

TITLE: 24/01076/FUL

Committee: Planning Committee

Date: 2 April 2025

Author: Planning Officer

Report No: Z164

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**Site Address: Land North West Of Harlocks Farm Soham Road Stuntney
Cambridgeshire**

**Proposal: Proposed development of four tennis courts (with external lighting), fencing,
clubhouse, and associated parking, drainage, utilities and landscaping**

Applicant: One Love Tennis Community Interest Company

Parish: Ely

Ward: Ely East

Ward Councillor/s: Kathrin Holtzmann
Mary Wade

Date Received: 21 October 2024

Expiry Date: 16 December 2024

1.0 RECOMMENDATION

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

1.1.2 The proposal seeks the construction of four tennis courts outside of the development framework of Stuntney, Soham and Ely and therefore in a countryside location. Proposals for new community facilities should be located within settlement boundaries wherever possible. In exceptional circumstances facilities may be permitted in the countryside where there is a lack of suitable and available land within settlements, or where a rural location is required. The proposal has failed to demonstrate that these exceptional circumstances have been met through lack of supporting information indicating why this rural location is required. In addition, by virtue of its rural location, the proposal has failed to demonstrate that the development is sustainably located by foot and cycle. Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) provides the locational

strategy for the district and sets out that development is to be concentrated within defined settlement envelopes. It stipulates that outside development envelopes, development will only be permitted in exceptional circumstances. Policy COM 4 is one of those exceptions. The proposed development does not meet the exception as it has failed to identify a need for tennis court development in this location, resulting in unsustainable development. The proposal therefore fails to comply with Policies GROWTH 2 and COM 4 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

- 1.1.3 The proposal seeks the construction of four tennis courts outside of the development framework of Soham and Ely and therefore in a countryside location. By virtue of its siting, scale and urbanising appearance, the proposal would result in an incongruous form of development that would detract from the rural nature of the site that is exposed to open fields to the North and East. Policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan seek to protect, conserve and where possible enhance the settlement edge, having regard to local context and enrich the character, appearance and quality of an area. The introduction of a tennis courts in this location would result in an urbanising incursion of development into open countryside. The proposal would not protect conserve or enhance the character and appearance of the area, contrary to Policies ENV 1, ENV 2 and COM 4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and also the National Planning Policy Framework.
- 1.1.4 Insufficient information has been submitted in order to determine the potential impact on protected species through the development of the tennis courts, and the provision of lighting in a countryside location. Furthermore, insufficient information has been submitted in order to demonstrate that the development can achieve a net gain in biodiversity. The proposal is therefore contrary to Policy ENV 7 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023), NE.6 of the Natural Environment SPD, and the National Planning Policy Framework.
- 1.1.5 The application is being heard by committee because it was called in by Councillor Holtzmann for the following Reasons:

"I have called in the application for consideration by the committee, because in my opinion permitting the application would provide substantive benefits to the wider public.

10is club has grown an active sporting community in the district. It is well known for its excellent tuition and friendly environment, evidenced by the astounding number of emails I received in support of the application. The tennis club also provides inclusive tennis for children with disabilities and supports wheelchair tennis. To my knowledge there are no other facilities available in East Cambs with the same provision - the next clubs are in Peterborough or Papworth. Ely Tennis club, for example, only offers walking tennis.

ECDC's outdoor sports facilities strategy from 2020 already highlighted the tenuous situation of the club with regards to access to courts. After the previous application was refused, ECDC's planning department had conversations with the applicant to identify another site in the district, but it was not possible to find a suitable

alternative. ECDC's local plan has no specific policy for the development of sports facilities, which makes finding a site for development very challenging.

As a district we try and promote opportunities for young people to be active. If the planning application will be refused, the club will have to dissolve, we will lose a vibrant part of our community and make it harder for young people to access sports tuition."

2.0 SUMMARY OF APPLICATION

- 2.1 This application seeks permission for the construction of 4no. Tennis Courts, a club, parking, a new access, and associated works. A previous application dealt with under delegated powers for 4no. Tennis Courts in this location was refused in 2023. The application details are listed in the Planning History section of this committee report.
- 2.2 Officers have assessed the application against the relevant policies the adopted East Cambridgeshire District Council Local Plan 2015 (as amended 2023). Officers have also assessed the application against the reasons for refusal for 4no. Tennis Courts in this location under application reference 23/00761/FUL.
- 2.3 Officers have considered the submitted documents and drawings in detail and found that the proposed application does not overcome the previous reasons for refusal and this application has been submitted with any additional justification or evidence that warrants a substantial departure from the adopted development plan.
- 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 [Simple Search](#).

3.0 PLANNING HISTORY

23/00761/FUL

Development of four tennis courts with external lighting, fencing, clubhouse and associated parking, drainage, utilities and landscaping

Refused

5 October 2023

24/00323/FUL

Change of use of agricultural field to a dog park with fencing, double access gate and proposed footpath

Approved

11 November 2024

21/00315/AGN

Erection of a new 6 bay modular office/restroom and the relocation of the existing weighbridge and machinery store

Grant Prior Approval

24.03.2021

18/01793/FUM

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

Approved

07.05.2020

17/00832/FUL

Creation of new farm access with service roads and closure of existing farm access.

Approved

12.07.2017

16/01526/FUL

Creation of new farm access with service roads and closure of existing farm access

Refused

09.03.2017

13/00234/FUL

Demolition of derelict storage building and replacement with new farm office building.

Approved

17.06.2013

99/00278/FUL

Steel framed box onion stores with handling area

Approved

21.05.1999

4.0 THE SITE AND ITS ENVIRONMENT

The application is located to the North of Ben's Yard, accessed off the A142 Soham Road. The site would fork off the existing access road and be situated outside of the development area of Ben's Yard. To the North of a dense tree belt. East and West is open countryside.

5.0 RESPONSES FROM CONSULTEES

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

Parish - 12 November 2024

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

Ward Councillors - No Comments Received

Cambridgeshire Archaeology - No Comments Received

Local Highways Authority - 8 November 2024

Recommendation - Consider the proposals acceptable.

ECDC Trees Team - 29 January 2025

There are trees in proximity to the development area that could be impacted during the construction of the courts and parking area, as the risk is relatively minor it would be appropriate to condition that a tree protection plan.

It should also be stated that no alterations to the soil levels or its condition should occur within the root protection areas on the tree protection plan.

Waste Strategy (ECDC) - 6 November 2024

Standard Advice provided

Consultee For Other Wards In Parish - No Comments Received

The Ely Group Of Internal Drainage Board - 14 November 2024

The site is within the Middle Fen and Mere Internal Drainage District.

Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. 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.

Design Out Crime Officers - No Comments Received

East Cambs Ecologist – Comments Received for Ecology and Biodiversity

5.2 A site notice was displayed near the site in November 2024 and a press advert was published in the Cambridge Evening News on 14 November 2024.

5.3 Neighbours – 31 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Support the application
- Value of the tennis academy
- No impact to residential amenity
- Clubhouse would be in keeping with other buildings on the site
- Sense of community
- Physical and mental health benefits

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
GROWTH 3	Infrastructure requirements
EMP 2	Extensions to existing businesses in the countryside

EMP 4	Re-use and replacement of existing buildings in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

Natural Environment SPD

Climate Change SPD

6.3 National Planning Policy Framework (December 2024)

2 Achieving sustainable development

4 Decision-making

6 Building a strong competitive economy

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 **PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

7.1 Principle of Development

7.1.1 The application site is located wholly outside of the development framework of Stuntney, Ely and Soham, and therefore located in a countryside location. Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for the district and sets out that development is to be concentrated within defined settlement envelopes. It stipulates that outside development envelopes, development will only be permitted in exceptional circumstances. Policy COM 4 relates to new community facilities and is one of those exceptions.

7.1.2 Policy COM 4 states:

7.1.3 Proposals for new or improved community facilities should be located within settlement boundaries wherever possible. In exceptional circumstances facilities may be permitted in the countryside, where there is a lack of suitable and available land within settlements, or where a rural location is required. Proposals for all new or improved community facilities should:

7.1.4 Policy COM 4 states:

- Be well located and accessible to its catchment population (including by foot and cycle).
- Not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated.
- Not have a significant adverse impact on the character of the locality, or the amenity of nearby properties.
- Demonstrate that opportunities to maximise shared use have been explored; and
- Be designed to facilitate future adaptation for alternative community uses or shared use”

7.1.5 The application has been made by One Love Tennis CIC, funding the development for 10is Academy, an Ely Tennis Club and therefore would be considered a community facility. By virtue of the site’s location outside of any development framework, it needs to be considered under the exceptional circumstances. However, this criterion requires the application to demonstrate that there is a lack of suitable land within settlements or that a rural location is required. The application has failed to justify why the rural location is required for such development, particularly when it is to support an existing business that is currently operating at a site within the development envelope of Ely. It is acknowledged that this is on a rental basis, however as such use can be operational within a settlement, this rural location is not justified. As such, the proposal has failed to show compliance with this element of the proposal.

7.1.6 In addition to the failure of the exceptional circumstances, by virtue of the site’s rural location, the site is significantly removed from nearby settlements and is not well located by foot and cycle, with the average journey to the site on foot from the centre of Ely or Soham being at 52 minute and 1hr16 minute walk respectively. Users of the site will likely be reliant therefore on accessing the site via car. Whilst the village of Stuntney is close by, its population is limited, with the population recorded in the ECDC Local Plan at 170 residents during 2012. The Local Plan recognises Stuntney as being suitable for ‘infill’ development and therefore it is not envisaged that this figure has grown significantly. It is therefore reasonable to conclude that users of the site would be travelling from further afield. With this in mind, the proposal is considered to result in unsustainable development.

7.1.7 An alternative site assessment has been submitted with the application, however, Officers have significant concerns over the robustness, depth and justification that this document provides. Only 3 sites of 8 have been identified and somewhat explored with regard to viability, availability, accessibility, and achievability. The remaining 5 sites have not been assessed in any detail and according to the submitted Alternative Site Assessment available on the public planning page the

applicant and agent have no initial concerns with these sites. Furthermore, there is no evidence or justification for why these sites have not been included in a more in depth study to assess their suitability.

- 7.1.8 The alternative site assessment also documents the keys factors to inform the assessment of alternative sites on page 3. The site at Harlocks Farm has been selected for this application but has not been included an assessment of its suitability credentials, nor does it explicitly detail in the planning statement how the proposed site meets the key factors used to assess the alternative sites. Officers have significant concerns over the lack of evidence and justification for this proposed site, and that all reasonable avenues to explore alternative more suitable sites have been disregarded.
- 7.1.9 In acknowledging the letters of support, the health and wellbeing benefits of tennis courts are not disputed, and it is clear that the club has support from its members. However, this does not mean to suggest that tennis courts in this location become any more sustainable as it does not address the concerns outlined above. It is clear that a high number of members will be reliant upon car to access the courts, and the facility currently functions adequately in a settlement at present, albeit with some time restrictions.
- 7.1.10 As outlined in the relevant section below, the proposal is not considered to have a significant adverse impact to the amount nature of the traffic.
- 7.1.11 The visual merits of the proposal will be discussed in the relevant section below. However, by virtue of the rural setting there are concerns regarding the visual intrusion of the tennis courts.
- 7.1.12 Finally, the application has not explicitly defined that the proposal can be adapted for alternative uses, however it is appreciated that other sporting activities could take place on the site.
- 7.1.13 Notwithstanding, given the concerns regarding the unsustainable location and failure to meet the exceptional circumstances the proposal has not shown full compliance with Policy COM 4 and as a result would also be contrary to Policy GROWTH 2 of the ECDC Local Plan 2015.

7.2 Residential Amenity

- 7.2.1 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.2.2 The proposed tennis courts will be located well away from any neighbouring properties. Although frequency of visits to the site will increase, this will generally be removed from neighbours due to the existing Ben's Yard development that separates the site from the nearby residential properties. As such, the proposal is not considered to have a significantly detrimental impact to the residential amenity from nearby occupiers.

7.3 Character and Appearance

- 7.3.1 Policy ENV1 of the ECDC Local Plan 2015 seeks to ensure that proposals provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV 2 of the ECDC Local Plan 2015 (as amended 2023) requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.
- 7.3.2 The tennis courts would be constructed of hard surfacing, although specific materials and construction has not been specifically referenced. The total area for the proposed 4no. tennis courts stretches 73.4m (240.8ft) in length and 36.9m (121 ft) in width. The previously refused application for 4no. tennis courts had smaller dimensions of 64.5m (211 ft) in length and 36.9m (121 ft) in width.
- 7.3.3 Fencing is proposed to the boundaries of the tennis courts and a specification for the precise materials has been submitted as part of this application. However, no precise elevation drawings have been submitted to enable officers to assess the potential impacts of this part of the proposals.
- 7.3.4 Lesser hardstanding is proposed as part of the current proposals, however there is still a reasonable amount of hardstanding to facilitate the new access, proposed parking, club house, a new path spanning the length of the 4no. tennis courts, and the courts themselves. The reduction in the quantum of hardstanding from the previous application does not detract officers' concerns with the increase in the tennis courts sizes by approximately 10m (32.8 ft) in length.
- 7.3.5 The overall design and scale of the proposed clubhouse has not changed from that of the previous refused application. The clubhouse will be a prefabricated building that is brought onto the site. The front of the building would have a set of double doors and windows.
- 7.3.6 A total of 10 lights have been shown on the plans, with 5no. lights on each length of the site. There have been concerns raised by the Councils Senior Ecologist about the potential for impact upon Bats and the limited information regarding the mitigation of impacts on this protected species.
- 7.3.7 To the South of the site is an existing commercial retail development (Ben's Yard) and Harlock's Farm. To the North of the site is open countryside, views to the North comprise expansive landscape bounded with natural features such as hedges and trees. The openness to the North contributes to the Fen's distinctiveness of long views of countryside.
- 7.3.8 Much of the existing development to the South that comprises the Ben's Yard retail scheme was set amongst the existing farm. With the exception of the 'overflow car park' that is located to the West of the existing buildings, facing out towards the adjacent Soham Road. The approved Ben's Yard development is contained within the South by the access road that serves Harlock's Farm – this being the Northern most infrastructure required for that development.
- 7.3.9 The proposal would result in a significant level of hardstanding beyond the existing line of development for the Ben's Yard scheme located to the South together with

the remaining Harlock's Farm site to the South West. The tennis courts would extend beyond the already defined boundary of the site and as a result, would erode the rural landscape and urbanise an area of open countryside. The access road utilised by Harlock's Farm forms a boundary of that development. Therefore, this proposal located to the North of that road would result in physical separation from the site and reinforce the view that the proposal would result in an urbanising feature in an existing countryside setting.

7.3.10 By virtue of the siting, scale, appearance and type of development, the proposal would result in an intrusion into the open countryside and visually conflict with the surrounding area. As a result, the development would be harmful to the character and appearance of the countryside setting, contrary to the aims and objectives of Policies ENV1, ENV2 and COM4 of the Local Plan 2015 (as amended 2023) together with the NPPF.

7.4 Historic Environment

7.4.1 Whilst no comments have been received to this application, the Historic Environment Team did comment on the previous refused application for Tennis Courts in this location as follows:

7.4.2 The Historic Environment Team noted that the proposed development is with an area of archaeological potential. It is positioned to the southeast of the main historic settlement of Stuntney. The development is in a raised position or 'fen island' within a wider area of deeper fen between Ely to the northwest and Soham to the southeast. It was noted that recent Archaeological evaluations covered part of the proposed development although not all of it and did not provide any information about the area of the proposed tennis courts.

7.4.3 Whilst no information was submitted with the application regarding construction methods of the tennis courts this is something that could be secured with additional information through a condition and is unlikely to form a reason for refusal.

7.5 Highways

7.5.1 Policy COM 7 of the Local Plan states that development should be designed to reduce the need to travel and requires that development proposals provide safe and convenient access to the highway network whilst being capable of accommodating the level/type of traffic generated without detriment to the local highway network.

7.5.2 The highways Officer noted that more detailed lighting proposals would be required to ensure that the proposal would not result in a distraction for drivers. Whilst this information has not been forthcoming through the proposal, this is a matter that could be secured through condition.

7.5.3 The proposal would fall under the old use class D2 for the purposes of assessing the parking provision in line with the ECDC parking requirements. This requires 1 parking space per 22m² which would mean 63 parking spaces should be demonstrated. Applying a test of reasonableness to this requirement, it is noted that given that the courts would be part of an Academy, pre-booking of the courts would be required, and this would control the parking demand. In addition, in considering

the intensity of use of the courts, it is unlikely for more than 20 players to be on the courts at any one time. This is also not a dissimilar parking arrangement from Ely Tennis Club, which is a well-established club. Therefore, whilst this is a significant shortfall, given the proposal is located off the A142 impact to that highway is unlikely.

- 7.5.4 On the basis of the information submitted and the proposed use of the site, it is considered that the highways and parking impacts of the proposals will be acceptable in accordance with Policies EMP 4, COM 7 and COM 8 of the ECDC Local Plan 2015, and will not result in detrimental impacts upon the highway network in terms of the amount of vehicular traffic generate, or highway safety
- 7.6 Ecology
- 7.6.1 Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) sets out that all development proposals will be required to protect the biodiversity value of land and buildings and minimise harm to or loss of environmental features, such as trees.
- 7.6.2 Paragraph 180(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. The Council adopted its Natural Environment SPD on the 24th September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment but also creates new areas for wildlife to thrive.
- 7.6.3 This application is subject to Mandatory Biodiversity Net Gain, and a Metric has been submitted for consultation to fulfil this national requirement. The Councils Senior ecologist was consulted on this application and provided in depth comments over the suitability of the proposals and the submitted information. The Ecologists comments have been separated into Ecology and Biodiversity Net Gain for ease of assessment and comments of support or concern.
- 7.6.4 The applicant has been through pre-application after the first application for tennis courts at this location was refused. Upon submission of information to this application the Statutory Main Metric was completed by an ecologist. The East Cambridgeshire District Council Senior Ecologist agrees with the Baseline habitats as set out within the metric, which is the legal minimum requirement of applicants. However, there are issues with post development habitats as these have not been completed fully within the metric. This could be conditioned.
- 7.6.5 The East Cambridgeshire District Council Ecologist also determined that there was a likely biodiversity net loss of over 72% onsite. No onsite gains can be secured on the site successfully for 30 years as the sites proposed lease period is less than the

mandatory period. Therefore 10% net gain can only be achieved by purchasing all necessary units off site as part of the pre-commencement BNG condition. This would allow the proposals to meet the trading standard and become acceptable within the mitigation hierarchy.

- 7.6.6 As mentioned above, the comments regarding ecology have been assessed separately from the BNG, concentrating on designated sites and protected species. The East Cambridgeshire District Council Ecologist has stated that although the red line boundary has been moved away from the wooded area, it is not far enough away to not cause disturbance to potential protected species such as badgers and bats.
- 7.6.7 There is a potential for badgers on the site, however, they were not surveyed as part of the application process. Badgers could be within 30m of the proposal, which would require mitigation measure or licences to move the animals in site. This could be condition as a pre-commencement condition, as these are a mobile species.
- 7.6.8 There are also significant concerns over lighting and the effect they may have on bats either potentially living within the woodland area or using the woodland area adjacent. Their presence cannot be ruled out at this stage as there is no information or surveys provided regarding bats.
- 7.6.9 Bats are protected under the wildlife and countryside act 1981 and the conservation of habitats and species regulations 2010. Precautionary approaches mean the council should assume a suitable habitat will be used by bats in the absence of evidence. The potential effects of flood lighting on bats could disturb these protected species or make the nearby area unsuitable for bat roosting.
- 7.6.10 There is no evidence provided to show that the lighting required for the tennis courts to function for people, would be suitable for the bats or other nocturnal animals living in this area or vice versa. As such the Current lighting schemes and information do not follow ILP 2023 guidance, there is no information about the suitability of lighting timings, locations, directions, or any measures to reduce or avoid impacts on the area provided for review at this stage.
- 7.6.11 Furthermore, there have been no biodiversity enhancements submitted for protected species that meet the requirements of the National Planning Policy Framework.
- 7.6.12 It is therefore considered that the proposals are in significant discordance with Policy ENV 7 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023), NE.6 of the Natural Environment SPD, and the National Planning Policy Framework.

7.7 Flood Risk and Drainage

- 7.7.1 The site is located within Flood Zone 1 although it is noted that Flood zone 3 is located just North of the site. A significant amount of hard surfacing would be required when considering the existing agricultural field.

- 7.7.2 Drainage is proposed to be dealt with via Soakaways. The Internal Drainage Board have no concerns with this arrangement providing that if soakaways are found to be unsuitable for this development site, that the board must be re-consulted on the matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.
- 7.7.3 On this basis, the proposed development is considered acceptable in terms of its susceptibility to and impact on flood risk and surface water drainage in the area, in accordance with policy ENV 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7.8 Other Material Matters
- 7.8.1 The Council's Climate Change SPD supports the application of Policy ENV4 and sets out further guidance in the application of the policy. Whilst no comments have been received in acknowledgement of these policies, the lack of information would not warrant a reason for refusal of the application given the scale of the proposal.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED, and it is considered that the recommendation set out below would not undermine the objectives of the duty.

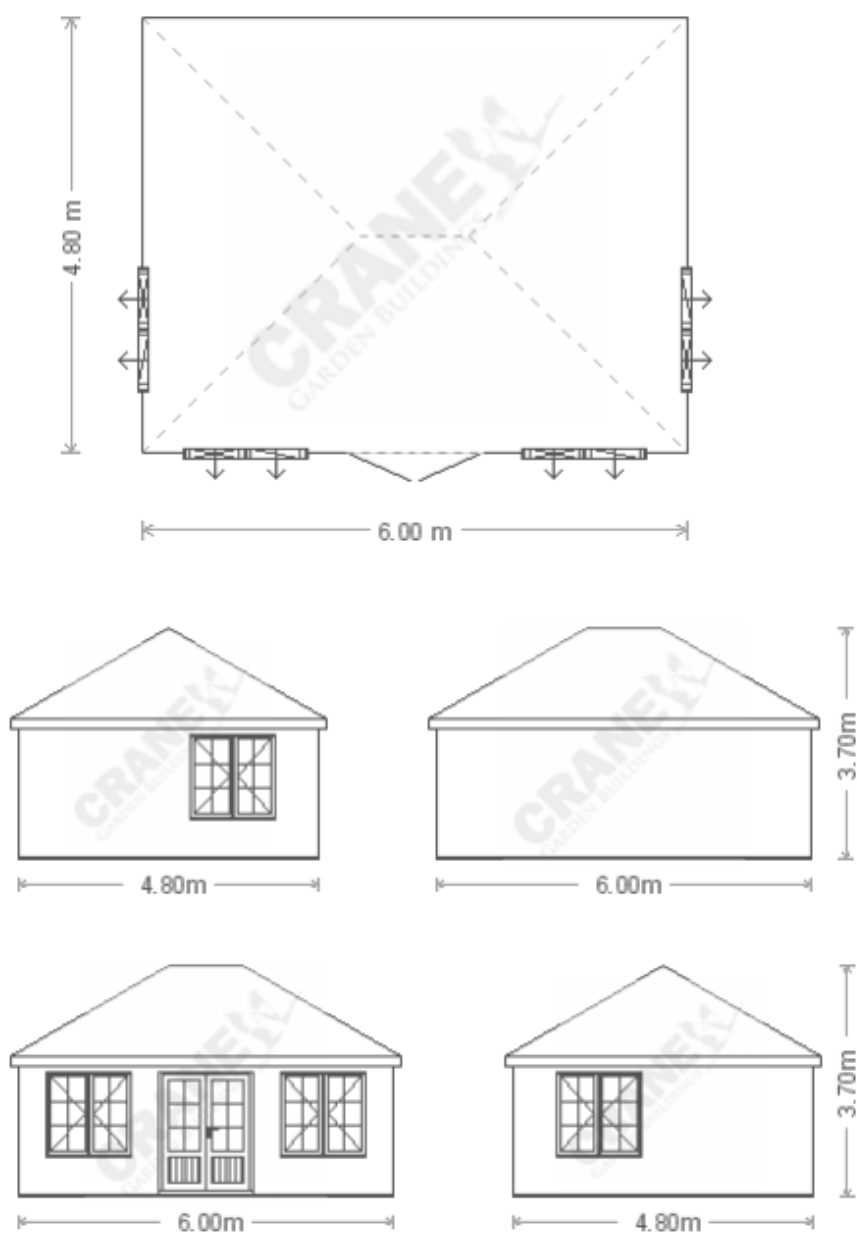
- 7.9 Planning Balance
- 7.9.1 The proposal would introduce 4no. tennis courts within the district which would attract some social and economic benefits through short-term employment through the construction and the new community facility, albeit this would be modest given the quantum of the development. This carries moderate positive weight. However, the proposal would result in a development which lies outside the development

envelope and consequently located in the countryside. It has not been demonstrated that the proposal requires a countryside location, nor that it is required to meet an essential local need. It is therefore concluded that the proposal is in an unsustainable location and therefore its community benefits are limited. In addition, the proposal would result in significant adverse impacts to the character and appearance of the countryside setting and the proposal has failed to demonstrate a biodiversity net gain. Furthermore, insufficient information has been submitted to determine the impact on protected species. It is therefore concluded that the scheme does not accord with the development plan when taken as a whole and having considered the benefits of the scheme against the disbenefits, that there are no material considerations that indicate a departure from the development plan is warranted in this instance.

PLANS

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.

Floorplan & Elevations





Proposed Site Plan
1:200