



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 1:00pm

DATE: **Wednesday, 6th May 2020**

VENUE: **PLEASE NOTE:** Due to the introduction of restrictions on gatherings of people by the Government due to the Covid-19 outbreak, this meeting will be conducted remotely facilitated using the Zoom video conferencing system. There will be no access to the meeting at the Council Offices, but there will be public speaking in accordance with the Council's Public Speaking at Planning Committee Scheme. Details of the public speaking and public viewing arrangements for this meeting are detailed in the Notes box at the end of the Agenda.

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

Membership:

Conservative Members

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Josh Schumann
Cllr Lisa Stubbs (Vice Chair)

Liberal Democrat Members

Cllr Matt Downey (Lead Member)
Cllr Alec Jones
Cllr John Trapp
Cllr Gareth Wilson

Independent Member

Cllr Sue Austen

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Substitute:

Cllr Paola Trimarco

Lead Officer:

Rebecca Saunt, Planning Manager

Quorum: 5 Members

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 20th April 2020 **[to follow]**

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

5. **18/01793/FUM**
Proposed demolition of existing buildings and the erection/conversion of buildings to provide Class A1 (Retail), Class A3 (Café/Restaurant), Class D2 (Leisure/well-being), Sui Generis (Micro-brewery) uses (together with ancillary storage, office & administration space in association with these uses) access, parking, children's play area, landscaping, service yards & associated infrastructure.

Land Opposite Meadow View, Soham Road, Stuntney

Applicant: Mr Alistair Morbey

6. **19/00897/FUL**
Temporary erection of a single storey marquee for functions, outside bar and store forming an annexe to existing hotel – Retrospective.

The Three Pickerels, 19 Bridge Road, Mepal

Applicant: Mr Paul Kenyon

7. **19/01429/FUM**
Extension to existing nursery greenhouse.

G's Second Willow Nursery, Ten Mile Bank, Littleport

Applicant: G's Group Holdings Limited

8. 19/01704/FUL

Re-modelling of the Lancaster Way Business Park access to A142 roundabout and associated utilities works at Lancaster Way Business Park, Ely, CB6 3NX (Six Year Permission).

Site North East of 115 Lancaster Way Business Park, Ely

Applicant: Grovemere Property Limited

9. 20/00007/OUM

Residential development for up to 70 dwellings (Class C3) with associated access, infrastructure and public open space.

Land North East of 100 Beck Road, Isleham

Applicant: Penland Estates

10. 20/00142/OUT

Construction of 1no. detached dwelling and garaging for horticultural manager.

Floral Farm, Fordham Road, Isleham

Applicant: Mr Marco Caffarelli

11. 20/00252/FUL

New agricultural worker's dwelling (re-submission 19/01616/FUL).

Hurst Farm, West Fen Road, Ely, CB6 2BZ

Applicant: AJ Lee and Sons

NOTES:

1. Since the introduction of restrictions on gatherings of people by the Government in March 2020, it has not been possible to hold standard face to face public meetings at the Council Offices. This lead to a temporary suspension of meetings. The Coronavirus Act 2020 has now been implemented, however, and in Regulations made under Section 78 it gives local authorities the power to hold meetings without it being necessary for any of the participants or audience to be present together in the same room.

The Council has a scheme to allow public speaking at Planning Committee using the Zoom video conferencing system. If you wish to speak at the Planning Committee, please contact Janis Murfet, Democratic Services Officer for the Planning Committee janis.murfet@eastcambs.gov.uk to register your wish to speak by 10am on Tuesday, 5th May 2020. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to access remotely, or do not wish to speak via a remote link. Please note that public speaking is limited to 5 minutes in total for each of the following groups:

Objectors
Applicant/agent or supporters
Local Parish/Town Council
National/Statutory Bodies

2. A live stream of the meeting will be available on YouTube at <https://www.youtube.com/watch?v=FfSCV6R02r8> for public viewing. .
3. Reports are attached for each agenda item unless marked “oral”.
4. 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
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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

MAIN CASE

Reference No: 18/01793/FUM

Proposal: Proposed demolition of existing buildings and the erection/ conversion of buildings to provide Class A1 (Retail), Class A3 (Cafe/ Restaurant), Class D2 (Leisure/ well-being), Sui Generis (Micro-brewery) uses (together with ancillary storage, office & administration space in association with these uses) access, parking, children's play area, landscaping, service yards & associated infrastructure

Site Address: Land Opposite Meadow View Soham Road Stuntney
Cambridgeshire

Applicant: Mr Alastair Morbey

Case Officer: Angela Briggs, Planning Team Leader

Parish: Ely

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

Date Received: 19 December 2018 **Expiry Date:** 11th May 2020

[U212]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Archaeology
- 4 Materials - samples
- 5 Surface water drainage
- 6 Foul water drainage
- 7 Construction Environmental Management Plan
- 8 External lighting details
- 9 play equipment details
- 10 Tree protection measures
- 11 Soft landscaping scheme
- 12 Hard landscaping scheme
- 13 Boundary treatment

- 14 No amplified music
- 15 Existing access closure
- 16 New access
- 17 Visibility splays
- 18 Opening and delivery hours
- 19 Construction times and deliveries
- 20 External plant and machinery
- 21 Fire Protection (Hydrants)
- 22 Biodiversity enhancements
- 23 Reporting of unexpected contamination
- 24 Sustainable development - Full
- 25 Gross Floor space limit
- 26 Retail floorspace limit and restrict use
- 27 Non-retail floorspace limits
- 28 Maximum unit size retail
- 29 Minimum unit sizes
- 30 Sale of convenience goods
- 31 No Multiples
- 32 Duplicate traders from local centres
- 33 Biodiversity compliance

2.0 SUMMARY OF APPLICATION

2.1 The application seeks full planning permission for the demolition of existing buildings and the erection/conversion of buildings to provide 1,943sqm of Class A1 (retail), Class A3 (Cafe/ Restaurant), Class D2 (Leisure/ well-being), Sui Generis (Micro-brewery) uses (together with ancillary storage, office & administration space in association with these uses) along with access, parking, children's play area, landscaping, service yards and associated infrastructure, on land at Harlock's Farm, Soham Road, Stuntney.

2.2 The application is supported by the following documents:

- Plans and Drawing package;
- Design and Access Statement;
- Planning Statement;
- Landscape Masterplan;
- Landscape and Visual Impact Assessment;
- Arboricultural Impact Assessment;
- Retail Impact Assessment;
- Heritage Assessment;
- Archaeological Desk Based Assessment;
- Transport Statement;
- Utilities Note;
- Flood Risk Assessment;
- Ecological Assessment;
- Phase 1 Contamination Assessment;
- Energy Statement;

2.3 The proposal includes creating a new access from the A142 to serve the proposal and the existing farm business. This access was approved under planning permission ref: 17/00832/FUL. The access was approved to serve the existing farm business and was only assessed in this capacity. The existing access is proposed to be permanently closed for all vehicles as part of this application.

2.4 In summary the proposed development would comprise:

- Retention and conversion of the existing farm office (approved under Ref: 13/00234/FUL);
- Demolition of two farm buildings;
- Erection of four new buildings comprising kiosk and retail units;
- Access from the west via the approved new access from the A142 (as described above in paragraph 2.4);
- New parking area with space for 75no.cars and 40no. cycles;
- Hardstanding, service yards and bin stores;
- New balancing pond/water feature to the south west;
- Landscaping, children’s play area and associated infrastructure.

2.5 In terms of the proposed site layout, the eastern half of the proposed development broadly comprises a parking area and the children’s play area to the south east, and retail units to the north east with service yards behind. The western half comprises retained green space for events and overspill parking, and the new balancing pond to the south west.

2.6 The application is being considered by the Planning Committee because it would involve over 1000sq.m of new development.

2.7 The Retail Impact Assessment has been assessed by WYG Group, an independent retail consultant, on behalf of the Council. There have been several amendments to the retail impact assessment and the proposed uses, during the course of this application, and we have been working pro-actively with both the applicants and the agent in order to achieve a positive outcome, which is now being presented before Members.

2.8 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

13/00234/FUL	Demolition of derelict storage building and replacement with new farm office building.	Approved June 2013
16/01526/FUL	Creation of new farm access with service roads and closure of existing farm	Refused March 2017

	access.	
17/00832/FUL	Creation of new farm access with service roads and closure of existing farm access.	Approved July 2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located 1km to the South East of Stuntney and 3.5km South East of Ely city centre, along the Soham Road (A142). The site is situated outside of the development boundary of Stuntney, in the open countryside. The site is occupied by Harlock's Farm and is currently in agricultural use. The 4.13ha site comprises the southwestern part of Harlock's Farm. It is located to the North West of Harlock's Farmhouse (2-storey) which is set back from Soham Road and has its own access. Access to the site is currently via the A142 and runs along the eastern boundary to the farmyard. The A142 links Ely to the North West with Soham and Newmarket to the South East.

4.2 The site currently comprises:

- Part of a larger arable field to the West;
- A tree belt and ditch running through the centre of the site;
- An area of mown amenity grassland to the south-east; and
- Four agricultural barns of varying sizes and construction materials to the north east set around a concrete yard. There is also a small control cabin further beyond for large vehicles to check in when visiting the farm.

4.3 Further beyond the site, there are a pair of semi-detached properties opposite the site, which is within the ownership of the applicant and are occupied. Barcham Trees Ltd are located further south along the A142, along with other semi-detached cottages, also within the ownership of the applicant.

4.4 The development site is separated by two adjoining fields from The Old Hall, a restored Jacobean manor house (also within the Estate's ownership) which operates as an events and wedding venue with high level accommodation and outstanding views towards Ely Cathedral. The Old Hall is not a listed building but is a grand feature within the wider landscape.

4.5 The site is 600m to the south east of Stuntney and the nearest bus stop, equivalent to a five minute walk. The site is linked on the opposite side of the road to the site to the village by a continuous footway along the northbound side of the A142. A new pedestrian island would be included as part of the junction improvements to allow safe crossing across the A142.

4.6 The site lies within Flood Zone 1.

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.

- 5.2 **Ward Councillors** - No Comments Received
- 5.3 **Cambridgeshire Fire And Rescue Service** – No objection subject to condition relating to fire hydrants.
- 5.4 **Cambridgeshire Archaeology** – No objection subject to a condition requiring a programme of archaeological work in accordance with a written scheme of investigation (WSI). This would be a pre-commencement condition.
- 5.5 **Local Highways Authority & CCC Transport Assessment Team** –

After a review of the amended drawings I have no further objections subject to the following informatives and conditions being attached to any permissions the planning authority is minded to grant.

Additional Comments

CCC Transport Assessment team have confirmed that the ghost right turn facility as proposed is adequate in length to accommodate the estimated vehicle numbers to this site.

The application submission has a Road Safety Audit (RSA) completed by a third party which is not accepted or recognised by the highways authority as any RSA must be completed by the highways authority as we are responsible for the highway and the safety of the public. However the proposed new junction arrangement underwent a Stage 1 Road Safety Audited/Review completed by CCC during previously approved application 17/000832/FUL. Therefore we do not require a new one for this application as the layout has not be altered to a significant degree that would warrant a new Stage 1 Audit. However a Stage 2 Road Safety Audit will be required prior to its construction, as per CCC Standard, which will need to be completed by CCC at the applicant's expense.

Recommended conditions:

HW7A – Prior to first use the vehicle access points with the A142 and Harlocks Farm will be reinstated as highway verge as per approved drawing numbers 1690-02 Rev E and 1690-01 Rev C and be to CCC specifications
HW11A – The new junction and road layout must be constructed as per approved drawing number 1690-03 Rev B and be constructed to CCC specifications
HW18A – Visibility splays must be as per approved drawing 1690-03 Rev B and held in perpetuity
HW22A – No private surface water shall be permitted to be discharged on to public highway

- 5.6 **CCC Growth & Development** - No Comments Received
- 5.7 **Lead Local Flood Authority** – No objection subject to a condition relating to surface water drainage.

5.8 **ECDC Trees Officer** – No objection subject to conditions relating to tree protection, soft and hard landscaping details and soft landscaping maintenance plan. Also a condition relating to the hedge along the frontage of the site to ensure this is enhanced and continues to provide ecological benefits.

5.9 **Conservation Officer** - No objections.

5.10 **Environmental Health**

Due to the proposed number of units and the proximity of existing residential properties I would advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

07:30 – 18:00 each day Monday – Friday

07:30 – 13:00 on Saturdays and

None on Sundays or Bank Holidays

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

From looking at the plans I could not identify any external lighting in the car park or indeed anywhere on site but there is mention of it on page 39 of the Design and Access Statement. It states here that details of lighting will be provided at a later date and so for this reason I would advise a condition which stipulates no external lighting to be installed without prior approval from the LPA.

There is a wide range of listed potential occupiers of the retail units on site. As these elements are not confirmed at present I would request a condition for there to be no external plant installed without prior approval from the LPA. This is in order to assess potential impact on residential amenity of nearby residents.

The hours of opening listed in Section 19 of the Application Form are 07:00-19:00 Monday to Saturday and 08:00 to 17:00 on Sundays and Bank Holidays. Taking in to consideration the location I have no issues to raise with this but I would request that there be a condition stipulating that deliveries take place during opening hours.

You have advised me that the green space to the left of the front of the proposed site is to be used as a 'seasonal event space' as well as café seating. I have no issues with this (in principle) but I would wish to discourage the use of amplified music in this location as it is the closest part of the site to existing residential dwellings on the opposite side of the road. We can look to achieve this by either requesting from the applicant a noise management plan whilst also looking to limit the amount of events to be held in a calendar year or if there is no intention to use amplified music on this part of the site we could look to adding a condition which prevents it.

- 5.11 **Economic Development (Tourism)** – No objection. The proposal has the potential to attract new audiences which will add to the tourism offer for Ely and the surrounding area. I therefore support this application.
- 5.12 **Waste Strategy (ECDC)** - No Comments Received.
- 5.13 **Anglian Water Services Ltd** - No Comments Received
- 5.14 **Environment Agency** – No comments received.
- 5.15 **National Grid (Cadent)** – No objection.
- 5.16 **Cambs Wildlife Trust** – No objection subject to conditions relating to site clearance outside of the bird nesting season, any lighting scheme designated to minimise light spill (as in paragraph 7.2 in the Ecological Assessment). Additional check for Water Voles in the ditch prior to commencement of development and mitigation measures if any are found. Bird and bat boxes to be provided, inclusion of native plants within the landscaping and creation of new semi-natural grassland.
- 5.17 **City of Ely Council** – No objection subject to the nature of the units being restricted for artisan traders only.
- 5.18 **Design Out Crime Officers** – No objection.
- 5.19 **The Ely Group Of Internal Drainage Board** – No objection.
- 5.20 **East Cambridgeshire Access Group** – No objection. We welcome this development and the opportunity for employment available for all, so it gives jobs for those with disabilities.
- 5.21 **Retail Impact Consultant (WYG Group) – 16 May 2019 – original proposal**

This appraisal has been prepared by WYG in response to an instruction by ECDC to carry out an independent review of the retail planning policy aspects in respect of an application seeking full planning permission on land at Harlock's Farm, Stuntney for:

"Demolition of existing buildings and the erection/conversion of buildings to provide 1,943sq m of A1, A3, A4, D1 and D2 uses, along with access, parking, children's play area, landscaping, service yards and associated infrastructure".

The proposal is variously described as 'a combination of artisan and speciality shops, cafes and restaurant uses', although the precise mix will not be known until the scheme is marketed and there is no reported link between the proposal and the host farm in terms of justification for its location in the countryside, outside any settlement or centre.

In accordance with our instructions from ECDC, the proposal has been considered in the context of the development plan for the area and other material planning policy considerations including the NPPF and NPPG and in the light of the

application submission, specifically the November 2018 RS and April Letter from LSH.

The site subject to this application lies in an out of town location and is not in accordance with an up to date development plan. Therefore, in line with local and national planning policy, to focus of our advice to LBC is on:

- the compliance of the proposed development with the sequential approach to site selection, including whether there are any more centrally located suitable or available sites or premises to accommodate the proposed development; and
- the impact of the proposal on nearby retail centres, taking into account the impact of the proposal on planned investment and the vitality and viability of these centres.

The Sequential Approach to Site Selection

Having carefully appraised relevant potential sequential sites, in consultation with planning officers at the Council, we have found that none are suitable or available for accommodating the proposed development even on a flexible basis, save for that part of Paradise Area, Ely which is noted to be available in the short term.

Further evidence is required to demonstrate that the proposed development might not reasonably be accommodated on this site taking that part of the site proposed for the retail units and car park only as the starting site size.

Retail Impact

We have carefully considered the proposal against the impact tests set out in the NPPF. Looking at the two elements of the impact test, in respect of test 1 we are content that there is no investment sufficiently advanced to be considered under this criterion. Turning to test 2, impact on vitality and viability of existing centres, we have several reservations about the LSH assessment that, taken together, means that impact on existing centres has been underestimated by LSH.

In the absence of further evidence and/or an updated assessment to address these reservations, in our view, there is sufficient doubt about the conclusions drawn by LSH to suggest that the underestimated impact on the vitality and viability could reach significant adverse levels on Soham Town Centre and that there is a risk that operators (retail and non-retail) could locate at Harlock's Farm at the expense of opportunities in existing centres with detrimental effects on their health.

The use of conditions has been considered to see if a suite of conditions could be formulated to ensure that the proposed 'combination of artisan and speciality shops, cafes and restaurant uses' could be sufficiently controlled to ensure impacts levels remain at levels below significant adverse and provide the justification for location of the proposal at the site in open countryside/functional link to the host farm. The conditions suggested by LSH are not sufficient to control the eventual operation of the scheme in our view.

Notwithstanding the reservations raised in this report which means that impacts on existing centres have been underestimated by LSH and the potential for this to reach significant adverse impact levels even if it traded as the high-end artisan

visitor destination proposed, we have suggested some additional conditions to limit the convenience goods offer to a farm shop/locally sourced produce only and the comparison goods offer to artisan meaning every unit has to include an element of on-site craftsmanship. And further conditions to limit the type of uses within the 'leisure' use classes are also suggested.

Conclusions

In the absence of additional evidence/assessment, there is sufficient doubt to suggest that impacts on existing centres might reach significant adverse levels and so the proposal should be refused.

5.22 Comments Following response from the agent – 8th July 2019

With the additional information provided by LSH in the RAA we are content that the sequential approach to site selection has been passed. However, reservations remain in terms of the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centres of Soham and Littleport. We believe that LSH have presented an ambitious, dispersed trade draw pattern which relies on significant amount (40%) being drawn from beyond the catchment and overestimated the amounts from (remote) out-of-centre locations at odds with the normal 'like competes with like' (and distance arguments). These factors mean that impacts on centres within the catchment have the real potential to have been underestimated by LSH.

Nevertheless, even if the RAA impact levels are accepted, when combined with committed schemes, the cumulative impact levels are high, as even LSH accept. These high impacts have the potential to give rise to significant adverse effects on Soham and Littleport Town Centres in our view.

Coupled with this conclusion, LSH has rejected the suggested conditions which seek to ensure a scheme trades in line with the promoted concept and assists with justifying the grant of planning permission for this amount of retail floor space in the open countryside. The alternative conditions LSH have suggested will not be effective in our view given the specifics of this case and will need to be time limited in order to meet the necessary tests for conditions.

In the light of the above, our conclusion set out in the May 2019 WYG Appraisal remains unchanged i.e. there is sufficient doubt to suggest that impacts on existing centres is likely to reach significant adverse levels and so the proposal should be refused.

Additional comments – 9 March 2020

The suggested conditions seek to ensure that the proposed development trades in line with the concept presented in the application and in line with how the scheme has been assessed by LSH (applicant's retail consultant). As the same time, they seek to meet the six tests set out in the NPPF.

Please see Appendix 2 for the full response.

5.23 **Council's Scientific Officer** – No objection. Phase 1 Geo-Environmental Desk Study Report, dated 22nd November 2018 is acceptable. Recommend standard condition 4 (unexpected contamination) is attached to any grant of permission.

5.24 Neighbours – 5 neighbouring properties were notified, no responses were received. A site notice was posted on 22nd January 2019 and notification was published in the Cambridge Evening News.

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
EMP 3	New employment development in the countryside
EMP 4	Re-use and replacement of existing buildings in the countryside
EMP 7	Tourist facilities and visitor attractions
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 3	Shop fronts and advertisements
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood Risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Shop Fronts Design Guide

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

4 Decision-making

6 Building a strong competitive economy

7 Ensuring the vitality of town centres

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

14 Meeting the challenge if climate change, flooding and coastal change

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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in determining this application are:

- Principle of Development;
- Design and Layout;
- Impact on the visual amenity of the area;
- Impact on the landscape character of the area;
- Impact on highway safety and parking provision;
- Impact on residential amenity;
- Flooding and Drainage;
- Impact on Archaeology;
- Impact on Ecology;
- Planning Balance.

7.1 **Principle of Development**

7.2 The site is located outside the established development frameworks for Ely and Stuntney and forms part of the wider holding currently operated by Harlock's Farm. Policy Growth 2 of the Local Plan, 2015, seeks to focus development in the market towns of Ely, Soham and Littleport but acknowledges that development can be permitted in the countryside where it meets one of the defined exceptions. These include small-scale employment development and tourism related development. This proposal would be the first of its type within the District and would operate in a unique way to other mixed use sites in the area.

7.3 Due to the nature of the proposal, the development does not fall comfortably within one specific policy in the Local Plan, therefore the proposal would need to be assessed against a number of different policies and cross-overs of certain criteria between policies. The relevant policies are EMP3, EMP4, EMP7, and COM1.

7.4 Policy EMP3 of the Local Plan, 2015, supports new development for small-scale businesses (B1, B2 and B8 uses) in the countryside where:

- There is a lack of suitable buildings and sites within the settlement.
- There is a lack of suitable buildings to re-use or replace in the countryside close to the settlement (in accordance with Policy EMP 4).
- The proposal would not have an adverse impact on the character and appearance of the area, the amenity of neighbouring occupiers, or result in a significant increase in traffic; and
- The site can be easily accessed by foot or cycle from the settlement.

7.5 The proposal would include a micro-brewery which would fall under a sui-generis use within the mixed use scheme and would comprise a small element of the overall proposal. However, as this development proposes a unique mix of business and

leisure uses, it is important to consider the above policy in relation to the other Local Plan policies which are also relevant in the determination of this application.

7.6 Policy EMP4 of the Local Plan, 2015 supports the re-use and replacement of existing buildings in the countryside 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 historic significance, and it is in general keeping with its surroundings;
- The proposal would not have an adverse impact on the character and appearance of the building or the locality;
- The proposal would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated; and
- Other Local Plan policies relating to specific uses are met.

The replacement of existing buildings in the countryside (for the same uses) will only be permitted where it would result in a more acceptable and sustainable development than would be achieved through conversion. In addition, bullets 1 and 5 above should also be satisfied.

7.7 The proposal includes the re-use of the existing single storey office building which would be converted into a unit outlet and WCs. This building is relatively new and was granted planning permission under Ref: 13/00234/FUL. The other existing barn structures on the site would be demolished and replaced with new buildings. Whilst the policy is more favourable towards conversion of existing buildings in the countryside, rather than demolition, the buildings would not be suitable for conversion due to practical and sustainability reasons. The existing structures are also of a scale which would not adapt well into individual units, and would therefore not result in a comprehensive or sustainable development, that is fit for purpose. The visual appearance of the new buildings will be assessed in more detail further on in this report. However, in terms of their general form, bulk and design, the approach reflects and respects the agricultural character of the site and includes materials which can already be seen on the site (brick and timber) and would assimilate well with their surroundings, within and beyond the site. Further analysis of the materials will also be explained in later paragraphs in this report.

7.8 The proposal would generate more traffic due to the nature of the proposal, and a car park for 75 cars and 40 cycle spaces would be provided. The new access would also serve as an access for the existing farm and it is proposed to permanently close the existing access, to the north of the site, which has severely restricted visibility. The new access would be constructed to County Council standards and would be an improvement on the existing access which currently serves the site. Therefore all traffic, including farm traffic, would be via the new access. Further analysis of these impacts on highway safety and visual amenity will also be explained in greater detail in this report. However, it is considered that the proposal would not have a significant adverse impact on the area in terms of the traffic generated as a result of this proposal.

- 7.9 Policy EMP7 of the Local Plan, 2015 relates to tourist facilities and visitor attractions and supports new or extended facilities or attractions where it can be demonstrated that:
- There is an identified need to create new facilities or to expand or improve existing visitor attractions and facilities to ensure their continued viability;
 - The proposal is of an appropriate scale and nature relative to its location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount and nature of traffic generated;
 - The character and appearance of the area and natural assets would be maintained and enhanced;
 - The proposal maximises opportunities for sustainable travel including walking, cycling and public transport; and
 - Opportunities to reuse existing buildings have been explored.
- 7.10 The proposal would be a unique facility and the first of its type in the District, which could also attract tourists. It would therefore not be an expansion of an existing visitor attraction or facility and would be a new facility. The Council's Tourism Officer considers that the facility has the potential to attract new audiences which will add to the tourism offer for Ely and the surrounding area, and the proposal is therefore supported.
- 7.11 The applicant considers that this proposal would complement the Barcham Trees development, which is situated further South of the site, and has planning permission for a new arboretum and visitor facilities under Ref: 17/01128/FUM. This approval includes a relatively large element of retail (A1) use (2099sqm internal floor space and 4211sqm external floor space), considerably more than the retail floor space proposed as part of this application. It is considered that this facility is not linked to Harlock's Farm and is completely different in terms of the services offered from the site. Barcham Trees is also a very specific genre compared with this proposal, likely to attract a niche market rather than general visitors/tourists, and therefore it would be difficult to argue that the proposal would complement Barcham Trees as there are significant differences between the two businesses. Nevertheless, there is another visitor attraction in close proximity to the application site, and therefore the principle of another visitor attraction in this location has the potential to be successful. Furthermore, even though the proposal is located outside of the settlements of Ely and Stuntney, it is considered that the site is accessible by sustainable modes of transport such as cycling, walking and by public transport from both settlements. Stuntney is within 600m of the site and is served by a bus service. The bus stop is situated within the village, along Soham Road, 400m from the proposed access. A pedestrian refuse island would be provided on the A142 as part of the proposed development, with good visibility available in both directions in order to ensure that pedestrians walking to the site can cross safely to enter the development. Footpaths would also be provided along the site's access for those walking or cycling to the site. It is also expected that the proposal would attract visitors from further away, from inside and outside of the District, which would arrive by car. It is considered that the site is accessible by cyclists from Ely, especially now that the new bypass is in use and opens up the opportunity for visitors to cycle to the site, from the North.

- 7.12 It is therefore considered that the proposed development would not have an adverse impact in terms of the amount of traffic generated and is acceptable.
- 7.13 The reuse of existing buildings is also supported by this policy, subject to their character and appearance and impact on the surrounding area, which is addressed in more detail in this report.
- 7.14 Policy COM1 of the Local Plan, 2015, states that outside the town centres of Ely, Soham and Littleport, proposals for retail and 'town centre uses' may be permitted where:
- 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 development of 280m² net floor space or larger, there would be no adverse effect on the vitality and viability of the nearest town centre, or on other centres, as demonstrated in a Retail Impact Assessment;
 - The development would enhance the character and attractiveness of the centre and its locality, and not adversely affect residential amenity; and
 - The development would be accessible by a choice of means of transport (including public transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications.
- 7.15 In accordance with Policy COM1, the applicant has submitted a Retail Impact Assessment which has been assessed by the Council's independent retail consultant, WYG Group. Their responses are reflected in paragraph 5.21. Detailed discussions between Officers, the retail consultant, the applicant and the agent have taken place over several months in response to the Council's retail consultant's comments in order to overcome their concerns relating to the impact of the proposal on the vitality and viability of the Local town centres. As this would be a unique facility, and the first in the District, a careful approach was taken to ensure that the local centres of Ely, Soham and Littleport would not be adversely affected, and remain resilient. It is acknowledged that the retail sector, particularly High Street shopping, is changing and people's shopping behaviours are shifting with the increased presence and convenience of online shopping. The impact of this has not gone unnoticed within our District's Local Centres, particularly Ely's High Street. It is with this in mind that Officers have worked diligently to protect these local centres, given the current retail climate.
- 7.16 The Council's retail consultant (WYG) has advised that the proposal passes the sequential test, as required by Policy COM1, and the applicant has demonstrated that there are no other suitable sites available within the current settlements. The proposal should also have a tangible link to the existing farm, in order to justify new mixed use developments in the open countryside, where Local Plan policies, and the NPPF, usually restricts retail and leisure development. The applicants came forward to justify the proposal so that the LPA had a better understanding of why they have submitted the proposal and how the proposal would function. The

applicants are requiring a way to diversify their existing agricultural business and have aspirations to offer a service that would complement their existing wedding/event venue business, which operates from the Old Hall, situated about 400m to the North of the application site, as well as offering a unique artisan shopping and leisure experience for visitors, locally and beyond, that would be different to the services that are already on offer within the local centres/High Streets. Further complementary services include those such as a Day Spa/Beauty Salon (to facilitate potential 'hen do'/pre-wedding events), and a bridal wear shop. The other uses would involve a deli and café/restaurant which is intended to be run by the applicants themselves, using the produce from their farm, and a micro-brewery which would provide a unique drinking establishment and visitor attraction.

- 7.17 The proposed scale and type of the development would be directly related to the role and function of Harlock's Farm by virtue of using produce from the farm for purchase and/or consumption from the units, and as such complies with criterion 3 of the Policy.
- 7.18 The applicant's aspirations of the development of this site were important to the LPA because the Council's independent retail consultant questioned how the proposal would offer a unique 'artisan' experience within the use classes that are being proposed, different to the 'High Street' experience and to secure a connection with Harlock's Farm itself. If planning permission is granted, there would be conditions attached that would restrict the retail and leisure uses which are as shown in conditions 25 – 32 on Appendix 1 attached to this report. These conditions are considered sufficient to make the development acceptable and to ensure that the local centres of Ely, Littleport and Soham are safeguarded. The proposed development is therefore considered to comply with Policy COM1 of the Local Plan, and is acceptable in principle. Further analysis of the other policy criteria are addressed in later sections of this report.
- 7.19 **Residential Amenity**
- 7.20 Policies ENV2 and COM1 of the East Cambridgeshire Local Plan, 2015, requires all new developments to ensure that there is no significantly detrimental effects on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.21 The site is situated close to 5 dwellings. Harlock's Farm House is located immediately to the South (applicant's dwelling). Meadow View and Dairy Ground Cottages are a pair of semi-detached dwellings, located across the A142, to the West of the site. There is also another pair of semi-detached cottages located further South (Hill View Cottage and Oviato). The site is otherwise surrounded by fields. Due North, towards Ely, is the Old Hall B&B and wedding/events venue.
- 7.22 The proposed development would result in the site becoming more intensified, due to the use of the site changing from predominantly agricultural, to a mixed use site. The agricultural use would still remain active and the proposed access would serve this function in addition to the proposed development. The existing access to the farm is near the Farmhouse (Harlock's Farm House). This would be permanently closed as part of the proposal and would result in a reduction in traffic movements close to Harlock's Farm House, which is considered to be an improvement and

acceptable in terms of minimising noise impact to those neighbours. A condition is recommended to require the closure of the existing access (condition 15). The new access would be located further north of the site so all traffic would be diverted away from the surrounding dwellings, reducing vehicle movements, and therefore it is considered that the impact on residential amenity is acceptable, in this respect.

- 7.23 The existing farm office, a single storey building, granted under Ref: 13/00234/FUL, would remain and converted into WCs and a separate unit. Four new buildings would be erected on the site, following demolition of two existing agricultural buildings. The design/scale of these new buildings would reflect the agricultural barns that currently occupy the site. The buildings would be situated far enough away not to impact significantly on neighbouring dwellings, in terms of their scale and massing. None of the proposed buildings would be situated closer to Harlock's Farm House than the current buildings, or to any of the surrounding dwellings. They would be contained within the current compound of barns, albeit on a slightly different footprint. The service yard areas would then wrap around the buildings and would be enclosed by fences. It is considered that the proposed built form would not have a significant impact on residential amenity.
- 7.24 The proposed children's play area would be located at the southernmost end of the site, near the car parking area, and behind Harlock's Farm House. There is some amount of soft landscaping along this boundary and an outbuilding along the rear boundary of the dwelling, which would help to mitigate against any noise and disturbance. The play area is relatively small and it is unlikely that noise from this facility would have a significant impact on the amenity of Harlock's Farm House. Conditions are recommended to require that the soft landscaping scheme is adequate to help mitigate against noise and disturbance and assimilate it within their surroundings, and requesting details of the play equipment to be submitted.
- 7.25 The proposed car park would be to the front of the site, opposite the proposed barns, and adjacent to the A142, which is a single carriage way. There would be some car parking spaces close to Harlock's Farm House, the nearest car parking space would be 30m from the house, and this would be interspersed by a single storey outbuilding along the northern boundary of the site. It is considered that the car parking area would not have a significant impact on residential amenity in terms of noise and disturbance, particularly as the house is closer to the A142, which already carries a lot of traffic.
- 7.26 Conditions are recommended to restrict construction and delivery hours. The Environmental Health Officer advised that the standard times would be acceptable (07:30 – 18:00 Monday to Friday and 07:30 – 13:00 on Saturdays and none of Sunday or Public and Bank Holidays). In terms of opening hours, the applicants have requested earlier hours than those advised by the Environmental Health Officer (07:00 – 19:00 Mondays to Saturdays and 08:00 – 17:00 on Sundays and Public/Bank Holidays). The applicant is seeking that deliveries tie-in with these times and had suggested opening hours of 06:30 -19:00 Monday to Saturday and 07:00 – 17:00 on Sundays and Public/Bank Holidays. The Environmental Health Officer has agreed to these hours and highlights that planning permission does not confer immunity from action under statutory nuisance, either by the Local Authority or a private individual. Furthermore, delivery traffic would be further North of the site and away from Harlock's farm House and the cottages nearby. It is considered

that the opening hours are acceptable and would not have a significant impact on residential amenity.

7.27 The proposed development also includes a grassed area to the north where it is intended to hold outdoor events. This area would be close to the village of Stuntney where potential impacts of noise and disturbance could be possible, and due to the openness of the surrounding countryside where noise can travel easily. In order to minimise the impact a condition has been recommended to restrict the use of amplified music, and for an acoustic management plan to be submitted to the LPA for prior approval.

7.28 It is considered that the proposed development would not have a significant impact on residential amenity and complies with Policies ENV2 and COM1 of the East Cambridgeshire Local Plan, 2015.

7.29 **Landscape and Tree Impact and Visual Amenity**

7.30 Policy ENV1 of the East Cambridgeshire Local Plan, 2015, requires development proposals to demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve and where possible, enhance:

- The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal;
- The settlement edge, space between settlements, and their wider landscape setting;
- Visually sensitive natural and man-made skylines, hillsides and geological features;
- Key views into and out of settlements; this includes quintessential views of Ely Cathedral and the setting of the City as a historic 'Isle' settlement close to the fen edge and the valley of the River Great Ouse.

7.31 Policies COM1, EMP3, EMP4 and EMP7 of the Local Plan all refer to the impact on visual amenity and ensuring that the new proposals respect the character and appearance of the area. It is considered that the proposal would introduce a built form that would be in keeping, and in scale, with the rural character of the area and therefore complying with these policy criteria.

7.32 The proposed development would introduce four new buildings within the site, located within the countryside. The surrounding area is rural in character, with long distance views across open fields. Whilst the site is relatively flat, the approach to the site, from Ely, along the A142, rises gently, particularly the approach to The Old Hall. The land then levels out after this near the site. There is a significant Oak tree which is situated on the West boundary of the site, and is a distinctive feature in the wider landscape. This tree is also protected by a Tree Protection Order. It is prominent and adds to the landscape character of the area. This tree is to be retained and a condition requiring tree protection measures is recommended.

There are also other younger Oak trees along the other side of the A142 which also add to the overall landscape character of the area. There is also a significant tree band along the northern edge of the site which helps to screen the agricultural buildings from public views. The landscape character also includes hedgerows and smaller group of trees which divide the landscape around the site. The Harlock's Farm estate is currently occupied by a range of agricultural buildings on the site. These buildings are typical concrete and metal frame with a metal roof. The single storey outbuilding nearest the A142, is black timber clad with a pantile roof. The farm office is a brick plinth single storey building, with black timber cladding under a light pantile roof. The surroundings dwellings are brick and render under plain tiles.

7.33 A Landscape Visual Impact Assessment (LVIA), Arboricultural Report, and a Landscape Masterplan have been submitted as part of the application. The Council's Tree Officer has made comments in relation to the tree impacts but advises that a Landscape Consultant should review the LVIA as this falls outside of his scope of expertise. The Tree Officer raises no objections to the submitted Arboricultural report, subject to conditions. After reviewing the proposal, the case officer considered that an independent landscape consultant was not necessary for this proposal as there is sufficient information and understanding of the existing environment and proposal which could be dealt with by the Officer, and that the landscape impacts would not be significant as a result of the proposed development.

7.34 The LVIA states in its conclusion:

"The assessment of landscape effects concluded that although there will be some short term adverse effects during the construction phase, the significance of the landscape effects of the Proposed development at completion will be Slight Adverse. The extent of the built form has not increased; the mature oak tree and hedgerow on Soham Road which provide a mature landscape setting to the Site's frontage and maintains the rural character of the Site are retained; and the significant increase in the level of established vegetation throughout the development, will provide new semi natural habitats and increase ecological diversity. Although there will be changes to the landscape at the site level, the effects of the proposed development on the wider landscape character Area of the Fens will be limited. In the long term the proposed development will provide a Negligible effect to the landscape resource and landscape character of the Fens.

The assessment of visual effects concluded that although there will be some temporary adverse effects during the construction phase, the significance of the visual effects of the Proposed development at completion are considered to range from Moderate Adverse to Negligible on views and visual amenity. The most significant effects occur for a short distance, in close proximity to the Site, along Soham Road. Once the landscape mitigation proposals have matured, the long-term visual effects will reduce and are considered to range from Slight Adverse Effect to Minor Beneficial on views and visual amenity.

In conclusion, the proposed development has been designed to be well-integrated into the Fen landscape which surrounds the site; the treatment of the Site boundaries, particularly the north western boundary to the new access road from

Soham Road and the retention of the mature Oak tree are key to improving the quality of the transition”

- 7.35 The new buildings would be highly visible within the landscape, due to the openness of the surrounding area, particularly from the North, coming from Ely, once you pass The Old Hall. The existing buildings to be demolished range from 5.3m to 7.6m in height. Proposed building 1, as shown on drawing 17043/P-015, would be the most prominent building from the A142, from Ely. This building would be 8m in height, 24m in length and 12.5m in depth. Building 2 would be 7m in height, 46.5m in length and 18.5m in depth. Building 3 would be a small kiosk, situated to the rear of the courtyard, in-between buildings 2 and 4. This is a single storey structure with a hipped roof and a cupola. This building would be 5.4m in height, 9m in length and 4m in depth. Building 4 would be 7.3m in height, 40.5m in length, 18.5m in depth. These buildings would all be single storey, although they would be comparable to two storey in height. Building 5 would be the existing farm office which would not require any external alterations and would be converted under this proposal.
- 7.36 The existing tree band along the northern end of the site, would help to screen these buildings from public views. The proposed tree planting along the new access would also help to further screen and break up the views across the open countryside. However, it is considered that the height of the buildings would not be significantly higher than the buildings to be demolished and would be a similar height of a typical two storey dwelling, although their massing and bulk would be greater than a domestic property. The buildings would be set back from the road, reducing their visual landscape impact further, and appearing as a cluster of buildings within the existing compound. It is considered that the mass and bulk of the proposed design reflects the historic agricultural buildings of the farm holding, whilst respecting the surrounding residential dwellings, and as such is appropriate for its countryside setting. The design cue of the buildings are taken from its agricultural connection, replicating a farmyard and barn style approach to ensure that they are in keeping. The materials would reflect the existing farm office that would be retained, and the plans indicate that an element of glazing would also be incorporated to maximise light into the buildings and break up the solid forms and inject some modernism against the traditional scale and style of the buildings.
- 7.37 The submitted Landscape Masterplan outlines the main landscaping features that would be included as part of this proposal. There would be a mix of hard and soft landscaping features, some of the existing features such as the hedgerow along the frontage of the site will be retained, as well as the Oak tree, and the tree group to the northern side of the site. New soft landscaping features would include a proposed pond close to the entrance road with a meadow around it, the children’s play area, new hedgerow along the frontage and across the existing access (deeming it permanently closed), additional trees and low-level planting among the car parking area to soften the edge with the A142, new trees along the new access way and around the Children’s play area. The Masterplan also indicates some play equipment on the play area, details of which is secured by a planning condition. These landscaping enhancement proposals intend to improve the overall site’s landscaping features to help assimilate the development into the wider area. These details would be secured by a planning condition requiring further details.

7.38 It is therefore considered that the proposed development would not have a significant adverse impact on any trees or the wider landscape setting or the visual amenity of the area, and complies with Policies ENV1, COM1, EMP3, EMP4 and EMP7 of the East Cambridgeshire Local Plan, 2015.

7.39 **Highway Safety and Parking Provision**

7.40 Policy COM7 of the East Cambridgeshire Local Plan, 2015 requires all new developments to:

- Provide a safe and convenient access to the highway network;
- Provide a comprehensive network of routes giving priority for walking and cycling;
- Accommodate the efficient delivery of goods, supplies and services
- Be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality;
- Be accompanied by a Transport Assessment. The coverage and detail of this should reflect the scale of the development and the extent of the transport implications.

7.41 The application is accompanied by a full Transport Assessment. The proposal includes a new access, to the north of the site, and to permanently close the existing access. The new access was subject of a previous application, under Ref: 17/00832/FUL, approved in July 2017. This application was to provide access to the farm only. The details of the proposed access is as approved under the 2017 application and is still extant. At the time of writing a discharge of condition application has been submitted to discharge the conditions of that permission. The Transport Assessment finds:

- The stretch of the A142 adjacent to the Site is a single carriageway road, with a speed limit of 50mph;
- Visibility in both directions from the existing access is considered to be significantly below acceptable levels and thus gives rise to safety concerns. To improve the existing vehicular access to the site and overcome existing safety concerns, permission 17/00832/FUL was granted for the closing off of the existing site access and provision of a new ghost island access junction further to the west, with radii and tapers suitable to take articulated vehicles;
- This approved access will provide access to the proposed development from the west, and provide a new access to the farm holding to the rear;
- The existing Harlock's Farm access will be closed off prior to the first occupation of the new development.

7.42 In terms of the site's sustainable connections:

- The closest bus stops to the site are located on Soham Road, Stuntney, with hourly services between Cambridge and Ely. These stops are located approximately 400m from the revised site access onto the A142, equivalent to a five minute walk;

- The closest railway station is Ely, approximately 2.5km from the revised site access;
- There is an existing pedestrian link along the A142 from Stuntney to the site, on the opposite side of the road which would allow staff and customers from within the 2km walking distance to walk to the site. A new pedestrian crossing of the A142 is to be provided as part of the revised site access junction works, linking the footpath to the proposal area.

7.43 In terms of traffic generation, the Transport Assessment finds:

- The proposed use would be expected to generate 409 vehicular movements in a day, along with 12 pedestrian and 10 cyclist movements;
- Vehicular generation at peak times is expected to be low and it is not considered that the proposed development would have any significant impact upon the wider transport network;
- It is anticipated that staff at the development would generally be locally based, 74.5% are expected to arrive at the site by car. It is anticipated that relatively few customer trips would be made by foot, but the site does lie within a 5km cycle distance of both Ely and much of Soham.

7.44 The County Council's Transport Team have been consulted on the Transport Assessment and have raised no objection in terms of the proposal's impact on the local and wider highway network. The Local Highways Authority also considered the proposed access details, which are the same as the approved scheme under Ref: 17/00832/FUL, and have raised no objections to it in terms of highway safety. The proposal would benefit from the existing footpath on the other side of the road and the pedestrian island proposed as part of the new access junction improvements, which would provide a safe crossing for pedestrians and cyclists. The site is accessible by bus from the bus stop in Stuntney village and close to Ely train station, and is walkable from Ely. The new access would also provide a safer and efficient route for delivery of goods, supplies and services to the site (including the existing farm holding). The proposed development is therefore considered to comply with the aims and objectives of Policy COM7 of the Local Plan.

7.45 Policy COM8 of the East Cambridgeshire Local Plan, 2015, requires all new development to provide adequate levels of car and cycle parking, and make provision for parking broadly in accordance with the Council's car parking standards. The proposal would be for a mixed use scheme. The parking provision for this development would comprise 75 car parking spaces (incorporating 3 oversized spaces for vans), including 8 disabled spaces, 6 motorbike spaces and 40 cycle spaces (28 uncovered, 12 covered). An over-spill car parking area would also be provided, which would be an informal arrangement on the grassed area to the south of the site.

7.46 Maximum vehicle and minimum cycle parking standards relate to more traditional retail developments as opposed to farm shop complexes, and therefore parking accumulation has been used to anticipate estimate parking requirements for this development. The parking provision has been calculated based on the parking accumulation at the Gog Magog Farm Shop, a similar retail complex on the outskirts of Cambridge, which has a smaller number of parking spaces (41) than as is

proposed for this scheme due to a smaller floor space. Therefore, taking this as a basis from a similar sized development, the proposed parking provision for cars and cycles, plus the over-spill area, is considered to be acceptable and complies with Policy COM 8 of the East Cambridgeshire Local Plan, 2015.

7.47 It is therefore considered that the proposed development would comply with Policies COM7 and COM8 of the East Cambridgeshire Local Plan, 2015.

7.48 **Ecology**

7.49 Policy ENV7 of the East Cambridgeshire Local Plan, 2015, requires all development proposals to:

- Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds;
- Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
- Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of the development proposals.

7.50 Paragraph 175 of the NPPF also highlights the importance of new developments protecting, enhancing or recreating habitats and to achieve a measurable net gain in biodiversity.

7.51 The application is accompanied by an Ecological Assessment by Green Environmental Consultants which includes a Phase 1 habitat survey. A large part of the site, to the north, is currently agricultural fields/laid to grass, therefore it is considered that the ecological value of the site is low. The proposal would include a feature pond, located to the west side of the site, which would contribute towards creating a valuable habitat for wildlife. The survey concluded that there were no positive signs of protected species residence in the locality when surveyed. The ditch is poor quality for Water Voles. Great Crested Newts were not present in Spring 2018 and given the lack of ponds in the locality are unlikely to colonise in the near future. No signs of Badger activity were found within the site or on nearby land and there were three buildings on site that form part of the development, all assessed to be of negligible suitability for roosting bats.

7.52 The Ecological Assessment has been assessed by the Cambridgeshire Wildlife Trust. They have advised that they are satisfied with the conclusions that the proposals would have an unlikely impact on protected species, and the existing habitats on site are of limited interest. They agree with the recommendations in section 7.2 of the Ecological Assessment that any potential impacts, site clearance should be undertaken outside of the bird nesting season and any lighting scheme designed to minimise light spill. Also another check for water voles in the ditch should be carried out prior to commencement, and should water voles be found, appropriate mitigation put in place. Net biodiversity can also be achieved by the provision of bird and bat boxes, inclusion of native plants within landscaping, and

the creation of a new semi-natural grassland, which will be secured by a planning condition.

7.53 It is therefore considered that the proposed development complies with Policy ENV7 of the East Cambridgeshire Local Plan, 2015, and paragraph 175 of the NPPF.

7.54 **Impact on Archaeology**

7.55 Policy ENV14 of the East Cambridgeshire Local Plan, 2015 requires development proposals at or affecting all sites of known or potential archaeological interest to:

- Have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeology remains, heritage assets and their settings.
- Require the submission of an appropriate archaeological evaluation/assessment of significance by a suitably qualified person; and
- Not be permitted where the proposals would cause substantial harm to new or known nationally important sites, including Scheduled Ancient Monuments and their settings.

7.56 The application is accompanied by an Archaeological Desk based study. The County Archaeology Team have been consulted and have advised that the site lies in an area of archaeological potential consisting of Roman and Iron Age archaeology. They raise no objection to the proposed development subject to a condition requiring a Written Scheme of Investigation.

7.57 It is therefore considered that the proposed development complies with Policy ENV14 of the East Cambridgeshire Local Plan, 2015.

7.58 **Flood Risk and Drainage**

7.59 Policy ENV8 of the East Cambridgeshire Local Plan, 2015 requires all developments and re-developments to contribute to a reduction in an overall flood risk. 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.

7.60 The site is located within Flood Zone 1. The application is accompanied by a Flood Risk Assessment (FRA) as the site is over 1ha (2.47 acres). The Environment Agency has been consulted and has no comments. The LLFA has assessed the FRA and has raised no objection subject to a condition requiring a surface water drainage scheme, based on the FRA, to be submitted, prior to the commencement of development.

7.61 In terms of foul water drainage, no comments have been received regarding this. However a condition is recommended to request foul water drainage details to be submitted and approved by the LPA.

7.62 It is therefore considered that the proposed development complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015.

7.63 **Planning Balance**

7.64 The proposed development would result in a retail and leisure use that would be the first of its type in the District and situated within the open countryside where development is normally restricted. However, Policy COM1 of the Local Plan, supports proposals for retail and 'town centre uses' outside the town centres of Ely, Soham and Littleport, provided the proposal meets the criteria of the policy. The proposal would offer and contribute a unique experience to all visitors and tourists visiting the area, whilst complementing the existing retail and leisure facilities within the local centres, and therefore boosting the local economy and tourism. Harlock's Farm is needing to diversify to enable them to continue to operate their farm business viably and to support local businesses. The proposed development would be linked to Harlock's Farm by virtue of supplying the retail and café/restaurant units with their produce, sourced from the Farm. The Retail Impact Assessment has been independently assessed by a retail consultant (WYG), who concluded that the sequential test has been passed and that the applicant has demonstrated that the proposal would not harm the vitality and viability of the Local Centres. The proposal description has also been amended to change the uses of the proposal to ensure that these are compatible in the open countryside.

7.65 The proposal would introduce new buildings in the countryside, however these are designed to be in-keeping with the rural location and wider landscape setting in accordance with policies ENV1, EMP3, EMP4, and EMP7 of the Local Plan. The substandard existing access would be closed and a new access created (including improvements to the junction) which would improve entrance and egress from the site and therefore improving accessibility and safety for all users, in accordance with Policy COM7 of the Local Plan, and parking provision is adequate in accordance with Policy COM8 of the Local Plan. The proposed development would not result in the significant harm to residential amenity as these would be mitigated through the overall design of the proposal and separation distances to any nearby dwellings, in accordance with Policy ENV2 of the Local Plan. The proposal would also provide the opportunity to enhance the natural environment including habitats (creating a new habitat), landscaping and trees, in accordance with Policies ENV7 of the Local Plan, 2015.

7.66 The application has demonstrated that the harm to the vitality and viability of the local centres would not be significant, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015 and Paragraph 89 of the NPPF, and conditions are recommended to ensure that the local centres will be protected from adverse harm.

7.67 It is therefore considered that the proposed development is acceptable and is recommended for APPROVAL.

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 proposed development would broadly comply with Policies EMP3, EMP4, EMP7 and COM1 of the Local Plan and would not have a detrimental impact on the vitality and viability of the Local Centres of Ely, Littleport or Soham;
 - The proposed development would not have a significant impact on the visual amenity or wider landscape setting of the area, in accordance with Policies ENV1 and ENV2 of the Local Plan;
 - The proposed development would not have a significant impact on residential amenity, in accordance with Policy ENV2 of the Local Plan;
 - The Local Highways Authority does not object on highway safety grounds, and it would provide a safer junction to serve the site, in accordance with Policy COM7 of the Local Plan.
 - The proposal would allow enhancement of the natural environment and habitats, in accordance with Policies ENV1, ENV2, and ENV7 of the Local Plan.
 - City of Ely's Tourism Officer supports the proposed development as it would contribute towards and enhance the local tourism/visitor industry, and complement the local services in the locality, in accordance with Policy EMP7 of the Local Plan.

9 APPENDICES

- 9.1 Appendix 1 – Conditions
Appendix 2 – Council's Retail Consultant's response

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01793/FUM	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@east camb.s.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/01793/FUM Conditions

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

Plan Reference	Version No	Date Received
Transport assessment	A	18th January 2019
17043/P-014		19th December 2018
17043/P-013		19th December 2018
17043/P-012		19th December 2018
17043/P-010		19th December 2018
17043/P-011		19th December 2018
17043/P-008	C	19th December 2018
17043/P-009	C	19th December 2018
17043/P-004		19th December 2018
17043/P-003		19th December 2018
17043/P-015	A	19th December 2018
17043/P-016		19th December 2018
17043/P-017	A	19th December 2018
17043/P-018		19th December 2018
17043/P-019		19th December 2018
17043/P-002		19th December 2018
Phase 1 Geo Environmental Desk Study		19th December 2018
Retail Statement		19th December 2018
Landscape and Visual Impact Assessment		19th December 2018
Flood Risk Assessment		19th December 2018
Ecological Assessment		19th December 2018
Archaeological Desk Based Study		19th December 2018
Arboricultural Impact Assessment		19th December 2018
Utilities		19th December 2018
Energy Statement for Planning		9th January 2019
Breeam		9th January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) the statement of significance and research objectives;

- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 3 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.
- 4 No above ground construction shall take place on site until sample details of all the materials to be used in the construction of the external surfaces of the development, including walls, roofs, windows and doors, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment prepared by Cannon Consulting Engineers (ref: CCE/W941/FRA-05) dated November 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the commencement of use.
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 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.

- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 Prior to the first use of the development, hereby permitted, details of all external lighting, including that to be used in the car park and internal access roads, and their times of use shall be submitted to and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to the first occupation of any of the units, details of any play equipment or furniture to be installed on the play area, as shown on drawing number 17043/P-009 Rev C (Coloured Site Plan), shall be submitted and approved in writing by the Local Planning Authority. The works shall be carried out and completed in accordance with the approved details and prior to the first occupation of any of the units.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 The tree protection measures as shown on the Tree Protection Plan within the Arboricultural Impact Assessment, dated 21st November 2018, shall be implemented prior to the commencement of development, site works or clearance (in relation to the development, hereby permitted) 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.
- 10 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.
- 11 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 11 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosures within the site, car parking layouts, hard surfacing materials, street furniture, signs within the site. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the commencement of use.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No amplified music shall be played outside any of the buildings, hereby approved, or anywhere else within the site, until an acoustic management plan is submitted to, and approved in writing by the Local Planning Authority. The control measures agreed within the plan shall thereafter be implemented/adopted for every outdoor event. Any outdoor event on the site shall be restricted to 8no events per calendar year.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to the first use of the development, hereby permitted, the existing access to Soham Road (A142) shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with drawing number 1690-02 Rev E, dated 12th May 2016.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 The new junction and road layout shall be constructed as shown on drawing number 1690-03 Rev B, dated 12th May 2016, and thereafter retained in perpetuity.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to the commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 1690-03 Rev B, dated 12th May 2016. The splays shall thereafter be maintained free

from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 18 The use hereby permitted shall take place only between the hours of 07:00 - 19:00 each day Monday to Saturday and 08:00 - 17:00 on Sundays, Bank Holidays and Public Holidays, with the exception of any seasonal events (up to 8no per calendar year), where said event shall only take place between the hours of 07:00 and 22:00 on any day. Deliveries to the site shall take place only between the hours of 06:30 - 19:00 Monday to Saturday and 07:30 - 17:00 on Sundays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 -13:30 on Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to the first occupation of the development, hereby permitted, details of any external plant or machinery shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 21 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by Paragraph 95 of the NPPF.
- 22 Prior to the commencement of use a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 22 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 23 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.

- 23 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.
- 24 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, 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.
- 24 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 25 The total gross internal floorspace hereby consented shall extend to no more than 1,943sqm gross and notwithstanding the provisions of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revising, revoking and re-enacting that order), no enlargement by way of extension, installation of a mezzanine floor (unless required for ancillary storage and/or office accommodation for any specific unit and for no other purpose) or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.
- 25 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015
- 26 The total gross internal retail floorspace shall extend to no more than 1,166sq m and the total retail net sales area to no more than 816sqm. The retail floorspace is limited to uses falling within Class A1 (shops) (a), (d), (e) and (g) and for no other purpose falling within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.
- 26 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 27 The total gross internal non-retail floorspace shall extend to no more than 777sq m. The non-retail floorspace is limited to:

- uses falling within Class A3 (restaurant and cafes), as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification,
- a spa/wellbeing and/or fitness studio (Class D2 (assembly and leisure)) and for no other purpose falling within Class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, and
- as a micro-brewery ('sui generis').

The non-retail floorspace hereby permitted can only operate where at least a single unit (excluding the kiosk) trading as a café/restaurant always includes the use of produce sourced directly from the Harlocks Farm Estate. For the avoidance of doubt, produce sourced directly from Harlocks Farm Estate can include, but not be limited to, potatoes, onions, celery, venison, partridge, pheasant, and/or pigeon. A register shall be kept by the operator of the produce sourced from Harlocks Farm Estate and this register shall be made available for inspection by the local planning authority upon request.

- 27 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 28 The maximum unit size of the retail floorspace shall be 180sq m gross internal, save for a single large unit of 287sq m gross internal and excluding the combined retail/workshop space ('maker space') as defined in condition 30 below.
- 28 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 29 The minimum unit size for both the retail and non-retail floorspace shall be 45sq m gross internal, save for a single 'kiosk' unit of 30sq m gross internal.
- 29 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 30 For so long as a single unit (excluding the kiosk) is used for the sale of convenience goods including always the sale of produce sourced directly from the Harlocks Farm Estate and a minimum net sales floorspace of 200sq m is used for the provision of a combined retail/workshop space ('maker space') to accommodate tenants who make goods for sale on-site, the remainder of units making up the total net retail floorspace as defined in condition 26 above can be used for the sale of convenience or comparison goods, providing the net sales area for the sale of comparison goods outwith the retail/workshop space is no more than 487sq m and shall not be used for the sale of mobile phones and mobile phone accessories, domestic electrical white goods, pharmaceutical and medical goods, and audio visual goods.

For the avoidance of doubt, produce sourced directly from Harlocks Farm Estate can include, but not be limited to, potatoes, onions, celery, venison, partridge, pheasant, and/or pigeon. A register shall be kept by the operator of the produce sourced from

Harlocks Farm Estate and this register shall be made available for inspection by the local planning authority upon request.

- 30 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 31 None of the total gross retail floorspace hereby consented shall be occupied by a retail multiple whereby the operator is part of a network of nine or more outlets (as defined by Experian).
- 31 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 32 For a period of 36 months from the first occupation of the development hereby consented, none of the total gross retail floorspace shall be occupied by any retailer who at the date of such occupation, or within a period of 12 months immediately prior to occupation, trades retail floorspace in the town centres of Ely, Soham and Littleport.
- 32 Reason: In order not to prejudice the primary shopping role of the Local Centres of Ely, Littleport and Soham, in accordance with Policy COM1 of the East Cambridgeshire Local Plan, 2015.
- 33 The proposed development, hereby permitted, shall be completed in accordance with Section 7.2 of the Ecological Assessment by Green Environmental Consultants, dated November 2018.
- 33 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.



Land at Harlocks Farm, Stuntney
Proposed development of Class A1, A3, A4, D1 and
D2 Uses
LPA Ref: 18/01793/FUM

Consideration of Potential Conditions

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Introduction

1. **East Cambridgeshire District Council ('ECDC') has asked WYG Planning ('WYG') to provide advice on potential conditions appropriate to attach to any grant of planning permission for the proposed development at Harlocks Farm, Stuntney (LPA ref: 18/01793/FUM).**
2. This advice follows consideration by WYG of the further retail analysis provided on behalf of the **applicant by Lambert Smith Hampton ('LSH') in a letter dated 10 October 2019 ('the October letter')**, discussions with ECDC and the applicant on 10 December 2019 and suggested list of conditions **received from the agent Carter Jonas ('CJ') on 17 December 2019.**
3. **WYG's position as expressed in the 10 December discussions was that the further information provided in the October letter meant that the evidence supported that there was no available or suitable sites or units for the proposed development in more central locations; the sequential test was passed.**
4. Moreover, that the pivotal issue for the impact test was that the proposed development traded as described in the application and as tested. Only in this way, on balance, was it possible for the retail impact test to be met. Linking the development to Harlocks Farm Estate produce and rural enterprise provides a justification for the proposed development to be located at Harlocks Farm, which is located **1km outside Stuntney village in 'open countryside', 3.8km from Ely City Centre, 5.8km from Soham Town Centre and 11.2km from Littleport Town Centre.** This will assist in reducing the competitive overlap with existing centres and, thus, the potential impact arising to below significant adverse levels. It also will assist in the scheme meeting an overarching policy in the 2015 local plan, Policy Growth 2, which provides that development outside development envelopes will be strictly controlled. These are the purposes for the suite of conditions suggested below.
5. At this juncture, it is relevant to note that the scope of the development has changed since the submission of the original application and so it is likely to be necessary to amend the description of development to remove, for example, reference to Class D1 and A4 uses and include reference to a **micro-brewery. The latter can be considered to fall within Class B2, Class B1 or 'sui generis' depending**

Land at Harlocks Farm, Stuntney
Proposed development of Class A1, A3, A4, D1 and
D2 Uses
LPA Ref: 18/01793/FUM



on the particular operation, including amount of consumption on site by visiting members of the public. **Further information on the envisaged 'micro-brewery' is sought from the applicant so that an amended description of development can be agreed with ECDC. In advance of this clarification, it is assumed that the 'micro-brewery' operates outwith any use class and so is 'sui generis'.**

Discussion

6. Planning conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission. Section 70(1)(a) of the Town and Country Planning Act 1990 enables **the local planning authority to impose 'such conditions as they think fit'**. Paragraph 55 of the National Planning Policy Framework sets out six tests for conditions:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

7. The draft suggested conditions seek to meet these tests, whilst allowing the scheme to potentially proceed where it would otherwise be refused:

Condition a: the total gross internal floorspace hereby consented shall extend to no more than 1,943sqm gross and notwithstanding the provisions of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revising, revoking and re-enacting that order), no enlargement by way of extension, installation of a mezzanine floor (unless required for ancillary storage and/or office accommodation for any specific unit and for no other purpose) or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

Condition b: the total gross internal retail floorspace shall extend to no more than 1,166sq m and the total retail net sales area to no more than 816sq m. The retail floorspace is limited to uses falling within Class A1 (shops) (a), (d), (e) and (g) and for no other purpose falling within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision

Land at Harlocks Farm, Stuntney
Proposed development of Class A1, A3, A4, D1 and
D2 Uses
LPA Ref: 18/01793/FUM

equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Condition c: the total gross internal non-retail floorspace shall extend to no more than 777sq m. The non-retail floorspace is limited to:

- o uses falling within Class A3 (restaurant and cafes), as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification,
- o a spa/wellbeing and/or fitness studio (Class D2 (assembly and leisure)) and for no other purpose falling within Class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, and
- o as a micro-brewery ('sui generis').

The non-retail floorspace hereby permitted can only operate where at least a single unit (excluding the kiosk) trading as a café/restaurant always includes the use of produce sourced directly from the Harlocks Farm Estate. For the avoidance of doubt, produce sourced directly from Harlocks Farm Estate can include, but not be limited to, potatoes, onions, celery, venison, partridge, pheasant, and/or pigeon. A register shall be kept by the operator of the produce sourced from Harlocks Farm Estate and this register shall be made available for inspection by the local planning authority upon request.

Condition d: the maximum unit size of the retail floorspace shall be 180sq m gross internal, save for a single large unit of 287sq m gross internal **and excluding the combined retail/workshop space ('maker space')** as defined in condition **y** below.

Condition e: the minimum unit size for both the retail and non-retail floorspace shall be 45sq m gross internal, **save for a single 'kiosk'** unit of 30sq m gross internal.

Condition f: for so long as a single unit (excluding the kiosk) is used for the sale of convenience goods including always the sale of produce sourced directly from the Harlocks Farm Estate and a minimum net sales floorspace of 200sq m is used for the provision of a combined retail/workshop space ('maker space') to accommodate tenants who make goods for sale on-site, the remainder of units making up the total net retail floorspace as defined in condition **x** above can be used for the sale of convenience or comparison goods, providing the net sales area for the sale of comparison goods

Land at Harlocks Farm, Stuntney
Proposed development of Class A1, A3, A4, D1 and
D2 Uses
LPA Ref: 18/01793/FUM



outwith the retail/workshop space is no more than 487sq m and shall not be used for the sale of mobile phones and mobile phone accessories, domestic electrical white goods, pharmaceutical and medical goods, and audio visual goods. For the avoidance of doubt, produce sourced directly from Harlocks Farm Estate can include, but not be limited to, potatoes, onions, celery, venison, partridge, pheasant, and/or pigeon. A register shall be kept by the operator of the produce sourced from Harlocks Farm Estate and this register shall be made available for inspection by the local planning authority upon request.

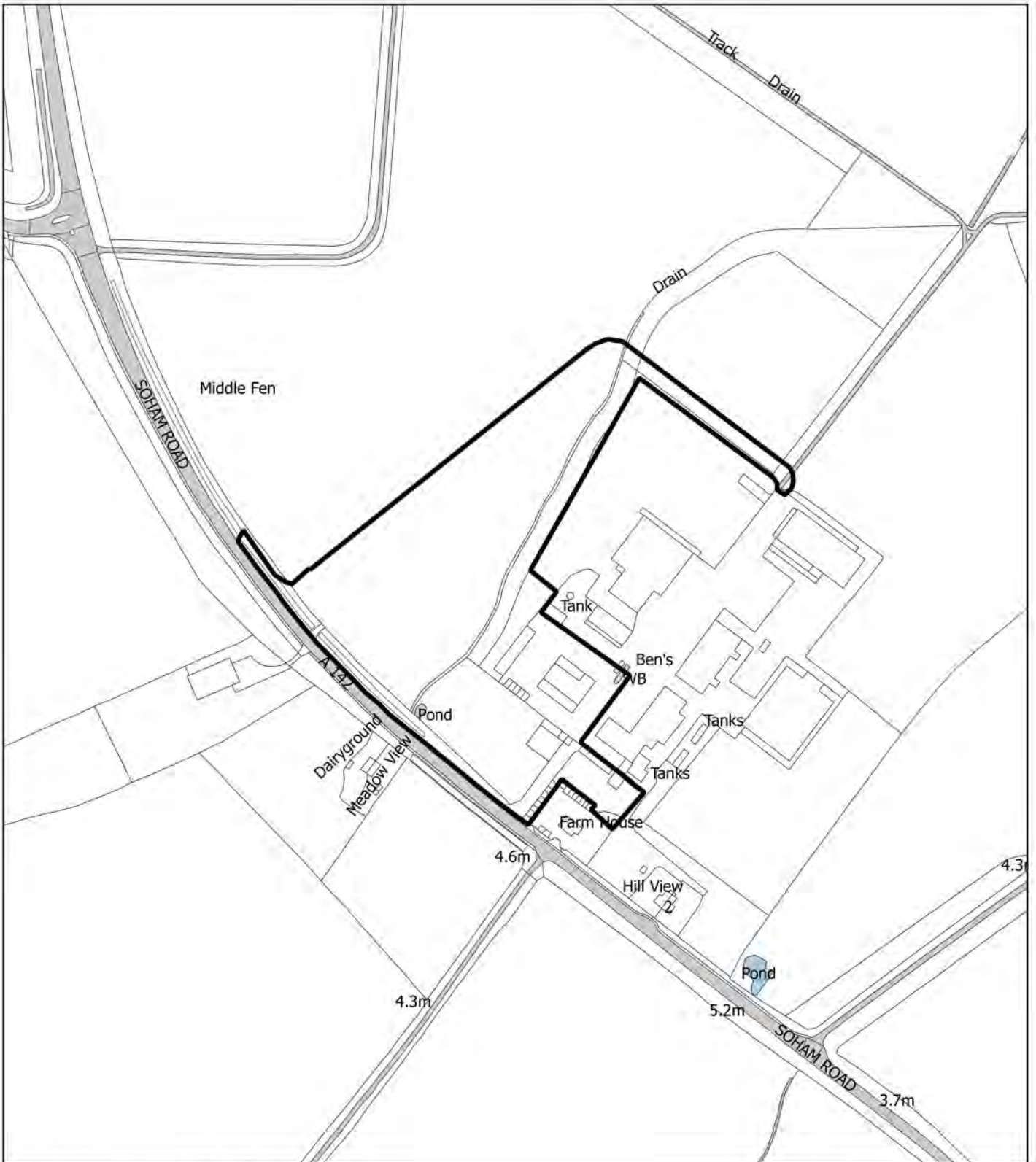
Condition g: none of the total gross retail floorspace hereby consented shall be occupied by a retail multiple whereby the operator is part of a network of nine or more outlets (as defined by Experian).

Condition h: for a period of 36 months from the first occupation of the development hereby consented, none of the total gross retail floorspace shall be occupied by any retailer who at the date of such occupation, or within a period of 12 months immediately prior to occupation, trades retail floorspace in the town centres of Ely, Soham and Littleport.

8. The above draft suggested conditions seek to ensure the proposed development trades in line with the concept presented in the application and in line with how the scheme has been assessed by LSH. At the same time, they seek to meet the six tests set out in national guidance.

A112668/SH/sh

09/03/2020



18/01793/FUM

Land opposite Meadow View
Soham Road
Stuntney



East Cambridgeshire
District Council

Date: 17/03/2020
Scale: 1:3,750



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MAIN CASE

Reference No: 19/00897/FUL

Proposal: Temporary erection of a single storey marquee for functions, outside bar and store forming an annexe to existing hotel (retrospective)

Site Address: The Three Pickerels 19 Bridge Road Mepal Ely
Cambridgeshire CB6 2AR

Applicant: Mr Paul Kenyon

Case Officer: Molly Hood, Planning Officer

Parish: Mepal

Ward: Sutton
Ward Councillor/s: Lorna Dupré
Mark Inskip

Date Received: 20 August 2019 **Expiry Date:** 12 May 2020

[U213]

1.0 RECOMMENDATION

- 1.1 Members are recommended to refuse the application for the following reasons:
- 1 The proposal, due to its light weight marquee material and proximity to the surrounding neighbouring properties would cause significant and demonstrable harm to the residential amenity of neighbouring occupiers, due to the excessive noise and disturbance. This is contrary to policy ENV2, ENV9 and EMP2 of the Local Plan 2015 which seeks to ensure that there are no significantly detrimental impacts on the residential amenity of neighbouring and future occupiers as a result of the new development.
 - 2 The proposal fails to provide adequate parking facilities to sufficiently accommodate the volume of guests which the venue could hold. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted would therefore be likely to result in an undesirable increase in on-street parking to the detriment of highway safety. The proposal is contrary to policies COM7, COM8 and EMP2 of the East Cambridgeshire Local Plan 2015.
 - 3 The marquee and shipping container would have a significant visual prominence from the streetscene of Bridge Road and from Footpath No.7. The proposed development, by virtue of its design, scale and siting, is considered to

be out of character with the existing traditional built form in the area and would result in a dominant form of incongruous development. The proposal would cause significant harm to visual amenity and is contrary to Policies ENV1, ENV2 and EMP2 of the East Cambridgeshire Local Plan 2015 and chapter 12 of the NPPF.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks permission for the temporary erection of a single storey marquee between the months of April to October. Additionally the application seeks permission for an outside bar and store which are situated within a converted shipping container. The container measures 6.2m, with a width of 2.3m and a maximum height of 2.5m. The marquee and outside bar are proposed to be used for functions as part of The Three Pickerels, in particular birthday parties, weddings and receptions. The shipping container would form a permanent structure on the site. The structure has already been in use throughout 2019 and was present at the time of the Officer site visit.
- 2.2 This application was presented to Planning Committee on 8th January and deferred for four months to allow the applicant time to overcome the five reasons for refusal, in particular the reasons relating to Flood Risk and the insufficient information relating to the sites location within the Ouse Washes SSSI.
- 2.3 Following the deferral the applicant has submitted a Flood Risk Assessment and a Shadow Habitats Regulation Assessment..
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 **PLANNING HISTORY**

03/00388/FUL	Conservatory extension to Public House	Approved	19.06.2003
17/00623/FUL	Proposed extensions, loft conversions & alterations plus change of use from public house to hotel	Refused	11.07.2017
17/01738/FUL	Extensions, loft conversion and alterations plus change of use from public house to hotel	Approved	07.12.2017

08/00329/FUL Proposed external dining Approved 20.05.2008
deck, fire escape staircase,
internal alterations to form
bed and breakfast
accommodation and change
existing window to rear
entrance door, and redesign
of approved conservatory

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a detached building with the permitted use as a hotel, known as The Three Pickerels. The site is setback from the highway, accessed of a further road off Bridge Road. Parking for the site is to the front of the building and adjacent to the north-west is the New Bedford River, which forms part of the SSSI and Ramsar site of the Ouse Washes. As a result the site is located within Flood Zone 3. Although the site is located outside of the defined development envelope, there a number of residential properties in close proximity.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees since the Planning Committee on the 8 January 2020 and these are summarised below. The full responses are available on the Council's web site.

Parish – 3 April 2020

Due to premises currently being closed the Parish Council would recommend sound activities power cut off for supply to premises. To be calibrated to an acceptable SPL in access with health and safety guidelines and environmental health guidelines. Curfew to be imposed by license. License should have public access restrictions on times of access.

Environment Agency -

In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test.

FLOOD RISK

We have decided to **remove our objection** to the proposed temporary (April-October) sitting of the marquee due to it being only temporary.

Advice to the Applicant

We have the following recommendations as stressed our previous reply:

- Given the expected depth of flooding in the event of a breach, the marquee must be designed to allow flood waters to pass through it and to be able to withstand the expected hydrostatic pressure of water in such an event.

- A means of access and egress to and from the development in the event of extreme flooding should be provided.

We operate a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system we run for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

Advice for the LPA

With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect the local planning authority to formally consider the emergency planning and rescue implications of new development in making their decisions. We strongly recommend that you consult your Emergency Planner on the above issues.

General advice to the applicant

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. If soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Building Control. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

The applicant is advised of their responsibility to ensure that adequate capacity exists within the 'existing surface and foul water drainage systems, to accept any additional discharge from the development without increasing the risk of flooding, or to the detriment of either the land drainage regime or water environment. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Natural England – 7 April 2020

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Other advice

Natural England welcomes preparation of the Shadow Habitats Regulations Assessment (HRA) by Small Ecology Limited (March 2020) to address the advice provided in our email of 3 January 2020.

The HRA provides an appropriate level of assessment including consideration of potential disturbance impacts to SPA birds through increased noise levels. We agree that noise levels over the distances involved, factoring in background noise levels associated with the nearby A142 road, are unlikely to have any significant impact on SPA birds.

On this basis, and taking into account the temporary nature of the proposal, Natural England supports the HRA conclusion that proposed development is unlikely to have any adverse effect on the integrity of the Ouse Washes Special Protection Area (SPA) and Ramsar site. We note from the Flood Risk Assessment prepared by Ellingham Consulting Ltd (January 2020), that this facility will cease to be required once development at the adjacent 17 Bridge Road, for which planning approval is sought, has taken place.

Our advice is that an appropriate planning mechanism should be used to require the facility to cease operating once the new development becomes operational. As Competent Authority under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), you should have regard to the information presented in the Shadow HRA, and our advice above, when recording your HRA screening decision.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

- 5.2 A further neighbor response was received since the application was deferred at Planning Committee expressing concerns over confusions with the submitted Ecology Report and the Environmental Health officer who has comments on the application given the references to noise and the same name.

6.0 The Planning Policy Context

- 6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside

6.2 Supplementary Planning Documents

Design Guide
Flood and Water

6.3 National Planning Policy Framework 2019

- 6 Building a strong competitive economy
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 In 2017 Planning Committee permitted the change of use of The Three Pickerels from a public house to a hotel, which included external alterations and additions to the building. From the officers site visit it was noted that no building work has commenced on the site. This application seeks to add a temporary Marquee which would be erected on the site between April and October. In addition, the application seeks permission for the siting of two shipping containers, which would form the outside bar and storage.

7.2 The report which was presented to Planning Committee on 8 January 2020 is attached as Appendix 1 of this report and covers the main considerations of the application in relation to the principle of development, visual impact, noise and residential amenity, highway safety, flood risk, ecology and biodiversity and needs to be read in conjunction with this report.

7.3 This report covers the amendments which have been made to the scheme, following the deferral at Planning Committee. This was in order to allow the applicant time to overcome the reasons for refusal as set out within the Committee Report and the Committee Update document. Additional information has been received, including a Flood Risk Assessment and Shadow Habitats Regulations Assessment. This report includes the subsequent comments received as part of the consultation process.

7.4 Flood Risk

- 7.4.1 The site is located within Flood Zone 3 and is situated within an area designated as flood storage, benefiting from no formal flood defences. 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. However, the NPPF and PGG advise minor development with a footprint under 250sqm does not require the application of the sequential test or exception test. The marquee and shipping containers have a combined foot print of 141.6sqm and are under the 250sqm criteria, as a result the tests are not required to be applied to the proposal.
- 7.4.2 Notwithstanding this guidance, the proposal would pass the sequential test. The Environment Agency advised with regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people. As the proposal constitutes minor development the exception test does not need to be applied. However, if the application was to be recommended for approval, a condition would be included to ensure a flood evacuation programme is provided.
- 7.4.3 The Local Planning Authority have considered the requirements of the Sequential Test. The applicant has advised that the proposal is to work in conjunction with the existing Three Pickerels business and this proposed temporary marquee is to expand the existing business. Therefore, it is considered there are no other suitable sites for the proposal and as the entirety of the rear outdoor space of The Three Pickerels is situated within Flood Zone 3, there is no other suitable location for the proposal within the site. In addition, the applicants Flood Risk Assessment advises that the site has a low probability of flooding given the elevated levels of the site above the river. Therefore, the proposed additional marquee, shipping containers are acceptable in this location and the application passes the Sequential Test for this reason.
- 7.4.4 The applicant has submitted a Flood Risk Assessment which identifies the single potential source of flooding is from flood levels in the New Bedford (Hundred Foot) River. However, the elevation of the site is such that it is not at risk from breaching of the South Level Barrier Bank flood defences alongside the New Bedford (Hundred Foot River). The FRA adds that the proposed site is estimated to be a level of +6.2m OD and therefore significantly above the estimated water levels during the 0.1% annual probability (1 in 1000 chance each year) event and the 1% annual probability (1 in 100 chance each year) event with 20% climate change allowance. Recommendations within the FRA include the applicant joining the Environment Agency Flood Warning Service, to ensure sufficient time for preparation if the unlikely event of flooding occurred.
- 7.4.5 The Environment Agency have removed their objection to the proposal due to the temporary nature of the marquee. The Environment Agency also provided recommendations, such as ensuring the marquee to allow flood waters to pass through, joining the Flood Warning Service and having a means of access to and

from the development in the event of a flood. These recommendations, can be conditioned in the event of a positive recommendation. It is considered the location of the shipping containers and the temporary marquee is not considered to increase flood risk elsewhere or lead to users of the facility being at a high vulnerability. The development would contribute wider sustainability benefits as it also the expansion of the existing public house/hotel within the village. In addition, it is satisfied that there is sufficient access to and from the development to allow for evacuation in the event of a flood. The development is considered to satisfy both requirements of the exemption test and the FRA indicates that the site is not at a high risk of flooding, as a result of elevated levels. It is therefore considered that the proposal overcomes the previous reason for refusal on flooding and is now acceptable.

7.5 Ecology

- 7.5.1 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and given the sites location within the SSSI and Ramsar site of the Ouse Washes, it has a high importance. In response to the previous comments raised by Natural England and the fifth recommended reason for refusal of the application the applicant has since submitted a Shadow Habitats Regulations Assessment. The assessment highlights the sites existing use as hotel and the nearby A142, advising that noise from traffic movements to the site is unlikely to increase noise, the noise from the use is seen as being minor and the operational hours of the marquee are less than the hotel. The assessment concluded that there is no identifiable pathway for a potential impact on a protected site from noise and that no linkage can be identified between the proposed development and a significant effect on a receptor within the European sites. It was considered no mitigation is required.
- 7.5.2 Following the consultation of the Shadow Habitats Regulations Assessment with Natural England, the consultee raised no objection to the proposal. Natural England advised that the Habitat Regulations Assessment provides an appropriate level of assessment including consideration of potential disturbance impacts to SPA birds through increased noise levels. The consultee was in agreement that the noise levels over the distances involved, factoring in background noise levels associated with the nearby A142 road, are unlikely to have any significant impact on SPA birds. On this basis, and taking into account the temporary nature of the proposal, Natural England supports the HRA conclusion that the proposed development is unlikely to have any adverse effect on the integrity of the Ouse Washes Special Protection Area (SPA) and Ramsar site.
- 7.5.3 The Local Planning Authority has conducted a Screening Opinion for the proposed development. As the screening has identified that the development will not have the potential for significant adverse impacts on the Ouse Washes SSSI, and this view is supported by Natural England's consultee response, it is considered that an appropriate assessment under the birds or Habitats Directives is not required. It is now considered that sufficient information has been submitted to demonstrate the development will not have any adverse effect on the integrity of the Ouse Washes Special Protection Area and is compliant with policy ENV7 and the NPPF.

7.6 No further information or detail has been submitted to overcome the other three reasons for refusal surrounding impact to residential amenity, the visual impact of the structure and insufficient parking facilities for visiting guests. These three reasons for refusal remain outstanding.

8.0 Planning Balance

8.1 The applicant has demonstrated, as a result of the elevated levels of the site and the temporary nature of the marquee that the previous reason for refusal for flooding has been overcome. Whilst the applicant has provided further detail on Ecology impacts and has demonstrated that the development will not have an adverse effect on the integrity of the Ouse Washes Special Protection Site, there are still outstanding issues which have not been overcome since it was taken to Planning Committee in January 2020.

8.2 The proposal would still result in significant harm to the residential amenity of the surrounding occupiers, as well as having a significant impact on highway safety due to the lack of parking facilities on site. Furthermore adverse impacts are considered to occur to the character and visual appearance of the area, as a result of the scale, materials and design of the proposal. The proposal is contrary to policies ENV1, ENV2, ENV9, EMP2, COM7 and COM8 of the East Cambridgeshire Local Plan, as well as the NPPF. The harm caused by the proposal is considered to outweigh any benefits and therefore the application is recommended for refusal.

9.0 Costs

9.1 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.

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

9.3 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.

9.4 In this case Members' attention is particularly drawn to the following point:

The site is closely situated to a number of residential dwellings and is visually prominent.

Appendix 1 – Committee Report 8 January 2020

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00897/FUL	Molly Hood	Molly Hood
03/00388/FUL	Room No. 011	Planning Officer
17/00623/FUL	The Grange	01353 665555
17/01738/FUL	Ely	molly.hood@eastca
08/00329/FUL		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>

MAIN CASE

Reference No: 19/00897/FUL

Proposal: Temporary erection of a single storey marquee for functions, outside bar and store forming an annexe to existing hotel (retrospective)

Site Address: The Three Pickerels 19 Bridge Road Mepal Ely
Cambridgeshire CB6 2AR

Applicant: Mr Paul Kenyon

Case Officer: Molly Hood, Planning Officer

Parish: Mepal

Ward: Sutton
Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: 20 August 2019 **Expiry Date:** 13 January 2020
[U148]

1.0 RECOMMENDATION

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

- 1 The proposal, due to its light weight marquee material and proximity to the surrounding neighbouring properties would cause significant and demonstrable harm to the residential amenity of neighbouring occupiers, due to the excessive noise and disturbance. This is contrary to policy ENV2 and EMP2 of the Local Plan 2015 which seeks to ensure that there are no significantly detrimental impacts on the residential amenity of neighbouring and future occupiers as a result of the new development.
- 2 The proposal fails to provide adequate parking facilities to sufficiently accommodate the volume of guests which the venue could hold. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted would therefore be likely to result in an undesirable increase in on-street parking to the detriment of highway safety. The proposal is contrary to policies COM7, COM8 and EMP2 of the East Cambridgeshire Local Plan 2015.
- 3 The marquee and shipping container would have a significant visual prominence from the streetscene of Bridge Road and from Footpath No.7. The

proposed development, by virtue of its design, scale and siting, is considered to be out of character with the existing traditional built form in the area and would result in a dominant form of incongruous development. The proposal would cause significant harm to visual amenity and is contrary to Policies ENV1, ENV2 and EMP2 of the East Cambridgeshire Local Plan 2015 and chapter 12 of the NPPF.

- 4 The proposal fails to provide an adequate Flood Risk Assessment and insufficient information has been submitted to demonstrate that the proposed development would be safe from flooding and the proposal is therefore contrary to policy ENV8 of the Local Plan 2015 and Chapter 14 of the NPPF.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission for the temporary erection of a single storey marquee between the months of April to October. Additionally the application seeks permission for an outside bar and store which are situated within a converted shipping container. The container measures 6.2m, with a width of 2.3m and a maximum height of 2.5m. The marquee and outside bar are proposed to be used for functions as part of The Three Pickerels, in particular birthday parties, weddings and receptions. The shipping container would form a permanent structure on the site. The structure has already be in use throughout 2019 and was present at the time of the Officer site visit.
- 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 Dupre. The Councillor believes that the marquee is a temporary structure with no permanent detrimental impact on the Grade II Listed property and the applicants have worked hard to make close neighbours aware of the events. Additionally, the holding of events is already permitted inside the Three Pickerels and there is nothing to stop people congregating in the gardens. The site is low risk for flooding and people already park on the road which is for short periods of time, with very limited impacts.

3.0 PLANNING HISTORY

03/00388/FUL	Conservatory extension to Public House	Approved	19.06.2003
17/00623/FUL	Proposed extensions, loft conversions & alterations plus change of use from public house to hotel	Refused	11.07.2017

17/01738/FUL	Extensions, loft conversion and alterations plus change of use from public house to hotel	Approved	07.12.2017
08/00329/FUL	Proposed external dining deck, fire escape staircase, internal alterations to form bed and breakfast accommodation and change existing window to rear entrance door, and redesign of approved conservatory	Approved	20.05.2008

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a detached building with the permitted use as a hotel, known as The Three Pickerels. The site is setback from the highway, accessed of a further road off Bridge Road. Parking for the site is to the front of the building and adjacent to the north-west is the New Bedford River, which forms part of the SSSI and Ramsar site of the Ouse Washes. As a result the site is located within Flood Zone 3. Although the site is located outside of the defined development envelope, there a number of residential properties in close proximity.

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.

Conservation Officer – 5 December 2019

The application site has little or no inter-visibility with any heritage assets in the vicinity and is unlikely to have any demonstrable impact on their significance.

Recommendation: no objection

Asset Information Definitive Map Team - 11 September 2019

Public Footpath 7 Mepal must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s137 of the Highways Act 1980 to obstruct a public Highway).

Public Footpath 7 Mepal must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under s34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)

No alteration to the Public Footpath 7 Mepal's surface is permitted without our consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).

The granting of planning permission does not entitle a developer to obstruct a Public Right of Way

Cambridge Ramblers Association -
No Comments Received

Environmental Health - 10 September 2019

Environmental Health have raised some concerns regarding this application.

The department has received several complaints regarding functions in the marquee. There are residential properties in close proximity to the site and whilst I have no objections to the structure itself (as entertainment could still take place externally without this application being granted) it would be sensible to incorporate as much noise mitigation as practicable to prevent a negative impact on the residential amenity of nearby residents.

Effectively soundproofing a marquee is difficult due to the lightweight material they are comprised from but there are options available to fit solid sides which will help control some of the frequency spectrum and I would advise the applicant to look in to this so as to demonstrate best practicable means of preventing a nuisance. The most important element of noise control will be a robust noise management plan. I would request that if permission is granted there be a condition which stipulates a noise management plan must be submitted and approved by the LPA. I believe that the LPA have a frequently used condition for NMPs but let me know if you need any guidance wording this.

If permission is granted it may also be necessary to limit the number of events held in the marquees as well as the timings. I can discuss this with you at a later time if required.

Finally, the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

15 October 2019

The Environmental Health Technical Officer would like to make some additional comments to the previous response

‘You have shown me images of the marquee and explained the scale of the development which I had not fully appreciated before I made my previous comments. As it is now apparent that wedding functions of up to 150 people would not be able to take place without this application being granted I need to reiterate my concerns with regard to noise. I am struggling to think of other examples of wedding venues in such close proximity to residential dwellings within our district. It may be possible to put some stringent planning conditions on the application to prevent amplified music within the marquee or restrict the number of events to be held but with up to 150 people attending I can still see the potential for noise nuisance on neighbouring properties.’

For these reasons, with the information provided I find myself unable to support the application at this time.

Technical Officer Access - 4 September 2019

Route to facilities/WC, path from the hotel should be firm, level and slip resistant. Consider provision of a temporary accessible toilet close to the marquee.

Path from the parking should be firm, level and slip resistant and well sign posted.

Accessible parking should be at least 6%, and as close to the building as possible.

Good general directions internally and externally.

Good lighting required.

Historic England - 2 September 2019

On the basis of the information available to date, we do not wish to offer any comments. We suggest you seeks the views of your specialist conservation and archaeological advisers.

Ward Councillors -

No Comments Received

ECDC Trees Team -

No Comments Received

Parish - 2 September 2019

Mepal Parish Council have no concerns about the application.

Environment Agency - 16 September 2019

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements for the site specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks associated with the proposed development. In particular, the FRA fails to:

- Include all the available information on the flood risk at the site.
- Demonstrate that the residual risk of flooding on the event of a breach of the Hundred Foot Drain flood defences can be safely managed.

The Flood Risk Assessment (FRA) does not consider the residual risk of flooding in the event of a breach of the Hundred Foot Drain. Our Fenland breach mapping and Tidal Hazard mapping both indicate that the site could flood to a depth of over 2m in the event of a breach of the Hundred Foot Drain flood defences.

Given the expected depth of the flooding in the event of a breach, the FRA will need to demonstrate that the marquee will be designed to allow flood waters to pass through them and to be able to withstand the expected hydrostatic pressure of water in such an event.

The FRA needs to assess the means of access and egress to and from the development in the event of extreme flooding and should include a flood warning and evacuation plan.

Under the terms of the Environmental Permitting Regulations (EPR), a permit may be required from the Environment Agency for any proposed works or structures within the floodplain or in, under, over or within 8 metres from the top of the bank of the Hundred Foot Drain, which is designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit.

Local Highway Authority – 22 October 2019

The Highway Authority objects to the application for the following reasons:

1. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted would therefore be likely to result in an undesirable increase in on-street parking to the detriment of highway safety.

Footpath No.7 runs past this development site and as such I would recommend that the CCC RoW team are consulted.

Natural England – 20 December 2019

The main issue is likely to be noise disturbance to qualifying breeding bird species of the Ouse Washes SSSI, SPA and Ramsar site, given the April – October operational period. However, I think this is likely to be low risk given the distance between the development and main bird breeding habitat within the Washes, and the buffering effect of the Hundred Foot and other built infrastructure.

- 5.2 A site notice was displayed near the site on 9 September 2019 and a press advert was published in the Cambridge Evening News on 5 September 2019. In addition seven neighbouring properties have been directly notified by letter. Five responses have been received which either raise concern or offer support, these are summarised below:

- The events hosted have an impact on surrounding residential properties.
- The lights and noise affect our ability to enjoy our property.
- Concerns of littering of the surrounding green areas and wildlife effects.
- The marquee has been in use for the past year for wedding receptions, quiz nights, day events.
- There is nothing substantial in the marquee to reduce the noise.
- Music is sometimes played from early afternoon to midnight when there is an event on.
- The venue creates an intrusion to our home due to the not being able to escape the noise.
- The landlords were advertising it to cater for up to 150 people and there are concerns over parking.

- The use of the two industrial containers is out of keeping with the area and there is a Grade II listed building nearby.
 - When there is an event there is a portaloo and there has since been the introduction of additional lighting.
 - The lighting is intrusive and shines into our conservatory.
 - The footpath is at times blocked with vehicles and the surface has been damaged.
-
- The structure has been there for some while and has never looked out of place.
 - It is in a secluded part of the hotels rear aspect and does not impact the environment.
 - It brings visitors to the community, generate employment and put Mepal on the map.
 - There is minimal impact to the pub users or local residents when the marque is in use.
 - It is used in frequently.
 - If this was to be rejected another Cambridge village amenity would be lost.
 - It brings positive attributes to the village.
 - The owners work to rectify any problems that arise.
 - The structure does not impact the surrounding area in face it enhances it.
 - It brings more visitors and employment to the village

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 8	Flood risk
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside

6.2 Supplementary Planning Documents

Design Guide
Flood and Water

6.3 National Planning Policy Framework 2019

- 6 Building a strong competitive economy
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, impact on the conservation area and heritage assets, highways safety, impact on residential amenity, flood risk and impact on visual appearance and character of the wider area. In 2017 Planning Committee permitted the change of use of The Three Pickerels from a public house to a hotel, which included external alterations and additions to the building. From the officers site visit it was noted that no building work has commenced on the site.

7.2 Principle of Development

7.2.1 Policy EMP2 of the Local Plan allows for proposals to expand existing businesses in the countryside but only where certain criteria are complied with. In particular, development must not harm the character and appearance of any existing buildings, remain in scale with the location and not have a significant adverse impact in terms of the amount or nature of traffic generated. This report will demonstrate that the proposal fails to meet the criteria as set out within Policy EMP2 of the 2015 Local Plan.

7.3 Residential Amenity

7.3.1 Policy ENV2 and EMP2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. The marquee is situated to the south of the public house and would sit adjacent to the eastern outbuildings which are associated with the public house. It is considered that the location of the marquee and shipping containers would not result in overshadowing and overbearing as the structure itself does not sit directly adjacent to the neighbouring residential properties. However, the site is surrounded by residential dwellings and on the same side of the bank as the venue there is one residential property to the north. On the opposite side of the bank there are five residential properties and some of these project towards The Three Pickerels.

7.3.2 A number of comments have been received that have raised concerns over the disturbance caused by the events held in the marquee and site. In particular it is the noise and light disturbance that have caused issues with the surrounding residents. Additionally Environmental Health have received complaints and advised at present with the information provided they would be unable to support the application. The comments add that it may be necessary to include planning conditions to prevent amplified music within the marquee or restricted the number of events in order to reduce the impacts on the residents nearby. However, with up to 150 people attending, the Officer advised there still is the potential for noise nuisance to the neighbouring properties even if the restrictions were imposed. The structure has been present throughout the summer months and a number of events have already taken place, thus the impacts can be assessed. Whilst there has been comments of support for the application and the benefits it brings to the village, it is considered due to the close proximity of the site to residential dwellings there would be significant harm to residential amenity.

7.3.4 The location of the marquee means the west of the site is open and noise would therefore be able to travel across the river towards the residential dwellings. It is considered that the introduction of a marquee within this location for seven months of the year is inappropriate as the site is not isolated and is surrounded by a number of residential properties where the events could cause noise and disruption into unsociable hours. The application form indicates that events would be limited to Friday, Saturday and Sundays, within the time frames of 12:00 – 00:00. The application also advises that at a maximum of two events would occur per month. However, the possibility of events not finishing until midnight and the potential for a total of 14 events across the period, it is considered the location, times and numbers are not appropriate for the site and would result in substantial harm to residential amenity. Therefore the proposal conflicts with policies ENV2 and EMP2 of the East Cambridgeshire Local Plan 2015.

7.4 Visual Impact & Heritage Assets

- 7.4.1 Policy ENV1 requires proposals to demonstrate that their location, scale, form, design, materials and colour will create positive complementary relationships with existing development to ensure that it will protect, conserve and where possible enhance. The proposed marquee is visible from numerous points and although the existing hotel obscures views of the part of the proposal from Bridge Road, there are still sufficient views of the marquee for it to have a presence within this streetscene. The greatest view of the marquee is from the public footpath which runs along the site to the east, where the full scale of the structure is at its most visible from this point. Additionally the marquee can be viewed from the river and there are limited views from the bridge and the other side of the bank. Concerns have been raised by the surrounding properties that the containers are out of keeping with the area.
- 7.4.2 The location, scale and form of the marquee are not sympathetic to the existing character of the area and the proposal is not considered to result in any enhancement to the visual appearance of the area. Furthermore, due to the footprint of the structures, including the marquee and shipping containers, the majority of the outdoor garden space of the venue is consumed by these features. The proposal is considered to create a dominant feature to the rear of the venue and whilst it is understood that this area is outdoor space of The Three Pickerels and could be used in conjunction with the pub, it doesn't mean that a structures that have such visual prominence and detriment to the area should be permitted.
- 7.4.3 The proposed structures would not create a positive and a complementary relationship, nor does it respect the existing development as the design, materials and colour are not complementary to the existing local context of the traditional buildings which surround the site. The Three Pickerels, the adjacent building and neighbouring property are very traditional in design. The colour and scale of the marquee adds to the presence of the structure and the white is very prominent against the traditional materials of the surrounding buildings. It is considered that the location, colour and materials of the proposal are not sympathetic to the surroundings and create prominence within the streetscene. The proposal is contrary to policies ENV1, ENV2 and EMP2 of the 2015 Local Plan, as well as the

NPPF as it fails to be sympathetic to the local character, which includes the built environment and the landscape.

- 7.4.4 To the north of The Three Pickerels is the residential dwelling No.15 which is a Grade II Listed Building. When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 7.4.5 The Three Pickerels does form part of the setting of the Listed Building and the marquee is visible from the property as well as within the setting. Policy ENV12 relates to developments which are situated within the setting of Listed Buildings and proposals have to comply with the requirements of the policy. In particular ENV12 requires proposals to preserve and enhance those elements which make a positive contribution to better reveal the significance of the heritage asset. As well as not materially harming the immediate or wider setting of the Listed Building. The setting may extend beyond the immediate building curtilage and may include an extensive street scene or a wider urban design context.
- 7.4.6 Whilst the proposal does not make a positive contribution or enhance the setting of the Listed Building, it is considered that due to the distance which the proposal sits away from the Listed Building there would not be substantial harm to the heritage asset. The proposal would result in less than substantial harm to the buildings significance as a result of the distance and only a section of the marquee being visible within the setting. It is acknowledged there would be some public benefits of the scheme. The Conservation Officer advised that the application has little or no inter-visibility and is unlikely to have demonstrable impact on their significance.

7.5 Highways & Parking Provision

- 7.5.1 The site contains an existing bed and breakfast and the application form states that there are a total of 13 car parking spaces for the use. However, no indication of the layout or location of the existing spaces has been provided and the area to the front of the hotel has limited parking and in some areas restricted access. Policy COM8 requires proposals to supply appropriate car parking. The policy states that in appropriate circumstances the parking standard may be relaxed, however the site is separate from the centre of the village with limited access to public transport facilities. Therefore the hotel and any potential functions would be heavily reliant on car use, in turn requiring a significant number of spaces.
- 7.5.2 It is considered that any function for a birthday party, wedding or reception would require greater parking provision than just 13 spaces. Additionally staff parking would have to be taken into account and again this would require a percentage of the existing 13 spaces on site. Whilst the application does not specify the average volume of people who are likely to attend for any function, the venue can cater for between 50 and 150 guests. The proposal would conflict with policy COM8 as an adequate volume of parking cannot be provided on the site for even 50 intended guests for the venue,

let alone 150 guests. Furthermore, neighbouring properties raised concerns over the parking provision for the number of guests which could attend an event.

- 7.5.3 The site does benefit from an existing access to the highway, however the internal road is not adopted. The Local Highway Authority have objected to the application on the grounds that the proposal does not incorporated adequate on site vehicular parking and manoeuvring facilities. There is insufficient off street vehicular parking provided as part of the application and the increase in on-street parking would be at the detriment of highway safety.
- 7.5.4 As there is a limited area to the front of the hotel for parking, it is considered that function guests would have to park along the highway, which could result in a safety issue. Policy COM7 requires proposals to provide a safe and convenient access to the highway. With a high number of guests attending a venue with limiting parking facilities and the potential for parking along the highway, this could result in an unsafe access to the highway for guests or surrounding residents. It is considered with the restricted information on the capacity of the function space, insufficient detail on the existing parking layout and minimal detail on the proposed parking or transport procedures; the application fails to meet policy. In particular the application would be contrary to policy COM8 and EMP2 as the proposal would have adverse impact in terms of the amount or nature of traffic generated, resulting in potential highway safety impacts.

7.6 Flood Risk

- 7.6.1 The site is located within Flood Zone 3, therefore the impact the proposal has on the flood risk must be taken into consideration. Additionally the site is situated within an area designated as flood storage and benefits from no flood defences. The agent has submitted some information surrounding the potential flood risk of the site, however it contains inaccuracies as it advises the site is not within Food Zone 3. This has been checked against the Environment Agency's mapping, which confirms the site is situated within Flood Zone 3. The information submitted by the agent is not sufficient to appropriately assess the flood risk. The Environment Agency were consulted on the application and objected to the proposal on the basis that:
- 7.6.2 The Flood Risk Assessment (FRA) submitted does not comply with the requirements for the site specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks associated with the proposed development and fails:
- Include all the available information on the flood risk at the site.
 - Demonstrate that the residual risk of flooding on the event of a breach of the Hundred Foot Drain flood defences can be safely managed.
- 7.6.3 Furthermore it was considered by the Environment Agency that the FRA failed to consider the residual risk of flooding. It is considered that the application has failed to provide sufficient detail to consider the risks involved with the development or submit an appropriate flood risk assessment for the scale and nature of the development, contrary to policy ENV8.

7.7 Other Matters

7.7.1 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and given the sites location within the SSSI and Ramsar site of the Ouse Washes, it has a high importance. Natural England have provided initial comments on the proposal advising that the main issue from the proposal is likely to be noise disturbance to qualifying breeding bird species of the Ouse Washes SSSI, SPA and Ramsar site, given the April – October operational period. However, Natural England considered the impacts of the proposal to be low risk given the distance between the development and main bird breeding habitat within the Washes, and the buffering effect of the Hundred Foot and other built infrastructure. It is considered due to the site having an existing use as a bed and breakfast/hotel with associated outdoor space, the proposal would not result in detrimental harm to the Ouse washes.

8.0 Planning Balance

8.1 The proposal results in significant harm to the residential amenity of surrounding occupiers occurs and is considered to have significant impact on highway safety due to the lack of parking facilities on site. Furthermore adverse impacts are considered to occur to the character and visual appearance of the area, as a result of the scale, materials and design of the proposal. The proposal is contrary to policies ENV1, ENV2, EMP2, COM7 and COM8 of the East Cambridgeshire Local Plan, as well as the NPPF. The harm caused by the proposal is considered to outweigh any benefits and therefore the application is recommended for refusal.

9.0 Costs

9.1 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.

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

9.3 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.

9.4 In this case members' attention is particularly drawn to the following point:

The site is closely situated to a number of residential dwellings and is visually prominent.

Background Documents

Location

Contact Officer(s)

19/00897/FUL

03/00388/FUL

17/00623/FUL

17/01738/FUL

08/00329/FUL

Molly Hood
Room No. 011
The Grange
Ely

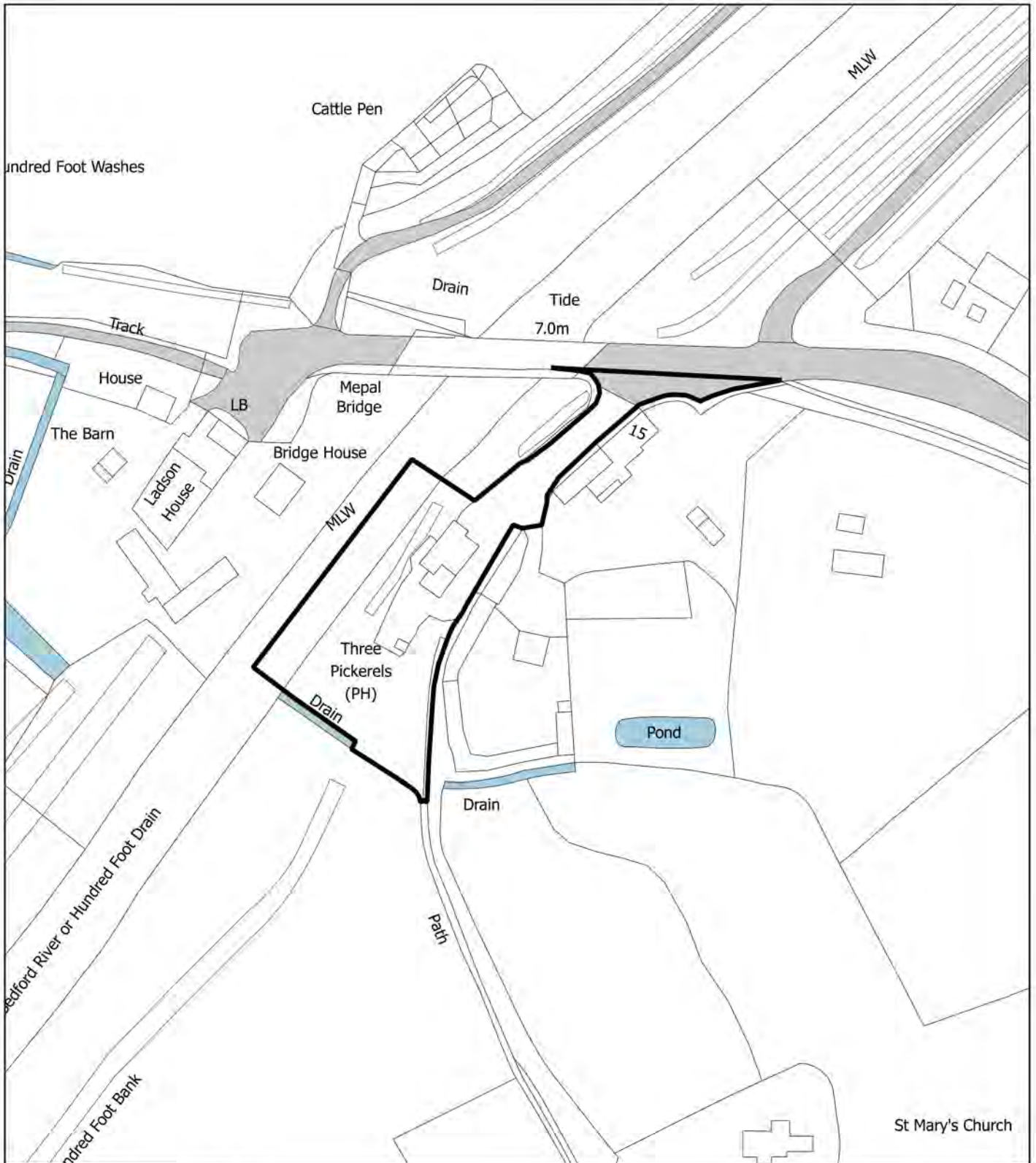
Molly Hood
Planning Officer
01353 665555
molly.hood@eastca
mbs.gov.uk

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>



19/00897/FUL

The Three Pickerels
19 Bridge Road
Mepal



East Cambridgeshire
District Council

Date: 19/12/2019
Scale: 1:1,500



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MAIN CASE

Reference No: 19/01429/FUM

Proposal: Extension to existing nursery greenhouse

Site Address: G's Second Willow Nursery Ten Mile Bank Littleport Ely
Cambridgeshire CB6 1EE

Applicant: Gs Group Holdings Limited

Case Officer: Catherine Looper, Senior Planning Officer

Parish: Littleport

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

Date Received: 7 October 2019 **Expiry Date:** 08/05/2020

[U214]

1.0 **RECOMMENDATION**

1.1 Members are recommended to Approve the application subject to the following conditions which can be read in full in appendix 1.

1. Approved Plans
2. Time Limit
3. Materials
4. Surface Water Drainage Scheme
5. Internal Lighting
6. External/Security Lighting
7. Noise limit

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for an extension to the existing nursery development at the site. The built form would comprise a greenhouse style building to match the existing buildings on site. The proposed greenhouse area would cover 2,497m².

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 brought before Planning Committee due to the requirements of the Council's Constitution relating to the creation of major employment uses over 1,000m².

3.0 **PLANNING HISTORY**

3.1

04/00516/FUM	The erection of approx. 14 acres of greenhouses together with ancillary services, including reservoirs, roadways and landscaping	Approved	20.07.2004
06/01307/FUL	Erection of Paraweb Windbreak	Approved	20.12.2006
09/00727/FUL	To demolish part of the Paraweb windbreak and extend / erect in new location indicated to protect second phase of Green house building.	Approved	26.10.2009
10/00775/FUL	Heating Boiler for existing agricultural business with bunded gas oil fuel tank	Approved	03.12.2010

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located approximately 2km from the main settlement boundary of Littleport, in an area that is predominantly agricultural in nature. The existing built form is set back a significant distance from the public highway of Ten Mile Bank, and the land slopes away from the public highway. The site is within Flood Zone 3 and in close proximity to the River Great Ouse.

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.

Neighbours – Ten neighbouring properties were notified. No responses have been received.

Parish - 5 November 2019
No concerns

Ward Councillors - No Comments Received

Design Out Crime Officers - 31 October 2019

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and I have no comment or objection at this time.

Local Highways Authority - 24 October 2019

As far as can be determined from the submitted information this application if permitted would no impact on the highway.

Lead Local Flood Authority - 17 January 2020

"We have reviewed the following documents:

~ Flood Risk Assessment, Ellingham Consulting Ltd, Ref: ECL0093, Dated: September 2019

~ Surface Water Strategy, Ellingham Consulting Ltd, Ref: ECL0167, Dated: December 2019

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed by discharging surface water from the additional impermeable area on site to the existing irrigation lagoon on site."

Conditions are recommended.

Environmental Health - 15 October 2019

On the Application Form in Section 20 it states that there will not be any Industrial or Commercial Processes and Machinery. Taking this in to account and the fact that we don't appear to have ever received a complaint concerning this site means that I have no issues to raise at this time.

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

Waste Strategy (ECDC) - No Comments Received

Environment Agency - 24 October 2019

The greenhouse would be at risk if a breach in the defences occurred but it is less vulnerable so low risk

General advice to the applicant

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes Open gullies should not be uses.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

The Ely Group Of Internal Drainage Board - 24 October 2019

The Board is aware that surface water from this site is currently retained on site and is re-used for watering seedlings. If the extension uses this method of surface water disposal, then no further permission is required from the Board. However, if surface water is directly discharged to an existing watercourse, then the prior consent of the Board is required.

Cambridgeshire Fire And Rescue Service - No Comments Received

Cadent Gas Ltd - No Comments Received

Environment Agency - 24 December 2019

We are returning this planning application consultation without comment because it is not clear why we have been consulted.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

ENV 1 Landscape and settlement character

ENV 2 Design

GROWTH 2 Locational strategy

EMP 2 Extensions to existing businesses in the countryside

ENV 8 Flood risk

6.2 *Supplementary Planning Documents*

Design Guide

Flood and Water

6.3 *National Planning Policy Framework 2019*

2 Achieving sustainable development

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of the application are the principle of development, the impact on the residential amenity of nearby occupiers, visual impact, and flood risk.

7.2 Principle of Development

7.3 The proposal seeks to extend the covered area on site in order to meet the demand for products from the horticultural business. The additional space would allow heated celery propagation and maintain the volume of lettuce plants from the site. The extension to the covered area provides shelter from the variable weather that

is now experienced during Spring and Summer seasons, and the Agent has advised that the heating systems installed cut fuel consumption by 45% compared to propagators elsewhere. The Agent has confirmed that the proposed extension would not create additional jobs; the purpose is to enable the existing business to continue to function at its current level. The expansion would reduce the business' reliance on other farms and also reduce the level of transport emissions from outsourcing. Although the increased floor space of 2,497m² is large, this is read against the existing horticultural operation at the site, which covers 179,000m².

- 7.4 Policy GROWTH2 of the Local Plan 2015 sets out that the majority of development will be focussed in the market towns of Ely, Soham and Littleport and that outside of the defined development envelopes, development will be strictly controlled. Extensions to existing businesses are included within this controlled list, as well as agriculture, horticulture and forestry.
- 7.5 The proposal seeks an extension to an existing business in the countryside for the purposes of horticulture, and therefore the principle of development is considered acceptable providing that all other material planning considerations are satisfied.
- 7.6 Residential Amenity
- 7.7 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.8 The site is located a significant distance from the nearest neighbouring dwellings (approximately 240m) and therefore the proposed extension is not considered to create any impacts in terms of overshadowing, overbearing, noise or light pollution. The nature of any lighting can be controlled by condition. Due to the agricultural nature of the building, this would not create impacts such as overlooking or loss of privacy.
- 7.9 Visual Amenity
- 7.10 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 7.11 The proposed extension would provide a significant amount of floor space for the nursery (2,497m²) but would have a maximum height of 6.3m. The extension would match the existing nursery and therefore would not seem out of place within the landscape. Due to the transparent nature of the building materials and the distance set back from the public highway, the proposed extension would not be highly dominant or create any significant impact on the character of the area. Additionally, the extension would be read against backdrop of the existing glasshouses which cover an area of 179,000m². Furthermore, the site has benefitted from landscaping in the past which has established a mature hedgerow to the front of the site which reduces the visibility of the proposal. It is not considered that additional landscaping is required.

- 7.12 The proposal is considered to comply with policies ENV1 and ENV2 of the Local Plan 2015, as well as the NPPF.
- 7.13 Highways
- 7.14 The Local Highways Authority have reviewed the proposals and have raised no objection to the scheme. The applicant has advised that the extension would not create any net increase in vehicular movements to and from the site, and that the junction access with the public highway would not be altered by the proposal. The applicant expects the level of emissions from vehicle emissions to drop as the proposal would reduce the reliance on external sites. The application is therefore considered to be acceptable from a highway safety aspect and complies with policies COM7 and COM8 of the Local Plan 2015 which seek to ensure safe and convenient access to the highway network.
- 7.15 Flood Risk and Drainage
- 7.16 The site is located within Flood Zone 3 and the applicant has therefore submitted a Flood Risk Assessment. As it is not possible to raise the floor level of the proposal, the Flood Risk Assessment makes a number of flood risk mitigation recommendations including raising the services above floor level (such as electrical sockets and supplies), creating a plan for the event of receiving flood warnings, and creating suitable surface water drainage strategies.
- 7.17 The applicant has also submitted a Surface Water Strategy with the application. This document identifies that there are three methods of surface water disposal at the site, including siphoning into a reservoir for the purposes of irrigation, drainage to a drainage ditch to the south western boundary of the site, and a land drainage system beneath the site. The applicant proposes that any additional surface water is discharged into the reservoir for the purposes of irrigation. The Lead Local Flood Authority has reviewed the proposals and has confirmed that the proposal to discharge into the existing reservoir is acceptable. The Internal Drainage Board have also reviewed the proposals and have raised no objections.
- 7.18 It is recommended that conditions are placed on any grant of consent relating to the recommendations within the Flood Risk Assessment, and the condition recommended by the Lead Local Flood Authority which relates to a detailed drainage scheme.
- 7.19 Planning Balance
- 7.20 On balance, the application is considered to comply with planning policy and does not create any significantly harmful impacts in terms of residential or visual amenity, highway safety, or flood risk and drainage. The application is therefore recommended for approval.
- 8.0 COSTS
- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have

acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

9.0 APPENDIX 1

9.1 Recommended Conditions:

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

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
19-657 3 01		7th October 2019
19-657 3 02		7th October 2019
19-657 3 03		7th October 2019
19-657 3 04		7th October 2019
19-657 3 10		7th October 2019
19-657 3 13		7th October 2019
19-657 3 11		7th October 2019
19-657 3 12		7th October 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces shall be as specified on the approved plans. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in

writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Surface Water Strategy prepared by Ellingham Consulting Ltd (ref: ECL0167) dated December 2019 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

- 4 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development in accordance with policy ENV8 of the Local Plan 2015.
- 5 Details of the internal lighting of the greenhouses shall be submitted to and approved in writing by the Local Planning Authority.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 No security or floodlights shall be erected on the site without the submission of full details to, and written approval from the Local Planning Authority.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Any noise emitted from the premises must not result in the background noise level (L90) being exceeded by more than 5 dBA when measured and corrected in accordance with BS 4142:2014.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

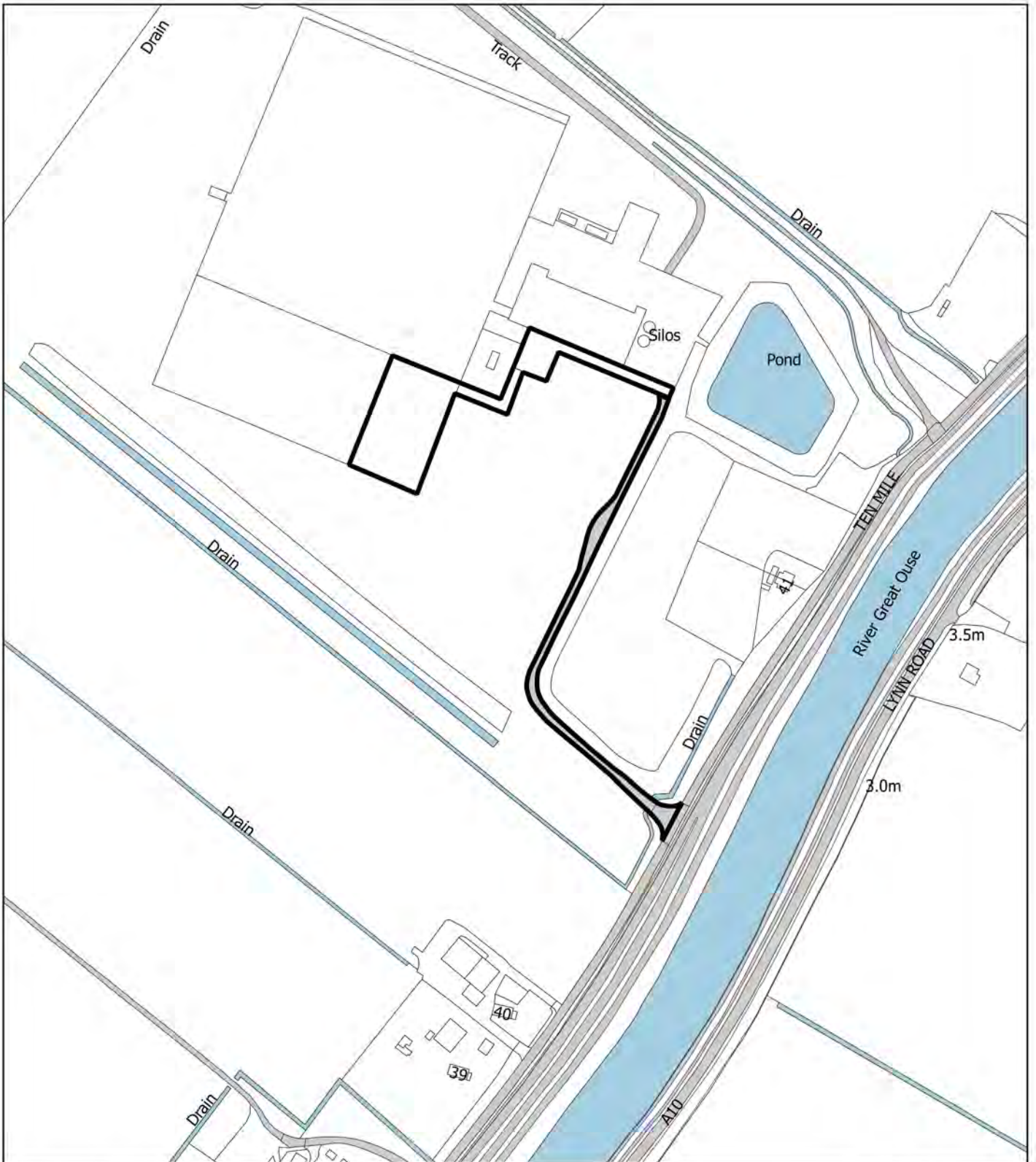
Background Documents	Location	Contact Officer(s)
19/01429/FUM 04/00516/FUM 06/01307/FUL 09/00727/FUL 10/00775/FUL	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Senior Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

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>



19/01429/FUM

G's Second Willow Nursery
 Ten Mile Bank
 Littleport



East Cambridgeshire
 District Council

Date: 10.03.2020
 Scale: 1:3,500



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MAIN CASE

Reference No: 19/01704/FUL

Proposal: Re-modelling of the Lancaster Way Business Park access to A142 roundabout and associated utilities works at Lancaster Way Business Park, Ely, CB6 3NX (Six Year Permission)

Site Address: Site North East Of 115 Lancaster Way Business Park Ely Cambridgeshire

Applicant: Grovemere Property Limited

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Ely

Ward: Ely West

Ward Councillor/s: Sue Austen
Paola Trimarco
Christine Whelan

Date Received: 9 December 2019 **Expiry Date:** 11 May 2020

[U215]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC (6 Year permission)

2.0 **SUMMARY OF APPLICATION**

2.1 The application has been called in by Cllr Christine Whelan following the comments of Witchford and Ely Councils, as well as the potential impacts on sustainability.

2.2 The proposal seeks to widen the vehicular driveway entrance into Lancaster Way to allow for approximately doubling the length of the two lanes exiting the business park. This is in order to reduce the length of queuing vehicles seeking to exiting Lancaster Way onto the A142. The remainder of the potential works to Lancaster Way roundabout would be a Cambridgeshire County Council matter, as they fully relate to highway improvements within the public highway and do not form part of this application.

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 The expansion of the Enterprise Zone (EZ) is covered by planning application 15/01240/VARM.

3.2 There is no specific planning history to this individual application. The wider road improvements shown off site are necessary due to the already approved growth in the north of the district that includes (though not limited to) the developments of Lancaster Way Enterprise Zone, North Ely and LIT2. However, all growth that connects on the A142 west of Ely and all development north of Ely that connect on the A142/A10 (BP) Roundabout that have any traffic movements that travel across the Lancaster Way roundabout and BP Roundabout are impacting the flow of traffic.

3.3 The developments of the Enterprise Zone, North Ely and LIT2 all included contributions to improve the highway network as well contributions to sustainable methods of transport.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is the private access road into the Lancaster Way Business Park/Enterprise Zone that connects onto the A142/Witchford Road/Main Street roundabout.

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.

City of Ely Council - 14 January 2020

States:

"The City of Ely Council were very concerned regarding the new road layout in respect of the safety of both pedestrians and cyclists. The application did not address any impact these changes would have on their safety."

City of Ely Council - 25 February 2020

States:

"The City of Ely Council were concerned regarding the new layout in respect of the safety of both pedestrians and cyclists. The application did not address any impact these changes would have on their safety."

Witchford Parish Council - 9 January 2020

States:

"Witchford Parish Council objects to the above planning application. The proposed changes to this roundabout will directly negatively impact on pedestrians and cyclists, making it more dangerous for those travelling on foot or by cycle by

doubling the number of carriageways that they have to cross. This will actively discourage persons from using alternative means of travel on the A142 and directly contravenes the following:

1) ECDC Local Plan Policy COM7 Transport Impact. Note that the Parish Council challenges paragraph 4.12 of the Planning Statement for this application, which does not address the actual intent of Policy COM7 to reduce the need for car travel.

2) ECDC declaration of a Climate Emergency and the commitment 'to develop a costed Environment and Climate Change Strategy and Action Plan, including targets and timescales to reduce carbon emissions and pollution' agreed at the Full Council meeting 17th October 2019

3) Cambridgeshire County Council declaration of a Climate and Environment Emergency May 2019 and the development of a Climate Change and Environment Strategy and Action Plan.

The Parish Council does not consider that the proposed works will be effective in improving traffic flow along this section of the A142.

The Parish Council considers that the proposed works will not address the difficulties in accessing the roundabout from Witchford Road leaving Witchford village. This is likely also to increase the number of vehicles making a right-turn into the Witchford Household Waste Recycling Centre.

The Parish Council is very concerned that heavy vehicles approaching from the west along the A142 will be less likely to stop at the roundabout as the proposed changes will straighten out the curve in the road going across the roundabout, which would be more dangerous for other users of the roundabout in particular pedestrians and cyclists.”

Witchford Parish Council - 12 February 2020

States:

“Re-modelling of the Lancaster Way Business Park access to A142 roundabout and associated utilities works at Lancaster Way Business Park Site north east of 115 Lancaster Way Business Park

I note that an amendment has been submitted to the above application. Witchford Parish Council has not been consulted on the amendment though it was consulted on the original application. Although the site location is in Ely Parish, the development actually impacts more significantly upon Witchford residents.

Please could you arrange for the amendment consultation documents to be sent to Witchford Parish Council for comment.”

Witchford Parish Council - 20 February 2020 states:

“19/01704/FUL

Re-modelling of the Lancaster Way Business Park access to A142 roundabout and associated utilities works at Lancaster Way Business Park
Site north east of 115 Lancaster Way Business Park

Witchford Parish Council objects to the above application.

The Parish Council challenges this application as pre-judgement of the - as yet unpublished - public consultation on the full improvement scheme of this roundabout. The Parish Council notes that there is no date set for that consultation. The Parish Council considers that determining a planning application on a small part of the overall scheme will prejudice the later consultation.

The Parish Council restates its grounds for objection as previously set out in its email of 9th January 2020, namely:

The proposed changes to this roundabout will directly negatively impact on pedestrians and cyclists, making it more dangerous for those travelling on foot or by cycle by doubling the number of carriageways that they have to cross. This will actively discourage persons from using alternative means of travel on the A142 and directly contravenes the following:

1) ECDC Local Plan Policy COM7 Transport Impact. Note that the Parish Council challenges paragraph 4.12 of the Planning Statement for this application, which does not address the actual intent of Policy COM7 to reduce the need for car travel.

2) ECDC declaration of a Climate Emergency and the commitment 'to develop a costed Environment and Climate Change Strategy and Action Plan, including targets and timescales to reduce carbon emissions and pollution' agreed at the Full Council meeting 17th October 2019

3) Cambridgeshire County Council declaration of a Climate and Environment Emergency May 2019 and the development of a Climate Change and Environment Strategy and Action Plan.

The Parish Council does not consider that the proposed works will be effective in improving traffic flow along this section of the A142.

The Parish Council considers that the proposed works will not address the difficulties in accessing the roundabout from Witchford Road leaving Witchford village. This is likely also to increase the number of vehicles making a right-turn into the Witchford Household Waste Recycling Centre.

The Parish Council is very concerned that heavy vehicles approaching from the west along the A142 will be less likely to stop at the roundabout as the proposed changes will straighten out the curve in the road going across the roundabout, which would be more dangerous for other users of the roundabout in particular pedestrians and cyclists."

Cllr Trimarco – (17 January 2020) States:

"I am writing to you to express my objection to the changes proposed for the Lancaster Way roundabout.

I am disappointed to see that the Feasibility Assessment does not take into account the safety of pedestrians and cyclists. Such a development would negatively impact walking and cycling at a time when we are in a climate and ecological emergency and trying to encourage people not to use their cars.”

Cllr Christine Whelan (28 January 2020)

States:

“There have been objections from two parish councils to this application, which assumes the implementation of proposals to remodel the Lancaster Way roundabout, and is in some way intended to contribute to them.

City of Ely Council has objected, saying “The City of Ely Council were concerned regarding the new layout in respect of the safety of both pedestrians and cyclists. The application did not address any impact these changes would have on their safety.”

Witchford Parish Council has objected saying that this application “The proposed changes to this roundabout will directly negatively impact on pedestrians and cyclists, making it more dangerous for those travelling on foot or by cycle by doubling the number of carriageways that they have to cross. This will actively discourage persons from using alternative means of travel on the A142.”

The council having just declared a climate emergency and in view of the objections from the two most affected parish councils it would in my view be right for the application to be determined by the Planning Committee. It is hard to see how these plans, taken overall, give the ‘privilege’ to walking, cycling and other active modes of transport that the Combined Authority’s Local Transport Plan promises.”

County Councillor, Lorna Dupre - (28 February 2020) Supports the call in by Cllr Whelan.

Local Highways Authority – 14 January 2020

States:

“It has been explained to me by the planning officer that the only works proposed on the highway within this application are on the eastern kerb radii. The redline boundary should therefore be moved to incorporate the proposed area of works only so that it can be conditioned accordingly.

Otherwise I would have no objections in principal to this application.

Informatives

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

18 February 2020

States:

“After a review of the amended redline boundary to denote and show the works proposed within the highway and on private land I have no further objections. Proposed are some very minor realignment works of the kern lines in the highway. This application includes only small works to the Central Island and the eastern kerb radii of Lancaster Way, if permitted this will have no negative impact on the existing crossing facilities. Any other works or information shown on the drawings do not form part of the permissions being sort by the applicant and are outside of the remit of the planning process.

Informatives

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 any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.”

Cadent Gas Ltd - 23 December 2019

States:

“An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.”

30 January 2020

States:

“Your works are in close proximity to our intermediate pressure gas pipeline therefore a Cadent technician is required to be on site to observe the works and ensure that you are in compliance with the attached SSW22.

Please provide detailed drawings and cross sections so that I can assess in more detail.”

Ely Cycle Campaign - 20 January 2020

States:

“The Ely Cycling Campaign strongly objects to the proposed plans as the extra lanes on the Lancaster Way and on the A10/A142 (BP) roundabouts will make crossing near impossible for pedestrians and cyclists. Is a child walking or cycling to school supposed to run across two lanes with 60mph traffic?”

Both roundabouts now have too much traffic to be crossed safely and need bridges or underpasses, otherwise people without cars will essentially be cut off.

The proposed cycle lanes along Angel Drove and the A10 bypass (BP to Cambridge Road) are pointless, don't go anywhere, don't link up with anything and stop at the important points (side roads and junctions) and the money should not be wasted on a half baked scheme like this.

If you have available funds as part of this scheme then use the money to build bridges across the A10 and the A142 or even for a short section of high quality dutch style cycling infrastructure on Angel Drove so people can access the business park easier by foot and by bike. Focus your limited funds for active travel on high-quality infrastructure in places where people actually want to go!

What is the point of declaring a climate emergency and then making CO2-free travel nearly impossible while increasing capacity for cars?”

2 March 2020

It states:

“The grounds for objection as set out in the Campaign email of 19th January 2020 have not been addressed in the Amendment.

The Campaign objects to this proposal particularly because it would still make walking and cycling even less attractive and less safe on this route than it is now. Any increase in motor vehicle traffic, for instance by making walking and cycling more difficult and causing a switch to travel by motor vehicle, would result in increased carbon dioxide and particulates.

Section 10.1 of the applicant's submitted 2018 Feasibility Report promises improvements or adjustments at this roundabout to mitigate the adverse effects of changes on walking and cycling. A bridge over or an underpass under the A142 at this point is essential. An improvement for walking and cycling at the A10 crossing on this route is also essential.”

The Ely Group of Internal Drainage Board - 8 January 2020

This application for development is outside of the Littleport and Downham Internal Drainage District but within an area that drains into it.

The Board has no comment to make from a drainage point of view.

Emma Grima, Director (Commercial) - No Comments Received. Though consulted to ensure they were informed of the application's submission.

Minerals and Waste Development Control Team - No Comments Received

Infrastructure & Strategy Manager - ECDC - No Comments Received. Though consulted to ensure they were informed of the application's submission.

Economic Development - No Comments Received

5.2 Neighbours – A site notice was put up on the 19 December 2019 and a notice placed in the press on the 2 January 2020. 11 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

31 Cathedral View Park, Witchford – (15 January 2020) Objects to the proposal as it will make cycling and walking into Ely more dangerous. The proposal conflicts with before East Cambs and County Council policies to reduce the reliance on private vehicles and promote sustainable transport.

(11 February 2020) Continues to object to this application.

(23 February 2020) Continues to object to this application and seeks public money to be spent to improve the A142/A10 (BP) Roundabout.

9 Elm Close, Witchford – (18 January 2020) Proposal goes against the Climate Emergency declared by both District and County Councils.

The roundabout should be made safer for pedestrians and cyclists.

(11 February 2020) Objects to the proposal as it reduces highway safety without reducing congestion issues.

28 Short Road, Stretham – (21 January 2020) Objects to the proposal on the grounds of safety, goes against policy and pollution.

Proposal will speed up vehicles to the detriment of pedestrians crossing.

The increase in commuter traffic and stationary motor vehicles will increase air pollution.

Need to invest in public transport and active travel.

(1 March 2020) Amendment does not overcome concerns raised.

(18 March 2020) Asks to be kept up dated on the committee situation.

7 Castlehythe, Ely – (17 January 2020) Objects to the proposal as it adds to the risks of cyclists, pedestrians and equestrians. Provides significant detail on how the proposal will detrimentally harm equestrians.

Believes the traffic flow assessment date to be out of date.

States while there is a need to deal with traffic congestion in this area it is more important to consider eco friendly means of transport.

3 Broadway, Witchford – (27 January 2020) Proposal will make it harder for pedestrians and cyclists. Without a better bus service this will lead to more pollution.

The current problem is the backing up of traffic from the A142/A10, if this is sorted it would possibly take care of this roundabout.

A safe crossing of the A142/A10 is also needed as soon as possible.

Richard Designs Ltd, 115 Lancaster Way – (28 February 2020) Is supportive of the proposed works, as it will reduce queueing for the roundabout.

However, objects to the wider scheme to improve the roundabout as it has completely disregarded the impact on pedestrians and cyclists. This will put at risk their employees, as well as reducing the number of people commuting by sustainable means.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
COM 7	Transport impact
COM 8	Parking provision
ELY 11	Employment allocation, Lancaster Way

6.2 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 6 Building a strong, complete economy
- 9 Promoting sustainable travel
- 14 Meeting the challenge of climate change, flooding and coastal change

7.0 PLANNING COMMENTS

7.1 Background

7.2 There are a number of existing problems in regards to Lancaster Way and A10/A142 ('BP roundabout') Roundabouts, which officers have been involved with and have been looking at ways to rectify them.

7.3 When assessing the applications and the impacts of North Ely and Lancaster Way Enterprise Zone (EZ) the County did not consider the impacts in tandem. This has

led to conflicting contribution requirements in their individual S106s in regards to the BP roundabout. Lancaster Way EZ needs to carry out direct works to the BP Roundabout, while North Ely is providing a financial contribution. Approximately 3 and a half years ago the Local Highways Authority commented that the two individual S106s were conflicting as the North Ely money would be required to undue to the works Lancaster Way EZ would have carried out. Since this time the Local Planning Authority and County Council have been seeking to rectify this with the involvement of the owners of the EZ.

- 7.4 Main Street Witchford has approximately the same amount of traffic using it as the A142, in short Main Street is acting as a bypass for the A142 to Lancaster Way roundabout. The slower the traffic running along the A142 to the roundabout, the more Main Street will be used as a bypass in order to get priority on the Lancaster Way roundabout.
- 7.5 The BP roundabout is already operating above capacity with planned development and even with all secured and proposed contributions to this roundabout, it is likely only gaining approximately 2 -3 years worth of capacity (this will provide retrospective capacity, thus a visible improvement in traffic flow is unlikely to be noticed) and this is at a cost approximately £1.5 million. To gain future capacity the long term future changes to the A10 will be considered by the Combined Authority as part of the A10 Strategic Transport Project.
- 7.6 Lancaster Way EZ is offering approximately £900,000 (with grant funding from the Mayor of the Combined Authority) for the BP roundabout. The Lancaster Way roundabout improvements can secure funding through the Community Infrastructure Levy, as it forms part of the Council's Infrastructure List.
- 7.7 All the above has led to a situation where the EZ is trying to find ways to overcome the highways issues, which they have been seeking to do since approximately the end of 2016, so that it can continue to offer new employment. The final detailed costs and other information from Skanska (County Councils preferred contractor) are still awaited.
- 7.8 It also needs to be considered that any other substantial sized development in villages such as Sutton, Witchford or Littleport are likely to provide a significant burden on Lancaster Way and BP Roundabouts.
- 7.9 At present there is no fully costed plan to provide future capacity in the A142/A10 road network in Ely/Witchford. With the additional growth in the area, this will likely lead to the regular failure of the Lancaster Way/BP roundabouts during rush hour traffic.
- 7.10 Principle of Development
- 7.11 This proposed development forms a small part in the progression of an overall solution to the existing problems. It is not envisaged that this element of work in isolation will overcome the issues, though could be implemented individually.

- 7.12 With the proposal seeking to widen the existing vehicular entrance/exit into a private road that serves Lancaster Way Business Park/Enterprise Zone to an existing roundabout there is no concern over the principle of the development.
- 7.13 Sustainability
- 7.14 Sustainable development in the planning process is balancing all policies within the NPPF and the Adopted Local Plan. This is required to ensure the social, environmental and economic threads of sustainability all having equal weight in the determination process. The majority of the concerns raised in relation to this proposal relate to its sustainability, in particular pedestrian and cycle movements.
- 7.15 The proposal seeks to widen the vehicular entrance by approximately 20 cm where pedestrians and cyclists will be crossing the highway in an east – west direction. This is extremely unlikely to discourage cyclists or pedestrians moving between Witchford and Ely. The wider improvements are designed to primarily improve both traffic flow and capacity. However, the implications of this are outside the scope of this application and not material in the determination of this proposal.
- 7.16 In the Case Officer's view the usage of cars and sustainability is no longer a simple argument. With greater numbers of cars becoming electric or hybrid and the long term plan for all cars to be electric then cars might become one of the most sustainable methods of transport over larger distances. However, this relies on both how renewable the National Grid is and the national infrastructure requirements to allow for the charging up of electric vehicles. It is self-evident that cars are currently an unsustainable method of transport.
- 7.17 If Lancaster Way Enterprise Zone is no longer able to expand then it is likely that people will have to travel further to find places of work; this may or may not be via sustainable methods of transports.
- 7.18 The developer has sought to work with County Council outside of this application in order to provide a working bus stop within the business park. To promote other means of accessing the site the developer has worked with the District Council and now the Ely Zipper Bus Service collects and drops off passengers (specifically from the train station).
- 7.19 The requirements of the Climate Emergency will require a complete change on how humans respond to the Earth; as either the rapid change to climate caused by humans will create a more hostile/unpredictable climate or humans will have to radically change their diet (in both senses of the definition: food/activities) and provide a continuous fight against climate change.
- 7.20 With the minor works proposed as part of this application, likely having little effect on pedestrian or other non-motorised car users and the wider works designed to reduce the congestion of the past 2-3 years traffic generation it would not be reasonable to refuse this application under policy COM7.
- 7.21 Highways

- 7.22 The Local Highways Authority have raised no concerns in regards to highway safety following the amended plans and the view of the Local Highways Authority is accepted.
- 7.23 It would be unreasonable to refuse this application on highway safety concerns based upon the latest drawings showing the offsite works within the public highway, which do not form part of this application. The Local Planning Authority does not determine highway improvements within the public highway and would be going beyond its remit if it was to make a determination on road improvements.
- 7.24 The proposal is considered to comply with policy COM7 of the Adopted Local Plan.
- 7.25 Other matters
- 7.26 It is accepted that the suggested 6 year implementation request will allow the works be started at any time during the life of the expansion of the EZ.
- 7.27 Cadent Gas have commented on the proposal and advised that a Cadent Technician is required on site to observe construction works and ensure they comply with standards. An informative will be added to the decision notice to ensure that the applicant is aware.
- 7.28 Planning Balance
- 7.29 The proposed relative minor changes to the existing entrance to Lancaster Way Business Park is considered to be acceptable, as it will have no detrimental impact upon the safety of highway users or noticeable impact on the amount of people likely seeking to travel by sustainable means. The proposal will also help promote and accommodate the growth of the EZ for the foreseeable future.
- 7.30 The works shown outside the redline are not part of this application and are fully within the domain of Cambridgeshire County Council to determine. Works outside of the redline do not form part of this application.
- 8.0 APPENDICES
- 8.1 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01704/FUL	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

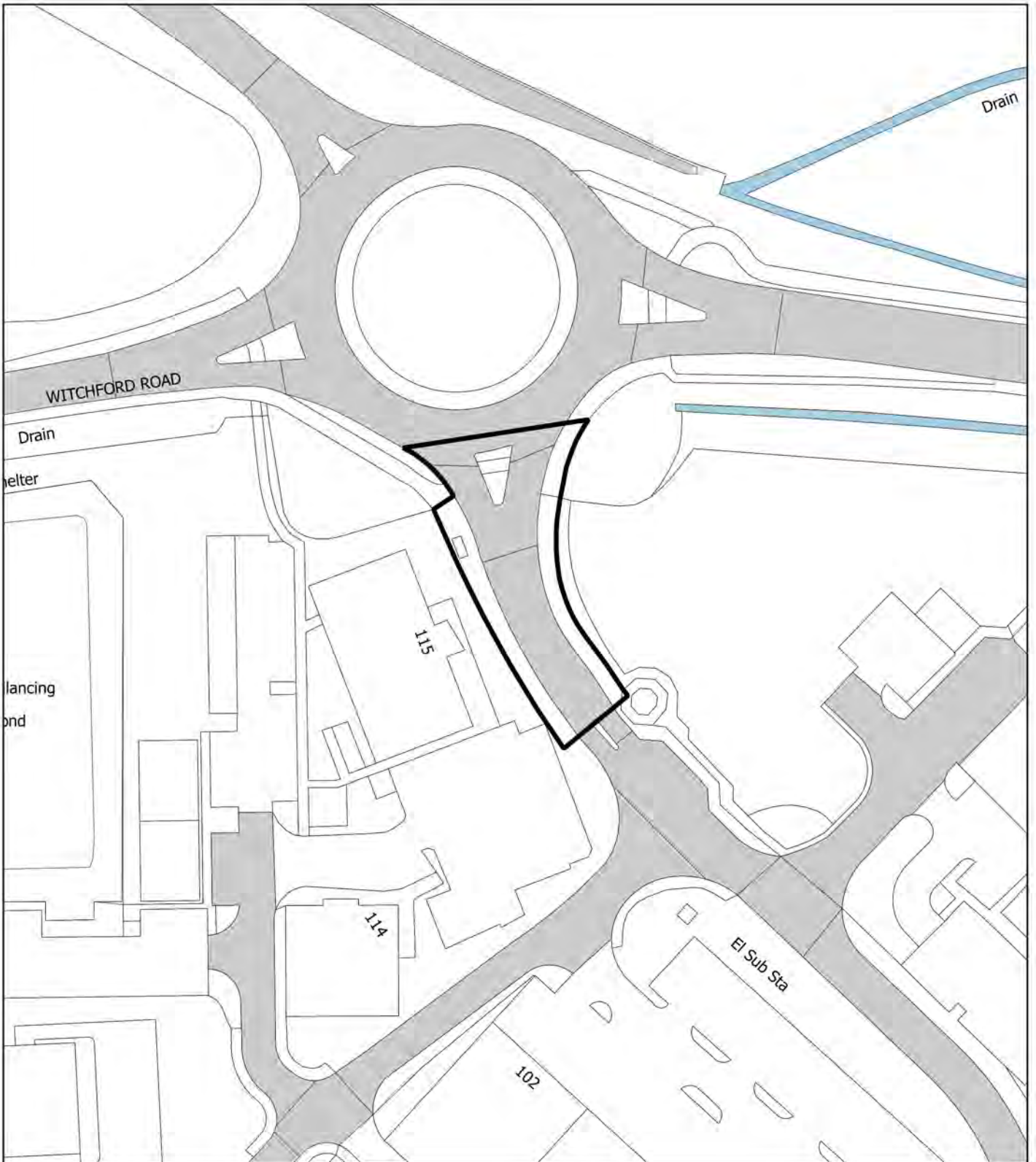
<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 19/01704/FUL Conditions

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

Plan Reference	Version No	Date Received
HGN-LW-DR-CH-101	P1	9th December 2019
5020235-SKA-LLO-LW-DR-CH-101		P2.0 4th February 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 6 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.



19/01704/FUL

Site North East of
115 Lancaster Way Business
Park
Ely



East Cambridgeshire
District Council

Date: 10.03.2020
Scale: 1:1,000



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MAIN CASE

Reference No: 20/00007/OUM

Proposal: Residential development for up to 70 dwellings (Class C3) with associated access, infrastructure and public open space

Site Address: Land North East Of 100 Beck Road Isleham Cambridgeshire

Applicant: Penland Estates

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Isleham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 3 January 2020 **Expiry Date:** 3 April 2020

[U216]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to refuse this application on the following grounds:
1. The proposal for up to 70 dwellings is located outside of the development envelope of Isleham and is not an allocated site, affordable housing exception site and does not meet any of the defined exceptions within policy GROWTH 2; on this basis the proposal fails to comply with policy GROWTH 2 of the Adopted Local Plan 2015 that restricts development outside of the defined development envelopes, having regard to the need to protect the countryside and the setting of towns and villages.
 2. The village of Isleham, while having a reasonable level of services (as described under the Village Vision in the Adopted Local Plan 2015) has seen a significant amount of proposed dwellings being approved over and above the planned level. The proposal, when considered cumulatively with recent approvals would result in an unsustainable amount of residential development, which would outstrip the modest increase in employment and services provision envisaged for Isleham and place significantly increased pressure on local infrastructure. The existing village infrastructure, including the Primary/Early Years school, is running beyond capacity. Until such time as the infrastructure is improved, including the provision of a new site for an expanded Primary/Early Years school, the village is unable to cope with additional speculative development. In addition the lack of employment, retail and public transport opportunities within

the village would result in an unsustainable pattern of development, leading to car dependency and encouraging high levels of out commuting by private vehicle, contrary to policy COM7 of the Adopted Local Plan. The proposal does not comply with policies GROWTH 3, GROWTH5 and COM7 of the Adopted Local Plan 2015 and in addition does not comply with paragraphs 103 and 104 of the NPPF.

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks outline consent for up to 70 dwellings, with details of access to be agreed. Details of appearance, landscape, layout and scale are reserved. Based on the illustrative masterplan the net density of the development is 21 dwellings per hectare and 11 dwellings per acre.
- 2.2 The proposal was originally submitted for up to 80 dwellings and was reduced following discussions with the case officer.
- 2.3 Following objections raised by the Lead Local Flood Authority, additional drainage details were submitted on the 31 March 2020 and the Lead Local Flood Authority removed its objection on the 6 April 2020.
- 2.4 Due to the size of the application it has been brought to Planning Committee in line with the requirements of the Council's Constitution.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1 No planning history on site.

The applications listed below are of relevance as they are located in Isleham and were determined by Planning Committee on the 20th April 2020.

19/00376/OUM – Up to 110 dwellings off Station Road, Isleham was refused at April 2020 Planning Committee.

19/01777/OUT – 4 dwelling at East Fen Road, Isleham was refused at April 2020 Planning Committee.

It was the view of Planning Committee that Isleham's infrastructure could not cope with any additional dwellings, due to the existing cumulative impact from other approved developments in the parish. Even if contributions and improvements were being offered by the developer, this would not overcome the detrimental harm to the village in the short term.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the village framework, though is adjacent to it along the northern boundary of the site. To the north there are the cul-de-sacs of Festival Road and Kennedy Road with bungalows defining the character of these roads.
- 4.2 To the south of the site is the recently constructed 'The Ark' church.
- 4.3 The site itself is part of an open agricultural field that is between Beck Row and Sheldricks Road. While there is some boundary hedgerows around the field, the more significant planting is to the west on a substantially smaller adjacent field.
- 4.4 Beck Row defines the western boundary, while to the east of the site is the remainder of the agricultural field. The site can also be publically viewed from Sheldricks Road to the east.

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.

Isleham Parish Council - 4 February 2020

Objects to the proposal on the following grounds:

- Loss of agricultural land.
- Loss of open and historic views.
- Damage to flora and fauna.
- Further erosion of village character and gateway entrance into the village.
- Detract from the architectural quality of the Ark Church.
- Utilities cannot cope with existing pressure from residents.
- Poor connectivity with other settlements.
- Lack of services and lack of school places.
- Very limited employment opportunities within the village. Work requires people commuting.
- Houses are not selling within Isleham.
- New dwellings should be proportionate to the settlement size.
- Concern over the proposed design and if the application was approved it would seek permitted development rights be removed.

It states:

"We therefore feel the erection of dwellings within this location, which comprises a predominantly open and rural setting, would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village. The proposed development would create significant and demonstrable harm to the character and appearance to the area and is contrary to Policies ENV1 and ENV2 and paragraphs 14, 17 and 56-68 of the national planning framework."

17 March 2020

It maintains its previous objections to this proposal.

Local Highways Authority (Transport Assessment Team)- 30 January 2020

States:

“Holding Objection: Insufficient detail has been presented to make a sound assessment. The below issues related to the Transport Assessment will need to be addressed before the transport implications of the development can be fully assessed.

Pedestrian Network: More detail required.

Distribution: Flow diagrams required.

Mitigation: To be decided

Conclusion

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

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

20 February 2020

States:

“Background

This document reviews the additional information submitted by David Bates from Richard Jackson Engineering Consultants. The additional information is to provide support the proposed development of 80 dwellings.

Transport Technical Note Review

It is noted that the closest pedestrian crossing facility is a tactile pedestrian crossing at the village gateway approximately 130 meters away from the site's access, there is an additional crossing located at the schools frontage at the Malting Lane. There is street lighting located on Malting Lane and there are limited street lighting along Beck Road, with no lighting between the site and the closest crossing.

Traffic Flows

The traffic flows showing the developments local traffic distribution is acceptable for use. The applicant is not expected to cause a severe impact onto the local highway network with the development proposed to generate 63 two way trips in the AM peak and 62 two way trips in the PM peak.

Conclusion

The Highway Authority does not wish to object to the planning application as submitted subject to the following condition:

Within one month of the first occupation of any dwelling, the occupiers of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in advance by the District Council as the local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information, and bus travel and cycle

Note -

It is noted that the proposed site is located outside of the village envelope where there is no street lighting, a lack of street lighting will not encourage new residents to walk along the footway in the hours of darkness. Therefore the applicant should consider the installation of street lighting, this should be discussed with Geoff Ellwood.”

Local Highways Authority - 13 March 2020

States:

“The Highways Authority has no objection in principal to this application.

The proposed new developments junction with the highway is laid out to the HA standards and there is adequate visibility in either direction. The development site also has a suitable footway link to the village and its amenities.

Whilst this is an outline application with access only I would note that the internal road layout is not adoptable in its entirety and would require additional footways and some alterations to the access points and junctions to bring it to HA standards. The HA do not adopt areas of water attenuation, swales, ditches or SUD`s.

Recommended Conditions

HW2A - prior to first occupation the internal roads and footways will be constructed to at least binder course

HW11A - the new junction with the highway will be laid out to approved drawing number 60251/PP/001 Rev B and constructed to CCC specifications

HW23A - No development shall commence until the future maintenance and management of the estate roads has been submitted and approved with the LPA”

Cambridgeshire Archaeology - 24 February 2020

States:

“The application for this proposed development contains a draft geophysical survey report prepared by Magnitude Surveys and a Heritage Statement prepared by Cotswold Archaeology. Both reports indicate that significant archaeological remains are not visibly present at the site, qualified by the statement that such remains that are not responsive to geophysical survey methods are absent. This corroborates the evidence of the Cambridgeshire Historic Environment Record that shows no Iron Age, Roman or Medieval remains here present. Occupation evidence from these periods are notoriously 'noisy' - very humic and full of material waste of domestic and industrial land uses and, as such, highly magnetic and usually visually explicit in geophysical survey data. Both reports indicate the presence of large barrows - funerary monuments usually Bronze Age in date, comprising circular mounds that were created by mounded material upcast from encircling ditches. Depending on their date (some are Neolithic - earlier), barrows may contain a single or many tens of burials and cremations, the Bronze Age typically having dual funerary practices. 'Flat grave cemeteries' often exist in spaces between barrows and together these form far longer-lived cemeteries and 'burying grounds', much like the cemetery recently excavated at Turners of Soham's lorry and car park extension at Fordham (HER ref ECB3754), where more funerary evidence survived until very recently removed by the Turner's expansion site (18/00579/ESF), south of the Fordham Bypass (A142) on which part of the Bronze Age settlement zone was excavated (ECB2043).”

They go on to explain the importance and potential of archaeology and state they do no object, subject to a pre-commencement archaeological condition and the publication of any findings.

Cambridgeshire County Council Education - 4 February 2020

Early Years need: The indicative contribution, based on the general multiplier, would be £20,592 x 9 = £185,328 to be spent on a new school in Isleham and if this cannot be achieved an expansion to St Andrews in Soham.

Primary need: Indicative primary contribution is £20,592 x 32 = £658,944 to be spent on a new school in Isleham and if this cannot be achieved an expansion to St Andrews in Soham.

Secondary need: Indicative secondary contribution = 20 x £23,875 = £477,500 to be spent on Soham Village College.

An indicative contribution of £3000 to be spent on mobile library services.

30 March 2020

Provides justification for education contrition and provides an approximate figure of £1,070,877 needed for educational purposes.

Technical Officer Access - 22 January 2020

States:

“Shared surfaces and demarcation needed between the paths and road surface for those with partial sight.

Good lighting required.

We would welcome an opportunity to make comments when more house details are available.”

Minerals and Waste Development Control Team - 20 January 2020

States:

“It is noted that the topic of waste management does not appear to have been considered within the documentation provided. In particular, Policy CS28: Waste Minimisation, Re-use, and Resource Recovery of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) has not been addressed. It is therefore requested that in the event the LPA is minded to grant planning permission, that the following condition be imposed:
Detailed Waste Management and Minimisation Plan”

Environmental Health - 16 January 2020

Requests conditions in regards to construction/delivery times, Construction Environmental Management Plan (CEMP) and piling.

Environmental Health - 24 January 2020

States:

“Thank you for consulting me on the above proposal. I have read the Phase 1 Site Appraisal report dated November 2019 prepared by BRD and accept the findings. Although the report finds that contamination risks are likely to be low it finds that potential risks exist from made ground contamination and ground gas and recommends that a Phase II investigation is carried out in order to characterise the risks. I recommend that standard contaminated land conditions CM1A and CM4A are attached to any approval due to the proposed sensitive end use (residential).”

Waste Strategy (ECDC) - 3 February 2020

States:

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

Also provides guidance on layout and provision of bins.

Lead Local Flood Authority – 17 March 2020

It objects to this proposal as the applicant has not undertaken suitable infiltration testing or a feasible alternative method should be considered.

6 April 2020

States:

“We have reviewed the following document:

- Flood Risk Addendum (ref: E5085/2PD/DCB) prepared by SDD dated 31 March 2020.
- Flood Risk Assessment and Drainage Strategy (ref: C5085-2PD) prepared by SDD dated December 2019

Based on these, as Lead Local Flood Authority (LLFA) we **can remove our objection** to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of a series of infiltration basins across the site. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.”

Requests conditions in regards to SuDS and maintenance.

Environment Agency - 27 January 2020

States:

“We have no objection to the proposed development but wish to make the following comments:-

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

If soakaways are proposed for the disposal of uncontaminated surface water percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Building Control. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Prior to being discharged into the watercourse, surface water sewer or soakaways system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings, should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

Water Quality

The latest information obtained from Anglian Water suggests that there is sufficient capacity at Isleham WRC to accommodate the proposed development.

The developer should liaise with Anglian Water to ensure that any work required to upgrade the local sewerage network is completed ahead of occupation of properties.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.”

Anglian Water Services Ltd - 16 January 2020

States:

“Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment / Plan The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.”

Goes on to state that SuDS are the preferred method of drainage and that advice from Lead Local Flood Authority and the Environment Agency should be sought.

The Ely Group of Internal Drainage Board - 27 January 2020

States:

“This application for development is outside of the Middle Fen and Mere Internal Drainage District.

The Board have no comment to make from a drainage point of view.”

ECDC Trees Team - 30 January 2020

The site is an arable field with no trees within the boundaries only fragments of hedgerows.

There are no arboricultural reasons to refuse this application however details of boundary treatments and landscaping need to be conditioned to ensure enhancement of the environment, character and overall visual buffering of such a development into the landscape.

Cambridgeshire Fire and Rescue Service - 6 February 2020

States:

“With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.”

Housing Section - 6 February 2020

States:

“The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 30% affordable housing on site. (Up to 80 dwellings will secure up to 24 affordable dwellings)

Developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing.

I note that an indicative Masterplan has been submitted as part of the application along with detail on how the affordable housing mix will be delivered within the Heads of Terms and Design and Access Statement. The assumptions made regarding the affordable housing mix do not meet the current housing needs of Isleham and therefore detailed discussions are recommended with the developer prior to submission of the reserved matters application in order to secure an affordable housing mix that meets the housing needs of the area. As a guide we will be seeking to secure a mix of one to four bedroom homes on site, in accordance with the above tenure requirement.

It is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards. Please see link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf”

Provides guidance on the wording of the S106.

Conservation Officer - 13 March 2020

States:

“Given the application site's separation distance from St Andrew's church and the presence of intervening development, there is no requirement to apply Historic England's Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets' methodology.”

Economic Development - No Comments Received

Ambulance Service - No Comments Received

NHS England - No Comments Received

5.2 Neighbours – 28 neighbouring properties were notified and the responses received are summarised below. A site notice was put up on the 6 February 2020 and an advert placed in the press on the 23 January 2020 A full copy of the responses are available on the Council's website.

34 Kennedy Road – 15 March 2020

Objects on the grounds:

- Village primary school does not have capacity.
- Increase in traffic.
- Amount of housing being approved in the village.
- Housing growth has developed in a linear way along the main roads.
- Loss of agricultural land.

36 Kennedy Road – 2 February 2020

Objects to this application on the basis of:

- Outside of the village plan
- Sites within the village should be first be developed before agricultural land is used.
- Has concerns over the site layout/entrance.
- Distance to village services for future residents.

38 Kennedy Road – 29 March 2020

States:

“Isleham is already groaning with its population. The resources, schooling, health services, shops, village parking is already overstretched. This significant development will add significant numbers to the local population using the facilities. It is not clear where access to the developments would be located. Access would cause significant traffic increase to Beck Road. Access via Kennedy road would have a significant impact on the road mainly occupied by older residents. Traffic passing the school would be significantly increased”

29 Festival Road (care of) – 6 February 2020

Objects to the application on the basis of:

- Harm to the environment and biodiversity.
- Loss of a view.
- Loss of agricultural land.
- Loss of fruit growing hedgerows.
- Lack of space in the Primary School.

10 March 2020

Maintains their objections from the 6 February 2020 (see above).

6 February 2020

Objects to the proposal on the grounds of:

- The number of dwellings is well in excess of the village plan.
- Lack of school spaces.
- Lack of services/infrastructure.
- Loss of agricultural land.
- Loss of view.
- Loss of biodiversity.
- Loss of fruit growing hedgerows.
- Will detract/hide the ARK.
- Highway safety/capacity.
- Will access be sought to the site from Festival Road.
- Scale (height) of the potential dwellings.
- Affordable dwellings, are not affordable to local people.

27 January 2020

Objects on the grounds of:

- Recent application will increase the number of dwellings in village by 43.5%.
- Lack of space in village school and no room to expand.
- Lack of shops in village and those will not be able to cope with additional demand.
- One bus stop in village and one bus service a day into Newmarket.
- Nearest train station is in Ely.
- Ark is still under construction and regular construction traffic.
- There is a highway between Festival and Kennedy Road, which will become a shortcut.
- Outside development boundary.
- Loss of agricultural land.
- Loss of biodiversity.
- Density of the scheme is too high.
- Raises highway safety issues and congestion in the surrounding area.
- Loss of privacy to existing neighbouring properties.

11 March 2020

Maintains objections from 27 January 2020.

15 April 2020

Raises previous concerns. In addition raises the Corvid 19 and the impact this is having on lifestyle, housing market and the wider economy.

33 Festival Road – 24 January 2020

Objects on the basis:

- Loss of arable land.
- Outside development envelope.
- Lack of infrastructure.

100 Beck Road – 5 February 2020

Raises concerns in regards to both highway safety and impact on the village's primary school.

22 April 2020

Raises concerns in regards to parking provision.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents Design Guide Developer Contributions and Planning Obligations Cambridgeshire Flood and Water Contaminated land

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 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

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The local planning authority is currently able to demonstrate that it has an adequate five year supply of land for housing from the 21 April 2020, with the Council currently having a 6.61 year supply. Therefore, all Local Planning policies relating to the supply of housing must be considered to have full weight and housing applications assessed in terms of the GROWTH policies contained within the Local Plan, specifically in this case GROWTH2.

7.3 Policy GROWTH 2 allows some exceptions to providing dwellings (and other development) in the countryside. However, this scheme is not an affordable housing exception site, for rural workers, community-based development or care home. The proposal, therefore, fails to comply with Policy GROWTH 2.

7.4 The site is located outside of the development envelope, but is adjacent to it along the northern boundary. The majority of growth within the District is focussed within the market towns of Ely, Soham and Littleport. However, growth is expected in smaller settlements. The village of Isleham lies 9 miles south-east of Ely and 6 miles north-east of Newmarket and has a reasonable range of services including several pubs, a village shop, primary school, recreation ground and churches.

7.5 It is not considered possible for the village to adapt to become self-sufficient within the foreseeable future. Paragraph 78 in the NPPF does make it clear that new housing can make villages grow/thrive and help support local services. It also makes it clear that services in one settlement can help support neighbouring settlements.

7.6 It is noted that services and infrastructure within Isleham are running at or beyond capacity due to the continued growth within the village, including the village primary school that includes early year provision.

- 7.7 It is considered that the application is unacceptable in principle, as it is located outside an area planned for residential development. The proposal on this basis fails to comply with GROWTH 2 of the adopted Local Plan and should be refused on this basis.
- 7.8 Highways
- 7.9 The application is proposing a 5.5m wide entrance road onto Beck Road, with 2m wide footpaths to connect into the existing footpath on Beck Road leading to 'The Ark'. This connection to the public footpaths will allow safe pedestrian access into the village. The developer has also submitted a Transport Statement that has been reviewed by County Council. The site entrance is onto a relatively straight road that provides good visibility in both directions.
- 7.10 It is noted that both the Local Highways Authority and the Transport Team have no objection to this development subject to conditions, which could be added if the application was to be approved to ensure sustainable methods of transport are promoted and long term highway safety.
- 7.11 It is noted that there is a lane that runs between Festival Road and Kennedy Road. The final layout will need to carefully consider how to respond to this lane. It is most likely that a mix of boundary treatment (including hedging) is provided to prevent access onto this lane. A reserved matters application would need to demonstrate that a balance has been taken between permeability and secured by design.
- 7.12 The Highway Authority have assessed the proposal and concluded that it will not have any detrimental impact on highway safety.
- 7.13 However, as detailed at the April 2020 Planning Committee this cumulative level of growth in Isleham would result in an unsustainable amount of residential development, which would outstrip the modest increase in employment and services provision envisaged for Isleham. This would result in an unsustainable pattern of development, encouraging high levels of out commuting by private vehicle by virtue of the lack of public transport and other sustainable means of travel. The proposal would, therefore, not comply with Policy COM7 of the Adopted Local Plan 2015 nor would it meet the requirements of paragraphs 103 and 104 of the NPPF.
- 7.14 The illustrative masterplan shows that on plot parking could be accommodated and there is no foreseeable reason to why suitable layout could not be provided at a reserved matter stage. On this basis the proposal is considered to comply with policy COM8.
- 7.15 Residential Amenity
- 7.16 With the layout, design and scale not being agreed at this stage it is not possible to provide a detailed assessment in regards to residential amenity. It should also be noted that private views are not a material consideration.

- 7.17 The illustrative master plan has shown bungalows along the northern boundary with two storey dwellings set more than 10m away from the boundary shared with existing residents along the western boundary that meets with the guidance of the Design Guide SPD. With the proposed relatively low density, there is no reason that a layout could not be brought forward at reserved matter stage that ensured existing and proposed residents had an acceptable level of residential amenity.
- 7.18 In addition suitable plot sizes, built form within the plot and private amenity space for future residents should be able to be secured, in accordance with the Design Guide SPD.
- 7.19 Conditions could be added to ensure construction work would not cause detrimental harm to residential amenity. These conditions would require a Construction Environmental Management Plan to be submitted, as well as controlling hours of construction and details of piling.
- 7.20 Conditions would also be required to ensure any unexpected contamination is dealt with.
- 7.21 The proposal is considered to comply with policies ENV2 and ENV 9 of the adopted Local Plan.
- 7.22 Visual Amenity
- 7.23 The site provides a visual link between Beck Road and the open countryside that continues past Sheldricks Road to the east. The church building to the south forms a key landmark feature in the landscape.
- 7.24 The reduction in dwelling numbers by the applicant is to ensure that space is maintained along the southern boundary to protect long distance views across the rural landscape and that 'The Ark' rural setting remains and its landmark nature retained. While the exact layout is not being determined at this outline stage, if permission was to be granted, any future application would need to retain at least the level of open space as shown on the indicative layout plan. Any proposed soft landscaping would also need to be carefully considered in order that the open fen nature of the locality is preserved. On this basis large trees should form landmark features, without so many to obscure views and there should be a greater reliance on hedgerows with sparse tree planting. A number of residents have raised concerns in respect of the removal of existing hedgerows. The existing hedgerows are unprotected and could be removed without consent. The proposal could, therefore, allow more long term protection for landscape and could include fruit bearing hedgerows as raised by residents during public consultation.
- 7.25 The level of harm proposed to the landscape of the area is between minor – moderate. While impact on landscape is not a reason for refusal, it demonstrates the importance of development envelopes and plan led development to control which spaces are lost to development. Plan led development is designed to allow the loss of some countryside in order to provide the required number of homes, whilst preventing sprawl into the open countryside and to protect the character and setting of settlements as defined by policy GROWTH 2 of the Adopted Local Plan. It is considered that the proposal would not cause any detrimental harm to the

landscape that would warrant refusal of the proposal on the grounds of policy ENV1.

- 7.26 While it is considered that a very limited number of 2 ½ storey properties could be accommodated on the site, more single storey properties would likely be required to meet with the character of the existing dwellings to the north. However, as scale is not being considered at this stage, no weight is given to this factor.
- 7.27 With a net density of 21 dwellings per hectare (11 dwellings per acre), the proposed density is low and would be considered appropriate for this village edge location.
- 7.28 The proposal is considered to comply with policies ENV1 and ENV2 of the Adopted Local Plan.
- 7.29 Historic Environment
- 7.30 The comments of the Conservation Officer and the County Council Archaeologist are noted and accepted. On this basis to prevent unnecessary harm to heritage a pre-commencement condition to require an archaeological dig could be added if the application was to be approved in order for it comply with policy ENV 14.
- 7.31 Apart from archaeology, the proposal will not lead to any other harm to heritage assets due to the separation distances between the site and other heritage assets.
- 7.32 Ecology
- 7.33 The submitted Ecological Appraisal concludes that the site has a low ecological value, though provides a range of mitigation measures to protect any biodiversity that might be in the local area. In addition, it provides a range of biodiversity net improvements including native planting, wildflowers, wetland features, bird/bat boxes, improvements to hedgehog habitat and creation of insect friendly features to ensure that any development secured a net gain in biodiversity.
- 7.34 The proposed development will, therefore, lead to a benefit to local biodiversity and on this basis complies with policy ENV7 and the NPPF.
- 7.35 Flood Risk and Drainage
- 7.36 The site is located within Flood Zone 1 and on this basis is a location where residential development is considered acceptable in principle.
- 7.37 The developer (who provided additional information at the end of March 2020 to overcome the Lead Local Flood Authorities initial objection) is suggesting an infiltration-led drainage strategy, in particular in the south-east where one of the larger infiltration basins is to be located.
- 7.38 Following the submission of this additional information, the Lead Local Flood Authority have now withdrawn their initial objection and have no objection to this proposal, subject to a drainage condition that could be added if the application was to be approved.

- 7.39 The long term maintenance of the sustainable drainage system could be controlled via a S106 Agreement.
- 7.40 The proposal, with a suitable drainage scheme, would reduce the risk of surface water flooding in the foreseeable future as a drainage scheme would maintain greenfield run off rate, as well as accommodating climate change and urban creep (extensions/patios etc). The proposal in regards to drainage complies with policy ENV8 of the Adopted Local Plan, the Cambridgeshire Flood and Water SPD and the requirements of the NPPF, subject to a drainage condition and the completion of a S106 Agreement.
- 7.41 Anglian Water have raised no objections to this proposal. On this basis, the proposal will not lead to any problems to the foul water network, subject to a condition to control the final details on site.
- 7.42 Housing Mix
- 7.43 In order to comply with policy HOU3 of the Adopted Local Plan the site will need to provide 30% affordable dwellings with a mix of 77% rented and 23% shared ownership. The applicant has agreed to provide 30% affordable housing as part of the scheme and this could be secured via a S106 Agreement if the application were approved.
- 7.44 Policy HOU1 requires a range of 1 – 5 bedroom dwellings. The developer will need to justify their proposed housing mix as part of any reserved matters application submission, if this application was to be approved, to comply with policy HOU1 of the Adopted Local Plan.
- 7.45 Education and other services
- 7.46 Cambridgeshire County Council as the Education Authority have noted that Isleham Church of England Primary School is over prescribed and is seeking a new site within Isleham to provide a new school. The primary school also provides a pre-school. It is noted that the primary school site is constrained and does not have room to expand on its existing site.
- 7.47 It is the Case Officer's view that the proposal would lead to a neutral impact upon the early years/primary education in the medium to long term, subject to contributions being sought through a S106 Agreement, which the developer has agreed to pay. However, the proposal is likely to have a minor to moderate adverse impact in the short term while school spaces are created. The developer has also agreed to pay towards libraries/continued learning and secondary education to mitigate the additional school places required to accommodate the dwellings proposed.
- 7.48 If a new site cannot be found in Isleham for a primary school, then the financial contribution would go to provide additional education spaces in Soham. However, the education contribution should be first sought to be spent in Isleham as making early years and primary school children travel to Soham would have a negative impact upon the sustainability of both the proposed development and the village,

as well as having a greater impact on the local road network, and on this basis weighs against the proposal.

- 7.49 It was the view of Members at the April 2020 Planning Committee when it assessed two separate applications in Isleham (one for up to 110 dwellings and one for 4 dwellings) that contributions were not acceptable to mitigate harm and that the infrastructure would first need to be improved/provided in Isleham before additional development came forward. With no change since April 2020 it would be unreasonable to treat this application differently, as it would have a greater cumulative impact than 4 dwellings (19/01777/OUT). On this basis, due to the cumulative impact and harm to Isleham's infrastructure/services the application should be refused on this basis.
- 7.50 NHS England have not commented on this application. However, improvements to the Staploe Medical Centre in Soham are listed on the Council's Infrastructure List and therefore the Community Infrastructure Levy (CIL) contributions from the development could help to mitigate this aspect.
- 7.51 Fire hydrants can be accommodated on site via a condition.
- 7.52 While an increase in the number of dwellings will add to the pressure on some services, this also provides more people in a community to help support services/facilities; for instance village pub and bus service. However, it has been considered that any new additional growth in Isleham needs to come after investment in infrastructure/services in order to provide the right balance between growth and support.
- 7.53 If the application was to be approved the Parish Council would receive part of the CIL funding.
- 7.54 Other Material Matters
- 7.55 East Cambridgeshire District Council is allowed to go on private property to collect waste/recycling as this is specifically allowed in RECAP guidance in order to ensure layouts can have a degree of flexibility and to prevent residents from having to move bins an excessive distance, as it gives set distances of how far both residents and refuse collectors should drag bins. Refuse lorries though cannot enter private roads unless the landowner is willing to give suitable permission via indemnity insurance. This is one of the reasons why the Local Planning Authority seeks to ensure any road layout is designed to adoptable standards.
- 7.56 The district is predominantly rural, with very little brownfield in order to accommodate housing growth. The loss of this agricultural land is not considered to be detrimental in itself due to the large amounts of agricultural land within the District. However, this further adds weight to the importance of Policy GROWTH2

- 7.57 Planning Balance
- 7.58 The proposal is outside of the development envelope of Isleham and is therefore unacceptable in principle, as full weight is given to policy GROWTH 2 of the East Cambridgeshire Local Plan, as the Council can demonstrate a five year housing land supply. The proposal does not meet any of the exceptions within Policy GROWTH 2 that would justify going against the requirements of this policy. The application should, therefore, be refused on these grounds (as detailed in para 1.1).
- 7.59 It was the view of Members at the April 2020 Planning Committee when it assessed two separate applications in Isleham (one for up to 110 dwellings and one for 4 dwellings) that Isleham has seen a significant amount of proposed dwellings being approved over and above the planned level. This proposal when considered cumulatively with recent approvals would result in an unsustainable amount of residential development, which would outstrip the modest increase in employment and services provision envisaged for Isleham and place significantly increased pressure on local infrastructure, which is running beyond capacity. It was considered that contributions were not acceptable to mitigate harm and that the infrastructure would first need to be improved/provided in Isleham before additional development came forward as it was unacceptable to continue to overburden Isleham. With no change since April 2020 it would be unreasonable to treat this application differently.
- 7.60 In addition, it would result in an unsustainable pattern of development, encouraging high levels of out commuting by private vehicle by virtue of the lack of public transport and other sustainable means of travel. It is on this basis that the proposal does not comply with Policies GROWTH 3, GROWTH 5 and COM 7, as well as the provisions of the NPPF, and should be refused (as detailed in para 1.1), until such time as the infrastructure and sustainable means of transport of Isleham is improved.
- 7.61 There are no other reasons for refusal, as all other material considerations including residential amenity, visual impact, highway safety, heritage, ecology, flood risk, housing mix and refuse collection could be mitigated either via a condition and/or through a S106 Agreement.
- 8.0 COSTS
- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- The Local Planning Authority has a five year housing land supply.

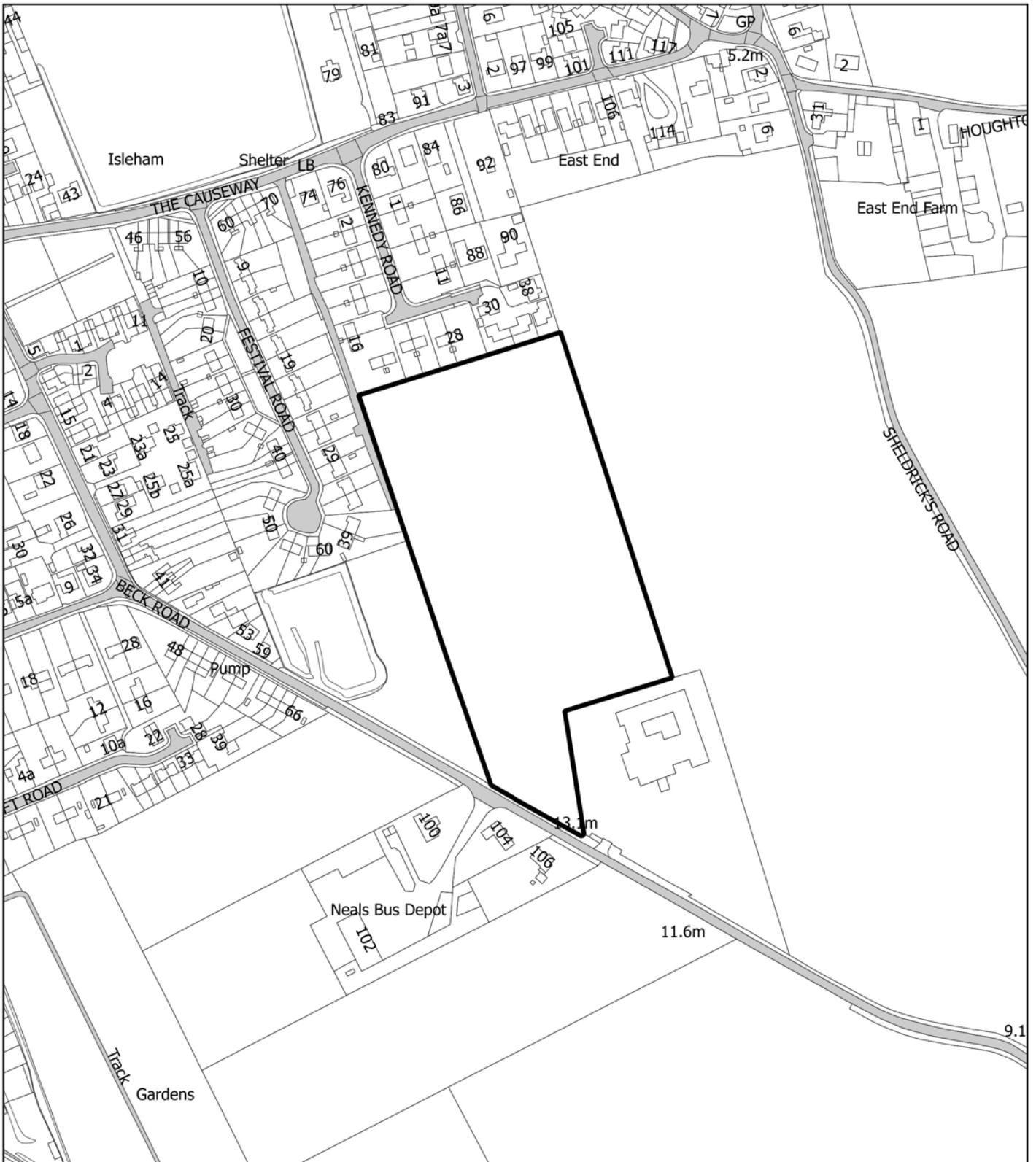
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00007/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 01353 665555 andrew.phillips@ea stcambs.gov.uk

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>



20/0007/OUM

Land North East of
100 Beck Road
Isleham



East Cambridgeshire
District Council

Date: 17/03/2020
Scale: 1:3,500



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MAIN CASE

Reference No: 20/00142/OUT

Proposal: Construction of 1no. detached dwelling and garaging for horticultural manager

Site Address: Floral Farm Fordham Road Isleham Ely Cambridgeshire CB7 5QY

Applicant: Mr Marco Caffarelli

Case Officer: Rachael Forbes, Planning Officer

Parish: Isleham

Ward: Fordham And Isleham
 Ward Councillor/s: Julia Huffer
 Joshua Schumann

Date Received: 4 February 2020 **Expiry Date:** 31st March 2020

[U217]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE planning permission for the following reasons:
- 1.2 The site is located in open countryside, where there is a policy of strict control over new development, except in certain exceptional circumstances, where strict criteria must be met before development will be allowed. The proposal fails to meet the criteria which must be satisfied in order for a rural workers dwelling to be permitted, as set out in policy HOU5 of the East Cambridgeshire Local Plan 2015, as there is no clearly established functional need that cannot be met by other accommodation on site. The provision of an additional dwelling at the site has not been adequately justified and the need for this dwelling arises from business convenience rather than essential need and this is not considered to be sufficient justification to set aside the normal policies of control governing development in the countryside. The proposal is therefore contrary to policy HOU5 and GROWTH 2 of the Local Plan 2015 and paragraph 79 of the NPPF.
- 1.3 The introduction of a dwelling in this location would be harmful to the rural character and appearance of the area and create an urbanising impact which erodes the predominantly undeveloped and agricultural character of the area. The proposal would result in an unacceptable incursion of development into open countryside, which would significantly change its rural and undeveloped character and appearance. This would cause significant and demonstrable harm to the character of the countryside. As a result the application is considered to be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and paragraphs 127 and 130 of the NPPF.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks the erection of a detached dwelling and garage for the purpose of accommodating a Horticultural Manager. The application is for outline consent with only access and scale being considered.
- 2.2 The site has a long planning history; the most recent application was 19/01321/OUT which was for a proposed dwelling and garage for a Horticultural Manager. The application was withdrawn.
- 2.3 The application has been called into Planning Committee by Councillor Huffer as she feels there is that there is local support for the application and it would benefit from wider scrutiny.
- 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.**

3.0 PLANNING HISTORY

3.1

19/01321/OUT	Proposed dwelling and garage for Horticultural Manager	Withdrawn	07.11.2019
91/00743/FUL	Extension to existing dwelling	Approved	04.10.1991
12/01086/FUL	Proposed building for straw burner heating for existing green houses	Approved	05.04.2013
13/00500/FUL	Proposed building for Straw Burner Heating for existing green houses	Approved	06.08.2013
18/01290/AGN	Pole Barn for Straw Storage	Withdrawn	05.10.2018
18/01351/FUL	Proposed open sided barn	Approved	30.10.2018
19/00464/FUL	Retrospective application for a building to house straw burning boilers to heat existing green house	Approved	03.06.2019

75/00196/FUL	CHANGE OF USE OF AGRICULTURAL DWELLING TO USE IN CONNECTION WITH HAULAGE BUSINESS	Approved	24.04.1975
84/00654/FUL	HORTICULTURE GLASSHOUSES	Approved	31.08.1984
87/00241/FUL	WATER TREATMENT BUILDING AND STORAGE TANK	Approved	10.04.1987
89/00962/FUL	CHANGE OF USE FROM FLAT REVERTING BACK TO OFFICES	Approved	29.10.1989

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the south of Isleham and comprises a horticultural unit. Towards the front of the site there is a detached dwelling and mobile home. The proposed dwelling would be located on a parcel of land forward and south of the existing dwelling but would utilise the existing access.

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 - 18 February 2020

The Highways Authority has no objection in principal to this application
The development benefits from an existing access with the highway that is suitable for shared use.

CCC Growth & Development - No Comments Received

ECDC Trees Team - 27 February 2020

The site at present is agricultural with no trees of significance, no arboricultural reasons for objection.

Landscaping scheme to be conditioned.

Environmental Health - 10 February 2020

We've commented on this site previously and I include these comments below for reference.

Previous Comments (20th September 2019):

'I have no comments to make at this time'.

Environmental Health (Scientific Officer) – 14 April 2020

Thank you for consulting me on the above application. I have read the Envirosearch report dated 11 September 2019. The report fails to highlight the agricultural use of the site. Agricultural use has the potential to cause land contamination due to activities such as the storage of fuel and agricultural chemicals, plant and vehicle storage, and the presence of asbestos materials. However, it appears that the proposed dwelling will be situated in a garden area and the land contamination risks are likely to be low and further investigation is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

Waste Strategy (ECDC) - 7 February 2020

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

Cadent Gas Ltd - 17 February 2020

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Parish - No Comments Received

Ward Councillors – 11 February 2020

The application has been called into Planning Committee by Councillor Huffer as she feels there is that there is local support for the application and it would benefit from wider scrutiny.

5.2 Neighbours – Two neighbouring properties were notified and no responses have been received. A site notice was erected near the site on 20th February 2020 and an advert was published in the Cambridge Evening News on 13th February 2020.

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
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology

ENV 8	Flood risk
ENV 9	Pollution
HOU 1	Housing mix
HOU 2	Housing density
HOU 5	Dwellings for rural workers
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

Flood and Water

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

6.3 National Planning Policy Framework 2019

2 Achieving sustainable development

6 Building a strong competitive economy

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

7.0 **PLANNING COMMENTS**

7.1 The main consideration in the determination of this application are:

- Principle of Development
- Visual Amenity
- Residential Amenity

7.2 Principle of Development

7.2.1 The site is located in the countryside, outside of the development envelope of Isleham, where development is strictly controlled. The development of the site would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan in so far as it seeks to focus new housing development within defined settlement boundaries.

7.2.2 National policy advises that new homes should be avoided in the countryside other than in a limited number of defined circumstances, one of which is where there is the essential need for a rural worker to live permanently at or near their place of work. Policy HOU 5 is consistent with that advice and sets out a number of criteria relevant to proposals for rural workers. In light of the above the main issue to consider in determining the application is whether there is an essential need for an additional rural worker to live on site. Critically, it must be demonstrated that the dwelling is essential to the needs of the business (i.e there is a need for one or more of the workers to be readily available at most times). There must also be no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. If these tests can be met then it must be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable and that the size of the dwelling proposed is no larger than required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income the enterprise can sustain.

7.3 Essential need to live on site most of the time

7.3.1 To meet this test, the applicant must be able to demonstrate that it is essential for the proper functioning of the business for one or more workers to actually live on the site most of the time. This equates to the need for a full time worker. Such requirement might arise if workers are needed to be on hand day and night;

-in case animals or agricultural processes require essential care at short notice;
-to deal quickly with emergencies that could otherwise cause serious loss of crops, for example, by frost damage or the failure of automatic systems.

7.3.2 The applicant has prepared a statement to accompany the proposal which sets out the requirements for the dwelling. The statement includes information relating to the personal circumstances of the applicant and the current occupancy of the existing dwelling at the site. The existing dwelling is occupied by a member of the applicant's family who works for the horticultural business. The applicant and their family, who work full time for the business also, live in Isleham. The horticultural business runs two glasshouses which are heated from January to May each year. One of these is heated using a straw-fed biomass boiler system, and the other by an oil powered heating system. The glasshouses have ventilation and water systems, as well as electric. The applicant relies upon a telephone alarm system to alert of any failures in the systems. The statement advises that the applicant has to return to site every 3-4 hours in order to re-fuel the biomass boiler. Security is also raised as a reason for requiring a presence on site. The statement discusses deliveries to and from the site, which take place late in the evening or early in the morning and require a person to see to the loading and unloading of produce. It is for these reasons that the applicant seeks permission for a permanent dwelling.

7.3.3 Policy HOU5 relates to proposals for permanent dwellings in the countryside for full-time workers in agriculture. The primary element of Policy HOU5 ensures that the proposal must demonstrate a clear and essential need for a dwelling in the rural countryside with the purpose of serving an agricultural operation.

7.3.4 Following a comprehensive review of the evidence provided, it is considered that the existing dwelling on the site is sufficient for the provision of accommodation for an agricultural worker. There is no essential need for an additional dwelling on the site to serve the need of the farm enterprise. The evidence submitted discusses that close surveillance of the crops is required along with supervision of farm workers. However, this is not sufficient justification for an additional dwelling on the site to serve the needs of the business. There is an existing dwelling at the site which is capable of accommodating those workers who are required to remain on site as an essential need. A further dwelling has not been appropriately justified and it appears from the statement submitted that this is more a case of business convenience than an essential requirement. The proposal is deemed to not meet the functional test as laid out in HOU5 and is therefore contrary to planning policy.

7.3.5 In conclusion, there is not sufficient justification for an additional dwelling on this site to serve the needs of the business.

7.3.6 The planning statement sets out that with regard to profitability, that the author of the statement has seen the trading and profit and loss account for the years ending 31 December 2016 and 2017 which show a net profit. The statements states that full trading accounts are available to the Council. However, given that the essential need is not met these accounts have not been requested or examined.

7.3.7 The criteria of Policy HOU 5 sets out that the proposed dwelling is sensitively designed and in keeping with its rural surroundings and will not adversely affect the setting of any heritage

asset and the proposed dwelling is well landscaped, is sited to minimise visual intrusion and is in close proximity to existing buildings to meet the functional need of the business.

7.3.8 The application is outline and therefore only matters of access and scale are being considered at this stage. It is noted on drawing number 18:094-21 rev A that the scale of the dwelling would be 22m in width, 16m in depth and 6m in height, with a garage 7.5m in width, 7.5 metres in depth and 5 metres in height. The proposed dwelling would be sited forward of and to the south of the existing dwelling and will be highly visible from Fordham Road. The introduction of a dwelling in this location would result in an urbanisation of the undeveloped and low-lying surroundings.

7.4 Visual Amenity

7.4.1 As noted above, the application is outline and therefore only matters of access and scale are being considered at this stage. It is noted on drawing number 18:094-21 rev A that the scale of the dwelling would be 22m in width, 16m in depth and 6m in height, with a garage 7.5m in width, 7.5 metres in depth and 5 metres in height. The proposed dwelling would be sited forward of and to the south of the existing dwelling and will be highly visible from Fordham Road. The introduction of a dwelling in this location would result in an urbanisation of the undeveloped and low-lying surroundings. This impact is exacerbated by the fact that the dwelling will project south of the existing residential curtilage and farm built form, allowing prominent views of it from the road. The proposal is considered to be contrary to Local Plan policy ENV 1 which states that development proposals should have a location, scale and form which creates a positive and complementary relationship with the surrounding unspoilt rural area. Furthermore, the proposal is contrary to Local Plan Policy ENV 2 which ensures that proposals respect the density and landscape of the surrounding area and are of a scale and massing that relate sympathetically to the nearby development. It is considered, that the introduction of development in this location is contrary to two Local Plan policies and should not be permitted, in order to protect the rural aesthetic.

7.5 Residential Amenity

7.5.1 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.5.2 The proposed dwelling would be sited forward of and to the south of the existing dwelling. There are no other dwellings in close proximity to the site. Appearance and layout are not for consideration at this stage and therefore the impact to residential amenity cannot be fully assessed at this stage. However, it is considered that given the size of the site (1500sqm) that a dwelling could be achieved in this location without resulting in a significant detrimental impact to residential amenity.

7.6 Highways

7.6.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority have been consulted as part of the application and have no objection to the proposal as the development benefits from an existing access to the highway that is suitable for shared use.

7.6.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The indicative plan shows provision of a double garage and

two parking spaces. Although layout is not for consideration at this outline stage, it has been demonstrated that adequate parking and turning can be achieved at the site.

7.7 Other Matters

7.7.1 The Council's Scientific Officer has commented that the Envirosearch report dated 11 September 2019 fails to highlight the agricultural use of the site and that agricultural use has the potential to cause land contamination due to activities such as the storage of fuel and agricultural chemicals, plant and vehicle storage, and the presence of asbestos materials. He has further commented it appears that the proposed dwelling will be situated in a garden area and the land contamination risks are likely to be low and further investigation is not required and has recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

7.8 Planning Balance

7.8.1 It is considered that the provision of an additional dwelling has not been adequately justified in accordance with policy HOU5 of the Local Plan 2015. The site already benefits from a dwelling which could accommodate those workers that are required to remain on site as an essential need, and the matter is considered to be more of a case of business convenience than essential need. Furthermore, the proposal is contrary to GROWTH 2 as it proposes a dwelling outside of the development envelope which is contrary to the criteria of HOU 5.

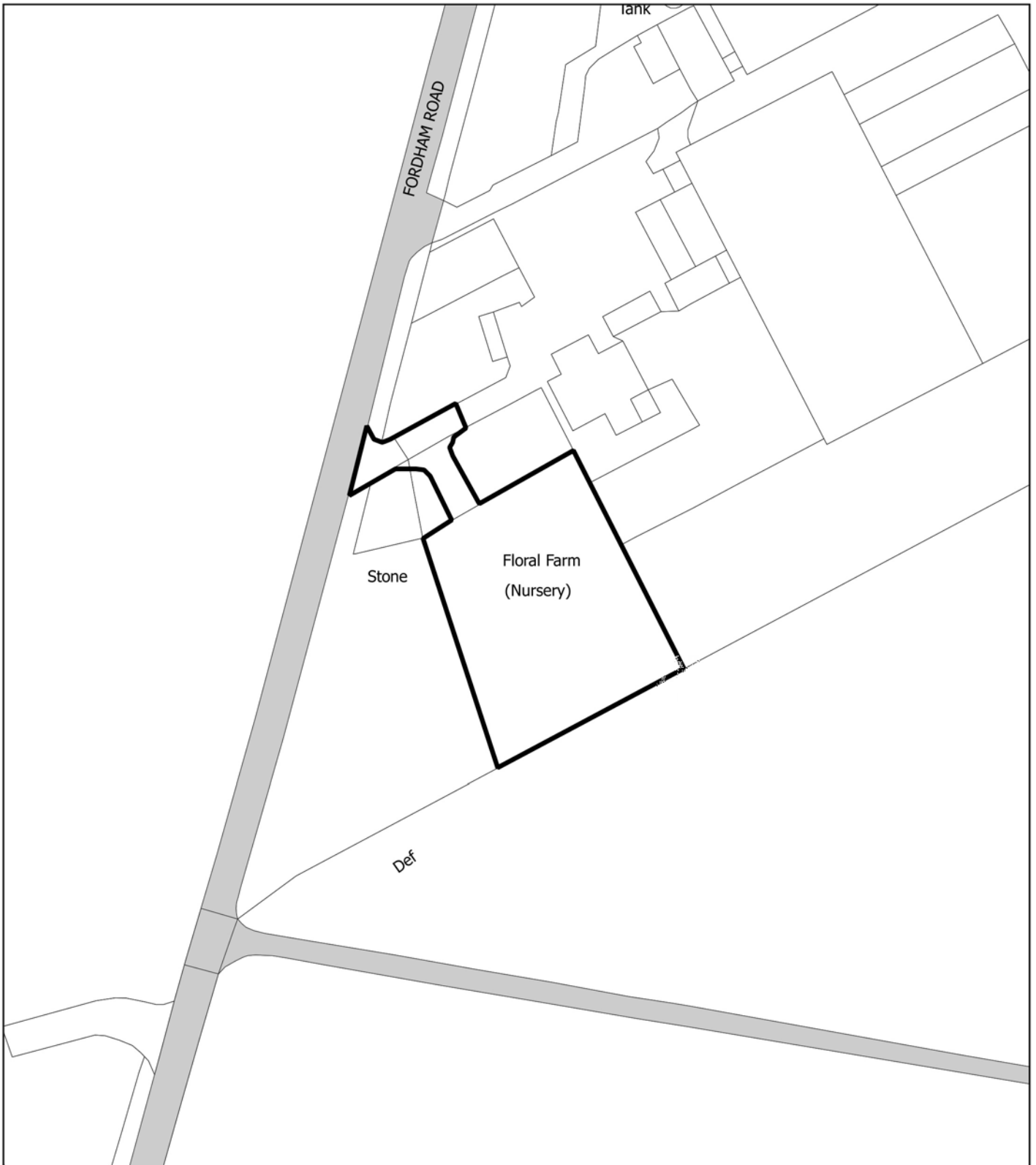
7.8.2 Additionally the proposal would result in unacceptable visual impacts on the character of the countryside and would be contrary to policies ENV1 and ENV2 of the Local Plan 2015. The proposal is therefore recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00142/OUT	Rachael Forbes Room No. 011 The Grange Ely	Rachael Forbes Planning Officer 01353 665555 rachael.forbes@eas tcams.gov.uk
19/01321/OUT		
91/00743/FUL		
12/01086/FUL		
13/00500/FUL		
18/01290/AGN		
18/01351/FUL		
19/00464/FUL		
75/00196/FUL		
84/00654/FUL		
87/00241/FUL		
89/00962/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>



20/00142/OUT

Floral Farm
Fordham Road
Isleham



East Cambridgeshire
District Council

Date: 17/03/2020
Scale: 1:1,000



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MAIN CASE

Reference No: 20/00252/FUL

Proposal: New agricultural worker's dwelling (re-submission 19/01616/FUL)

Site Address: Hurst Farm West Fen Road Ely Cambridgeshire CB6 2BZ

Applicant: AJ Lee and Sons

Case Officer: Rachael Forbes, Planning Officer

Parish: Ely

Ward: Ely West

Ward Councillor/s: Sue Austen
Paola Trimarco
Christine Whelan

Date Received: 17 February 2020 **Expiry Date:** 13th April 2020

[U218]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
- 1.2 A need for an additional permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan, 2015. The proposal does not meet the functional test as the additional dwelling is not essential to meet the needs of the business, contrary to Policy HOU 5 and Policy GROWTH 2. Furthermore, the site is in close proximity to Ely and it is considered that an agricultural worker could live close to the site as to be able to attend in an emergency situation.
- 1.3 The proposal is considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as the proposed dwelling does not relate well to the existing built form and the large curtilage of 1,000sqm proposed would result in encroachment into the countryside in the form of a large residential garden in such a manner that would be harmful to the character and appearance of the area by the introduction of a domestic use.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks a new agricultural workers dwelling in connection with Hurst Farm. The proposal seeks a single storey dwelling on land adjacent to Hurst Farm. This application is a re-submission of application 19/01616/FUL which was refused on the same grounds that this application is recommended for refusal.

2.2 The application has been called into Planning Committee by Cllr Sue Austen as she feels the application would benefit from a wider debate.

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.eastcamb.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

03/00286/FUL	Erection of Dutch barn	Approved	28.04.2003
19/01616/FUL	New agricultural worker's dwelling	Refused	06.02.2020
76/00197/OUT	ERECTION OF AN AGRICULTURAL BUILDING	Refused	13.05.1976
82/00236/OUT	ERECTION OF AN AGRICULTURAL DWELLING	Approved	16.07.1982
82/00511/RMA	ERECTION OF A DWELLING FOR AGRICULTURAL OCCUPATION	Approved	16.09.1982
88/00583/FUL	EXTENSION	Approved	01.06.1988
88/00880/FUL	EXTENSION	Approved	27.07.1988

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located across the A10 from Ely, outside of the development envelope and therefore considered to be in the countryside. The proposed dwelling would be accessed via a Public Right of Way. The larger site comprises of two existing farm houses, farm buildings and fields

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.

Asset Information Definitive Map Team – 9 March 2020

Thank you for consulting us on the planning application above. Please note Public Byway No. 45, Ely forms the vehicular access.

Whilst the Definitive Map team do not have any objection to the principle of development and an additional access being made from the public byway, the applicant will require the consent of the County Council to provide access from the public byway. The County Council will need to understand and consent to the proposed access design. No alteration to the public byway's surface is permitted without our consent (it is an offence to damage the surface of a public byway under s 1 of the Criminal Damage Act 1971).

Local Highways Authority – No comments received

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) - 20 March 2020

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

Consultee For Other Wards In Parish - No Comments Received

Cambridge Ramblers Association - No Comments Received

Parish - 10 March 2020

The City of Ely Council has no concerns regarding this application.

Ward Councillors - No Comments Received

The Ely Group Of Internal Drainage Board - 9 March 2020

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

5.2 Neighbours – No neighbouring properties were notified due to there being no neighbouring dwellings, with the exception of the applicants that share a boundary with the site. A press advert was published in the Cambridge Evening News on 5th March 2010.

5.3 A site notice was erected at the site on 6th March 2020.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
HOU 5	Dwellings for rural workers
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

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

The main considerations in the determination of this application are:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety and Parking

7.1 Principle of Development

7.1.1 The site is located in the countryside, outside of the development envelope of Ely, where development is strictly controlled. The development of the site would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan in so far as it seeks to focus new housing development within defined settlement boundaries.

- 7.1.2 National policy advises that new homes should be avoided in the countryside other than in a limited number of defined circumstances, one of which is where there is the essential need for a rural worker to live permanently at or near their place of work. Policy HOU 5 is consistent with that advice and sets out a number of criteria relevant to proposals for rural workers. In light of the above the main issue to consider in determining the application is whether there is an essential need for an additional rural worker to live on site. Critically, it must be demonstrated that the dwelling is essential to the needs of the business (i.e there is a need for one or more of the workers to be readily available at most times). There must also be no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. If these tests can be met then it must be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable and that the size of the dwelling proposed is no larger than required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income the enterprise can sustain.
- 7.2 Essential need to live on site most of the time:
- 7.2.1 To meet this test the applicant must be able to demonstrate that it is essential for the proper functioning of the business for three workers to actually live on the site most of the time. Such a requirement might arise, for example, if workers are needed to be on hand day and night;
- In case animals or agricultural processes require essential care at short notice;
 - To deal quickly with emergencies that could otherwise cause serious loss of crops, for example, by frost damage or the failure of automatic systems.
- 7.2.2 Paragraph 3.1 of the planning statement states that the dwelling is needed to house a full time worker employed to supervise the livestock enterprise, particularly the expanding beef calving and fattening unit and to help run the successful agricultural business. Paragraph 5.3 states that the scale of the operation means a qualified and experienced stockman needs to be employed full time, particularly to assist with calving but also to take over the fattening unit expansion.
- 7.2.3 Paragraph 3.3 goes on to state *'The business has expanded significantly in the last two years to a point that the use of seasonal and part-time labour is no longer sufficient to run the business and the business relies heavily on both partners to undertake out-of-hours activities – mainly evenings, night-time, weekends and holidays – in order to feed and tend to animals as well as receive deliveries of livestock out of-hours'*.
- 7.2.4 Paragraph 3.4 sets out that the number of breeding cows has exceeded 150 cows and with winter calving this equates to one calf born daily during the November to March housing period. It goes on to say:
- 'As such it requires staff to work a virtual night shift pattern to anticipate and deal with night time births. The introduction and expansion of the beef fattening unit will increase labour demand and put additional strain on existing work practices such that a full time employee is essential rather than what has occurred previously - relying upon contractors and temporary/casual employment'*.
- 7.2.5 The planning statement also sets out that there are security issues as the farm has suffered from theft and vandalism incidents and several major arson incidents have occurred on farms in the locality.

- 7.2.6 The planning statement states that while there are existing dwellings on site, the numbers of animals including breeding cattle is such that for animal welfare purposes and the needs of the farm, which has recently expanded, a further essential worker is needed.
- 7.2.7 The planning statement sets out that when handling cattle the HSE recommend that there are at least two people present if an animal has to be separated from the herd in the field and when handling bulls they recommend that two people are present.
- 7.2.8 The planning statement sets out that the unit has expanded over the course of 40 years, additional land has been purchased and a total of 17 large utilitarian buildings have been erected, all associated with cattle operation. The most recent of these was erected in 2019 and will include a new specialist 'cattle race' handling system and that this race system requires two people to operate it properly.
- 7.2.9 The planning statement explains that during the calving and winter housing period, the cow's need virtual round the clock attention, as calving occurs on almost a daily basis. It goes on to say that most proceed without intervention and during normal night times one member of staff can cope with the routine. However, around 15% of calving's require more intensive intervention where a second and sometimes third person is needed to assist.
- 7.2.10 It goes on to say that it is the additional night time work that requires the third member of staff to be on hand should an emergency occur, which is sufficiently often that two members of staff cannot be both on call and available during the normal working day, without adequate rest periods to manage the more routine daytime activities of feeding and handling. It sets out that the applicant is now reaching an age where he finds regular night time work too difficult. However he is still able to work during the day time and be on call for emergencies but not working nights.
- 7.2.11 During more routine times the need is based around two people but with additional grassland management work, handling, transporting and storing large amounts of feed, bedding and manure, there is sufficient work for 3 full time people. It further states that work with cattle often requires two or more people in order to carry out tasks safely and efficiently, indeed the Health and Safety Executive require it particularly for handling bulls and using cattle races etc.
- 7.3 Analysis:
- 7.3.1 There are already two dwellings at the site and therefore there is already an on-site presence of two workers when emergency situations arise. There is also the correct number of people already present at the site for the situations set out in the paragraph above. The farm is located close to Ely and it is considered that employees could be housed in Ely and called to the site if necessary. There is also a veterinary surgery in very close proximity to the farm which caters for farm animals.
- 7.3.2 Paragraph 8.6 of the planning statement sets out that the applicants have found it difficult to recruit a permanent member of staff without being able to offer a permanent dwelling on site to allow for the routine anti-social hours. Furthermore, paragraph 3.6 states that an additional permanent member of staff is needed to allow for the work roster to be more manageable. Recruitment issues are not a material planning consideration and would not give weight to the case to grant an agricultural workers dwelling.
- 7.3.3 Furthermore, the security issues would add little weight as there are security measures that could be taken and there are already two dwellings at the site and therefore there is already an onsite presence.

- 7.3.4 While it is acknowledged that there may be sufficient work for three members of staff at the site, it is considered that there is no essential need for a further agricultural worker to live at the site. There are two dwellings already at the site for agricultural occupation. Furthermore, the Local Planning Authority cannot take the personal circumstances of the applicant into account. The additional information states that a third person is *sometimes* required; should a third person be required they could be called from elsewhere.
- 7.3.5 It is concluded that in respect of the essential need for a third dwelling on this holding that it is not essential for a third worker to live on site to meet the needs of the business. A third worker can live nearby and still be called upon should an emergency arise that two workers cannot deal with. Furthermore, the stated need for the critical presence during winter calving which only exists for five months of the year. For the rest of the year the need for an additional worker to live on site is further diminished.
- 7.3.6 The proposal therefore fails the essential needs test of the policy.
- 7.3.7 Part two of Policy HOU 5 requires that it can be demonstrated that the enterprise has been established for at least three years and is and should remain financially viable. The planning statement sets out that the farm has been in operation in excess of 30 years and accounts have been provided showing that the farm makes a profit. It is considered that this point of the policy has been met.
- 7.3.8 Part three of Policy HOU 5 requires that there is no other accommodation within the site/holding or nearby which is currently suitable and available. The site is on the edge of Ely, a main settlement within the district, with housing on the opposite side of the A10, within one minutes' drive. The planning statement sets out that a property in Ely would be out of 'sight and sound' of the farm and any animals in distress and that it would be too difficult and therefore unreasonable to expect a worker to come and go at night on a regular basis. While it is acknowledged that a dwelling in Ely would not be within sight and sound, it has been mentioned within the information that there is an on-call system. Also, if a worker was undertaking a night shift and it was within the job description to check on the animals regularly during the night it would not be unreasonable to expect them to do this.
- 7.3.9 In any event, the location of the proposed dwelling is somewhat removed from the main farm complex and not within sight and sound of the animals.
- 7.3.10 The planning statement goes on to say that there is further concern that the cost of properties in Ely might prove prohibitive for an agricultural worker on normal farm wages. Part 5 of Policy HOU 5 states that the proposed on site dwelling should not be unusually expensive to construct in relation to the income the *enterprise* could sustain, therefore it is considered that whether a property in Ely would be prohibitive would be based on the enterprise income and not the individual workers salary.
- 7.3.11 Part four of Policy HOU 5 requires that a dwelling or building suitable for conversion within the site/holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last five years. It is considered that this part of the policy has been met.
- 7.3.12 Part five of Policy HOU 5 requires that the proposed dwelling be no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain. The dwelling proposed is a two bedroom, single storey property, which is small in scale. However, the curtilage proposed is large and a domestic curtilage of this size would not be supported.

- 7.3.13 Part six of Policy HOU 5 requires that the proposed dwelling is sensitively designed and in keeping with its surroundings and would adversely affect the setting of a heritage asset. The dwelling is considered to be of an appropriate design and of an appropriate scale, form and mass. There are no heritage assets in close proximity to the proposed dwelling. Therefore, the proposal is considered to comply with this part of the policy.
- 7.3.14 Part seven of Policy HOU 5 requires the dwelling to have satisfactory access. The Local Highway Authority have been consulted as part of the application and have raised no objections. Therefore, it is considered that this part of the policy has been met.
- 7.3.15 Part eight of Policy HOU 5 requires that the proposed dwelling is well landscaped, sited to minimise visual intrusion and in close proximity to existing buildings to meet the functional needs of the business. The proposed dwelling would be visible as the boundary treatment is an open fence but would not be highly visible from a wider view due to the vegetation present in front of the site. The dwelling is not within sight and sound of the animals and does not relate well to the farm being set a distance away from the main complex. It is considered that it is not sited to minimise visual intrusion and therefore does not meet this requirement of the policy.
- 7.3.16 It is considered that there is not an essential need for the proposed dwelling. There are two dwellings on site and therefore there is an on-site presence to deal with emergencies and security issues. Furthermore, the site is in close proximity to Ely and it is considered that an employee could live in Ely and reach the site quickly if the need arose. The proposal is therefore considered contrary to HOU 5 of the East Cambridgeshire Local Plan, 2015.
- 7.4 Visual Amenity
- 7.4.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.4.2 The proposed dwelling is situated in a field to the front of the site. The dwelling proposed is single storey and when measuring the elevations is approximately 12.8 metres in width, 5.2 metres in height and 12.7 metres in depth. It is considered that the proposed dwelling is of an appropriate scale, form and mass; the two existing dwellings at the site are both two storey. The materials proposed are brick walls and tile roof – further materials details could be secured by condition. It is considered that given the height of the proposed dwelling that it would not be highly visible from a wider view given the vegetation that is in front of it.
- 7.4.3 The dwelling does not relate well to the main farm complex; it is set approximately 20 metres from the north boundary, 11 metres from the east boundary and 24 metres from the north west boundary at its closest points. While a driveway and garden area has been shown on the plan, if the application were to be approved, the land within the red line would become residential land. The red line boundary is excessive and the curtilage proposed is unacceptable as it would result in encroachment into the countryside in the form of a large residential garden. Permitted development rights could be removed for garden buildings, however, the Local Planning Authority would have no control over domestic paraphernalia as it is not development but would result in encroachment into the countryside. Furthermore, if permitted development rights were removed, it would not be reasonable for the Local Planning Authority to refuse a domestic outbuilding and therefore the size of curtilage is further inappropriate. The access is also proposed to be approximately 45

metres from the dwelling; it is considered likely that this is due to the existence of the field access being in this location.

7.4.4 While it is considered that the design and scale of the dwelling would not result in harm to the character and appearance of the countryside, the positioning of the dwelling and the large curtilage would be considered to result in encroachment into the countryside in such a manner that would be harmful to the character and appearance of the area and is therefore considered contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.5 Residential Amenity

7.5.1 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.5.2 The proposed dwelling would have one adjacent neighbour, Hurst Lodge, which is one of the existing dwellings at the site. Hurst Lodge has windows on the side elevation facing the piece of land where the dwelling is proposed and therefore the land behind the proposed dwelling would be directly overlooked. However, given the size of curtilage proposed, it is considered that there is ample room for private amenity space which would not be overlooked by the windows. There is approximately 35 metres between the side windows and the windows in the rear elevation of the proposed dwelling.

7.5.3 It is considered that given the distances between the proposed dwelling and the neighbouring property that the proposal would not result in an overshadowing, overlooking or overbearing impact.

7.5.4 The Design Guide SPD states that building plots should be 300sqm and built form should take up no more than one third of the plot. Private amenity space of 50sqm should be provided. The plot far exceeds 300sqm and the built form takes up less than a third of the plot. The garden size shown in in excess of 50sqm.

7.5.5 The proposal is not considered to result in a significant impact to the residential amenity of neighbours or occupiers and is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.6 Highway Safety and Parking

7.6.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority have been consulted as part of the application and no comments have been received. However, on the previous application 19/01616/FUL they commented that the access to this development is off Byway 45 & 47 and therefore they would recommend that the Definitive Map Team are consulted prior to determination of the application. The proposed access has not changed as part of this application and therefore it is considered that these comments are still relevant.

7.6.2 The Definitive Map Team has no objections to the proposal, however the applicant will require consent from the County Council to provide access from the public byway. A condition has been recommended for a Public Rights of Way scheme which is considered essential in securing the necessary safeguarding of the public highway:

- 7.6.3 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The plan does not show parking however it is considered that there is ample space to the front of the dwelling for two cars to park and turn.
- 7.6.4 The proposal is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.
- 7.7 Planning Balance
- 7.7.1 The proposed additional dwelling to serve the farm enterprise is not justified as it is not essential to meet the needs of the business to have another full time worker living on site to supervise the expanding beef fattening unit and day to day running of the farm. The proposal is therefore contrary to Policy HOU 5, not only because of need but because the site is close to Ely and therefore workers could be housed nearby within a settlement. The proposal is also contrary to GROWTH 2 as it proposes a dwelling outside of the development envelope which is contrary to the criteria of HOU 5.
- 7.7.2 The proposal also conflicts with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as it proposes a large curtilage which would extend residential use into the countryside in a manner which would result in encroachment.
- 7.7.3 The proposal has previously been refused under application reference 19/01616/FUL which is a material consideration when assessing this application.
- 7.7.4 The proposal is therefore recommended for refusal.
- 8.0 APPENDICES
- 8.1 Officer Report and Decision Notice for 19/01616/FUL

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00252/FUL	Rachael Forbes Room No. 011 The Grange Ely	Rachael Forbes Planning Officer 01353 665555 rachael.forbes@eas tcams.gov.uk
03/00286/FUL		
19/01616/FUL		
76/00197/OUT		
82/00236/OUT		
82/00511/RMA		
88/00583/FUL		
88/00880/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>



OFFICER REPORT

Application Number: 19/01616/FUL

Proposal: New agricultural worker's dwelling

Location: Hurst Farm West Fen Road Ely Cambridgeshire CB6 2BZ

Applicant: AJ Lee and Sons

Agent: Landscape Land And Property Ltd

Case Officer: Rachael Forbes

The Application:

The application seeks permission for a new agricultural workers dwelling in connection with Hurst Farm. The proposal seeks a single storey dwelling on a plot of land adjacent to Hurst Farm.

Relevant Plans:

Plan Reference	Version No	Date Received
EDG/19/023 1	A	19.11.2019
EDG/19/023 2	A	19.11.2019
EDG/19/023 3	A	28.11.2019

The Site and its Environment:

The application site is located across the A10 from Ely, outside of the development envelope and therefore considered to be in the countryside. The proposed dwelling would be accessed via a Public Right of Way. The larger site comprises of two existing farm houses, farm buildings and fields.

Planning History:

03/00286/FUL	Erection of Dutch barn	Approved	28.04.2003
76/00197/OUT	ERECTION OF AN AGRICULTURAL BUILDING	Refused	13.05.1976

82/00236/OUT	ERECTION OF AN AGRICULTURAL DWELLING	Approved	16.07.1982
82/00511/RMA	ERECTION OF A DWELLING FOR AGRICULTURAL OCCUPATION	Approved	16.09.1982
88/00583/FUL	EXTENSION	Approved	01.06.1988
88/00880/FUL	EXTENSION	Approved	27.07.1988

Replies to consultations:

A site notice was displayed near the site on 6 December 2019 and a press advert was published in the Cambridge Evening News on 12 December 2019. No neighbours have been consulted on this application.

Asset Information Definitive Map Team -

Thank you for consulting us on the planning application above. Please note Public Byway No. 45, Ely forms the vehicular access.

The applicant should be aware of the presence of the public byway, its legal alignment and width.

Whilst the Definitive Map team do not have any objection to the principle of development and an additional access being made from the public byway, the applicant will require the consent of the County Council to provide access from the public byway. The County Council will need to understand and consent to the proposed access design. No alteration to the public byway's surface is permitted without our consent (it is an offence to damage the surface of a public byway under s 1 of the Criminal Damage Act 1971).

A condition has been recommended for a Public Rights of Way scheme which is considered essential in securing the necessary safeguarding of the public highway:

Local Highways Authority - 9 December 2019

The access to this development is off Byway 45 & 47 therefore I would recommend that the CCC RoW team are consulted prior to the determination of this application.

CCC Growth & Development -

No Comments Received

Waste Strategy (EADC) - 30 December 2019

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

Cambridge Ramblers Association -

No Comments Received

The Ely Group Of Internal Drainage Board - 12 December 2019

This application for development is within the Littleport and Downham Internal Drainage District.

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

Parish - 17 December 2019

The City of Ely Council has no concerns with regards to this application.

Consultee For Other Wards In Parish -

No Comments Received

Ward Councillors -

No Comments Received

The Planning Policy Context:

East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
HOU 5	Dwellings for rural workers
ENV 1	Landscape and settlement character
ENV 2	Design
COM 7	Transport impact
COM 8	Parking provision

Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations

National Planning Policy Framework 2019

2	Achieving sustainable development
5	Delivering a sufficient supply of homes
11	Making effective use of land
12	Achieving well-designed places
15	Conserving and enhancing the natural environment

Planning Comments:

The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity and highway safety and parking.

Principle of Development:

The site is located in the countryside, outside of the development envelope of Ely, where development is strictly controlled. The development of the site would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan in so far as it seeks to focus new housing development within defined settlement boundaries. As the Council cannot demonstrate a 5 year supply of housing land Policy GROWTH 2 cannot be considered up to date in so far as it relates to the supply of housing land. 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 of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. However, proposals for agricultural workers dwellings are catered for within Policy HOU 5 of the Local Plan.

National policy advises that new homes should be avoided in the countryside other than in a limited number of defined circumstances, one of which is where there is the essential need for a rural worker to live permanently at or near their place of work. Policy HOU 5 is consistent with that advice and sets out a number of criteria relevant to proposals for rural workers. In light of the above the main issue to consider in determining the application is whether there is an essential need for an additional rural worker to live on site. Critically, it must be demonstrated that the dwelling is essential to the needs of the business (i.e there is a need for one or more of the workers to be readily available at most times). There must also be no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. If these tests can be met then it must be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable and that the size of the dwelling proposed is no larger than required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income the enterprise can sustain.

Part one of Policy HOU 5 requires applicants to demonstrate that a dwelling is essential to the needs of the business. To meet this test the applicant must be able to demonstrate that it is essential for the proper functioning of the business for three workers to actually live on the site most of the time. Such a requirement might arise, for example, if workers are needed to be on hand day and night;

- In case animals or agricultural processes require essential care at short notice;
- To deal quickly with emergencies that could otherwise cause serious loss of crops, for example, by frost damage or the failure of automatic systems.

The Enterprise:

Paragraph 3.1 of the planning statement accompanying the application states that the dwelling is needed to house a full time worker employed to supervise the livestock enterprise, particularly the beef fattening unit and to help run the successful agricultural business. Paragraph 5.3 states that the scale of the operation means a qualified and experienced stockman needs to be employed full time, particularly to assist with calving but also to take over the fattening unit.

Paragraph 3.3 goes on to state '*The business has expanded significantly in the last two years to a point that the use of seasonal and part-time labour is no longer sufficient to run the business and the business relies heavily on both partners to undertake out-of-hours activities – mainly evenings, night-time, weekends and holidays – in order to feed and tend to animals as well as receive deliveries of livestock out of-hours*'.

Paragraph 3.4 sets out that the number of breeding cows has exceeded 150 cows and with winter calving this equates to one calf born daily during the November to March housing period. It goes on to say:

'As such it requires staff to work a virtual night shift pattern to anticipate and deal with night time births. The introduction of the beef fattening unit will increase labour demand and put additional strain on existing work practices such that a full time employee is essential rather than relying upon contractors and temporary/casual employment'.

The planning statement also sets out that there are security issues as the farm has suffered from theft and vandalism incidents and several major arson incidents have occurred on farms in the locality.

The planning statement states that while there are existing dwellings on site, the numbers of animals including breeding cattle is such that for animal welfare purposes and the needs of the farm, which has recently expanded, a further essential worker is needed.

The planning statement sets out that when handling cattle the HSE recommend that there are at least two people present if you have to separate an animal from the herd in the field and when handling bulls they recommend that two people are present.

Further information has been provided setting out that the unit has expanded over the course of 40 years, additional land has been purchased and a total of 17 large buildings have been erected, all associated with cattle operation. The most recent of these was erected in 2019 and will include a new specialist 'cattle race' handling system and that this race system requires two people to operate it properly. The additional information also sets out that the livestock numbers have grown over a long period of time with breeding cow numbers at 160 and six stock bulls.

The additional information further explains that during the calving and winter housing period, the cow's need virtual round the clock attention, as calving occurs on almost a daily basis. It goes on to say that most proceed without intervention and during normal night times one member of staff can cope with the routine. However, around 15% of calving's require more intensive intervention where a second and sometimes third person is needed to assist.

It goes on to say that it is the additional night time work that requires the third member of staff to be on hand should an emergency occur, which is sufficiently often that two members of staff cannot be both on call and available during the normal working day, without adequate rest periods to manage the more routine daytime activities of feeding and handling. It sets out that the applicant is now reaching an age where he finds regular night time work too difficult. However he is still able to work during the day time and be on call for emergencies but not working nights.

The additional information sets out that during more routine times the need is based around two people but with additional grassland management work, handling, transporting and storing large amounts of feed, bedding and manure, there is sufficient work for 3 full time people. It further states that work with cattle often requires two or more people in order to carry out tasks safely and efficiently, indeed the Health and Safety Executive require it particularly for handling bulls and using cattle races etc.

Analysis:

There are already two dwellings at the site and therefore there is already an on-site presence of two workers when emergency situations arise. There is also the correct number of people already present at the site for the situations set out in the paragraph above. The farm is located close to Ely and it is considered that employees could be housed in Ely and called to the site if necessary. There is also a veterinary surgery in very close proximity to the farm which caters for farm animals.

Paragraph 8.6 of the planning statement sets out that the applicants have found it difficult to recruit a permanent member of staff without being able to offer a permanent dwelling on site to allow for the routine anti-social hours. Recruitment issues are not a material planning consideration and would not give weight to the case to grant an agricultural workers dwelling.

Furthermore, the security issues would add little weight as there are security measures that could be taken and there are already two dwellings at the site and therefore there is already an onsite presence.

While it is acknowledged that there may be sufficient work for three members of staff at the site, it is considered that there is no essential need for a further agricultural worker to live at the site. There are two dwellings already at the site for agricultural occupation. Furthermore, the Local Planning Authority cannot take the personal circumstances of the applicant into account. The additional information states that a third person is *sometimes* required; should a third person be required they could be called from elsewhere.

It is concluded that in respect of the essential need for a third dwelling on this holding that it is not essential for a third worker to live on site to meet the needs of the business. A third worker can live nearby and still be called upon should an emergency arise that two workers cannot deal with.

Furthermore, the stated need for the critical presence during winter calving which only exists for five months of the year. For the rest of the year the need for an additional worker to live on site is further diminished.

The proposal therefore fails the essential needs test of the policy.

Part two of Policy HOU 5 requires that it can be demonstrated that the enterprise has been established for at least three years and is and should remain financially viable. The planning statement sets out that the farm has been in operation in excess of 30 years and accounts have been provided showing that the farm makes a profit. It is considered that this point of the policy has been met.

Part three of Policy HOU 5 requires that there is no other accommodation within the site/holding or nearby which is currently suitable and available. The site is on the edge of Ely, a main settlement within the district, with housing on the opposite side of the A10, within one minutes' drive. In respect of the accommodation being currently available, there are 4 properties for sale and 1 for rent within a three minute drive. The additional information submitted by the applicant sets out that a property in Ely would be out of 'sight and sound' of the farm and any animals in distress and that it would be too difficult and therefore unreasonable to expect a worker to come and go at night on a regular basis. While it is acknowledged that a dwelling in Ely would not be within sight and sound, it has been mentioned within the additional information that there is an on-call system. Also, if a worker was undertaking a night shift and it was within the job description to check on the animals regularly during the night it would not be unreasonable to expect them to do this.

In any event, the location of the proposed dwelling is somewhat removed from the main farm complex and not within sight and sound of the animals.

The additional information goes on to say that there is further concern that the cost of properties in Ely might prove prohibitive for an agricultural worker on normal farm wages. Part 5 of Policy HOU 5 states that the proposed on site dwelling should not be unusually expensive to construct in relation to the income the *enterprise* could sustain, therefore it is considered that whether a property in Ely would be prohibitive would be based on the enterprise income and not the individual workers salary.

Part four of Policy HOU 5 requires that a dwelling or building suitable for conversion within the site/holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last five years. It is considered that this part of the policy has been met.

Part five of Policy HOU 5 requires that the proposed dwelling be no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain. The dwelling proposed is a two bedroom, single storey

property, which is small in scale. However, the curtilage proposed is large; the site is 0.1 hectares which equates to 1,000sqm and a domestic curtilage of this size would not be supported.

Part six of Policy HOU 5 requires that the proposed dwelling is sensitively designed and in keeping with its surroundings and would adversely affect the setting of a heritage asset. The dwelling is considered to be of an appropriate design and of an appropriate scale, form and mass. There are no heritage assets in close proximity to the proposed dwelling. Therefore, the proposal is considered to comply with this part of the policy.

Part seven of Policy HOU 5 requires the dwelling to have satisfactory access. The Local Highway Authority have been consulted as part of the application and have raised no objections. Therefore, it is considered that this part of the policy has been met.

Part eight of Policy HOU 5 requires that the proposed dwelling is well landscaped, sited to minimise visual intrusion and in close proximity to existing buildings to meet the functional needs of the business. The proposed dwelling would be visible as the boundary treatment is an open fence but would not be highly visible from a wider view due to the vegetation present in front of the site. While the dwelling is in close proximity to the existing buildings, it does not relate particularly well to them as it is oddly positioned in the field; however, the proposal meets the requirements of this part of the policy.

It is considered that there is not an essential need for the proposed dwelling. There are two dwellings on site and therefore there is an on-site presence to deal with emergencies and security issues. Furthermore, the site is in close proximity to Ely and it is considered that an employee could live in Ely and reach the site quickly if the need arose. The proposal is therefore considered contrary to HOU 5 of the East Cambridgeshire Local Plan, 2015.

Visual Impact:

Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

The proposed dwelling is situated in a field to the front of the site. The dwelling proposed is single storey and when measuring the elevations is approximately 13.2 metres in width, 5.7 metres in height and 12.7 metres in depth. It is considered that the proposed dwelling is of an appropriate scale, form and mass; the two existing dwellings at the site are both two storey. The materials proposed are brick walls and tile roof – further materials details could be secured by condition. It is considered that given the height of the proposed dwelling that it would not be highly visible from a wider view given the vegetation that is in front of it.

Although the dwelling is in close proximity to the existing buildings, it does not relate particularly well to them; it is set approximately 20 metres from the north boundary, 11 metres from the east boundary and 24 metres from the north west boundary at its closest points. Furthermore, the site area is 1,000sqm and the curtilage proposed is unacceptable as it would result in encroachment into the countryside in the form of a large residential garden. While permitted development rights could be removed for garden buildings, however, the Local Planning Authority would have no control over domestic paraphernalia as it is not development but would result in encroachment into the countryside. The access is also proposed to be approximately 45 metres from the dwelling; it is considered likely that this is due to the existence of the field access being in this location.

While it is considered that the design and scale of the dwelling would not result in harm to the character and appearance of the countryside, the positioning of the dwelling and the large curtilage

would be considered to result in encroachment into the countryside in such a manner that would be harmful to the character and appearance of the area and is therefore considered contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

Residential Amenity:

Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

The proposed dwelling would have one adjacent neighbour, Hurst Lodge, which is one of the existing dwellings at the site. Hurst Lodge has windows on the side elevation facing the piece of land where the dwelling is proposed and therefore the land behind the proposed dwelling would be directly overlooked. However, given the size of curtilage proposed, it is considered that there is ample room for private amenity space which would not be overlooked by the windows. There is approximately 35 metres between the side windows and the windows in the rear elevation of the proposed dwelling.

It is considered that given the distances between the proposed dwelling and the neighbouring property that the proposal would not result in an overshadowing, overlooking or overbearing impact.

The Design Guide SPD states that building plots should be 300sqm and built form should take up no more than one third of the plot. Private amenity space of 50sqm should be provided. The plot far exceeds 300sqm and the built form takes up less than a third of the plot. The garden size shown in excess of 50sqm.

The proposal is not considered to result in a significant impact to the residential amenity of neighbours or occupiers and is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

Highway Safety and Parking:

Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority have been consulted as part of the application and have commented that the access to this development is off Byway 45 & 47 and therefore they would recommend that the Definitive Map Team are consulted prior to determination of the application. The Definitive Map Team has no objections to the proposal, however the applicant will require consent from the County Council to provide access from the public byway. A condition has been recommended for a Public Rights of Way scheme which is considered essential in securing the necessary safeguarding of the public highway:

Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The plan does not show parking however it is considered that there is ample space to the front of the dwelling for two cars to park and turn.

The proposal is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

Planning Balance:

The proposed additional dwelling to serve the farm enterprise is not justified as it is not essential to meet the needs of the business to have another full time worker living on site to supervise the beef fattening unit and day to day running of the farm. The proposal is therefore contrary to Policy HOU 5, not only because of need but because the site is close to Ely and therefore workers could be housed nearby within a settlement. Neither could the dwelling meet the aims of sustainable

development being sited on the edge of Ely where there is ample housing and would require the use of the car for the majority of journeys. It would be contrary to GROWTH 2 and COM 7 and the policies of the Framework that promote sustainable transport.

The proposal also conflicts with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as it proposes a large curtilage which would extend residential use into the countryside in a manner which would result in encroachment.

The proposal is therefore recommended for refusal.

RECOMMENDATION:

Refuse

- 1 A need for an additional permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan, 2015. The proposal does not meet the functional test as the additional dwelling is not essential to meet the needs of the business, contrary to Policy HOU 5. Furthermore, the site is in close proximity to Ely and it is considered that an agricultural worker could live close to the site as to be able to attend in an emergency situation.
- 2 The proposal is considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as the proposed dwelling does not relate well to the existing built form and the large curtilage of 1,000sqm proposed would result in encroachment into the countryside in the form of a large residential garden in such a manner that would be harmful to the character and appearance of the area by the introduction of a domestic use.

Signed: Rachael Forbes

Dated: 06/02/2020

Case Officer

PP
Planning Manager ^{B.}
6/2/2020



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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AJ Lee and Sons
C/O Landscape Land And Property Ltd
FAO Mr Sam Franklin
Village Farm
Thorncote Green
Sandy
SG19 1PU

This matter is being dealt with by:

Rachael Forbes

Telephone: 01353616300
E-mail: rachael.forbes@eastcambs.gov.uk
My Ref: 19/01616/FUL
Your ref

6th February 2020

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

The Council hereby **refuses** the following:

Proposal: New agricultural worker's dwelling
Location: Hurst Farm West Fen Road Ely Cambridgeshire CB6 2BZ
Applicant: AJ Lee and Sons

The Council hereby refuses permission for the application reference **19/01616/FUL** registered 28th November 2019.

REASONS FOR REFUSAL

1 A need for an additional permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan, 2015. The proposal does not meet the functional test as the additional dwelling is not essential to meet the needs of the business, contrary to Policy HOU 5. Furthermore, the site is in close proximity to Ely and it is considered that an agricultural worker could live close to the site as to be able to attend in an emergency situation.

2 The proposal is considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as the proposed dwelling does not relate well to the existing built form and the large curtilage of 1,000sqm proposed would result in encroachment into the countryside in the form of a large residential garden in such a manner that would be harmful to the character and appearance of the area by the introduction of a domestic use.

INFORMATIVES RELATING TO THIS APPLICATION

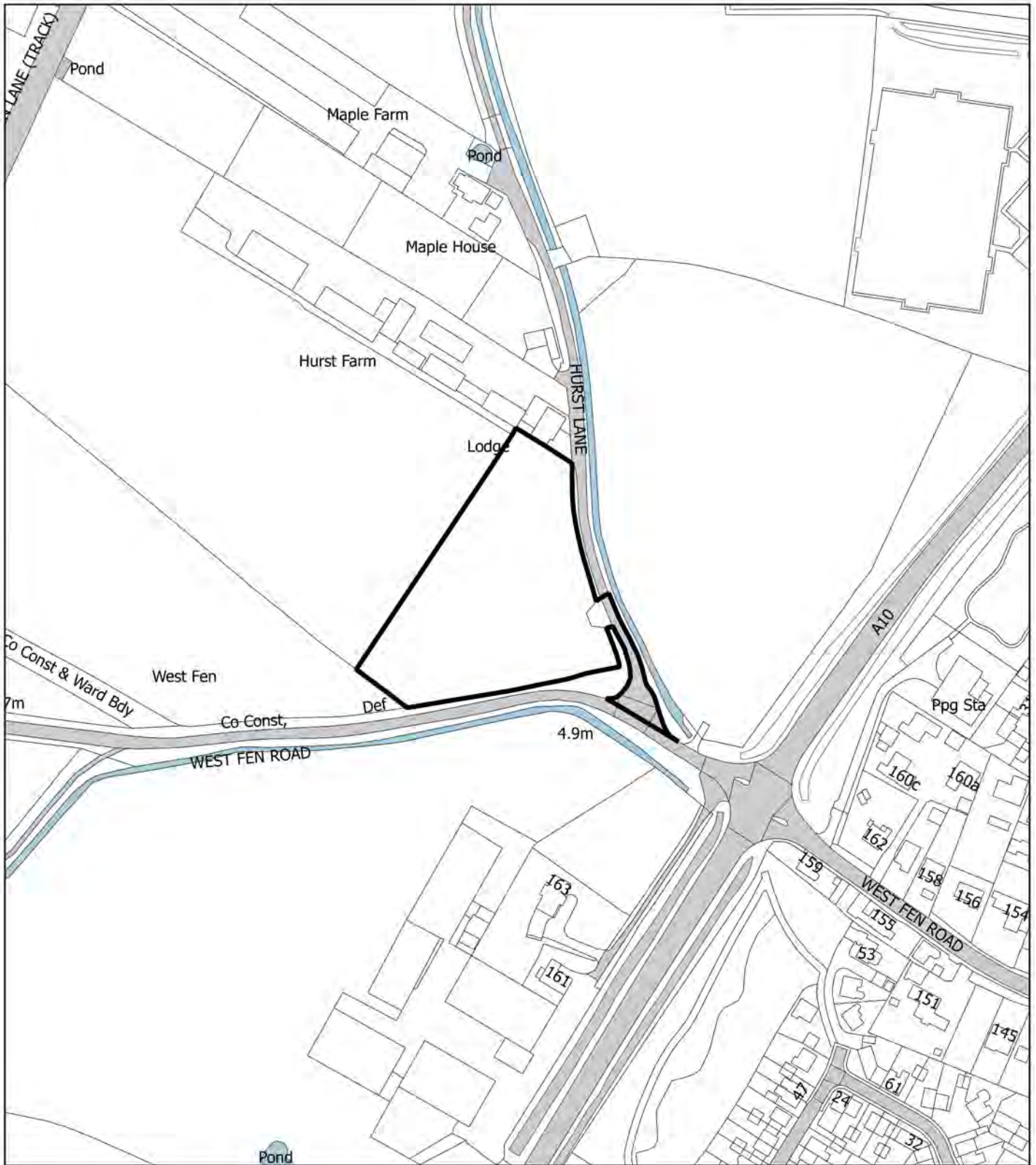
- 1 The decision to refuse this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be unsustainable and the applicant was informed of officer concerns regarding the proposal not meeting the criteria set out in Policy HOU 5. The proposal is therefore recommended for refusal.



Rebecca Saunt

Planning Manager

Dated: 6th February 2020



20/00252/FUL

Hurst Farm
West Fen Road
Ely



East Cambridgeshire
District Council

Date: 20/04/2020
Scale: 1:2,500



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