEMP plan to be submitted.

ECDC Waste Strategy: No objection.

Local Highways Authority: No objection.

ECDC Trees Officer: No objections to the proposed tree planting. Recommend conditions relating to soft and hard landscaping. The amended plans show an amended schedule of soft landscaping details which is acceptable.

Anglian Water: No comments received.

5.2 A site notice was displayed on 28th November 2018 near the site and a notice was published in the Cambridge Evening News on 29th November 2018. 56 neighbours were consulted. Responses were received from the following addresses:

- 23 Willow Walk;
- 8 Willow Grove

The following concerns were raised:

- Exacerbate traffic along Lisle Lane during very busy periods;
- Clash with the existing entrances to Aldi and Sainsbury's;
- Concern with proposed tree planting along boundaries with plots 6 and 7;
- Clash with pedestrians, cyclists etc. and impact on safety of all road and pavement users;
- Concern about sewerage drainage capacity.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
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
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

Ely Conservation Area

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 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 & enhancing the historic environment

6.4 Submitted Local Plan 2018

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

- 7.1 The main issues to consider in the determination of this application are impact on visual amenity and Character of the Conservation Area, impact on residential amenity, car and cycle parking provision, waste provision, and landscaping.
- 7.2 Outline permission for residential development of up to eight dwellings has been approved on this site, Ref: 15/00956/OUT and therefore the principle of development has been secured. Means of access was considered and determined as part of this application and is also secured by the outline permission by condition 6. This condition also required details of the access to be included as part of a Reserved Matters application to ensure consistency.

7.3 **Impact on Visual Amenity and Character of the Conservation Area:**

- 7.4 The site is currently vacant and lies behind No.32 Lisle Lane, a single storey dwelling. There is an existing access to the site which joins Lisle Lane which is currently secured by metal gates. These gates are set back from Lisle Lane. The area is characterised by a mix of both residential and commercial. Aldi is directly opposite the site, the Royal Mail Sorting Office is directly to the north-east of the application site, beyond which is Sainsbury's. Also in the area is Travis Perkins, building merchants, and the recently built care home.

- 7.5 Aldi is a large single storey building set back from the road. Sainsbury's is a large single storey building, but is raised to allow car parking underneath it and as such its scale is more akin to a two-storey building in the street scene. Willow Walk is also directly situated to the South which is characterised mainly by two-storey cottage-style dwellings and Willow Grove to the East, also consisting of two-storey dwellings.
- 7.6 The dwellings along Lisle Lane are mainly two-storey although there are some single storey dwellings, at Bell Holt.
- 7.7 The application proposes seven two-storey dwellings. Plots 1, 4, 5, 6 & 7 are all detached. Plots 2 & 3 are semi-detached. They vary in design but are no more than 7m in height, as stipulated on the outline permission (condition 9). The dwellings are laid out in a linear form and turns the corner to the rear of the site. The dwellings are characteristic of the area and would not be out of keeping with the varying styles of the existing built form. The design and layout is acceptable and makes efficient use of this infill plot.
- 7.8 Policy ENV2 of the East Cambridgeshire Local Plan seeks all development to be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. It is considered that this proposal complies with the aims and objectives of this policy by relating well to the existing buildings along Willow Walk, Lisle Lane and Willow Grove, and as such is acceptable.
- 7.9 The site is also situated within the Ely Conservation Area. Policy ENV11 of the East Cambridgeshire Local Plan, 2015, seeks to ensure that all new development within, or affecting, a Conservation Area preserves or enhances the character or appearance of the Conservation Area.
- 7.10 There are some traditional styles of dwellings along Lisle Lane and Willow Walk. There are also examples of some modern development such as the Aldi and Sainsbury's supermarkets and the new Care Home further up Lisle Lane. The scheme, as originally submitted, proposed eight dwellings, similar in layout to the amended scheme. However, I had concerns about Plots 5 and 8 which appeared cramped and contrived on the site. The Conservation Officer also shared this view. The agent amended the design by reducing the scheme by 1 dwelling to allow more space around the dwellings and to enhance the proposal and its relationship with the character of the Conservation Area. The amended scheme has resulted in a more coherent development, a better mix of dwelling types and provides a better environment for future occupiers. I was also mindful of the Royal Mail Sorting Office which is a large, opposing building close to the site and ensuring that the design is not compromised by this building.
- 7.11 It is therefore considered that the design of the proposed dwellings would complement the existing styles and would not detract from the character or appearance of the Conservation Area. The Conservation Officer has raised no objections to the amended scheme and I would concur with this assessment, and as such is acceptable.

- 7.12 It is considered that the proposal complies with the aims and objectives of policies ENV2 and ENV11 of the East Cambridgeshire Local Plan, 2015 and policies LP22 and LP27 of the Submitted Local Plan, 2018.
- 7.13 Impact on Residential Amenity**
- 7.14 The main neighbours which would be affected by this development would be no.32 Lisle Lane and those residents on Willow Walk and Willow Grove, which abut the South and West boundaries. The properties along Willow Walk are set close to the road with longer rear gardens. The proposed dwellings have been designed to provide separation distances of 20m or more between the proposed buildings and those on Willow Walk and Willow Grove, in accordance with the Design Guide SPD. Plot 1 is 16m away from No.32 Lisle Lane. There are no windows on the flank elevation facing this property and as such there would be no over-looking issues. In terms of over-bearing, Plot 1 would be two-storey in height and would be higher than no.32 Lisle Lane. However, I do not consider that Plot 1 would appear over-bearing or result in an unacceptable sense of enclosure which would otherwise warrant refusal of the application. Plots 2 & 3 are a semi-detached pair which sits comfortably on the plot, set back from the access road. The amenity space to the rear would be 7m to the rear boundary with the dwellings on Willow Walk. There are other properties in the locality with this level of amenity space and as such I consider that this is acceptable. Plot 4 is a detached dwelling and identical to Plot 1, set slightly forward than Plots 2 & 3 but with a similar amenity space to the rear. Plots 5 & 6 are both detached properties and sit on larger plots as the site turns the corner. There is a greater distance between these properties to the properties on Willow Walk and Willow Grove. Plot 7 is a detached dwelling identical to plots 1 & 4 which is the final dwelling on the site and abuts the gardens of Willow Grove. The rear garden area is 12m to the boundary with the Willow Grove properties.
- 7.15 It is considered that the proposed dwellings would not appear over-bearing to the dwellings on Willow Walk or Willow Grove or create an unacceptable level of overlooking.
- 7.16 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 seeks new development to ensure there is no significant detrimental effects on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. The relationship between the proposal and existing built form is acceptable and also in accordance with the Design Guide SPD in terms of plot sizes, separation distances and built form ratio for each plot.
- 7.17 In terms of the amenity of new occupiers of the proposal, there is sufficient amenity space around the dwellings which reflects the character of the infill plot and respects the amenity areas of nearby occupiers. As such, it is considered that the proposal is acceptable and would not cause significant harm to the residential amenities of future occupants.
- 7.18 The proposal therefore complies with policies ENV2 of the East Cambridgeshire Local Plan, 2015 and Policy LP22 of the Submitted Local Plan, 2018.
- 7.19 Car and Cycle Parking Provision, & Waste storage**

- 7.20 In terms of car parking, there would be 2no. car parking spaces provided per dwelling, in line with our car parking standards for this area. 2no. visitor spaces are also proposed in accordance with the parking standards. A bin collection area and a turning area are also provided for waste collection vehicles on site, so that refuse vehicles can turn and exit in a forward gear, in accordance with the guidance within the RECAP Waste Management Design Guide SPD, 2012 (adopted by the County Council and covers all authorities within Cambridgeshire and Peterborough) in relation to new housing development. The RECAP document also advises about dragging distances for wheelie bins from properties to a waste collection point. This distance is 30m from the boundaries of the property to any designated storage area. Some properties exceed this distance, but there is sufficient space outside each property for bins to be stored. Whilst this weighs against the proposal it is not considered sufficient to refuse the application. Cycle parking is not indicated on the plan, however, there is sufficient space for each dwelling to provide cycle parking in accordance with the Council's cycle parking standards.
- 7.21 It is considered that the car and cycle parking provisions and waste storage are acceptable and complies with the aims and objectives of Policies ENV2 and COM8 of the East Cambridgeshire Local Plan, 2015 and Policy LP22 of the Submitted Local Plan, 2018.
- 7.22 Landscaping**
- 7.23 In terms of landscaping, a soft and hard landscaping specification has been included in the application. The Council's Trees Officer has considered the soft landscaping details and has advised that some amendments should be made to some of the proposals as it was considered that some plant species would not be suitable for the public areas of the development. These details have been amended and the Tree Officer considers them to be acceptable. The hard landscaping details is also considered acceptable.
- 7.24 Condition 11 of the outline permission requires the soft landscaping to be carried out within the first planting season following completion of development.
- 7.25 It is therefore considered that the proposed landscaping details are acceptable and complies with the aims and objectives of policy ENV2 of the East Cambridgeshire Local Plan, 2015 and policies LP22 and LP28 of the Submitted Local Plan, 2018.
- 7.26 Other Matters**
- 7.27 Matters pertaining to surface and foul water drainage, ecology, archaeology, renewable energy, tree protection, land contamination and other pollutants were all assessed as part of the outline application and relevant conditions appended to that decision.
- 7.28 Planning Balance**
- 7.29 The principle of development on this site has been secured by the outline consent. The proposal, subject of this application, has been amended to overcome concerns relating to design, layout and impact on the character of the Conservation Area and is acceptable.

- 7.30 The Council does not currently have an adequate five year supply of land for housing and as such, the housing policies within the East Cambridgeshire Local Plan, 2015 (Growth 2) and the Submitted Local Plan, 2018 (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land.
- 7.31 In this situation, the presumption in favour of development set out in the National Policy Framework (NPPF), 2018, means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.
- 7.32 The site is located within the settlement boundary of Ely, close to local amenities and services. The proposal would make a small positive contribution to the local housing supply in the form of seven dwellings. The dwellings would also be beneficial to the economy in the short term during the construction stages of development by providing employment. Furthermore, it would also make a positive contribution to the natural environment by providing green spaces for habitats to develop.
- 7.33 The application is therefore recommended for APPROVAL.
- 8.0 APPENDICES
- 8.1 Appendix 1 – Planning conditions
- 8.2 Appendix 2 – Planning permission, Ref: 15/00956/OUT

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01548/RMA	Angela Briggs Room No. 011	Angela Briggs Planning Team Leader
15/00956/OUT	The Grange Ely	01353 665555 angela.briggs@east cambs.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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/01548/RMA Conditions

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

Plan Reference	Version No	Date Received
13224	A	19th December 2018
13225	A	19th December 2018
13287		19th December 2018
13228		1st November 2018
13223	C	16th January 2019
13222		1st November 2018
13229		1st November 2018
13232		1st November 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the bricks and roof covering 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.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2018.
- 4 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 4 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 5 Prior to the occupation of any dwelling visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 13223C dated 16th January 2019. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 5 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 6 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.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 There shall be no burning on site during the clearance or construction phases of development, hereby approved.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 8 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing 13223C. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 8 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2018.
- 9 Prior to any occupation of the development, a scheme for the maintenance of the soft and hard landscaping as detailed on drawing 13223C for a minimum period of five years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 9 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

Mr & Mrs Roger Garrett
C/O Andrew S Campbell Associates Ltd
Quay Cottage Studio
6 Bull Lane
St Ives
Cambs
PE27 5AX

This matter is being dealt with by:

Julie Barrow

Telephone: 01353 616307
E-mail: julie.barrow@eastcambs.gov.uk
My Ref: 15/00956/OUT
Your ref

17th December 2015

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following development:

Proposal: Proposed residential development
Location: Land Rear Of 32 Lisle Lane Ely Cambridgeshire
Applicant: Mr & Mrs Roger Garrett

This consent for planning permission is granted in accordance with the application reference 15/00956/OUT registered 14th August 2015.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

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

Plan Reference	Version No	Date Received
LOCATION PLAN		14th August 2015
PHASE 1 HABITAT SURVEY		1st October 2015
ARBORICULTURAL ASSESSMENT		1st October 2015
ACOUSTIC ASSESSMENT		1st December 2015
ASCA/CM/14/21/ACCESS 1	A	2nd December 2015
ASCA/CA/14/21/2	C	1st November 2015

- 1 Reason: To define the scope and extent of this permission.

- 2 Approval of the details of the appearance, landscaping, layout, scale and access (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. 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. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
adjoining land;
groundwaters and surface waters; ecological systems;
archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.
- 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 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 in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken 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.
- 5 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.
- 6 The access to the site shall be laid out in accordance with the details shown on Drawing No. ASCA/CM/14/21/ACCESS1 Rev A. and shall be included in the reserved matters submission.

- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 No development shall take place until a scheme to dispose of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 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.
- 8 Construction times shall be limited to 08:00 - 18:00 each day Monday to Friday and 08:00 - 13:00 on Saturdays (none on Sundays or Bank Holidays).
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 The development shall be restricted to up to eight dwellings, all of which shall be no higher than 7 metres from the existing ground level.
- 9 Reason: To ensure a design led approach to the scheme. The application has been assessed as acceptable and complying with policies ENV1, ENV2, ENV11 and COM7 on this basis.
- 10 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 11 Replacement tree planting to be agreed as part of the landscaping scheme at reserved matters stage shall take place in accordance with the approved details within the first planting season following completion of the development or in accordance with the program of planting approved by the LPA. Any such trees that are removed die or become, in the opinion of the LPA, seriously damaged or defective within a period of 5 years of planting shall be replaced with specimens of a similar size and species as originally required.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any

vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.

- 12 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 13 The development shall be carried out strictly in accordance with the recommendations of the Phase 1 habitat Survey dated September 2015 carried out by Skilled Ecology Consultancy Ltd.
- 13 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to commencement of development an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures incorporated into the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 14 To ensure that the development takes the opportunities available to contribute to delivering the Government's Climate Change Programme and energy policies, and in doing so contributes to global sustainability, and to contribute to tackling climate change in accordance with policy ENV4 of the East Cambridgeshire Local Plan 2015
- 15 No development shall begin until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in accordance with the approved details.
- 15 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 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.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The application has been subject to pre-application advice/extensive discussion and amendments have been made that address officer concerns in regards to the access, noise and biodiversity.
- 2 Please note that East Cambridgeshire District Council is a Community Infrastructure Levy (CIL) Charging Authority. Your planning application may be liable for CIL. For more information on CIL please visit our website <http://www.eastcambs.gov.uk/planning/community-infrastructure-levy> or email CIL@eastcambs.gov.uk.
- 3 This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an offence to carry out works within the public highway without permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents and approval under the Highways Act 1980 and Street Works Act are also obtained from the County Council.

- 4 East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take 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 loose gravel/shingle driveways.

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, 2003, as well as the Localism Act of 2011.

Each new property requires two bins; this contribution is currently set at £43 per property.

Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-18, 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.

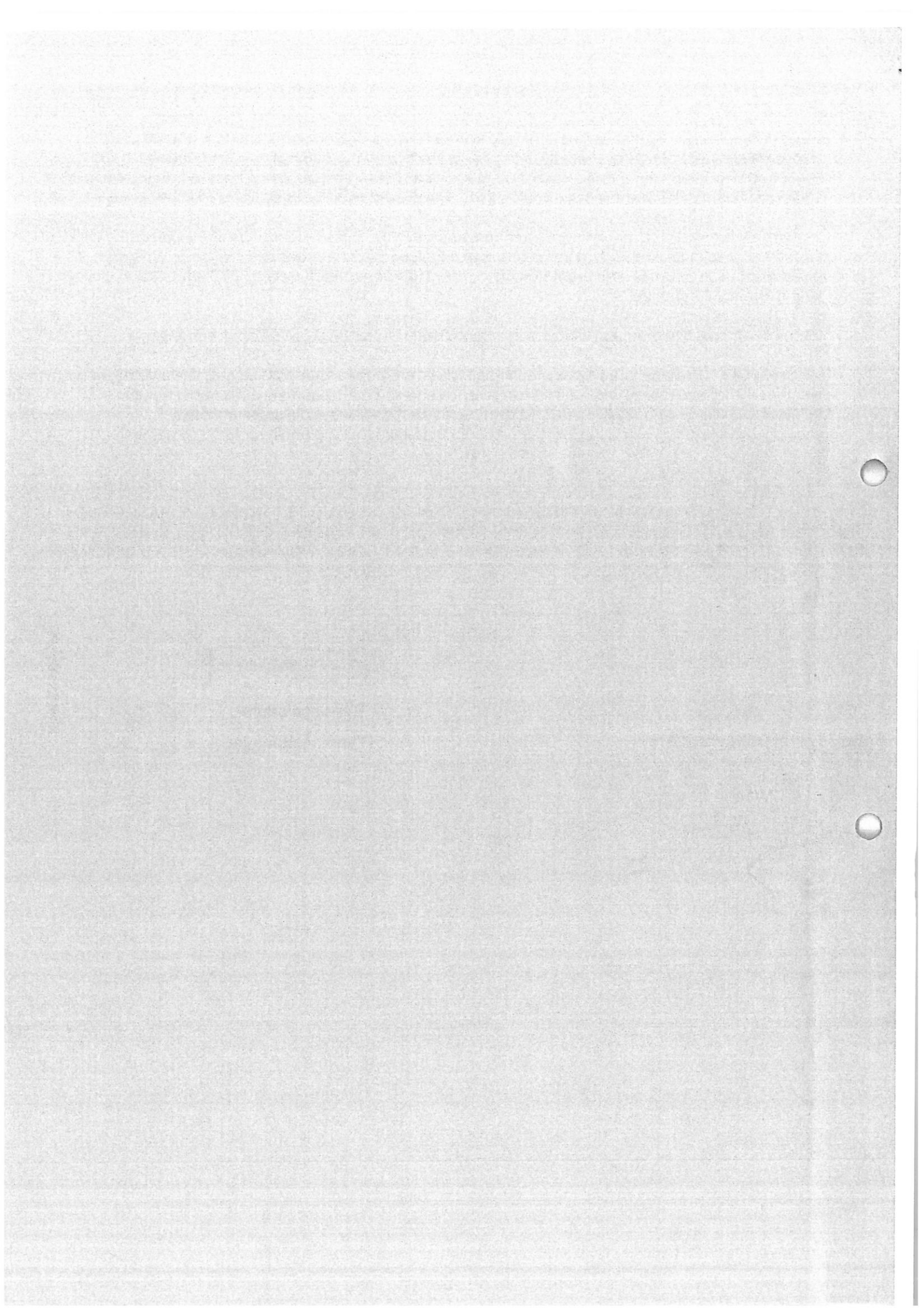
PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER

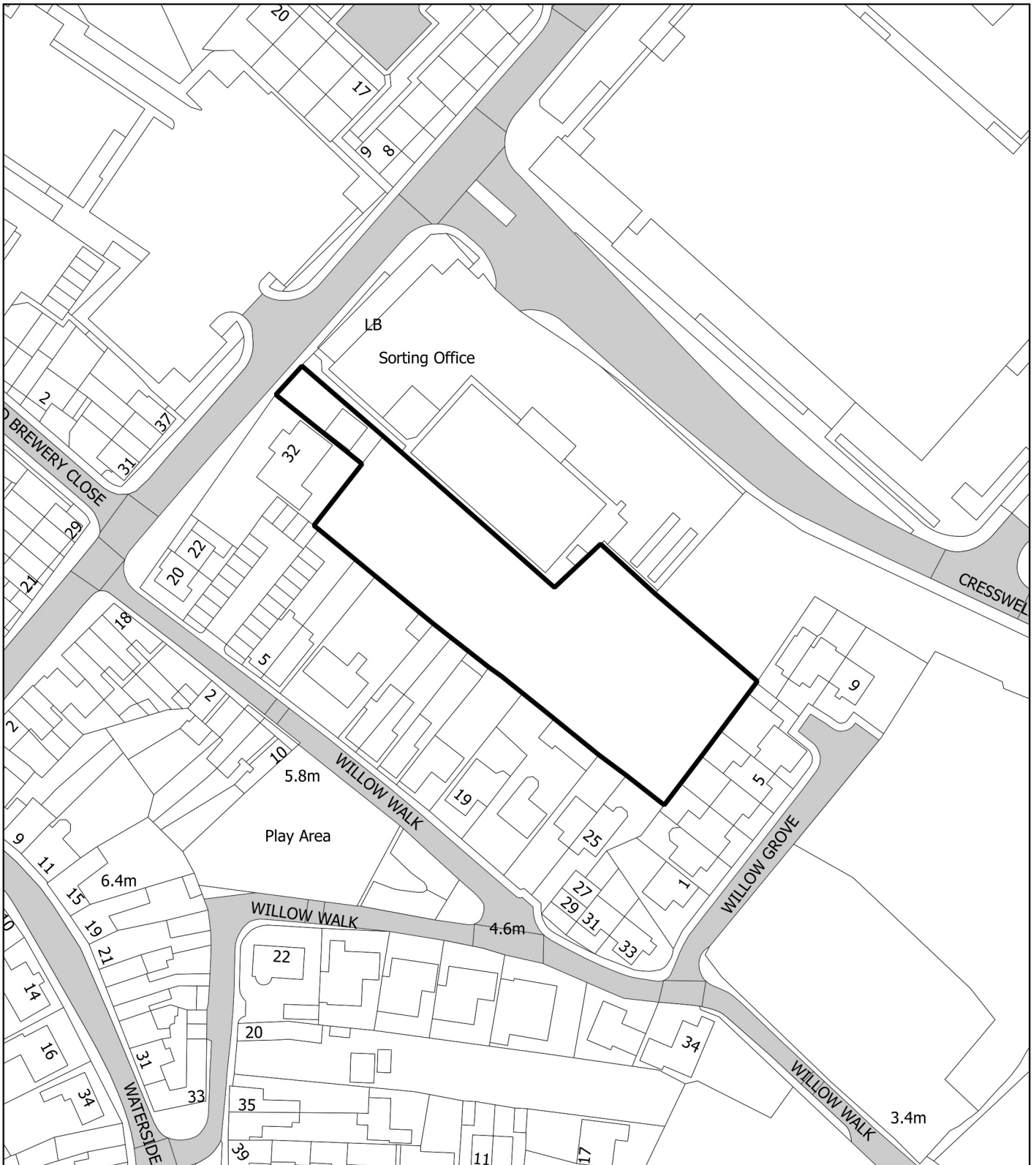


Rebecca Saunt

Planning Manager

Dated: 17th December 2015





18/01548/RMA

Land rear of
32 Lisle Lane
Ely



East Cambridgeshire
District Council

Date: 20/02/2019
Scale: 1:1,250



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MAIN CASE

Reference No: 18/01514/FUM

Proposal: Change of use of existing agricultural buildings (Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12) to B1, B2 & B8 (part retrospective)

Site Address: G T & S E Taylor & Sons 17 Oak Lane Littleport Ely Cambridgeshire CB6 1RS

Applicant: GT & SE Taylor _ Sons

Case Officer: Anne James, Planning Consultant

Parish: Littleport

Ward: Littleport East
Ward Councillor/s: Councillor David Ambrose-Smith
Councillor Jo Webber

Date Received: 29 October 2018 **Expiry Date:** 7th March 2019

[T213]

1.0 **RECOMMENDATION**

1.1 Members are recommended to **APPROVE** this application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

1. Approved Plans
2. Hours of operation
3. Deliveries
4. Passing Bay
5. Unsuspected contamination
6. External Lighting
7. Mobile Plant
8. Welcome Travel Packs
9. Cycle parking
10. Use Class B1
11. Use Class B2
12. Flood Evacuation Plan

2.0 SUMMARY OF APPLICATION

2.1 Planning permission is being sought to regularise a number of uses operating from Building 3, 17 Oak Lane and apply for a change of use on a number of vacant units to B8, B2 and B1 uses (part retrospective).

2.2 A table listing what is being proposed to retain and what is being applied for is itemised below:

Unit No. (See Plan)	Current Use	Proposed Use	Floorspace: GIA m ² (incl. mezzanine)	Comments
1	Storage	B8	110.0	Retrospective
2	Storage	B8	95.7	Retrospective
3	Storage	B8	77.5	Retrospective
4	Storage	B8	61.7	Retrospective
5	Manufacturing	B2	224.7	Retrospective
6	Storage	B8	174.5	Retrospective
7	Vacant	B8	123.1	Proposed
8	Vacant	B1	52.4	Proposed
9	Storage	B8	182.7	Retrospective
10	Vacant	B8	149.0	Proposed
11	Occupied (sui generis)	B8	283.0	Proposed
12	Vacant	B8	65.5	Proposed
TOTAL			1,599.8	

2.3 The application has also been accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Phase I Geo-environmental Desk Study

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.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

- 2.5 Members' attention is drawn to a separate planning application currently being considered under this Agenda [18/01596/FUL] relating to the retention of a retail use at Unit 11.
- 2.6 Following discussions with the applicant a number of amendments to this current application have been made, namely to remove Building 1 from the scheme, redraw the red line and include Unit 11 (currently operating in retail use), which it is proposed to apply for a B8 use.
- 2.7 The application is being brought to Committee as it comprises over 1,000 sqm of floorspace as set out in the Council's Constitution. Councillor Ambrose Smith has also requested that this application be considered as it is in the public's interest.

3.0 PLANNING HISTORY

18/00692/FUL Change of use of the existing agricultural building to B1 (b) and B1(c) Approved Sept 2018

18/01730/FUL Change of use of existing agricultural buildings (Units 16 & 17) to D2 use (Unit 16 retrospective) – Pending Consideration

18/01596/FUL RETROSPECTIVE Change of use of former agricultural building (Unit 11) to use for the sorting, display and storage of locally recycled, upcycled and craft goods by Independent Traders (including furniture, household/garden items and textiles) intended for sale by internet and to visitors in person. Pending Consideration.

- 3.1 There have been a number of outstanding enforcement enquiries concerning unauthorised activities operating from No 17 Oak Lane and this application has been submitted in order to regularise the uses operating from the farm building.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a rectangular shaped area of land measuring 0.34ha which forms part of a wider site area, located 2km to the south west of Littleport in an area of open countryside. The A10 is located to the east of the site with pockets of residential accommodation to the south-west of the site along Woodfen Road.
- 4.2 The proposal comprises Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12 which are located within Building 3 of the 17 Oak Lane Farm complex. The units have a combined total floorspace of approximately 1,600.
- 4.3 Parts of the site still operate in the storage of potatoes and as such Units 13, 14 and 15 are being retained in agricultural use. Units 16 and 17 are the subject of a separate change of use application and Unit 18 has an extant planning permission for a B1a/B1b use.

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.

Littleport Parish –

Concern expressed over the single carriageway on Oak Lane with insufficient passing places.

Ward Councillor - Councillor David Ambrose Smith

Supports this change of use application which, if approved, will provide a number of additional business units within Littleport.

Technical Officer Access -

Access to the rest area and agricultural area seem very restricted. As there are no details, we are unsure of the purpose of each room or levels shown. No access to first floor shown.

General Comment

All areas to which the public are invited should have step free access and to be decorated to comply with British Standards.

Audio and visual emergency alarms throughout the building should comply to British Standards.

Local Highways Authority –

The highways authority has no objection to this application in principle subject to a number of informatives and conditions being attached to any permission the planning authority is minded to grant.

Additional Comments

This development is accessed off a single track road with no footways or lighting. The addition of the vehicle passing bays would only off-set the negative highways network impact of a small number of commercial units. It would be classed by the highways authority as being accessed by all visitors and staff by motorised vehicles only, as there is no footways, cycleways or public transport and no provisions to make this site sustainable in line with the ECDC and planning authority policies have been submitted.

Enforcement Section - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Environmental Health –

I have examined the Planning Statement and the Proposed Uses document and the only use I would have reservations about would be with regard to the paving slab manufacturing. However, as that use is retrospective and I cannot find a record of complaint concerning this activity I have no issues to raise at this time.

Environmental Health – Scientific Officer

Thank you for consulting me on the above application. I have read the Phase I Geo-environmental Desk Study Report dated 17th October 2018 prepared by AGB and accept the findings that the site is suitable for use and no further site investigation work is required. 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.

Economic Development –

No Comments Received

Waste Strategy (ECDC) –

No Comments Received

Anglian Water Services Ltd –

No Comments Received

The Ely Group Of Internal Drainage Board –

Has no comments to make

Environment Agency –

The proposed change of use will not increase the flood risk vulnerability and therefore we have no comment to make on this application. We recommend that the operators/occupants of the business sign up to our flood warnings.

- 5.2 In terms of statutory notification the application was advertised by means of a site notice erected along Oak Lane and advertised in the Cambridge Evening News. Neighbours – 3 neighbouring properties were notified, and no responses have been received.

6.0 The Planning Policy Context

The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National

Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

6.1 East Cambridgeshire Local Plan 2015

GROWTH1	-	Levels of Housing, employment and retail growth
GROWTH 2	-	Locational Strategy
GROWTH 3	-	Infrastructure requirements
GROWTH 5	-	Presumption in favour of sustainable development
EMP3	-	New employment development in the countryside
EMP4	-	Re-use and replacement of existing buildings in the countryside
ENV1	-	Landscape and settlement character
ENV8	-	Flood Risk
COM 7	-	Transport impact
COM 8	-	Parking provision
Part Two		Village/Town Visions

6.2 Supplementary Planning Documents

Design Guide
 Cambridgeshire Flood and Water
 Contamination
 Recap Waste Management Design Guide
 Littleport Masterplan 2011

6.3 National Planning Policy Framework 2018

2	Achieving Sustainable Development
6	Building a strong, competitive economy
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

6.4 Submitted Local Plan 2018

LP1	A presumption in favour of sustainable development
LP3	The Settlement Hierarchy and the Countryside
LP8	Delivering Prosperity and Jobs
LP16	Infrastructure to Support Growth
LP17	Creating a sustainable, efficient and resilient Transport Network
LP 22	Achieving Design Excellence

LP 25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

Littleport 1: Littleport's Local Character and Facilities

6.5 Planning Practice Guidance

Due regard has been taken of the advice contained in the PPG.

7.0 PLANNING COMMENTS

7.1 The key considerations in the determination of this application are:

- The principle of development
- Residential amenity
- Visual Amenity
- Rural Economy
- Highways
- Other Matters

7.2 Principle of Development

7.2.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the NPPF (2018), the East Cambridgeshire Local Plan 2015 and the East Cambridgeshire Submitted Local Plan 2018.

7.2.2 The application seeks part retrospective planning permission for a number of units within Building 3 to continue to operate in B1, B2 and B8 and apply for Units 7, 8, 10, 11 and 12 to change from an agricultural use to a B8 storage use.

7.2.3 In terms of its compliance with policy, both national and local planning policy support proposals to expand existing businesses within the countryside provided certain criteria are met. These business uses falls within the B1, B2 and B8 Use Class.

7.2.4 The proposal would result in less than 50% of the 17 Oak Lane site to operate in non-agricultural use. Given that the whole site operated in the storage of potato crops, then the existing uses which it is either proposed to retain or to apply for, would not result in any external changes to the appearance of Building 3, likewise the operational activity of these uses would not harm the character and appearance of the area and would not detrimentally impact on residential amenity when considered against the existing agricultural uses carried out at the site. Highway safety is also considered to be acceptable and mitigation proposed in the form of a passing bay along Oak Lane.

7.2.5 The proposal is therefore considered to be acceptable in principle.

7.3 Residential Amenity

7.3.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings exists. Policy ENV2 of the adopted Local Plan requires development to respect the residential amenity of existing and future occupiers. Policy LP22 of the Submitted Local Plan requires new development to provide a high standard of amenity and maintain the existing amenity of neighbours.

7.3.2 In terms of the impact on residential amenity, the proposal would not result in any external alteration to the fabric of Building 3. Therefore there would be no opportunities for overlooking or loss of privacy.

7.3.3 Oak Lodge is located approximately 90m to the south-west of the site and comprises a bungalow which is screened by trees and shrubs on its north-eastern boundary. The location of the building is set back on the plot and is separated by fields.

7.3.4 The Environmental Health Officer has raised concern regarding the noise and general disturbance from an existing unit which operates as a paving slab manufacturer. This business is classified as a B2 use and is currently operating from Unit 5 which benefits from approximately 225 sqm of floorspace. According to the Council's records there have been no complaints about this activity and in view of the location of the building within open countryside with the closest adjoining occupiers approximately 90m distant, then it is not considered that the degree of noise, dust, fumes or vibration generated by this small operation is sufficiently injurious to warrant refusing the application. Conditions would be imposed on the consent to control the hours of operation of this activity and regulate future uses operating from the site.

7.3.5 It is considered that vehicular trips made by employees would occur within normal working hours and therefore the general disturbance from the additional vehicular trips would not be considered sufficiently injurious to warrant refusing the scheme. Deliveries to and from the site could also be conditioned to prevent out of hours visits to the detriment of residential amenity.

7.3.6 On balance the proposal will regularise the existing uses and proposed change of use would not result in a detrimental impact on the adjoining occupiers and this factor is weighed neutrally in the planning balance. It is therefore considered that the proposal would have an acceptable impact on residential amenities in accordance with Policies ENV2 of the Local Plan and LP22 of the Submitted Local Plan 2018 and the NPPF.

7.4 Visual Amenity

7.4.1 Policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018 requires development proposals to have a complementary relationship with existing development in terms of location, scale, form, design and materials etc.

7.4.2 In assessing the visual impact of the proposal on the existing landscape character, the site comprises a number of large and utilitarian agricultural buildings predominantly in use for the storage of potato crops. The scheme does not seek to demolish or redesign the existing building, therefore the change of use would generally be in keeping with the character of the landscape quality represented in this area.

7.4.3 On balance the existing and proposed uses would not detract from the landscape character and is considered to comply with Policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018.

7.5 Rural Economy

7.5.1 Policy EMP2 of the Local Plan 2015 supports the re-use of existing buildings in the countryside for B1, B2 and B8 uses 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;
- Other Local Plan policies relating to specific uses are met.

7.5.2 Policy LP31 – Part F of the Submitted Local Plan 2018 requires that proposals for non-residential development in the countryside would be supported in principle provided that, the enterprise is justified in terms of its location and proximity to existing established businesses; it is suitable in terms of accessibility; it would not result in a conflict with neighbouring uses and it is of a size and scale commensurate with the proposed use and with the rural character of the location.

7.5.3 Para 83 of the NPPF requires that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

7.5.4 The proposal would regularise some existing uses and change the use of the other units within Building 3 to attract other small start-up businesses which fall within the definition of the 'B' Use Class as set out in the Town and Country Planning (General Permitted Development (England) Order 2015 as amended.

7.5.5 For information purposes:

- B1 use is categorised as (B1a: office other than Class A2, B1b: Research and development, B1c any industrial process which can be carried out in any residential area);

- B2 use comprises an industrial process other than that falling within Class B1;
- B8 Use for storage and distribution purposes.

7.5.6 The change of use and subdivision of this building into a number of units operating with B1, B2 and B8 uses would comply with Policies EMP2 of the adopted Local Plan 2015 and LP31 of the Submitted Local Plan 2018 and is considered acceptable.

7.6 Highways

7.6.1 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.

7.6.2 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.

7.6.3 The site is located to the south-west of Littleport along Woodfen Road/Oak Lane which is a single track leading to the A10 which frames the eastern edge of the wider site area. The site is not connected to Littleport as the A10 dissects Woodfen Road/Oak Lane and is located on a single track road with no footways or lighting. There is no safe and convenient means of access to the site either on foot, by bus, or by bicycle.

7.6.4 A Transport Statement [EAS dated October 2018] has been submitted with the application and provides details of traffic counts carried out in July 2018. Taking into account the vehicular movements both proposed, and, those of the consented scheme carried out in Unit 18, it is estimated that the site would generate just under one vehicle movement every two minutes during the peak period. HGV movements during the peak period would notice a small increase during the day.

7.6.5 The existing uses and the business uses proposed are primarily classified as small/medium enterprises (SMEs), with the units being used for the storage of goods. As such, the SMEs would not attract visitors. Whilst it is acknowledged that Oak Lane does not benefit from a footpath and that access to the site other than by car is poor, a number of conditions can be imposed to encourage employees to use more sustainable means of accessing the site, in the form of travel plans and the provision of cycle storage facilities.

7.6.6 The application has also been accompanied by details of a vehicle passing bay which would be constructed along Oak Lane. On a previous planning permission these works have already been agreed and requested by condition and would need to be implemented as part of that consent. The Highway Authority has considered that the mitigation proposed is acceptable and as such the proposal would comply

with Policies COM7 of the adopted Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2018.

Parking

- 7.5.6 Development proposals should provide adequate levels of car and cycle parking and make provision for parking in accordance with the Council's parking standards. Policy COM8 and Appendix B of the Submitted Local Plan 2018.
- 7.5.7 A number of parking areas have been designated along the frontage as well as the western boundary of the site which complies with adopted policy. Further information can also be provided in the form of secure cycle storage facilities.
- 7.5.8 On balance, it is considered that the site would provide sufficient employee parking spaces and further opportunities to explore more sustainable means of accessing the site. The proposal is considered to comply with Policy COM8 of the adopted Local Plan and the Parking Standards as set out in the Submitted Local Plan 2018.

7.6 Flood Risk and Drainage

- 7.6.1 Policy ENV8 of the adopted Local Plan 2015 requires that all developments and re-developments should contribute to an overall flood risk reduction. Policy LP25 of the Submitted Local Plan 2018 requires all development proposals to be considered against the NPPF. Para 163 of the NPPF advises that local planning authorities should ensure that flood risk is not increased elsewhere.
- 7.6.2 A Flood Risk Assessment has been submitted with the application [EAS dated October 2018]. This document located the application site within Flood Zones 1, 2 and 3 of the Environment Agency Flood Map for Planning indicating that there is a combination of low, medium and high risk probabilities of flooding from either fluvial or tidal events. The River Great Ouse is located approximately 2.4km to the west of the site and the Hundred Foot Drain is located approximately 5-6km to the west.
- 7.6.3 The FRA does recommend that a simple Evacuation Plan is prepared for the tenants of the buildings to provide guidance on evacuation routes and procedures during an extreme flood. Bearing in mind the scheme does not constitute new development and that many of the uses are pre-existing, then there would be no requirement to change the current surface water drainage strategy on site which drains the buildings and hardstandings via gravity connections to the surrounding ditches.
- 7.6.4 The Council would raise no concerns with regard to flood risk and drainage and considers the scheme would accord with Policies ENV8 of the adopted Local Plan 2015 or Policy LP25 of the Submitted Local Plan 2018.

7.7 Other Matters

- 7.7.1 A Phase 1 Geo-environmental Desk Study [AGB Environmental dated 17th October 2018] has been submitted with the application. The Assessments concludes that

based on the findings of the Conceptual Site Model (CSM), a plausible source-pathway-receptor pollutant linkage has not been identified. Therefore further investigation is not required. The Council's Scientific Officer has raised no concerns with regard to contamination bearing in mind that the application seeks a change of use then it is unlikely that the proposal would result in any contamination being encountered on site. However, has suggested imposing a condition regarding unsuspected contamination if found. The scheme therefore complies with Policies ENV9 of the adopted Local Plan and LP26 of the Submitted Local Plan 2017.

7.7.2 In terms of ecology, biodiversity and archaeology as the application is relating to a part retrospective change of use, then these matters would not be affected by the proposal.

7.8 Conclusion

7.8.1 The application has been evaluated against the extant Development Plan which is the starting point for all decision making and is considered to represent sustainable development. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018.

7.8.2 The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. In this instance, the proposal would not harm the character and appearance of the area; there would be no injurious loss of amenity to adjoining residential properties and appropriate mitigation can be provided to promote highway safety. The proposal is therefore recommended for approval, subject to conditions.

8. 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 scheme complies with the Policies of both the adopted Local Plan 2015 and the Submitted Local Plan; it would not harm the character and appearance of the area;

there would be no injurious loss of amenity to adjoining residential properties, and, appropriate mitigation can be provided to promote highway and pedestrian safety.

9 **APPENDICES**

9.1 APPENDIX 1 - CONDITIONS

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>			
18/01514/FUM 18/01730/FUM 18/01596/FUL	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf					

APPENDIX ONE

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

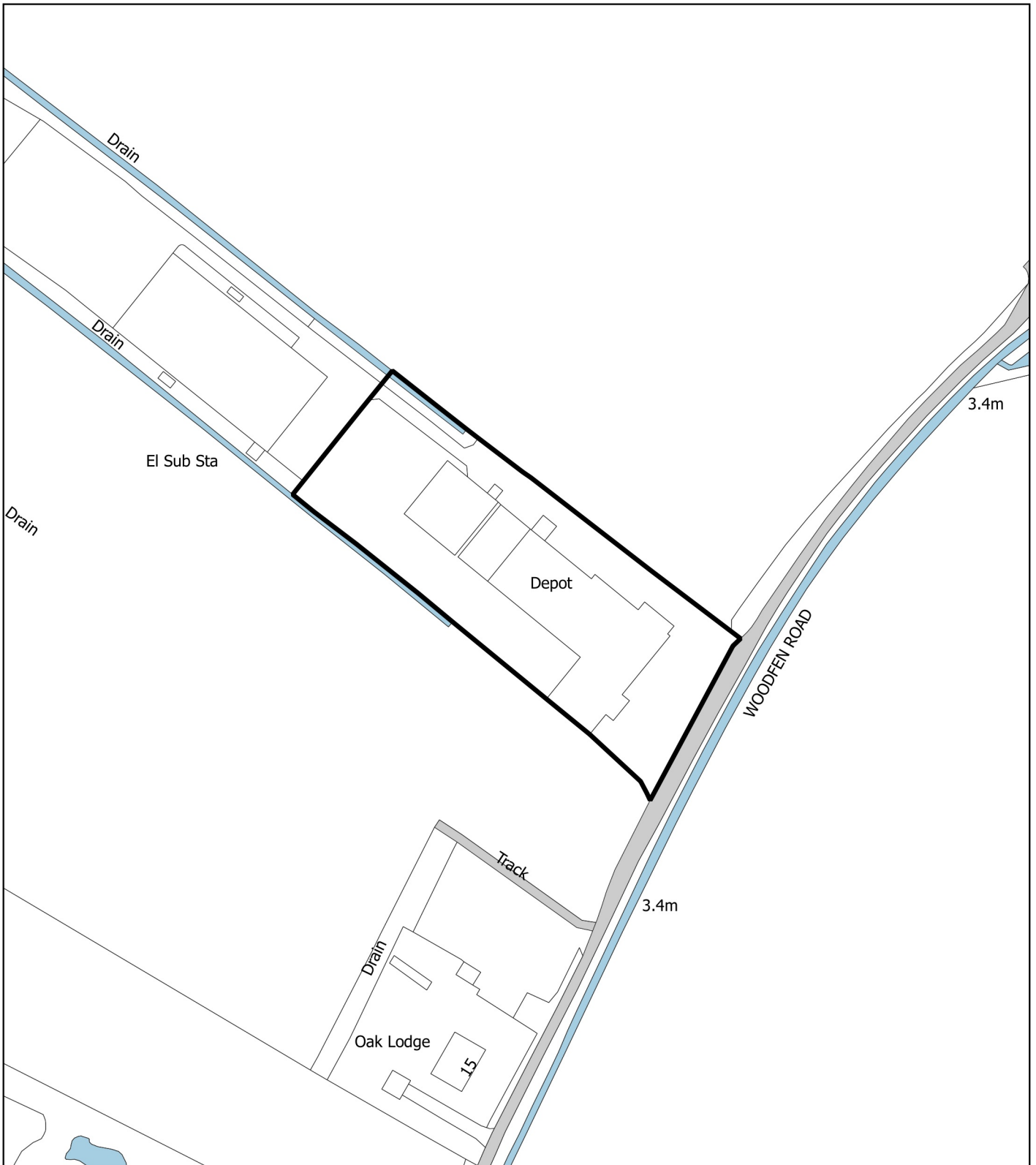
1353 SK04 REV A
18-71/PL-004
T_1751_03
18-71/PL-003 REV A
Location Plan

- 1 Reason: To comply with Section 91 of the Town and County Planning Act 1990, as amended
- 2 The use hereby permitted shall take place only between the hours of 07.30 – 18.00 each day Monday-Friday, 07:30 – 13:00 on Saturdays none on Sundays or Bank Holidays or Public Holidays.
- 2 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 3 Deliveries shall be limited to the following hours: 07.00 - 19.00 each day Monday-Friday, and none on Saturday, Sundays, Bank or Public Holidays.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 The vehicle passing bay as shown on drawing number 1353 SK03 should be created and constructed prior to the occupation of Units 7, 8, 10, 11 and 12 and shall be constructed to CCC specifications.
- 4 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 5 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.
- 5 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 and LP26 of the Submitted Local Plan 2018.

- 6 No external lighting shall be installed without the prior written agreement of the Local Planning Authority. The external lighting shall be fully implemented in accordance with the agreed details.
- 6 Reason: In the interests of nature conservation and visual amenity and to safeguard the character and appearance of the countryside, in accordance with Policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018.
- 7 Any site based mobile plant using the storage building hereby permitted (excluding HGV's) shall have broadband reversing alarms, either set to a low noise level or, if the LPA deems it necessary, to be of a 'smart' type - A reverse-warning alarm that automatically adjusts the level of sound it emits to suit prevailing conditions.
- 7 Reason: To safeguard the character and appearance of the countryside, in accordance with in accordance with policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018.
- 8 Prior to first occupation of Units 7, 8, 10, 11 and 12, the form and content of Welcome Travel Packs to be issued to new employees on the first occupation of Units 7, 8, 10, 11 and 12 shall be submitted and agreed with the Local Planning Authority. The Packs should encourage employees to travel using sustainable modes of transport or provide a car share scheme.
- 8 Reason: In order to encourage future employees to travel using sustainable modes of transport in accordance with Policy COM7 and comply with the requirements of policy COM 8 of the East Cambridgeshire Local Plan 2015.
- 9 Within 3 months of the decision date, details of cycle parking to serve the approved uses shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be constructed prior to occupation and remain in perpetuity.
- 9 Reason: In order to encourage future employees to travel using sustainable modes of transport in accordance with Policy COM7 and comply with the requirements of policy COM 8 of the East Cambridgeshire Local Plan 2015.
- 10 Units 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 within Building 3 hereby permitted shall be used for purposes within the B1 and B8 use of the Town and Country Planning (Use Classes) Order 2015, as amended, and for no other purpose or class usually permitted by the Order.
- 10 Reason: To safeguard the character and appearance of the countryside, in accordance with in accordance with policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018.

- 11 Unit 5 within Building 3 hereby permitted shall be used for purposes within B2 use of the Town and Country Planning (Use Classes) Order 2015, as amended, and for no other purpose or class usually permitted by the Order.
- 11 Reason: To safeguard the character and appearance of the countryside, in accordance with in accordance with policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018.
- 12 Within 3 months of the decision date, details of a Flood Evacuation Plan to serve the approved uses shall be submitted to and approved in writing by the Local Planning Authority.
- 12 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 and LP22 and LP25 of the Submitted Local Plan 2018.



18/01514/FUM

G T & S E Taylor & Sons
17 Oak Lane
Littleport



East Cambridgeshire
District Council

Date: 20/02/2019
Scale: 1:1,750



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MAIN CASE

Reference No: 18/01596/FUL

Proposal: **RETROSPECTIVE** Change of use of former agricultural building (Unit 11) to use for the sorting, display and storage of locally recycled, upcycled and craft goods by Independent Traders (including furniture, household/garden items and textiles) intended for sale by internet and to visitors in person

Site Address: Unit 11 17 Oak Lane Littleport Ely Cambridgeshire CB6 1RS

Applicant: GT & SE Taylor & Sons

Case Officer: Anne James, Planning Consultant

Parish: Littleport

Ward: Littleport East

Ward Councillor/s: Councillor David Ambrose-Smith
Councillor Jo Webber

Date Received: 12 November 2018 **Expiry Date:** 7th March 2019

[T214]

1.0 **RECOMMENDATION**

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

- 1) The continued operation of a retail use on this out-of-town centre location would undermine the Council's retail strategy leading to a situation whereby it would be difficult to control the future role and function of this site. If permitted it would weaken the economic vitality of the existing town centre retail provision. No justification has been provided, in the form of a Retail Impact Assessment or Sequential Test, to demonstrate the need to site the business in this unsustainable location, nor is there any indication why more appropriate sites have not been chosen, and why this use is appropriate in this location. The proposal would result in the setting of an undesirable precedent leading to the submission of applications for retail uses being granted on other agricultural sites outside of designated town centres. The proposal is therefore contrary to Policies GROWTH 1, GROWTH 2, COM 1, COM 4 of the East Cambridgeshire Local Plan 2015, Policy LP14 of the Submitted Local Plan 2018 and Section 7 of the NPPF.

- 2) The retention of the retail use would result in the introduction of a non-conforming use which is out of character with the primary use undertaken at the farm which is the storage and distribution of potato crops and would detract from the landscape character of this part of the countryside contrary to Policies ENV1 of the East Cambridgeshire Local Plan 2015 and LP31 (Part F) of the Submitted Local Plan 2018.
- 3) Insufficient information has been provided to the satisfaction of the Highway Authority that the mitigation measures proposed would provide visitors with safe and secure access to the site to detriment of highway and pedestrian safety. The proposal also fails to provide adequate visitor parking spaces. The proposal is therefore contrary to Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 and the Parking Standards as set out in the Submitted Local Plan 2018.
- 4) The proposal would represent unsustainable development on a site remote from any established centre of settlement and local facilities and would result in reliance upon the use of the private motorcar, contrary to advice contained within National Planning Policy Framework 2019 and Policies COM 7 of the East Cambridgeshire Local Plan 2015 and LP17 of Submitted Local Plan 2018.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks retrospective planning permission to retain Unit 11 in retail (A1) use as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.
- 2.2 The application is made on behalf of Little Bettys which sells second hand furniture, collectables, bric-a-brac and craft related goods by a number of local traders and operating from part of a farm building at 17 Oak Lane, which has been subdivided into 18 separate units.
- 2.3 A number of separate planning applications are currently under consideration by the Council for the retention of these other units.
- 2.4 There are a number of unallocated parking spaces on the site frontage in Oak Lane which are shared by other users of the site.
- 2.5 The application has been accompanied by the following documents:
 - Phase 1 Geo-Environmental Desk Study
 - Flood Risk Assessment
 - Transport Assessment
- 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.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.7 The application is being discussed at Planning Committee as the application has been called in by Councillor David Ambrose-Smith, should the officer recommendation be for refusal, for reasons of public interest.

3.0 PLANNING HISTORY

3.1 18/00692/FUL Change of use of the existing agricultural building to B1 (b) and B1(c) Approved Sept 2018

18/01514/FUM Change of use of existing agricultural buildings (Units 1,2,3,4,5,6,7,8,9,10, 12 and 15) to B1, B2 & B8 – Pending Consideration

18/01730/FUL Change of use of existing agricultural buildings (Units 16 & 17) to D2 use (Unit 16 retrospective) – Pending Consideration

18/00527/ADN Advertisement for Taylor Farms Industries Limited and Online Farm Shop. Refused

3.2 There have been a number of outstanding enforcement enquiries concerning unauthorised activities operating from No 17 Oak Lane and this application has been submitted in order to regularise the retail use operating from the farm building.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises Unit 11 measuring approx. 283 sqm of gross internal floorspace located within an existing farm building located in Oak Lane.

4.2 The site is located 2km south west of Littleport in an area of open countryside. The A10 is located to the east of the site with pockets of residential accommodation to the south-west of the site along Woodfen Road/Oak Lane.

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 –

The highways authority has no objection to this application in principal subject to the following informatives and conditions being attached to any permission the planning authority is minded to grant.

Additional Comments

This development is accessed of a single track road with no footways or lighting. The addition of the vehicle passing bays would only off-set the negative highways network impact of a small number commercial units. It would be classed by the highways authority as being accessed by all visitors and staff by motorised vehicles only, as there is no footways, cycleways or public or transport and no provisions to make this site sustainable in line with the ECDC and planning authority policies have been submitted.

Local Highways Authority – Transport Assessment Team

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.

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

CCC Growth & Development –

No Comments Received

Enforcement Section –

No Comments Received

Waste Strategy (ECDC) –

No Comments Received

Environment Agency –

The uses is for a less vulnerable use in Flood Zone 1 and therefore the EA has no comments to make.

Consultee For Other Wards In Parish –

No Comments Received

Technical Officer Access –

As shoppers are invited to attend, a step free access is required throughout. Accessible parking is required to be as near as possible to the principal entrance and laid out to British Standards, including a firm, level and slip resistant pathway to the principal entrance. If WC facilities are provided, this should include an accessible WC laid out to British Standard specification. This should also be applied to audible and visual firm alarms.

Littleport Parish Council –

The meeting was closed to request clarification of the application. Meeting re-opened once clarification received and following discussion agreed that there were no adverse comments on the application.

Ward Councillors – Cllr David Ambrose-Smith

The current users of these units were under the impression that they were operating lawfully. These are small businesses and perhaps did not have the correct advice.

I believe that these applications would benefit by consideration from the planning committee, and, therefore I would like these called in for consideration.

- 5.2 Neighbours – one neighbouring property was notified and a site notice was posted. No letters of representation have been received.

6.0 **PLANNING POLICY CONTEXT**

The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

6.1 East Cambridgeshire Local Plan 2015

GROWTH1	-	Levels of Housing, employment and retail growth
GROWTH 2	-	Locational Strategy
GROWTH 3	-	Infrastructure requirements
GROWTH 5	-	Presumption in favour of sustainable development
ENV1	-	Landscape and settlement character
ENV8	-	Flood Risk
COM 1	-	Location of retail and town centre uses
COM4	-	New community facilities
COM 7	-	Transport impact
COM 8	-	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Cambridgeshire Flood and Water
Contamination
Recap Waste Management Design Guide
Retail Assessment (2012)
Littleport Masterplan 2011

6.3 National Planning Policy Framework 2018

2	Achieving Sustainable Development
6	Building a strong, competitive economy
7	Ensuring the vitality of town centres
8	Promoting healthy and safe communities
9	Promoting sustainable transport
12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2018

LP1	A presumption in favour of sustainable development
LP3	The Settlement Hierarchy and the Countryside
LP8	Delivering Prosperity and Jobs
LP14	Retail and Other Main Town Centre Uses
LP16	Infrastructure to Support Growth
LP17	Creating a sustainable, efficient and resilient Transport Network
LP 22	Achieving Design Excellence
LP 25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

6.5 Planning Practice Guidance

Due regard has been taken of the advice contained within the PPG.

7.0 **PLANNING COMMENTS**

The key considerations in the determination of this application are:

- Principle of Development;
- Town Centre Retail Hierarchy;
- Residential amenity;
- Visual amenity;
- Access and highway safety;
- Flood Risk and Drainage;
- Other Matters;

7.1 Principle of Development

7.1.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the NPPF (2018), the East Cambridgeshire Local Plan 2015 and the East Cambridgeshire Submitted Local Plan 2018.

7.1.2 The application seeks retrospective planning permission for the continuing use of Unit 11 as a retail outlet. The scheme has been operating as Little Bettys for approximately one year.

7.1.3 Embedded within national and local planning policy is the objective of protecting retail uses and ensuring they remain on the high street. In this way the vitality and vibrancy of the high street is maintained. If new retail uses are allowed to operate outside of the town centre then this weakens both national and local planning policies and may lead to the setting of an undesirable precedent whereupon it would be difficult to object to other planning applications being submitted for retail uses outside the designated town centres.

7.1.4 The proposal would also result in the introduction of a non-conforming use which would detract from the landscape character of this part of the district which is mainly agricultural in nature and fails to provide sufficient visitor parking spaces.

7.1.5 The proposal conflicts with the aims and objectives of the National Planning Policy Framework and the retail hierarchy set out in the adopted Local Plan and Submitted Local Plan 2018. The proposal is not supported in principle.

7.2 Town Centre Retail Hierarchy

7.2.1 The vitality and vibrancy of the High Street, nationwide, is something the Government and Local Authorities are tasked with protecting. The fragility of retail uses within designated shopping frontages is well documented and if not protected results in the decrease in footfall with less and less visitors to the town centre. Once vital and vibrant town centres become ghost towns.

7.2.2 Section 7 of the NPPF seeks to ensure the vitality and vibrancy of the high street. This is achieved by defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.

7.2.3 Policies GROWTH 1 and 2 of the adopted Local Plan and LP14 of the Submitted Local Plan 2018 set out the established retail hierarchy and have identified the predicted level of retail growth for the plan period to be an additional 10,000sqm of comparison (non-food retail) floorspace. Policy LP14 goes further and requires the focus for additional floorspace to be at Ely, both within the city centre and at a large out of centre allocation of Octagon Park. These policies are in compliance with the aims and objectives of the NPPF. Moreover, the policies require the market towns of Ely, Littleport and Soham to be the key focus for retail growth. Outside the defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.

7.2.4 Policy COM1 states that outside the town centres of Ely, Soham and Littleport, proposals for retail and 'town centre uses' may be permitted under the following circumstances:

- The sequential approach has been followed and there are no suitable sequentially preferable sites available;
- The site is suitable for the proposed use and the building form and design is appropriate in the local context;
- The scale and type of development is directly related to the role and function of the centre or its locality, in accordance with the hierarchy in Policy GROWTH 2.
- For retail developments of 280m² net floorspace or larger, there would be no adverse effect on the vitality and viability of the nearest town centre, or on any other centres, as demonstrated in a Retail Impact Assessment;
- The development would enhance the character and attractiveness of the centre and its locality, and not adversely affect residential amenity; and

- The development would be accessible by a choice of means of transport (including public transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications;

There are a number of exceptions to this approach where support may be given, and of relevance to this application these are:

- The provision of small-scale localised facilities in villages and neighbourhoods outside town centres (such as corner shops, food and drink outlets and small-scale leisure facilities), where it can be demonstrated that:
 - The development would meet a clear localised neighbourhood need;
 - The development is not of a scale and type which should be located within identified town centres; and
 - Other relevant criteria in this policy are met.
- Farm shops, where these are of an appropriate scale and would not detract from the character and appearance of the area, and it can be demonstrated they would make an on-going contribution to sustaining the agricultural enterprise as a whole.

7.2.5 Policy LP31 – Part F of the Submitted Local Plan 2018 requires that proposals for non-residential development in the countryside would be supported in principle provided that, the enterprise is justified in terms of its location and proximity to existing established businesses; it is suitable in terms of accessibility; it would not result in a conflict with neighbouring uses and it is of a size and scale commensurate with the proposed use and with the rural character of the location.

7.2.6 In assessing the proposal against the above policies, it should be borne in mind that *'a positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits'* (PPG refers). Little Bettys is a retail use operating outside of a designated town centre. The sequential test *guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of town centre locations are available to out of town centre locations, with preference for accessible sites which are well connected to the town centre (PPG refers)*. If these criteria have been adhered to then the sequential test would be passed. However, the applicants are contesting that there is no need to apply the sequential test as Little Bettys is not classified as a retail use.

7.2.7 For information purposes, according to the Glossary set out in the NPPF a main town centre use comprises retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

- 7.2.8 In the application form, the description of the proposal for which planning permission is sought is to use Unit 11 for *“the sorting, display and storage of locally recycled, upcycled and craft goods by Independent Traders (including furniture, household/garden items and textiles) intended for sale by internet and to visitors in person”* and the supporting information indicates that Unit 11 is occupied by 24 separate trade stands with one member of staff responsible for taking payments for all goods. Unit 11 is open 7 days per week from 10.00 to 16.00 and attracts between 10-15 visitors per day. The Unit is described as a ‘seed bed’ for new and expanding trading business and a demand for this type of enterprise can be demonstrated, as the facility attracts between 10-15 visitors per day. The applicants also contend that the use is more akin to an antiques markets, bric-a-brac centres or second hand markets and such outlets are found in a variety of locations.
- 7.2.9 Irrespective of the description of the proposal, the business model is in all respects one of a retail use. Moreover, this unit is one of 19 separate units operating from an agricultural building within the countryside. The applicants also argue that this type of facility can be found outside of many town centres nationwide, however, the Council would contend that this would usually be an ancillary use or that exceptional circumstances have been put forward to outweigh the harm to the retail hierarchy or viability of the existing agricultural use.
- 7.2.10 As referred to earlier in this report, the sequential test would provide a means of clarification by which this use could be carried out in either a town centre or edge of town centre location. There are a number of empty premises in Littleport, but no information has been submitted to indicate whether these alternative sites within the town centres have been considered.
- 7.2.11 As set out above, the use of Unit 11 should not be seen in isolation, but in conjunction with the B1, B2 and B8 uses already applied for. As such, it should be located within one of the district’s town centres, unless the sequential test can be passed.
- 7.2.12 In terms of the other policy requirements set out in Policy COM1, the proposal would also fail on the grounds of its accessibility to the town centre and this issue is further explored within the Highways Section of this report.
- 7.2.13 The building form and design is another policy requirement of COM1 and is not suitable for the proposed use, as it is an agricultural building which does not provide level access and due to its isolated location, is inappropriate in the local context of an agricultural setting and the type of development is not directly related to the role and function of the centre or its locality, in accordance with the hierarchy in Policy GROWTH 2.
- 7.2.14 Lastly, for retail development of 280sqm and over, it should be demonstrated that there would be no adverse effect on the vitality and viability of the nearest town centre. Again this has not been evidenced.
- 7.2.15 To conclude, the continued operation of a retail use on this site would undermine the Council’s retail strategy leading to a situation whereby it would be difficult to control the future role and function of this site. Moreover, it would result in the

setting of a dangerous precedent leading to the submission of applications for retail uses being granted on other agricultural sites outside of designated town centres.

- 7.2.16 The applicant has failed to provide a sequential test or has indicated whether other more suitable locations have been considered and discounted. No retail impact assessment has been submitted in accordance with policy. As a consequence the application fails to comply with Policies GROWTH 1, GROWTH 2, COM1 of the adopted Local Plan and LP14 of the Submitted Local Plan 2018 and Section 7 of the NPPF.

7.3 Residential Amenity

- 7.3.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings exists. Policy ENV2 of the adopted Local Plan requires development to respect the residential amenity of existing and future occupiers. Policy LP22 of the Submitted Local Plan requires new development to provide a high standard of amenity and maintain the existing amenity of neighbours.

- 7.3.2 In terms of the impact on residential amenity, the proposal is for a change of use of part of an existing building and therefore no extensions or external alterations are proposed. Oak Lodge is located approximately 90m to the south-west of the site and comprises a bungalow which is screened by trees and shrubs on its north-eastern boundary. The location of the building is set back on the plot and is separated by fields. Combined with the proposed use, it is considered that the amenity of adjoining occupiers located to the west of the site would not be unacceptably harmed in terms of loss of privacy or overlooking.

- 7.3.3 It is considered that due to the low number of vehicular trips made by employees and visitors to the site, which would occur during normal working hours, the general disturbance would not be considered sufficiently injurious to warrant refusing the scheme. However, once a retail use is established the end user could change the existing A1 retail use to one which attracts a greater footfall than the existing use and this could result in a considerable increase in the number of visitors to the site.

- 7.3.4 On balance the proposed change of use would not result in a detrimental impact on the adjoining occupiers and this factor is weighed neutrally in the planning balance. It is therefore considered that the proposal would have an acceptable impact on residential amenities in accordance with Policies ENV2 of the Local Plan and LP22 of the Submitted Local Plan 2018 and the NPPF.

7.4 Visual Amenity

- 7.4.1 Policy ENV1 of the Local Plan 2015 requires development proposals to have a complementary relationship with existing development in terms of location, scale, form, design and materials etc. Policy LP31 (Part f) requires that development in the countryside is justifiable to maintain or enhance the rural economy or the location is justified by means of its proximity to existing established businesses or natural features; is accessible and would not result in conflict with neighbouring uses.

- 7.4.2 In assessing the visual impact of the proposal on the existing landscape character, the site comprises a number of large and utilitarian agricultural buildings predominantly in use for the storage and production of potato crops. However, there are also a number of unregulated used currently operating from the site which fall within the B1, B2 and B8 categories. Therefore Unit 11 is the only unit operating as a retail outlet.
- 7.4.3 Whilst the scheme does not seek to demolish or redesign the existing building, the change of use would result in the introduction of a non-conforming use which is out of character with the primary use undertaken at the farm which is the storage and distribution of potato crops. Moreover, the retail use is not associated with any agricultural practice carried out on site and would therefore not be in keeping with the form and function of the site, part of which is developing into a business park rather than an out of town centre retail park. The site is not allocated as an employment or retail site in either the adopted Local Plan 2015 or the Submitted Local Plan 2018 or the Littleport Masterplan and as such the Council considers the retail proposal would detract from the landscape character of this part of the countryside and is not considered to comply with Policies ENV1 of the adopted Local Plan 2015 and LP31 (Part F) of the Submitted Local Plan 2018.
- 7.5 Access and Highway Safety
- 7.5.1 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.5.2 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.
- 7.5.3 The site is located to the south-west of Littleport along Woodfen Road/Oak Lane which is a single track leading to the A10 which frames the eastern edge of the wider site area. The site is not connected to Littleport as the A10 dissects Woodfen Road without providing a safe and convenient means of access to the site either on foot, by bus, or by bicycle. Bearing in mind a retail use would attract visitors to the unit then the primary means of transport would be by car.
- 7.5.4 The Highways Authority has accepted the findings of the Transport Assessment however, has concerns with regard to accident risk as this data has not been obtained from the County Council. The applicant has been made aware of this request but at the time of writing no further information has been submitted.
- 7.5.5 In terms of access the Highways Authority has raised no objection to the scheme, although has commented that the site is accessed off a single track road with no footways or lighting. The addition of the vehicle passing bays would only off-set the

negative highways network impact of a small number commercial units. It would be classed by the highways authority as being accessed by all visitors and staff by motorised vehicles only, as there is no footways, cycleways or public or transport and no provisions to make this site sustainable in line with the ECDC and planning authority policies have been submitted.

- 7.5.6 Insufficient information has been received with regard to accident data and whether the addition of the vehicle passing bays would mitigate the operation of a small number of existing commercial units which currently operate from the site. Notwithstanding the above comments, the fact remains that the site does not benefit from a safe and secure access for visitors accessing the retail unit. The site is not within a sustainable location and fails to comply with Policies COM7 of the adopted Local Plan 2015 or Policy LP17 of the Submitted Local Plan 2018.

Parking

- 7.5.7 Development proposals should provide adequate levels of car and cycle parking and make provision for parking in accordance with the Council's parking standards. Policy COM8 of the adopted Local Plan stipulate that for A1 retail uses there should be 1 car space per 14sqm and 1 cycle space per 25 sqm. As such there is a requirement for 20 parking spaces. The application form states that 5 car parking spaces would be provided.
- 7.5.8 Bearing in mind that the site supports a number of other uses, then the scheme therefore fails to provide sufficient visitor parking spaces or cycle provision contrary to Policy COM8 of the adopted Local Plan and the Parking Standards as set out in the Submitted Local Plan 2018.

7.6 Flood Risk and Drainage

- 7.6.1 Policy ENV8 of the adopted Local Plan 2015 requires that all developments and re-developments should contribute to an overall flood risk reduction. Policy LP25 of the Submitted Local Plan 2017 requires all development proposals to be considered against the NPPF. Para 163 of the NPPF advises that local planning authorities should ensure that flood risk is not increased elsewhere.
- 7.6.2 A Flood Risk Assessment has been submitted with the application [EAS dated October 2018]. This document located the within Flood Zones 1, 2 and 3 of the Environment Agency Flood Map for Planning indicating that there is a combination of low, medium and high risk probabilities of flooding from either fluvial or tidal events. The River Great Ouse is located approximately 2.4km to the west of the site and the Hundred Foot Drain is located approximately 5-6km to the west.
- 7.6.3 The FRA does recommend that a simple Evacuation Plan is prepared for the tenants of the buildings to provide guidance on evacuation routes and procedures during an extreme flood. Bearing in mind the scheme does not constitute new development as it is changing one use for another, then there would be no requirement to change the current surface water drainage strategy on site which drains the buildings and hardstandings via gravity connections to the surrounding ditches.

7.6.4 The Council would raise no concerns with regard to flood risk and drainage and considers the scheme would accord with Policies ENV8 of the adopted Local Plan 2015 or Policy LP25 of the Submitted Local Plan 2018.

7.7 Other Matters

7.7.1 A Phase 1 Geo-environmental Desk Study [AGB Environmental dated 17th October 2018] has been submitted with the application. The Assessments concludes that based on the findings of the Conceptual Site Model (CSM), a plausible source-pathway-receptor pollutant linkage has not been identified. Therefore further investigation is not required. The Council's Scientific Officer has not commented on the findings and any comments received will be reported to Committee. However, bearing in mind that the application seeks a change of use then it is unlikely that the proposal would result in any contamination being encountered on site. The scheme therefore complies with Policies ENV9 of the adopted Local Plan and LP26 of the Submitted Local Plan 2017.

7.7.2 In terms of ecology, biodiversity and archaeology, as the application is relating to a retrospective change of use, then these matters would not be adversely affected by the proposal.

7.8 Conclusion

7.8.1 The application has been evaluated against the extant Development Plan which is the starting point for all decision making and is considered not to represent sustainable development. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018.

7.8.2 The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. In this instance the proposal, due to its location outside of the town centre would undermine the retail strategy without sufficient justification. The proposal would also introduce a non-conforming use which is out of character with the area. Moreover insufficient information has been provided to demonstrate that highway and pedestrian safety can be mitigated. The proposal is therefore recommended for refusal.

8. **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.

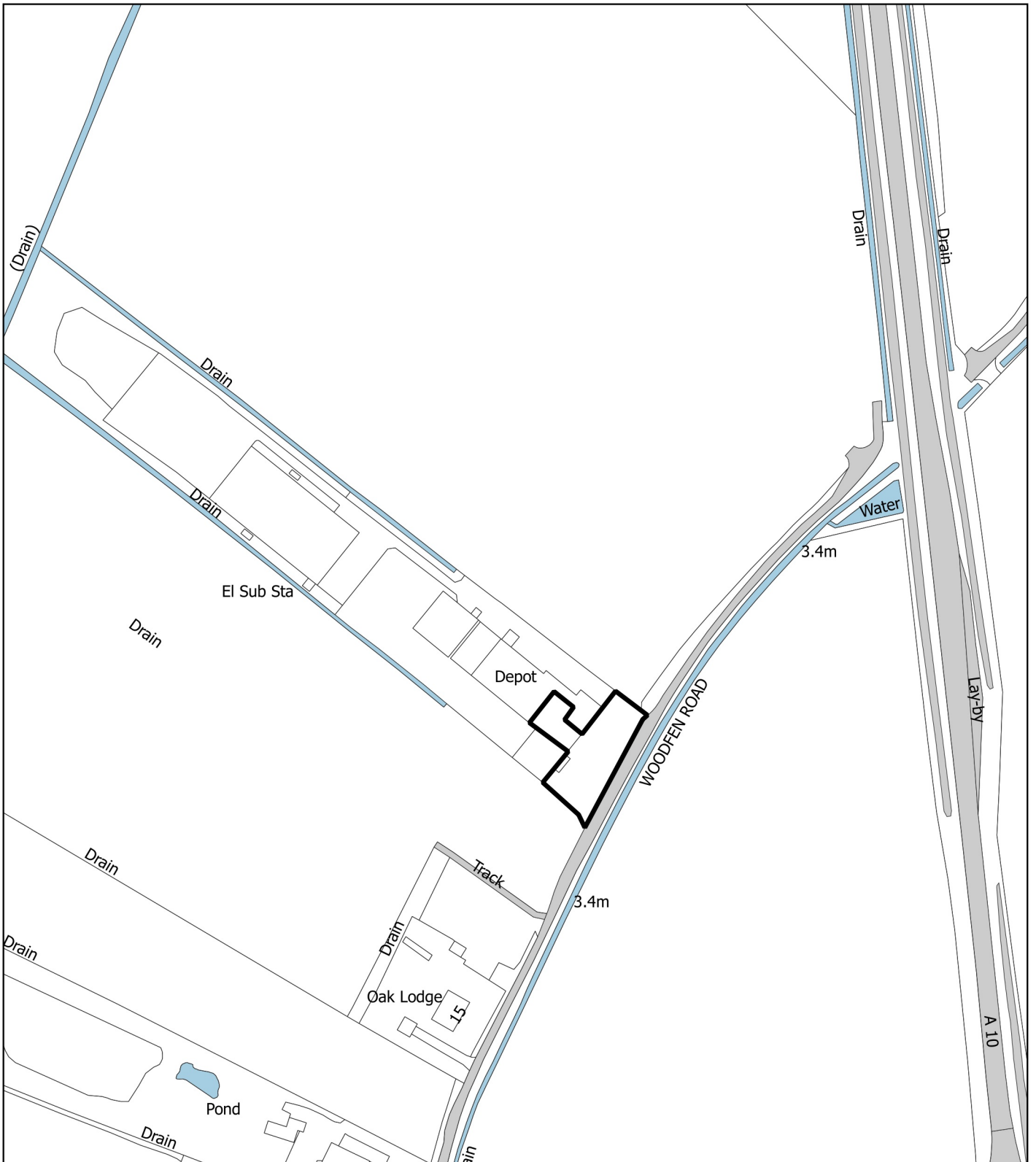
8.4 In this case Members' attention is particularly drawn to the following points:

The proposal fails to comply with the retail hierarchy embedded in both national and local policy and the sequential test has not been applied. The harm to the character and appearance of the area, reliance on the car and highway safety.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01596/FUL 18/01730/FUM 18/01514/FUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc ambbs.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.eastcambbs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



18/01596/FUL

G T & S E Taylor & Sons
 Unit 11
 17 Oak Lane
 Littleport



East Cambridgeshire
 District Council

Date: 20/02/2019
 Scale: 1:2,500



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MAIN CASE

Reference No: 18/01730/FUM

Proposal: Change of use of part of an existing agricultural building (Units 16 and 17) to D2 use (Unit 16 - retrospective)

Site Address: G T & S E Taylor & Sons 17 Oak Lane Littleport Ely Cambridgeshire CB6 1RS

Applicant: GT & SE Taylor & Sons

Case Officer: Anne James, Planning Consultant

Parish: Littleport

Ward: Littleport East

Ward Councillor/s: Councillor David Ambrose-Smith
Councillor Jo Webber

Date Received: 7 December 2018 **Expiry Date:** 8th March 2019

[T215]

1.0 RECOMMENDATION

1.1 Members are recommended to delegate refusal of this application to the Planning Manager following the expiry of the advert on the 14th March and subject to no additional material considerations being raised as part of this consultation which are not covered in this report. The reasons for refusal are as follows:

1. Due to the high speed nature, restricted width, and lack of pedestrian and cycling provision, street lighting and public transport links on the approach roads to this development, which are considered to be inadequate to serve the proposed use, the proposal will have a detrimental impact on highway and pedestrian safety. The proposal therefore conflicts with Policies COM7 of the adopted Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
2. The proposal constitutes a town centre use which would result in the introduction of a non-conforming community use outside of the town centre and settlement boundary. Without sufficient justification, it would result in the setting of an undesirable precedent leading to the submission of applications for community uses being granted on other agricultural sites outside of designated town centres. If permitted it would weaken the vitality and viability of the existing town centre community provision. No justification has been provided, in the form of a Sequential Test, to demonstrate the need to site the business in this unsustainable location, nor is there any indication why more appropriate sites have not been chosen, and why this use is appropriate in this location. The proposal therefore

would be contrary to Policies COM1, COM 4 of the adopted Local Plan 2015 and LP 14 and LP19 of the Submitted Local Plan 2018.

3. The proposal, due to the increase in vehicular activity in this rural location would result in a detrimental impact on the residential amenities of nearby occupiers in terms of noise and general disturbance. The proposal conflicts with Policies ENV2 of the adopted Local Plan and LP22 of the Submitted Local Plan 2018.
4. The proposal fails to provide adequate visitor parking on site which would result in additional pressure on the already over-subscribed and limited amount of existing on-site parking to the detriment of highway and pedestrian safety. The proposal fails to comply with Policies COM 8 of the East Cambridgeshire Local Plan 2015 and the Parking Standards as set out in the Submitted Local Plan 2018.
5. The proposal would represent unsustainable development on a site remote from any established centre of settlement and local facilities and would result in reliance upon the use of the private motorcar, contrary to advice contained within National Planning Policy Framework 2019 and Policies COM 7 of the East Cambridgeshire Local Plan 2015 and LP17 of Submitted Local Plan 2018.

2.0 SUMMARY OF APPLICATION

- 2.1 The application site comprises the retrospective change of use of Unit 16 to be retained as a gym (D2) use and planning permission is being sought to change Unit 17 into a children's' play centre complete with a clip and climb and bouldering wall as well as a catering facility (D2) use as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015. The combined total of gross internal floorspace to be created would be approximately 1,347sqm located within an existing farm building situated in Oak Lane.
- 2.2 A number of separate planning applications are currently under consideration by the Council for the retention of other units.
- 2.3 53 parking spaces are proposed.
- 2.4 The application has been accompanied by the following documents
 - Planning Statement
 - Transport Statement
 - Flood Risk Assessment
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

- 2.6 The application is being discussed at Planning Committee as the application has been called in by Councillor David Ambrose-Smith, should the officer recommendation be for refusal, for reasons of public interest.

3.0 PLANNING HISTORY

18/00692/FUL Change of use of the existing agricultural building to B1 (b) and B1(c) Approved Sept 2018

18/01514/FUM Change of use of existing agricultural buildings (Units 1,2,3,4,5,6,7,8,9,10, 12 and 15) to B1, B2 & B8 – Pending Consideration

18/01596/FUL Change of use of former agricultural building (Unit 11) to use for the sorting, display and storage of locally recycled, upcycled and craft goods by Independent Traders (including furniture, household/garden items and textiles) intended for sale by internet and to visitors in person – Pending Consideration

- 3.1 There have been a number of outstanding enforcement enquiries concerning unauthorised activities operating from No 17 Oak Lane and this application has been submitted in order to regularise the uses operating from the farm building.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises two detached farm buildings located one behind the other in Oak Lane. Units 16 and 17 are located within an existing farm building located to the rear of the site which benefits from its own parking area accessed via a long and narrow entrance from Oak Lane.

- 4.2 The site is located to 2km south west of Littleport in an area of open countryside. The A10 is located to the east of the site with pockets of residential accommodation to the south-west of the site along Woodfen Road/Oak Lane.

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 –

The highways authority objects to this application and would recommend refusal for the following reasons:

The approach roads to this development: Grange Lane, the A10 and Oak Lane are considered to be inadequate to serve the development proposed, by reason of their high speed nature, restricted width, and lack of pedestrian and cycling provision, street lighting and public transport links. If permitted this would likely lead to the detriment of highways safety.

The development is located off the A10 and away from the Littleport village and local amenities. It has no existing footways, cycleways or public transport links to the site. It is directly accessed off Oak Lane which is a single track road with no footways, cycleways or lighting. To gain access to this site via sustainable transport pedestrians and cyclists would have to walk / cycle down the A10 which is a major distributor route with a 60mph limit or walk / cycle down Grange Lane which has no footways, cycleways or lighting and has a 60mph speed limit they would then have to cross the A10 to Oak Lane which again has no provision for venerable road users.

There has been no proposed improvements to mitigate the detriment to highways safety of venerable road users or improve accessibility or its sustainability via the transport links. The highways authority has no objection to the principal of the reuse of agricultural buildings for commercial use. However this application is for leisure use purposes and as such it should have the correct infrastructure in place for safe access by all road users. Larger improvements to the highway network and public transport links would be required to make this development site sustainable and in line with ECDC planning policy which to the best of my knowledge this development site does not meet.

CCC Growth & Development –

No Comments Received

Enforcement Section –

No Comments Received

Environmental Health –

There are no opening hours detailed in the Application Form and I would be looking to restrict use of the site due to the nearby residential dwelling. If the applicant can advise us of their intended opening hours I can determine whether this would be acceptable.

Economic Development –

No Comments Received

Waste Strategy (ECDC) –

No Comments Received

The Ely Group Of Internal Drainage Board –

No Comments Received

Environment Agency –

No flood risk objections to the proposed development.

Littleport Parish –

Concerns were expressed for vehicular and pedestrian access on a single track road.

Ward Councillors – Councillor Ambrose-Smith

This is a somewhat complex situation, and a decision made by the Planning Committee will be in the interest of public transparency.

- 5.2 Neighbours – A site notice was erected along the street frontage and 3 neighbouring properties were notified, however, no letters of representation have been received.
- 5.3 During the course of the determination period, it transpired that the amount of floorspace involved in the change of use exceeded 1,000 sqm. The application has therefore been advertised in the Cambridge Evening News on 21st February 2019 as a major application. Any comments received will be presented to the Committee meeting.
- 5.4 The advert expires after the Planning Committee meeting, although it should be noted that no comments have been received to date following the erection of a site notice and letters sent to the neighbouring properties.
- 5.5 Members are being requested to delegate responsibility to the Planning Manager to determine the application once the consultation period of 14th March 2019 has expired as long as no other material considerations are raised as part of that process which are not covered by this report. The application will therefore be determined subject to the receipt of any further letters of representation.

6.0 THE PLANNING POLICY CONTEXT

The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

East Cambridgeshire Local Plan 2015

GROWTH1	-	Levels of Housing, employment and retail growth
GROWTH 2	-	Locational Strategy
GROWTH 3	-	Infrastructure requirements
GROWTH 5	-	Presumption in favour of sustainable development
ENV1	-	Landscape and settlement character
ENV8	-	Flood Risk
EMP4	-	Tourist Facilities and Visitor Attractions

- COM 1 - Location of retail and town centre uses
- COM4 - New Community Facilities
- COM 7 - Transport impact
- COM 8 - Parking provision

Supplementary Planning Documents

Design Guide
 Cambridgeshire Flood and Water
 Contamination
 Recap Waste Management Design Guide
 Littleport Masterplan 2011

National Planning Policy Framework 2018

- 2 Achieving Sustainable Development
- 6 Building a strong, competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

Submitted Local Plan 2018

- LP1 A presumption in favour of sustainable development
- LP3 The Settlement Hierarchy and the Countryside
- LP8 Delivering Prosperity and Jobs
- LP14 Retail and other main town centre uses
- LP16 Infrastructure to Support Growth
- LP17 Creating a sustainable, efficient and resilient Transport Network
- LP19 Maintaining and improving Community Facilities
- LP 22 Achieving Design Excellence
- LP 25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP31 Development in the Countryside

Planning Practice Guidance

Due regard has been taken of the advice contained within the PPG.

7.0 PLANNING COMMENTS

The key considerations in the determination of this application are:

- Principle of Development;

- New Community Facilities;
- Residential amenity;
- Visual amenity;
- Access and highway safety;
- Flood Risk and Drainage;
- Other Matters;

7.1 Principle of Development

- 7.1.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the NPPF (2019), the East Cambridgeshire Local Plan 2015 and the East Cambridgeshire Submitted Local Plan 2018.
- 7.1.2 The application seeks retrospective planning permission for the retention of a childrens' gym currently operating from Unit 16. Planning permission is also being applied for the change of use of Unit 17 from a unit used for the storage of potatoes to a childrens' play centre/climbing wall/restaurant.
- 7.1.3 In terms of the application's compliance with policy, the use is classed as a town centre use, as set out in the Glossary to the NPPF, and as such should be located within a town centre location unless there are no suitable sequentially preferable sites available. No justification has been received. Moreover, due to the isolated nature of the site, both the adopted and submitted local plans require that new community facilities should be well located and accessible to their catchment population (including by foot and cycle) and would not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated. The isolated location also means it is not served by public transport. Therefore, visitors to the site would be totally reliant on the car as their primary means of transport to and from the venues. Furthermore, Oak Lane is a single carriageway with no dedicated footpath, and is used by HGV traffic. From the information submitted with the application Unit 16 attracts 150 visitors and this may increase. With the introduction of a further childrens' play centre then the volume of traffic accessing and egressing the site would increase exponentially. The proposal also fails to provide details of a safe and secure entrance into the site and the building itself with repercussions on highway and pedestrian safety further exacerbated.
- 7.1.4 There would also be implications on the sustainability of the site; nearby residential amenity; impact on the character of the area as well as inadequate on-site parking. In principle the proposal is not considered acceptable.

7.2 New Community Facilities

- 7.2.1 Community facilities are essential to the social well-being of communities, and the Council will support the development of new community facilities where there is a local need. Policies COM 4 of the adopted Local Plan 2015 and LP19 of the Submitted Local Plan 2018 all recommend that these facilities should be located within settlement boundaries and only in exceptional circumstances may community

facilities be permitted in the countryside, and only where there is a lack of suitable and available land within settlements, or where a rural location is required.

7.2.2 Policy COM1 states that outside the town centres of Ely, Soham and Littleport, proposals for 'town centre uses' may be permitted provided certain criteria are met. For information purposes, according to the Glossary set out in the NPPF a main town centre use comprises: *retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*

7.2.3 The criteria by which a 'town centre' use may be permitted outside of a town centre under Policy COM1, and of relevance to this application, are detailed below:

- The sequential approach has been followed and there are no suitable sequentially preferable sites available;
- The site is suitable for the proposed use and the building form and design is appropriate in the local context;
- The scale and type of development is directly related to the role and function of the centre or its locality, in accordance with the hierarchy in Policy GROWTH 2.
- The development would enhance the character and attractiveness of the centre and its locality, and not adversely affect residential amenity; and
- The development would be accessible by a choice of means of transport (including public transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications.

There are a number of exceptions to this approach where support may be given, and of relevance to this application is:

- The provision of small-scale localised facilities in villages and neighbourhoods outside town centres (such as corner shops, food and drink outlets and small-scale leisure facilities), where it can be demonstrated that:
 - the development would meet a clear localised neighbourhood need;
 - the development is not of a scale and type which should be located within identified town centres; and
 - other relevant criteria in this policy are met.

7.2.4 In assessing the proposal against the above criteria, it should be borne in mind that 'a positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits' (PPG refers). The existing gym and proposed childrens' play centre are leisure and recreation uses operating outside of a designated town centre. The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge

of town centre locations are available to out of town centre locations, with preference for accessible sites which are well connected to the town centre (PPG refers). If these criteria have been adhered to then the sequential test would be passed. However, no justification has been put forward by the applicant to support the location proposed, and, therefore the sequential test has not been passed.

- 7.2.5 Clearly, the site comprises a number of agricultural buildings located in an isolated position outside of the town centre and settlement boundary, therefore the type of use, both existing and proposed, is not directly related to the function of the site or its locality. In terms of whether the scheme would enhance the character and attractiveness of the centre and its locality is of concern. As is evidenced, in the history of this site, 17 Oak Lane is expanding into a 'seed bed' for Small and Medium Enterprises (SMEs). Should this application be permitted then it would result in the majority of the site no longer operating in an agricultural use, which would also result in the setting of an undesirable precedent.
- 7.2.6 New community facilities are also required to be well located and accessible to their catchment population (including by foot and cycle); not have a significant adverse impact in terms of the scale or nature of traffic generated; have a significant adverse impact on the character of the locality, or the amenity of nearby properties. Policies COM 4 of the adopted Local Plan 2015 and LP19 of the Submitted Local Plan 2018 refers. These issues are expanded upon in successive sections of the report.
- 7.2.7 Policy LP31 – Part F of the Submitted Local Plan 2017 requires that proposals for non-residential development in the countryside would be supported in principle provided that, the enterprise is justified in terms of its location and proximity to existing established businesses; it is suitable in terms of accessibility; it would not result in a conflict with neighbouring uses and it is of a size and scale commensurate with the proposed use and with the rural character of the location. Again these issues will be expanded upon within the report.
- 7.2.8 The information submitted in the Planning Statement, states that:
- a) Unit 16 (retrospective) Childrens' Gym which currently operates from 4.15-7.45 with sessions lasting one hour. However, it is not clear whether this is 7 days a week. Currently 150 children attend classes ranging in age from 3-15 years and parents may wait on site until each class is finished. The Gym Club is well supported by the Littleport community and as such may increase in popularity resulting in additional classes. 20 members of staff are also employed at the Gym.
 - b) Unit 17 (proposed) Childrens' Play Centre - Climbing/Bouldering/Restaurant with a new mezzanine level is proposed. No details have been provided with regard to the hours of operation of the centre or how many staff would be employed. However, by way of background information, climbing is considered by Sport England to be the country's fastest growing sport. Therefore it is likely that this new facility would generate a degree of interest.
- 7.2.9 Whereas the Council support new community facilities and are keen to encourage children to engage in physical activity, the location of this site does cause concern. Parts of the site are still operating in both agricultural and business uses where HGVs

and tractors are using the same entrance and access road as the childrens' gym and play centre. Given, the large number of children using these facilities, the lack of lighting or footways, then this would raise safety concerns for both existing and proposed users of site.

7.2.10 Adopted Policy COM4 also requires that these facilities be located within the settlement boundaries and only in exceptional circumstances may they be permitted in the countryside. As already mentioned, there has been no supporting information submitted with the application to demonstrate that other suitable or available land within either the town centre or the settlement boundary have been explored.

7.2.11 As such, the site is not locationally sustainable for the use proposed, it is not located within a town centre or even within the settlement boundary of Littleport, and is inaccessible by foot or cycle. Moreover the proposal is not directly related to the role and function of the centre or its locality.

7.2.12 The proposal would therefore conflict with Policies COM1, COM4 of the adopted Local Plan 2015, LP14, LP19 and LP31 of the Submitted Local Plan 2018.

7.3 Residential Amenity

7.3.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings exists. Policy ENV2 of the adopted Local Plan requires development to respect the residential amenity of existing and future occupiers. Policy LP22 of the Submitted Local Plan requires new development to provide a high standard of amenity and maintain the existing amenity of neighbours.

7.3.2 In terms of the impact on residential amenity, the proposal is for a change of use of part of an existing building and a number of external alterations are proposed, namely:

- Two new windows and the removal of one door on the south east elevation;
- Two new doors on north east elevation;
- Two new doors on south west elevation, and
- No changes to north west elevation

7.3.3 Oak Lodge is located approximately 90m to the south-west of the site and comprises a bungalow which is screened by trees and shrubs on its north-eastern boundary. The location of the building is located to the rear of the site and is separated by fields. Combined with the proposed use and proposed external alterations, it is considered that the amenity of adjoining occupiers located to the west of the site would not be unacceptably harmed in terms of loss of privacy or overlooking.

7.3.4 However, due to the popularity of the community facilities, both the existing gym and proposed childrens' play centre, the amount of vehicular trips made by visitors to the site would result in increased noise and general disturbance to occupiers of Oak Lodge and other neighbouring properties located within Oak Lane to the detriment of their residential amenity.

- 7.3.5 The proposal would conflict with Policies ENV2 of the Local Plan and LP22 of the Submitted Local Plan 2018 and the NPPF.
- 7.4 Visual Amenity
- 7.4.1 Proposals for development should respect the distinctive character areas as defined in the Cambridgeshire Landscape Guidelines. Policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018 requires development proposals to have a complementary relationship with existing development in terms of location, scale, form, design and materials etc.
- 7.4.2 In assessing the visual impact of the proposal on the existing landscape character, the site comprises a number of large and utilitarian agricultural buildings predominantly in use for the storage and production of potato crops. However, there are also a number of unregulated uses currently operating from the site which fall within the B1, B2 and B8 categories. An application to regularise these uses is being considered by Committee. However, Units 16 and 17, combined, would introduce a D2 use which would operate as a gym/childrens' play centre.
- 7.4.3 Whereas the scheme does not seek to demolish or redesign the existing building, a number of external alterations are proposed, and these would alter the agricultural appearance of these buildings. Should the application be granted then further applications for signage associated with the activities would be forthcoming. The change of use would result in the introduction of a non-conforming use which is out of character with the primary use undertaken at the farm which is the storage and distribution of potato crops.
- 7.4.4 Given the community use is not associated with any agricultural practice carried out on site it would therefore not be in keeping with the form and function of the site, part of which is developing into a business park rather than a leisure centre and would not provide a complementary relationship with existing development. Should permission be allowed, then this scheme would result in the agricultural use becoming ancillary to the main function of the site. At present, the site is not allocated as an employment site or for that matter community uses in either the adopted Local Plan 2015 or the Submitted Local Plan 2018 or the Littleport Masterplan 2011. As such the Council considers the proposal would detract from the landscape character of this part of the countryside and is not considered to comply with Policies ENV1 of the adopted Local Plan 2015 and LP 28 of the Submitted Local Plan 2018.
- 7.5 Highways
- 7.5.1 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.5.2 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.

- 7.5.3 The site is located to the south-west of Littleport along Woodfen Road/Oak Lane which is a single track leading to the A10 which frames the eastern edge of the wider site area. The site is not connected to Littleport as the A10 dissects Woodfen Road/Oak Lane without providing a safe and convenient means of access to the site either on foot, by bus, or by bicycle. In view of the location of the site outside of the settlement boundary, and owing to the lack of footpaths and availability of public transport, then users of the facilities would access the site by car. As the community use would attract an increasing number of visitors to the units, then vehicular movements to and from the site would also increase.
- 7.5.4 A Transport Assessment [EAS dated November 2018] has been submitted with the application and this provides an estimate of vehicle trip numbers for the both the existing Childrens' Gym and proposed Climbing Centre. From 16.00 onwards it is estimated that there could be up to 29 arrivals and 32 departures per hour. The figures do not appear to take into consideration the existing and proposed trip numbers from the 15 other units. Moreover, the popularity of the community facilities cannot be predicted and visitor numbers controlled.
- 7.5.5 In terms of access, the Highways Authority has objected to the proposal on the basis of the inadequacy of the approach roads to this development, their high speed nature, and restricted width; lack of pedestrian and cycling provision; street lighting and public transport links. No mitigation is being proposed both within the site or the surrounding highway network to improve highway and pedestrian safety and as such the proposal would fail to reduce the need to travel by car and would not create a safe, convenient access to the existing highway network to the detriment of highway and pedestrian safety, and which also fails to comply with the community facility policies which require these uses to be well located and accessible to their catchment population (including by foot and cycle), Policy COM 4 of the adopted Local Plan 2015 and LP 19 of the Submitted Local Plan 2018 refers.
- 7.5.6 As has been demonstrated in the preceding sections of the report, the site is not within a sustainable location and given its use has the potential to be a popular community facility with access to the site remaining unsafe for users of the facilities to the detriment of highway and pedestrian safety. The proposal fails to comply with Policies COM7 of the adopted Local Plan 2015 or Policy LP17 of the Submitted Local Plan 2018.

Parking

- 7.5.7 Development proposals should provide adequate levels of car and cycle parking and make provision for parking in accordance with the Council's parking standards. Policy COM8 of the adopted Local Plan stipulate that for D2 assembly and leisure uses there should be 1 car space per 22sqm and 1 cycle space per 30 sqm of floor space. As such there is a requirement for 61 parking spaces. The application form states that 53 car parking spaces would be provided. However, the popularity of the uses proposed is likely to generate more interest and place additional pressure on the already oversubscribed and limited amount of on-site parking.
- 7.5.8 Bearing in mind that the site supports a number of other uses, then the scheme therefore fails to provide sufficient visitor parking spaces and cycle parking contrary

to Policy COM8 of the adopted Local Plan and the Parking Standards as set out in the Submitted Local Plan 2018.

7.6 Flood Risk and Drainage

7.6.1 Policy ENV8 of the adopted Local Plan 2015 requires that all developments and re-developments should contribute to an overall flood risk reduction. Policy LP25 of the Submitted Local Plan 2018 requires all development proposals to be considered against the NPPF. Para 163 of the NPPF advises that local planning authorities should ensure that flood risk is not increased elsewhere.

7.6.2 A Flood Risk Assessment has been submitted with the application [EAS dated October 2018]. This document located the within Flood Zones 1, 2 and 3 of the Environment Agency Flood Map for Planning indicating that there is a combination of low, medium and high risk probabilities of flooding from either fluvial or tidal events. The River Great Ouse is located approximately 2.4km to the west of the site and the Hundred Foot Drain is located approximately 5-6km to the west.

7.6.3 The FRA does recommend that a simple Evacuation Plan is prepared for the tenants of the buildings to provide guidance on evacuation routes and procedures during an extreme flood. Bearing in mind the scheme does not constitute new development as it is changing one use for another, then there would be no requirement to change the current surface water drainage strategy on site which drains the buildings and hardstandings via gravity connections to the surrounding ditches.

7.6.4 The Council would raise no concerns with regard to flood risk and drainage and considers the scheme would accord with Policies ENV8 of the adopted Local Plan 2015 or Policy LP25 of the Submitted Local Plan 2018.

7.7 Other Matters

7.7.1 In terms of ecology, biodiversity and archaeology, as the application is relating to a part retrospective change of use, then these matters would not be adversely affected by the proposal.

7.8 Conclusion

7.8.1 The application has been evaluated against the extant Development Plan which is the starting point for all decision making and is considered not to represent sustainable development. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018.

7.8.2 The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. In this instance the proposal, due to its location outside of the town centre and settlement boundary, would fail to comply with both national and local policy; would detract from the character and appearance of the area; would result in a loss of amenity to adjoining residential properties with insufficient parking provision and serious highway and pedestrian safety implications. The proposal is therefore recommended for refusal.

8. 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 proposal, due to its location outside of the town centre and settlement boundary would be contrary to adopted local policy. No justification has been received to demonstrate that the sequential test has been passed. Furthermore, the proposal would harm the character and appearance of the area as well as cause detriment to the residential amenity of adjoining occupiers; highway and pedestrian safety, and provides inadequate on-site parking.

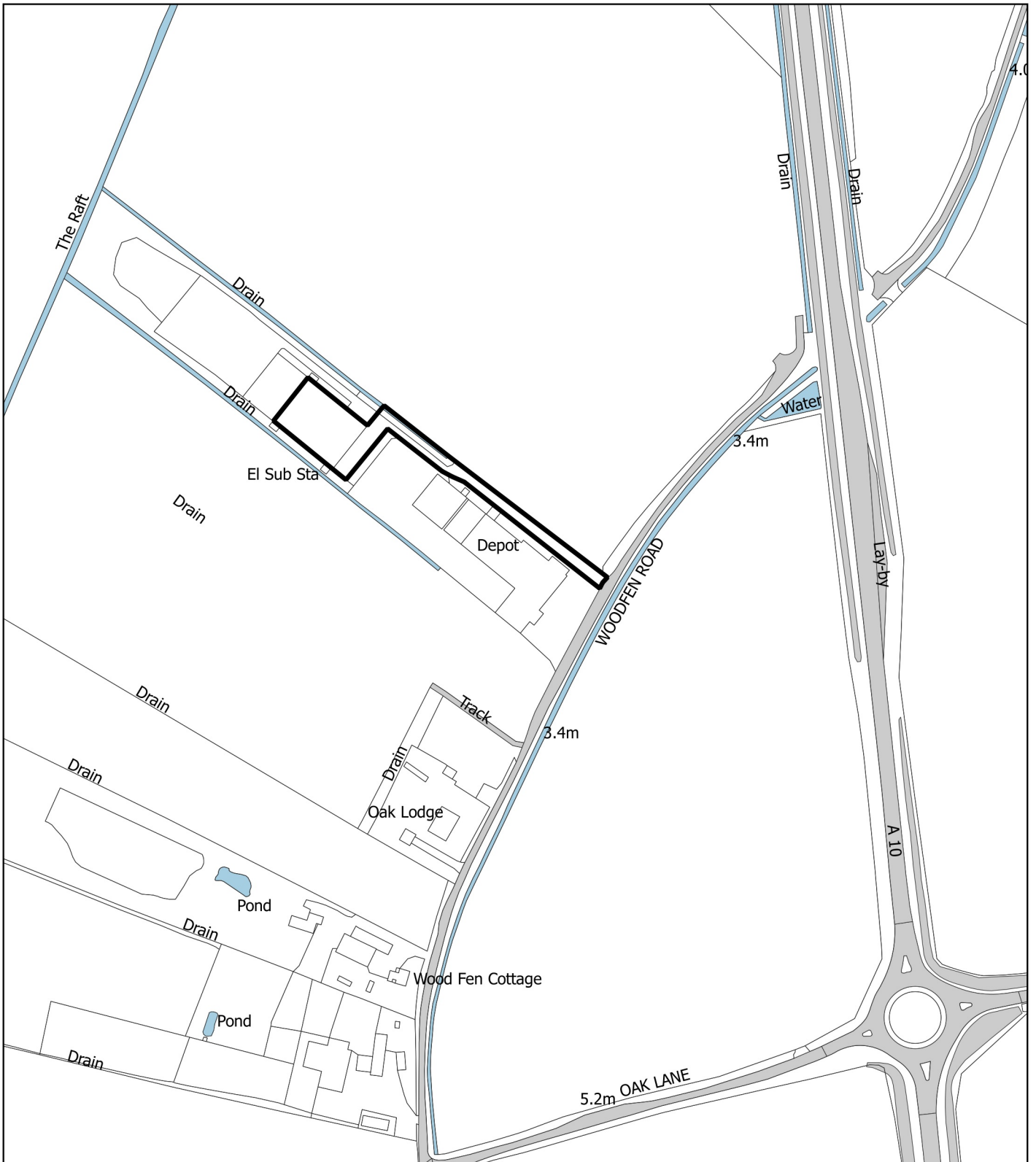
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01730/FUM 18/01596/FUL 18/01514/FUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc ambbs.gov.uk

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



18/01730/FUM

G T & S E Taylor & Sons
 17 Oak Lane
 Littleport



East Cambridgeshire
 District Council

Date: 20/02/2019
 Scale: 1:3,000



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Planning Performance – January 2019

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.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	165	7	31	44	16	33	34
Determinations	143	2	49	23	15	28	26
Determined on time (%)		100% (90% within 13 weeks)	96% (80% within 8 weeks)	100% (90% within 8 weeks)	93% (90% within 8 weeks)	61% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	120	2	32	21	12	28	25
Refused	23	0	17	2	3	0	1

Open Cases by Team							
Team 1 (3.5 FTE)	223	18	64	28	34	79	0
Team 2 (3 FTE)	111	11	33	27	20	20	0
Team 3 (1 FTE)	19	2	2	0	7	8	0
No Team (5 FTE)	92	15	22	2	17	14	22

No Team includes – Planning Manager, Trees Officers (x2), Conservation Officer and Agency Workers (x2)

The Planning department received a total of 196 applications during January which is a 15% increase on January 2018 (171) and 18% decrease from December 2018 (166).

Valid Appeals received – 3

Land Adj 22 Little London Isleham – Delegated Decision

Garage Block Adjacent To 5 Willow Walk Ely – Delegated Decision

Site South East Of A C Gillett And Sons Saxon Business Park Littleport – Delegated Decision

Appeals decided – 2

Site Rear Of 38 High Street Chippenham – Dismissed – Committee Decision

Land Rear Of Garden Close Sutton – Allowed – Committee Decision

Enforcement

New Complaints registered – 20 (6 Proactive)

Cases closed – 22 (3 Proactive)

Open cases/officer (2FTE) – $223 / 2 = 111.5$ per FTE (52 Proactive)

Notices served – 0