



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 5th October 2022**

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

TELEPHONE: (01353) 665555 EMAIL: caroline.evans@eastcambs.gov.uk

MEMBERSHIP:

Conservative Members

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Lisa Stubbs (Vice Chairman)

Substitutes:

Cllr David Ambrose Smith
Cllr Julia Huffer
Cllr Josh Schumann

Liberal Democrat Members

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

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Independent Member

Cllr Sue Austen (Lead Member)

Substitute:

Cllr Paola Trimarco

Lead Officer

Dan Smith, Planning Team Leader

Quorum: 5 Members

PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT THE GRANGE AT 09:25AM

(Please note, site visit timings are approximate.)

AGENDA

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

3. Chairman's Announcements

[oral]

4. 20/01006/FUM

Erection of 27 dwellings, to include parking for existing dwellings and landscaping.

Location: Heaton Drive and Land to the West, Heaton Close, Kilkenny Avenue, Gunning Close and Nigel Road, Ely

Applicant: East Cambs Trading Company Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEHSZ1GGG4K00>

Site visit: 12:05pm

5. 22/00158/FUM

Retention and expansion of casting beds and construction of production building (Use Class B2 General Industrial)

Location: FP McCann Ltd, Wisbech Road, Littleport

Applicant: FP McCann Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R73ICGGGL2500>

Site visit: 9:45am

6. 22/00249/FUL

Replace 8ft Conifer hedge with 6ft wooden fence including trellis (retrospective)

Location: 101 Clay Street, Soham, CB7 5HL

Applicant: Mrs Tracey Jinks

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8F7LLGG0CT00>

Site visit: 11:30am

7. 22/00679/PIP

Erection of two storey dwelling and single storey garage and associated infrastructure (following demolition of existing building)

Location: Land To Rear Of 3 Church Lane, Wilburton

Applicant: Mr R Nicole

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFS051GG0CS00>

Site visit: 10:50am

8. Planning Performance Reports

a) June 2022

b) July 2022

c) August 2022

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.eastcambs.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.
2. The meeting will also be livestreamed on youtube for public viewing. The link will be available from the meeting webpage in advance of the meeting: <https://www.eastcambs.gov.uk/meetings/planning-committee-05102022> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee caroline.evans@eastcambs.gov.uk, to register by 10am on Tuesday 4th October. 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 Parish/Town Council
 - National/Statutory Bodies

A leaflet with further information about the public speaking scheme is available at <https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>

4. 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.
5. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not 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.

6. Reports are attached for each agenda item unless marked “oral”.
7. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
8. 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).”

20/01006/FUM

Heaton Drive and Land to the West, Heaton Close, Kilkenny Avenue, Gunning Close And
Nigel Road

Ely

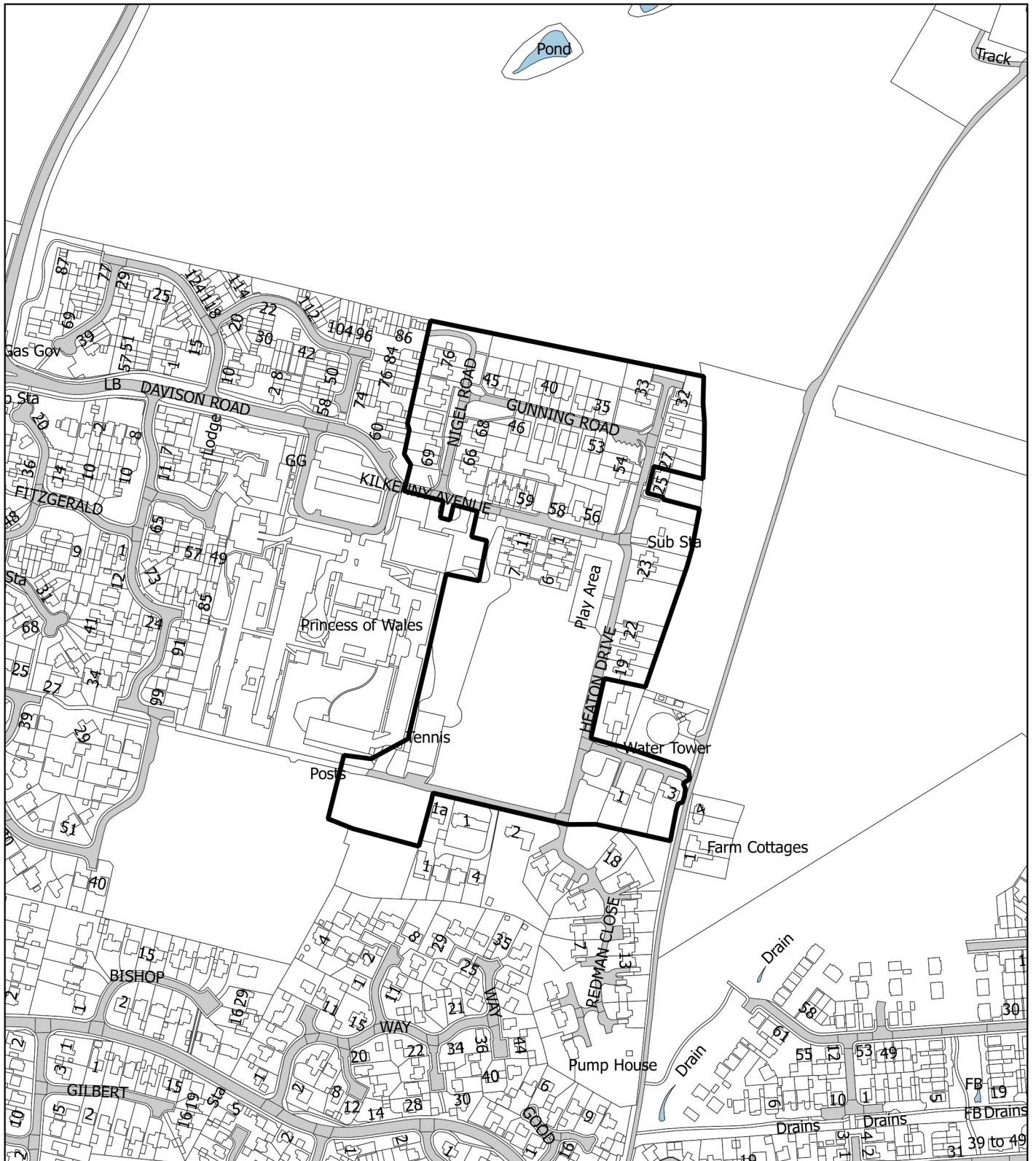
Cambridgeshire

Erection of 27 dwellings, to include parking for existing dwellings and
landscaping.

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEHSZ1GGG4K00>





20/01006/FUM

Heaton Drive And Land To The
West, Heaton Close, Kilkenny
Avenue, Gunning Close And
Nigel Road
Ely



East Cambridgeshire
District Council

Date: 22/08/2022
Scale: 1:4,043



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MAIN CASE

Reference No: 20/01006/FUM

Proposal: Erection of 27 dwellings, to include parking for existing dwellings and landscaping

Site Address: Heaton Drive And Land To The West, Heaton Close, Kilkenny Avenue, Gunning Close And Nigel Road Ely Cambridgeshire

Applicant: East Cambs Trading Company Ltd

Case Officer: Anne James Planning Consultant

Parish: Ely

Ward: Ely North
Ward Councillor/s: Simon Harries
Alison Whelan

Date Received: 3 August 2020 **Expiry Date:** 7th October 2022
Report Number X76

1.0 RECOMMENDATION

Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

- 1 Approved Plans
- 2 Time Limit
- 3 Site Characterisation
- 4 Unsuspected contamination
- 5 Piling
- 6 Construction Hours
- 7 Construction Environmental Management Plan
- 8 Fire Hydrants
- 9 Soft Landscaping
- 10 Hard Landscaping Landscape
- 11 External Materials
- 12 Landscape Maintenance
- 13 Biodiversity enhancements

- 14 Written Scheme of Investigation
- 15 Energy and Sustainability Strategy
- 16 Welcome Travel Packs
- 17 Electric Charging Strategy
- 18 Broadband
- 19 Details of bin and recycling storage
- 20 Surface Water Strategy
- 21 Management and Maintenance of SUDS
- 22 Pedestrian Access
- 23 Reptile and Badger Surveys

2.0 SUMMARY OF APPLICATION

- 2.1 An application to develop parts of the former RAF housing estate for housing and parking (both existing residents as well as for the new dwellings) has been submitted.
- 2.2 A number of amendments to the scheme has resulted in the reduction of units from 53 dwellings to 27 dwellings. The mix of accommodation now proposed within the scheme comprises the following market housing mix:
- 8 x 1no bedroom dwellings
10 x 2no bedroom dwellings
9 x 3 bedroom dwellings
- 2.3 The proposal would provide 33% affordable housing equating to 9 affordable units, as follows:
- 6 units of affordable rent (3no x 1bed flats and 3no x 2 bed flats)
 - 3 of Low Cost Ownership (1no x 1 bed flat, 1no x 2 bed flat and 1no 3 bed house).
- 2.4 In terms of on-site parking, there would be a total of 60 car parking spaces for the proposed dwellings and 171 proposed for the existing housing stock. All dwellings would be provided with secure cycle storage.
- 2.5 The scheme would require the removal of a line of white poplar trees along the northern boundary, as well as seven individual trees and a small group of trees, none of which are protected.
- 2.6 The application is supported by the following documents:
- Arboriculture Impact Assessment;
 - Archaeological Evaluation Report;
 - Design and Access Statement;
 - Energy Statement;
 - Phase II Ground Contamination Report;
 - Planning Statement & Supplementary Planning Statement
 - Preliminary Ecological Appraisal;
 - Statement of Community Involvement;

- Transport Assessment

2.7 A S106 Agreement would be entered into requiring the following contributions:

- Affordable Housing
- Education
- Libraries and Lifelong learning;
- Commuted Lumpsum Payment towards POS
- Proportionate payment towards habitat creation
- Waste
- SuDS

2.8 The application is being considered by Committee as it is a matter of public interest.

2.9 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 **PLANNING HISTORY**

3.1

19/01213/CLE	To establish lawful use as C3 (Dwelling Houses) for 88 dwellings	Approved	15.10.2019
18/00216/TPO	T14 Malus - Crown lift path to approx 2.5m T23- Ash - Crown lift by approx 3m and prune back from roof of house T32- Oak - Crown lift tree to approx 3m T36 & T37 Lime Trees X2 - Prune off epicormic growth	Consent	26.03.2018
16/00995/TPO	T52 Lime - Prune back branches to clear roof of building by 2-3m, and prune off epicormic growth T14 Malus - Crown lift over path to approx 2.5m T23, T24, T25 Ash x3 - Crown lift by approx 3m T36 & T37 Lime x2 - Prune off epicormic growth. T38 Lime - Prune back branches by 2-3m to clear roof of building and crown lift T48 Oak - as for T38. T52 Lime - Prune back branches to clear roof of building by 2-3m and prune off epicormic growth.	Consent	09.09.2016

T53 Lime - Prune back branches from roof to clear by 2-3m
 T71 Lime - Prune off epicormic growth
 T80 Ash - Crown lift over garden by approx 3m
 T82 Mallis - Clear large amount of bramble/scrub around tree and remove any deadwood.
 TT90 Purple Leaved Maple - Fell dying tree (plant new replacement tree).
 T95 Cherry - Fell dead tree and plant new replacement tree.
 T96 Weeping Willow - Crown lift by 2-3m.
 T99 Weeping Willow - Crown lift by 2-3m.
 G14 Maple x1 Remove deadwood and broken, hanging branches in canopy.
 G16 1 Field Maple and 2 Lime - Crown lift by 2-3m.

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site comprises approximately 8.79 ha (21.65 acres) of land which is occupied by 88 existing dwellings as well as 3 ancillary buildings on the northern edge of Ely, off Lynn Road/Davison Road, and west of the residential development which was built in the early 90s.
- 4.2 The Princess of Wales Hospital abuts the site to the west. Abutting the site to the south west are playing fields with agricultural fields abutting the northern and eastern boundaries. It is on these latter boundaries that the site abuts the Ely North urban housing extension which benefits from planning permission' for up to 3,000 dwellings.
- 4.3 The site was originally built for the Royal Air Force (RAF) in the 1960s and later occupied in 1992 by the United States Air Force. It was then deemed surplus to requirements in 2011 and the development was returned to the MOD in September 2012. Since then the accommodation has remained unoccupied until 2018 when the MOD sought to dispose of the entire site. The existing ex-servicemen/women dwellings have been refurbished in phases and therefore parts of the site are occupied and other areas are being modernised. There are also three ancillary buildings on the site, one of which is currently in use as an Air Cadet Centre. The other 2 buildings, at the time of writing this report, remain unoccupied.
- 4.4 This is an attractive site which benefits from a generous amount of public open space which is fringed by mature trees, many of which are protected.

5.0 **RESPONSES FROM CONSULTEES**

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

City of Ely Council – 22nd August 2022 (comments on amended scheme)

No concerns with regard to this application

17th May 2022

No concerns with regard to this application.

9 November 2021 – objects

The City of Ely Council agreed to the principle of infill development around the existing houses in this area, but felt this application should be refused due to the loss of this green space. This is a major concern, that such an amenity will be lost, especially as the 2012-13 ECDC Play area report concludes that there is a shortage of such areas, failing to meet the minimum open space requirement. This will also result in increased traffic numbers in a very narrow road, Kilkenny Avenue, which is not suitable for such high numbers, especially as it also joins the feeder road to the hospital.

9 September 2020 – Objects

Planning application 20/01006/FUL was considered at the City of Ely Council's Planning Committee on the 7 September 2020. The City of Ely Council's comments are as follows:-

The City of Ely Council agreed to the principle of infill development around the existing houses in this area, but felt this application should be refused due to the loss of this green space. This is a major concern, that such an amenity will be lost, especially as the 2012-13 ECDC Play area report concludes that there is a shortage of such areas, failing to meet the minimum open space requirement. This will also result in increased traffic numbers in a very narrow road, Kilkenny Avenue, which is not suitable for such high numbers, especially as it also joins the feeder road to the hospital.

Ward Councillors - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Anglian Water Services Ltd - 23 December 2020 – No objection

Section 1 - Assets Affected

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

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

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

Section 3 - Used Water Network

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

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted documents (Drainage Reports and Drainage Plans) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant -Discharge of surface water will only be permitted once all other methods of surface water drainage have been explored in line with the Surface Water Hierarchy. Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

Anglian Water Services Ltd - 18 November 2020

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

This response has been based on the following submitted documents: Drainage Report.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this

matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Anglian Water Services Ltd - 13 October 2020

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

The foul drainage from this development is in the catchment of Ely Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Cadent Gas Ltd - 26 August 2020

Please note this response and any attached map(s) are valid for 28 days.

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

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Cambs Wildlife Trust – 10th August 2022

This professional ecological advice has been provided in accordance with the Service Level Agreement held with East Cambridgeshire District Council. The submitted ecological report covers all the relevant issues and makes appropriate avoidance, mitigation and enhancement recommendations. If planning permission is granted, the recommendations in the report should be secured through the use of appropriately worded planning conditions. I don't have any comments to make on the BNG assessment. The report shows no net loss for habitats (a very marginal and certainly not a significant gain), but a significant gain in hedgerow units. As the development is just one small parcel and a small part of a much larger urban extension, and was also allocated prior to the Environment Act there would appear to be little justification for requiring a significant net gain in habitats. Should the council require one, then the development should make a proportionate contribution to the habitat creation within the Ely North Country Park.

Ely Cycle Campaign – 14th February 2022

The proposed cycling access to PoW is proposed to remain via Lynn Road, which is readily shown to be incapable of being improved to make the route cyclable. The proposed pedestrian and cycling route between your scheme and the centre of Ely and Ely Railway Station provides access to PoW by a route that runs west across the northern boundary of the old MoD site. We have proposed that this access to the hospital could, with benefit to all concerned, run across the MoD site, which is also under development. We proposed this idea at the planning meeting for the PoW redevelopment and have subsequently remained in contact with East Cambridgeshire Planning. We would be very grateful if you would consider this proposal and perhaps have a discussion with your planning officer.

10th November 2021

It appears that the applicant has not addressed Ely Cycling Campaign 18 June issues; namely 1. Lynn Road being hostile to cycling and 2. Connectivity from this site eg via Heaton Close to the Ely North Development (The 2014 Joint Transport Strategy for the North Ely Development [Church Commissioners and Endurance]), not only for access for this development but also to provide cycling access to and from the Princess of Wales Hospital. I await feed back from Ely Cycling Campaign members on further comments.

The Ely Group Of Internal Drainage Board - 28 October 2021 – No objection.

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

25 August 2020 – No objection

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

Environment Agency – 16th May 2022 (Comments on amended scheme)

No further comments to add.

22 October 2021 – No objection

The amendment doesn't change our previous comments.

14 September 2020 – No Objection

The site is underlain by Oadby Deposits a secondary U Aquifer and Woburn Sands (a Principal Aquifer) which in turn overlies the Kimmeridge Clay Formation Unproductive Strata.). Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They can support water supply and river base flow on a strategic scale.

The site is considered to be of moderate sensitivity and could present potential pollutant/contaminant linkages to controlled waters. Environment Agency Position Based on the information provided, we do not consider this proposal to be high priority. Therefore we will not be providing detailed site-specific advice or comments with regard to land contamination issues for this site at this time. We would appreciate being informed if contamination is subsequently identified that poses a significant risk to controlled waters.

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Unsuspected Contamination If, during development, contamination not previously identified is found to be present at the site then the development should cease and the local planning authority should be informed in writing. In such case, a remediation strategy should be developed and submitted to the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as detailed. General Advice to Applicant

1. Preliminary Risk Assessment The PRA should include historical plans of the site, an understanding of the sites environmental setting (including geology, hydrogeology, location and status of relevant surface water and groundwater receptors, identification of potential contaminants of concern and source areas), an outline conceptual site model (CSM) describing possible pollutant linkages for controlled waters and identification of potentially unacceptable risks. Pictorial representations, preferably scaled plans and cross sections, will support the understanding of the site as represented in the CSM.

2. Site Investigation Land contamination investigations should be carried out in accordance with BS 5930:1999-2015 'Code of Practice for site investigations' and BS 10175:2011 A2:2017 'Investigation of potentially contaminated sites - Code of Practice' as updated/amended.

3. SuDS We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

Soakaways must not be constructed in contaminated ground where they could re-mobilise any pre-existing contamination and result in pollution of groundwater.

Soakaways and other infiltration SuDS need to meet the criteria in our Groundwater Protection Position Statements G1 and G9 to G13.

Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components.

Cambridge Ramblers Association - 29 September 2020

We are objecting to the application on the grounds of the loss of valuable open space which serves to provide recreational opportunities for neighbouring residents. We note that this area of Ely has very few public rights of way in or close to open countryside and the development would reduce even further the critically important access to green space.

Natural England –18th August 2022 – (comments on amended scheme)

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

NHS England - No Comments Received

Padnal and Waterden Internal Drainage Board – 28th October 2021

The above application is outside of the Padnal and Waterden Internal Drainage District but within an area that drains into it. The Board has no further comment to make from a drainage point of view.

Wildfowl & Wetlands Trust - No Comments Received

CCC - Archaeology – 9th June 2022 (comments on amended scheme)

Thank you for your consultation regarding the amendment to the above planning application. We consider our previous recommendation for a condition of planning permission requiring a programme of archaeological investigation to be appropriate.

23 September 2020

The site is located in a landscape of high archaeological potential on the northern edge of the historic City of Ely, with evidence for Bronze Age, Iron Age, Saxon and post medieval activity known in the vicinity. A Bronze Age barrow and associated Beaker burial is recorded on the southern edge of the proposed development area (HER 06136). An additional barrow has recently been excavated as part of the Highflyer Farm excavations undertaken to the east (HER ECB5194). Recent excavations to the north and west of the site have identified extensive land use and settlement in the Iron Age (HER ECB3853). A trackway associated with the Iron Age land use was reused for the location of an early-middle Saxon cemetery. The excavations to the east of the site have identified settlement of Roman date, with further areas of settlement known to the north-east (HER ECB3643). Post medieval

land use includes the site of a kiln to the north. Limited archaeological evaluation undertaken in 1994 ahead of development to the west of the hospital site did not positively identify archaeology, but noted that geophysics within the playing field which was excluded from development did identify anomalies interpreted as probable archaeological features (HER ECB947). It is likely that important archaeological remains survive in the area and that these would be severely damaged or destroyed by the proposed development.

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

CCC - Asset Information Definitive Map Team - No Comments Received

CCC - Cambridgeshire Design Out Crime Officers - 22 October 2021

Having reviewed the amended documents and drawings this office is supportive but no further comments in regards to community safety or vulnerability to crime - we would like to see external lighting plan when available.

3 September 2020

No objection subject to further information submitted by condition.

The documents in relation to crime, disorder and the fear of crime and researched the Constabulary crime and incident systems covering this location for the last 2 years, have been reviewed. This area is considered to be at low risk to the vulnerability to crime at present.

There is no mention in either the DAS or planning statements regarding security and crime prevention.

While it is obvious that some crime prevention measures have been considered the following comments are provided for further consideration as the application progresses,

- Footpath to access rear gardens of the terraced houses - shared gates should be fitted with self-closers, private gates should be fitted with self-closers and be lockable from both sides.
- There appears to be good surveillance over parking spaces from active rooms of flats.
- External Lighting - our recommendation is that all adopted and un-adopted roads, private roads, shared drives, footpaths and parking areas, should be lit with columns to BS5489:1 2013 (or BS5489:1 2020). It would be good to see the lighting plan and calculations when available. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens.

This office would be happy to discuss Secured by Design and measures to help reduce crime and anti-social behaviour.

Cambridgeshire Fire And Rescue Service - 27 October 2021

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. The position of fire hydrants are generally agreed upon when the Water Authority submits plans.

26 August 2020 – No objection subject to condition.

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.

CCC Growth & Development – 25th May 2022 (comments on amended scheme)

No objection subject to contributions towards Education, libraries and lifelong learning.

7 September 2020

No objection subject to contributions towards Education, libraries and lifelong learning.

CCC - Lead Local Flood Authority – 30th May 2022 (comments on amended scheme)

No objection subject to condition.

19 January 2021 – No objection

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

Surface water from the site will be managed through the use of permeable paving and soakaways for infiltration. This is subject to further groundwater investigations to confirm that the appropriate groundwater clearance can be achieved in parts of the site where a perched aquifer is present. An alternative strategy has therefore been proposed to manage surface water from perched aquifer areas by means of a surface water pump, which will discharge surface water into the Anglian Water surface water sewer in Davison Road at a maximum rate of 3 l/s.

The site is located within Flood Zone 1. Whilst existing impermeable hardstanding areas are currently at high risk of surface water flooding, the proposals to replace this with permeable paving are likely to act in mitigating this flood risk.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

We request the following conditions are imposed:

30 November 2020 – Objects.

At present we maintain our objection to the grant of planning permission for the following reasons:

1. Proposed discharge rates too high

The applicant has proposed an alternative strategy to discharge surface water into the Anglian Water surface water sewer. This strategy would be implemented if additional groundwater investigations conclude infiltration to not be a viable method of surface water disposal at the site.

The existing QBAR rate according to the calculations you have provided is 2.34 l/s. The proposed combined discharge rate of 6 l/s is therefore too high and could pose a flood risk to downstream areas. The overall discharge rate from the site must be restricted to no greater than the QBAR greenfield rate.

2. Pump failure modelling required

As the alternative strategy involves surface water pumping, this must be supported by pump failure modelling, demonstrating that any flooding to the site in the event of pump failure can be contained safely within the site. We would require that the flood level be determined under the following conditions:

- The pumps were to fail; and
- The attenuation storage was 50% full; and
- A design storm occurred

The floor levels of the affected properties must be raised above this level and all flooding must be safely stored onsite.

3. Anglian Water agreement required

As the alternative strategy proposes to discharge surface water into the Anglian Water surface water sewer, evidence is required from Anglian Water, demonstrating that they agree, in principle, to the proposed discharge into their system at an agreed rate.

-5 October 2020 - Objects

For the following reasons:

1. Localised high ground water

2. As stated in our previous response, groundwater has been identified at the site as shallow as 1.25m below ground level in WS06 which is close to SA03 and PT03. This is thought to be a localised groundwater level associated with a perched aquifer. It must be demonstrated across all areas where infiltration is proposed that there will be 1m clearance between the base of these infiltration features and peak groundwater.

Whilst we agree that infiltration should be sought as the most favourable option for surface water disposal, with the alternative being an unsustainable pumped system into a surface water sewer, infiltration should be avoided where the perched aquifer is present. Surface water from this part of the site should be re-directed to a part of the site with lower groundwater to protect the perched aquifer from potential pollution.

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should

not be overlooked as these watercourses may flow or even flood following heavy rainfall.

8 September 2020 – Objects

At present we object to the grant of planning permission for the following reasons:

1. Infiltrating at Site

The submitted Phase II Ground Investigation Report shows areas of shallow ground water at the site. The groundwater can be found as shallow as 1.25m below ground level in WS06 which is close to SA03 and PT03. The parking areas are proposed with base around 0.5m depth, which would not provide the required 1m clearance between the base of infiltration features and peak groundwater levels. It must be demonstrated across all areas where infiltration is proposed that there will be 1m clearance between the base of these infiltration features and peak groundwater. Until it can be shown that this clearance is provided at all soakaways locations, we are unable to support this application.

2. FEH Rainfall Modelling Required

The submitted calculations are using FSR rainfall data. However, FSR rainfall data is now outdated and there are more accurate data sets in FEH 1999 and 2013 models. This due to recording of rainfall over a longer period of time, as well as updated calculations behind the model. Therefore, FEH rainfall data is now required on all applications to ensure the hydraulic modelling is an accurate representation of the proposed network.

CCC - Local Highways Authority – 13th May 2022 (comments on amended scheme)

No observations beyond those previously made in correspondence dated 17th September 2020, which remain applicable.

17 September 2020 – No objection, subject to conditions.

The proposed development areas are to be served by existing roads which are to remain private.

The submitted information has been reviewed noting that the development proposed is of a level where a qualitative 'Transport Statement' would normally be considered sufficient to assess the broad development impact.

The following is apparent:

- o The Transport Assessment capacity assessments indicate sufficient capacity at the junction of Davison Road with Lynn Road to cater for the development in the future year assessment;
- o On reviewing the local accident data, the junction of Davison Road Lynn Road operates in a safe manner, and is again acceptable to accommodate the additional traffic which may be generated by the proposed development.
- o The approach road, Davison Road, is adequate to cater of the additional level of traffic the proposal may generate in terms of geometry and footway provision.
- o Beyond the ingress to the hospital, Kilkenny Avenue/ Heaton Drive and the network of surrounding streets serving the development are private; the LHA therefore has no observations in relation to the standard of the infrastructure therein.

ECDC Building Control - 29 October 2021

Drainage proposals sound OK in principle and appear to be designed by drainage engineer.

ECDC - Environmental Health - 21 October 2021

Thank you for reconsulting us on the above application with regard to: The amendment involves a reduction in the number of dwellings proposed on site and to address concerns identified by technical consultees

There is a vast amount of new information on the Portal since I last commented but I cannot see anything that would change my previous comments below.

19 August 2020

No objection subject to conditions regarding construction times and deliveries, CEMP, piling,

No immediate concerns to raise concerning the proposed play areas but would advise against noisier equipment such as 'splash pads'.

Finally as the property consists of flats EHP would advise the developer to gain advice from the Fire Authority to ensure the correct precautions are in place.

No other points to raise at this time but please send out the environmental notes.

ECDC – Environmental Health (Scientific Officer) 12th April 2022

No objection subject to conditions regarding standard contamination.

ECDC Commercial Director - No Comments Received

ECDC Housing Section - 7 September 2020 – No objection

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver 30% affordable housing on site. (53 dwellings will deliver 16 affordable dwellings)

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

Based on the latest housing needs evidence from East Cambridgeshire's Housing Register, the Strategic Housing Team requests the following affordable housing mix on site:

Affordable rented (12 dwellings)

6 x 1 bedroom apartments
2 x 2 bedroom apartments

2 x 2 bedroom house
2 x 3 bedroom house

Shared Ownership (4 dwellings)

2 x 2 bedroom house
2 x 3 bedroom house

It is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Described Space Standards.

ECDC - Economic Development - No Comments Received

ECDC Trees Team – 17th August 2022 (comments on amended scheme)

The Soft landscaping scheme indicates where certain types of trees (garden trees or specimen trees) will be planted and a list of species for each type but it doesn't identify what species will be used where, these details can be confirmed by condition if required

10th August 2022

Due to the stated condition being poor branch attachments on decayed stems of the pollarded poplars in group G4 indicated for retention and that several of them have suffered catastrophic structural failures within the last 12 months it is still strongly recommended that they are removed and replaced with trees that are more suitable for long term-retention in such a setting despite the category B categorisation given in the 2019 tree report. Due to the space available a replacement ratio of 1 to 1 would be appropriate on this occasion

16th June 2022

No tree related objections to the reduced scale development though it should be worth considering the removal of the low quality Poplar tree between the two developments on the northern boundary (circled in green) and replacing them with trees more suitable for long term retention within a domestic area.

17th November 2021

The use of an existing gap in the tree line adjacent Heaton Drive means that no trees will require removal to facilitate access, my tree related concerns for the site are as follows:

Plot 17 could have its entire garden for a significant portion of the day. This can be clarified via a shade analysis plan. Plots 21 to 24 also appear to have potential shading/over shadowing issues. This can be clarified via a shade analysis plan and could potentially be solved by a realignment of the properties as indicated below.

22 January 2021 – expresses concern

The submitted Arboricultural assessment is very useful and raises concerns regarding future conflicts regarding shade from high quality trees and future occupiers requesting potentially harmful pruning this will likely be an issue for trees T65 a Cat B Horse Chestnut, tree T65 a cat A Horse Chestnut, Group of mixed broad leaved trees G14 and tree T76 a cat B Norway Maple that shades current gardens as well. Trees that require pruning to facilitate construction are likely to require ongoing regular pruning due to conflict with buildings as their crowns will re grow, this will effect trees T76 a cat B Norway Maple, tree T65 a cat A Horse Chestnut and G20 a group of mixed species trees.

Tree T130 a cat B Hornbeam is identified for removal but as the adjacent roadway is already in position why does it need to be removed?

Although I do not object to this application I would like the issues mention above considered as although trees may be protected by the TPO pressures to prune cannot just be routinely refused if the shade for example effects residents reasonable enjoyment of their indoor and outdoor space.

ECDC Trees Team - 11 September 2020

The Arb Impact assessment is an initial survey of the trees on site to categorise them, it also identifies those subject to the TPO E/03/11 but does not provide the detail of the proposed layout and potential conflict with the RPAs.

The layout plans submitted ref 1942-WWA-00-XX-DR-L 0306 Rev P00 Sheet 1, 1942-WWA-00-XX-DR-L 0307 Rev P00 Sheet 2, 1942-WWA-00-XX-DR-L 0308 Rev P01 Sheet 3, 1942-WWA-00-XX-DR-L 0309 Rev P00 Sheet 4 show the trees and there 'category' under BS 5837 but only show an indicative canopy and not the RPA. The western boundary behind plots 15 - 19, 36 -40 is of concern as this indicates a new access road to parking spaces, the RPAs of G14 will be significantly compromised as the line of the access road encroaches into the canopy spread.

Plot 15 - 16, G28 3 x Fined Maple (TPO) is indicated for retention - 'C' grade - these are in the rear garden of plot 16 which is not appropriate retention, although the tree schedule only identifies moderate tear outs, not saying if there physical damage, storm damage or.....either way if they are to be retained they will need space not to succumb to post development pressure.

Adjacent to G28 is T78 a 'B' grade Alder (TPO) with no details of its RPA and the layout as with the above the overall impact of the layout is difficult to determine.

The selection of specimen trees is rather 'utility' in species choice and the selection of 'garden' trees is questionable and their locations within small gardens, as an urban environment any planting close to dwellings should be appropriate using trees of interest and all year round colour.

The overall layout sees virtually no trees on the frontages to break up the form and provide softening of the hard landscaping, along with the environmental factors they provide. Taking an approach of less is more with some consideration the inclusion of specimen trees within the grass areas adjacent to a parking space which is constructed using a no-dig cellular system to provide the rooting environment, trees

can be established within this current barren environment which is being proposed within a verdant location.

To provide a comprehensive response the layout needs to be plotted in relation to the RPA of all the trees surveyed because at present only their canopy spreads have been used on the layout plans which is not acceptable, there are also 'pinch' points as identified which need to be reviewed and a decision on practical retention, revised layout or removal needs to be made.

ECDC - Waste Strategy (ECDC) - 3 September 2020 No objection

The waste team would like confirmation that the car park serving units 2-5 is suitable for a waste vehicle to reverse onto and roadway directly opposite units 45-53 is suitable for waste vehicles and a swept path analysis for all these locations.

Technical Officer Access - 3 September 2020

Please provide accessible parking throughout the site. None shown.

Continue footpath between units 22/23 to Simeon Close. For the benefit of those in wheelchairs, but also for everybody as they will use it as a short cut, (pedestrians walk in straight lines).

Why are there no units someone in a wheelchair can live in?

Consider children with disabilities when designing the play equipment.

Some properties appear to access direct on to the public footpath. Will there be sufficient space for ramps to the front doors (namely the properties on the west side of Heaton Drive and the south side of Gunning Road).

5.2 A site notice was displayed near the site on 4 September 2020 and a press advert was published in the Cambridge Evening News on 27 August 2020.

5.3 Neighbours – 475 neighbouring properties were notified and approximately 390 letters of representation have been received which has resulted in further amendments to the scheme. The responses received are summarised below. A full copy of the responses are available on the Council's website.

Comments relating to the current scheme for 27 dwellings:

- Still an overdevelopment of the site;
- Focus on making Ely a sustainable city;
- Traffic issues
- Open space required for mental health as well as environmental factors for wild life;
- No trees should be removed;
- Added pressure on GP surgeries;
- Affects public view
- Affects streetscene
- Contrary to Policy;

- Form and character;
- Implications of additional traffic and highway safety;
- Landscape impact;
- Residential amenity, noise, loss of privacy and loss of light;
- Noise sensitive;
- Parking and Turning;
- Cladding of existing housing completely at odds with all the other houses. Concerned as to how this was allowed
- No pavement in Redman Close and the construction of eight houses will significantly increase the number of cars making loss of useable and safe cycle paths;
- Inconsiderate builders;
- More playgrounds required;
- Loss of trees;
- Clarification required on planned footpath that gains access to Kings Avenue;
- Lack of existing open space in Ely;
- Need to encourage active travel and better public transport;
- Energy Strategy just a box ticking exercise and unless new development is carbon neutral then it cannot comply with the definition of sustainable development;
- suggest that permanent public access to all estate roads, footways and green space be conditions of approval. construction of the footpath/cycle path between Nigel Road and an east-west bridleway on the northern boundary of this development also be a condition of approval;
- Biodiversity Net Gain Report needs amending
- Bats may be affected
- Bin store may cause loss of amenity to resident
- Space for air cadets to practice

5.4 There have been overriding concerns expressed repeatedly regarding the protection of the existing greenspace within the site to prevent it being built on by means of a planning condition or via the s106 Agreement. However, para 55 of the NPPF makes clear that conditions should meet with the following '6 tests' in that they are:

1. Necessary;
2. Relevant to planning
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise and
6. Reasonable in all other respects.

5.5 The act of tying public open space within an application would not meet with the s122 of the Community Infrastructure Levy Regulations 2019 NPPF. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms and may only constitute a reason for granting planning

permission if they meet the tests that they are necessary to make a development acceptable in planning terms.

It is not practice adopted by the Council to condition public open space so that it remains as public open space in perpetuity. To do so would set an undesirable precedent in all applications for housing development within the district and this would be open to challenge. Notwithstanding this fact, every application is assessed on the individual merits of a scheme and is a matter of planning judgement.

5.6 *Comments concerning previous amendments:*

Loss of trees and impact on those retained
Loss of established greenspace which is a public amenity
Flooding and drainage
Global warming
Increase in traffic
Pollution
Re-instate playpark and increase leisure activities in the area
Impact on Conservation Area
Landscape impact
Housing should have solar panels and heat pumps
Affordable housing already being built in the area
Affects right of way/access
Affects public views
Duty of care for citizens of Ely and their well-being
Site is full of empty houses

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

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

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide
Contaminated Land
Flood and Water
Natural Environment
Climate Change

6.3 *National Planning Policy Framework 2021*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.4 *Planning Practice Guidance and National Design Guide*

Due regard has been had to this guidance.

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are:

- Principle of Development
- Residential amenity
- Visual amenity
- Highways and parking
- Ecology and Biodiversity
- Archaeology
- Flood Risk and Drainage
- Other

7.2 Principle of Development

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

7.2.2 The housing scheme has been significantly reduced from 53 to 27 dwellings which include both market and affordable housing. Amid concerns expressed in letters of

representation, the existing open space would remain intact and therefore no housing is proposed within the central area. The new development would be pepper-potted around the site on areas that do not form part of usable public open space. As such the visual amenities of the area have not been harmed and the scheme would complement the existing pattern of development.

- 7.2.3 The site is located within the development envelope of Ely which has been identified as an area of growth in Policy GROWTH 2 of the adopted Local Plan 2015. The image below indicates the Masterplan for the site:



- 7.2.4 The proposal would provide an acceptable standard of living for future occupiers and would not compromise the living environment of existing residents. The site is within a sustainable location benefitting from a range of transport options, close to the hospital as well as other services, infrastructure and employment opportunities. The Local Highways Authority have raised no concerns and mitigation measures and enhancements would create more active travel with safer routes which encourage walking and cycling.

- 7.2.5 It is considered the scheme meets with the policy requirements of both national planning policy and the adopted Local Plan 2015 and is considered acceptable in principle, subject to the satisfactory completion of a S106 Agreement.

7.3 Residential Amenity

- 7.3.1 The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.

- 7.3.2 The East Cambridgeshire Design Guide SPD takes into account the requirement to provide sufficient plot sizes and amenity space for all new development. Therefore,

a minimum of 10m separation distance should be achieved from the rear elevation of any dwelling to the rear boundary. The distance between rear inter-visible windows should be a minimum of 20m (66 ft) and the scheme complies with this guidance. The Design Guide also seeks 300 sqm (~3230 sq ft) plot sizes, at least 50 sqm (~540 sq ft) amenity space and ratio of built form to plot. In this respect the design criteria have been met.

- 7.3.3 Plots 1-2 would comprise one 2no bedroom detached maisonette located on the junction of Kilkenny Avenue and Nigel Road. This area was previously occupied by a single storey building which has since been demolished. To the rear of the site is a 1.8m high close boarded fence with a grassed amenity area to the rear of that. An entrance into the maisonette would be located on the southern flank wall with a communal front door fronting on to Nigel Road. The maisonette would replicate the same building line as the existing properties with 4 parking spaces to the front. There is a shared amenity space which would be suitably screened to provide privacy for the future occupants.
- 7.3.4 In terms of the residential amenity of existing occupiers is concerned, there would be one property to the north of the site in Nigel Road. There are no windows on the flank elevation abutting the shared boundary and the first floor windows relating to the new dwelling, on the opposing flank wall, have been positioned to avoid overlooking and any loss of privacy. There are windows on the first floor rear wall where there would be some overlooking into the garden area of the neighbouring property, however, as all properties along Nigel Road share a similar orientation a degree of overlooking already occurs. As such the residential amenity of this adjoining occupier would not be materially harmed.
- 7.3.5 Plots 3-6, 7-10 12-15 and 16-19 all comprise two storey flats. The accommodation mix and the layout are replicated within these units with 1 x no1 bed and 1 x 2no bed on the ground and first floors. The overall approximate height to ridge would be 9.5m (31.2ft) with a depth of 18.4m (59ft) x width of 9m (29.5ft) These units are located to the north and east of the site. The flats have been designed to reduce the degree of overlooking to neighbouring properties and this has been achieved by reducing the number of windows which would overlook a neighbouring property. These two boundaries currently abut open countryside but as planning permission has been granted for the future North Ely urban extension, then it has also been necessary to assess the residential impact on the adjacent site. All ground floor flats have been designed to comply with Part M of the Building Regulations [Access to and use of Buildings].
- 7.3.6 When looking at the Masterplan for North Ely, it is proposed to place a landscaped "Greenway" which would run the length of the northern boundary of the application site. The Greenway would be planted with trees and hedgerow. On the eastern boundary of the application site, there would be a number of allotments which would also be suitably screened on the shared boundary.
- 7.3.7 Within the site there would be a number of properties along Gunning Road which would have a rear garden to flank wall relationship with the new flats (3-6 and 7-10). The separation distances achieved along here are approximately 20 – 22.5 m (66ft-72ft) respectively and in Heaton Close the relationship with existing dwellings would be sharing the linear layout with existing development approximately 9m (29.5ft) from plots 16-19. Again, sufficient separation distance has been provided to ensure

there would be no visual intrusion, loss of privacy/overlooking or overshadowing. New occupiers would be provided with an acceptable area of communal garden space.

- 7.3.8 Plot 11 comprises a 2no bedroom chalet bungalow located on the corner of Gunning Road and Heaton Drive. Although, this site would have a shallow depth garden at 7m (23ft), the width of the plot would be 27m (88.5ft) and as such is acceptable. There would be no overlooking or loss of privacy to adjoining occupiers, due to the size and location of this dwelling.
- 7.3.9 Plots 20-27 comprise 4 pairs of semi-detached dwellings located to the south-west of the site and abut Merrifield Gardens to the east and the park to the west. All are 3no bedroom dwellings and measure 8.8m high (28.8ft). Due to their linear layout all dwellings share a similar orientation to the existing dwellings and therefore there would be no visual intrusion or loss of amenity in terms of overlooking/loss of privacy/loss of light or overshadowing. In general, whilst there would be a degree of general disturbance from construction traffic and working practices, a number of mitigation measures have been imposed by condition in the form of restrictions on times of delivery and construction, as well as a Construction Environmental Management Plan which would ensure the residential amenity of existing occupiers is safeguarded for the duration of the construction period.
- 7.3.10 All dwellings benefit from an acceptable outlook with adequate sunlight/daylight penetration to all habitable rooms and meet with the requirements of the East Cambridgeshire Design Guide.
- 7.3.11 In terms of the design of these new dwellings/flats, a traditional approach has been taken on the external elevations with boarding on the flat blocks and brick headers on the housing. Details of the materials would be provided by condition. Concerns have been identified with regard to the materials used on the existing housing and how has this been allowed. It is acknowledged that the existing housing stock has remained vacant since the previous residential use ceased and has not been upgraded. A number of renovation works have therefore been carried out that would not necessarily require planning permission as these can be undertaken as permitted development.
- 7.3.12 On balance, the scheme meets with the criteria established in the Council's Design Guide and there would be no material loss of residential amenity to existing occupiers due to the size and location of these dwellings. The amenity of future occupiers is also considered to be acceptable.
- 7.3.13 The scheme would comply with Policy ENV2 of the adopted Local Plan and the Design Guide.

7.4 Visual Amenity

- 7.4.1 Policy ENV1 of the Local Plan 2015 requires new development to 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 settlement. Policy ENV2 of the Local Plan 2015 requires that new

development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.

- 7.4.2 The existing development within the application site has been designed specifically for the families of servicemen and women and has been laid out around a central area of public open space. An avenue of trees abut this area to the east and south with a tree copse located to the west. There are other buildings on the site, besides the housing, which would have provided the ancillary services and facilities enabling the residents to live independently within a closed community. The whole area benefits from screens of mature trees which contribute to the area's verdant character. A tennis court within the south-western corner has been brought back into use and there is a disused play area on the junction of Heaton Drive and Kilkenny Avenue.
- 7.4.3 In assessing the impact of the additional housing on the visual amenities of the area, upon entering the site to the north-west, there would be a new dwelling (maisonette) located adjacent to the entrance. It is not considered that this property would detract in any way from the visual amenities, in view of its positioning within the existing streetscene. The area in question was previously occupied by a derelict building either associated with the hospital or the existing military use. Moreover, a multi-storey car park is planned on the area of land to the south-west of Nigel Road as part of the re-development of the Princess of Wales Hospital site.
- 7.4.4 Parts of the site, where it is planned to construct the flatted development, would be to the rear of properties in Gunning Road or again within the streetscene in Heaton Drive and the impact of these new dwellings would be minimal when considered against the prevalent character of existing development and emerging character of development planned within the wider area. The row of semi-detached dwellings complete an existing line of dwellings to the south of the site opposite the refurbished tennis courts.
- 7.4.5 The prevalent character of dwellings within this estate is that of purpose-built dwellings all of two storeys in height comprising a mix of terraced, semi detached and detached housing using a combination of buff and red facing brick, boarding and render. Whilst the proposal would introduce a number of apartment blocks these would be two storeys in height. The scheme would also introduce a single storey bungalow at the junction of Gunning Road and Heaton Drive. The design of the new housing takes as reference the existing properties and as such retains the character of development within the surrounding area. Further details of the materials proposed would be sought by condition.
- 7.4.6 In all respects the proposal would comply with national policy and Policies ENV1 and ENV2 of the adopted Local Plan 2015.

7.5 Highways and parking

- 7.5.1 Policy COM7 of the adopted Local Plan requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.

7.5.2 The site would utilise the existing access and internal highway layout taken from Davison Road a single carriageway road and then into Kilkenny Avenue. A Transport Assessment [Paul Basham Associates Ltd dated 23rd July 2020] was initially submitted with the scheme for 53 dwellings and indicates within the capacity

7.5.3 Although the Transport Assessment relates to a larger number of dwellings than is currently proposed within this scheme, the Local Highways Authority considers that there is sufficient capacity at the junction of Davison Road with Lynn Road to cater for the development. They have also reviewed the local accident data at this specific junction, and agree with the findings. The junction currently operates in a safe manner, and would be able to accommodate the additional traffic generated by the scheme. Bearing in mind the quantum of development has been further reduced since, then the LHA are raising no objection in this respect. The LHA also consider the approach road, Davison Road, "is adequate to cater for the additional level of traffic, the proposal may generate, in terms of geometry and footway provision". However, as the network of surrounding streets serving the development are private, the LHA would not be commenting on the standard of the infrastructure within the site. In this respect, a view has been formed by virtue of the infill nature of the development proposed, and the reduction in the number of dwellings, in that the new dwellings are located in different parts of the site and therefore unlikely to result in congestion at any one junction and at any specific time.

7.5.4 The application site is within a sustainable location on the edge of Ely City Centre 1.8 km (1.1 miles), and is served by a range of sustainable modes of transport.

Bus

7.5.5 The existing bus stops are located adjacent to the north of the hospital car park and on Davison Road (Morton Close Bus Stop) which lies approximately 240m (787ft) north of the site. Bus service No 9 operated by Stagecoach runs a service every 40 minutes during peak times with a 2 hourly service off-peak from Cambridge-Waterbeach-Ely-Littleport-Chatteris.

By rail

7.5.6 Ely railway station is approximately 2.5km (1.5 miles) to the south of the site and would be either a 43 min walk, 14 min cycle or 20 min bus journey.

By foot/cycle

7.5.7 A continuous pedestrian link from the site to Lynn Road provides a safe walking route to Ely City Centre which is approximately 1.8km (1.1 miles). There are regular crossing facilities located along Lynn Road and a pedestrian refuge island 50m (164 ft) south of Davison Road/Lynn Road junction.

7.5.8 In terms of cycling, the site is close to Route 11 of the National Cycle Network (NCN) which runs primarily along Lynn Road and can be accessed approximately 1.5km (0.9 miles) south of the site, and connects to an off-road route to the north and south of Ely. Likewise, NCN 51 and 24 from Cambridge can also be connected to.

- 7.5.9 The government recommends that local authorities prepare Local Cycling and Walking Infrastructure Plans (LCWIPs) in line with LT1/20, in order to create good quality cycle networks. Although the Council has not adopted an SPD on this as yet, active travel is a consideration in planning for the future.
- 7.5.10 The Ely Cycling Campaign (ECC) has raised a number of issues in respect of promoting further cycling opportunities and providing links with the North Ely Urban Housing Extension which abuts the application site to the north and east.
- 7.5.11 The scheme does make provision for a new future connection to be created at the northern end of Nigel Road so that access can be obtained when Phase 2 of the North Ely housing scheme is built out. This will allow north-south foot and cycle linkages between the application site through to the Princess of Wales Hospital site and Lynn Road etc. Further details will be provided by condition.
- 7.5.12 Moreover, it is also possible to cycle north/south through the application site from the hospital to Kings Avenue at its junction with High Barns (via Kilkenny Avenue / Heaton Drive / Heaton Close past the water tower and along the bridleway at Highflyer Farm Cottages). The same connection by the water tower at Heaton Close will also permit an east-west link between Williams Close and the new foot/cyclepaths that are to be constructed by others in the future on the part of Phase 2 development that lies to the east of application site.

Travel Plan

- 7.5.13 A Travel Plan has been submitted as part of the submission, [Paul Basham Associates July 2020] and includes suitable measures and incentives to promote sustainable travel and reflect the existing location of the site. However, as the document relates to a development of 53 dwellings, a revised document would need to be submitted and a condition would be imposed on any consent to this effect.

Car Parking

- 7.5.14 Policy COM8 of the adopted Local Plan 2015 requires that dwellings benefit from 2 car parking spaces and 1 cycle park space with visitor parking.
- 7.5.15 The scheme would provide a total of 60 car parking spaces for the proposed dwellings and 171 proposed for the existing housing stock. The layout successfully accommodates sufficient parking on the site both allocated and unallocated parking spaces being provided on site with opportunities for cycle storage within the rear garden areas which avoids a car dominant development and complies with the terms of the policy. Further details of the secure cycle storage would be required by condition.
- 7.5.16 The applicants would be required to provide an electric car charging strategy which can be imposed by condition. The provision of electric charging points would be seen as a significant benefit and would contribute towards reducing the impacts of climate change. The proposal is seen as an opportunity to contribute towards its green credentials which is supported by the Council's SPD on Climate Change.

7.5.17 The scheme would not impact on the existing highway network and a range of mitigation measures would ensure highway and pedestrian safety would not be compromised with benefits to active travel applied. The proposal is therefore considered to comply with Policies COM7 and COM8 of the adopted Local Plan 2015.

7.6 Ecology and Biodiversity

7.6.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.

7.6.2 The Council have adopted a Natural Environment Supplementary Planning Document in September 2020, and this provides guidance for new development to protect and encourage the biodiversity and ecology interests on site. However, the application was submitted prior to the adoption of the SPD.

7.6.3 A Preliminary Ecology Assessment (PEA), [agb Environmental dated 22nd March 2019] has accompanied the initial scheme for 53 dwellings and a Habitat Survey was undertaken on the parcels of land where development was proposed. The number of dwellings has now been reduced, however, it is acknowledged that due to the prominence of existing buildings, amenity grassland, hardstanding, heavy management of its habitats with poor plant diversity and extensive use of artificial lighting, the site holds negligible ecological importance. The Wildlife Trust has stated that “ecological report covers all the relevant issues and makes appropriate avoidance, mitigation and enhancement recommendations” and the recommendations can be secured through the use of appropriately worded planning conditions

7.6.4 In terms of designated sites of national importance that are within 5km (3.1 miles) of the application site the site falls within the Ely Pits and Meadows SSSI IRZ, and Natural England have been consulted and have raised no objection. The SSSI is 1.2km (0.7 miles) north west of the site, the Little Downham LNR is 2.7km (1.7 miles) west of the site and the Delph Bridge Drain SSSSI 4.9 km (3 miles) south east of the site. However, the site is 7.7km (4.8 miles) distant from the Ouse Washes, SAC, SPA and Ramsar.

7.6.5 Non-statutory sites are Ely Cemetery CWS which is within 0.6km (0.4 miles) and to the south of the site; Chettisham Meadow CWS which is 1.2km (0.7 miles) north, with the River Great Ouse 1.4km (0.86 miles) east of the site.

7.6.6 Turning to species recorded on the site a survey of trees was undertaken to establish their potential to support bats, owls, and birds. The PEA records bird interest is likely to be confined to the hedgerows, trees and scrub as well as buildings. There was no evidence of barn owls although parts of the site would be suitable for foraging purposes. The PEA also considered there would be roosting potential for bats within a number of trees present and further surveys were recommended should those trees be found suitable for roosting. However, since this report was commissioned, the amount of development has been significantly

reduced and would not affect the trees in question. It is therefore not considered necessary to undertake further survey work.

- 7.6.7 A Reptile and Badger Report [Greenlight Environmental Consultancy dated October 2020] has been submitted and records that no badger sets, or set entrances were recorded on site. Likewise, no reptiles were recorded within the survey area. A number of precautionary measures set out in the Report have been proposed and should be observed prior to construction of development. These will be conditioned accordingly.
- 7.6.8 The Biodiversity Net Gain (BNG) Metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management. A Biodiversity Net Gain Report has also been submitted [Richard Graves Associates Ltd dated July 2022]. The report uses the current Biodiversity Metric 3.1 which was launched in April 2022 by DEFRA. This document has been amended to indicate that 23 trees are due to be removed and replanted with 24. As a result, the scheme would achieve a small (0.16%) net gain.
- 7.6.9 BNG is now mandated in The Environment Act 2021, where a minimum of 10% net gain will be required once regulations are issued, (by most developments), but currently this is an aspirational percentage. Enhancements to ecology proposed within the site apart from tree and hedgerow planting would also include bird boxes, underground bumble been boxes in hedgerows, two reptile hypernacula and insect houses. The Cambs Wildlife Trust had no comments to make on the BNG assessment, only commenting that the report shows no net loss for habitats (a very marginal and certainly not a significant gain), but a significant gain in hedgerow units. The Wildlife Trust consider “as the development is just one small parcel and a small part of a much larger urban extension, and was also allocated prior to the Environment Act there would appear to be little justification for requiring a significant net gain in habitats. Should the council require one, then the development should make a proportionate contribution to the habitat creation within the Ely North Country Park”. In view of the small net gain in biodiversity the developers have agreed to provide a proportionate contribution to habitat creation in Ely North Country Park and this will be set out within the S106 Agreement.
- 7.6.10 The Council's Tree Officer has raised no objection citing that the pollarded poplar trees in G4 (along the northern boundary), which have been indicated for retention, should be removed as they have suffered catastrophic structural failures and should be replaced with trees more suitable for long term retention. As such, although a landscaping scheme has been submitted which indicates the location of the new specimen and garden tree planting, hedgerow etc, a revised scheme would be required by condition which can then be reviewed by the Tree Officer.
- 7.6.11 The proposal is considered to meet with the criteria of Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

7.7 Archaeology

- 7.7.1 The NPPF and Policy ENV14 emphasise that the conservation of archaeological interest is a material consideration in the planning process and requires

development proposals that affect sites of known or potential archaeological interest to have regard to their impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains.

- 7.7.2 The County Archaeologist has commented on the scheme in view of the site's location to the north of Ely and considers there has been evidence of Bronze Age, Iron Age Saxon and post medieval activity known within the vicinity of the site.
- 7.7.3 County have raised no objection to the proposal, however, request that a Written Scheme of Investigation is submitted by condition. Such a condition would therefore be applied.
- 7.7.4 The proposal is considered to meet with the criteria of Policy ENV14 of the adopted Local Plan 2015.

7.8 Flood Risk and Drainage

- 7.8.1 Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction. The site is located wholly in Flood Zone 1 and has been assessed as being at very low risk of flooding.
- 7.8.2 A Flood Risk Assessment and Drainage Strategy [Palace Green Homes dated July 2020] has been submitted with the application and indicates that of the three pump stations within the site curtilage only one has been adopted by Anglian Water with the remaining two in private ownership. The existing arrangement for the disposal of surface water is a mixture of soakaways and existing connections to a combined sewer.
- 7.8.3 It is proposed to dispose of all surface water runoff via infiltration to ground via porous paving and soakaways. The Lead Local Flood Authority has raised no objection in principle to the development subject to two conditions requiring "further groundwater investigations to confirm that the appropriate groundwater clearance can be achieved in parts of the site where a perched aquifer is present". In perched aquifer areas it is proposed to manage surface water by means of a surface water pump to discharge into the Anglian Water sewer in Davison Road. A further condition is proposed to provide details of the long-term maintenance arrangements.
- 7.8.4 In terms of the management of foul water, there is a private sewer network serving the existing dwellings. Wastewater drains by gravity to one of three pump stations located on the estate.
- 7.8.5 Anglian Water have raised no objection to the reduced amount of housing and have indicated that the foul drainage from the development would be in the catchment of Ely Water Recycling Centre where there is capacity for these flows. The location of their sewage pumping station is within 15m of the site. In line with guidance provided by Anglian Water, all residential dwellings would be required to be located outside of the 15m *cordon sanitaire* as development would be potentially sensitive to noise or other disturbance. In order to ensure future amenity issues are not

created no development is proposed within this exclusion zone. The proposal would not intrude into this area.

7.8.6 It is considered that the scheme would comply with Policy ENV8 of the adopted Local Plan 2015.

7.9 Other Material Matters

Infrastructure

- 7.9.1 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space.
- 7.9.2 For a new development of this size and scale the provision of on-site open space is calculated by the amount of space required per person multiplied by the average dwelling occupancy rates to produce the amount of land required per dwelling. In this respect, taking account of existing and proposed occupants of the site there would be a requirement for approximately 0.84ha (2.07 acres) of public open space. The site has in excess of this amount and benefits from 2.13 ha (5.26 acres) of public open space.
- 7.9.3 In assessing the scheme, it is acknowledged that the site benefits from more public open space than is required by policy but the proposal would also result in the loss of existing public open space. In amending the scheme in line with public sentiment, the central area within the site is to remain undeveloped with just pockets of development on the periphery of the site, on areas which are not being used for recreational or amenity purposes. The Council's Supplementary Planning Document on Developer Contributions is implicit in that it has a preference to secure on-site provision of new informal open space and areas on developments of 20 dwellings or more, however, it has already been acknowledged that this site already has in excess of the required amount of public open space and as such is not able to provide any more on site. As a consequence, a financial contribution in lieu, towards securing provision nearby or upgrading and extending existing provision will be sought via the s106 Agreement. As such this would comply with Policy GROWTH 3 and the guidance of the SPD.
- 7.9.4 There have been concerns raised within the letters of representation that this part of the district is deficient in public open space. However, each application is assessed on the individual merits of the case and in view of the location of the development on areas that do not form usable public open space and equally do not contribute to the visual amenities or character of the area, then a contribution towards the upgrading or extension of existing provision would, in this case, be acceptable.
- 7.9.5 It is considered the scheme meets with the requirements of Policy GROWTH 3 and the Developer Contributions SPD.

Housing mix

7.9.6 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character

of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents.

- 7.9.7 As mentioned above, the site has been built to house families of servicemen and women in the RAF and later for the United States Air Force. The existing number of houses is 88 and these are arranged around an attractive area of open space. The dwelling mix of the existing housing stock comprises predominantly 3 bedroom properties (66%) and 4 bedroom properties (26%), with 8 properties of 2 bedroom accommodation (8%).
- 7.9.8 Policy HOU1 of the Local Plan, 2015, requires that all housing developments of 10 or more dwellings (or allocations where specified) should provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs as identified in the most recent available evidence relating to the locality.
- 7.9.9 The scheme would introduce more 1 and 2 bedroom accommodation as set out in paras 2.2 and 2.3 above with 9 x 3no bedroom dwellings. 18 of which would be accommodated in 2 storey flats with 9 within houses. All the houses and ground floor apartments would be M4(2) compliant for adaptable and accessible dwellings. All dwellings would comply with the Government's Nationally Described Space Standards which ensure all accommodation is of an adequate size for the number of proposed occupants. As the scheme encompasses the existing housing stock, some of which is still being upgraded, and as a result is unoccupied, the scheme is considered to be consistent with the requirements of Policy HOU1 of the adopted Local Plan.
- 7.9.10 The scheme constitutes 'infill development' which is supported by the NPPF (para 124) and requires schemes to make efficient use of land by 'taking into account a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places'.
- 7.9.11 In terms of the density of development, Policy HOU2 requires that a scheme should be judged on a site-by-site basis taking account of the existing character of the locality and the settlement, and housing densities within the surrounding areas as well as the need to make efficient use of land. As the site is located adjacent to the North Ely urban housing extension, it can longer be judged as an edge of city location as the open countryside beyond has permission for up to 3,000 new homes as well as a Neighbourhood centre, primary school and associated infrastructure and open space. The infill nature of the scheme and the existing open space from which the new occupiers would benefit, coupled with the limited number of houses proposed, gives further weight to the fact that the scheme would be sensitive to its location adjacent to the major urban extension of Ely.

- 7.9.12 The scheme would comply with Policies HOU1 and HOU2 of the adopted Local Plan 2015

Accessibility

- 7.9.13 Whilst the East Cambridgeshire Access Group responded initially on the scheme for 53 dwellings, no further comments have been received concerning the amended scheme. A number of their concerns have been addressed within the report to Committee, and their comments would be forwarded to the applicants with the planning permission.

Sustainability and Climate Change

- 7.9.14 The Council has recently adopted an SPD on Climate Change as it considers as an area experiencing growth “it comes with the responsibility to balance competing demands and mitigate the negative impacts of that growth as far as is reasonably possible”. The SPD predominantly focusses on providing additional guidance to the implementation of Policy ENV4, in that all new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy.

- 7.9.15 An Energy Strategy Statement [Briary Energy – March 2022] which states that the total energy demand and associated CO₂ emissions arising from the development and demonstrates that a 19% carbon reduction can be achieved through Air Source Heat Pumps (ASHP) and improved fabric efficiency measures. The Strategy indicates that it will provide a 43.83% carbon reduction over the development and would comply with the CO₂ targets under Part L1A of the Building Regs 2013 and represents approximately 28% energy demand reduction. ASHP capture heat from the air circulating outside of the property and boost the temperature to provide heat and hot water. This type of energy does not rely on the combustion of fuels such as gas or oil.

- 7.9.16 The development would be expected to comply with the Strategy as submitted and will be conditioned as such. The proposal would therefore comply with Policy ENV4 of the Local Plan, 2015, and the Climate Change SPD.

Education

- 7.9.17 Cambridgeshire County Council, as the Education Authority, have commented that they would be seeking a contribution towards early years places at North Ely Primary School. However, there will be capacity at the Ely primary schools for primary education and at Ely College for secondary education and therefore no contributions would be required for primary and secondary education. A contribution towards Libraries and Lifetime learning would be sought. These contributions would be requested in the S106 Agreement.

Ground contamination

- 7.9.18 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment

to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

CIL

- 7.9.19 There would be a requirement to provide satisfactory management of the site concerning waste awareness, storage and collection and the scheme would be CIL liable.

Matters Raised that are not material planning considerations

- 7.9.20 A number of matters have been raised within the letters of representation that cannot be considered within this planning report as they are not material planning considerations, the following matters have been raised:
- Air cadets can no longer practice on an area of hardsurfacing due to it being built on;
 - Wrong decision for Ely;
 - Money making enterprise;
 - Senseless and unnecessary – such a rich and diverse piece of land for just a few residential flats when 3,000 new homes are being built at the Highflyer Farm.

8 Planning Balance

- 8.1 The application site is located within the development envelope of Ely which is defined by policy as a growth area.
- 8.2 The scheme has been significantly reduced from 53 dwellings to 27. The central area of public open space would remain undeveloped with the proposed dwellings pepper-potted about the site, the majority of which would be located adjacent to the northern and western boundaries.
- 8.3 The proposal demonstrates an appropriate mix of accommodation types and would provide an acceptable standard of living for future occupiers. The size and location of development would not compromise the living environment of existing residents.
- 8.4 In terms of the impact on visual amenity, the scheme would fit comfortably into its surroundings and would not impact on the character of the area. There are no highway implications.
- 8.5 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 8.6 The proposal would comply with the policy aspirations of Policy GROWTH 2 where limited infilling is considered acceptable and Policies HOU1, HOU2, ENV1, ENV2,

ENV7, ENV8, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 as well as national policy and is considered to represent sustainable development. The proposal is therefore recommended for approval, subject to conditions and completion of a S106 legal agreement.

9 COSTS

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4 In this case members' attention is particularly drawn to the following points:
- Location of the site within the development envelope of Ely.

10 APPENDICES

- 10.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/01006/FUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1

CONDITIONS

1	<u>Approved Plans</u>		
	084-19-6300	P5	18th October 2021
	084-19-6301	P1	18th October 2021
	084-19-6305	P5	18th October 2021
	084-19-6306	P2	18th October 2021
	084-19-6307	P2	18th October 2021
	084-19-0100	P23	1st April 2022
	084-19-0202	P25	1st April 2022
	084-19-0700	P6	1st April 2022
	ELYMOD-PGH-XX-02-DR-K-0208	P1	1st April 2022
	ELYMOD-PGH-XX-02-DR-K-0209	P1	1st April 2022
	ELYMOD-PGH-XX-02-DR-K-0202	P3	1st April 2022
	ELYMOD-PGH-XX-02-DR-K-0203	P3	1st April 2022
	ELYMOD-PGH-XX-02-DR-K-0204	P3	1st April 2022
	ELYMOD-DR-K-0205_S1	P2	6th December 2021
	ELYMOD-PGH-XX-02-DR-K-0205	P4	1st April 2022
	Statement of Community Involvement Appendix A Statement		3rd August 2020
	Statement of Community Involvement Appendix B		3rd August 2020
	Statement of Community Involvement Appendix C		3rd August 2020
	Statement of Community Involvement Appendix D		3rd August 2020
	Statement of Community Involvement Appendix E		3rd August 2020
	Statement of Community Involvement Appendix A Plan		3rd August 2020
	Transport Assessment inc APPENDICES A- E		3rd August 2020
	Transport Assessment APPENDICES F-J		3rd August 2020
	Travel Plan		3rd August 2020
	Archaeological Desk-Based Assessment		3rd August 2020
	Ecological Appraisal Preliminary		3rd August 2020
	1942-WWA-00-XX-DR-L-0309	P03	9th August 2022
	1942-WWA-00-XX-DR-L-0308	P06	9th August 2022
	1942-WWA-00-XX-DR-L-0307	P04	9th August 2022

1942-WWA-00-XX-DR-L-0306	P04	9th August 2022
1942-WWA-00-XX-DR-L-0106	P05	9th August 2022
Landscape Spec. & Maint Plan		9th August 2022
Biodiversity Net Gain Report		9th August 2022
Preliminary Ecological Assessment		9th August 2022
Design Access Statement		1st March 2022
Arboricultural Impact Assessment		1st March 2022
Energy Statement		1st March 2022
Supplementary Planning Statement		1st April 2022
CIL Additional Info		9th May 2022
084-19-6303	P6	1st June 2022

2 Time Limit

The development hereby permitted shall be commenced within 2 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. Site Characterisation

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 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

4 Unsuspected contamination

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.

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.

5 Piling

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.

5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

6 Construction times and deliveries,

Construction times and deliveries with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.

6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

7 Construction Environmental Management Plan (CEMP)

Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

8 Fire Hydrants

No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

8 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 97 of the NPPF.

9 Soft Landscaping works

Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of trees/ plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

10 Hard Landscaping works

No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include boundary treatments; parking areas; driveways. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.

10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

11 External Materials

No above ground construction shall take place on site until details of the external facing materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

12 Landscape Maintenance

The Landscape maintenance measures for the development as set out within the submitted Landscape Specification and Maintenance Plan August 2022 shall be carried out in accordance with the approved strategy and implemented prior to occupation and thereafter maintained in perpetuity.

12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

13 Biodiversity improvements

The biodiversity improvements as set out in the Preliminary Ecology Assessment (PEA), [agb Environmental dated 22nd March 2019] shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter maintained in perpetuity.

13 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.

14 Written Scheme of Investigation

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no

demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.

- 14 Reason To ensure that the significance of historic environment assets is conserved in line with NPPF section 16. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

15 Energy and Sustainability Strategy

The energy and sustainability measures for the development as set out within Energy Strategy Statement dated March 2022 submitted shall be carried out in accordance with the approved strategy and implemented prior to occupation and thereafter maintained in perpetuity.

- 15 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and the Climate Change SPD, 2021.

16 Welcome Travel Packs

Prior to first occupation the form and content of Welcome Travel Packs to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.

- 16 Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.

17 Electric Charging Strategy

Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.

- 17 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes.

18 Broadband

No above ground works shall commence until a strategy for the facilitation of latest technology broadband provision to future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, open access ducting to industry standards to facilitate the provision of a broadband service to that dwelling, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

- 18 Reason: To ensure that the opportunity to provide any necessary enabling works is not missed and that the needs of future residents to connect to the internet do not necessarily entail engineering works to an otherwise finished and high quality environment, and to assist community integration, economic vibrancy and home working, in accordance with Policies ENV2 and COM6 of the East Cambridgeshire Local Plan 2015.

19 Details of bin and cycling storage

No above ground construction shall commence until details of the bin and cycle stores have been submitted to and agreed in writing with the Local Planning Authority. The bin and cycle stores shall be in situ in accordance with the approved details prior to the occupation of the development.

- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015

20 Surface Water Strategy

No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Palace Green Homes dated July 2020, or the Alternative Drainage Schematic Sheets 1 to 2 Strategy prepared by Palace Green Homes, reference: ELYMOD-PGH-XX-02-DR-K-0204-5) dated 4th December 2020 and shall also include:

- a) Full results of the proposed drainage system modelling for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Full details of the proposed infiltration measures and/or attenuation and flow control measures;
 - d) Site Investigations to confirm groundwater levels;
 - e) 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.

20 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

21 Management and Maintenance of SUDS

Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

21 Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

22 Access Point

Notwithstanding the details shown on Drawing No: 1942_WWA_00_XX_DR_L_0106 REV P06 in relation to the non-vehicular routes to the north-west of the site. Prior to above ground construction works taking place, detailed specifications in relation to this access point shall be submitted to and approved in writing by the Local Planning Authority.

22 Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.

23 Reptile and Badgers

The precautionary measures outlined in the Reptile and Badger Report [Greenlight Environmental Consultancy dated October 2020] shall be undertaken prior to the commencement of development.

23 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.

22/00158/FUM

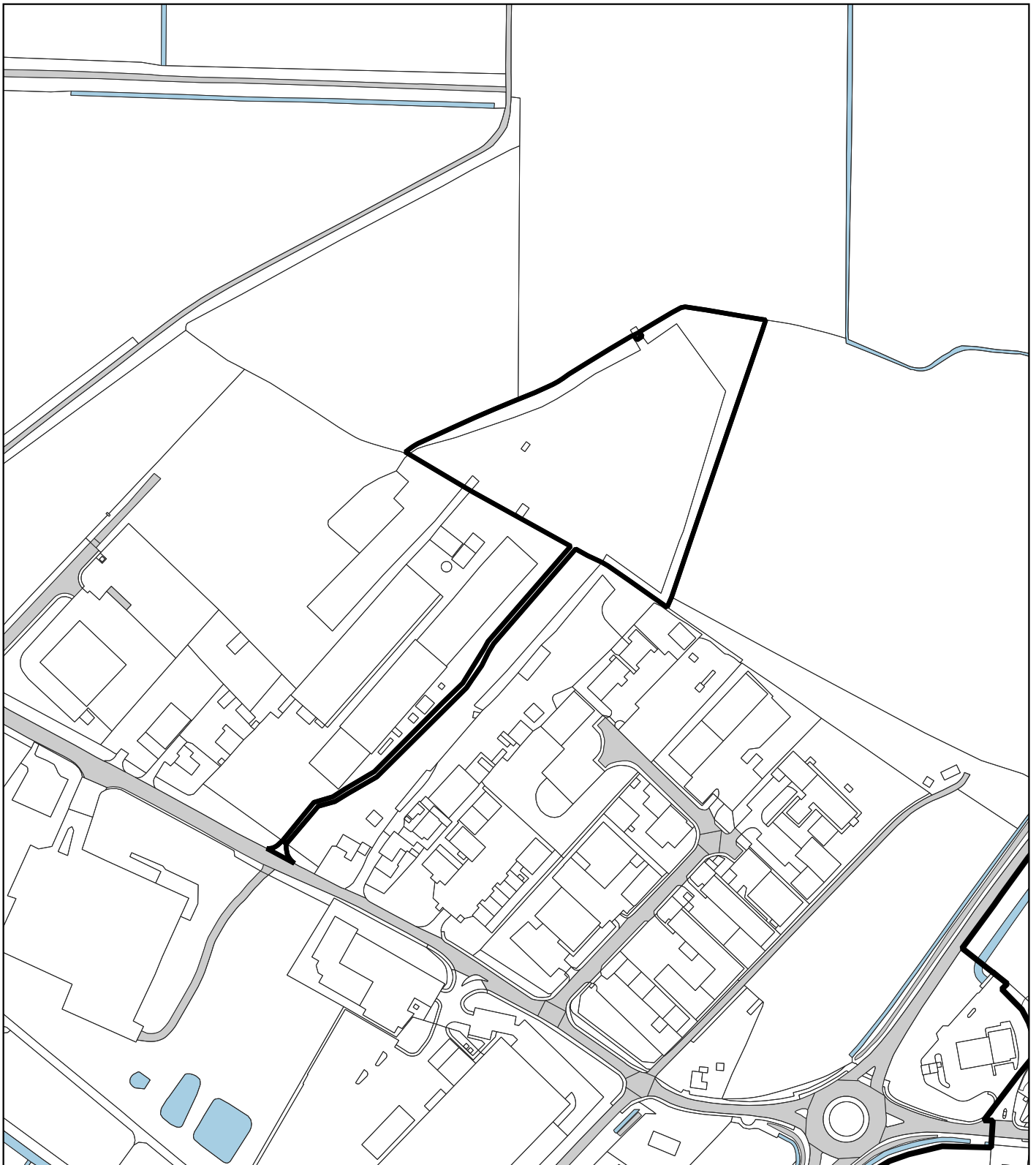
FP McCann Ltd
Wisbech Road
Littleport
Ely
Cambridgeshire
CB6 1RA

Retention and expansion of casting beds and construction of production building (Use Class B2 General Industrial)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R73ICGGGL2500>





22/00158/FUM

FP McCann Ltd
Wisbech Road
Littleport



East Cambridgeshire
District Council

Date: 23/09/2022
Scale: 1:3,500



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MAIN CASE

Reference No: 22/00158/FUM

Proposal: Retention and expansion of casting beds and construction of production building (Use Class B2 General Industrial)

Site Address: FP McCann Ltd Wisbech Road Littleport Ely Cambridgeshire CB6 1RA

Applicant: FP McCann Ltd

Case Officer: Richard Fitzjohn Planning Contractor

Parish: Littleport

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

Date Received: 10 February 2022 **Expiry Date:** 12 May 2022
Report Number X77

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application, subject to the recommended conditions below:

- 1 Approved Plans
- 2 Construction Traffic Management Plan
- 3 Surface water drainage
- 4 Specified materials
- 5 Plasma cutter only
- 6 Hours of operation
- 7 Construction times
- 8 No lights
- 9 BREEAM
- 10 Biodiversity improvements
- 11 Class B2 Use restriction

1.2 The conditions can be read in full on the attached APPENDIX 1.

2.0 SUMMARY OF APPLICATION

2.1 This application seeks planning permission, part-retrospectively, for the retention and expansion of concrete casting beds and the construction of a production building comprising a Class B2 (General Industrial) use. The concrete casting beds are used to for the production of concrete beams of varying sizes, generally for the purposes of being sold by the applicant to the businesses within the construction sector.

2.2 At the time of the application being submitted, two casting beds had already been constructed within the application site. The application sought permission for the retention of those two casting beds and expansion to create four additional casting beds, totalling six casting beds. The additional four casting beds have since been constructed and therefore all six of the proposed casting beds have already been constructed on the site. The casting beds are already being used by the applicant for the manufacturing of concrete beams, which comprises a Class B2 use. Therefore, the casting beds and B2 use are the elements of the application which are seeking planning permission retrospectively. Each individual casting bed measures approximately 1.67 metres (5.48 feet) in width and 75 metres (246.06 feet) in length. At present, the daily process relating to the casting beds begins at 7am and involves:

- Pre-cast concrete beams of varying lengths being lifted up from the casting beds by forklift.
- Cutting of steel wires which run through the concrete by circular saw, which catches on the edge of the concrete beams.
- Concrete beams being moved to storage areas by forklift.
- Cleaning out of the casting beds using hand tools.
- Laying of steel wires down the length of the casting bed which are then tensioned.
- Pouring of concrete into casting beds, divided into varying lengths by rubber spacers, and left to set overnight so that the above process can be repeated.

It should be noted that the applicant states the proposal would facilitate the use of a plasma cutter to cut through the steel wires, rather than the existing circular saw. The above process would otherwise remain the same.

2.3 The application also seeks planning permission for a production building, which would cover and enclose the casting beds. The proposed production building has not been erected. The proposed production building would have a footprint measuring approximately 90.4 metres (296.59 feet) x 27.5 metres (90.22 feet) and a height of 11 metres (36.1 feet) at the ridge and 8 metres (26.25 feet) at the eaves. The lower sections of the external walls would be finished with precast concrete panels to a height of 2.3 metres (7.55 feet). The upper sections of the external walls, and the roof, would be finished in grey box profile steel cladding. The application states that the proposed building is required to facilitate use of the plasma cutter as it cannot be used in wet conditions.

2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

2.5 As required by the Council's Constitution, this planning application is to be determined by the Planning Committee as it is a full planning application for a major employment use.

3.0 PLANNING HISTORY

3.1

95/00711/FUL	Change of Use from Agricultural storage Building to General Storage and light industrial.	Approved	15.04.1996
99/00641/FUL	Erection of detached workshop building	Approved	11.10.2002
99/00943/FUL	Gantry crane run and covered precasting area	Approved	22.12.1999
13/01060/FUM	Change of use from agriculture to open storage yard/hardstanding in connection with adjoining concrete products manufacturing premises (Class B2)	Approved	03.03.2014
14/01320/FUM	Change of use from agriculture to open storage yard and construction of a hard standing in connection with adjoining concrete products manufacturing premises, including the culverting of a drainage ditch with the installation of concrete pipes and headwall structures. (PART RETROSPECTIVE)	Approved	01.04.2015
16/01121/FUM	Change of Use of agricultural land to industrial (class B2) use and erection of a concrete manufacturing facility, with associated engineering and accommodation works and extension to an existing building and travelling crane rails.	Appeal allowed	02.02.2017

21/01338/FUL Amendments to approved Approved 03.02.2022
steel fabrication workshop
extension, to include
retention of the extension to
the building

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is part of a wider commercial premises, operated by the applicant in connection with the existing concrete products manufacturing business. The commercial premises has different established uses for different parts of the premises. The existing established planning use of the application site is for open storage relating to the manufacturing of concrete products.

4.2 The application site is located outside of the established development framework for Littleport and forms part of a wider allocation site for B1/B2/B8 employment uses (allocated by Policy LIT 4 of the East Cambridgeshire Local Plan 2015). The application site is located within Flood Zones 2 and 3.

5.0 RESPONSES FROM CONSULTEES

5.1 Consultee responses are summarised below. The full responses are available on the Council's web site.

5.2 **Littleport Parish Council**

Defer decision to ECDC Planning Officer. Littleport Parish Council does not have the technical expertise to consider the application.

5.3 **Ward Councillors**

No comments received.

5.4 **Consultee For Other Wards In Parish**

No comments received.

5.5 **Environmental Health**

Environmental Health notes the neighbour response which discusses noise from the activity of cutting of pre-stressed wires with angle grinders. The neighbour response advises that "the noise impact results from cutting both concrete and the pre-stressing reinforcement". The neighbour response goes on to say that "Another method for cutting the concrete would therefore have to be used even if plasma devices are used for the wires". Environmental Health have witnessed the cutting of the pre-stressed wires but understands that the case officer has confirmed that the cutting of concrete currently does take place.

Section 5.2 of the applicant's noise assessment states that - "It is understood that alternative cutting methods [for the cables] may be used as a backup in the unlikely

event of a breakdown with the plasma cutter". Environmental Health are uncomfortable with this as it has not been modelled in the noise assessment and therefore recommends a condition which stipulates that only the equipment modelled in the noise assessment dated 8th April 2022 shall be used, in order to protect the residential amenity of neighbouring properties.

Acoustic Associates have provided a review of the applicant's noise assessment (dated April 2022). Section 3.5 in the Conclusions of the report states that "Taking all of the above into account, the conclusion of the Hoare Lea report is that there will be a "Low" impact from operations at the nearest residents and this is likely to be correct."

Section 4.1 outlines recommendations, namely -

"It is good practice for FP McCann management to keep roller shutter doors closed during operations. If this is not possible then the maximum number of doors should be kept closed as possible. If doors must be open then they should generally not open more than ingress requires e.g. 3 metres for a fork lift truck."

If a suitable condition can be worded to require closed shutter doors during operations, then requests that this is explored; however the noise assessment has demonstrated that acceptable levels can still be achieved with the doors open.

Environmental Health have nothing to add to the Acoustic Associates report.

5.6 **Lead Local Flood Authority (LLFA)**

The LLFA have looked at the drainage system approved by planning permission ref: 14/01320/FUM. The fall of land is generally to the east already, with the capture swale intercepting flows on the eastern boundary. The proposed levels retain this general fall to the east, directing flows to the capture swale. Whilst the building may intercept some of the flows, the surface water will still shed across the surface, finding the lowest point of the site, which is to the east and into the capture swale. As the capture swale extends across the whole eastern boundary, the flows would not bypass this system

The LLFA reviewed the following documents:

- Planning and Design and Access Statement, FP McCann, Dated: January 2022
- Enclosure of Existing Outdoor Beam Casting Facility, FP McCann, Ref: 2022/LIT/TB/PD-02 Rev 0, Dated: 31 January 2022

Based on these, the LLFA have no objection in principle to the proposed development. The above documents demonstrate that the proposals are for the proposed structure to be constructed on existing impermeable area and will not be changing the drained area to the existing infrastructure on site. Therefore, there does not appear to be any change or impact on the surface water drainage scheme already installed on the site.

The LLFA request a condition is appended to any grant of planning permission requiring the surface water drainage scheme to be constructed in full accordance

with drawing no. 2022/LIT/TB/PD-02 Rev 0, dated 31 January 2022, in order to prevent an increased risk of flooding and protect water quality.

Also request an informative is appended to any grant of planning permission in respect of surface water and ground water pollution control.

5.7 **Design Out Crime Officers**

No comment or objection at this time.

5.8 **Cambridgeshire Fire And Rescue Service**

Request a Section 106 Agreement or a planning condition is appended to any grant of planning permission requiring adequate provision of fire hydrants.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required.

5.9 **Local Highways Authority**

The site has an existing access onto Wisbech Road but this access is not to current standards. However, the proposed enclosure is unlikely to result in a material intensification of use or otherwise have any material impact upon the public highway. Therefore, does not object to this application. State that any intensification of use of the site will be negligible in the context of the current usage.

The main impacts of the works will be during construction and therefore recommends that the applicant be asked to provide a Construction Traffic Management Plan which, amongst other measures, will manage the timings of construction vehicles/deliveries to minimise any impacts upon Wisbech Road.

5.10 **Natural England**

Has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England recommends that the Local Planning Authority refers to Natural England's Standing Advice in order to assess impacts on protected species, or that it seeks advice from other specialist ecology or environmental advisers.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which the Local Planning Authority can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Recommends referring to Natural England's Site of Special Scientific Interest Impact Risk Zones prior to consultation with Natural England.

5.11 **Environment Agency**

No objections to the proposed development.

With regard to the second part of the Exception Test, the Local Planning Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, the Environment Agency expect the Local Planning Authority to formally consider the emergency planning and rescue implications of new development in making their decisions. Recommend that the Local Planning Authority's Emergency Planner is consulted on the above issues.

Provides advice to the applicant regarding the Environment Agency flood warning system and how to register for that service. Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. The Environment Agency are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

5.12 **The Ely Group Of Internal Drainage Board (IDB)**

This application is for a building to be erected within an existing storage area and therefore the amount of impermeable surface is stated as not changing. Thus, it is suggested in the application that the drainage conditions are unchanged and are as identified in the original application for the area in question (application ref 14/01320/FUM). Other conditions other than erection of the proposed building within the application area not changing.

However, it is noted that the plan showing the proposals with the application includes a drain extending from a building to the south-east of the red line area, and connecting into the attenuation system for that area. It is assumed this is a new connection to be formed as part of the proposed works.

The IDB have looked at the application ref: 14/1320/FUM and note that the drainage proposals for that application do not include for any discharge for the area to the

south-east, and the building to the south east is also not shown on the information provided.

Therefore, it would appear that the discharge to the existing attenuation facility for the land edged red will be exceeded, and the storage provided will potentially be inadequate. This comment would apply whether this drain exists currently or not and is to be added as noted above.

The application appears to extend beyond the land edged red as a consequence, which will be a matter for the LPA.

As a consequence, the approved discharge to the Board's Main Drain network has the potential to be exceeded.

5.13 **Minerals And Waste Development Control Team**

No Comments Received

5.14 **Anglian Water Services Ltd**

No Comments Received

5.15 **Cambridgeshire Archaeology**

Although the presence of archaeological remains have been identified during nearby investigations, for example 200m to the south-west where investigations revealed prehistoric activity (MCB17512), recent development in the form of the construction of a hard standing covering the proposed area will have reduced the archaeological potential of the site. Therefore I confirm that we do not consider it likely that the proposed development will have a significant effect on important archaeological remains and we do not consider archaeological investigation to be necessary in connection with this proposed development.

5.16 **CCC Growth & Development**

No Comments Received

5.17 **Royal Society for the Protection of Bird**

No Comments Received

5.18 **Wildfowl & Wetlands Trust**

No Comments Received

5.19 A site notice was displayed near the site on 21 March 2022 and a press advert was published in the Cambridge Evening News on 19 May 2022.

5.20 **Neighbours** – 102 neighbouring properties were notified and responses have been received from occupiers of 2 nearby properties. The material planning

considerations, raised within the responses received, are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding errors in the application regarding the existing use of the site, the application site red line, the description of the proposed development, and the type of planning application submitted.
- Concerns regarding noise pollution, and the accuracy and credibility of the noise assessment.
- Concerns regarding the retrospective nature of the application and the failure of the Council to take enforcement action.
- Concerns regarding the piecemeal nature of development of the commercial premises.
- Concerns that cumulative impacts from the commercial premises have not been considered, including within the noise assessment and Screening Opinion.
- Concerns regarding dust pollution.
- Concerns that the whole red line area of the application site would be permitted as a Class B2 Use.
- Concerns regarding significant intensification of materials delivery and use; loading of lorries; traffic movement within, and to and from, the site; increase concrete batching operations.
- Concerns that the proposed building will divert surface water drainage routes across the site.
- Concerns that plasma cutters cannot cut through concrete and, therefore, existing operations such as cutting through concrete with angle grinders or other noise equipment would still be required.
- As the proposed working hours are different to the permitted working hours for the existing site (approved by planning permission 14/01320/FUM), queries whether approval of the current application would require a separate application to be submitted to vary the permitted working hours for planning permission 14/01320/FUM.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
LIT 4	Employment allocation, land north of Wisbech Road
EMP 1	Retention of existing employment sites and allocations

EMP 2	Extensions to existing businesses 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
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

Natural Environment SPD

Climate Change SPD

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

Flood and Water

Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2021

2 Achieving sustainable development

3 Plan-making

4 Decision-making

6 Building a strong competitive economy

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING 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 and noise
- Visual amenity
- Flood risk and drainage
- Highway safety
- Biodiversity
- Energy and water

7.3 **Principle of development**

7.4 The application site is located within the countryside and forms part of an existing business which is operated by the applicant. The application site has an established B8 (Storage) use and is allocated within the Local Plan for B1/B2/B8 employment uses.

7.5 Policy EMP 1

7.6 Policy EMP 1 of the Local Plan seeks to retain land currently used for employment purposes (B1, B2 and B8 uses), and seeks to retain employment allocations for their designated B1/B2/B8 uses.

7.7 As the proposed development would result in part of the application site changing from a B8 (Storage) use to a B2 (General Industrial) use, the existing and allocated employment use of the land would be retained in accordance with Policy EMP 1 of the Local Plan.

7.8 Policy EMP 2

7.9 Policy EMP 2 states that proposals to expand existing businesses in the countryside will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality.
- The proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.
- The extension is for the purpose of the existing business; and
- Any intensification of use will not detract from residential amenity.

7.10 The proposal is for the purpose of the existing business operating from the site.

7.11 It is considered that the proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated as:- it is contained within the boundaries of an already established and allocated employment site and would not encroach into undeveloped countryside; it is located near to existing and approved commercial buildings including some of greater scale; it would not result in any significant increase in the amount of employees or visitors travelling to the site; and it would not result in a requirement for any specialist vehicles to travel to the site.

7.12 It is concluded within other sections of this report that the proposal would not harm the character and appearance of existing buildings, the locality and residential amenity.

- 7.13 It is therefore considered that the proposed development complies with policy EMP 2 of the Local Plan.
- 7.14 Policy LIT 4
- 7.15 Policy LIT 4 of the Local Plan states that development proposals will be expected to:
- Provide safe vehicular access for the majority of the site from Wisbech Road via the existing junction, which serves Thurlow Nunn Standen. This will require improvements to the junction.
 - Provide safe vehicular access to the land to the rear of the concrete products factory on Wisbech Road via the existing factory site.
 - Provide adequate on-site car and cycle parking for employees and visitors.
 - Have particular regard to the scale, height, design and massing of buildings and landscaping, in order to minimise visual impact on the surrounding countryside and minimise amenity impact upon nearby residential properties.
 - Provide landscaping along the boundaries with nearby residential properties and adjoining agricultural land.
 - Demonstrate that the flood risk on the site can be adequately mitigated.
 - Demonstrate there is adequate capacity in the sewage treatment works and the foul sewerage network; and
 - Comply with other policies of the Local Plan.
- 7.16 Vehicular access arrangements to serve the majority of the LIT 4 allocation site, via the existing junction which serves Thurlow Nunn Standen, were approved as part of planning permission 16/01121/FUM.
- 7.17 The current application relates to the land to the rear of the concrete products factory and does not propose any changes to the existing vehicular access serving the applicants' premises. The Local Highway Authority does not object to the application and, although the existing access is not to current standards, the proposal would not result in a material intensification of use or otherwise have any material impact upon the public highway.
- 7.18 The application form indicates that the proposal would not result in an increase in the amount of employees. As the proposal is unlikely to result in an increase in the number of employees and visitors, it is considered that the existing car and cycle parking provision is acceptable. It should also be noted that additional parking for the wider commercial premises has been approved by planning permission 16/01121/FUM.
- 7.19 It is concluded within other sections of this report that particular regard has been given to the scale, height, design and massing of buildings and landscaping, in

order to minimise visual impact on the surrounding countryside and minimise the amenity impact upon nearby residential properties.

- 7.20 There is sufficient existing landscaping along the boundaries with nearby residential properties and adjoining agricultural land, which helps to minimise the visual impacts of the proposed development. Additional landscaping along these boundaries is therefore not considered necessary for this planning application.
- 7.21 It is concluded within other sections of this report that the flood risk and drainage impacts of the proposal are acceptable.
- 7.22 Consideration has been given to all relevant Local Plan policies and it is considered that the proposal complies with them.
- 7.23 **Residential Amenity and noise**
- 7.24 Policy ENV 2 of the Local Plan requires all new development proposals to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.25 Policy ENV 9 of the Local Plan requires all development proposals to minimise and, where possible, reduce pollution, including noise pollution. Policy ENV 9 states that proposals will be refused where, individually or cumulatively, there are unacceptable pollution impacts arising from development.
- 7.26 Paragraph 174 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
- 7.27 Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.28 Paragraph 188 of the NPPF states the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 7.29 The site is part of the existing concrete product manufacturing premises, which contributes to the existing sound environment within the area. In addition to the

noise from existing premises and other nearby industries, vehicular traffic on nearby roads also makes a significant contribution to background noise levels.

- 7.30 The established use of the application site is for open storage which falls within a Class B8 Use. The existing casting bay operations are currently being carried out on the application site without planning permission being obtained for the casting bays or the Class B2 Use which the operations fall within. The proposal seeks to retain the casting bays and erect a production building over them with a Class B2 Use.
- 7.31 In assessing this planning application, consideration must be given to the fact that the whole application site is allocated within the Local Plan for B1/B2/B8 uses. It should be noted that since 21st April 2021, a Class B1 Use is now included within a Class E Use. Of the allocated uses for the site, only a Class E Use is defined as that which can be carried out in any residential area without detriment to amenity from noise. Class B2 and B8 uses are uses which have the potential to cause detriment to the amenity of a residential area from noise.
- 7.32 In relation to this planning application, a number of noise concerns have been raised by the occupiers of two nearby residential properties on Little Marefen Drove and Marefen Drove. In addition to the noise concerns raised regarding the proposed development, these noise concerns also relate to existing operations on the site.
- 7.33 The application is supported by a noise assessment which assesses the significant noise-generating activities which are likely to be carried out within the proposed production building. Concerns have been raised by neighbours regarding the accuracy and credibility of the noise assessment. However, the noise assessment has been prepared by a professional acoustics engineer commissioned by the applicant. It has been reviewed by an acoustics consultant commissioned by the Council and by the Council's Environmental Health department who consider the noise assessment to be acceptable. The acoustics consultant commissioned by the Council has reviewed previous noise assessments relating to other planning applications at the wider FP McCann premises, and their review of the current noise assessment states that it is supported by surveys carried out for previous applications. The acoustics consultant commissioned by the Council considers that the applicants' noise assessment has used appropriate noise standards (BS 8233:2014 and BS4142:2014) for the basis of noise assessment.
- 7.34 The cutting process required to remove the concrete beams from the casting bay is to cut through the steel wires at either end of each concrete beam. At present, circular saws are used for this process. The applicant states that the proposed production building would facilitate the use of a plasma cutter to be used for the casting bay operations, rather than the existing circular saws which are used. Section 5.2 of the noise assessment states that alternative cutting methods [for the cables] may be used as a backup in the unlikely event of a breakdown with the plasma cutter. However, the submitted noise assessment only assesses the use of a plasma cutter for cutting within the site and therefore it has not been demonstrated within the application that alternative cutting methods would be acceptable in terms of noise impacts. The applicant has therefore agreed in writing to a condition being appended to any grant of planning permission that would restrict any cutting within the application site to the use of a plasma cutter, as this is

stated by the applicant as being the preferred method of cutting and is the equipment which has been modelled within the noise assessment.

- 7.35 It should be noted that the case officer has witnessed a circular saw also being used to cut through concrete beams, within the application site but away from the casting beds, for the purposes of resizing concrete beams to create bespoke lengths. The above condition would also prevent this process from happening within the application site, however it should be noted there are large areas within the wider commercial premises where cutting of concrete using circular saws is a permitted activity in planning terms, should the applicant need to cut through concrete using a circular saw. These areas include the main area of current Class B2 operations to the south of the application site and also the land which has planning permission for a Class B2 Use to the west of the application site, although it should be noted that the latter has planning conditions that restrict noise levels being emitted from that site and noise from both sites would be restricted by statutory nuisance legislation outside of the planning system.
- 7.36 The noise assessment does not assess any noise-generating activities outside of the proposed production building; however the applicant has also agreed in writing to a condition being appended to any grant of planning permission that would restrict the proposed Class B2 Use to within the building and not the external areas of the application site.
- 7.37 The noise assessment uses archived measurements from a plasma cutter, which is of a similar size and within a building, to estimate the likely noise generation from the use of a plasma cutter to cut steel wires within the proposed production building. The applicants' noise assessment also references previous noise assessments carried out on the wider FP McCann premises, as part of which noise monitoring was undertaken at the nearest residential dwellings. The applicants' noise assessment considers the measurement data obtained from that noise monitoring to be representative of the overall noise climate that currently occurs at the nearest residential property and this view is accepted by the acoustics consultant commissioned by the Council. The applicants' noise assessment also includes attended monitoring of activities relating to two of the casting beds in operation, prior to the other four casting beds being constructed. However, the noise assessment calculates a worst-case noise scenario based on all activities happening at the same time and within 6 casting beds in operation.
- 7.38 The applicants' noise assessment concludes that assessment of activity noise levels for the proposed development indicates that daytime and night time BS 8233 internal criteria would readily be achieved at the nearest residential property when windows are open. In addition, the noise assessment concludes that assessment of activity noise levels in accordance with BS 4142 indicates that the noise impact of the proposed development would achieve a condition of 'low impact' during proposed operational hours without the requirement for additional mitigation works. Finally, the noise assessment concludes that overall noise levels are deemed particularly low in relation to the general ambient noise level in the local vicinity and so noise from the site would be unlikely to give rise to noise disturbance.
- 7.39 The review of the applicant's noise assessment, carried out by the acoustics consultant commissioned by the Council, concludes that the source levels

estimated for the casting operations by Hoare Lea are likely to be reasonable overall for the purposes of the assessment; the background noise levels assumed by the Hoare Lea report at the nearest receptors are reasonable; the worst-case internal noise level of the enclosure is likely to be under-estimated; and the amount of sound energy propagated from the enclosure to the nearest residents is likely to be over-estimated. Taking all of the above into account, the review of the applicant's noise assessment, carried out by the acoustics consultant commissioned by the Council, states that the conclusion of the applicants' noise assessment is likely to be correct.

- 7.40 Concerns have been raised by neighbours that the noise assessment has assessed the noise impacts of the plasma cutter on the basis of it operating for 15 minutes per casting bed. However, the case officer and Environment Health officer have both witnessed the existing process of the steel wires within the casting beds being cut with circular saws and can validate that this process took approximately 15-20 minutes per casting bed. As the noise assessment has predicted 15 minutes per bed on the basis of a plasma cutter being used, which is likely to provide a quicker cutting process than a circular saw, it is considered that the proposed operating time for the plasma cutter is realistic.
- 7.41 Concerns have been raised by neighbours that forklift operations outside of the building are not included within the noise assessment. However, the attended monitoring carried out as part of the noise assessment includes measurements of noise levels generated by forklift trucks within the site.
- 7.42 The Council's Environmental Health department recommends a condition that restricts any cutting within the application site to the use of a plasma cutter, in order to protect the residential amenity of neighbouring properties. The Council's Environmental Health department also requests if a condition requiring closed shutter doors during operations can be explored, though they recognise that the noise assessment has demonstrated that acceptable noise levels can be achieved with shutter doors open. This is also a recommendation of the acoustics consultant commissioned by the Council. However, as the applicants' noise assessment has demonstrated that acceptable noise levels can be achieved with shutter doors open, it is considered that a condition requiring closed shutter doors would not be necessary and therefore would not meet the relevant tests for a planning condition.
- 7.43 With consideration given to the assessment of noise impacts within the applicants' noise assessment, the review carried out by the noise consultant commissioned by the Council, and the recommendations provided by all noise professionals in relation to this application, it is considered that the noise impacts of the proposed development would be within acceptable limits and would not cause any significant noise impacts to any residential properties, in accordance with policies ENV 2 and ENV 9 of the Local Plan.
- 7.44 The proposed building and casting beds would be located a significant distance from any site boundaries that adjoin neighbouring properties and, as such, would not give rise to any other harmful residential amenity impacts, in accordance with policy ENV 2 of the Local Plan.

7.45 **Visual Amenity**

- 7.46 The application site is part of an allocated employment site for B1/B2/B8 development. The existing established use of the site is as an open storage yard connected with the concrete products manufacturing business. At present, the site comprises a large area of impermeable concrete hardstanding with a large amount of precast concrete products stored on it. Therefore, although the site is located within the countryside, it is not rural and undeveloped countryside and is not of any significant landscape value.
- 7.47 As the concrete casting beds are lower in height than the concrete products that can be stored on the site, and as they would be enclosed by the proposed building, they do not result in any visual harm to the character and appearance of the area.
- 7.48 Similarly to the General Industrial building approved by planning permission ref: 16/01121/FUM, which is yet to be erected, the proposed building would be large and of a modern utilitarian design. The proposed design, scale, colour and materials of the building would give the appearance of a substantial industrial building, which would not be uncommon for a site allocated for B1/B2/B8 commercial development.
- 7.49 Due to the surrounding landscape being relatively flat, long distance views of the proposed building would be limited by intervening development and landscaping. Although the proposed building would have a greater level of visual prominence from short-medium distance views, it would be viewed within the context of a backdrop of existing buildings including other large industrial buildings.
- 7.50 With consideration given to the allocation of the site for commercial development, the character and appearance of the existing site and surrounding area, the visual sensitivity of the site from public views, and the scale and design of the proposed building, it is considered that proposed development would not harm the character and appearance of the area, in accordance with policies ENV 1, ENV 2, EMP 2 and LIT 4 of the Local Plan.

7.51 **Flood risk and drainage**

- 7.52 The application site is located within Flood Zone 3a, which is defined within National Planning Practice Guidance for Flood risk and coastal change (PPG) as having a 'high probability' of flooding. Annex 3 of PPG classifies the vulnerability of General Industrial development as 'less vulnerable'. Table 2 of PPG makes it clear that 'less vulnerable' development is compatible with Flood Zone 3a.
- 7.53 Paragraph 166 of the NPPF states that, where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. As the application is for the development of a site which has been allocated for employment use within the Local Plan, the sequential test for flood risk does not need to be applied again as part of the planning application process.
- 7.54 Paragraph 166 of the NPPF also states that the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or

potential flood risk should be taken into account. In addition, the Environment Agency's consultation response to this planning application makes recommendations to the Local Planning Authority in respect of satisfying the exception test for flood risk. However, Table 2 of PPG makes it clear that the flood risk exception test is not required for 'less vulnerable' development in Flood Zone 3a.

- 7.55 Policies ENV 8 and LIT 4 of the Local Plan, and paragraph 167 of the NPPF, require development proposals to appropriately consider flood risk impact and ensure that they do not result in any increase in flooding or safety risks to people. The proposed development is located on a large area of existing impermeable concrete hardstanding which forms the ground surfacing material for the majority of the application site. The ground levels would retain the existing general fall to the east, directing flows into the existing capture swale along the eastern boundary. The Lead Local Flood Authority states that, whilst the proposed building would intercept some of the flows, surface water would still dispose into the existing capture swale. The IDB originally noted that the proposed site plan showed a drain extending from a building to the south-east of the red line area, and connecting into the attenuation system for that area. It has since been established that the drain referred to in the IDB's original comments is an existing piped drain with its outfall location being outside of the eastern boundary of the application site and not into the existing capture swale within the application site. A revised proposed site plan has since been submitted which removes the detail of the piped drain as it does not have any material drainage impacts in respect of this planning application. The IDB has confirmed that the revised plan has satisfactorily addressed their original concerns. The application is supported by flood risk information which demonstrates that the proposed development would not result in any material change to the existing drainage situation and would not increase flooding or safety risks to people. The LLFA states that the submitted documents demonstrate the proposal will not be changing the drained area to the existing infrastructure on site, and therefore there does not appear to be any change or impact on the surface water drainage scheme already installed on the site. As such, it is considered that an appropriate level of flood risk information has been submitted with the application, which demonstrates that the proposed development would not result in any increase in flooding or safety risks to people, in accordance with policy ENV 8 of the Local Plan and the NPPF.
- 7.56 Policy LIT 4 of the Local Plan also requires development proposals on the site to demonstrate that there is adequate capacity in the sewage treatment works and the foul sewerage network. The application does not propose any new foul sewage arrangements or new facilities that would require them. There are existing welfare facilities outside of the application site but within the wider commercial premises. The application states that the existing welfare facilities will be used. Anglian Water has reviewed the application and has no comments to make due to there being no connection to Anglian Water sewers.
- 7.57 The application has been reviewed by the Environment Agency, the Lead Local Flood Authority, the Internal Drainage Board and Anglian Water. No objections have been raised by any of these statutory consultees.

7.58 **Highway safety**

There is an existing vehicular access to the site to the north side of Wisbech Road which would serve the proposed development. The Local Highway Authority has commented that the existing access is not to current standards. However, this is an existing situation and the proposed development is unlikely to result in any material intensification of use of the vehicular access or have any significant material impact upon the public highway.

7.59 The Local Highway Authority considers that the main highway impacts of the proposed development would result from construction vehicles during the temporary construction period. The Local Highway Authority recommends that a Construction Traffic Management Plan which, amongst other measures, would manage the timings of construction vehicles / deliveries to minimise any impacts upon Wisbech Road, is requested. On the basis of this being requested the Local Highway Authority, it is considered reasonable and necessary to append a condition to any grant of planning permission requiring a Construction Traffic Management Plan to be submitted to, and agreed by, the Local Planning Authority.

7.60 It is therefore considered that the proposed development would not have any significant impacts upon the safety and convenience of the access, the efficiency of deliveries or the capacity of the highway network, in accordance with policy COM 7 of the Local Plan.

7.61 **Biodiversity**

7.62 The appeal site is located around four kilometres from the Ouse Washes. This is a Natura 2000 site with combined European nature conservation designations as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. Due to the location and existing use of the site, the scale of the proposal, and the results of previous Habitats Regulations Assessments undertaken in relation to the site and wider commercial premises, a Habitats Regulations Assessment is not required for the proposed development.

7.63 Policy ENV 7 of the Local Plan 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.

7.64 Policy SPD.NE6 of the Natural Environment SPD provides guidance which is consistent with the requirements of policy ENV 7 of the Local Plan. It expects

development proposals to avoid or minimise biodiversity impacts and provide significant biodiversity net gains.

- 7.65 With consideration given to the established use of the site, its physical characteristics (most notably its existing concrete hardstanding), and the location of the proposed development within the centre of the site, it is considered that the proposed development would not result in any harm to the biodiversity or geological value of the site or environmental features. The established use of the site and its physical characteristics also significantly limit the opportunities for the provision of biodiversity improvements. With consideration given to this, and the scale and nature of the proposal, the provision of 4 bird nesting boxes on the proposed production building would provide an adequate contribution to biodiversity net gain.
- 7.66 It is therefore considered that the proposed development would not result in any harmful biodiversity or geological impacts and would contribute to biodiversity net gain, in accordance with policy ENV 7 of the Local Plan.
- 7.67 **Energy and water**
- 7.68 Policy ENV 4 of the Local Plan states that all proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It also requires non-domestic developments of 1000m² or more to meet BREEAM Very Good standard or equivalent.
- 7.69 The proposed production building is for the purposes of accommodating an industrial process within it and the Design and Access Statement states that the building will not be heated, will not contain welfare facilities and will not have any external lighting. The production building would be constructed of concrete panel and metal cladding, which have a considerable lifespan and are recyclable, and would be internally insulated. The Design and Access Statement states that the concrete panels are manufactured on site and, where possible, other construction materials and components will be manufactured or fabricated on site. The Design and Access Statement states that the proposed building would have a very low demand for power and the existing electricity supply on site would be used to power small appliances, including low-energy LED internal lighting. In respect of the activities to be carried out as part of the proposed B2 use, the Design and Access Statement states that they would result in minimal waste and would reduce carbon usage within the construction sector. The Design and Access Statement demonstrates how the proposed development aims to maximise energy efficiency and use low carbon energy sources on site.
- 7.70 The proposed development does not demonstrate that it meets a BREEAM Very Good standard or equivalent, which is required by policy ENV 4 of the Local Plan. Therefore, it is recommended that a condition be applied to any grant of planning permission requiring the development to meet an appropriate BREEAM standard or equivalent, in accordance with policy CC1 of the Climate Change SPD.

7.71 Other Material Matters

7.72 Cambridgeshire Fire and Rescue has requested a condition or planning obligation to secure the provision of fire hydrants. However, as the proposed development is within the confines of the existing commercial site, it is considered that this request would not meet the relevant tests of a planning condition or planning obligation.

7.73 A condition is recommended to restrict the proposed Class B2 Use to within the production building only, specifically exclude any land outside of the production building from the change of use, and to restrict any future changes of use from taking place without the consent of the Local Planning Authority. This condition meets the relevant tests of a planning condition and is considered necessary in order for the proposed development to accord with policies LIT 4, ENV 2 and ENV 9 of the Local Plan.

7.74 The part-retrospective nature of the application is not a matter which can be considered as part of the determination of the application.

7.75 The Council has not taken enforcement action, regarding the existing activities on the site, due to the current application being considered. The absence of enforcement action to date is not a matter which can be considered as part of the determination of the application.

7.76 It is acknowledged that different developments relating to different areas of the overall commercial premises have been subject to separate planning applications. This in itself would not be a reasonable reason to refuse planning permission. Cumulative impacts of the proposed development, existing development and approved development within the wider commercial premises have been considered as part of the Environmental Impact Assessment Screening Opinion and it has been concluded that they would not result in any significant adverse impacts.

7.77 The Environment Agency and Council's Environmental Health department have not raised any concerns regarding dust pollution. The operation of the cement product manufacturing would be subject to the Environmental Permitting (England & Wales) Regulations 2016 (EPR). Air quality issues, such as dust emissions, from the proposed operations would be matters appropriately dealt with through the EPR. Therefore, it is considered that the proposed development accords with policy ENV 9 of the Local Plan as there are no planning reasons for the proposed development to be considered unacceptable in respect of air quality impacts.

7.78 A condition is recommended to restrict the operational hours of the development subject to this application, which relates to the proposed production building. This condition is considered necessary to protect the residential amenity of nearby residential properties. The condition would not require a change to the permitted operational hours for the external area of the site, which would retain its storage use permitted by planning permission 14/01320/FUM.

7.79 Planning Balance

7.80 The principle of development; and the impacts of the proposal in respect of residential amenity and noise, visual amenity, flood risk and drainage, highway

safety, biodiversity, and energy and water; are considered acceptable. On balance, it is considered that the proposal broadly accords with the relevant planning policies and there would be no significant adverse impacts that would weigh against the proposal. The application is therefore recommended for approval.

8.0 COSTS

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

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

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

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

- The application site is allocated within the Local Plan for Class B1/B2/B8 uses and the proposal is for a Class B2 use.
- The application is accompanied by an Acoustics Report, prepared by a professional acoustics engineer, which concludes that the noise impacts of the proposed development would be acceptable. An acoustic consultant, commissioned by the Council, has reviewed by the applicants' Acoustics Report and agrees that the noise impacts of the proposed development would be acceptable. The Council's Environmental Health department has reviewed the Acoustics Report and agrees that the noise impacts of the proposed development would be acceptable.
- There are no outstanding objections from statutory or technical consultees.

9.0 APPENDICES

9.1 APPENDIX 1 – Recommended 22/00158/FUM Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00158/FUM	Richard Fitzjohn	Richard Fitzjohn
95/00711/FUL	Room No. 011	Planning contractor
99/00641/FUL	The Grange	01353 665555
99/00943/FUL	Ely	Richard.Fitzjohn@eastcambs.gov.uk
13/01060/FUM		
14/01320/FUM		
16/01121/FUM		
21/01338/FUL		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 22/00158/FUM Conditions

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

Plan Reference	Version No	Date Received
2022/LIT/TB/PD-01	0	10th February 2022
2022/LIT/TB/PD-03	0	10th February 2022
2022/LIT/TB/PD-02	A	15th August 2022
Acoustics Report	Rev 2	11th April 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 Prior to commencement of development, a Construction Traffic Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority.

The principle areas of concern that should be addressed are:

- (i) Movements and control of construction delivery and muck away lorries.
- (ii) Parking arrangements for construction and contractor vehicles.
- (iii) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

- 2 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 3 Prior to first use of the production building, the surface water drainage scheme shall be constructed in full accordance with drawing no. 2022/LIT/TB/PD-02 Rev A, received by the Local Planning Authority on 15th August 2022.
- 3 Reason: To prevent the increased risk of flooding, to protect water quality and to prevent unacceptable pollution, in accordance with policies ENV2, ENV8 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on the application form; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Following construction of the production building hereby approved, any cutting processes carried out within the site shall only take place within the production building and via use of a plasma cutter, as modelled in the Acoustics Report Revision 2 received by the Local Planning Authority on 11th April 2022.

- 5 Reason: To prevent an unacceptable level of noise pollution and safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 Operation of development hereby permitted, including of plant and machinery, shall take place only between 0700 - 1900, and deliveries 0700 - 1700, Monday to Saturday and not at all on Sundays, Bank Holidays or Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0800 to 1800 each day Monday - Friday, 0800 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application, without the prior written consent of the Local Planning Authority.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority. A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.
- 9 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the first use of the hereby approved production building, 4 bird nesting boxes shall be installed on the building in accordance with drawing no. 2022/LIT/TB/PD-03 Rev 0. The bird nesting boxes shall thereafter be retained on the production building in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 11 The Class B2 Use, hereby permitted, only relates to the use within the production building and does not relate to any land outside of the production building. The production building shall be used for purposes within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, notwithstanding the provisions of

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), shall not be used for any other purpose whatsoever without the express written consent of the Local Planning Authority.

- 11 Reason: The application has been assessed as acceptable and complying with policies LIT 4, ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015 on this basis.

22/00158/FUM

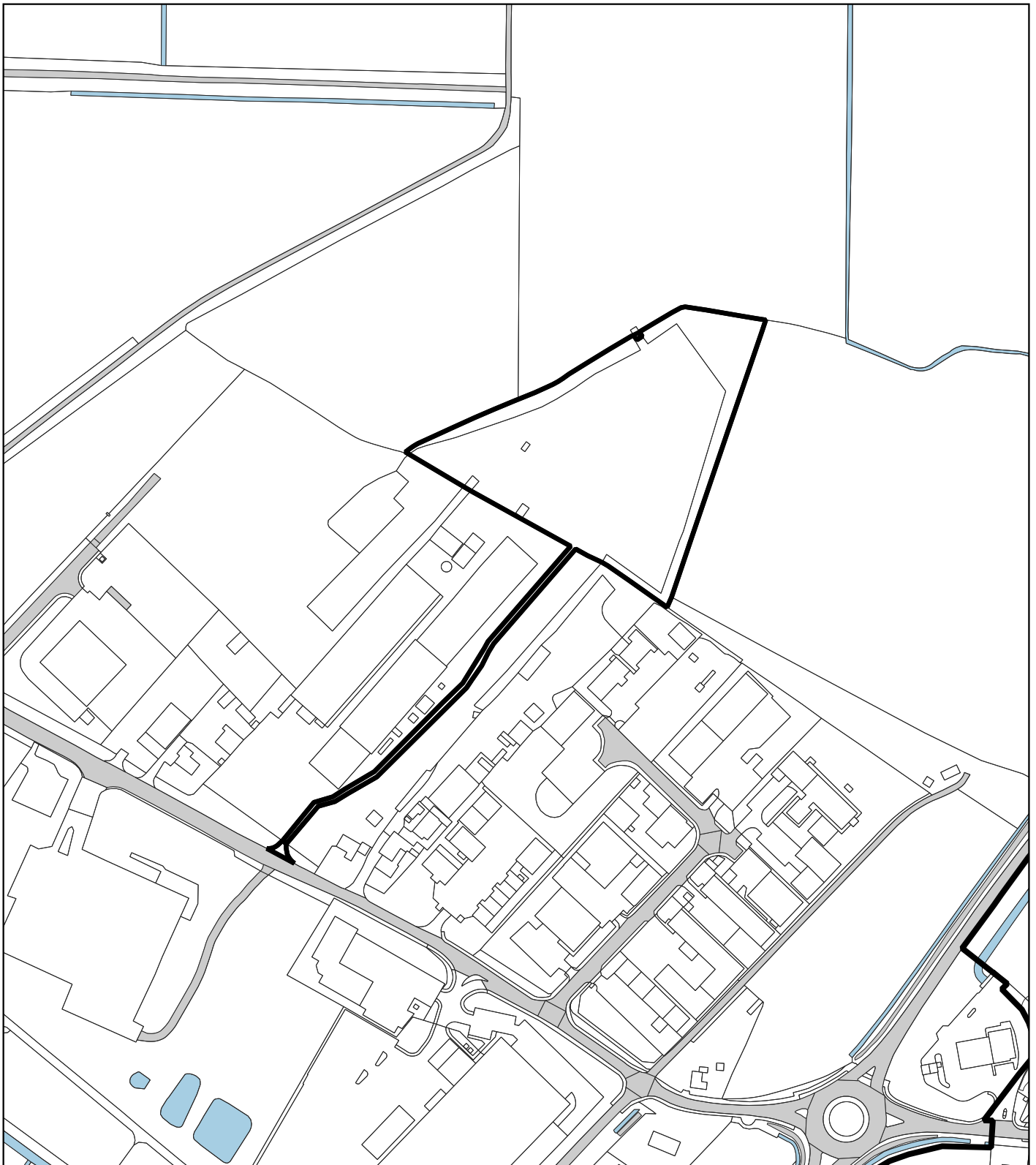
FP McCann Ltd
Wisbech Road
Littleport
Ely
Cambridgeshire
CB6 1RA

Retention and expansion of casting beds and construction of production building (Use Class B2 General Industrial)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R73ICGGGL2500>





22/00158/FUM

FP McCann Ltd
Wisbech Road
Littleport



East Cambridgeshire
District Council

Date: 23/09/2022
Scale: 1:3,500



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MAIN CASE

Reference No: 22/00158/FUM

Proposal: Retention and expansion of casting beds and construction of production building (Use Class B2 General Industrial)

Site Address: FP McCann Ltd Wisbech Road Littleport Ely Cambridgeshire CB6 1RA

Applicant: FP McCann Ltd

Case Officer: Richard Fitzjohn Planning Contractor

Parish: Littleport

Ward: Littleport

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

Date Received: 10 February 2022 **Expiry Date:** 12 May 2022

Report Number X77

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application, subject to the recommended conditions below:

- 1 Approved Plans
- 2 Construction Traffic Management Plan
- 3 Surface water drainage
- 4 Specified materials
- 5 Plasma cutter only
- 6 Hours of operation
- 7 Construction times
- 8 No lights
- 9 BREEAM
- 10 Biodiversity improvements
- 11 Class B2 Use restriction

1.2 The conditions can be read in full on the attached APPENDIX 1.

2.0 SUMMARY OF APPLICATION

2.1 This application seeks planning permission, part-retrospectively, for the retention and expansion of concrete casting beds and the construction of a production building comprising a Class B2 (General Industrial) use. The concrete casting beds are used to for the production of concrete beams of varying sizes, generally for the purposes of being sold by the applicant to the businesses within the construction sector.

2.2 At the time of the application being submitted, two casting beds had already been constructed within the application site. The application sought permission for the retention of those two casting beds and expansion to create four additional casting beds, totalling six casting beds. The additional four casting beds have since been constructed and therefore all six of the proposed casting beds have already been constructed on the site. The casting beds are already being used by the applicant for the manufacturing of concrete beams, which comprises a Class B2 use. Therefore, the casting beds and B2 use are the elements of the application which are seeking planning permission retrospectively. Each individual casting bed measures approximately 1.67 metres (5.48 feet) in width and 75 metres (246.06 feet) in length. At present, the daily process relating to the casting beds begins at 7am and involves:

- Pre-cast concrete beams of varying lengths being lifted up from the casting beds by forklift.
- Cutting of steel wires which run through the concrete by circular saw, which catches on the edge of the concrete beams.
- Concrete beams being moved to storage areas by forklift.
- Cleaning out of the casting beds using hand tools.
- Laying of steel wires down the length of the casting bed which are then tensioned.
- Pouring of concrete into casting beds, divided into varying lengths by rubber spacers, and left to set overnight so that the above process can be repeated.

It should be noted that the applicant states the proposal would facilitate the use of a plasma cutter to cut through the steel wires, rather than the existing circular saw. The above process would otherwise remain the same.

2.3 The application also seeks planning permission for a production building, which would cover and enclose the casting beds. The proposed production building has not been erected. The proposed production building would have a footprint measuring approximately 90.4 metres (296.59 feet) x 27.5 metres (90.22 feet) and a height of 11 metres (36.1 feet) at the ridge and 8 metres (26.25 feet) at the eaves. The lower sections of the external walls would be finished with precast concrete panels to a height of 2.3 metres (7.55 feet). The upper sections of the external walls, and the roof, would be finished in grey box profile steel cladding. The application states that the proposed building is required to facilitate use of the plasma cutter as it cannot be used in wet conditions.

2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

2.5 As required by the Council's Constitution, this planning application is to be determined by the Planning Committee as it is a full planning application for a major employment use.

3.0 PLANNING HISTORY

3.1

95/00711/FUL	Change of Use from Agricultural storage Building to General Storage and light industrial.	Approved	15.04.1996
99/00641/FUL	Erection of detached workshop building	Approved	11.10.2002
99/00943/FUL	Gantry crane run and covered precasting area	Approved	22.12.1999
13/01060/FUM	Change of use from agriculture to open storage yard/hardstanding in connection with adjoining concrete products manufacturing premises (Class B2)	Approved	03.03.2014
14/01320/FUM	Change of use from agriculture to open storage yard and construction of a hard standing in connection with adjoining concrete products manufacturing premises, including the culverting of a drainage ditch with the installation of concrete pipes and headwall structures. (PART RETROSPECTIVE)	Approved	01.04.2015
16/01121/FUM	Change of Use of agricultural land to industrial (class B2) use and erection of a concrete manufacturing facility, with associated engineering and accommodation works and extension to an existing building and travelling crane rails.	Appeal allowed	02.02.2017

21/01338/FUL Amendments to approved Approved 03.02.2022
steel fabrication workshop
extension, to include
retention of the extension to
the building

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is part of a wider commercial premises, operated by the applicant in connection with the existing concrete products manufacturing business. The commercial premises has different established uses for different parts of the premises. The existing established planning use of the application site is for open storage relating to the manufacturing of concrete products.

4.2 The application site is located outside of the established development framework for Littleport and forms part of a wider allocation site for B1/B2/B8 employment uses (allocated by Policy LIT 4 of the East Cambridgeshire Local Plan 2015). The application site is located within Flood Zones 2 and 3.

5.0 RESPONSES FROM CONSULTEES

5.1 Consultee responses are summarised below. The full responses are available on the Council's web site.

5.2 **Littleport Parish Council**

Defer decision to ECDC Planning Officer. Littleport Parish Council does not have the technical expertise to consider the application.

5.3 **Ward Councillors**

No comments received.

5.4 **Consultee For Other Wards In Parish**

No comments received.

5.5 **Environmental Health**

Environmental Health notes the neighbour response which discusses noise from the activity of cutting of pre-stressed wires with angle grinders. The neighbour response advises that "the noise impact results from cutting both concrete and the pre-stressing reinforcement". The neighbour response goes on to say that "Another method for cutting the concrete would therefore have to be used even if plasma devices are used for the wires". Environmental Health have witnessed the cutting of the pre-stressed wires but understands that the case officer has confirmed that the cutting of concrete currently does take place.

Section 5.2 of the applicant's noise assessment states that - "It is understood that alternative cutting methods [for the cables] may be used as a backup in the unlikely

event of a breakdown with the plasma cutter". Environmental Health are uncomfortable with this as it has not been modelled in the noise assessment and therefore recommends a condition which stipulates that only the equipment modelled in the noise assessment dated 8th April 2022 shall be used, in order to protect the residential amenity of neighbouring properties.

Acoustic Associates have provided a review of the applicant's noise assessment (dated April 2022). Section 3.5 in the Conclusions of the report states that "Taking all of the above into account, the conclusion of the Hoare Lea report is that there will be a "Low" impact from operations at the nearest residents and this is likely to be correct."

Section 4.1 outlines recommendations, namely -

"It is good practice for FP McCann management to keep roller shutter doors closed during operations. If this is not possible then the maximum number of doors should be kept closed as possible. If doors must be open then they should generally not open more than ingress requires e.g. 3 metres for a fork lift truck."

If a suitable condition can be worded to require closed shutter doors during operations, then requests that this is explored; however the noise assessment has demonstrated that acceptable levels can still be achieved with the doors open.

Environmental Health have nothing to add to the Acoustic Associates report.

5.6 **Lead Local Flood Authority (LLFA)**

The LLFA have looked at the drainage system approved by planning permission ref: 14/01320/FUM. The fall of land is generally to the east already, with the capture swale intercepting flows on the eastern boundary. The proposed levels retain this general fall to the east, directing flows to the capture swale. Whilst the building may intercept some of the flows, the surface water will still shed across the surface, finding the lowest point of the site, which is to the east and into the capture swale. As the capture swale extends across the whole eastern boundary, the flows would not bypass this system

The LLFA reviewed the following documents:

- Planning and Design and Access Statement, FP McCann, Dated: January 2022
- Enclosure of Existing Outdoor Beam Casting Facility, FP McCann, Ref: 2022/LIT/TB/PD-02 Rev 0, Dated: 31 January 2022

Based on these, the LLFA have no objection in principle to the proposed development. The above documents demonstrate that the proposals are for the proposed structure to be constructed on existing impermeable area and will not be changing the drained area to the existing infrastructure on site. Therefore, there does not appear to be any change or impact on the surface water drainage scheme already installed on the site.

The LLFA request a condition is appended to any grant of planning permission requiring the surface water drainage scheme to be constructed in full accordance

with drawing no. 2022/LIT/TB/PD-02 Rev 0, dated 31 January 2022, in order to prevent an increased risk of flooding and protect water quality.

Also request an informative is appended to any grant of planning permission in respect of surface water and ground water pollution control.

5.7 Design Out Crime Officers

No comment or objection at this time.

5.8 Cambridgeshire Fire And Rescue Service

Request a Section 106 Agreement or a planning condition is appended to any grant of planning permission requiring adequate provision of fire hydrants.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required.

5.9 Local Highways Authority

The site has an existing access onto Wisbech Road but this access is not to current standards. However, the proposed enclosure is unlikely to result in a material intensification of use or otherwise have any material impact upon the public highway. Therefore, does not object to this application. State that any intensification of use of the site will be negligible in the context of the current usage.

The main impacts of the works will be during construction and therefore recommends that the applicant be asked to provide a Construction Traffic Management Plan which, amongst other measures, will manage the timings of construction vehicles/deliveries to minimise any impacts upon Wisbech Road.

5.10 Natural England

Has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England recommends that the Local Planning Authority refers to Natural England's Standing Advice in order to assess impacts on protected species, or that it seeks advice from other specialist ecology or environmental advisers.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which the Local Planning Authority can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Recommends referring to Natural England's Site of Special Scientific Interest Impact Risk Zones prior to consultation with Natural England.

5.11 **Environment Agency**

No objections to the proposed development.

With regard to the second part of the Exception Test, the Local Planning Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, the Environment Agency expect the Local Planning Authority to formally consider the emergency planning and rescue implications of new development in making their decisions. Recommend that the Local Planning Authority's Emergency Planner is consulted on the above issues.

Provides advice to the applicant regarding the Environment Agency flood warning system and how to register for that service. Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. The Environment Agency are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

5.12 **The Ely Group Of Internal Drainage Board (IDB)**

This application is for a building to be erected within an existing storage area and therefore the amount of impermeable surface is stated as not changing. Thus, it is suggested in the application that the drainage conditions are unchanged and are as identified in the original application for the area in question (application ref 14/01320/FUM). Other conditions other than erection of the proposed building within the application area not changing.

However, it is noted that the plan showing the proposals with the application includes a drain extending from a building to the south-east of the red line area, and connecting into the attenuation system for that area. It is assumed this is a new connection to be formed as part of the proposed works.

The IDB have looked at the application ref: 14/1320/FUM and note that the drainage proposals for that application do not include for any discharge for the area to the

south-east, and the building to the south east is also not shown on the information provided.

Therefore, it would appear that the discharge to the existing attenuation facility for the land edged red will be exceeded, and the storage provided will potentially be inadequate. This comment would apply whether this drain exists currently or not and is to be added as noted above.

The application appears to extend beyond the land edged red as a consequence, which will be a matter for the LPA.

As a consequence, the approved discharge to the Board's Main Drain network has the potential to be exceeded.

5.13 **Minerals And Waste Development Control Team**

No Comments Received

5.14 **Anglian Water Services Ltd**

No Comments Received

5.15 **Cambridgeshire Archaeology**

Although the presence of archaeological remains have been identified during nearby investigations, for example 200m to the south-west where investigations revealed prehistoric activity (MCB17512), recent development in the form of the construction of a hard standing covering the proposed area will have reduced the archaeological potential of the site. Therefore I confirm that we do not consider it likely that the proposed development will have a significant effect on important archaeological remains and we do not consider archaeological investigation to be necessary in connection with this proposed development.

5.16 **CCC Growth & Development**

No Comments Received

5.17 **Royal Society for the Protection of Bird**

No Comments Received

5.18 **Wildfowl & Wetlands Trust**

No Comments Received

5.19 A site notice was displayed near the site on 21 March 2022 and a press advert was published in the Cambridge Evening News on 19 May 2022.

5.20 **Neighbours** – 102 neighbouring properties were notified and responses have been received from occupiers of 2 nearby properties. The material planning

considerations, raised within the responses received, are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding errors in the application regarding the existing use of the site, the application site red line, the description of the proposed development, and the type of planning application submitted.
- Concerns regarding noise pollution, and the accuracy and credibility of the noise assessment.
- Concerns regarding the retrospective nature of the application and the failure of the Council to take enforcement action.
- Concerns regarding the piecemeal nature of development of the commercial premises.
- Concerns that cumulative impacts from the commercial premises have not been considered, including within the noise assessment and Screening Opinion.
- Concerns regarding dust pollution.
- Concerns that the whole red line area of the application site would be permitted as a Class B2 Use.
- Concerns regarding significant intensification of materials delivery and use; loading of lorries; traffic movement within, and to and from, the site; increase concrete batching operations.
- Concerns that the proposed building will divert surface water drainage routes across the site.
- Concerns that plasma cutters cannot cut through concrete and, therefore, existing operations such as cutting through concrete with angle grinders or other noise equipment would still be required.
- As the proposed working hours are different to the permitted working hours for the existing site (approved by planning permission 14/01320/FUM), queries whether approval of the current application would require a separate application to be submitted to vary the permitted working hours for planning permission 14/01320/FUM.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
LIT 4	Employment allocation, land north of Wisbech Road
EMP 1	Retention of existing employment sites and allocations

EMP 2	Extensions to existing businesses 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
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

Natural Environment SPD

Climate Change SPD

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

Flood and Water

Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2021

2 Achieving sustainable development

3 Plan-making

4 Decision-making

6 Building a strong competitive economy

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING 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 and noise
- Visual amenity
- Flood risk and drainage
- Highway safety
- Biodiversity
- Energy and water

7.3 **Principle of development**

7.4 The application site is located within the countryside and forms part of an existing business which is operated by the applicant. The application site has an established B8 (Storage) use and is allocated within the Local Plan for B1/B2/B8 employment uses.

7.5 Policy EMP 1

7.6 Policy EMP 1 of the Local Plan seeks to retain land currently used for employment purposes (B1, B2 and B8 uses), and seeks to retain employment allocations for their designated B1/B2/B8 uses.

7.7 As the proposed development would result in part of the application site changing from a B8 (Storage) use to a B2 (General Industrial) use, the existing and allocated employment use of the land would be retained in accordance with Policy EMP 1 of the Local Plan.

7.8 Policy EMP 2

7.9 Policy EMP 2 states that proposals to expand existing businesses in the countryside will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality.
- The proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.
- The extension is for the purpose of the existing business; and
- Any intensification of use will not detract from residential amenity.

7.10 The proposal is for the purpose of the existing business operating from the site.

7.11 It is considered that the proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated as:- it is contained within the boundaries of an already established and allocated employment site and would not encroach into undeveloped countryside; it is located near to existing and approved commercial buildings including some of greater scale; it would not result in any significant increase in the amount of employees or visitors travelling to the site; and it would not result in a requirement for any specialist vehicles to travel to the site.

7.12 It is concluded within other sections of this report that the proposal would not harm the character and appearance of existing buildings, the locality and residential amenity.

- 7.13 It is therefore considered that the proposed development complies with policy EMP 2 of the Local Plan.
- 7.14 Policy LIT 4
- 7.15 Policy LIT 4 of the Local Plan states that development proposals will be expected to:
- Provide safe vehicular access for the majority of the site from Wisbech Road via the existing junction, which serves Thurlow Nunn Standen. This will require improvements to the junction.
 - Provide safe vehicular access to the land to the rear of the concrete products factory on Wisbech Road via the existing factory site.
 - Provide adequate on-site car and cycle parking for employees and visitors.
 - Have particular regard to the scale, height, design and massing of buildings and landscaping, in order to minimise visual impact on the surrounding countryside and minimise amenity impact upon nearby residential properties.
 - Provide landscaping along the boundaries with nearby residential properties and adjoining agricultural land.
 - Demonstrate that the flood risk on the site can be adequately mitigated.
 - Demonstrate there is adequate capacity in the sewage treatment works and the foul sewerage network; and
 - Comply with other policies of the Local Plan.
- 7.16 Vehicular access arrangements to serve the majority of the LIT 4 allocation site, via the existing junction which serves Thurlow Nunn Standen, were approved as part of planning permission 16/01121/FUM.
- 7.17 The current application relates to the land to the rear of the concrete products factory and does not propose any changes to the existing vehicular access serving the applicants' premises. The Local Highway Authority does not object to the application and, although the existing access is not to current standards, the proposal would not result in a material intensification of use or otherwise have any material impact upon the public highway.
- 7.18 The application form indicates that the proposal would not result in an increase in the amount of employees. As the proposal is unlikely to result in an increase in the number of employees and visitors, it is considered that the existing car and cycle parking provision is acceptable. It should also be noted that additional parking for the wider commercial premises has been approved by planning permission 16/01121/FUM.
- 7.19 It is concluded within other sections of this report that particular regard has been given to the scale, height, design and massing of buildings and landscaping, in

order to minimise visual impact on the surrounding countryside and minimise the amenity impact upon nearby residential properties.

- 7.20 There is sufficient existing landscaping along the boundaries with nearby residential properties and adjoining agricultural land, which helps to minimise the visual impacts of the proposed development. Additional landscaping along these boundaries is therefore not considered necessary for this planning application.
- 7.21 It is concluded within other sections of this report that the flood risk and drainage impacts of the proposal are acceptable.
- 7.22 Consideration has been given to all relevant Local Plan policies and it is considered that the proposal complies with them.
- 7.23 **Residential Amenity and noise**
- 7.24 Policy ENV 2 of the Local Plan requires all new development proposals to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.25 Policy ENV 9 of the Local Plan requires all development proposals to minimise and, where possible, reduce pollution, including noise pollution. Policy ENV 9 states that proposals will be refused where, individually or cumulatively, there are unacceptable pollution impacts arising from development.
- 7.26 Paragraph 174 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
- 7.27 Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.28 Paragraph 188 of the NPPF states the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 7.29 The site is part of the existing concrete product manufacturing premises, which contributes to the existing sound environment within the area. In addition to the

noise from existing premises and other nearby industries, vehicular traffic on nearby roads also makes a significant contribution to background noise levels.

- 7.30 The established use of the application site is for open storage which falls within a Class B8 Use. The existing casting bay operations are currently being carried out on the application site without planning permission being obtained for the casting bays or the Class B2 Use which the operations fall within. The proposal seeks to retain the casting bays and erect a production building over them with a Class B2 Use.
- 7.31 In assessing this planning application, consideration must be given to the fact that the whole application site is allocated within the Local Plan for B1/B2/B8 uses. It should be noted that since 21st April 2021, a Class B1 Use is now included within a Class E Use. Of the allocated uses for the site, only a Class E Use is defined as that which can be carried out in any residential area without detriment to amenity from noise. Class B2 and B8 uses are uses which have the potential to cause detriment to the amenity of a residential area from noise.
- 7.32 In relation to this planning application, a number of noise concerns have been raised by the occupiers of two nearby residential properties on Little Marefen Drove and Marefen Drove. In addition to the noise concerns raised regarding the proposed development, these noise concerns also relate to existing operations on the site.
- 7.33 The application is supported by a noise assessment which assesses the significant noise-generating activities which are likely to be carried out within the proposed production building. Concerns have been raised by neighbours regarding the accuracy and credibility of the noise assessment. However, the noise assessment has been prepared by a professional acoustics engineer commissioned by the applicant. It has been reviewed by an acoustics consultant commissioned by the Council and by the Council's Environmental Health department who consider the noise assessment to be acceptable. The acoustics consultant commissioned by the Council has reviewed previous noise assessments relating to other planning applications at the wider FP McCann premises, and their review of the current noise assessment states that it is supported by surveys carried out for previous applications. The acoustics consultant commissioned by the Council considers that the applicants' noise assessment has used appropriate noise standards (BS 8233:2014 and BS4142:2014) for the basis of noise assessment.
- 7.34 The cutting process required to remove the concrete beams from the casting bay is to cut through the steel wires at either end of each concrete beam. At present, circular saws are used for this process. The applicant states that the proposed production building would facilitate the use of a plasma cutter to be used for the casting bay operations, rather than the existing circular saws which are used. Section 5.2 of the noise assessment states that alternative cutting methods [for the cables] may be used as a backup in the unlikely event of a breakdown with the plasma cutter. However, the submitted noise assessment only assesses the use of a plasma cutter for cutting within the site and therefore it has not been demonstrated within the application that alternative cutting methods would be acceptable in terms of noise impacts. The applicant has therefore agreed in writing to a condition being appended to any grant of planning permission that would restrict any cutting within the application site to the use of a plasma cutter, as this is

stated by the applicant as being the preferred method of cutting and is the equipment which has been modelled within the noise assessment.

- 7.35 It should be noted that the case officer has witnessed a circular saw also being used to cut through concrete beams, within the application site but away from the casting beds, for the purposes of resizing concrete beams to create bespoke lengths. The above condition would also prevent this process from happening within the application site, however it should be noted there are large areas within the wider commercial premises where cutting of concrete using circular saws is a permitted activity in planning terms, should the applicant need to cut through concrete using a circular saw. These areas include the main area of current Class B2 operations to the south of the application site and also the land which has planning permission for a Class B2 Use to the west of the application site, although it should be noted that the latter has planning conditions that restrict noise levels being emitted from that site and noise from both sites would be restricted by statutory nuisance legislation outside of the planning system.
- 7.36 The noise assessment does not assess any noise-generating activities outside of the proposed production building; however the applicant has also agreed in writing to a condition being appended to any grant of planning permission that would restrict the proposed Class B2 Use to within the building and not the external areas of the application site.
- 7.37 The noise assessment uses archived measurements from a plasma cutter, which is of a similar size and within a building, to estimate the likely noise generation from the use of a plasma cutter to cut steel wires within the proposed production building. The applicants' noise assessment also references previous noise assessments carried out on the wider FP McCann premises, as part of which noise monitoring was undertaken at the nearest residential dwellings. The applicants' noise assessment considers the measurement data obtained from that noise monitoring to be representative of the overall noise climate that currently occurs at the nearest residential property and this view is accepted by the acoustics consultant commissioned by the Council. The applicants' noise assessment also includes attended monitoring of activities relating to two of the casting beds in operation, prior to the other four casting beds being constructed. However, the noise assessment calculates a worst-case noise scenario based on all activities happening at the same time and within 6 casting beds in operation.
- 7.38 The applicants' noise assessment concludes that assessment of activity noise levels for the proposed development indicates that daytime and night time BS 8233 internal criteria would readily be achieved at the nearest residential property when windows are open. In addition, the noise assessment concludes that assessment of activity noise levels in accordance with BS 4142 indicates that the noise impact of the proposed development would achieve a condition of 'low impact' during proposed operational hours without the requirement for additional mitigation works. Finally, the noise assessment concludes that overall noise levels are deemed particularly low in relation to the general ambient noise level in the local vicinity and so noise from the site would be unlikely to give rise to noise disturbance.
- 7.39 The review of the applicant's noise assessment, carried out by the acoustics consultant commissioned by the Council, concludes that the source levels

estimated for the casting operations by Hoare Lea are likely to be reasonable overall for the purposes of the assessment; the background noise levels assumed by the Hoare Lea report at the nearest receptors are reasonable; the worst-case internal noise level of the enclosure is likely to be under-estimated; and the amount of sound energy propagated from the enclosure to the nearest residents is likely to be over-estimated. Taking all of the above into account, the review of the applicant's noise assessment, carried out by the acoustics consultant commissioned by the Council, states that the conclusion of the applicants' noise assessment is likely to be correct.

- 7.40 Concerns have been raised by neighbours that the noise assessment has assessed the noise impacts of the plasma cutter on the basis of it operating for 15 minutes per casting bed. However, the case officer and Environment Health officer have both witnessed the existing process of the steel wires within the casting beds being cut with circular saws and can validate that this process took approximately 15-20 minutes per casting bed. As the noise assessment has predicted 15 minutes per bed on the basis of a plasma cutter being used, which is likely to provide a quicker cutting process than a circular saw, it is considered that the proposed operating time for the plasma cutter is realistic.
- 7.41 Concerns have been raised by neighbours that forklift operations outside of the building are not included within the noise assessment. However, the attended monitoring carried out as part of the noise assessment includes measurements of noise levels generated by forklift trucks within the site.
- 7.42 The Council's Environmental Health department recommends a condition that restricts any cutting within the application site to the use of a plasma cutter, in order to protect the residential amenity of neighbouring properties. The Council's Environmental Health department also requests if a condition requiring closed shutter doors during operations can be explored, though they recognise that the noise assessment has demonstrated that acceptable noise levels can be achieved with shutter doors open. This is also a recommendation of the acoustics consultant commissioned by the Council. However, as the applicants' noise assessment has demonstrated that acceptable noise levels can be achieved with shutter doors open, it is considered that a condition requiring closed shutter doors would not be necessary and therefore would not meet the relevant tests for a planning condition.
- 7.43 With consideration given to the assessment of noise impacts within the applicants' noise assessment, the review carried out by the noise consultant commissioned by the Council, and the recommendations provided by all noise professionals in relation to this application, it is considered that the noise impacts of the proposed development would be within acceptable limits and would not cause any significant noise impacts to any residential properties, in accordance with policies ENV 2 and ENV 9 of the Local Plan.
- 7.44 The proposed building and casting beds would be located a significant distance from any site boundaries that adjoin neighbouring properties and, as such, would not give rise to any other harmful residential amenity impacts, in accordance with policy ENV 2 of the Local Plan.

7.45 **Visual Amenity**

7.46 The application site is part of an allocated employment site for B1/B2/B8 development. The existing established use of the site is as an open storage yard connected with the concrete products manufacturing business. At present, the site comprises a large area of impermeable concrete hardstanding with a large amount of precast concrete products stored on it. Therefore, although the site is located within the countryside, it is not rural and undeveloped countryside and is not of any significant landscape value.

7.47 As the concrete casting beds are lower in height than the concrete products that can be stored on the site, and as they would be enclosed by the proposed building, they do not result in any visual harm to the character and appearance of the area.

7.48 Similarly to the General Industrial building approved by planning permission ref: 16/01121/FUM, which is yet to be erected, the proposed building would be large and of a modern utilitarian design. The proposed design, scale, colour and materials of the building would give the appearance of a substantial industrial building, which would not be uncommon for a site allocated for B1/B2/B8 commercial development.

7.49 Due to the surrounding landscape being relatively flat, long distance views of the proposed building would be limited by intervening development and landscaping. Although the proposed building would have a greater level of visual prominence from short-medium distance views, it would be viewed within the context of a backdrop of existing buildings including other large industrial buildings.

7.50 With consideration given to the allocation of the site for commercial development, the character and appearance of the existing site and surrounding area, the visual sensitivity of the site from public views, and the scale and design of the proposed building, it is considered that proposed development would not harm the character and appearance of the area, in accordance with policies ENV 1, ENV 2, EMP 2 and LIT 4 of the Local Plan.

7.51 **Flood risk and drainage**

7.52 The application site is located within Flood Zone 3a, which is defined within National Planning Practice Guidance for Flood risk and coastal change (PPG) as having a 'high probability' of flooding. Annex 3 of PPG classifies the vulnerability of General Industrial development as 'less vulnerable'. Table 2 of PPG makes it clear that 'less vulnerable' development is compatible with Flood Zone 3a.

7.53 Paragraph 166 of the NPPF states that, where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. As the application is for the development of a site which has been allocated for employment use within the Local Plan, the sequential test for flood risk does not need to be applied again as part of the planning application process.

7.54 Paragraph 166 of the NPPF also states that the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or

potential flood risk should be taken into account. In addition, the Environment Agency's consultation response to this planning application makes recommendations to the Local Planning Authority in respect of satisfying the exception test for flood risk. However, Table 2 of PPG makes it clear that the flood risk exception test is not required for 'less vulnerable' development in Flood Zone 3a.

- 7.55 Policies ENV 8 and LIT 4 of the Local Plan, and paragraph 167 of the NPPF, require development proposals to appropriately consider flood risk impact and ensure that they do not result in any increase in flooding or safety risks to people. The proposed development is located on a large area of existing impermeable concrete hardstanding which forms the ground surfacing material for the majority of the application site. The ground levels would retain the existing general fall to the east, directing flows into the existing capture swale along the eastern boundary. The Lead Local Flood Authority states that, whilst the proposed building would intercept some of the flows, surface water would still dispose into the existing capture swale. The IDB originally noted that the proposed site plan showed a drain extending from a building to the south-east of the red line area, and connecting into the attenuation system for that area. It has since been established that the drain referred to in the IDB's original comments is an existing piped drain with its outfall location being outside of the eastern boundary of the application site and not into the existing capture swale within the application site. A revised proposed site plan has since been submitted which removes the detail of the piped drain as it does not have any material drainage impacts in respect of this planning application. The IDB has confirmed that the revised plan has satisfactorily addressed their original concerns. The application is supported by flood risk information which demonstrates that the proposed development would not result in any material change to the existing drainage situation and would not increase flooding or safety risks to people. The LLFA states that the submitted documents demonstrate the proposal will not be changing the drained area to the existing infrastructure on site, and therefore there does not appear to be any change or impact on the surface water drainage scheme already installed on the site. As such, it is considered that an appropriate level of flood risk information has been submitted with the application, which demonstrates that the proposed development would not result in any increase in flooding or safety risks to people, in accordance with policy ENV 8 of the Local Plan and the NPPF.
- 7.56 Policy LIT 4 of the Local Plan also requires development proposals on the site to demonstrate that there is adequate capacity in the sewage treatment works and the foul sewerage network. The application does not propose any new foul sewage arrangements or new facilities that would require them. There are existing welfare facilities outside of the application site but within the wider commercial premises. The application states that the existing welfare facilities will be used. Anglian Water has reviewed the application and has no comments to make due to there being no connection to Anglian Water sewers.
- 7.57 The application has been reviewed by the Environment Agency, the Lead Local Flood Authority, the Internal Drainage Board and Anglian Water. No objections have been raised by any of these statutory consultees.

7.58 **Highway safety**

There is an existing vehicular access to the site to the north side of Wisbech Road which would serve the proposed development. The Local Highway Authority has commented that the existing access is not to current standards. However, this is an existing situation and the proposed development is unlikely to result in any material intensification of use of the vehicular access or have any significant material impact upon the public highway.

7.59 The Local Highway Authority considers that the main highway impacts of the proposed development would result from construction vehicles during the temporary construction period. The Local Highway Authority recommends that a Construction Traffic Management Plan which, amongst other measures, would manage the timings of construction vehicles / deliveries to minimise any impacts upon Wisbech Road, is requested. On the basis of this being requested the Local Highway Authority, it is considered reasonable and necessary to append a condition to any grant of planning permission requiring a Construction Traffic Management Plan to be submitted to, and agreed by, the Local Planning Authority.

7.60 It is therefore considered that the proposed development would not have any significant impacts upon the safety and convenience of the access, the efficiency of deliveries or the capacity of the highway network, in accordance with policy COM 7 of the Local Plan.

7.61 **Biodiversity**

7.62 The appeal site is located around four kilometres from the Ouse Washes. This is a Natura 2000 site with combined European nature conservation designations as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. Due to the location and existing use of the site, the scale of the proposal, and the results of previous Habitats Regulations Assessments undertaken in relation to the site and wider commercial premises, a Habitats Regulations Assessment is not required for the proposed development.

7.63 Policy ENV 7 of the Local Plan 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.

7.64 Policy SPD.NE6 of the Natural Environment SPD provides guidance which is consistent with the requirements of policy ENV 7 of the Local Plan. It expects

development proposals to avoid or minimise biodiversity impacts and provide significant biodiversity net gains.

- 7.65 With consideration given to the established use of the site, its physical characteristics (most notably its existing concrete hardstanding), and the location of the proposed development within the centre of the site, it is considered that the proposed development would not result in any harm to the biodiversity or geological value of the site or environmental features. The established use of the site and its physical characteristics also significantly limit the opportunities for the provision of biodiversity improvements. With consideration given to this, and the scale and nature of the proposal, the provision of 4 bird nesting boxes on the proposed production building would provide an adequate contribution to biodiversity net gain.
- 7.66 It is therefore considered that the proposed development would not result in any harmful biodiversity or geological impacts and would contribute to biodiversity net gain, in accordance with policy ENV 7 of the Local Plan.
- 7.67 **Energy and water**
- 7.68 Policy ENV 4 of the Local Plan states that all proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. It also requires non-domestic developments of 1000m² or more to meet BREEAM Very Good standard or equivalent.
- 7.69 The proposed production building is for the purposes of accommodating an industrial process within it and the Design and Access Statement states that the building will not be heated, will not contain welfare facilities and will not have any external lighting. The production building would be constructed of concrete panel and metal cladding, which have a considerable lifespan and are recyclable, and would be internally insulated. The Design and Access Statement states that the concrete panels are manufactured on site and, where possible, other construction materials and components will be manufactured or fabricated on site. The Design and Access Statement states that the proposed building would have a very low demand for power and the existing electricity supply on site would be used to power small appliances, including low-energy LED internal lighting. In respect of the activities to be carried out as part of the proposed B2 use, the Design and Access Statement states that they would result in minimal waste and would reduce carbon usage within the construction sector. The Design and Access Statement demonstrates how the proposed development aims to maximise energy efficiency and use low carbon energy sources on site.
- 7.70 The proposed development does not demonstrate that it meets a BREEAM Very Good standard or equivalent, which is required by policy ENV 4 of the Local Plan. Therefore, it is recommended that a condition be applied to any grant of planning permission requiring the development to meet an appropriate BREEAM standard or equivalent, in accordance with policy CC1 of the Climate Change SPD.

7.71 Other Material Matters

7.72 Cambridgeshire Fire and Rescue has requested a condition or planning obligation to secure the provision of fire hydrants. However, as the proposed development is within the confines of the existing commercial site, it is considered that this request would not meet the relevant tests of a planning condition or planning obligation.

7.73 A condition is recommended to restrict the proposed Class B2 Use to within the production building only, specifically exclude any land outside of the production building from the change of use, and to restrict any future changes of use from taking place without the consent of the Local Planning Authority. This condition meets the relevant tests of a planning condition and is considered necessary in order for the proposed development to accord with policies LIT 4, ENV 2 and ENV 9 of the Local Plan.

7.74 The part-retrospective nature of the application is not a matter which can be considered as part of the determination of the application.

7.75 The Council has not taken enforcement action, regarding the existing activities on the site, due to the current application being considered. The absence of enforcement action to date is not a matter which can be considered as part of the determination of the application.

7.76 It is acknowledged that different developments relating to different areas of the overall commercial premises have been subject to separate planning applications. This in itself would not be a reasonable reason to refuse planning permission. Cumulative impacts of the proposed development, existing development and approved development within the wider commercial premises have been considered as part of the Environmental Impact Assessment Screening Opinion and it has been concluded that they would not result in any significant adverse impacts.

7.77 The Environment Agency and Council's Environmental Health department have not raised any concerns regarding dust pollution. The operation of the cement product manufacturing would be subject to the Environmental Permitting (England & Wales) Regulations 2016 (EPR). Air quality issues, such as dust emissions, from the proposed operations would be matters appropriately dealt with through the EPR. Therefore, it is considered that the proposed development accords with policy ENV 9 of the Local Plan as there are no planning reasons for the proposed development to be considered unacceptable in respect of air quality impacts.

7.78 A condition is recommended to restrict the operational hours of the development subject to this application, which relates to the proposed production building. This condition is considered necessary to protect the residential amenity of nearby residential properties. The condition would not require a change to the permitted operational hours for the external area of the site, which would retain its storage use permitted by planning permission 14/01320/FUM.

7.79 Planning Balance

7.80 The principle of development; and the impacts of the proposal in respect of residential amenity and noise, visual amenity, flood risk and drainage, highway

safety, biodiversity, and energy and water; are considered acceptable. On balance, it is considered that the proposal broadly accords with the relevant planning policies and there would be no significant adverse impacts that would weigh against the proposal. The application is therefore recommended for approval.

8.0 COSTS

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

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

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

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

- The application site is allocated within the Local Plan for Class B1/B2/B8 uses and the proposal is for a Class B2 use.
- The application is accompanied by an Acoustics Report, prepared by a professional acoustics engineer, which concludes that the noise impacts of the proposed development would be acceptable. An acoustic consultant, commissioned by the Council, has reviewed by the applicants' Acoustics Report and agrees that the noise impacts of the proposed development would be acceptable. The Council's Environmental Health department has reviewed the Acoustics Report and agrees that the noise impacts of the proposed development would be acceptable.
- There are no outstanding objections from statutory or technical consultees.

9.0 APPENDICES

9.1 APPENDIX 1 – Recommended 22/00158/FUM Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00158/FUM	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning contractor 01353 665555 Richard.Fitzjohn@eastcambes.gov.uk
95/00711/FUL		
99/00641/FUL		
99/00943/FUL		
13/01060/FUM		
14/01320/FUM		
16/01121/FUM		
21/01338/FUL		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 22/00158/FUM Conditions

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

Plan Reference	Version No	Date Received
2022/LIT/TB/PD-01	0	10th February 2022
2022/LIT/TB/PD-03	0	10th February 2022
2022/LIT/TB/PD-02	A	15th August 2022
Acoustics Report	Rev 2	11th April 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 Prior to commencement of development, a Construction Traffic Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority.

The principle areas of concern that should be addressed are:

- (i) Movements and control of construction delivery and muck away lorries.
- (ii) Parking arrangements for construction and contractor vehicles.
- (iii) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

- 2 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 3 Prior to first use of the production building, the surface water drainage scheme shall be constructed in full accordance with drawing no. 2022/LIT/TB/PD-02 Rev A, received by the Local Planning Authority on 15th August 2022.
- 3 Reason: To prevent the increased risk of flooding, to protect water quality and to prevent unacceptable pollution, in accordance with policies ENV2, ENV8 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on the application form; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Following construction of the production building hereby approved, any cutting processes carried out within the site shall only take place within the production building and via use of a plasma cutter, as modelled in the Acoustics Report Revision 2 received by the Local Planning Authority on 11th April 2022.

- 5 Reason: To prevent an unacceptable level of noise pollution and safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 Operation of development hereby permitted, including of plant and machinery, shall take place only between 0700 - 1900, and deliveries 0700 - 1700, Monday to Saturday and not at all on Sundays, Bank Holidays or Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0800 to 1800 each day Monday - Friday, 0800 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application, without the prior written consent of the Local Planning Authority.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority. A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.
- 9 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the first use of the hereby approved production building, 4 bird nesting boxes shall be installed on the building in accordance with drawing no. 2022/LIT/TB/PD-03 Rev 0. The bird nesting boxes shall thereafter be retained on the production building in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 11 The Class B2 Use, hereby permitted, only relates to the use within the production building and does not relate to any land outside of the production building. The production building shall be used for purposes within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, notwithstanding the provisions of

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), shall not be used for any other purpose whatsoever without the express written consent of the Local Planning Authority.

- 11 Reason: The application has been assessed as acceptable and complying with policies LIT 4, ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015 on this basis.

22/00249/FUL

101 Clay Street
Soham
Ely
Cambridgeshire
CB7 5HL

Replace 8ft Conifer hedge with 6ft wooden fence including trellis (retrospective)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8F7LLGG0CT00>



MAIN CASE

Reference No: 22/00249/FUL

Proposal: Replace 8ft Conifer hedge with 6ft wooden fence including trellis (retrospective)

Site Address: 101 Clay Street Soham Ely Cambridgeshire CB7 5HL

Applicant: Mrs Tracey Jinks

Case Officer: Isabella Taylor Planning Officer

Parish: Soham

Ward: Soham North
 Ward Councillor/s: Alec Jones
 Mark Goldsack

Date Received: 20 April 2022 **Expiry Date:** 15th October 2022
Report Number X78

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
- 1.2 The proposed fence, by virtue of its scale, location, design and materials is a discordant feature which is out of keeping within the streetscene. The fence does not create a positive, complementary relationship with the character of the streetscene, but rather causes harm to the visual amenity of area. The development fails to preserve or enhance the character of the conservation area and would have a detrimental impact on that character. The development is therefore contrary to ENV 1, ENV 2 and ENV11 of the East Cambridgeshire Local Plan 2015 and sections 12 and 16 of the National Planning Policy Framework and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks retrospective planning permission for a fence around part of the boundary of the site, adjacent to the highway. The fence is constructed of timber panels on cast concrete gravel boards with concrete posts. The panels are constructed of horizontal boards with trellis above and have a curved top design.
- 2.2 The current application was called into planning committee by Councillor Goldsack on the basis that the fence provides security to the host dwelling and is in keeping with the character of the area.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

84/00084/OUT	ERECTION OF 2 DWELLINGS AND DEMOLITION OF EXISTING	Approved	16.03.1984
85/00673/RMA	ERECTION OF 2 BUNGALOWS	Approved	13.09.1985

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a detached bungalow on a corner plot that is located within the development envelope of Soham. The site is located within the Soham Conservation Area. There are neighbouring dwellings located to the east and south of the site. The site is a prominent corner plot that benefits from garden to the west side and a yard and drive to the north side.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - 10 June 2022

States 'I do not object to the principle of the fencing, as the impact upon highway visibility will be no different to that of the hedging.

However, the fence construction has caused damage to the back edge of the footway which will need to be repaired. The fence bedding appears constructed in concrete, which is overlaid on top of the footway surface, this is both a trip hazard to users of the footway and a breach of the Highways Act 1980 (deposit of material on the highway & works in the highway without highway authority consent).

Until the fence construction is amended (inclusive of footway repairs), I object to this application'.

Soham Parish Council - 1 June 2022

States 'No comment or objection'

Ward Councillors – Councilor Goldsack - 13 July 2022

States 'I would like to confirm my call in of the following retrospective planning application for fencing that has replaced for tree planted hedgerow. The fencing is well installed and looks smart, is supported by the neighbours, offers the family security and privacy and is not out keeping with the local scene. I understand the officer is minded to refuse this subject to a highways concern of the fence finishing. I suggest committee should see for themselves the improved area as a result and determine whether or not in this case highways have misread the situation'.

Conservation Officer - No Comments Received

5.2 A site notice was displayed near the site on 6 May 2022 and a press advert was published in the Cambridge Evening News on 5 May 2022.

5.3 Neighbours – 6 neighbouring properties were notified and the response received from one neighbour is summarised below. A full copy of the response is available on the Council's website.

Supports the application on the basis that it has improved light received and outlook from their windows compared to the hedge.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2 Locational strategy

GROWTH 5 Presumption in favour of sustainable development

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

COM 8 Parking provision

COM7 Transport impacts

ENV11 Conservation areas

6.2 Supplementary Planning Documents

Design Guide SPD

Natural Environment SPD

Climate Change SPD

6.3 *National Planning Policy Framework 2021*

2 Achieving sustainable development

9 Promoting sustainable transport

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 The main planning considerations when determining this application are:

- Residential amenity
- Visual impact
- Historic environment
- Highways safety

7.2 **Residential Amenity**

7.3 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Additionally, paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

7.4 The proposal is for a fence to the front of the host dwelling. Given the location of the proposed fence, it is not considered that this would have any significant detrimental impact upon neighbouring amenity. The applicant has advised that the proposed fence would facilitate a safe environment for children to play in without potential danger from cars or passers-by. These comments have been noted as Chapter 8 of the NPPF states that decisions should aim to achieve health and safe places.

7.5 Visual Amenity

7.6 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development. Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. Design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning application will be refused. All new development proposals are expected to enhance the public realm.

7.7 The National Planning Policy Framework 2021 section 12 requires the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes paragraphs 126 and 134.

7.8 The application site forms a prominent corner plot and is accessed from Clay Street, but is also visible from Mill Corner. Clay Street is considered to have a mixed street scene with a variety of housing types with two storey and single storey dwellings. The boundary treatments on frontages within the surrounding area are mostly comprised of low level walls, hedges or low-level picket fences opposite the application site, there is a low wall with fencing above.

7.9 The proposed 1.85 metre (6 ft) high fence introduces a discordant, obtrusive element into the streetscene, which is at odds with the character of the area, and makes a particular contrast with the previous boundary hedging, which was a softer treatment. The applicant cites precedents for similar fences elsewhere in the locality, however these are not directly comparable as they enclose boundaries between buildings and do not impinge so strongly on the streetscene. Within the immediate vicinity of the site, there is only one other example of a higher fence which is opposite the application site however, this is a fence on top of a low wall which has a much simpler character. The fence opposite uses cream bricks which match the dwelling it relates to and a simple close boarded timber fence above. The currently proposed fence uses lower quality materials than those used in the wall and fence opposite which result in a more obtrusive and visually jarring appearance. It is noted that within the wider vicinity there is one other example of a taller fence, however this is less visually prominent in the street scene and set back from the main road by a green grassed area and uses higher quality, simpler materials. The visual impact of the currently proposed fence is exacerbated due to its position back-of-pavement on a prominent corner within the streetscene.

7.10 The host dwelling is a prominent corner plot and the fence is highly visible from various points with the public realm. The proposed fence is not considered to be of high quality in terms of design and build quality. This is at odds with the character of the area and has a harmful impact on the character of the street scene.

- 7.11 The proposed development therefore fails to comply with policies ENV1 and ENV2 of the Local Plan 2015 and section 12 of the NPPF.
- 7.12 Historic Environment**
- 7.13 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.
- 7.14 The Conservation Officer has been consulted on this application but has not provided any comments. The lack of comments from the conservation officer does not in turn equate to the proposed development causing no harm to the conservation area. Although the conservation officer has not formally commented on the application, it has been verbally confirmed that the consideration of the impact on the conservation area has been left to the case officer.
- 7.15 The application site is a late c20 detached house located within a mixed age residential context on the western side of the Soham Conservation Area. No 101 occupies a prominent corner site and its previous boundary of hedging provided softer screening between the garden and the public realm. As detailed above, the proposed design is considered to be incongruous and the materials are not considered to be of a good quality. It is therefore considered that the fence fails to preserve or enhance the character and appearance of the Conservation Area. The proposal is considered to cause less than substantial harm, with no public benefits being provided, it does not accord with national policy. The proposal is, therefore, contrary to policy ENV11 of the East Cambridgeshire Local Plan, section 16 of the National Planning Policy Framework and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.16 Highways Safety**
- 7.17 Local Plan Policy COM7 requires the proposed new access to provide a safe and convenient access to the public highway.
- 7.18 The Local Highway authority commented that the fence appears to have damaged the edge of the footpath which is a hazard and a breach of the Highways Act 1980. The comments also stated that the impact on visibility would be no different than the hedging.
- 7.19 As the comments refer to a breach of the highways act this is a highways concern and is not a material planning reason to refuse the application. This would be an issue for the Local Highways Authority enforcement to pursue if they consider this to be expedient. As the proposed development location and height is not materially different from the previous hedge, visibility is not a significant concern with this application. Therefore, the proposed development is considered to comply with policies COM7 and COM8.
- 7.20 Planning Balance**
- 7.21 Whilst the application site is within the development envelope of Soham, it fails to comply with policies ENV1, ENV2, ENV11 and COM7 of the East Cambridgeshire local Plan 2015. The proposal would have a detrimental impact upon the character of the Conservation Area and the visual amenity of the street scene and is not considered to preserve the existing highway safety. The desire for the garden to be secure and the benefits cited by the adjacent neighbour have been given some weight and considered in the planning balance. However, it is considered that a safe and useable garden could be provided by enclosing the boundary with a more appropriate boundary treatment and in any case that the benefits cited in support of the application do not outweigh the harm cause to the

visual amenity caused by the fence. It is therefore considered that the application should be refused.

8.0 APPENDICES

8.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00249/FUL	Isabella Taylor Room No. 011 The Grange Ely	Isabella Taylor Planning Officer 01353 665555 isabella.taylor@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

22/00679/PIP

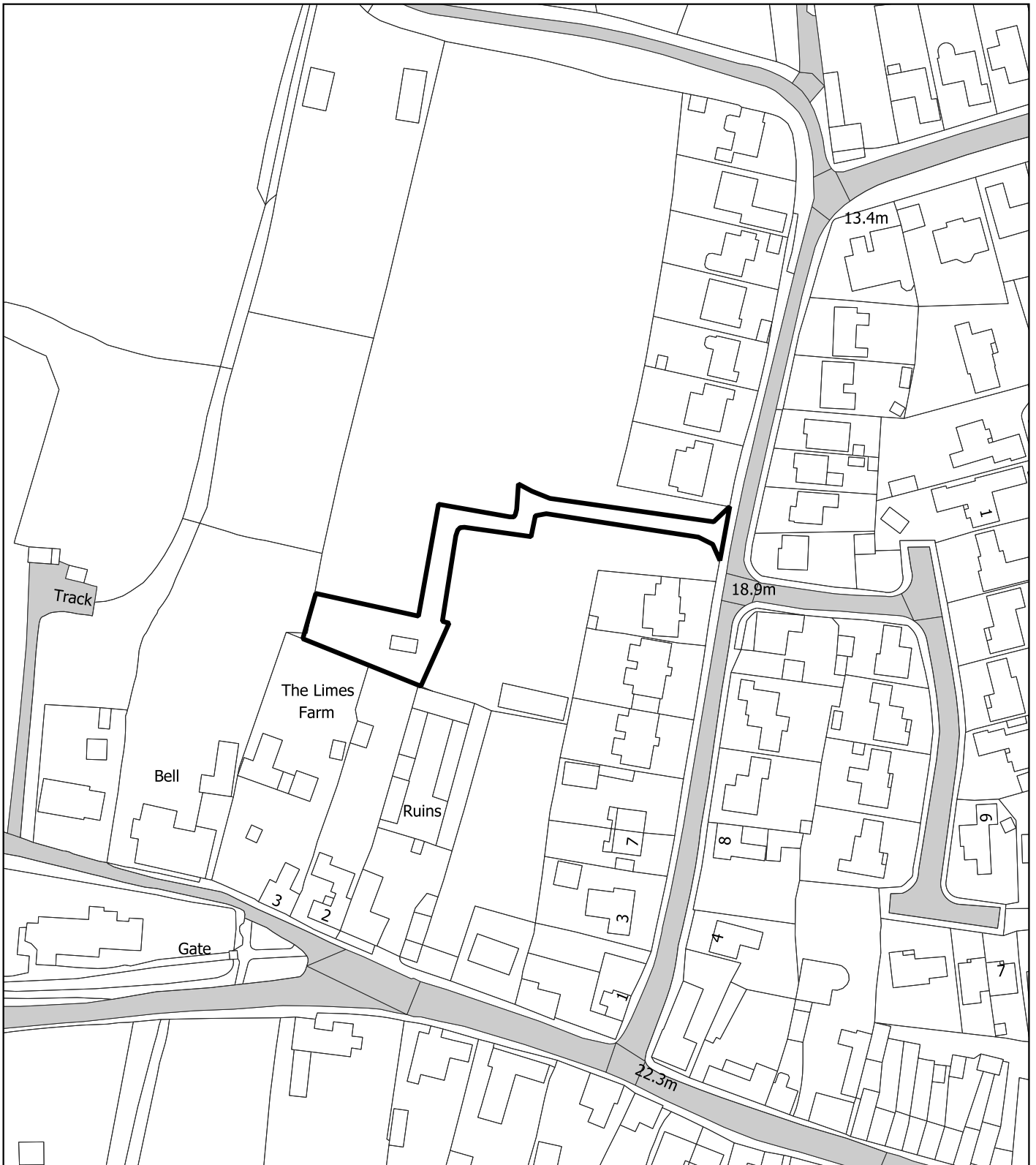
Land to Rear of
3 Church Lane
Wilburton
Ely
Cambridgeshire
CB6 3RQ

Erection of two storey dwelling and single storey garage and associated infrastructure (following demolition of existing building)

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFS051GG0CS00>





22/00679/PIP



Land To Rear Of 3 Church
Lane
Wilburton

East Cambridgeshire
District Council

Date: 23/09/2022
Scale: 1:1,500



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MAIN CASE

Reference No: 22/00679/PIP

Proposal: Erection of two storey dwelling and single storey garage and associated infrastructure (following demolition of existing building)

Site Address: Land To Rear Of 3 Church Lane Wilburton Ely
Cambridgeshire CB6 3RQ

Applicant: Mr R Nicole

Case Officer: Gemma Driver Planning Officer

Parish: Wilburton

Ward: Stretham
Ward Councillor/s: Bill Hunt
Lisa Stubbs

Date Received: 28 July 2022 **Expiry Date:** 7 October 2022
Report Number X79

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve this application.
- 1.2 It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Therefore, due to the nature of the application, conditions are not applicable.
- 1.3 The application has been brought to committee due to being a departure from the development plan.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application submitted seeks Permission in Principle for residential development of one detached dwelling, single storey garage and associated infrastructure following the demolition of an existing building. Although located to the rear of no.3 Church Lane, the indicative access is shown off Clarke's Lane.
- 2.2 It is of note that the permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the

consideration of matters of principle for proposed development from the technical detail of the development. This is a different way of considering proposals.

2.3 The permission in principle consent route has 2 stages:

- Stage 1 - the first stage (“permission in principle stage”) establishes whether a site is suitable in-principle; and
- Stage 2 - the second (‘technical details consent’) stage is when the detailed development proposals are assessed.

2.4 This application is at Stage 1 (Permission in Principle) and therefore the decision-maker can only reasonably consider:

- Location – Is this an appropriate location for the proposed development?
- Land Use – Is the proposed use of the land for residential development acceptable?
- Amount of Development – Is the amount of development proposed acceptable?

2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

14/01299/FUL	Construction of three bedroom house	Approved	09.03.2015
19/00910/OUM	Proposed outline planning permission for residential development of up to 30 dwellings, including open space provision and associated works with all matters reserved except for access [Land South of 6 Hinton Way – North of application site]	Approved	16.04.2020
20/01156/RMM	Reserved matters for appearance, landscaping, layout and scale of previously approved 19/00910/OUM for residential development of up to 30 dwellings, including open space provision and associated works with all matters reserved except for	Approved	12.02.2021

access [Land South of 6 Hinton Way
– North of application site]

19/01772/FUL	Residential development of 4 no. new houses [Land rear of 76 - to East of application site]	Approved	26.03.2020
21/01622/FUL	Proposed 4no. dwellings (revised scheme for previously approved application 19/01772/FUL [Land rear of 76 - to East of application site])	Approved	17.02.2022

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the rear of no.3 Church Lane, Wilburton. The site is located outside of the development envelope and adjacent to the Conservation Area. The site currently comprises an agricultural barn which was used historically for the storage of fruits and more recently as a machinery store surrounded by grassland.

4.2 To the North of the site is land to the South of Hinton Way, which benefits from recent approvals for 30 dwellings under reference numbers 19/00910/OUM and 20/01156/RMM.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority -1st Consultation: 4 August 2022

I have no objection to this application for permission in principle.

The proposed dwelling will be accessed via the adjoining development approved under 19/00910/OUM. I would however highlight that while an application for a S38 Agreement has been submitted for LHA adoption of the (some of) the internal development road, it has not yet been sealed, meaning the application boundary should extend fully to Clarke's Lane, the nearest public highway.

The applicant should therefore be satisfied that they have the necessary permission to access the site via the private roads.

Local Highways Authority – 2nd Consultation: 9 August 2022

In response to my previous comments, I can confirm that the amended application boundary extends to the public highway along Clarke's Lane.

ECDC Trees Team - 4 August 2022

Due to the presence of trees in proximity to the development an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal

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

Parish - No Comments Received

Ward Councillors - No Comments Received

Waste Strategy (ECDC) - No Comments Received

CCC Growth & Development - No Comments Received

Infrastructure & Strategic Housing Manager - ECDC - No Comments Received

5.2 A site notice was displayed near the site on the 15th of August 2022.

5.3 Neighbours – 16 neighbouring properties were notified and 2 representations were received and are summarised below. A full copy of the responses are available on the Council's website.

5.4

- Outside of development envelope and the site is not an exceptional circumstance.
- Site access should not be through Grey Cotes land from Church Lane
- The 3D images are not adequate to support full planning permission on a site close to Conservation Area.
- Impact to trees.
- Windows that overlooking boundary with Bellgables should be obscured glazed and the building kept as far to the East as possible.
- Biodiversity impacts.
- Impact to residential amenity.

6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

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

National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 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

7.0 PLANNING COMMENTS

- 7.1 From 1 June 2018, applications for Permission in Principle (PiP) can be submitted to local planning authorities. The PiP consent route is an alternative way of obtaining planning permission and it is designed to separate the decision making on 'in principle' issues (such as land use, location, and amount of development) from matters of technical detail (such as appearance of buildings).
- 7.2 This application is for permission in principle and is subject to the Town and Country Planning (Permission in Principle) Order 2017 and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The regulations provide for the granting of permission in principle on a site currently on part 1 of the Brownfield Register by placing it on Part 2 of the register. In addition, an application for permission in principle can be made to the Local Planning Authority on a piece of land providing the proposed development meets certain criteria. Permission in Principle cannot be granted in relation to major development, habitats development, householder development or Schedule 1 development (for the purposes of the Environmental Impact Assessment Regulations). However, the application site has

been screened in regards to Schedule 2 (for the purposes of the Environmental Impact Assessment Regulations). This is an application for permission in principle on greenfield land and does not concern the Brownfield Register.

7.3 The Planning Practice Guidance (PPG) confirms that the scope of permission in principle is limited to location, land use and amount of development. All other matters should be considered at the technical details consent stage that would follow a successful application for permission in principle. In this case the LPA is therefore concerned with establishing whether the proposal for one dwelling on the application site is acceptable in principle given the location of the site, the current and proposed land use and the amount of development proposed.

7.4 The PPG states that a decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise.

7.5 **Location**

7.6 Policy GROWTH2 of the Local Plan 2015 provides the locational strategy for the district. Development is 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.

7.7 The site is located outside of the development envelope for Wilburton. Officers consider therefore that the starting point should be to consider the proposal as a departure from the Development Plan. It is considered that permission should not normally be granted unless there are material considerations which can be afforded sufficient weight to justify a departure from policy.

7.8 Wilburton is a small village situated 6 miles south-west of Ely, on the ridge between Stretham and Haddenham. The core of the village is designated as a Conservation Area with a particularly attractive area around the church. Wilburton has a range of facilities including two shops, a public house, a village hall and social club, a primary school and St. Peter's Church. There is also a recreation ground with a cricket pitch, pavilion and local play area and a regular bus service to Cambridge.

7.9 The application site, although outside of the development boundary, would be located off Clarke's Lane which is in proximity to the High Street. The site is within a few yards of the village centre, and within easy walking and cycling distance of most of these village facilities referred to above.

7.10 To the North of the site is land to the South of Hinton Way, which benefits from recent approval for 30 dwellings under reference numbers 19/00910/OUM and 20/01156/RMM. This previous approval to the North of the site means that permission for residential development has now extended further out to the West of Clarkes Lane - the site plan taken from the reserved matters application can be seen in appendix 1.

- 7.11 More recently, application no. 21/01622/FUL approved a proposal for 4no. dwellings to the rear of no.76 High Street. This site being further East of the application site prior to the junction off of the bend to Church Lane. 21/01622/FUL allowed for more in depth residential development in close proximity to the application site.
- 7.12 The proposal subject to this application would therefore be bound on three out of four of its boundaries by residential development. Although the West of the site is not abutted by built residential structures in themselves, there are residential curtilages further to the West of the site, meaning this boundary is not exposed to open countryside.
- 7.13 Therefore, although the site is outside of the development framework and is technically in a 'countryside location', the situation on the ground is that the site will be increasingly enclosed by residential development and does not significantly contribute to the character or openness of the countryside. With the recently approved consents in mind, the proposal would not be introducing residential development in an open countryside location.
- 7.14 The location of the site is considered to be relatively sustainable for a dwelling in locational terms. Whilst contrary to ECLP Policy GROWTH 2, the change in the character of the area through the provision of recently approved housing development amounts to a material consideration that justifies a decision at variance with the development plan. This is on the basis of the unique location of the application site therefore meaning the development is considered to be acceptable in relation to the location of development. The site is easily accessible and therefore in compliance with Policy COM 7 of the East Cambridgeshire Local Plan 2015 in relation to the location of development.

7.15 Land Use

- 7.16 The applicant is proposing to use the land to provide one unit of residential accommodation (Use Class C3). The site, whilst currently not in residential use, would not be at odds with the surrounding context that is residential. As the suitability of the location of the site has been accepted then the proposed residential use itself would also be considered acceptable, on the basis of the surrounding residential use and dwellings that abut the site.

7.17 Amount of Proposed Development

- 7.18 The application is accompanied by illustrative plans showing how the development could be laid out. The dwelling as illustrated would be 2-storey and would have reasonable room for amenity space. The whole application plot amounts to 530sqm. Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right. Furthermore, the East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres, the footprint of any proposed development should be no more than approximately one third of the plot size and rear private amenity space should be 50sqm.

- 7.19 The surrounding plot sizes as indicated on the site south of Hinton Way are of a similar size and therefore the introduction of one dwelling on this plot size could be acceptable. It is considered that in principle, a dwelling of some form together with appropriate amenity and parking spaces could be achieved here.
- 7.20 It is considered that, in principle, the amount of development proposed could be achieved. However, the site is of an unusual form and shape and its location is in proximity to the Conservation Area, therefore great care will need to be taken towards ensuring that any future technical details application works around the site's constraints. The applicant will need to demonstrate that technical details comply with the Local Plan 2015, the NPPF and the supplementary planning documents. The relevant policies are listed within the Planning Policy Context section of this report, however other policies may become relevant if a technical details application is submitted.
- 7.21 Other Material Matters**
- 7.22 Consultee comments from neighbours raise concerns with regards to the site being outside of the development envelope, this matter has been addressed in the location section above.
- 7.23 The comments with reference to amenity and impact to the conservation area have been noted. At this stage, all designs are indicative and the application, as outlined above, can only consider a very confined amount of detail, that being the principle. Any future technical details consent would need to ensure that the character of the Conservation Area is protected together with the amenity of neighbouring dwellings. These are matters that cannot currently be considered at this stage.
- 7.24 Neighbour comments have raised concerns in terms of impacts to biodiversity and trees. The Trees Officer has also provided comment and requested the submission of an Arboricultural Impact Assessment (AIA). The (AIA) would need to provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. It is considered by Officers that at this stage, a dwelling could reasonably be accommodated on site away from and trees that are worth of retention. As specific design considerations cannot be accounted for at present, an AIA would not be able to specifically identify the location, size and scale of any proposed dwelling and therefore may not accurately represent any future submission. It is therefore concluded that an AIA would need to be submitted at Technical Details Stage once the design and location of the dwelling on the site has been accounted for.
- 7.25 The comments with reference to the access have need acknowledged. Although, as stated above, the scope of permission in principle is limited to location, land use and amount of development, the Highways Officer has no objection in principle to the access off of Clarke's Lane. However, access and parking provision details would be considered at technical details consent stage.
- 7.26 Whilst the amount of the development is considered acceptable, the applicant should note the comments from the Trees Officer and should be advised that for

any future technical detail's application, the Conservation Officer may provide comment on the appropriateness of design. These matters would need to be addressed whilst still ensuring that the proposal would not be impacting neighbouring properties and demonstrating compliance with the relevant local and national policies.

7.27 The applicant will need to demonstrate that technical details comply with the Local Plan 2015, the NPPF, and the supplementary planning documents. The relevant policies are listed within the Planning Policy Context section of this report, however other policies may become relevant if a technical details application is submitted.

7.28 Planning Balance

7.29 The application seeks to determine whether the proposal for one dwelling on this site would be acceptable in principle, considering the location, the current land use, and the amount of development. On considering these matters it is considered that subject to an appropriate technical details application, one dwelling could, in principle, be sensitively accommodated on the site.

7.30 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The material considerations for this application, relate to the residential development that surround the site, of which significant weight is held to. GROWTH 2 states: "*Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to the main categories listed below, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.*" Whilst the site does not form one of the exceptions of GROWTH 2, it is considered that, for the reasons outlined above, which are material considerations in themselves, the introduction of a dwelling in this location would not significantly alter the character of the area, particularly given that it would extend no further than the existing development. It is also considered to be a sustainable location in respect of its proximity and access to Wilburton. Whilst contrary to ECLP Policy GROWTH 2, the change in the character of the area through the introduction of recently permitted residential dwellings amounts to a material consideration that justifies a decision at variance with the development plan.

7.31 The application therefore recommended for approval.

8.0 Costs

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

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether

a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an Officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

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

- The location of the application site being surrounded by residential development.
- The weight held to the change in the character of the area through the introduction of recently permitted residential dwellings, amounting to a material consideration that justifies a decision at variance with the development plan.

9.0 **APPENDICES**

9.1 Appendix 1 – Site Plan from 20/01156/RMM (not to scale)

9.2 Appendix 2 – Recommended approved plan

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00679/PIP	Gemma Driver Room No. 011 The Grange Ely	Gemma Driver Planning Officer 01353 665555 gemma.driver@east cambs.gov.uk

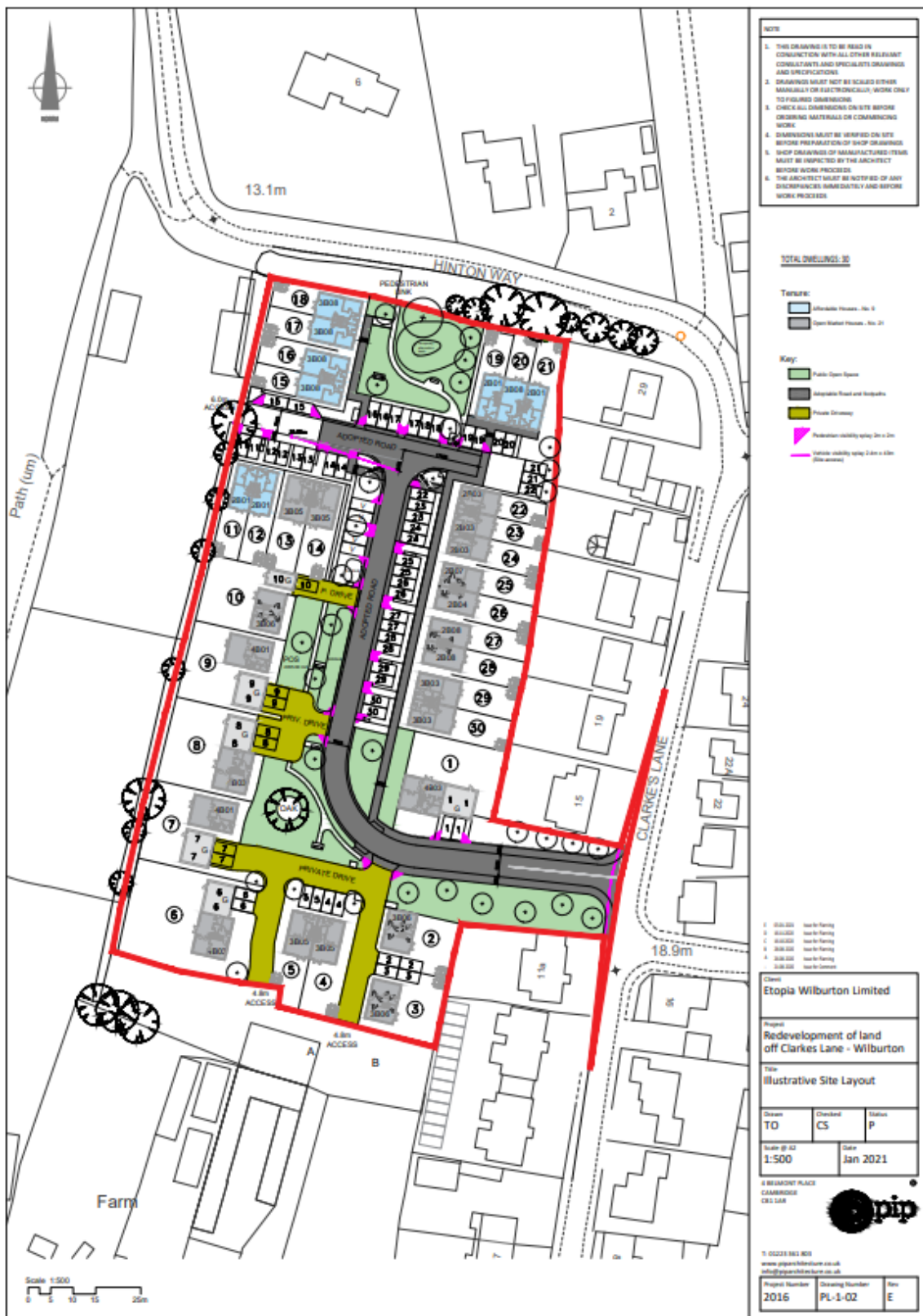
National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - Site Plan from 20/01156/RMM (not to scale):



APPENDIX 2 - 22/00679/PIP Recommended approved plan:

Plan Reference
0010

Version No

Date Received
4th August 2022

Planning Performance – June 2022

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
Determinations	146	2	25	41	15	42	21
Determined on time (%)		100% (90% within 13 weeks)	84% (80% within 8 weeks)	95% (90% within 8 weeks)	100% (90% within 8 weeks)	74% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	135	2	23	37	11	42	20
Refused	11	0	2	4	4	0	1

Validations – 90% validated within 5 working days (ECDC target is 75%)

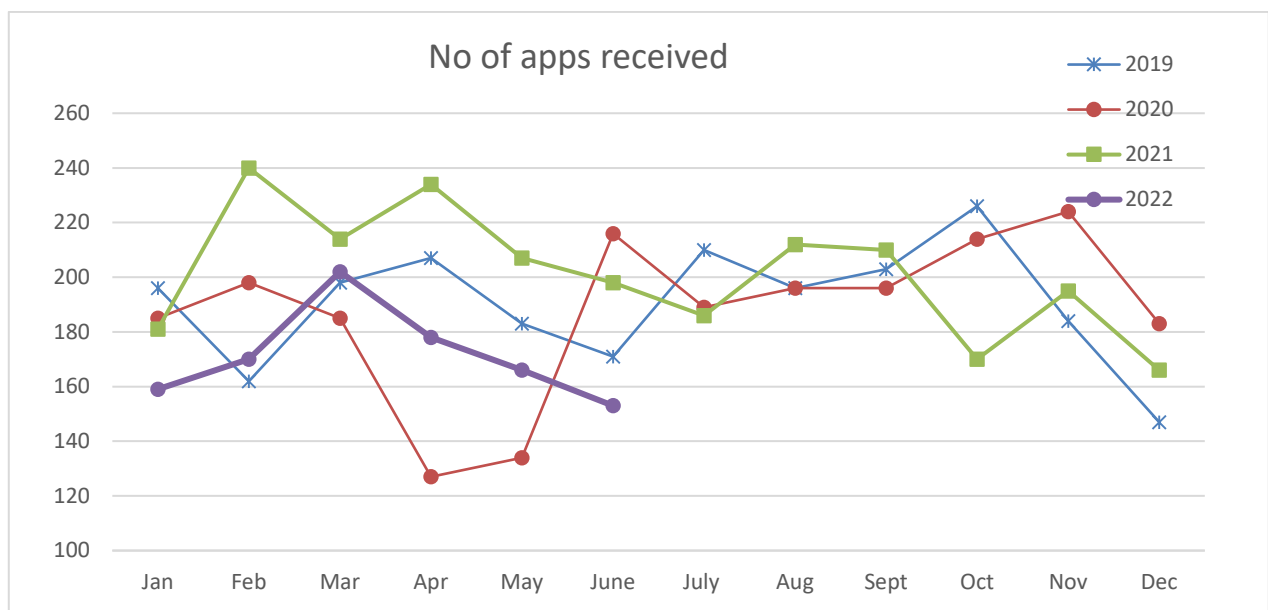
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	141	3	24	37	21	19	37

Open Cases by Team (as at 21/07/2022)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	93	12	32	11	16	22	0
Team 2 (2 FTE)	94	8	18	26	18	24	0
Team 3 (4 FTE)	175	17	57	28	31	42	0
Team 4 (1.8 FTE)	100	6	13	28	16	37	0
No Team (4 FTE)	85	16	8	1	11	17	32

(No Team includes – Trees Officer, Conservation Officer and 2 x Agency Workers.)

The Planning department received a total of 153 applications during June which is a 23% decrease of number received during June 2021 (198) and 8% decrease to the number received during May 2022 (166).



Valid Appeals received – 4

Planning reference	Site Address	Decision Level
21/01208/FUL	Land At Mepal Engine Bank Mepal	Delegated
21/01501/VAR	2 Hope Hall Cottages Brinkley Road Dullingham	Delegated
21/01774/FUL	Highfield House Upend	Delegated
22/00122/FUL	83 Downham Road Ely	Delegated

Appeals decided – 7

Planning reference	Site address	Decision Level	Appeal Outcome
21/00093/FUL	51 West Fen Road Ely C	Delegated	Dismissed
21/00384/FUL	Stetchworth Park Stud Church Lane Stetchworth	Delegated	Dismissed
21/00412/FUL	Land To South Of 25 Pymoor Lane Pymoor	Committee	Dismissed
21/00794/FUL	14 The Avenue Burwell	Committee	Allowed
21/01646/FUL	6 Butts Lane Wicken Ely	Delegated	Dismissed
21/01675/FUL	57 Gateway Gardens Ely	Delegated	Dismissed
22/00070/FUL	8A Perry Close Haddenham	Delegated	Dismissed

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 12 (1 Proactive)

Cases closed – 11 (3 Proactive)

Open cases/officer (2.6FTE) – 186 cases (25 Proactive)/2.6 = 72 per FTE

Notices served – 2

Notice Type	Site address	Date Served
Enforcement Notice	Land South of Yellow Cottage Bury Lane Sutton	23/06/2022
Enforcement Notice	Lazy Otter Cambridge Road Stretham	23/06/2022

Comparison of Enforcement complaints received during June

Code	Description	2021	2022
ADVERT	Reports of unauthorised adverts	1	0
COND	Reports of breaches of planning conditions	4	5
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	3
MON	Compliance Monitoring (NEW TYPE)	0	1
OP	Reports of operational development, such as building or engineering works	6	1
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	1
PLAN	Reports that a development is not being built in accordance with approved plans	1	1
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	1
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	0	2
TOTAL		12	15

Planning Performance – July 2022

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
Determinations	124	5	17	25	16	26	35
Determined on time (%)		100% (90% within 13 weeks)	77% (80% within 8 weeks)	96% (90% within 8 weeks)	81% (90% within 8 weeks)	65% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	118	4	15	24	16	26	33
Refused	6	1	2	1	0	0	2

Validations – 96% validated within 5 working days (ECDC target is 75%)

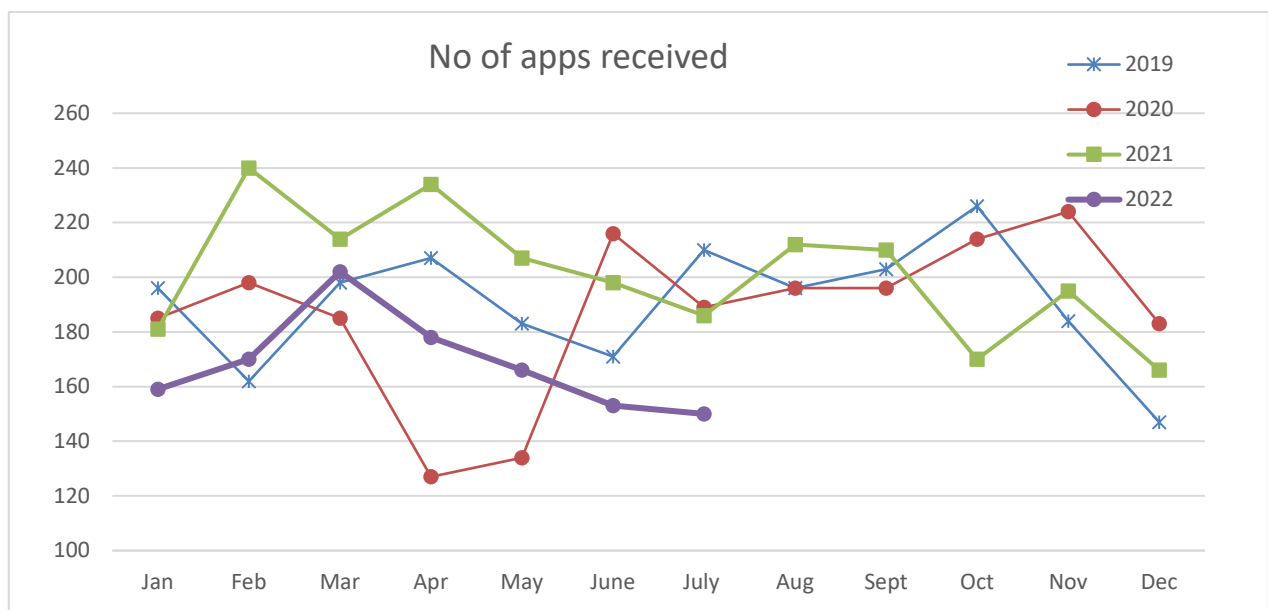
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	130	2	21	38	17	28	24

Open Cases by Team (as at 22/08/2022)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	87	7	28	9	18	25	0
Team 2 (2 FTE)	88	8	16	28	16	20	0
Team 3 (3 FTE)	165	8	54	32	35	36	0
Team 4 (1.8 FTE)	98	4	12	29	15	38	0
No Team (5 FTE)	104	32	10	0	15	19	28

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 150 applications during July which is a 19% decrease of number received during July 2021 (186) and 2% decrease to the number received during June 2022 (153).



Valid Appeals received – 6

Planning reference	Site Address	Decision Level
21/01636/FUL	Land Accessed Between 2 And 4 Fordham Road Isleham	Committee
22/00147/FUL	41 Centre Drive Newmarket	Delegated
22/00228/CLE	30 Swaffham Road Reach	Delegated
22/00282/FUL	The High House 41 Mill Street Isleham	Delegated
22/00312/LBC	The High House 41 Mill Street Isleham	Delegated
ENFORCEMENT	Lazy Otter Cambridge Road Stretham	NA

Appeals decided – 1

Planning reference	Site address	Decision Level	Appeal Outcome
20/01746/FUL	Garage Block Adjacent To 5 Willow Walk Ely	Delegated	Dismissed

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 9 (0 Proactive)

Cases closed – 12 (0 Proactive)

Open cases/officer (2.6FTE) – 188 cases (25 Proactive)/2.6 = 72 per FTE

Notices served – 0

Comparison of Enforcement complaints received during May

Code	Description	2021	2022
ADVERT	Reports of unauthorised adverts	1	0
COND	Reports of breaches of planning conditions	6	1
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	0
MON	Compliance Monitoring (NEW TYPE)	0	1
OP	Reports of operational development, such as building or engineering works	2	3
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	2	1
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	4	3
TOTAL		15	9

Planning Performance – August 2022

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
Determinations	121	3	21	34	14	24	25
Determined on time (%)		100% (90% within 13 weeks)	95% (80% within 8 weeks)	88% (90% within 8 weeks)	100% (90% within 8 weeks)	71% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	110	3	18	31	11	23	24
Refused	11	0	3	3	3	1	1

Validations – 97% validated within 5 working days (ECDC target is 75%)

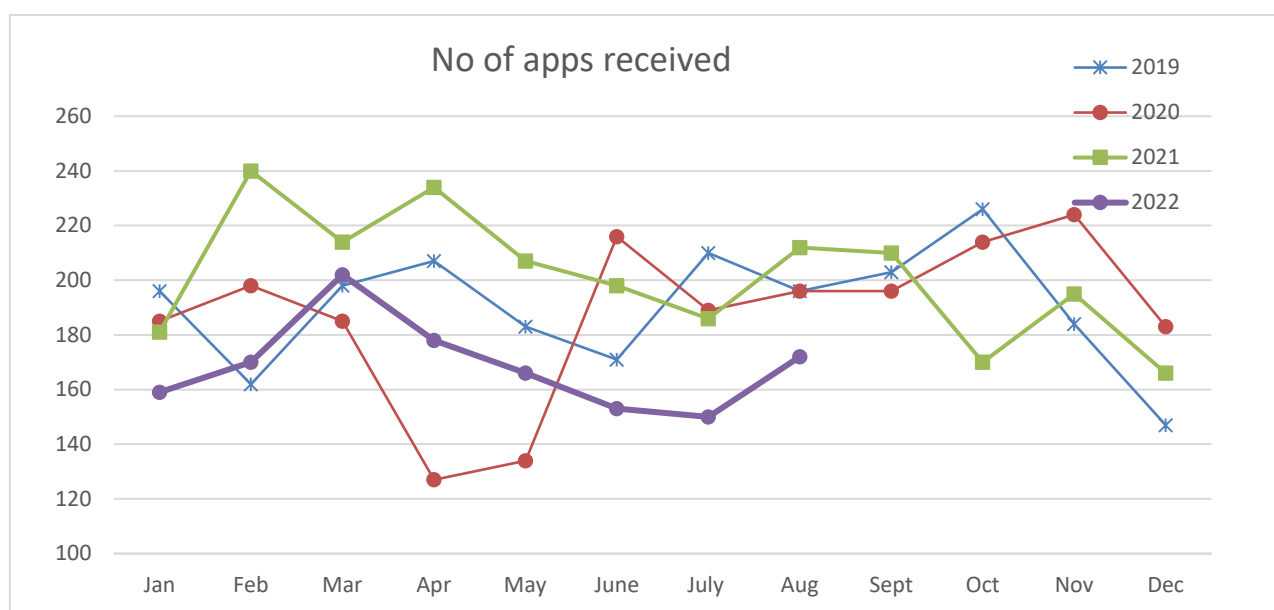
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	143	4	21	30	15	36	37

Open Cases by Team (as at 22/08/2022)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	95	7	26	16	14	32	0
Team 2 (2 FTE)	90	7	10	30	17	26	0
Team 3 (3 FTE)	141	6	50	24	30	31	0
Team 4 (1.8 FTE)	119	4	12	38	15	50	0
No Team (5 FTE)	127	36	23	0	16	14	38

(No Team includes – Trees Officer, Conservation Officer and 3 x Agency Workers.)

The Planning department received a total of 172 applications during August which is a 19% decrease of number received during August 2021 (212) and 15% increase to the number received during July 2022 (150).



Valid Appeals received – 5

Planning reference	Site Address	Decision Level
21/01800/FUL	The Crown Inn 14 Church Street Fordham	Delegated
22/00022/FUL	Lazy Otter Cambridge Road Stretham	Delegated
22/00109/FUL	Plot 1 Land South Of 1A Gazeley Road Ashley	Delegated
22/00360/FUL	63 Aldreth Road Haddenham	Delegated
22/00457/FUL	68 Bellairs Sutton	Delegated

Appeals decided – 8

Planning reference	Site address	Decision Level	Appeal Outcome
18/00955/FUL	Site South of 10 Narrabeen Park Whitecross Road	Delegated	Allowed
21/00377/FUL	The Old Post Office 54 Main Street Prickwillow	Delegated	Dismissed
21/00879/FUL	16 Parsonage Lane Burwell	Delegated	Dismissed
21/01110/FUL	The High Flyer 69 Newnham Street Ely	Delegated	Allowed
21/01111/ADN	The High Flyer 69 Newnham Street Ely	Delegated	Allowed
21/01132/FUL	Larretts 152 The Street Kirtling Newmarket	Delegated	Dismissed
21/01151/FUL	Land Between 37 and 38 Great Fen Road Soham	Delegated	Dismissed
21/01444/CLP	16 Hempfield Road Littleport	Delegated	Dismissed

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 9 (0 Proactive)

Cases closed – 12 (0 Proactive)

Open cases/officer (2.6FTE) – 188 cases (25 Proactive)/2.6 = 72 per FTE

Notices served – 0

Comparison of Enforcement complaints received during August

Code	Description	2021	2022
ADVERT	Reports of unauthorised adverts	0	0
COND	Reports of breaches of planning conditions	2	2
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	1	0
LISTED	Reports of unauthorised works to a Listed Building	0	0
MON	Compliance Monitoring (NEW TYPE)	0	1
OP	Reports of operational development, such as building or engineering works	2	4
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	1	0
PLAN	Reports that a development is not being built in accordance with approved plans	3	0
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	1	0
USE	Reports of the change of use of land or buildings	8	7
TOTAL		18	14