



# East Cambridgeshire District Council

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## Meeting: Planning Committee

Time: 2:00 pm

Date: Wednesday 2<sup>nd</sup> April 2025

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

Enquiries regarding this agenda: Patrick Adams

Telephone: (01353) 616298

Email: [patrick.adams@eastcambs.gov.uk](mailto:patrick.adams@eastcambs.gov.uk)

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## Committee membership

**Quorum:** 5 members

### Conservative members

Cllr Christine Ambrose Smith  
Cllr David Brown (Vice-Chair)  
Cllr Lavinia Edwards  
Cllr Martin Goodearl  
Cllr Bill Hunt (Chair)  
Cllr Alan Sharp

### Conservative substitutes

Cllr Keith Horgan  
Cllr Julia Huffer  
Cllr Lucius Vellacott

### Liberal Democrat and Independent members

Cllr Chika Akinwale  
Cllr James Lay  
Cllr John Trapp  
Cllr Ross Trent  
Cllr Christine Whelan  
Cllr Gareth Wilson (Lead Member)

### Liberal Democrat and Independent substitutes

Cllr Christine Colbert  
Cllr Lorna Dupré  
Cllr Mary Wade

**Lead Officer:** David Morren, Strategic Planning and DM I Manager

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**10:45:** Planning Committee members meet at The Grange reception for site visit.

## AGENDA

### 1. Apologies and substitutions

[oral]

- 2. Declarations of interests** **[oral]**  
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.
- 3. Minutes** **Page 5**  
To confirm as a correct record the minutes of the meeting of the Planning Committee held on 5 March 2025.
- 4. Chair’s announcements** **[oral]**
- 5. 24/01250/ADN** **Page 11**  
Erection of an Advertising Board  
Location: Land at Church Way, Little Downham  
Applicant: Little Downham Parish Council  
Public access link: [24/01250/ADN | Advertising Board | Land At Church Way Little Downham Cambridgeshire CB6 2UJ](#)
- 6. 21/00396/FUM** **Page 23**  
Redevelopment of Corkers Crisp/Taylor Farms complex  
Location: Willow Farm, Pymoor Common, Pymoor  
Applicant: Corkers Crisp Ltd  
Public access link: [21/00396/FUM | Redevelopment of Corkers Crisp/Taylor Farms complex | Willow Farm Pymoor Common Pymoor Ely Cambridgeshire CB6 2WA](#)
- 7. 24/01076/FUL** **Page 59**  
Development of four tennis courts, with clubhouse, lighting and parking  
Location: Harlocks Farm, Stuntney  
Applicant: One Love Tennis Community Interest Company  
Public access link: [24/01076/FUL | Proposed development of four tennis courts \(with external lighting\), fencing, clubhouse, and associated parking, drainage, utilities and landscaping | Land North West Of Harlocks Farm Soham Road Stuntney Cambridgeshire](#)
- 8. Planning performance report – February 2025** **Page 79**
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## Notes

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several [free public car parks close by](https://www.eastcamb.gov.uk/parking/car-parks-ely) (https://www.eastcamb.gov.uk/parking/car-parks-ely). The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout

constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

The livestream of this meeting will be available on [the committee meeting’s webpage](https://www.eastcambs.gov.uk/node/1416) (<https://www.eastcambs.gov.uk/node/1416>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee) (<https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee [democratic.services@eastcambs.gov.uk](mailto:democratic.services@eastcambs.gov.uk), to **register by 10am on Tuesday 1<sup>st</sup> April**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
  - Objectors
  - Applicant/agent or supporters
  - Local Ward Councillor
  - Parish/Town Council
  - County Councillors
  - National/Statutory Bodies
3. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:
  - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
  - the fire assembly point is in the front staff car park by the exit barrier
  - the building has an auto-call system to the fire services so there is no need for anyone to call the fire services
  - the Committee Officer will sweep the area to ensure that everyone is out
5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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





# East Cambridgeshire District Council

## **Minutes of a Meeting of the Planning Committee**

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on  
Wednesday 5 March 2025

### **Present:**

Cllr Christine Ambrose Smith  
Cllr David Brown (Vice Chair)  
Cllr Martin Goodearl  
Cllr Keith Horgan  
Cllr Bill Hunt (Chair)  
Cllr James Lay  
Cllr John Trapp  
Cllr Ross Trent  
Cllr Gareth Wilson

### **Officers:**

Patrick Adams – Senior Democratic Services Officer  
Maggie Camp – Director Legal  
Rachael Forbes – Planning Officer  
Rachel Gordon – Planning Team Leader  
David Morren – Strategic Planning and Development Management Manager  
Charlotte Sage – Planning Officer

### **In attendance:**

Phillip Kratz - Agent

One other member of the public

ECDC Comms

## **68. Apologies and substitutions**

Apologies for absence were received from Cllr Chika Akinwale, Cllr Lavinia Edwards and Cllr Christine Whelan.

Cllr Keith Horgan was attending as a substitute for Cllr Edwards.

## **69. Declarations of interest**

None

## **70. Minutes**

The Minutes of the meetings held on 15<sup>th</sup> January 2025 and 5<sup>th</sup> February 2025 were both agreed as a correct record.

## **71. Chair's announcements**

There were no Chair's announcements.

## **72. 24/01242/FUL – 12 Swaffham Road, Burwell, Cambridgeshire**

Rachel Forbes, Planning Officer, presented a report (Z140, previously circulated) recommending refusal for the erection of a three bedroom detached bungalow and associated works at 12 Swaffham Road, Burwell.

David Morren, Strategic Planning and Development Management Manager, reported that plans had been submitted to him from the applicant during the morning's site visit. These plans had been received on the day of the meeting, they had not been seen by any of the consultees, nor any of the planning officers. Following consulting with the Director Legal the decision had been taken not to share these plans with the Committee. In the opinion of the Strategic Planning and Development Management Manager, these plans added little to the debate in any case.

The Planning Officer provided an overview of the proposal and showed associated photographs and site plans. She explained that whilst the application was within the development envelope, officers considered the application to be harmful to the character and appearance of the area, which was contrary to Policy Growth 2. The proposed development was also contrary to the linear characteristic of buildings on Swaffham Road and would result in overdevelopment, contrary to policies ENV1, ENV2 and HOU2 of the East Cambridgeshire Local Plan. The area had detached homes with large gardens with no backland development.

The Planning Officer explained that planning law considered that there should be consistency and have good reason when deciding to depart from previous decisions. An application for two dwellings had been refused at this site for the above reasons by the Committee in November 2024. Similar applications had also been refused in 2019 and 2023 for 58 Swaffham Road.

The Planning Officer concluded that by reducing the number of dwellings from two to one, the application did not overcome the previous reasons given for refusal.

The Chair invited Mr Phillip Kratz, agent for the applicant, to address the Committee.

"Most members of the Committee were here in November when this proposal site was up before last time and I'm going to start with the last point raised by your officer which was that all of the other material consideration, highway

safety, residential amenities, ecology, drainage and everything else are all acceptable and so it is not the details it is the principle that we are talking about. Last time I was here I started off with a history lesson on how, from 1980 onwards, the presumptions against backland development, really tandem development, were taken into account as policies evolved and if you do a word search on your current Local Plan you will not find the word backland it. I know because I did this 22 minutes ago. Likewise in your design guide, we got onto that at the last committee meeting and your officer read from page 28 of the design guide and it does have a paragraph on backland development, over the page on page 29 it gave the following rationale: 'there can be no presumption that large executive houses in extensive curtilage should be able to sub divide the garden into smaller plots. It is important to retain a stock of housing that can accommodate the growth aspirations of Ely and the larger settlements in East Cambridgeshire, where there will be a continued demand for 'executive' style dwellings.' For those of you who saw the site, I do not think that you need to worry unnecessarily that the character of the host dwelling at number 12 Swaffham Road will be adversely affected by the proposed development that an executive would be put off from buying it. What this is, is a single, modest dwelling

would not be adversely affected by the proposed development, which was a single modest home that would have little effect on the surrounding area. Most of Swaffham Road had ribbon development and a few doors down from number 12, there was some backland development. The plans showed that some bungalows already existed that would be in line with the proposed dwelling, in fact on the lefthand side the buildings came further forward. What was proposed was another modest, affordable dwelling into the housing stock of the district. It causes no overlooking, whilst access and parking was satisfactory. The Council's policies stated that significant adverse impact was required for an application to be refused and that was not the case. The application had been unanimously supported by Burwell Parish Council.

The Chair invited Members to ask questions to the agent Phillip Kratz.

Cllr Keith Horgan asked what pre-planning advice had been sought from the Council. Mr Kratz replied that no advice had been requested, as the application had been refused in November for the reason of over development and the applicant felt that this concern had been met by reducing the number of dwellings from two to one.

Cllr John Trapp suggested that the new application did not address the reasons for refusal given at November's Committee meeting. Mr Kratz explained that there was nothing the applicant could do to address the issue of backland development except reduce the number of dwellings.

Cllr Keith Horgan stated that the reasons for refusing the previous application in November included being contrary to the prevailing linear character of the current residential development. He asked whether the current application had addressed this or if that was impossible to achieve. Mr Kratz explained that the previous application was for a pair of semi-detached dwellings in line

with current properties. The current application was for a single detached dwelling in line with current properties.

The Chair invited questions for the officers. In response to Cllr James Lay, officers confirmed that the buildings in the garden of property number 16 were not part of the original design. Cllr Keith Horgan stated that number 12 was the break point of the line of houses, with subsequent properties in a different line. He asked if officers were aware of a similar situation arising in previous applications. The Strategic Planning and Development Management Manager reported that he was not aware this.

The Chair invited debate.

Cllr Christine Ambrose Smith stated that she had visited Burwell the previous afternoon and she considered that a bungalow to the rear of the existing property would barely be seen from the street. She did not consider the harm to the character and appearance of the area to be sufficient to refuse the application. Councillor James Lay agreed with Cllr Ambrose Smith.

Cllr John Trapp proposed and Cllr Keith Horgan seconded the recommendation in the report. A vote was taken and

It was resolved with 7 votes in favour, 2 votes against and 0 abstentions:

That planning application ref 24/01242/FUL be **Refused**, for the reasons stated in the report.

### **73. Planning performance reports – January 2025**

David Morren, Strategic Planning and Development Management Manager, presented a report (Z141, previously circulated) summarising the performance of the Planning Department in January 2025. He stated that officers were working on the suggestion made by Cllr Keith Horgan at February's Committee meeting to include the number of applications that remained undetermined after six months and after a year in the report.

The Strategic Planning and Development Management Manager explained that from May, the Committee would be receiving quarterly updates on enforcement action. These may have to be considered in private session.

It was resolved unanimously:

That the Planning Performance Report for January 2025 be noted.

The meeting concluded at 4:40 pm.



Chair.....

Date.....

DRAFT



**24/01250/ADN**

Church Way  
Little Downham  
Cambridgeshire  
CB6 2UJ

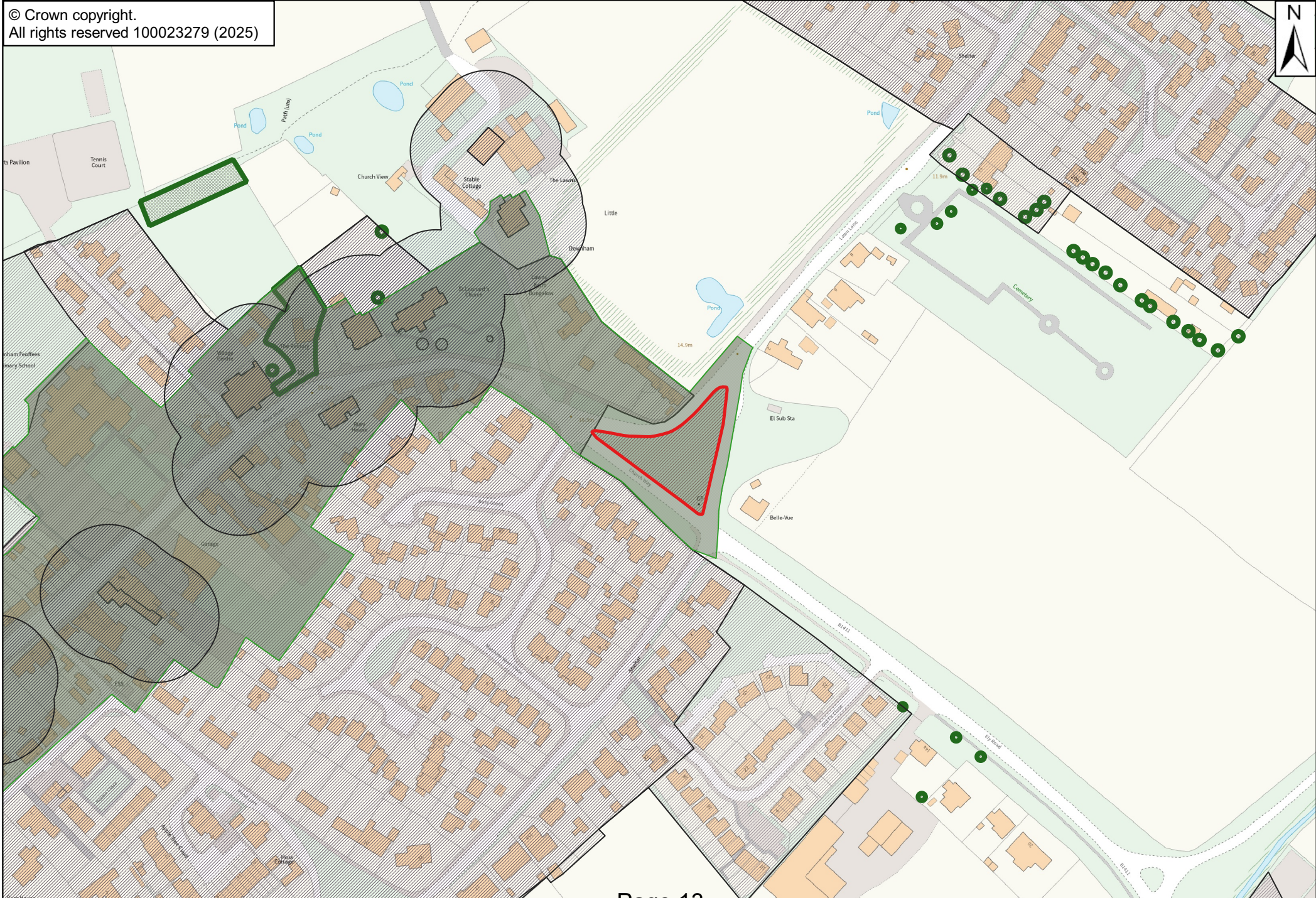
Erection of an advertising board

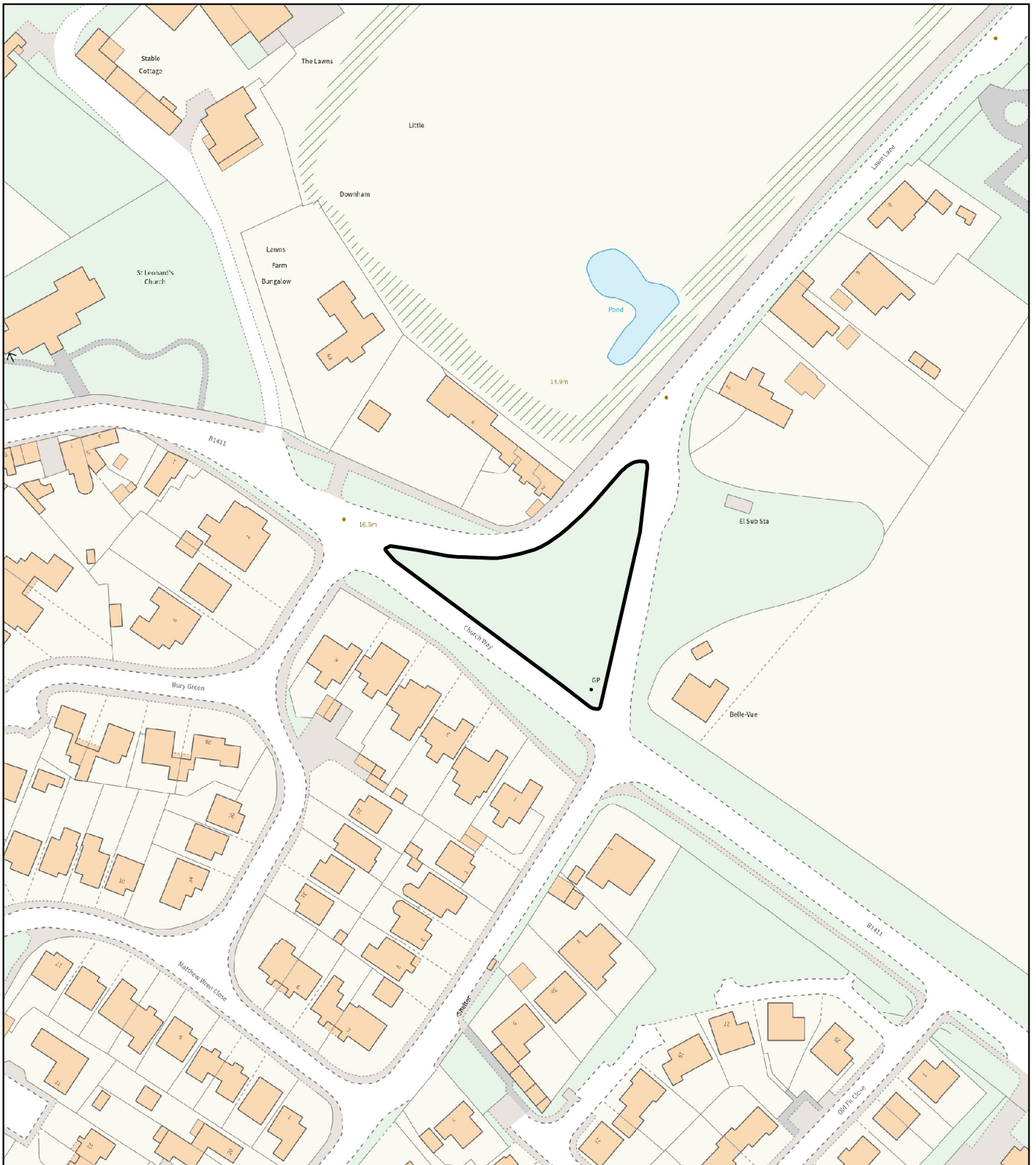
To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SNPI1TGGH2000>









24/01250/ADN

Land At  
Church Way  
Little Downham



East Cambridgeshire  
District Council

Date: 19/03/2025  
Scale: 1:1,500



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**TITLE: 24/01250/ADN**

Committee: Planning Committee

Date: 2 April 2025

Author: Planning Officer

Report No: Z162

Contact Officer: Cassy Paterson, Planning Officer  
Cassy.Paterson@eastcambs.gov.uk  
01353 616250  
Room No 011 The Grange Ely

**Site Address: Land At Church Way Little Downham Cambridgeshire CB6 2UJ**

**Proposal: Advertising Board**

**Applicant: Little Downham Parish Council**

**Parish: Little Downham**

**Ward: Downham**

Ward Councillor/s: Anna Bailey

**Date Received: 8 January 2025**

**Expiry Date: 5 March 2025**

**1.0 RECOMMENDATION**

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

The development, by virtue of its scale, location and design, would fail to visually protect, preserve or enhance the wider streetscene and Conservation Area. The proposal would form a prominent mass of development which would be to detriment of the open and rural nature of the junction at Church Way. The proposal is therefore, considered to be contrary to policies ENV1, ENV2 and ENV 11 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the National Planning Policy Framework.

1.2 The application is being heard by committee at the request of Councillor Anna Bailey.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks the erection of an advertisement board that would consist of two panels, each measuring 1830mm(6ft) by 915mm (3ft) with an overall height of 1830mm (6ft). The sign would have two frontages that organisations could use to pin advertising to. The proposed materials would be metal and wood.
- 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 [Simple Search](#).

## **3.0 PLANNING HISTORY**

- 3.1 No relevant planning history.

## **4.0 THE SITE AND ITS ENVIRONMENT**

The application site is located outside the development envelope of Little Downham and comprises an open area of grassland that forms part of an island between Church Way and Lawn Lane. There are several trees on the site protected by the Conservation area, as well as the village sign and a bench within the centre of the island. The application site is situated within the defined Conservation Area, and the road sign to the south corner is nominated for the Local register of buildings and structures.

## **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** - No Comments Received

**Ward Councillors** - No Comments Received

**Local Highways Authority** - 29 January 2025

- On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.
- The information included as part of this application does not appear to materially impact the public highway.

**Conservation Officer** - 31 January 2025

- Objects to the application
- Located within Conservation area.
- The Village sign and the rare C20 Isle of Ely County Council road sign on the green are under consideration through the current Cambridgeshire Local Heritage List Project for inclusion in the ECDC local list.



- It is unclear what purpose this sign will serve: it is of a scale more of a hoarding than a notice board.
- It is also implausible that two panels measuring 1830mm x 915mm will be demountable as they are too large to manhandle and there is no storage on site.
- The NPPF states that 'the quality and character of places can suffer when advertisements are poorly sited and designed'
- This is a critical location in townscape terms, already occupied by two complimentary signs of heritage interest.

5.2 A site notice was displayed near the site on 19<sup>th</sup> February 2025, and a press advert was published in the Cambridge Evening News on 30 January 2025.

5.3 Neighbours – Thirteen neighbouring properties were notified, and no responses were received.

## 6.0 **THE PLANNING POLICY CONTEXT**

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

ENV 1 Landscape and settlement character  
 ENV 2 Design  
 ENV 11 Conservation Areas  
 COM 7 Transport Impact

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework (December 2024)

12 Achieving well-designed places  
 16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

6.5 Other

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6.6

## 7.0 **PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

### 7.1 **Principle of Development**

7.2 [Regulation 3](#) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account

the provisions of the development plan, in so far as they are material, and any other relevant factors. As this is within the Conservation Area, the heritage impact should also be assessed.

**7.3 Visual Amenity & Heritage Impacts**

- 7.4 Policy ENV 1 of the Local Plan 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.
- 7.5 Policy ENV 2 of the Local Plan requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.
- 7.6 Paragraphs 131 to 135 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.
- 7.7 Policy ENV11 states that development proposals, within, or affecting a Conservation Area should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.8 The proposal seeks to erect an advertisement board that will be constructed of wood and metal, which will be painted black and used by local village businesses to advertise events. A simple mock-up has been submitted, which lacks details of what the finished advertisement board would look like, considering its position within a conservation area. No details have been provided to confirm how the board would be positioned and oriented within its surrounding context.
- 7.9 The Conservation Officer was consulted on the application and concluded that the advertisement board would be of the scale of a hoarding board rather than a notice board for village events. The boards would be of an excessive scale and would be too large to dismantle and store when they are not needed on-site, which would lead to a permanent structure in this location.
- 7.10 Paragraph 141 of the NPPF sets out that ‘The quality and character of places can suffer when advertisements are poorly sited and designed.’ The advertisement board would be situated roughly to the south of the existing bench and village sign on a prominent and open piece of land as you enter the village of Little Downham. Based on the limited information regarding the design and positioning of the board, it would have a dominant and disruptive presence within the open and rural character of this junction.
- 7.11 It would, therefore, be considered that the excessive scale, in conjunction with the poor design would introduce new development that would be to the detriment of the open, rural setting that has historic value, and the advertisement board would fail to meet the objectives of policies ENV 2 and ENV 11 of the Local Plan that seeks to protect, preserve and enhance the character and appearance of the streetscene and the Conservation area.

**7.12 Highways**

7.13 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 (as amended 2023) states that development proposals shall provide safe and convenient access to the highway network.

7.14 The advertisement board is located on a triangle island between three roads, known as Church Way, which is a B-classified road, and Lawn Lane, which is a C-classified road. The Local Highways Authority (LHA) has been consulted and concluded that they have no objections to the proposed development as the application does not appear to materially impact the public highway.

7.15 It is therefore considered that the erection of an advertisement board would be acceptable with respect to highway safety in accordance with policy COM 7 of the East Cambridgeshire Local Plan 2025 (as amended 2023).

**7.16 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.

**7.17 Planning Balance**

7.18 The application site is located outside of the development envelope of Little Downham

7.19 The application is considered acceptable from a highway perspective.

7.20 However, the proposed advertising board would by virtue of its scale, location and design fail to visually protect, preserve or enhance the streetscene or conservation area. The proposal would form a prominent mass of development, which would be to the detriment of the open and rural nature of this part of the village.

7.21 The proposal is therefore considered to be contrary to policies ENV1, ENV2 and ENV 11 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the National Planning Policy Framework.

## 8.0 APPENDICES

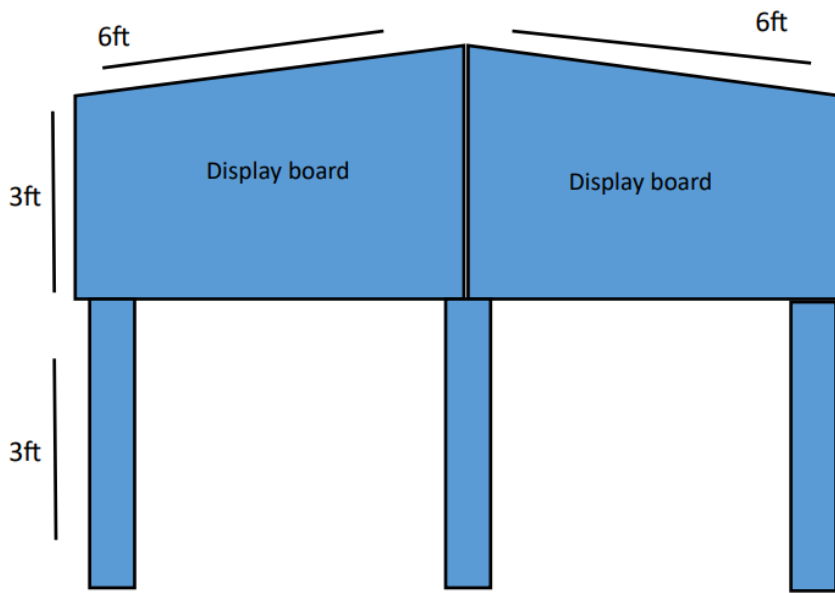
### PLANS

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.

#### Site Block Plan



#### Advertisement board Design



Size of the board will be:

6ft by 3ft

Will stand 3ft off the ground

Material will be metal and wood.

Board for organisations to pin advertising

Legs made from 50x50 mm steel

All painted black to blend in with the green

Can be removable when not being used



**21/00396/FUM**

Willow Farm  
Pymoor Common  
Pymoor  
CB6 2WA

Redevelopment of Corkers Crisp/Taylor Farms Complex

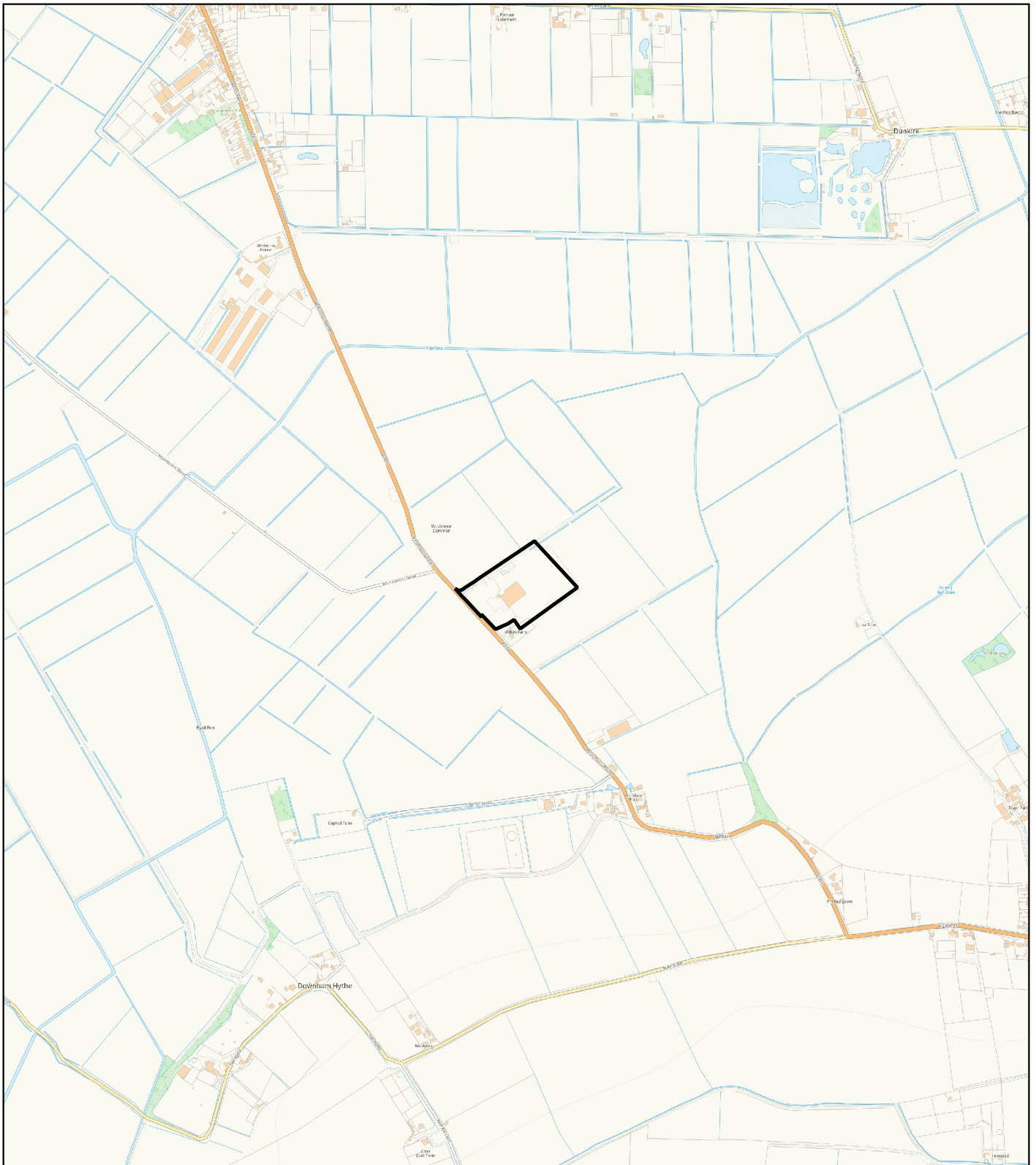
To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QPT9VYGGGHL00>









21/00396/FUM

Willow Farm  
Pymoor Common  
Pymoor

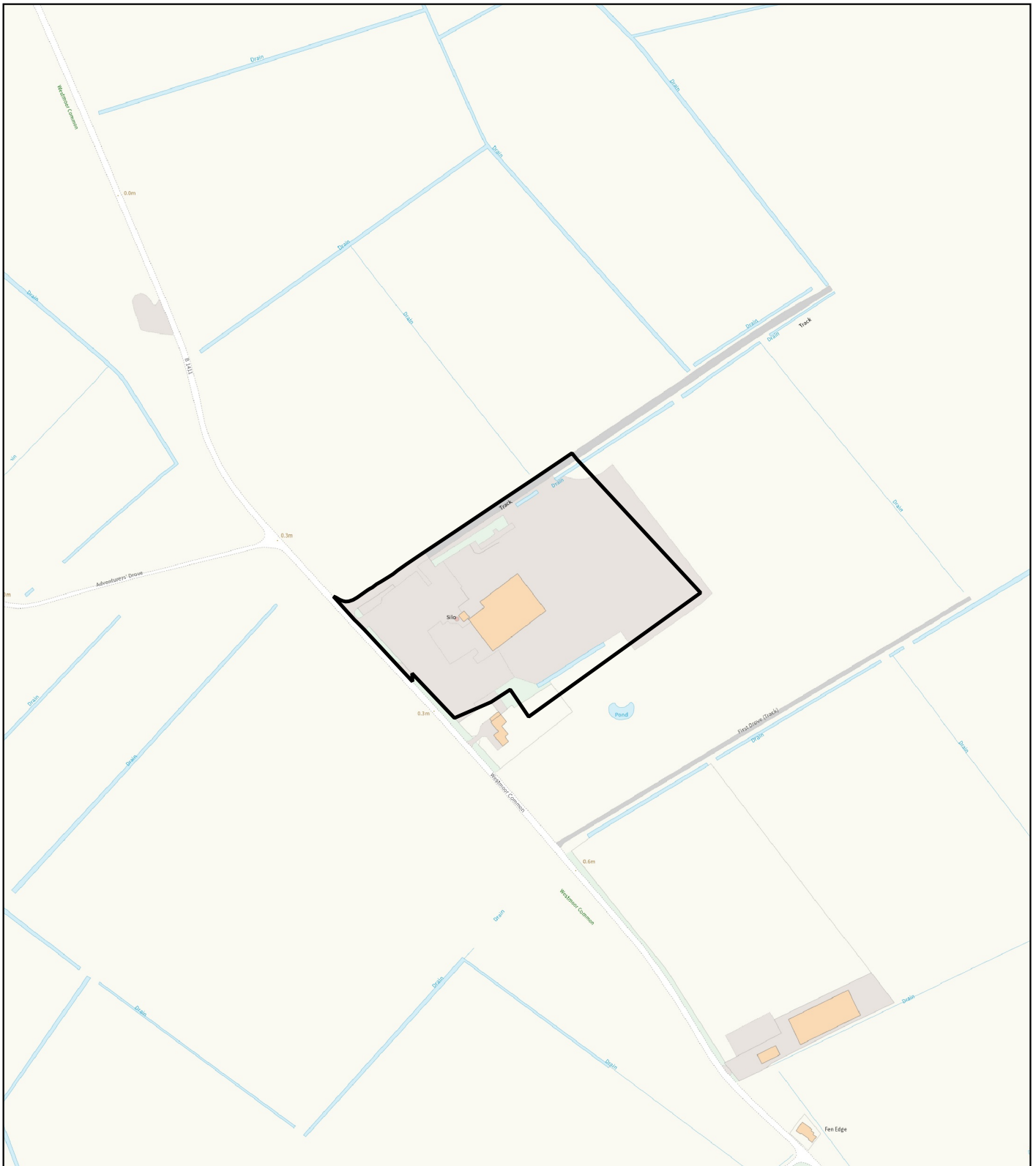


East Cambridgeshire  
District Council

Date: 19/03/2025  
Scale: 1:15,000



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21/00396/FUM

Willow Farm  
Pymoor Common  
Pymoor



East Cambridgeshire  
District Council

Date: 19/03/2025  
Scale: 1:5,000



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**TITLE: 21/00396/FUM**

Committee: Planning Committee

Date:

Author: Interim Team Leader

Report No: Z163

Contact Officer: Rachel Gordon, Planning Contractor  
Rachel.Gordon@eastcambs.gov.uk  
01353 616359  
Room No 011 The Grange Ely

**Site Address: Willow Farm Pymoor Common Pymoor Ely Cambridgeshire CB6 2WA**

**Proposal: Redevelopment of Corkers Crisp/Taylor Farms complex**

**Applicant: Corkers Crisp Ltd**

**Parish: Little Downham**

**Ward: Downham**

Ward Councillor/s: Anna Bailey

**Date Received: 20 September 2021**

**Expiry Date: 20 December 2021**

**1.0 RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the conditions set out in Appendix 1

1.2 The application is being presented to Planning Committee in accordance with the Council's Constitution as it comprises a full application for major employment use (major is defined as where the floor space created is 1,000 square metres or more).

**2.0 SUMMARY OF APPLICATION**

2.1 The application seeks the redevelopment of the Corkers Crisp/Taylor Farm complex following a fire in 2020.

2.2 The replacement development would be to maintain the use as a crisp factory but with an improved layout. An office building would be situated at the front of the site and would be a key focal point near the parking area.

2.3 The proposal will also include the erection of industrial buildings. One connected to the only remaining building that survived the fire of 2020 and a new production building to the southeast of these.

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**

3.1 There are numerous planning applications relating to the site from 1987. The most recent is listed below:

12/00759/FUL - (Retrospective) Change of use from an agricultural storage use to a B2 (general industrial) use. Application withdrawn 16/10/12

12/00957/FUL - Change of use of agricultural building for diversification into crisp manufacturing. Permission granted 30/01/13

14/00785/AGN – Portal Frame General Purpose Barn. Refused 04/08/14

14/00911/AGN - Portal Frame General Purpose Barn. Not required 02/09/14

15/00132/FUL – To erect agricultural general purpose store connecting to existing and previously approved 14/00911/AGN building in production. Permission granted 02/06/15

16/00259/FUL – Agricultural lean-to extensions to building approved 15/00132/FUL. Permission granted 12/05/16

18/00625/FUL - Lean to loading facility attached to existing agricultural building - for agricultural use. (Retrospective). Permission granted 04/07/18

### **THE SITE AND ITS ENVIRONMENT**

4.1 The site is approximately 4.2ha/10.3acres. The site is located outside of the defined development envelope for Little Downham and Pymoor.

4.2 The site is within flat open countryside and situated within Flood Zone 3.

4.3 The existing factory bar one building was destroyed in a fire in 2020. The remaining building is a large green metal clad industrial type building and is situated approximately central in the site.

4.4 A two-storey dwelling is situated to the side of the site and is within the ownership of the applicants.

4.5 The site is bounded by agricultural land to the north-west, north-east and south-east, and by Westmoor Common Road to the south-west. The site is situated in fenland in an area dominated by intensive arable agriculture.

## **4.0 RESPONSES FROM CONSULTEES**

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

### **Cambridgeshire Fire And Rescue Service - 3 November 2021**

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.

### **Environmental Health – 10 October 2024**

Thank you for reconsulting us on the above application with regard to: Noise Impact Assessment

I have read the revised NIA (last amended on the 1<sup>st</sup> July 2024) which does consider the new items of plant proposed adjacent to the Frozen Storage Area. These new items of plant do not change the findings or recommendations contained in the previous NIA so my comments made on the 29<sup>th</sup> October 2021 remain unchanged.

### **Design Out Crime Officers - 20 March 2024**

Thank you for the opportunity to comment on the amendments to this planning application, having viewed the documents, I have the following comments.

Point 3, the positioning of the CCTV appears to be acceptable, I note there is a camera covering the cycle storage as requested.

Point 4. Bike store. This design appears to be acceptable; please could you clarify how this will be accessed, this should be on an access control system (fob or keypad) for staff use only or as a minimum fitted with a solid secure padlock.

Point 5. Site plan and entrance, the redesigned formal layout of the staff/visitor car park, appears to be acceptable, covered by CCTV and well lit.

I am supportive of this application.

### **Parish - 17 May 2024**

Support

### **Environment Agency - 12 July 2024**

We have no further comments related to this additional information. Recommends a condition for foul and surface water and for the development to be in accordance with the mitigation in the flood risk assessment.

### **Lead Local Flood Authority – 18 March 2025**

No objections. Requests a condition for detailed design of the surface water drainage and measures for surface water run off.

### **The Ely Group of Internal Drainage Board – 3 February 2025**

The proposed discharge, although attenuated, remains as being 191/s for the 1 in 100yr event + 40% climate change. This is below the existing brown field discharge rate, and therefore although greater than the IDB greenfield rate of 1.1.1/s/ha should be able to be accommodated by the IDB system as a result.

**Cambs Wildlife Trust - 11 August 2022**

I am not sure if you are aware, but due to our limited commission with ECDC, we don't provide comments on every application, only those where there are significant potential ecological impacts or contentious views expressed about ecological impacts. This application is likely to have been one below the threshold for us to comment, unless there are specific reasons to do so, such as concerns that an ecological report submitted was not wholly accurate, or that no ecological report has been submitted where it may be justified. We won't therefore be providing a comment unless there is a specific reason or concern.

**Natural England - 16 August 2024**

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.

**Local Highways Authority - 28 March 2024**

The applicant has demonstrated on the drawings 22548-01-1 b and 22548-01-2 b that the full extent of the necessary inter-vehicular visibility splays are within the highway boundary, the application boundary, or adjacent land owned by the applicant (blue line). This is acceptable and together which changes to the HGV access shown on the drawing 200954/137 C resolves my outstanding comments. On this basis, I have no objection to the proposed development.

Recommend conditions with regards to on-site parking, loading and turning, visibility splays and adequate drainage measures for hardstanding.

Requires an informative for works in the public highway.

**Royal Society for the Protection of Bird - 16 July 2024**

The RSPB has no further comments to make regarding the above planning application. Requests conditions for construction to avoid the main swan wintering period and lighting to be in accordance with the Outdoor Lighting Assessment Report.

**County Highways Transport Team - 19 March 2024**

Given the proposals comprise the reconstruction of the existing use, will not result in an increase in staff, and will operate the same as that existing, trip generation for the site is not expected to change following the delivery of the proposals. Taking into consideration the existing staff shift patterns, it is anticipated that all staff-related development trips and staff changeover periods will fall outside of the network peak periods.

All HGVs will travel to/from the south along the B1411, to the A10 as existing. From here, vehicles are anticipated to split north and south along the A10.

Therefore, upon careful review of the additional information submitted, the application as submitted is not expected to have any significant impact to capacity on the surrounding highway network. Therefore, CCC Transport Assessment Team have no objections to the proposals.

**East Cambs Ecologist – 4 October 2024**

From the information provided the Senior Ecologist supports this application. The missing ditch will be provided by a covered SUDs which will be environmentally safer than the open ditch where chemicals were being discharged and meets pre-mandatory BNG rules as this is ecologically a better outcome.

Conditions recommended:

- Landscape Environmental Management Plan.
- CEMP including mitigation for the migratory swans.
- Sensitive lighting in line with ILP 2023 guidance.
- Biodiversity enhancement condition.

**ECDC Trees Team - 1 October 2024**

The submitted soft landscaping scheme (12162-FPCR-XX-XX-DR-L-0001 P02) is acceptable as it utilizes a good mix of native and ornamental species of trees, shrubs and hedging plants suitably located according to their characteristics to enable their long-term retention and aid the integration of the site into the surrounding landscape. All that is required to make it suitable for conditioning is a specification for the methodology of planting

It would also be expected for a site of this size that a maintenance scheme for the soft landscaping would be provided but this could be provided via the following condition if required.

**Wetlands Wildlife Trust – 3<sup>rd</sup> May 2024**

Looking at the plans for lightning the corkers compound I don't see any adverse effects on the Ouse washes SPA features through the measures you have adopted.

**Minerals And Waste Development Control Team -**

No Comments Received

**Ward Councillors -**

No Comments Received

**CCC Growth & Development -**

No Comments Received

**Team Manager Health In All Policies (Public Health) -**

No Comments Received

**Public Health England -**

No Comments Received

**Enforcement Section -**

No Comments Received

**Waste Strategy (ECDC) -**

## No Comments Received

- 5.2 A site notice was displayed near the site on 14 October 2021 and a press advert was published in the Cambridge Evening News on 30 September 2021.
- 5.3 No neighbours were notified but responses were received from 18 properties and are summarised below. A full copy of the responses are available on the Council's website.

### Neutral

- New Corkers factory is great news.
- Would like to propose a 20mph through Little Downham.
- Speed lights would be a benefit also.

### Support

- Look forward to the building of a new factory with state of the art equipment.
- Local economy will thrive, less traffic, more fuel economy, close at hand market for farmers.
- The factory will bring more local jobs to both Pymoor and Little Downham
- Carbon footprint for making the crisps will be quite low as the potatoes are locally grown.
- My home is 400ft from the factory and never had a problem with the noise, traffic or smell.

### Object

- Concerns regarding emissions both due to the smell and their potential impact on air quality.
- Concern over the number of lorry movements.
- Impact on the landscape quality and views over the flat fenland.
- Gradual fading cladding is not believed to work in this location as the building is so large and out of context.
- Unlikely the cycle parking will be used given the lack of cycle facilities.
- Does not appear to be any facilities for electric vehicles.
- The application is for a much larger building than the one that existed before, plus 92 additional car parking spaces, implies that a much bigger operation is intended on this site than the crisp manufacture that took place before. This will mean even higher levels of large vehicles through Little Downham with significant impact on noise, vibration, air quality, walking and cycling.
- Light pollution.
- Factory of this size is not appropriate.
- Affect on the Conservation Area.
- Impact on the character of the area.
- Drainage issues.
- Pollution.
- Loss of privacy.
- Biodiversity, most notably swans and geese/SSSI Ouse Washes.
- Fire Hazard.
- Hours of opening.
- Concerns about existing unlawful use at the site.
- Concern over the frozen storage area.
- Concerns with the details provided in the Transport Statement.



- Contrary to policy.
- Impact on residential amenity.
- Flood Risk.
- Highway Safety.

## **6.0 THE PLANNING POLICY CONTEXT**

### 6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1: Levels of housing, employment and retail growth  
 GROWTH 2: Locational strategy  
 GROWTH 5: Presumption in favour of sustainable development  
 ENV 1: Landscape and settlement character  
 ENV 2: Design  
 ENV 4: Energy and water efficiency and renewable energy in construction  
 ENV 7: Biodiversity and geology  
 ENV 8: Flood risk  
 ENV 9: Pollution  
 COM 7: Transport Impact  
 COM 8: Parking Provision  
 EMP1: Retention of existing employment sites and allocations  
 EMP2: Extensions to existing businesses in the countryside

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework (December 2024)

2 Achieving sustainable development  
 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

### 6.4 Planning Practice Guidance

## **7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

7.1 A full Environmental Impact Assessment Screening Opinion has been undertaken which concluded that an Environmental Statement is not required.

- 7.2 The main planning considerations relevant to the determination of this application relate to:
- Principle of development
  - Residential amenity
  - Design and Visual Amenity
  - Highways
  - Ecology
  - Flood Risk and Drainage
- 7.3 *Principle of Development*
- 7.4 Policy GROWTH2 of the Local Plan provides the locational strategy for the district and seeks for development to be concentrated within the defined settlement boundaries. Outside these areas and subject to other policies in the plan, development will be strictly controlled having regard to the need to protect the countryside and the setting of towns and villages. The proposal is located outside the defined development boundary. However, the policy allows for certain exceptions providing no adverse impacts occur to the character of the countryside and that other Local Plan policies are satisfied.
- 7.5 Employment is a priority for the District Council. Future economic growth in the district can only be successfully delivered if there is sufficient land in the right locations for these uses.
- 7.6 Existing employment sites play an important role in this process and retaining existing employment sites is key to underpinning future economic growth.
- 7.7 NPPF chapter 6 is building a strong, competitive economy. Paragraph 85 requires planning policies and decisions help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.
- 7.8 Policy EMP1 seeks to retain land or premises currently or last used for employment purposes.
- 7.9 The proposal is for the redevelopment of Corkers Crisp/Taylor Farms complex following a fire.
- 7.10 The fire, which happened in June 2020 completely damaged the buildings situated to the front of the site and devastated the business which employed 120 people (100 full time, 20 part time). The business uses traditional methods to hand cook its crisps, which have won multiple awards and is a very well-known brand. The family has run the Fenland business for over six generations. The facility also supported the farm which supplies the business with potato crops which are unique in the taste given to the crisp product. This is due to the black peaty soil, rich in nutrients giving the potato's a unique oaky taste and making the location essential for the business where growing, cooking and packaging all takes place on site.

- 7.11 All of the buildings on site except for one were destroyed or demolished following the fire. Planning consent was approved prior to the fire to extend the premises.
- 7.12 The redevelopment includes the erection of a new office block within the south west corner, a new vegetable storage to the north and a new production unit to the east.
- 7.13 The site will run as it did before the fire took place and shall be returned to use as crisp factory and distribution. The redevelopment of the site will alter the layout of the site to allow for more efficient operations and reduce the transport in and out of the site. By having two structured buildings this will allow for lower external activity during the day as there will be less transfer of products and goods between buildings.
- 7.14 The inclusion of the frozen storage area will prevent the need for product coming off the local fields, being washed and stored and then transported to a third-party cold store.
- 7.15 The existing buildings prior to the fire damage provided 7098sqm (76402ft<sup>2</sup>) including the existing unit that was not damaged by the fire. This was also subject to a planning consent (18/00625/FUL) which has since expired but allowed the expansion of the site to 8101sqm (87198ft<sup>2</sup>).
- 7.16 The proposed footprint, including the separate office will be 8799sqm (94712ft<sup>2</sup>) which includes the existing building on site. This is approximately an 8.6% increase.
- 7.17 Policy EMP2 of the local plan encourages business growth. The policy notes that in many cases this will involve the expansion or intensification within an existing site, rather than relocation and that many of these sites will be in the open countryside. The policy notes that wherever possible, the Council will aim to assist businesses in their proposals to extend on site providing the proposal is in sale with the location, particularly in relation to the amount and nature of the traffic generated.
- 7.18 It is noted that concerns have been raised from objectors regarding the amount of development. However, it is considered that an 8.6% increase of previously approved floor space would be acceptable and supported in principle by local plan policy EMP2 and the provisions of the NPPF.
- 7.19 The development will reinstate the 120 jobs lost by the fire. This is a significant economic benefit of the site.
- 7.20 The proposal to redevelop an existing employment site is considered to be acceptable in principle and would be in accordance with policies EMP1 and EMP2 of the local plan and the economic principles of the NPPF.
- 7.21 *Residential Amenity*
- 7.22 Policy ENV2 states that all new development proposals, including new buildings and structures and extensions and alterations to existing buildings and structures will be expected to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.23 Corkers Crisp, as per its previous operation, will be a 24 hour 7 days a week facility.

- 7.24 The application has been supported with a noise impact assessment. The assessment carried out assumes a worst-case scenario.
- 7.25 The report concludes that the area is mixed industrial/agricultural uses with relatively few (distant) residential units, more than 400m from the site. The only residential use within close proximity is Willow Farm itself and is in the ownership of the applicant. The existing background and residual levels are low and the receptor locations will receive sound level contributions from a wide range of sources at the receptor location, including the proposed installation when it recommences operation. Calculated levels of potential noise from the application site would indicate that the distant receptors will receive no significant perceptible sound.
- 7.26 The loudest proposed activities are deliveries, and the use of external operational plant, predictions indicate that these will not be audible except at night, where they will be clearly audible at Willow Farm, but likely inaudible at other receptors. Willow Farm will require a 3m acoustic barrier to ensure that incident vehicle movements are mitigated to an acceptable level.
- 7.27 The redevelopment of the site with updated modern buildings, revised production layouts, new plant and equipment, and local barriers, will further reduce potential impacts
- 7.28 Noise from the site will be audible outside in the garden areas for Willow Farm, probably as muffled thumps and occasional clangs, and dull hums in between road traffic events using the B1411. Some distant reversing beepers may be just noticeable. This would be consistent with pre-existing noise, and, in planning terms, the outcome is considered to be 'noticeable but not intrusive' overall for Willow Farm. All other locations are likely unlikely to perceive the activities on site, and the outcome is considered to be 'not noticeable' in planning terms.
- 7.29 No external forklift truck activity has been considered at night. If forklifts are in use after 23.00hrs there may be potential for these to be audible at Willow Farm but it is unlikely that their activities will impact other receptors. The likely outcome of use of forklifts is considered to be 'noticeable but not intrusive' overall for Willow Farm. All other locations are likely unlikely to perceive the activities on site, and the outcome is considered to be 'not noticeable' in planning terms.
- 7.30 Other mitigation for the site is as follows:
- The new buildings should be constructed to provide a minimum sound reduction (Rw) of 35 dB.
  - The access doors in the building should (as a minimum) be fitted with rapid closing vinyl shutters, closed at all times except to allow vehicle movements that provide a minimum sound reduction (RW) of 10dB. Ideally doors that are not used routinely should be more robust acoustic roller shutter doors with a minimum sound reduction (Rw) of 20dB.
- 7.31 In context the site should have a lower overall impact than the previous operations and has been positively demonstrated to meet all the relevant standards.

- 7.32 Environmental Health have been consulted on the application and recommend conditions for a specific rated noise level along with the mitigation contained within the Noise Impact Assessment. They also recommend restricting construction and delivery times during the construction and demolition phase and a condition relating to piling. These conditions are listed in appendix 1.
- 7.33 Environmental Health have suggested a condition for the hours of opening. However, the site is to be run 24/7. The previous permission 12/00957/FUL did not restrict the hours of use, and it would be unreasonable to do so within this application. The Noise Impact Assessment has confirmed that noise is to be mitigated and would not represent a detrimental impact on sensitive receptors subject to this mitigation.
- 7.34 The application has also been supported by an Odour Impact Assessment.
- 7.35 This concludes that the proposed development will have the same production capacity as the previous factory and include a dedicated odour abatement system. This will reduce its potential for odour emissions, and therefore the significance of the odour impact is assessed as negligible.
- 7.36 Based on this assessment, there will be no impact on residential amenity.
- 7.37 It should be noted that the ability of individuals to perceive odour, and their attitude to it, varies widely. Based on the assumptions used in the odour assessment, the odour likely to be perceived off the site falls below the criteria used in the guidance to establish the risk of nuisance, and the risk of an adverse odour impact is considered acceptably low. This does not mean that the odour would not be perceived off the site, but that it does not appear likely to be perceptible at levels which could constitute nuisance.
- 7.38 Environmental Health would like to see full details of the odour abatement system along with its maintenance prior to the first operation of the development. A condition will be added to this effect.
- 7.39 The Environmental Permitting Regime exists to streamline the legislative system for industrial and waste installations into a single permitting structure for those activities which have the potential to cause harm to human health or the environment.
- 7.40 The relevant Process Guidance Note for this proposed activity is 6/27 (05) - Guidance for Vegetable Matter Drying Processes. The Guidance Note advises -  
*“the Government considers (in accordance with the legislation) amounts to appropriate conditions for controlling air emissions for the generality of processes in this particular industry sector”*
- 7.41 And that such a permit will be required when -
- 7.42 *“(1) Processing if it may result in the release into water of any substance listed in paragraph 13 of Part 2 of Schedule 1 of the Pollution Prevention and Control (England and Wales) Regulations 2000 SI 1973 in a quantity which, in any period of*

*12 months, is greater than the background quantity by more than the amount specified in relation to the substance in that paragraph, or  
(2) treating and processing of materials intended for the production of food products from vegetable raw materials at plant with a finished product production capacity of more than 300 tonnes per day.”*

- 7.43 The first point would be a consideration for the Environment Agency.
- 7.44 With regard to the second point, as the Odour Technical Note highlights, the proposed new operation will be beneath any production threshold requiring an Environmental Permit. By legal definition, this means that the operation is not regarded as having the potential for significant environmental impacts, including for odour emissions. If at any point the factory does expand or equipment is upgraded so that there is a finished product production capacity of more than 300 tonnes per day then the site will be subject to the permitting regime.
- 7.45 The Environment Agency have been consulted and have not raised any concerns.
- 7.46 Concerns have been raised with regards to the loss of privacy. However, it is not considered that the proposal would have any impact on privacy. The closest residential property is Willow Farm at just over 50m (165ft) away. Beyond that the next closest residential property is over 500m away. The separation is therefore acceptable and the proposal would not amount to the loss of privacy.
- 7.47 It is considered that subject to conditions the proposal would be in accordance with policy ENV2 of the East Cambridgeshire Local Plan.
- 7.48 *Design and Visual Amenity*
- 7.49 Policy ENV2 states that all development will be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.
- 7.50 Policy ENV1 states that proposals for development should be informed by, be sympathetic to, and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines (CLG).
- 7.51 The site sits within the Fenland Character Area defined in the Cambridgeshire Landscape Guidelines document.
- 7.52 Fenland is a landscape of contrasts and variety. Superimposed upon the regimented and highly organised drainage patterns is a much more haphazard pattern of settlement and tree cover. It is a large open landscape and although appearing monotonous, it is in fact characterised by continuous change as the visual characteristics of one fen merge into the next. The open landscape provides distant views where the scattering of clumps and individual trees merge together to produce a feeling of a more densely tree-covered horizon
- 7.53 The CLG advises that when designing new industrial buildings, consideration should be given to siting, massing, form and colour and the impact this will have on the

wider landscape. If this is achieved satisfactorily then planting and other landscape works will enhance a good scheme.

- 7.54 The fens are large open landscapes. Their present character is a result of the interrelation between the regimented pattern of drains and roads and the more scattered elements of trees and settlements. In many areas the essential character is the open view of land, sky and the field drains. Any landscape proposal must suit the massive scale of the landscape and be in keeping with the local character of the particular area.
- 7.55 The site whilst industrial was previously agriculture and the CLG states that around agricultural buildings and farmsteads: modern farm operations, require large, industrially scaled buildings. The scale of the fen landscape can enable these to become an acceptable element in distant views. Careful siting and choice of colour cladding is important. Attempts at screening need to be equally bold to succeed. However, it is not necessary to surround buildings with trees.
- 7.56 Concern has been raised with regards to the size of the proposal and its impact on the landscape.
- 7.57 Corkers Crisp factory prior to the fire was a permanent feature in the landscape. Imagery programs show that there was very minimal planting and landscaping previously.
- 7.58 The proposed factory buildings have been designed to be in-keeping with the existing building on site and are proposed to be the same height (13m/43ft). The proposal also represents an 8.5% increase on floorspace of the existing buildings (including an expired approved application). It is not considered that this increase would be detrimental.
- 7.59 The proposed factory buildings are to be clad in modern materials and this is suggested to be blue fading. However, final material details will be conditioned.
- 7.60 Blue fading can work for longer range views. However, upon close range views fading can appear stark and contrast. A condition for the materials will allow for further consideration of the most appropriate cladding.
- 7.61 The factory buildings are to be located further into the site than the previous factory which reduces their impact on the immediate vicinity.
- 7.62 The office building is proposed at two storeys (7.6m/25ft in height) and is positioned to the front of the site. This building will act as the entrance building and is also situated next to the car park.
- 7.63 The proposed layout allows for landscaping at the front of the site, then a landscaping buffer between the carpark and the factory buildings. The landscaping proposal also details tree planting and hedgerows around the site.
- 7.64 ECDC Trees Team have been consulted on the proposal and state that the submitted landscaping scheme is acceptable. It utilises a good mix of native and ornamental species of trees, shrubs and hedging plants suitably located according to their

characteristics to enable their long-term retention and aid the integration of the site into the surrounding landscape.

- 7.65 A methodology of planting and a maintenance scheme would be required, and these can be conditioned.
- 7.66 The proposed landscaping is a significant improvement to the existing site and will reduce the impact of the buildings and help incorporate them into the setting.
- 7.67 Concern has been raised from an objector with regards to the impact on Little Downham Conservation Area.
- 7.68 The site is a significant distance from the conservation area (1.6km). It is not considered that the proposal would have any impact on the conservation area or its setting.
- 7.69 Of importance to the scheme is lighting and how this will impact the landscape. Objections have received with concern over how the site will be luminated.
- 7.70 A lighting report with a lighting strategy has been submitted with the application and all lighting is to be provided in accordance with British Standards and Guidance Notes for the Reduction of Obtrusive Light (GN01:2021).
- 7.71 In accordance with the standards and guidance the proposed lighting plan will ensure that the lighting levels provided are suitable for operational purposes, whilst ensuring the environmental surrounds are suitably mitigated against, in accordance with the guidance. Luminaires will distribute light downwards only to reduce the potential for light spill onto the boundaries surrounding the building and upwards towards the sky. Luminaires will be focused inwards within the site to prevent any backlight from being emitted from the rear of the luminaires.
- 7.72 It is proposed that the external lighting around the car park shall be installed on 6m columns using neutral white LED luminaires, post top horizontally mounted at 0° tilt facing downwards. This minimizes any sky glow or potential light spill.
- 7.73 The LED luminaires have integral optic designed to prevent back light and this helps minimizes light spill, ensuring light is only projected onto the car park surface and pedestrian walkways and limits light spill, whilst ensuring the roads are lit to the required BS 12464 lighting classification for light traffic car parks.
- 7.74 It is proposed that the external lighting around the site loading and storage areas shall be installed on 8m columns and various mounting heights on the building facades using neutral white LED luminaires, horizontally mounted at 0° tilt facing downwards. This minimizes any sky glow or potential light spill.
- 7.75 The lighting strategy and assessment outlines the lighting design criteria for the lighting design of the proposed new buildings outdoor lighting design, to ensure that the lighting is fit for purpose whilst maintaining sensitivity towards the environment. This is achieved through compliance with relevant British Standards and lighting industry guidance.



- 7.76 Compliance with the lighting strategy will allow a safe and sensitive level of light for the movement of pedestrians / drivers at night, whilst reducing the potential for obtrusive light and limiting this to a negligible level and in compliance with ILP GN01:2021.
- 7.77 A condition will be attached to ensure that the development is carried out in accordance with the lighting strategy submitted.
- 7.78 Environmental Health have also requested that any further lighting be prevented without approval from the LPA. This condition will be added to the permission.
- 7.79 Environmental Health have suggested seeking to attach hours of use for the external lighting. However, the site is operational 24/7 and therefore this restriction would not be appropriate. The lighting scheme does account for the hours of darkness.
- 7.80 It is considered, subject to conditions, that the proposal would be in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan.
- 7.81 *Highways*
- 7.82 The transport impact of development is a key planning issue which needs to be fully assessed in order to ensure that development proposals are safe, well connected and do not damage residential amenity.
- 7.83 The NPPF supports the need to avoid adverse impacts through development and to mitigate them where they occur.
- 7.84 Policy COM7 details the criteria for transport impacts and requires that development proposals provide safe and convenient access to the highway network.
- 7.85 The site is accessed off Westmoor Common. Westmoor Common is a single carriageway road which measures approximately 5.5m/18ft in width. It is subject to the national speed limit of 60mph. The road changes classification to the B1411 High Road approximately 500m west of Little Downham.
- 7.86 The access of the site and buildings will be as existing.
- 7.87 A Transport Statement has been submitted with the application.
- 7.88 This concludes that there aren't any existing safety issues that would need to be mitigated as part of the development proposals.
- 7.89 Traffic generation is not expected to change from the generation of the previous site. The scheme will generate an average of around 18 HGV movements per week, or 3 per day.
- 7.90 Concerns have been raised with regards to the levels of traffic and HGV movements. However, 3 movements a day is not considered unreasonable.

- 7.91 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.92 The impacts on the highway are not considered severe.
- 7.93 The Local Highways Authority and Cambridgeshire County Council have been consulted on the application and have no objections subject to conditions for the proposed on-site parking, loading and turning areas, visibility splays and adequate drainage measures to prevent surface water run-off.
- 7.94 The proposal, subject to conditions, is considered to be in accordance with policy COM7 of the East Cambridgeshire Local Plan and the provisions of the NPPF.
- 7.95 *Ecology*
- 7.96 The site is within close proximity to the Ouse Washes and the SSSI Impact Zone. The site also sits within the Goose and Swan Impact Risk Zone.
- 7.97 Policy ENV7 states that all development proposals will be required to:
- Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
  - 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 development proposals.
- 7.98 The proposal has included information to inform a Habitats Regulations Assessment (IHRA) and an Ecological Appraisal.
- 7.99 This IHRA reviews the potential effects of the redevelopment on The Ouse Washes Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Site of Special Scientific Interest (SSSI). The site has been identified as within the Goose & Swan Impact Risk Zone (IRZ)<sup>1</sup> for the Ouse Washes SPA and wintering swan survey data undertaken by RSPB/WWT and held by the BTO show wintering swans have used fields within 300m of the Site in the past.
- 7.100 The IHRA has been undertaken to inform East Cambridgeshire District Council (ECDC) in their duty as a responsible authority in undertaking a Habitats Regulations Assessment on European Designated Sites within their Local Authority Area. The assessment has been prepared as a site-specific assessment of the development proposals and it should be read in conjunction with the wider Habitat Regulation Assessment (HRA) prepared for the ECDC Adopted Local Plan, as required under the Conservation of Habitats and Species Regulation 2017 (as amended). The assessment also includes a review of the potential of the Site to contribute to in-combination effects with other schemes in the Adopted Local Plan where relevant.

- 7.101 The IHRA have assessed that a number of ecological pathways have the potential to lead to a likely significant effect on The Ouse Washes. The site in isolation will not have a likely significant impact on any potential ecological pathways and therefore will not contribute to any in combination impacts from the East Cambridgeshire Local Plan.
- 7.102 The IHRA concludes that the site is unlikely to be Functionally Linked Land for geese or swans or indeed any other qualifying species of the Ouse Washes SPA/SAC. Consequently, development at the site will not lead to a likely significant effect on the Ouse Washes SPA/SAC.
- 7.103 The ecological appraisal submitted describes the current ecological interest within and around the site. It considers the potential ecological impacts and opportunities for ecological enhancement based on the proposed site layout in the context of relevant legislation and planning policy. It identifies the necessary additional measures to avoid, mitigate or provide compensation for potential impacts, and the mechanisms for securing such measures.
- 7.104 The ecological appraisal concludes that the initial desk and field-based baseline investigations have demonstrated that the habitats and species present within and around the site should not pose a constraint to the proposed redevelopment of the site. The redevelopment will not result in significantly different levels of use or disturbance. There are some protected species considerations for the scheme, with relevant methods of working and mitigation to be subject to relevant planning conditions.
- 7.105 The council's senior ecologist has reviewed the information submitted and does not object to the proposal subject to the imposition of conditions for a Landscape Environmental Management Plan, CEMP including mitigation for the migratory swans, sensitive lighting in line with ILP 2023 guidance and biodiversity enhancement.
- 7.106 Natural England have also been consulted on the application and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.107 The proposal is considered to be in accordance with policy ENV7 of the East Cambridgeshire Local Plan.
- 7.108 *Flood Risk and Drainage*
- 7.109 Policy ENV8 states that all developments and re-developments should contribute to an overall flood risk reduction.
- 7.110 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. The modelled flood risk zones as identified in the SFRA and the Environment Agency Flood Maps will inform the application of the sequential test. Development will not be permitted where:

- It would intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigation measures can be agreed and implemented.
- It would increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or by impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- The risk of flooding would cause an unacceptable risk to safety; or
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowance.

7.111 A site-specific Flood Risk Assessment, endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change, will be required for:

- Major and non-minor development proposals in Flood Zones 2 and 3

7.112 The site is within the Cambridgeshire Fens, representing an area of low-level land which is susceptible to flooding. The nearest significant surface watercourse is the New Bedford River or Hundred Foot Drain, which is located 2.5km to the north-west of the site. There are numerous drains and ditches present within a 500m radius of the site. The network of drainage ultimately discharge into the New Bedford River.

7.113 The Environment Agency's Flood Map for Planning<sup>1</sup> indicates the whole of the site sits within Flood Zone 3 which is the highest risk category of flooding. Flood Zone 3 is separated into two parts Zone 3a and Zone 3b:

Zone 3a High probability - Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea.

Zone 3b The Functional Floodplain - This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:

- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or
- land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding).

7.114 The site is towards the edge of a Flood Zone 3a and is situated in an area which currently benefits from Environment Agency flood defences.

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<sup>1</sup> <https://flood-map-for-planning.service.gov.uk>

- 7.115 As the proposal is to redevelop an existing site a sequential test would not be required.
- 7.116 In accordance with Annex 3: Flood risk vulnerability classification<sup>2</sup> the use would be defined as less vulnerable and is deemed appropriate development in Flood Zone 3a.
- 7.117 A Flood Risk Assessment has been submitted with the application. This concludes that mitigation measures are to be considered at the site to include the implementation of permeable surfaces and a swale surrounding the site. Where possible, the floor level of the pads upon which equipment sits within the on-site buildings should be raised by at least 0.5 m.
- 7.118 Safe access and egress during flood events is provided by the existing entrances along Westmoor Common road (the access track to the west of the Site and the main entrance along the southern boundary of the Site). Approximately 500m to the southeast of the site the risk of flooding is considered to be low, and Westmoor Common road provides an egress route in this direction.
- 7.119 Runoff from the proposed development will be managed through the use of permeable surfaces, a swale feature and discharge to the adjacent surface water drain (where appropriate). The report concludes that the proposed development is therefore not likely to have any significant impact on off-site flood risk.
- 7.120 The Environment Agency have been consulted on the application and have no objections subject to the imposition of a condition for the development to be in accordance with the details and mitigation contained in the Flood Risk Assessment.
- 7.121 Policy ENV8 states that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water runoff can be accommodated within the site
- 7.122 With regards to surface water, SuDS features comprised of permeable surfacing and swales are proposed. The proposed SuDS features and pipe network will be lined to prevent interaction between the groundwater table and the proposed drainage network. Permeable surfacing will be used in the car parking area to intercept, attenuate and filtrate surface water runoff. Attenuation is also provided by an attenuation tank. The SuDS features would provide some water quality benefits (interception and filtration) prior to discharge to the surface water course. The proposed SuDS strategy would ensure surface water runoff is stored on-Site in SuDS features for the 1 in 100-year event including a 40% allowance for climate change with 185m<sup>3</sup> of flooding that will be contained on site in accordance with DEFRA's non-statutory technical standards (DEFRA, 2015).
- 7.123 Foul water is to be discharged to below ground biodisc discharge storage tanks.
- 7.124 It is considered that the drainage is acceptable subject to conditions for final foul and surface water drainage details and surface water run-off mitigation.

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<sup>2</sup> [National Planning Policy Framework - Annex 3: Flood risk vulnerability classification - Guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- 7.125 The proposal, subject to conditions, is therefore considered to be in accordance with policy ENV 8.
- 7.126 Other Matters
- 7.127 Facilities for electric vehicles is dealt with by Building Control legislation of which planning has no jurisdiction over.
- 7.128 A Ground Investigation Report dated June 2021 prepared by Soiltechnics has been submitted with the application and Environmental Health accept the findings. The report finds that remedial action is required. Removal of hardstanding and obviously contaminated soil will be required, following which further assessment and remediation may be required. It is recommend that standard contaminated land conditions 1, 2, 3, and 4 are attached to any grant of permission.

### **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.

- 7.129 Planning Balance
- 7.130 The proposal has been considered against the development plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.
- 7.131 The proposal is for the redevelopment of an existing employment site following the loss of buildings in a fire.
- 7.132 It is considered that the proposal would not have a detrimental effect on residential amenity, highway safety and ecology. The proposal would not have a detrimental

impact on the character of the area and an acceptable landscaping scheme is proposed.

7.133 The use is appropriate within Flood Zone 3a and the development proposes a suitable drainage strategy.

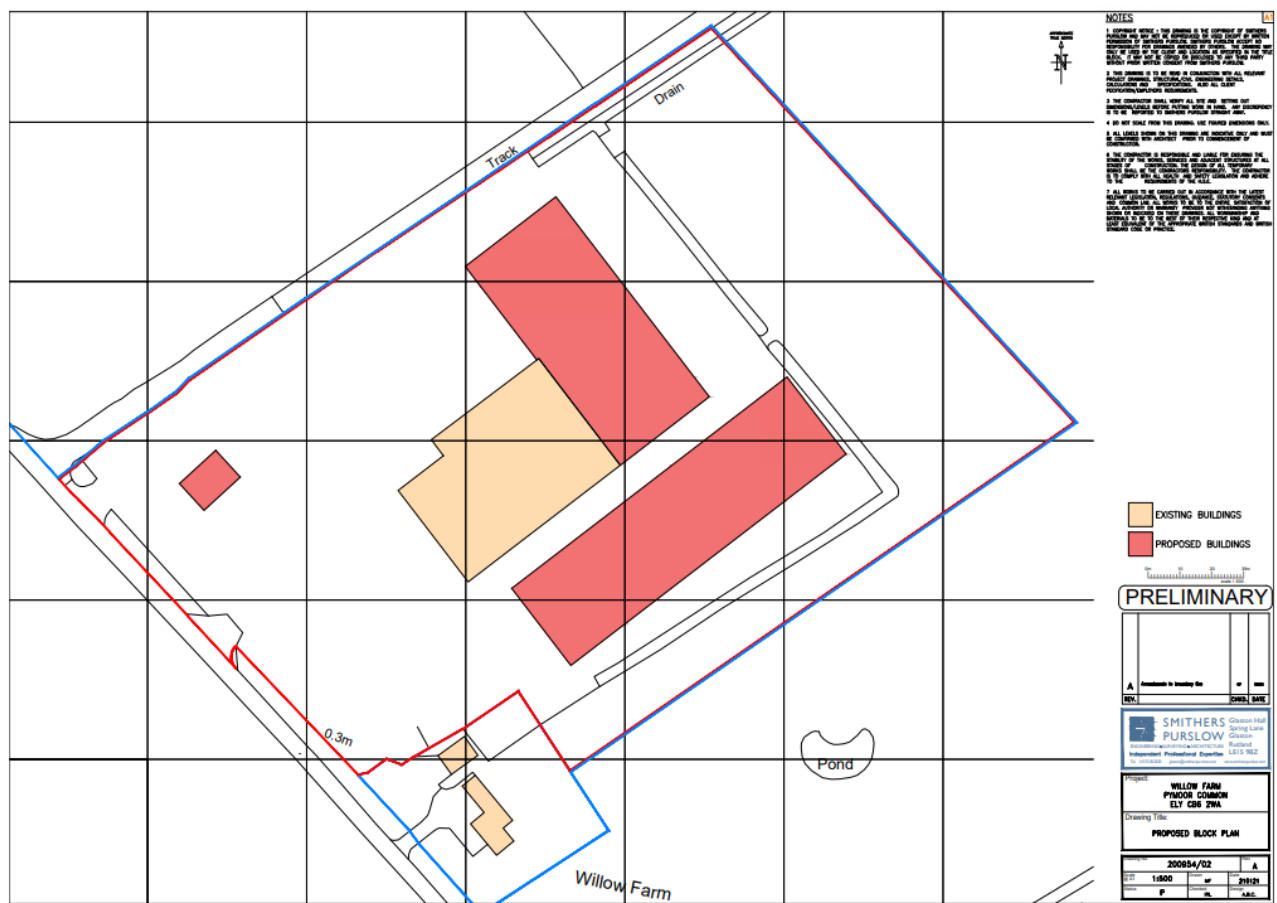
7.134 The development would reinstate 120 jobs which is a significant economic benefit of the site.

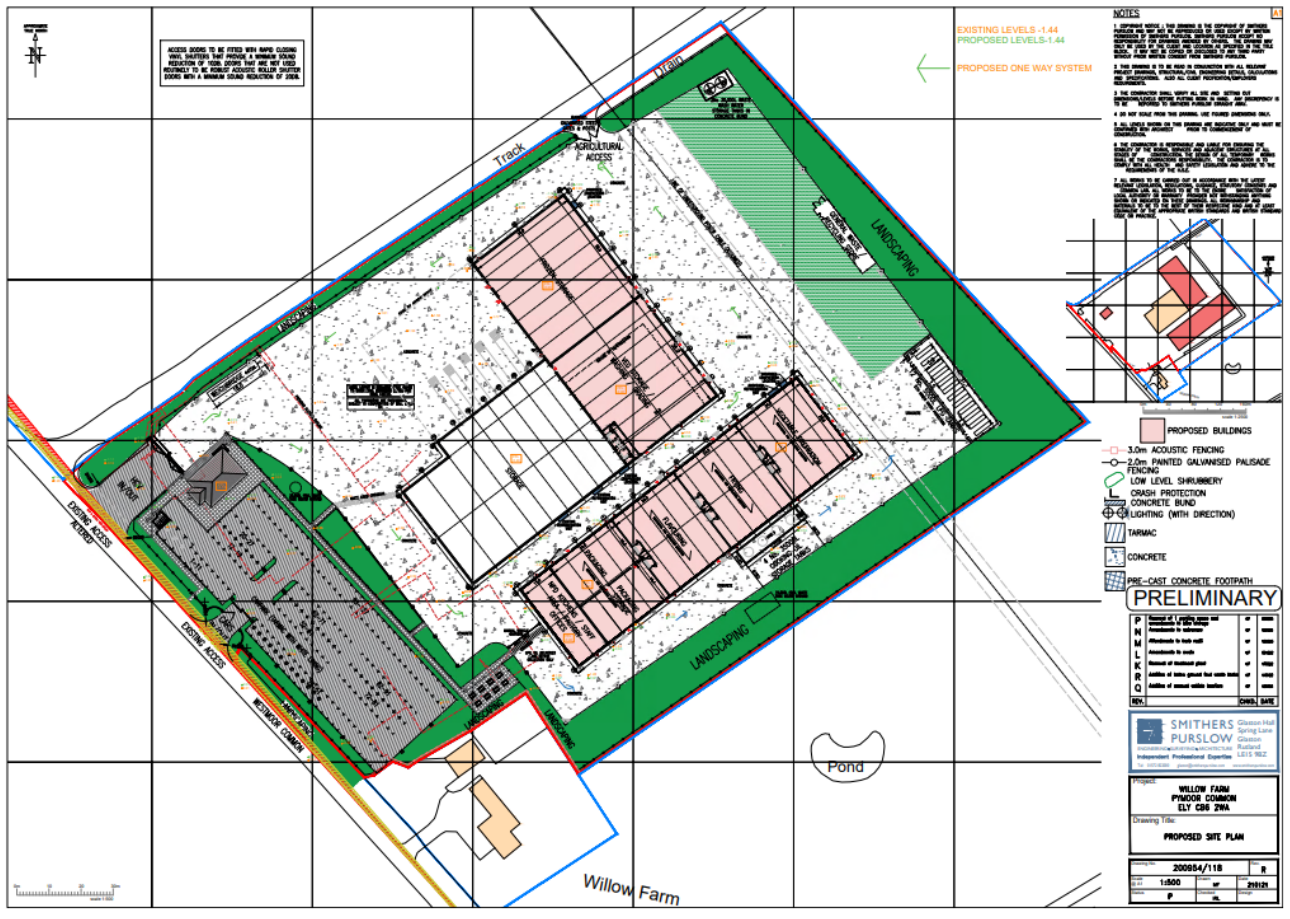
7.135 The application is therefore recommended for approval subject to the conditions at Appendix 1.

## 8.0 APPENDICES

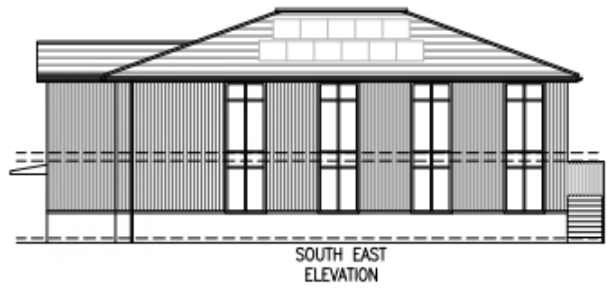
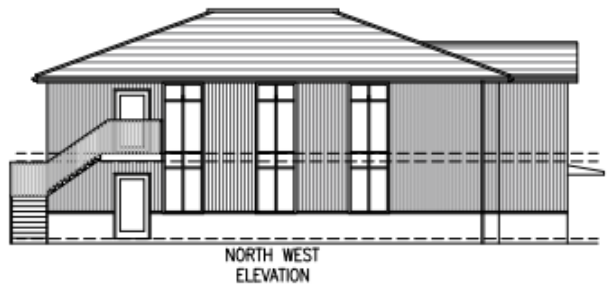
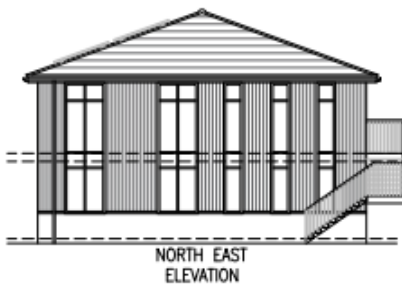
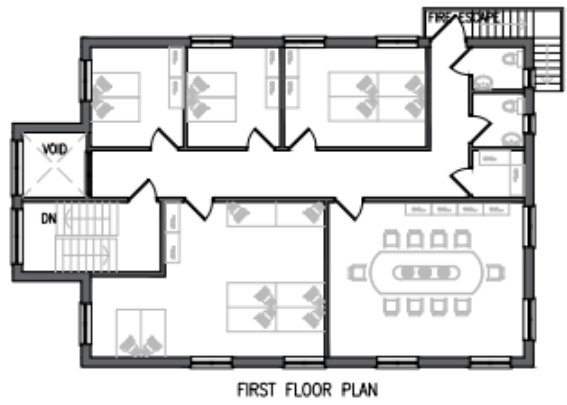
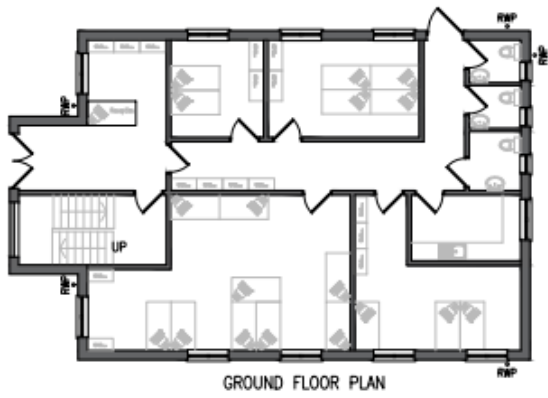
### PLANS

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.











## APPENDIX 1 - 21/00396/FUM Conditions

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

Plan Reference	Version No	Date Received
200954/00		3rd May 2024
200954/01	A	3rd May 2024
200954/02	A	3rd May 2024
200954/132	H	3rd May 2024
200954/118	U	3rd May 2024
200954/133	H	3rd May 2024
200954/134	D	3rd May 2024
200954/136	C	3rd May 2024
200954/137	C	3rd May 2024
200954/138	A	3rd May 2024
200954/150		3rd May 2024
200954/154	A	3rd May 2024
200954/156		3rd May 2024
200954/157		3rd May 2024
200954/158		3rd May 2024

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
  
- 5 Prior to the commencement of any development, the remediation scheme approved in Condition 4 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
  
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
  
- 6 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.
  
- 6 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 (as amended 2023).

- 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 (as amended 2023).
- 8 No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
  - A. Identification of potentially damaging construction activities
  - B. identification of biodiversity protection zones
  - C. practical measures and sensitive working practices to avoid or reduce impacts during construction
  - D. timing of works to avoid harm to nesting birds
  - E. responsible persons for overseeing sensitive works
  - F. mitigation for migratory swans
  - G. use of protective fencing where requiredThe approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.
- 8 In the interests of nature conservation in accordance with policy EN7 of the East Cambridgeshire Local Plan.
- 9 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul waters has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 9 To protect the groundwater and surface water in this location.
- 10 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Sustainable Drainage Assessment Corkers Crisps prepared by Geosmart Information (ref: 74777R6) dated 17/01/2025 and shall also include:
  - a. Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as relevant climate change allowances), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- b. Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- c. Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- d. Site Investigation and test results to confirm infiltration rates;
- 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. Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- g. Full details of the maintenance/adoption of the surface water drainage system;
- h. Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

- 10 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 and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.
- 11 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.
- 11 To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.
- 12 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 13 Prior to the commencement of use details of the odour abatement system together with manufacturer's instructions for maintenance, shall be submitted to agreed in writing by the Local Planning Authority. The approved details shall be fully implemented from the first

use of the development hereby permitted and shall be maintained at all times thereafter in accordance with the manufacturers guidance.

- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 14 The lighting for the site shall be carried out in accordance with details provided with the Outdoor Lighting Assessment Report ref: CE-WF-1857-RP04a-Final dated 2 May 2024 by SHD Lighting Consultancy Ltd in conjunction with Crestwood Environmental Ltd. No additional lighting shall be erected unless details have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 14 In the interests of visual and residential amenity in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 15 Any forklifts/onsite production vehicles to be used on site shall be fitted with broadband/white noise reversing alarms.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 16 Prior to the first use of the development, details of the 3m high acoustic barrier to be erected between the site and Willow Farm shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be installed prior to the first use in accordance with the approved details and shall be retained in perpetuity.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 17 The development shall be carried out in strict accordance with the mitigation detailed within the Noise Impact Assessment ref: CE-WF-1857-RP05-Final dated 16 September 2021 by Crestwood Environmental Ltd as amended and received by the Local Planning Authority 3rd May 2024.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 18 The specific rated noise level emitted from the site shall not exceed the existing background noise level by more than 5dB. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property unconnected to the business. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 19 No above ground construction shall take place on site until details of all the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 20 The development shall be carried out in accordance with the Flood Risk Assessment ref: CE-WF-1857-RP06-Final Rev C dated 21 August 2023 by Crestwood Environmental Ltd in particular and the following mitigation measures it details:  
- Finished floor levels shall be set no lower than 0.5m above existing ground levels.
- The mitigation measures shall be fully implemented prior to the first use of the development. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 20 To reduce the impacts/risk of flooding in extreme circumstances, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22.
- 21 Prior to commencement of use the proposed on-site parking, loading and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 200954/118 revision U and thereafter retained for that specific use.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 22 Prior to commencement of use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plans 22548-01-1 b and 22548-01-2 b. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 22 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 23 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 23 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 24 No construction works shall take place between the main swan wintering period (Nov-Mar inclusive).
- 24 Reason: To ensure any potential disturbance impacts to wintering swans are avoided.
- 25 Prior to first use, a Landscape and Ecology Management Plan, shall be submitted to and agreed in writing with the Local Planning Authority. The Landscape and Ecology Management Plan shall be implemented prior to the first use of the hereby approved development and thereafter maintained for the lifetime of the development.



- 25 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 26 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 26 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 27 The development shall be carried out in accordance with the soft landscaping scheme ref 12162-FPCR-XX-XX-DR-L-0001 P02.
- 27 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 28 Prior to the first use, a methodology for the planting of trees and hedges shall be submitted to and approved in writing by the Local Planning Authority. The tree and hedge planting shall be carried out in accordance with the approved methodology.
- 28 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 29 Prior to any occupation of the development, a scheme for the maintenance of the approved soft landscaping scheme (12162-FPCR-XX-XX-DR-L-0001 P02) for a minimum period of 15 years from first occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- v) methods for the proposed maintenance regime;
  - vi) detailed schedule;
  - vii) details of who will be responsible for the continuing implementation
  - viii) details of any phasing arrangements
- 29 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.



**24/01076/FUL**

Harlocks Farm

Soham Road

Stuntney

CB7 5TR

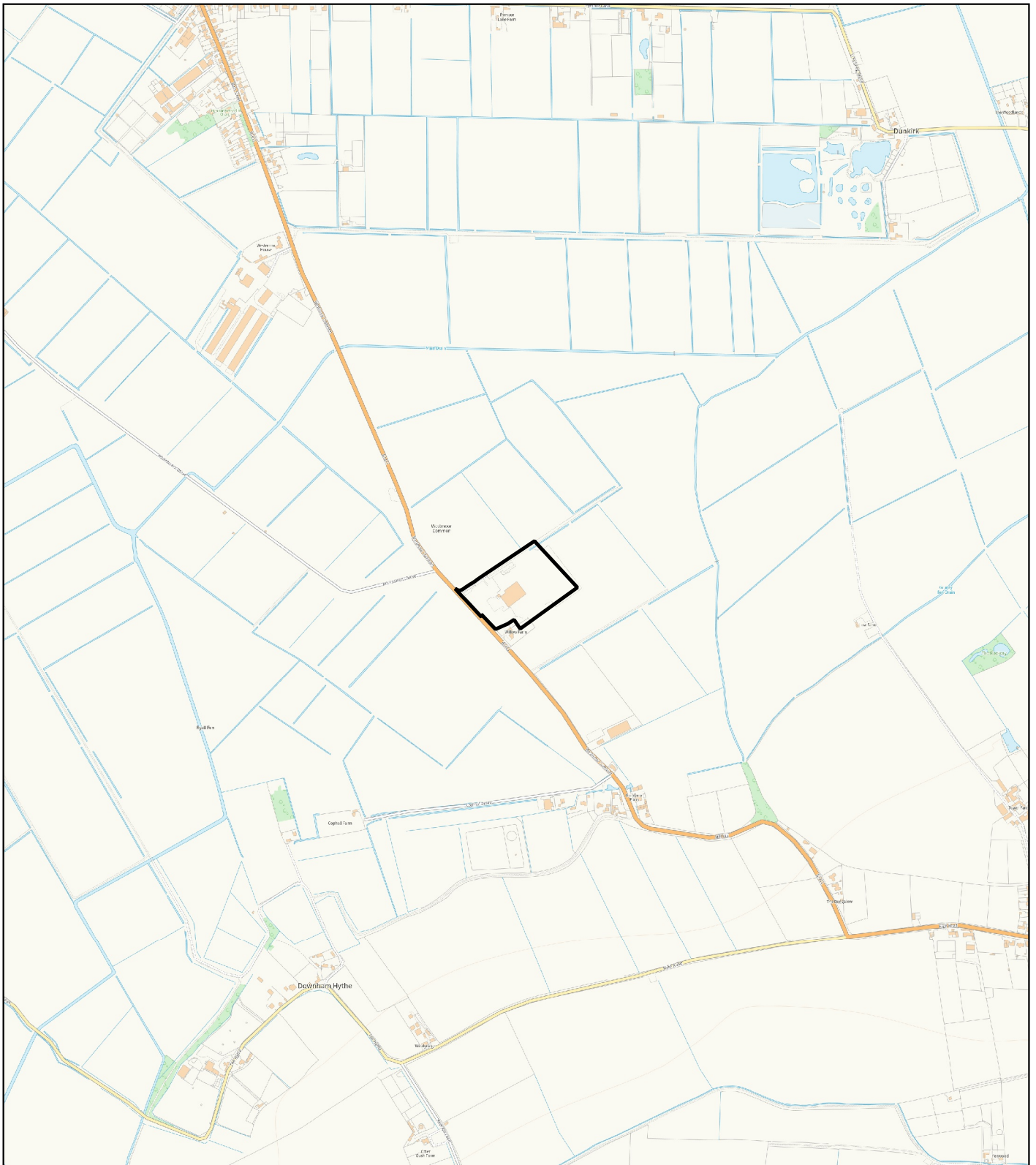
Proposed development of four tennis courts

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SL6NV6GG0GJ00>







21/00396/FUM

Willow Farm  
Pymoor Common  
Pymoor

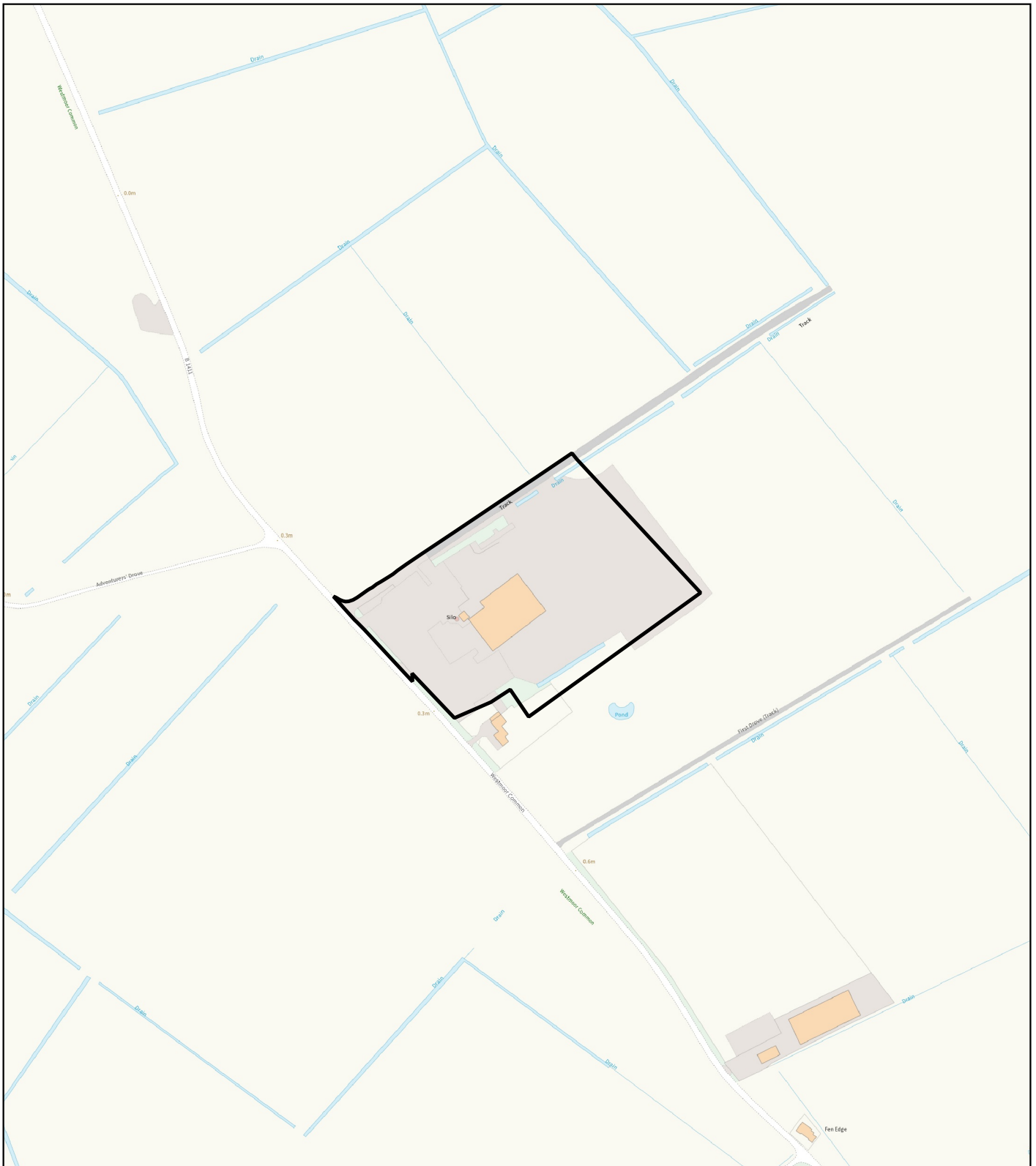


East Cambridgeshire  
District Council

Date: 19/03/2025  
Scale: 1:15,000



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21/00396/FUM

Willow Farm  
Pymoor Common  
Pymoor



East Cambridgeshire  
District Council

Date: 19/03/2025  
Scale: 1:5,000



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**TITLE: 24/01076/FUL**

Committee: Planning Committee

Date: 2 April 2025

Author: Planning Officer

Report No: Z164

Contact Officer: Charlotte Sage, Planning Officer  
Charlotte.Sage@eastcambs.gov.uk  
01353 616353  
Room No 011 The Grange Ely

**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 22m<sup>2</sup> 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.

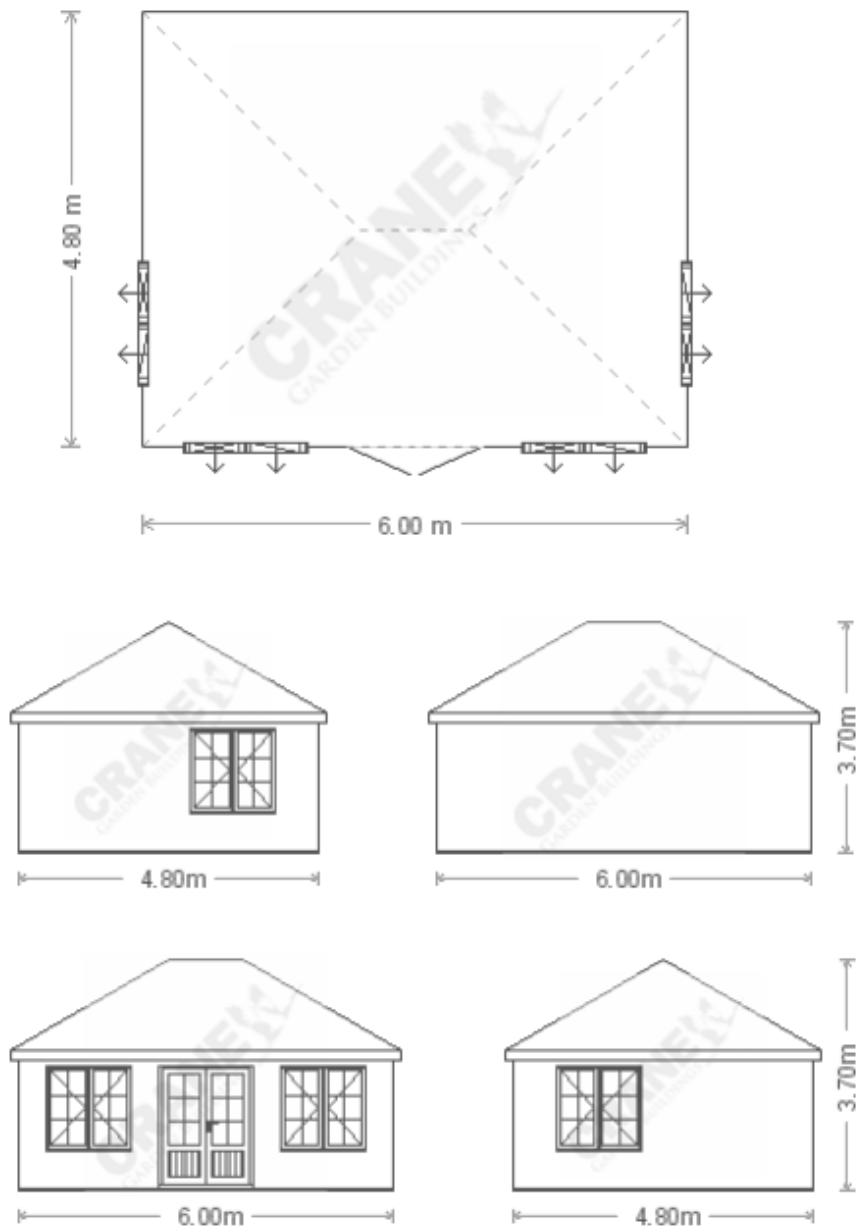
- 7.9 Planning Balance
- 7.9.1 The proposal would introduce 4no. tennis courts within the district which would attract some social and economic benefits through short-term employment through the construction and the new community facility, albeit this would be modest given the quantum of the development. 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

## Planning Performance – February 2025

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

### Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Determinations</b>	<b>107</b>	<b>2</b>	<b>19</b>	<b>25</b>	<b>12</b>	<b>18</b>	<b>31</b>	<b>12</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>90%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>84%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)	<b>n/a</b>
<b>Approved</b>	<b>102</b>	<b>2</b>	<b>16</b>	<b>25</b>	<b>11</b>	<b>18</b>	<b>31</b>	<b>n/a</b>
<b>Refused</b>	<b>5</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>n/a</b>

### Validations – 99% validated within 5 working days (ECDC target is 85%)

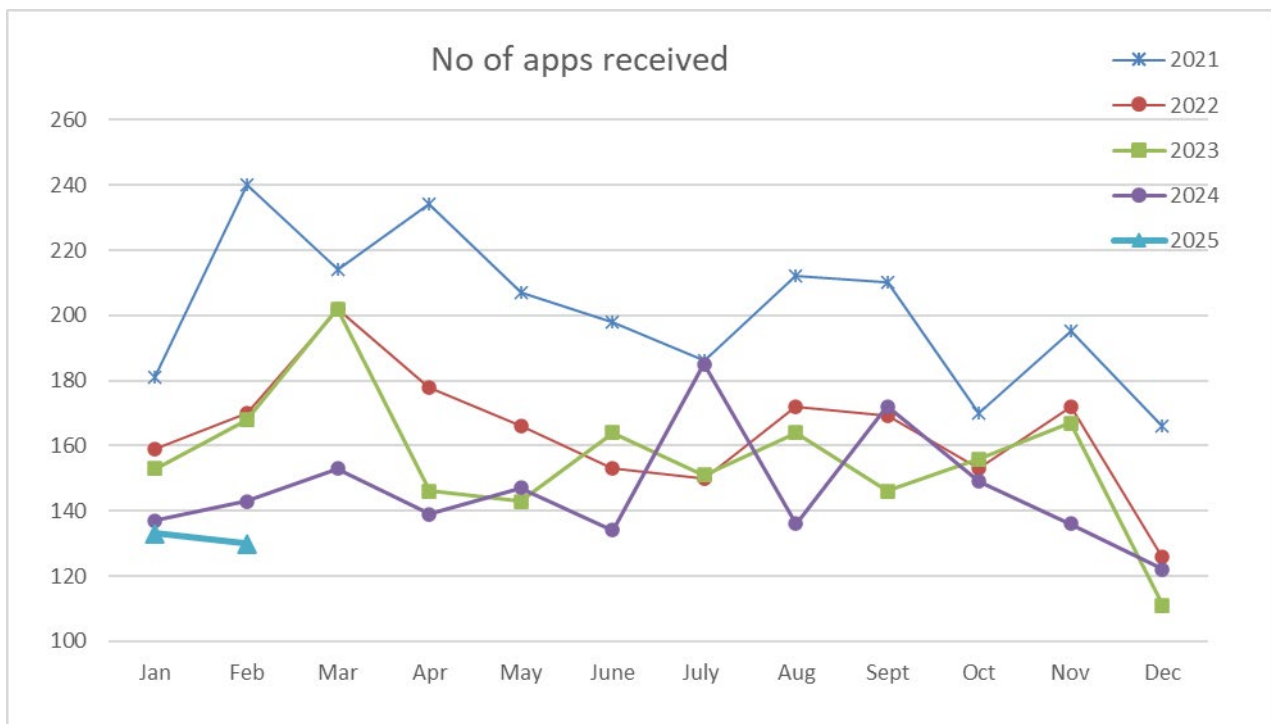
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Validations</b>	<b>130</b>	<b>1</b>	<b>17</b>	<b>28</b>	<b>14</b>	<b>24</b>	<b>31</b>	<b>15</b>

### Open Cases by Team (as at 20/03/2025)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Team North (5 FTE)</b>	<b>159</b>	<b>9</b>	<b>31</b>	<b>26</b>	<b>30</b>	<b>47</b>	<b>0</b>	<b>16</b>
<b>Team South (6 FTE)</b>	<b>199</b>	<b>13</b>	<b>49</b>	<b>30</b>	<b>27</b>	<b>60</b>	<b>0</b>	<b>20</b>
<b>No Team (3 FTE)</b>	<b>39</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>37</b>	<b>0</b>

(No Team includes – Trees Officer and Conservation Officer)

The Planning department received a total of 130 applications during February which is 9% decrease of number received during February 2024 (143) and a 2% decrease to the number received during January 2025 (133).



**Valid Appeals received – 4**

Planning reference	Site Address	Decision Level
24/00960/VAR	Flint Cottage 21 The Green Ashley	DEL
OP/24/00097	Flint Cottage 21 The Green Ashley	N/A
24/01007/FUL	28 Canute Crescent Ely	DEL
24/01195/FUL	6 Mulberry Close Bottisham	DEL

**Appeals decided – 1**

Planning reference	Site Address	Decision
24/00853/PIP	Land North Of Kings Head Public House Brinkley Road Dullingham	DISMISS

**Upcoming Hearing dates – 0**

**Enforcement**

New Complaints registered – 13 (0 Proactive)

Cases closed – 19 (1 Proactive)

Open cases per Officer (2.6fte) – 189 (18 Proactive)/2.6fte = 72 FTE

**Notices served – 2**

**Comparison of Enforcement complaints received during January**

Code	Description	2024	2025
<b>ADVERT</b>	Reports of unauthorised adverts	1	0
<b>COND</b>	Reports of breaches of planning conditions	6	1
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area	0	0
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area	0	0
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	3
<b>LEGOB</b>	Reports of breaches of Legal Obligation (NEW CODE)	0	0
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	0	0
<b>MON</b>	Compliance Monitoring	0	0
<b>OP</b>	Reports of operational development, such as building or engineering works	3	3
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	4	1
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	2	0
<b>TRECON</b>	No notice of tree works in a Conservation area	0	0
<b>TRETPO</b>	Unauthorised works to TPO tree	0	1
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	0	3
<b>USE</b>	Reports of the change of use of land or buildings	2	1
<b>TOTAL</b>		<b>18</b>	<b>13</b>