



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

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## MEETING: **PLANNING COMMITTEE**

TIME: 1:00pm

DATE: **Wednesday 1<sup>st</sup> December 2021**

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

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## 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

Rebecca Saunt, Planning Manager

Quorum: 5 Members

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## 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. Minutes**  
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 3<sup>rd</sup> November 2021

#### 4. Chairman's Announcements

[oral]

#### 5. 20/00880/OUM

Change of use from agricultural land to recreational land to create a new recreational ground for the parish to include pitches, parking, changing rooms, access and associated works

Location: OS Land Parcel 7216, Bury Lane, Haddenham, Cambridgeshire

Applicant: Haddenham Parish Council

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QD72VAGGMWN00>

#### 6. 21/00410/FUL

Replacement of existing dwelling house with new dwelling house and ancillary annexe with garaging

Location: 2 Hale Fen, Littleport, Ely, Cambridgeshire, CB6 1EN

Applicant: Mr James Wilson

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQ0J0KGGGL700>

#### 7. 21/00706/ESF

Proposed Development of a Solar Farm and Ancillary Development

Location: Solar Farm Land To The East Of Breach Farm, Ness Road, Burwell

Applicant: Burwell 11 Solar Limited

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QSKOGVGG0CT00>

#### 8. 21/01142/FUL

Proposed Part Change of Use from Retail (A1) to Takeaway (Sui-Generis)

Location: 55 Carter Street, Fordham, Ely, Cambridgeshire, CB7 5NG

Applicant: S V Garages UK Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QX9I69GGLTN00>

#### 9. 21/01146/FUL

Demolition of existing attached garage and proposed two storey side extension

Location: 29 Isaacson Road Burwell Cambridge CB25 0AF

Applicant: Mr Charles Pilgrim

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXAZLVGGLUO00>

#### 10. 21/01280/ADI

Installation of multiple digital signage screens around the City of Ely

Location: Multiple Sites Across Ely, Cambridgeshire

Applicant: East Cambridgeshire District Council

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QZS185GG0CT00>

#### 11. 21/01288/FUL

Demolition of existing outbuilding and conservatory, construction of a two storey side and rear extension with associated works

Location: 7 Centre Road, Soham, Ely, Cambridgeshire, CB7 5AU

Applicant: Mr Daniel Lawrence

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QYPLTSGGMV800>

## 12. Planning Performance Report – October 2021

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### NOTES:

1. Members of the public are welcome to attend this meeting and are asked, where possible, to notify the Democratic Services Officer ([caroline.evans@eastcambs.gov.uk](mailto:caroline.evans@eastcambs.gov.uk)) of their intention to attend in order that we can endeavour to accommodate everyone in a socially-distanced manner.
2. 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.
3. 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.

4. 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](mailto:caroline.evans@eastcambs.gov.uk), to register by 10am on Tuesday 30th November. 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>

5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (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](mailto:translate@eastcambs.gov.uk)
7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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

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EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held at 1:00pm on Wednesday 3<sup>rd</sup> November 2021 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

**PRESENT**

Cllr Christine Ambrose Smith  
Cllr Sue Austen (*from 1:15pm*)  
Cllr David Brown  
Cllr Matthew Downey (*from 1:04pm*)  
Cllr Lis Every  
Cllr Bill Hunt (Chairman)  
Cllr Julia Huffer (Substitute for Cllr Lavinia Edwards)  
Cllr Alec Jones  
Cllr Lisa Stubbs (Vice-Chairman)  
Cllr John Trapp  
Cllr Gareth Wilson

**OFFICERS**

Maggie Camp – Legal Services Manager  
Angela Briggs – Planning Team Leader  
Tracy Couper – Democratic Services Manager  
Kevin Drane – Trees Officer  
Caroline Evans – Democratic Services Officer  
Barbara Greengrass – Planning Team Leader  
Molly Hood – Planning Officer  
Jade Ling – Communications Officer  
Naomi Matthews – Local Land Charges & Legal Support Officer  
Angela Tyrrell – Senior Legal Assistant

**IN ATTENDANCE**

Cllr Lorna Dupré (Agenda Items 7 & 8 / Minutes 48 & 49)  
Cllr Simon Harries (Agenda Item 6 / Minute 47)  
Mark Baker (Objector, Agenda Item 8 / Minute 49)  
Bill Bridges (Applicant, Agenda Item 7 / Minute 48)  
Adrian Fleet (Applicant's Agent, Agenda Item 8 / Minute 49)  
Nicky Parsons (Applicant's Agent, Agenda Item 6 / Minute 47)

16 Members of the public.

**42. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Edwards. Cllr Huffer was attending as a substitute.

**43. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**44. MINUTES**

The Committee received the Minutes of the meeting held on 6<sup>th</sup> October 2021.

It was resolved:

That the Minutes of the Planning Committee meeting held on 6<sup>th</sup> October 2021 be confirmed as a correct record and be signed by the Chairman.

**45. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded everyone of the deadlines for submissions of additional information relating to agenda items (48h before the start of the meeting) and for registering to speak at a meeting (10am the day before the meeting). He also asked for patience with the procedures in place at the meeting for COVID safety: cleaning of the public speaking table between speakers and, if necessary, changeover of occupants in the public gallery between agenda items.

*1:04pm - Cllr Matthew Downey joined the meeting.*

**46. TPO/E/04/21 – 84 CENTRE DRIVE, NEWMARKET**

Kevin Drane, Trees Officer, presented a report (W88, previously circulated) recommending confirmation of Tree Preservation Order (TPO) E/04/21 for one tree in the rear garden of 84 Centre Drive, Newmarket.

Members were shown aerial photographs of the site together with images of the tree taken from the highway which demonstrated that it was clearly visible from each side of the property. The tree had not previously been protected because there had been no threat to it. It had now been assessed following receipt of a planning consultation request relating to planning application 21/00799/OUT that had indicated the loss of the tree. The tree was visible to neighbouring residents as well as from the public highway and therefore made a visual impact and contribution to the local landscape, as well as providing a wildlife habitat. The tree had been assessed for the TPO on its amenity value, this being the only requirement needed in evaluating trees for the making of new TPOs.

The owner had objected to the TPO on the grounds that he considered the tree to have been in poor condition for many years with no prior concern having been shown for it; the tree was poorly shaped and covered in ivy. In addition, in his opinion, it was not visible from a public place and "significant public amenity" had not been defined. He considered the TPO to be an attempt by neighbours to block his planning application for a new residential dwelling to the rear of the property, and one of the reasons for the refusal of outline planning permission.

The Trees Officer had assessed the current condition of the tree and concluded that there were no visible indications that the tree was in poor health. The ivy was of little concern and could easily be removed or severed. The tree had a natural shape that had been unaltered by pruning and there were no visible defects. He conceded that determination of a tree's amenity value was, to an extent, subjective, however the tree was large with more than half of its total height visible from the public highway and many neighbouring gardens. He therefore considered that the tree benefitted the area in relation to its contribution to the landscape, and it was therefore a significant public amenity.

Public comments had been received in support of the tree in relation to the previously-mentioned planning application although the Officer had not seen those comments prior to assessing the tree and deciding on the TPO. That planning application had been refused on three grounds, only one of which referenced the tree: "No arboricultural information submitted to demonstrate that the proposal would not be harmful to trees on the site, including the mature Walnut tree".

In summary, Members were asked to consider the Officer's and neighbours' opinions in support of the importance of the tree, and the tree owner's opinion in opposition of the TPO. If confirmed, then the tree could not be removed without consent and the Council would need to consider any future tree work applications. If not confirmed, then the Council would be unable to prevent the loss of the tree.

There were no public speakers.

In response to questions from Cllrs Trapp and Huffer, the Trees Officer explained that the presence of the ivy was more of a hindrance to assessing the tree's health than a danger to the tree. Ivy could affect the stability of a smaller tree but that would not be the case for a tree such as the one under consideration and there was nothing to suggest that the tree was currently at risk. Although the ivy could easily be pruned it was not possible to impose a condition to manage the ivy because there was no legislation to allow that.

The Chairman then opened the debate. Cllr Ambrose Smith stated that, whilst she respected the Officer's professional opinion and the considerable charm of the tree to nearby residents, she sympathised with the owner and questioned whether it would be possible to require planting of replacement trees within the neighbourhood if the tree was felled.

*1:15pm - Cllr Sue Austen joined the meeting but did not participate in the debate or voting on this agenda item.*

Cllr Huffer commented that, having visited the site on the previous day, it was clear that there were feature trees in several rear gardens along Centre Drive. She proposed the Officer recommendation, which Cllr Trapp seconded. Cllrs Brown and Wilson added that the TPO would not necessarily prevent the owner from felling the tree, he would simply need to request permission from the Council.

It was resolved, with 9 votes in favour, 1 vote against, and 0 abstentions:

That Tree Preservation Order ref E/04/21 be CONFIRMED for the reasons detailed in paragraph 2.1 of the Officer's report.

**47. 21/00470/RMM – ORCHARDS GREEN PHASE 2A, LAND NORTH OF CAM DRIVE, ELY**

Angela Briggs, Planning Team Leader, presented a report (W89, previously circulated) recommending approval of a reserved matters application for details of appearance, landscaping, layout and scale for the construction of 258 dwellings, four retail units, internal roads, a cricket pavilion, open space and other associated infrastructure to the north of Cam Drive and the west of Lynn Road. The site formed part of the wider North Ely scheme.

Members' attention was drawn to the previously-circulated update list which included updates to conditions 1 and 14, and an additional recommended condition in relation to the cricket pavilion building. If Members approved the application, then this condition would be added to the list of conditions on the approval notice:

Notwithstanding the details shown on drawings P19-0247-39 01 Rev F and P19-0247-39 02 Rev E, and prior to the commencement of development of the cricket pavilion, further details of the cricket pavilion as listed below shall be submitted to and approved in writing by the Local Planning Authority:

- The window for the score box
- The window to the eastern primary changing room

The works shall be completed in accordance with the approved details.

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

A site location plan, aerial photographs and site photographs were shown to illustrate the site's position to the north of Ely and extending to Chettisham with the A10 to the west and Lynn Road to the east. The total area was ~18.49 hectares (45.19 acres). A further area of Phase 2 land intended for a care home adjacent to Lynn Road was not included in the reserved matters application and would be a separate Phase 2B application. The aerial photographs, a phasing plan and site context plans also demonstrated the site's location in relation to the other development phases of the North Ely scheme. Phases 1 and 3 to the south of the site were already under construction and included The Orchards care home and the Isle of Ely primary school as well as residential areas and parcels for retail units and a pub. The care home and school were already occupied and the commercial elements were being marketed for potential clients to bring forward. Approximately 110 of the approved 199 dwellings in Phase 1 had now been completed and most were now occupied; Phase 3 had approval for 258 dwellings, construction had begun but no homes had yet been completed. An additional roundabout on the A10 would also be delivered as part of Phase 3. Phase 5 would be to the south of the application site (and north of phases 1 and 3) and Phase 4 would be to the north although the majority of the country park elements of the current application extended to the west and north of Phase 4 up to Chettisham.

There would be four character areas in Phase 2A: Long Fen (Country Park) to the west extending the full length of the site, Orchard Barn to the east along Lynn Road, Two Mills between Long Fen and Orchard Barn, and a small section of Orchard View to the south east of the site with the remainder to be delivered in Phase 5. Two Mills would be the lowest density area, comprising detached and semi-detached dwellings as well as the sports pitches and cricket pavilion, and would be the only area to front on to the country park. Orchard Barns would include four retail units on the ground floors of two accommodation blocks facing Lynn Road.

The S106 agreement had been modified by two applications submitted in 2019 to amend the provision of the cricket facility, to split Phase 2 into Phases 2A and 2B, to secure the early delivery of the new A10 roundabout, and to confirm the affordable housing quantum across the wider site. At that stage the Committee had approved 18% affordable housing for Phase 2A.

The proposed site layouts showed the green landscaping and demonstrated that the application was a landscape-led scheme which included delivery of the remainder of the country park and the link to Phase 4 and to Chettisham. A site plan illustrated the locations of the affordable housing units and examples of floor plans and elevations were also shown together with street scene elevations and CGI of each character area and the cricket pavilion. A movement framework diagram showed the main spine road, all other streets and private driveways, the pedestrian and cycle ways, and the footpaths through the open spaces.

The main considerations for the application were deemed to be:

- **Principle of development** – outline approval had been given for this section of the North Ely development in 2016 with permission for up to 1200 dwellings, employment and community uses. The planning approval specified the submission of Design Codes for each of the character areas in order to identify development patterns and a materials palette that would make each character area a distinct unit with its own identity. All of the Design Codes relevant to Phase 2A had now been approved.
- **Housing mix and density** – phase 2A would include 258 dwellings of which 46 (18%) would be affordable homes, in accordance with the previously-approved quantum for this phase. 55 properties would be designed and constructed as life-time dwellings and 52 as flexible dwellings with provision for home working. The social rented and shared ownership housing would be tenure blind and well-integrated amongst the market dwellings. The market dwellings would be 2-bed apartments and 2- to 5-bed houses, the affordable housing would be 1-bed and 2-bed apartments and 2- to 4-bed houses. The housing densities of each character area were in accordance with the approved Design Codes.
- **Character and appearance** – the developer had chosen to adopt a Georgian architectural style and had selected a palette of materials that would be in keeping with the character of Georgian Ely. Planning Officers and the Urban Design Consultant had worked with the developer to refine the architectural details.
- **Residential amenity** – the proposal was in accord with the Design Guide SPD in respect of plot sizes and amenity spaces. Consideration had been given to the positioning of buildings near the separate “Twinwoods” development to the north of the site, with sufficient distances between the windows and boundaries of the properties. Consideration had also been given to the impact of the sports pitches and the retail units on the nearby residential properties. Several plots in the Two Mills character area had been reviewed to overcome concerns regarding the noise of the nearby A10 and had been amended to minimise the noise impact whilst enabling an acceptable level of amenity.
- **Green infrastructure and landscaping** – phase 2A contained a significant amount of landscaping and green infrastructure. It would complete the country park to Chettisham and there would be tree-lined streets and open spaces in accordance with the approved Design Codes. The sports pitches, commercial units and residential development also accorded with the parameter plan that was agreed under the outline permission. All existing trees and vegetation would remain except where removal was essential to facilitate the scheme. Approximately 273 trees would be planted and would include a mix of species with any soft trees being at least 5m from any highway (including footpaths) to prevent a slip hazard. Conditions were

recommended to ensure the implementation of the planting schedule and to require their maintenance for a minimum of 5 years.

- **Car and cycle parking** – 60% of the allocated car parking spaces would be non-tandem with the remaining 40% tandem. 55 unallocated/visitor spaces and 62 garage spaces would also be provided. All residential plots would have cycle parking, as would the retail units and cricket pavilion. In total there would be 612 car parking spaces which was in accord with the Council's parking standards and similar to the provision in Phase 3.
- **Ecology** – the proposal would deliver the remainder of the country park, would enhance the existing green infrastructure, and would create new features that would provide new habitats. Further enhancements would include bird and bat boxes integrated within the dwellings and attached to the trees in the country park. The Cambridgeshire Wildlife Trust had accepted the Biodiversity Assessment that had been submitted with the application. An arboricultural statement and tree protection plan had also been submitted and were acceptable in terms of protecting the trees on site and adding to the site's biodiversity value. The proposal was in accord with the North Ely SPD, policy ENV7 of the Local Plan, and the Natural Environment SPD.
- **Other matters** – the proposal had adequate bin storage and collection arrangements in accordance with policy ENV2 of the Local Plan. The proposal included an Energy Statement setting out the sustainability approach for the site and an indicative plan for the use of solar PV panels on the cricket pavilion and some of the plots. Conditions were recommended regarding further details of the solar PV panels provision and the developer's commitment to delivering electrical vehicle charging points. In terms of sustainability, the proposal complied with policy ENV4 of the Local Plan, the approved Design Codes, and the Climate Change SPD. Site-wide drainage issues had been covered under the outline planning permission, subject to phase-by-phase details. Amended plans had overcome initial concerns raised by the Lead Local Flood Authority and the Internal Drainage Board and the drainage was therefore acceptable and compliant with policy ENV8 of the Local Plan and the Flood & Water SPD.

In summary, the proposal was considered to accord with the outline planning permission, the parameter plans, and the approved Design Codes. The applicant had committed to securing off-site pedestrian and cycle path infrastructure improvements as well as the inclusion of further on-site environmental improvements such as electric vehicle charging points and solar PV panels. It was considered that the reserved matters application did not give rise to any adverse effects that would significantly outweigh the benefits of the scheme and therefore the application was recommended for approval.

The Chairman thanked the Case Officer for her very comprehensive report and invited a member of the public, Katie Betts, to address the Committee. She explained that, although registered as an objector, she was not objecting as such, rather she had some comments and concerns to supplement those that she had submitted in the consultation phase and had in part been included on page 37 of the report. As a long-standing resident of Chettisham she had taken a keen interest in the proposed development and had concerns about depleting the environmental content and access for Chettisham residents. In view of the recent archaeological findings, ie the Roman road of national significance, she felt strongly that the

findings should be reflected in the final version of the development layout, for example within the green space at the northern end. She also considered it to be extremely important to pay detailed attention to the landscape design. She was pleased to see more footpaths and cycleways and stressed the importance of linking them in with existing routes into Ely and the surrounding area. She also highlighted the need for careful planning and maintenance to ensure that they were safe and pleasant to use, in particular there were some concerns that, if neglected, there was potential for antisocial behaviour at the northern end where vegetation already existed. Given the interesting and well-planned landscape, it would be important for qualified people to maintain it.

In response to a question from Cllr Brown, the speaker agreed that condition 5 on page 64 of the report would satisfactorily address her concerns about the maintenance.

The Chairman then invited the applicant's agent, Nicky Parsons, to address the Committee. She explained that she was speaking as a Planning Consultant for Vistry and that the development would be delivered by one of Vistry's brands, Linden Homes. The principle of development on this site had already been established and the details in the application were consistent with the requirements of the outline planning permission. The scheme had been developed through extensive consultations with Officers and statutory consultees and had resulted in a beautiful design consistent with the approved Design Codes. The proposal would deliver housing, retail, open space and sports provision. The cricket pitch and pavilion had been developed with Ely Cricket Club, Sport England, and the ECB, and Members were reminded of the additional condition that had been circulated in the update sheet and highlighted by the Planning Team Leader. Sustainability measures had been included in the pavilion and its design was deliberately functional for ease of use and maintenance. A full-size cricket field and three youth football pitches would be delivered together with the large open space at the northern end of Long Fen. There would be new planting and footpaths, as well as seating, to enhance both leisure and biodiversity. In terms of play, there would be a trim trail within the country park encompassing a range of activities and following the course of the footpath. 258 high quality new homes would be provided in a range of sizes, 46 of which would be affordable. The Design Officer supported the plans as an enhancement of earlier versions. The number of tandem parking spaces had been reduced to 40% of the total, most allocated parking spaces were within the curtilage of the property, and there would be 55 visitor spaces which was considered to be generous given the sustainable location. There had been no objections from statutory consultees and the proposal complied with the outline permission and with the Design Codes, therefore the Committee was asked to approve the application.

Cllr Huffer asked whether the trim trail would include equipment for non-able-bodied individuals, and how many electric vehicle charging points would be provided. The agent highlighted that the details of the play equipment were required by condition, and she committed to taking the idea of accessible equipment back to her clients. In terms of charging points, again the details would be required by condition, and a generous number would be provided although she could not specify a number at this stage.

Cllr Trapp highlighted the importance of vehicle charging points being connected to the dwellings to enable overnight charging, and asked how that would be achieved for the apartments situated above the retail units. The agent referred back to the parking provision with most spaces either being on the relevant plot or directly outside it, thereby making connection easier. There would be car parking behind the apartment blocks containing the retail units and charging points could be incorporated in those spaces. Cllr Trapp also asked about the management and maintenance of the landscaping, and why there were not more solar panels since the plans indicated that a large number of the roofs would be north/south facing. The agent confirmed that there would inevitably be a service charge because a management company would be needed and she explained that the advantages of a management company were that the quality of the environment could be maintained. Regarding the provision of solar panels, the details about the PV panels were required by condition and the developer would be ensuring energy efficiency.

Cllr Brown requested bus shelters at the bus stops within the site and the agent agreed to investigate whether they would be provided. She informed Cllr Every that there were triggers in the legal agreement as to when the country park extension needed to be delivered, and she explained to Cllr Ambrose Smith that all of the paths within all phases of the wider development would need to link together (overseen by the main developer) and over time it was likely that the residents would take more control of the management company for the development. In response to a question from Cllr Wilson, the agent stated that gas boiler heating systems would be installed in the first properties. From 2025 that would not be possible but any heating system would need to be easily understandable for the new residents. Regarding questions from Cllrs Jones and Trapp about the retail units, she explained that they were 150sqm each and for "high street use" which covered a broad range of potential uses. Retailers required a high street frontage for passing trade, to be equally accessible to the existing and new communities, and for that reason they had been positioned along Lynn Road. Cllr Hunt made the point that non-tandem parking was greatly preferred over tandem on developments within the District.

Cllr Harries then addressed the Committee as the local Ward Member. He commented that many of the Members' questions had echoed his own and that the principle of development in this location was well-established and accepted. He had no objection to the development itself. The Officer's report was a comprehensive document that made it clear to the reader that many thoughts, ideas and objections had been taken seriously and had been addressed. The concerns that he wished to raise related to the future. For example, the number of electric vehicle charging points would be crucial and therefore a process was needed to ensure that the right amount would be installed. Regarding the landscaping of Long Fen, he was aware of local concerns about the type of planting, and he knew that local people wanted to be involved in the detail of planning it to ensure that the green space would be good for habitats and biodiversity by vigilance and collaborative work. A significant concern was related to the retail space, and in particular a lack of provision for food shopping within walking distance, since he believed that each of the four units would individually be too small for a good quality profitable food shop. He suggested that it would be wise to design them in such a way that they could be combined into a larger shop or shops if desired.

Cllr Huffer informed Cllr Harries that the 2.5k residents of Fordham had until very recently been well served by a Co-op of similar size to one of the proposed units.

The Case Officer responded to several of the points raised by the speakers as follows:

- The location of the retail units had been approved in the outline permission and this application followed that rule.
- In the S106 agreement, the trigger points for the open spaces were that a) no more than 50% of the dwellings could be occupied before 50% of the Phase 2 open space had been delivered, and b) no more than 75% of the dwellings could be occupied until all of the Phase 2 open space had been completed.
- Regarding the Roman road, the position of the spine road had been agreed in the Spine Road Design document in the outline permission and therefore it could not be moved.

In answer to a question from Cllr Trapp, the Case Officer confirmed that other phases of the wider development would have a higher percentage of affordable housing as detailed in the report. The developers had assessed the viability of the quantum of affordable housing in each phase to deliver in accordance with local housing need. Cllr Wilson questioned whether the affordable housing could be pepper-potted around the site rather than being grouped together. The Officer explained that the locations were acceptable and the properties would be tenure-blind; they would be indistinguishable from a design perspective.

Cllr Trapp revisited the suggestion that four 150sqm retail units may not be the best provision and that a more flexible allocation of the total retail space could be preferable. The Officer stated that the four units were required in the outline permission, as shown on the Land Use parameter plan, and it would not be possible to require the developer to specify who the end users would be. In answer to a question from Cllr Ambrose Smith about visitor and/or delivery parking, the Officer reiterated that the scheme was designed to accord with the Council's car parking standards.

Cllr Downey requested further information about the level of provision of electric vehicle charging points and solar panels that would be required. The Officer explained that there was no specific figure to reference and there was no Local Plan policy on either charging points or solar panels. However, the proposed planning conditions gave flexibility to ensure a good provision. 100% coverage would be ideal but was probably not achievable; the situation would be reviewed and advice sought at the appropriate stage. Barbara Greengrass, Planning Team Leader, added that although there was no policy on the provision, almost 100% had been achieved on another development and therefore the Officers would be aiming for the maximum possible on this development as well. Cllr Trapp stated that he had understood there to be one charging point per dwelling but the agent responded that she had not made that commitment.

The Chairman then opened the debate. Cllr Huffer stated that she believed the application to be well thought out by the developer following good engagement with Officers and Members to address concerns. Consequently, she proposed that the application should be approved in line with the Officer's recommendation and Cllr

Every seconded the proposal. Cllr Brown agreed that the many alterations detailed in the report demonstrated the willingness of all parties to work together and he commended the huge amount of work involved. He also commented favourably about the design of the pavilion as a functional building which would be relatively cheap to maintain. Cllrs Hunt, Trapp and Wilson added their appreciation and praise for the many months of hard work. Cllr Wilson remained concerned about the grouping of the affordable housing, although he was satisfied that it would be of a good standard. Cllr Trapp emphasised the importance of the electric charging points and asked that, if they didn't provide charging points for every dwelling, then the developer should install underground cables to enable residents to easily install one themselves.

It was resolved unanimously:

That planning application ref 21/00470/RMM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report with the necessary amendments to conditions 1 and 14, and an additional condition regarding the cricket pavilion to address further stakeholder comments, all as detailed in the Update Sheet.

**48. 21/00818/FUL – AMBERLEA COUNTRY KENNELS AND CATTERY, ELY ROAD, SUTTON**

Molly Hood, Planning Officer, presented a report (W90, previously circulated) recommending refusal of an application seeking replacement staff welfare facilities and an accommodation unit on the site of Amberlea Kennels and Cattery.

Members were shown a site plan, an aerial site image, and a block plan to illustrate that the site lay outside both the development envelope for Sutton and the Neighbourhood Plan area. It had an extensive planning history which was detailed in the report and summarised by the Officer as follows:

- April 2007 - Construction of staff facilities and reception building approved.
- January 2010 - Change of use from staff facility/office building to single one-bedroom living accommodation refused and subsequently dismissed at appeal.
- April 2010 - Change of use from staff facility/office building to include temporary overnight accommodation approved with restrictions regarding the total and consecutive numbers of nights that it could be in use. (This application was also referenced in the appeal for the previous application due to the time taken by the Inspector to determine the appeal.)
- January 2016 - Certificate of Lawfulness for staff facility/office buildings including provision for overnight accommodations for a manager refused due to insufficient evidence regarding the passage of time.
- April 2016 - Change of use from a staff facility/office to a permanent one-bedroom residence, use Class C3 – dwellinghouse, approved.
- December 2016 – Proposed demolition of part and extension to existing building to provide a new and permanent reception, office and sales area and an addition bedroom approved and tied to the business by a planning condition.

Site photographs, proposed elevations and a floor plan showed the proposed single-storey, flat-roofed, building which would be split into three separate areas

comprising a store, staff welfare facilities (kitchenette in the living area), and overnight accommodation (kitchenette in the living area, shower room, store, wardrobe/cupboard and one bedroom).

The main considerations for the application were deemed to be:

- **Principle of development** – a further single-bedroom unit of accommodation was sought to facilitate the owner’s retirement, however it was not considered that the retirement would warrant automatic need for a second on-site residential dwelling. Licensing Officers had been consulted and it was accepted that there was a need for staff facilities to support a secondary staff member, however a separate self-contained dwelling was not considered to be necessary and no essential need had been demonstrated. Planning Officers had suggested that the plans be revised to provide a communal room (including a kitchenette) with a shower room and single bedroom off the main space in order to provide a place of rest for an employee working during the night; the applicant had disagreed. Multiple aspects of policy HOU5 had not been addressed and the proposed development was considered to be contrary to it.
- **Residential amenity** – the single-storey, flat-roofed proposal had no windows to the rear elevations and all windows and openings would face the kennel and cattery site. It was not considered that it would cause noise or disturbance. The proposal was therefore not considered to be detrimental to the amenity of the occupiers of the adjacent site.
- **Visual impact** – the proposed building would replace an old static caravan and was not considered to be visually intrusive or dominant. It would be in close proximity to other buildings and well-screened by western and northern boundaries. It had been sensitively designed and conditions could be applied with regard to landscaping.
- **Highway safety** – the existing access to the site would be retained together with the existing parking area to the front of the site. The new facility would support the existing workforce and was not considered to cause an increase in traffic.
- **Other matters** – vegetation on the site would be retained and soft landscaping and biodiversity enhancements could be secured by condition, including protection of the mature hedge to the rear of the proposed building. Details of foul and surface water drainage could also be secured by condition. The Agent had advised that the new building would be constructed to current building regulation standards and would be better than the existing static caravan in terms of energy and water efficiency.

In summary, the proposal was considered to fail to demonstrate an essential need for a further workers dwelling on the site and failed to meet multiple requirements of policy HOU5. It was therefore recommended for refusal.

On the invitation of the Chairman, the applicant, Bill Bridges, addressed the Committee. He explained that he was an administrative partner of Amberlea Kennels & Cattery, a successful local business employing local people. The application was to replace an existing old caravan with a building of a similar size and much improved amenity. The total size represented ~5% increase on the original 2010 application which had been approved for use 185 nights per year. He explained that there had been an update to animal welfare regulations in 2018 which required a competent person to be available at all times for each licence; the

cat and dog licences were separate and therefore two people were required on-site overnight but, in reality, three were needed in order to provide cover for unforeseen eventualities. The premises were licensed for 65 cats and 60 dogs and held 5-star status which they wished to maintain and that generally required seven to nine staff members each day to maintain a 1:15 staff:animal ratio. The business employed nine permanent staff and four seasonal workers as well as supporting apprentices and/or work experience positions. His home was adjacent to the premises but not tied to the business; at present, he and his wife and the manager all worked for the business but, once he and his wife retired, only the manager would be on-site overnight and therefore there was a clear need for overnight accommodation in order to satisfy the licence requirement for two competent people to be present at all times. The proposed new accommodation would be used by permanent staff members but would not be a permanent dwelling designated for one individual staff member. He considered that the Officer's proposed suggestion to reduce the size and place the bedroom off the communal facilities would result in a poor standard of accommodation for his staff. The proposed building was essential for the continued success of the business.

Cllr Huffer confirmed, as Chair of the Licensing Committee, that the applicant's understanding of the 2018 regulations was correct. She asked him to clarify the staff numbers required overnight. He explained that there were always two staff members on-site overnight but there needed to be provision for three at busy times in order to provide cover in the event of out-of-hours vet attendance or other unforeseen circumstances. Currently he and his wife were able to provide the third person back-up, and someone stayed in their home to fulfil that requirement if they were away. Once retired, neither of those options would remain available to the business since their house was not tied to the business and they intended to remain resident in it after retirement.

Cllr Jones questioned the restriction of 185 nights in the caravan and asked if amending that would be beneficial. The applicant explained that the 185 night restriction no longer remained in place since the permanent residence for the manager had been approved. In response to Cllr Ambrose Smith's question about the existing caravan, he explained that it had been in situ when he bought the site ~20 years ago and it was not new at that point. It was not insulated and served purely as a staff mess and storage area but needed to be replaced; he was simply trying to add a sleeping area as well in case of incapacitation. Cllr Every then queried why the Officer's suggestion would not satisfy that requirement. The applicant stated that it was substantially smaller than his proposal. The current caravan had a floor area of ~22sqm and had been in place when permission was granted for a staff facility. The combined floor area of the proposal and the existing staff facility was similar to the combined area of the caravan and approved staff facility. The new building needed to be large enough to accommodate two people if required at busy times, and was therefore designed to fit two beds. In addition, if staff members were staying for a longer period, then it would be important for them to have a living space separate from the communal mess area. Finally, in response to a question from Cllr Trapp, he explained that the business operated 24/7 365 days per year and no one staff member worked the same shift all week, so there was no intention for an individual to live in the new accommodation; different people would sleep there at different times. This was different from the on-site bungalow which was a permanent residence for the manager.

The Chairman then invited Cllr Lorna Dupré to address the Committee in her role as Ward Member for Sutton. Cllr Dupré explained that she had called-in the application to Committee for consideration because she considered that refusal would unreasonably prevent a successful local business from being able to comply with the terms of its licence on the retirement of its owner. The applicant had explained that the proposed change would improve the quality of staff accommodation and it was a successful local business that had grown substantially in recent years. Licensing required a minimum of two staff members with back-up and the owners lived close enough to provide that on-call facility meaning that the conditions were currently met. However, the owners wished to retire without losing their home and therefore wanted to upgrade the existing caravan in order to provide overnight accommodation for a staff member in order to comply with the licensing conditions. It would be unreasonable to expect the additional overnight staff member to have nowhere to sleep and/or no privacy during their overnight shifts. The proposed location was discretely positioned in a rear corner of the site and no negative responses had been received. The application complied with policies ENV1, ENV2, ENV4, ENV7, COM7 and the Climate Change SPD, and approval would enable the business to continue without the owners having to move away on retirement.

There were no questions for the Ward Member.

The Planning Officer clarified that there were no restrictions on the use of the existing mobile home; prior to the granting of permanent residence status there had previously been restrictions on the building that was now used as the Manager's accommodation. She also reminded Members that Licensing Officers had determined that two staff members were needed on-site at all times but there was no requirement for them to live there.

Cllr Huffer emphasised that she did not consider the proposal to constitute a permanent residence, rather it would be overnight accommodation for whoever was working the overnight shift. Currently the applicants provided the back-up that enabled the business to retain its 5-star status by having three staff members on duty overnight: two working and one as back-up. The Planning Officer replied that the design of the proposal meant that the sleeping area could be considered a separate residential unit and therefore the application was being viewed as for a dwelling; the Officer's revised proposal had been intended to address this. She reiterated that the advice she had received from Licensing Officers was that only two staff members were required on-site overnight and that only one of them needed to be alert and working. Cllr Huffer responded, as Chair of the Licensing Committee, that there were two licences – one for the cats and one for the dogs – therefore a working staff member was needed for each licence in order to maintain the 5-star status and it was also unrealistic to expect one person to patrol over 100 animals.

Cllr Wilson asked for clarification that the Officer's objection to approval was due to the building being considered to be in open countryside and in excess of the business requirements. The Officer confirmed that the application was contrary to policy HOU5 in respect of rural workers' dwellings.

Cllr Downey asked for further detail regarding the Officer's earlier comment that the application failed to meet multiple requirements of policy HOU5. The Planning

Officer explained that the main issues were that the requirement for a demonstration of essential need had not been met, no evidence had been supplied regarding the difficulty of recruitment/retention of staff, the construction of the building was not unusually expensive, there was no evidence of other suitable properties in the local area and there had been no demonstration that there were no other suitable buildings on site for conversion or that no buildings had been sold on the site in the last 5 years.

Cllr Trapp requested more information about the applicant's comments regarding the amalgamation of two buildings to create one building of a similar footprint. The Officer clarified that the applicant had been referring to a combined footprint of the manager's bungalow at the front of the site and the proposed building at the rear. (With the permission of the Chairman, this was confirmed by the applicant.) The proposed building would have a larger footprint than the existing mobile home that it would replace.

The Chairman then opened the debate. Cllr Wilson commented that he felt the application to be reasonable and he did not consider the building to truly be within the open countryside or a dwelling since it would provide accommodation for multiple people at different times. He therefore proposed that the application be approved, against the Officer's recommendation, on the grounds that it was not contrary to policy HOU5. Cllr Huffer seconded the motion and added that she considered the additional accommodation to be vital to the success of the business. She understood the Officer's viewpoint but was in agreement with Cllr Wilson that the building would be overnight accommodation for staff on a rotating basis rather than a dwelling. Cllr Austen commented that she would also have been willing to second the proposal. Cllr Downey agreed with the other Members and applauded the applicant's attitude to his staff and the animals. He expressed concern regarding the apparent anomaly regarding how licensing policy pertained to overnight accommodation, and concluded that the proposal did appear to meet the requirements of policy HOU5. Cllr Trapp commented that the replacement of inadequate staff facilities with a better standard was important and he suggested that the building should be tied to the business. The Planning Team Leader indicated that, if approved, a condition could be included to that effect.

It was resolved unanimously:

That planning application ref 21/00818/FUL be APPROVED on the grounds that the proposed development does not constitute an additional dwelling in the open countryside but is staff accommodation to be used by a number of employees at different times to meet the Licensing requirements of the business, and so is not contrary to Policy HOU5.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions including that the accommodation unit be tied to the business.

*3:37 – 3:43pm – meeting adjourned for a comfort break.*

**49. 21/01178/FUL – DELI@65, 65 HIGH STREET, SUTTON**

Molly Hood, Planning Officer, presented a report (W91, previously circulated) recommending approval of an application seeking permission for a new ducting system and odour control measures for an existing use class A1/A3 with ancillary takeaway, revised opening hours, and first floor flat, access, parking and site works.

She apologised to Members for an error in paragraph 7.91 of the report: the final word should read “approval” rather than “refusal”.

The Committee were shown a block plan, aerial photograph and site photographs demonstrating that the site lay in a mixed commercial and residential area within the development envelope, the conservation area, and the Neighbourhood Plan area. Proposed elevations illustrated the external changes and indicated the positioning of the ducting system which was mostly internal on the western elevation. New opening hours of 12:00-23:00 Monday – Sunday were also sought. Planning permission for the flat had already been granted in 2020 and, although the current application contained revisions to its design in order to accommodate the ducting system, its dimensions and rooms remained the same.

The main considerations for the application were deemed to be:

- **Principle of development** – the existing commercial use classes E(a) and E(b) would be retained (formerly known as mixed use A1/A3 with ancillary takeaway), there would be no loss of employment and the future occupiers would have good access to services and facilities. The community facility would be retained and would be unaffected by the residential element. Concerns had been expressed about the possible conversion to a takeaway but the application did not request a change of use and permission would be required to alter the use class to a takeaway.
- **Residential amenity** – extensive consultations had taken place with Environmental Health regarding the extraction system. Sound insulation would be required around the ducting in addition to that already required between the flat and the shop. An occupancy condition would be applied to tie the flat to the ground floor business and consequently Environmental Health had no concerns with the internal aspects of the new extraction systems. The ducting was located away from the adjoining property, 63 High Street, and therefore its noise impact on that dwelling was expected to be similar to that on the neighbour to the other side, 65a High Street, which had been considered in the Noise Assessment Report. Regarding the proposed new opening hours of 12:00-23:00 every day, the premises would be open later into the evening although the total permitted hours would be similar to the present permission which allowed 07:30-19:00 Mon-Thurs, 07:30-22:00 Fri-Sat, and 10:00-16:00 Sun. Surrounding commercial premises including two takeaways, a shop and a pub all had closing times between 22:00 and 23:00 therefore the proposed hours would not be out of character with the area or the use classes already permitted. The additional built form, revised opening hours, new ducting and odour measures were not considered to result in significantly detrimental harm. Conditions had been recommended for sound insulation, opening hours, maintenance, securing of use classes, noise and construction hours.
- **Visual impact** – the proposed extension would remain subservient to the neighbouring property and matching materials would be used with the

addition of weatherboard. The extraction system would be predominantly internal and the flue was not considered dominant. The proposal was not considered to result in significant harm to the Conservation Area.

- **Highway safety** – concerns had been raised regarding parking but there had been no objections from the Local Highways Authority. There were two parking spaces in the rear garages with a turning area in front, the deli/café had not offered customer parking and, due to the height restriction on the access, it was considered likely that deliveries would be kerbside. The parking situation had previously been accepted when permission was granted in 2020 for continued use of the shop/café and construction of a new first floor flat.
- **Other matters** – biodiversity enhancements would be met through elevation elements and could be secured by condition. Although no information had been submitted related to the Climate Change SPD that omission would not warrant refusal for an application of this size. A condition was recommended to ensure appropriate waste storage on site.

In summary, the proposal was not considered to be harmful to highway safety, residential amenity, or visual amenity of the area or conservation area. The principle of development was acceptable and the application complied with the Local Plan 2015 and the Sutton Neighbourhood Plan, it was therefore recommended for approval.

On the invitation of the Chairman, Mark Baker addressed the Committee on behalf of 33 local residents, several of whom were present at the meeting, to object to the application. He explained that he had lived next door to the nearby Sunrise takeaway in Sutton for 39 years and in his experience the ventilation system and general operating noise continued after closing time during the clean-down process, and the back door was often open for ventilation. In the case of this application, the back door was very close to the nearest neighbour and the flue would be less than two car lengths from the neighbour's window as well as being taller than that sought in a prior application. He drew Members' attention to Officers' recorded comments on previous planning applications for this site, including:

- The need for cleaning of the premises after hours, which would extend the period of activity on site, and that odours could harm neighbours' residential amenity via open windows and doors on the premises even if suitable extraction equipment was in place (ref 11/01010/FUL, refused).
- The need to restrict opening hours by not permitting evening opening in order to safeguard the residential amenity of neighbours (ref 13/00333/FUL, approved).
- Recognition that evening opening on weekdays could be detrimental to neighbours (ref 15/00091/VAR, approved), and subsequently referenced again (19/01635/FUL, approved).

In his view, more weight needed to be given to not extending the opening hours. He also highlighted to Members that no other village outlets shared their outside space with a neighbour and therefore this application differed in that respect.

There were no questions for the objector.

The Chairman then invited Adrian Fleet, agent for the applicant, to address the Committee. The agent thanked the Officer for her measured report and

recommendation to the Committee. He reiterated that the first floor flat had previously been approved and was only included in this application in terms of minor amendments to accommodate the new ducting system. The owner was experiencing difficulties in renting out the premises for A1/A3 uses in its current condition and believed that better ventilation and revised opening hours would make it more attractive. The existing use class would not change and the site was located in a mixed commercial and residential area of Sutton, the owner was seeking parity with the opening hours of nearby commercial uses. However, the request for revised opening hours was secondary to that for the installation of ducting and the applicant would be willing to accept a reduction in the requested hours to close at 21:45 rather than 23:00. The applicant understood that a takeaway business was not permitted, and that the Council could take enforcement action if the use class permissions were breached.

In answer to a question from Cllr Downey, the agent confirmed that the applicant would be willing to close at 21:45 if that was the Committee's primary concern regarding the application. Cllr Every asked for details about its current occupancy and was informed that the property was empty and advertised on the rental market. A number of viewers of the property had reported that it was not suitable for their requirements and, if no businesses came forward, then the owner would intend to use the premises as a restaurant.

Cllr Dupré was then invited to address the Committee as the Ward Member. She stated that she had called-in the application together with Cllr Inskip on the grounds that the on-street parking was already under huge pressure, the plant equipment would need to operate into the late evening due to the revised opening hours, the application failed policy NP11 of the Sutton Neighbourhood Plan due to having an adverse impact on residential amenity, and because they believed it to be a "stealth" application for a hot food takeaway. Parking on the south side of the High Street was already very busy and Members' attention was drawn to the refusal of an application in 2012 on parking grounds; the parking situation had deteriorated since then. In addition, the storage area for the business would be very limited due to the existing cold store becoming a stairway and therefore the likelihood was that the garage would need to be used for storage. There would also be insufficient space for the storage of waste without impinging on 63 High Street. There would be a negative impact on neighbours, in particular those at the adjoining property. The 2012 refusal had cited noise, smell and disturbance amongst the reasons for that refusal. The proposed installation of an Indian cooker, tandoor and fryer suggested that a hot food takeaway was intended rather than a retail/café business. The previous café use had been very popular and there was no evidence that it was not a viable business, therefore the application contravened policy NP9 of the Neighbourhood Plan; Cllr Dupré believed there was considerable demand for such a community use.

Cllr Wilson asked for more information about previous occupancy of the site and about takeaway provision in the village. Cllr Dupré explained that for many years the property had been a butcher's shop, then it became a café with some retail (delicatessen / kitchen equipment) before transfer of ownership. The café had been very popular and she suspected that there would be even more demand in the new era of increased working from home. In terms of takeaways, Sutton had a Chinese almost opposite the site, an Indian nearby, and a Fish & Chip shop on the outskirts of the village. She also agreed with him that many people had walked

to the café during the daytime but may be more inclined to drive to an evening establishment.

In response to a question from Cllr Downey, she confirmed that she believed the “plant equipment” to be the new ducting that had been applied for. In discussions with Cllr Huffer regarding opening hours and the inability of the Committee to pre-empt future scenarios or give weight to belief of “stealth” reasoning, Cllr Dupré explained that, although the café did have permission to open until 10pm Friday-Sunday, this had never been utilised and the impact on evening parking and residential amenity, if the extended hours and flue work were approved, would be detrimental. She confirmed to Cllr Hunt that dense parking along the south side of the road, and often on the north side in breach of road markings and regulations, was very regular and in her view would be made worse by approval of the application. In response to Cllr Trapp, she said there was no evidence either way as to whether a new takeaway in this location would take business from the existing establishments or attract new customers from the edges of the village, or further afield, which would require additional car journeys.

The Planning Officer then reminded Members that the application did not seek to change the use class to permit a takeaway business. The existing permitted use classes allowed for retail, café, restaurant and ancillary takeaway business. Since the application was not seeking to change the use of the premises it was not possible to require additional parking.

Cllr Huffer asked for, and received, confirmation from the Officer that the premises could not be used solely as a takeaway. The Officer further stated that a condition had been proposed to prevent future use as a takeaway business in the event that General Permitted Development was to change. Cllr Downey questioned why the Noise Assessment Report had not included the property adjoining the application site (63 High Street) and asked how it had been possible to conclude that the plant equipment would not operate at night, given that the requested opening hours ended at 11pm. The Officer responded that the expectation was that the equipment would only run until the kitchen closed. In addition, Environmental Health had no concerns about the noise; due to the first floor flat positioning between the extraction and the neighbour, as well as the separation for 63 High Street was similar to that for 65a High Street, which was referenced in the Noise Assessment Report. Cllr Downey then asked if “night” was therefore being defined as “after 11pm”, and the Officer confirmed that this was the case.

The Chairman then opened the debate. Cllr Huffer stated that she was satisfied that the premises could not operate as a takeaway business and she therefore proposed that the application be approved with revised opening hours as suggested by the agent for weekday nights. Cllr Stubbs seconded the motion and added that she considered the owner to be behaving responsibly by adding the ducting system that should alleviate concerns regarding odour. Cllr Ambrose Smith concurred and suggested that installation of the ducting during construction of the flat made sense, even if it was not initially used. Cllr Hunt also agreed with the merits of installing the ducting and highlighted the importance of communities remaining viable with good amenities.

Cllr Wilson disagreed and stated that he saw no reason to add to the previously-approved flat and existing business permissions for the premises. Cllr Jones

expressed his agreement with the merits of the ducting, and with Cllr Hunt's comment regarding the importance of viability, but he also shared the concerns that had been raised regarding the extended opening hours and the parking issues in the area. Cllr Downey stated his inclination to give more options to future occupants of the premises but had reservations about the increased opening hours. He also reiterated his dissatisfaction with the adjoining property not having been referenced in the Noise Assessment Report.

Cllr Trapp stated that he remained open-minded and had hoped for more guidance from the debate.

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

That planning application ref 21/01178/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report with a revision to condition 6 such that the permitted opening hours would be 12:00-21:45 Sunday to Thursday and 12:00-23:00 Friday to Saturday.

**50. PLANNING PERFORMANCE REPORT – SEPTEMBER 2021**

Barbara Greengrass, Planning Team Leader, presented a report (W92, previously circulated) summarising the performance of the Planning Department in September 2021. She highlighted that the number of applications received remained higher than in previous years, and drew Members' attention to the five appeals that had been received and one appeal that had been dismissed. Regarding the two upcoming hearing dates, she informed Members that the appeal for 19/00717/OUM (Broad Piece, Soham) would be heard as a five-day public enquiry. In response to a question from Cllr Austen, who had been contacted by a member of the public, she confirmed that the appeal hearing for Hurst Farm, West Road, Ely (20/00641/FUL) would take place on 9<sup>th</sup> November 2021 as a remote hearing. A seven-day public enquiry had also been scheduled in January 2022 for a proposed care home in Bottisham

The Chairman informed Members that the Planning Department had been under intense pressure during recent months due to the implications of COVID, staff illness, and two unfilled vacancies. He reminded Members that, although call-in was an important part of the democratic process, every application brought to Committee increased the stress on the staff and the cost to the Council so careful consideration should be given to any potential call-ins. He thanked Officers for their hard work.

It was resolved:

That the Planning Performance Report for September 2021 be noted.

*The meeting concluded at 4:41pm.*



**20/00880/OUM**

OS Land Parcel 7216

Bury Lane

Haddenham

Cambridgeshire

Change of use from agricultural land to recreational land to create a new recreational ground for the parish to include pitches, parking, changing rooms, access and associated works

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=QD72VAGGMWN00>





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**MAIN CASE**

**Reference No:** 20/00880/OUM

**Proposal:** Change of use from agricultural land to recreational land to create a new recreational ground for the parish to include pitches, parking, changing rooms, access and associated works

**Site Address:** OS Land Parcel 7216 Bury Lane Haddenham  
Cambridgeshire

**Applicant:** Haddenham Parish Council

**Case Officer:** Emma Barral Planning Officer

**Parish:** Haddenham

**Ward:** Haddenham  
Ward Councillor/s: Gareth Wilson

**Date Received:** 20 August 2020      **Expiry Date:** 8<sup>th</sup> December 2021  
**Report Number W119**

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1. **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Reserved Matters
- 3 Time Limit
- 4 Contamination
- 5 Foul and Surface Water
- 6 Construction Times
- 7 Biodiversity
- 8 Traffic Regulation Order
- 9 External Floodlighting
- 10 Ground Conditions
- 11 Use of the Land
- 12 Management and Maintenance Scheme

2. **SUMMARY OF APPLICATION**

2.1 The application submitted seeks Outline Planning Consent (with all matters reserved) for the change of use from agricultural land to recreational land to create

a new recreational ground for the Haddenham Parish Council (applicant) to include football pitches, parking, changing rooms, access and associated works.

2.2 The application was previously brought to Planning Committee on the 2<sup>nd</sup> December 2020 with a recommendation for refusal for the following reasons-

- Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM4 states that new community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated. The level of traffic generated by the proposed development cannot be safely accommodated and it would cause significant detrimental harm to traffic movement on the public highway, as there is a high probability that it will overburden the capacity of New Town Road. The application is therefore considered to be contrary to Policy COM4 and COM7 of the Local Plan 2015, due to detrimental harm to the highway network.
- Policy ENV7 of the East Cambridgeshire Local Plan 2015 states that all development proposals will be required to protect 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. Policy ENV 7 also states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. The proposed application site may contain protected species. However, no ecology report has been submitted with the application and therefore the ecological impacts of the proposed development cannot be fully assessed. The application is therefore considered to be contrary to Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environments SPD, as it has not demonstrated how biodiversity impacts will be mitigated and a net gain secured.

2.3 It was resolved that planning application reference 20/00880/OUT be DEFERRED to the following year to allow the applicants to complete an ecology survey and carry out further investigations in relation to the access for vehicular and pedestrian traffic to the site.

2.4 The applicant submitted amended details by way of an amended plan (502 Rev C) which demonstrates an indicative layout, a Highway Technical Review and a Preliminary Ecological Appraisal Report on the 15<sup>th</sup> June 2021. The amended indicative plan included space for 70 car parking spaces rather than 30 spaces, a turning head, cycle parking, disabled spaces and a new pedestrian gate to Bury Lane. A further note in response to County Highways Consultation Comments was submitted on the 7<sup>th</sup> October 2021.

2.5 The applicant has described the proposed development as the first phase of a wider recreational scheme within the parcel of land in question (red line plan) which will initially provide an additional 3 Football Pitches with access and parking for 70 cars and a turning head.

- 2.6 Haddenham Parish Council have indicated that they are initially looking at providing three 84 metres (275 feet) by 58 metres (190 feet) football pitches (which could be reconfigured to a full-size football pitch measuring 104 metres (341 feet) by 70 metres (229 feet) plus two 49 metres (160 feet) by 66 metre (216 feet) smaller pitches) but they are in discussion with the Cambridge Football Foundation regarding the actual configuration they would support. A car parking area and changing room would also be proposed. However, please note that the block plan submitted is indicative as the matters of access, layout, appearance, scale and landscaping are currently not being considered.
- 2.7 The proposed development would be accessed via New Town Road which is a residential cul-de sac with frontage access. Only pedestrian access is proposed from Bury Lane to the south.
- 2.8 Haddenham Parish Council advised Officers that after receiving pre-application advice they would undertake consultations (an event) with the local community, given the number of concerns raised around the time of their first application (LPA Ref 20/00152/FUL). However, this has not been undertaken this year (2020) given the COVID 19 pandemic this year and the need to socially distance. Hence, the application is submitted as an Outline Planning Application to establish the principle of development to allow more specific details to be agreed at a later date through a Reserved Matters Application.
- 2.9 The application was originally called to Planning Committee by Councillor Wilson because he has been asked by Haddenham Parish Council to do so. Councillor Wilson has commented that he feels that “the Highways objection is based on a misunderstanding of the use by our children’s football teams. As this project is already part of East Cambs Sporting Strategy and we are already fairly sure of a Football Foundation grant of up to £750,000 to help pay for football pitches and pavilion on the only flat field that we have been able to find after a three year search in Haddenham. Haddenham has 13 youth teams but only three pitches”. The application was considered at Planning Committee on the 2<sup>nd</sup> December 2020. As stated it was resolved that planning application reference 20/00880/OUT be DEFERRED to next year to allow the applicants to complete an ecology survey and carry out further investigations in relation to the access for vehicular and pedestrian traffic to the site.
- 2.10 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 3.0 **PLANNING HISTORY**
- 3.1 A previous application was submitted under LPA Ref 20/00152/FUL; however, this application was withdrawn on the 8<sup>th</sup> April 2020 with Haddenham Parish Council advising that they would re-submit at a later date once the necessary public consultation had taken place and when they had more detailed documentation to support the application.

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located to the west of the village framework of Haddenham. The site can be accessed from a single track off Bury Lane from Aldreth Road to the south-east. To the north of the application site lies New Town Road which leads into Pocket Park to the south which is adjacent to the application site. The application site comprises an agricultural field.
- 4.2 It is noted that Haddenham Parish Council has an existing recreational ground within the village framework in the centre of the village. The existing facility has 2 pitches which are shared with the cricket ground. Given the existing shortage of pitches for the existing local teams, several have to play outside of the village in other locations.

#### 5.0 RESPONSES FROM CONSULTEES

- 5.1 A site notice was displayed at the site on the 17<sup>th</sup> September 2020 and the proposal was advertised in the Cambridge Evening News on the 27<sup>th</sup> August 2020. Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's website.

##### Comments on amended details submitted on the 15<sup>th</sup> June 2021

**Environmental Health-** 29 June 2021- Nothing further to add from previous comments.

**Sport England-** 13 July 2021- "This application seeks outline planning consent for new playing fields on 4.5 hectares of land to the south of New Town Road, Haddenham. The East Cambs Playing Pitch Strategy (2020) identified a need for additional sports pitches in Haddenham, particularly for youth/mini football, and also identified the existing pitches at Haddenham Recreation Ground as being of poor quality. Some Haddenham teams therefore have to travel to pitches outside the village. Haddenham Rovers Colts FC run 12 teams at mini/youth level but have to use pitches at Wilburton Recreation Ground to meet their needs. They also use Haddenham Primary School. The need to improve Haddenham Recreation Ground is a high priority within the PPS, as is the need for additional pitches in Haddenham. The application is only outline at this stage, and shows indicative pitch markings as well as additional car parking and a small 2 team changing module . Cambs FA comment as follows: This overspill site is identified in the East Cambs LFFP and will be hugely beneficial with the lack of current pitches in Haddenham. The club is growing and has a strong female set up and therefore this site will alleviate issues from the shared football/cricket recreation ground. Haddenham FC & PC have committed to grass pitch maintenance funding programmes for both sites via the Football Foundation. Happy with proposed pitch configuration, although understand this has flexibility. I have noted previously that there are concerns from local residents regarding this application, with regard to additional traffic along New Town Road, and the loss of part of the pocket park at the southern end of this road, but these are issues outside of our remit. By providing new pitches that could help address established local playing pitch deficiencies, the proposal would meet objective 3 to provide new opportunities to meet the needs of current and future generations, and therefore Sport England supports this application in principle.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport', and. A copy of this guidance can be found at: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces> As the application is only in outline form, full details of site layout, pitch markings, pavilion details etc would need to be approved at reserved matters stage, if the application is approved". The conditions previously suggested were also suggested.

**Trees Officer-** 29 September 2021- "No comments further to those made on the 24<sup>th</sup> September 2020".

**Local Highways Authority (Development Management)-** 29 September 2021- "I maintain the objection previously raised by the LHA to this application. A detailed rationale for this objection is laid out below in addition to other additional commentary.

#### New Town Road

The proposed access route to the recreation land is via New Town Road, a residential cul-de-sac. LHA comments were previously provided which advised that this was not a suitable access route. In response, a highways technical note has been submitted to evidence that New Town Road is a suitable route for access by all modes. Upon review of the technical note, I have the following comments:

- The note largely focuses on link capacity. I accept that the theoretical capacity of the link is likely capable of accommodating additional traffic. However, the original objections were not based on capacity grounds. In any event I recommend that you consult the County's TA team to review the link and junction capacity assessment.
- The on-site parking observations took place during winter / spring months during the Covid 19 pandemic so may not be representative of peak demand.
- While Manual for Streets states that two cars can pass along a road of 4.1m width and a car and HGV can pass along a road with width of 4.8m, local experience indicates this is not true. While theoretically possible it relies on very accurate driving, straight road alignments and ignores the presence of wing mirrors. If a road were 4.1m in width passing cars would likely clip kerbs and risk collision with pedestrians on adjacent footways. In any event, Manual for Streets is not applicable to this application.
- I agree with the technical note proposals for double yellow lining at the junction with the A1123 and advise that it should extend along New Town Road to the first driveway (approximately 30m). This would help to minimise the risk of blocking back onto the A1123. The provision of double yellow lining requires a Traffic Regulation Order which sits outside of the planning process. I recommend that any consent be conditional on such an order.

New Town Road is a residential cul-de-sac serving a modest number of dwellings with frontage access. It is common along such roads for pedestrians to dwell in the carriageway e.g. children playing or ad-hoc crossing the roads. Increasing traffic volumes could pose a risk to such road users.

New Town Road is not of a suitable width for HGVs, coaches or other large vehicles. Presumably some larger vehicles will be required for organised events, construction, or landscape maintenance. In order to accept the principle of access along New Town Road I would require vehicle tracking which demonstrates that an ECDC refuse vehicle can pass at all points, the largest vehicle which is expected to access the proposed development.

Provision of double yellow lining, appropriate levels of on-site parking, traffic calming, and a suitable access design would help to mitigate many highway safety risks associated with access route, but some residual increase in highway safety risk would remain.

Aside from highway safety, increases in traffic along New Town Road will have amenity implications as the character of the road is not in keeping with the proposed use.

For the above reasons, I re-iterate the LHA's previous objection regarding an access route along New Town Road.

### Bury Lane

From a highway safety perspective, there is no issue with pedestrian access along Bury Lane. However, most of the length of a pedestrian route is unmade and devoid of any lighting so unlikely to be an attractive route.

### Layout

The provision of 70 parking spaces indicates that the volume of additional traffic along New Town Road as indicated in the highway technical note capacity assessment may not be representative. It is unclear if 70 parking spaces (plus additional disabled parking) is appropriate. Please defer to the TA team for further comment on this matter.

I would recommend that a space for turning is provided within the site prior any gate or car parking. This is to ensure if the site is closed, vehicles have opportunity to turn around and exit in a forward gear. The turning head needs to be sized for the largest vehicle which could realistically be expected to access the site or the pumping station now or in the future.

Otherwise, there is no highway safety issue associated with the indicative layout as shown on the drawing 1813-SBA-X-X-X-502 Revision C. I will however require a greater level of detail, supported by vehicle tracking for future reserved matters applications”.

**Local Highways Authority** (Development Management)- 21 October 2021- “Following a review of the additional applicant information, I can conclude that residual highway safety issues can be addressed by planning conditions. However, I re-iterate my previous comment that New Town Road is a residential cul-de-sac with frontage access and minimal separation between residences and the highway. The additional traffic which the proposed scheme may attract would have an impact on residential amenity which the LPA should consider.

The turning head at the south of New Town Road is currently used for refuse vehicle turning and not suitable for larger vehicles. But the applicant has indicated that coaches are not expected to use the site. When accepting bookings for the facilities or organising events, the applicant will need to inform the relevant parties that access for large vehicles is not feasible.

However, I maintain that a turning head should be provided within the site prior to any gated access or the commencement of car parking. Should a vehicle enter the site in error or find access to the turning head at the south end of the site temporary blocked by a vehicle manoeuvring into or out of a space, they could feasibly reverse along the access onto New Town Road. I recommend that the first junction within the site be appropriately sized for turning.

I strongly recommend that a construction traffic management plan be conditioned to ensure that construction activities will not have an adverse impact on highway safety. Please append the following conditions and informative to any permission granted". (Conditions as stated in the comments).

**Local Highways Authority** (Transport Team)- 18 November 2021- "This is below the size of development the TA team would comment on".

- 5.2 Neighbours – A total of 49 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website. Members are strongly advised to review the submitted comments on the Council's public access system. Given the length of some of the comments received they are only summarised below.

Comments on amended details submitted on the 15<sup>th</sup> June 2021

68 West End- Objection- The proposal would have an adverse impact by the loss of community open space. Concerns for the impact on traffic, no cycle paths. The proposal would lead to traffic congestion and delays on the A1123. The loss of pocket park would impact wildlife.

27 New Town Road (2 letters)- Objection- loss of amenity of Pocket Park which is used for picnics and games, impact to character, New Town Road is not suitable for the level of traffic. Raised specific concerns in relation to the relevant policies of the Local Plan 2015 including COM3, COM4, COM5, ENV1, ENV2, COM7 and COM8. New Town Road is not suitable to the increase in traffic, inadequate parking facilities will put pressure on New Town Road. The proposals will have a huge impact on the character and appearance of the area. No public consultation has been carried out. Concerns for biodiversity, trees and habitats.

17 New Town Road- Objection- Concerns for when the surveys were undertaken as they were in lockdown. There is not a sufficient need for the facility, this is the wrong location and the Parish Council should undertake a full public consultation to establish the needs and ideas of the whole village not just the needs of the sporting groups in the village.

17a New Town Road- Objection- Concerns for impact to biodiversity, noise pollution from the matches, light pollution and possible flood lights, traffic access due to traffic demands and that there is no benefit to the proposed scheme.

58 Hill Row- Objection- Concerns for traffic and change of use of the land.

20 Orchard Way- Objection- Concerns that this is the wrong site for the recreational ground, concerns for biodiversity, the residents of New Town Road and traffic generation.

38 Aldreth Road- Objection- Concerns for historic views in Haddenham, concerns for species in pocket park, loss of habitat. Bury land junction is unsuitable for amount of traffic, light pollution from flood lights, antisocial behaviour, noise pollution in evening.

43 West End- Objection- Concerns for the loss of the green space with no alternative being offered. Concerns for traffic generation, pollution, noise, litter and anti-social behaviours.

19 West End- Objection- Concerns for traffic increase and the impact upon character and appearance, noise pollution, the proposal would negatively change this area of the village.

30 Newtown Road- Objection- The Highway Review only involves two visits to New Town Road and therefore the impact of the development has not been sufficiently assessed. The observations took place during the time of COVID restrictions which would affect the number of people attending the football matches. There are high levels of off street parking along New Town Road. Cannot see how the Parish Council will guarantee that large vehicles will not access the site.

35F West End- Objection- Concerns for flooding, concerns for security, concerns for health and safety, concerns for light pollution and concerns for traffic development along New Town Road.

43 Aldreth Road- Supports the application as they are critical to the continuing development of youth football in the village.

50 High Street (Sustainable Haddenham)- Objection- The Parish Council have now published the draft neighbourhood plan. Although this document is not yet adopted it clearly represents the views of the parish council and the community going forwards. The plan states great emphasis on the importance of protecting Haddenham's green spaces, and names pocket park as one of these spaces. It also emphasises the importance of views from and across the village, specifically naming two views - from the ridges of the High Street/Aldreth Road, and West End/Hill Row across, the 'Haddenham Basin'. Concerns for the loss of pocket park, the views mentioned in the Haddenham Neighbourhood Plan (draft) would be compromised.

6 Millyard- Objection- Concerns for other uses that want to use the land, concerns for the loss of Pocket Park, when Anglian Water access the pumping station they require they ask for all vehicles to be removed from the road.

Petition Various Addresses- A petition has been submitted that supports the additional sports and recreational facilities for Haddenham. This has been signed by a total of 88 local residents.

## 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
ENV 8	Flood risk
ENV 9	Pollution
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Design Guide  
Flood and Water  
Natural Environments  
Contamination  
Climate Change

### 6.3 National Planning Policy Framework 2021

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

## 7.0 PLANNING COMMENTS

7.1 All material planning considerations are addressed within the original report (Appendix 2) and this report only deals with highway matters and ecology.

7.2 The main planning considerations relate to the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and parking provision, flood risk, drainage and biodiversity.

### 7.3 **Principle of Development**

7.4 The need for the scheme has been clearly demonstrated by the applicant. Haddenham has a Youth Football Academy with 11 teams and an adult club with 2 Men's teams. They share the two current pitches on the Parish's existing recreation ground. The recreation ground is also shared with the cricket club and this creates

additional issues due to overlapping seasons. Despite the football clubs utilising Haddenham's Primary School pitch, 6 out of the 11 Academy teams have to source pitches in other villages and Haddenham Parish Council have advised that is becoming increasingly difficult year on year with increasing demand. Haddenham Parish Council is therefore keen to ensure that memberships do not drop as a result of the lack of space and facilities within the village.

7.5 In terms of the principle of development, Policy COM4 of the Local Plan 2015 is relevant and states as follows:

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

*Proposals for all new or improved community facilities should:*

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

7.6 While the site is not located within the settlement boundary of Haddenham, it is clear that there are no other suitable or available sites within the development envelope of Haddenham that would be able to facilitate the proposed recreational ground and football pitches. It is also considered that the site would be well located to its catchment population given that there is existing access from Bury Lane and the site is located directly to the south of Pocket Park. Therefore, the most appropriate foot and cycle links are from New Town Road leading into Pocket Park to access the site. Therefore, in relation to the first requirement of Policy COM4 of the Local Plan 2015, the facility would be well located.

7.7 In terms of traffic generation, Haddenham Parish Council have noted that the football pitches will be used Saturdays and Sundays during the football season and evenings for training when daylight permits and occasionally during the week for other activities such as "walking" football or exercise classes and other clubs for example Archery. During the pre-application stages County Highways commented in relation to the proposals that advised that "the proposal will create a significant demand for parking which unless sufficient dedicated parking is provided is likely to be displaced onto adjacent streets. While this may not have safety issues, it is likely to have a detrimental impact on the amenity of adjacent streets". The matter of highways safety, access and car parking is addressed further below.

- 7.8 In relation to the impact upon the character and appearance of the locality and neighbour amenity, this would depend on the extent of development above the change of use of the land in isolation- which given that the application is for Outline Planning Consent, these details are indicative. Nonetheless, given the distances retained to the settlement boundary and New Town Road to the north of the application site, it does not appear that the proposed football pitches would result in significant harm to visual amenity. Moreover, given the distances retained to neighbouring dwellinghouses, the proposed development does not appear to result in harm to neighbour amenity. However, these matters are fully addressed below.
- 7.9 It is considered that the proposed development would not conflict with the last three points of the policy wording. As expressed above, while several of the requirements of Policy COM4 are met in relation to the location of the proposed recreational ground, others are addressed further below in relation to the scale and nature of traffic generated. Therefore, the principle of the development will only be considered to be acceptable if all parts of Policy COM4 are satisfied.
- 7.10 **Highway Safety and Car Parking**
- 7.11 New Town Road runs northwards from the northern boundary of the site and forms a priority 'T' junction with the A1123 West End approximately 240m (787 feet) north of the site. New Town Road is approximately 5.5m (18 feet) in width and forms the minor arm at the 'T' junction. Both roads are subject to a 30mph speed limit. The A1123 West End runs in an east to west direction through the junction with New Town Road and leads to Haddenham village centre in the east. In the west the next settlement that is reached when travelling out of the village is Earith.
- 7.12 The proposed means of access is reserved for future consideration. However, in order to access whether the principle of the development is acceptable, the proposed development must comply with Policy COM4 of the Local Plan 2015 which states that proposals for new community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated or upon residential amenity.
- 7.13 Policy COM7 of the Local Plan 2015 requires applications to provide safe and convenient access to the highway network and provide a comprehensive network of routes, giving priority for walking and cycling. Furthermore, Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality.
- 7.14 The applicant submitted amended details by way of an amended plan (502 Rev C) which demonstrates an indicative layout, a Highway Technical Review and a Preliminary Ecological Appraisal Report on the 15<sup>th</sup> June 2021. The amended indicative plan included space for 70 car parking spaces rather than 30 spaces, a turning head in the eastern part of the site, cycle parking to the south of pocket park, disabled spaces and a new pedestrian gate to Bury Lane.
- 7.15 In summary, the Highway Technical Review (prepared by Intermodal Transportation Ltd (ITL),) considered the feasibility of accessing the proposed site via New Town Road and whether this offers a safe and suitable approach. Parking demand was

accessed at the existing football pitches in Haddenham when at any one time there was a maximum of 3 concurrent football matches being played. The submitted report was therefore based on these observations. The report carefully considered Officers previous reason for refusal and commented that “this report demonstrates that the achievable visibility at the junction of New Town Road with the A1123 West End should be regarded as acceptable and should not be considered to preclude the use of the junction to serve the development proposal”.

- 7.16 The Report also states as follows- “Within this report reference has been made to site observations, including observations of the operation of the existing football pitches in Haddenham village on Saturday 17th April 2021. In addition, reference has been made to link capacity assessments on New Town Road and junction capacity assessments at its junction with the A1123 West End. On the basis of the site observations and the capacity calculations, ITL would conclude that the provision of the development proposal should not overburden New Town Road if it is utilised as the sole access / egress to the site”.
- 7.17 In the conclusion of the Review it was recommended that a “double yellow line junction protection be installed at the junction of New Town Road and the A1123 West End in order to ensure that vehicles turning into the road are not blocked by vehicles parked close to the junction in the event that they met a vehicle looking to leave the road”. ITL understood that no coaches would need to access the site and that New Town Road has an exemplary road safety record with no accidents recorded in the latest available 3-year period of data. ITL confirmed from their observations that 70 car parking spaces were required due to demand and the amended submitted layout demonstrates this provision in the indicative layout (Drawing Ref 502 Rev C).
- 7.18 County Highways reviewed the Highway Technical Review by ITL and commented (on the 29<sup>th</sup> September 2021) that they maintained their objections to the proposed development as they did not consider New Town Road to be a suitable access road for the recreational ground. On consultation with County Highways several concerns have been raised in relation to broader highway safety matters, as specific details relating to access are currently not being considered. Their objections relate primarily to New Town Road not being suitable for the numbers and vehicle type of use that would be required to facilitate this development. While the applicant has expressed that no coaches would need to access the facility, County Highways have maintained their objections to the proposed development.
- 7.19 The Local Highways Authority stated that “New Town Road is a residential cul-de-sac serving a modest number of dwellings with frontage access. It is common along such roads for pedestrians to dwell in the carriageway e.g. children playing or ad-hoc crossing the roads. Increasing traffic volumes could pose a risk to such road users. New Town Road is not of a suitable width for HGVs, coaches or other large vehicles. Presumably some larger vehicles will be required for organised events, construction, or landscape maintenance. In order to accept the principle of access along New Town Road I would require vehicle tracking which demonstrates that an ECDC refuse vehicle can pass at all points, the largest vehicle which is expected to access the proposed development. Provision of double yellow lining, appropriate levels of on-site parking, traffic calming, and a suitable access design would help to mitigate many highway safety risks associated with access route, but some residual

increase in highway safety risk would remain. Aside from highway safety, increases in traffic along New Town Road will have amenity implications as the character of the road is not in keeping with the proposed use. For the above reasons, I re-iterate the LHA's previous objection regarding an access route along New Town Road". They also commented that it was unclear if 70 car parking spaces was sufficient and advised that space for turning should be provided prior to any gate or car parking.

- 7.20 In conclusion County Highways stated that "there is no highway safety issue associated with the indicative layout as shown on the drawing 502 Revision C. I will however require a greater level of detail, supported by vehicle tracking for future reserved matters applications".
- 7.21 A further note in response to County Highways consultation comments was submitted on the 7<sup>th</sup> October 2021 by the Agent (and ITL). ITL stated that County Highways has accepted that New Town Road is likely capable of accommodating additional traffic. In addition, ITL stated that Haddenham Football Club confirmed that the Saturday ITL undertook their observations was a busy day. In response to New Town Road not being suitable for HGV's, coaches and other large vehicles, ITL confirmed that New Town Road is 5.5 metres (18 feet) in width which is sufficient to accommodate the proposed development and they highlighted that refuse collections vehicles serving the residential dwellinghouses utilise the road.
- 7.22 ITL then stated that "CCC then comment that the development proposal would have amenity implications but ITL, as highway consultants, would not seek to pass comment or judgement in relation to the issue of amenity, which is considered to be a matter for the Local Planning Authority (LPA) to consider and not the Local Highway Authority (LHA)".
- 7.23 In relation to the 70 car parking spaces proposed, ITL commented that "based on the robust observations of parking demand on Saturday 17th April 2021 and the proposed provision of 70 car parking spaces represented an increase from the level of parking originally proposed at the development, which in turn was implied by CCC within their original consultation comments of 20th March 2020 to be acceptable". On the day of their observations ITL considered that car sharing level would be lower due to the need to socially distance and level of vehicles movements on the day of observation would have be higher than typical levels.
- 7.24 ITL also highlighted that there is an existing turning head at the southern end of New Town Road and that the gate to the development would be open at the time of any visits by maintenance vehicles for the development and that there would be ample space on site for those vehicles to turn at the time of their visits. Overall, ITL consider that there are no highway grounds preventing the grant of planning permission for the development proposal.
- 7.25 County Highways reviewed the response to consultation comments by ITL and commented (on the 21<sup>st</sup> October 2021) that residual highway safety issues can be addressed by planning conditions. They stated that

"I re-iterate my previous comment that New Town Road is a residential cul-de-sac with frontage access and minimal separation between residences and the highway.

The additional traffic which the proposed scheme may attract would have an impact on residential amenity which the LPA should consider. The turning head at the south of New Town Road is currently used for refuse vehicle turning and not suitable for larger vehicles. But the applicant has indicated that coaches are not expected to use the site. When accepting bookings for the facilities or organising events, the applicant will need to inform the relevant parties that access for large vehicles is not feasible. However, I maintain that a turning head should be provided within the site prior to any gated access or the commencement of car parking. Should a vehicle enter the site in error or find access to the turning head at the south end of the site temporarily blocked by a vehicle manoeuvring into or out of a space, they could feasibly reverse along the access onto New Town Road. I recommend that the first junction within the site be appropriately sized for turning. I strongly recommend that a construction traffic management plan be conditioned to ensure that construction activities will not have an adverse impact on highway safety”.

County highways then suggested a number of conditions to any permission granted.

- 7.26 The Agent has reviewed the comments received on the 21<sup>st</sup> October 2021 by County Highways. In relation to the proposed conditions they have stated that “We have already confirmed that coaches will not be attending the site and the Highway Authority has accepted that the existing turning head is used by refuse vehicles. The entrance can be provided with an access gate set back 5m as requested and this would be kept locked when not in use. A further turning head within the site is not considered to be necessary and the only larger vehicles that may attend the site would be maintenance vehicles that would do so at times that do not coincide with football matches and as such would have the car park area and the football pitches to turn on. The request is therefore considered to be unreasonable and would not satisfy the tests to impose a condition or meet the guidance within the NPPF. We note that within the non-standard condition proposed by the highway authority, they are suggesting that possible waiting and loading restrictions at the northern end of New Town Road should stretch for a minimum of 20m into the road. However, in order to minimise the impact on any existing local parking in that location, we consider that based on the requirements of the highway code that distance could be reduced to 10m. Furthermore, we would recommend that the condition is worded such that the requirement to secure the waiting restrictions is on a best endeavours basis to cover for the eventuality that the formal Traffic Regulation Order process associated with the provision of the double yellow lines fails for any reason”.

- 7.27 County Highways have reviewed the additional comments from the Agent and in relation to the turning head they have stated that

“I agree that it probably does not form sufficient basis for an objection but I do maintain that a turning head within the site would be beneficial. There is one area for turning located to the end of a long linear row of parking meaning that it is inconvenient to use”. Highways suggested that the area to the east of the cycle parking and to the north of the disabled spaces just be of sufficient size may already be but insufficient detail to confirm) to allow a vehicle to turn so that they do not reverse onto New Town Road if their route to the turning head is blocked. However, if they applicant will not consider this point, then it may need to be conceded”.

- 7.28 County Highways also commented that “in regards to the condition relating to the Traffic Regulation Order, I worded it in such a way that they need to apply, not implement. If the TRO is not approved, that it is immaterial in planning terms as they have still applied and therefore met the requirements to discharge the condition”.
- 7.29 Officers therefore considered that all conditions (apart from HW1A- turning head) should be appended to any permission granted. Officers consider that the following comments from County Highways are essential to determining whether the proposed development with access via New Town Road will be acceptable stating-
- “I re-iterate my previous comment that New Town Road is a residential cul-de-sac with frontage access and minimal separation between residences and the highway. The additional traffic which the proposed scheme may attract would have an impact on residential amenity which the LPA should consider”
- 7.30 Considering the comments raised by both the Agent (and ITL) and County Highways, Members will need to carefully consider the impact upon residential amenity along New Town Road given the traffic generation by the proposed scheme.
- 7.31 As expressed above, while several of the requirements of Policy COM4 are met in relation to the location of the proposed recreational ground, others such as the scale and nature of traffic generated have been further considered in this section of the report. The principle of the development will only be considered to be acceptable if all parts of Policy COM4 are satisfied. On balance, the proposed development is broadly considered to comply with the aims of Policy COM4 of the Local Plan 2015 in terms of the scale or nature of traffic generated or upon residential amenity.
- 7.32 As already expressed, Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. In the views of the Local Highway Authority. Generally, the level of traffic generated by the proposed development can be safely accommodated and it would not cause significant detrimental harm to traffic movement on the public highway, as it is generally not considered that the recreational ground it will overburden the capacity of New Town Road. The application is therefore considered to be comply to Policy COM7 of the Local Plan 2015.
- 7.33 In relation to car parking, Officers are content that there is sufficient space within the application site to accommodate 70 cars. While the layout of the development is reserved for future consideration, the indicative layout demonstrates that adequate parking and turning could be provided on site to serve the proposed recreational ground and this is considered to comply with Policy COM8 of the Local Plan 2015. However, with this being a layout issue it would be for any future reserved matters to consider and provide adequate parking spaces for motor vehicles and cycles in order for the scheme to comply with Policy COM8 of the Local 2015.

## 7.34 **Biodiversity**

- 7.35 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) advise that opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. Policy ENV 7 also states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development 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. Policy ENV7 goes on to state that “Where there is reason to suspect the presence of protected species, trees and woodland, applications must be accompanied by a survey carried out by a qualified individual assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation”.
- 7.36 The Council adopted its Natural Environment SPD on the 24<sup>th</sup> September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment, but also creates new areas for wildlife to thrive. Furthermore, the Natural Environment SPD also seeks for biodiversity net gain under policy NE6. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure.
- 7.37 As layout is not being agreed, the impact upon habitats and biodiversity is difficult to review. While the proposed recreational use in relation to the proposed football pitches alone may have a limited impact upon biodiversity, the buildings/changing room and parking areas may have more of substantial impact. All proposals are required to provide mitigation measures and to lead to deliver a net gain in biodiversity proportionate to the scale of development.
- 7.38 The application has been submitted with a Preliminary Ecology Appraisal Report (November 2021, Version 4) which has concluded that
- “The development will see the loss of, or a significant change in management of the main parcel of the Site, where the sports pitches will be created. This is considered likely to see a small loss in biodiversity value. A new access route to the north, which will lead to a new car park area and modular changing rooms in the north of the main parcel, will see a further loss of neutral grassland replaced with a sealed surface. A small section of hedgerow (Hedgerow 4 to the north) will be lost to create

access into the main parcel. A section of the woodland may also be lost to create this access. While the majority of the habitat being lost is neutral grassland, of a Site value only, a small area of woodland may be lost and a section of hedgerow will be lost. Therefore, overall the development will see a loss in ecological and biodiversity value. There is scope to provide replacement for lost woodland and hedgerow onsite”.

7.39 The Report then proceeds to set out how the loss of biodiversity on site will be minimised which includes the following-

*“Design Stage – Mitigation*

- Minimise the area of woodland lost to the new access route from the north (from New Town Road) and hedgerow from the north and south.

*Design Stage – Compensation*

- Plant a new native and species-rich (at least six species) along the western boundary of the Site.
- Increase the area of woodland within the northern parcel with additional native tree planting.
- Allow grassland around the edges of the Site to be floristically enhanced, being cut short, harrowed, sown with a species rich meadow mixture, and managed with a relaxed cutting regime (with cutting undertaken c. three times a year).

*Pre-construction and Construction Stage – Mitigation*

- Root and tree/hedgerow protection measures (in line with the British Standard for trees in relation to construction BS 5837:2012) must be installed in the pre-construction phase and maintained throughout the construction phase”.

7.40 A brief summary of the recommended biodiversity enhancements for the Site in the Report are detailed in the table below. For more detail on these enhancements, including recommended specifications, please refer to the species-specific sections of the Preliminary Ecology Appraisal Report (November 2021, Version 4). The Report states that “it is considered that these measures, undertaken in conjunction with the Requirements detailed within this report, will ensure that the development achieves a biodiversity net gain”.

Group of Habitat	Enhancement
General	Plant small groups of fruit trees around the Site, including along the new access route from the south.
Bats	Include three groups of three Kent-style bat boxes mounted on retained boundary trees
Birds- General	Three traditional 32mm hole fronted boxes, mounted c. 3-4m high on retained trees, on the northern or eastern aspect
Birds- Starling	Four starling boxes, mounted c. 4m high on retained trees, on the northern or eastern aspect
Birds- Barn Owls	Two barn owl boxes, mounted on a boundary tree or pole, at least 4m high and facing away from the Site.
Reptiles/ General	Create a log pile in an undisturbed location to the north of the Site

Figure 1- Preliminary Ecology Appraisal Report (November 2021, Version 4), page 27.

7.41 Officers sought clarity in relation to badgers as any evidence of these was not included in the Ecology Appraisal Report (June 2021, Version 3). Page 10 states that “Habitats on site were assessed for their suitability for badger foraging and sett building. Any incidental evidence of the presence of badgers on site (e.g. setts, paths, prints, foraging signs, and latrines) was also recorded”. However, was not clear where these recording are and how the conclusions in the risk assessment were reached for badgers.

7.42 The Agent has responded to the comments and submitted and updated version of the Preliminary Ecology Appraisal Report on the 17<sup>th</sup> November 2021 (Revision 4). The Agent stated

“Page 10 is the methodology for assessing a site for badgers (Section 2, Methods of Assessment, 2.2 PEA Site Survey) – The was assessment was carried out in that: *“Habitats on site were assessed for their suitability for badger foraging and sett building. Any incidental evidence of the presence of badgers on site (e.g. setts, paths, prints, foraging signs, and latrines) was also recorded.”* – None were recorded. Badger are then noted in the Ecological Risk Assessment on Page 6, *“Considered but screened out due to a lack of suitable, connecting, or linked habitat combined with a lack of evidence onsite.”* For clarity the report has been updated to Version 4 (attached) to include a badger section, confirming no records from the last 10 years (2 records from 2001 with no information or accurate location), that no

evidence was present on, or adjacent to the Site (which was assessed in full during the Site Survey, and assessments of ponds for newts). The development is of low risk to badger due to the nature of the works and the species is unlikely to be present onsite. There is no requirement for further survey or mitigation”.

7.43 To provide a biodiversity gain, a condition will be imposed requiring biodiversity improvements. Particularly the recommendations from the Preliminary Ecology Appraisal Report on the 17<sup>th</sup> November 2021 (Revision 4). The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. The proposed development therefore complies with Policy ENV7 of the East Cambridgeshire Local Plan 2015, and Policy NE6 of the Natural Environment SPD.

#### 7.44 **Trees**

7.45 In relation to trees, the Trees Officers have reviewed the proposals and have advised that any access from New Town Road should ideally use as much of the existing track that provides access to the pumping station, this would significantly reduce to amount of tree lost to enable this development as illustrated on the plan below. They also advised that conditioning a soft landscaping scheme to include suitable mitigation planting and screening to aid the integration of this development into the surrounding landscape and reduce noise and light pollution will be advantageous. The Applicant has stated in their submission that a tree planting scheme and/or any screening requirements will be carried out at the recommendations of ECDC Tree Officer. As such, it is considered that the requirements of Policy ENV7 of the Local Plan 2015 in relation to trees can be complied with subject to relevant conditions.

#### 7.46 **Planning Balance**

7.47 The Outline Planning Application route was chosen by the applicant while they undertake public consultation and to agree the scheme with the Cambridge Football Association. The Outline Application seeks planning permission for the change of use of the application site from agricultural to recreational land for the provision of 3 new football pitches, access road and parking to provide for the increased demand within the village. There is no denying the need for the proposed development and there is support from the Councils Community and Leisure Services and Sport England. Comments were not received from the Cambridgeshire Football Association.

7.48 The application site is well related to the defined settlement envelope and is considered to be within a sustainable location. Furthermore, the proposed development would not cause any significant detrimental impacts to visual amenity however this would be further assessed as Reserved Matters Stage.

- 7.49 Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM4 of the Local Plan 2015 states that proposals for new community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated or upon residential amenity. On careful review of the details submitted by the Agent and the various comments received from County Highways the level of traffic generated by the proposed development can be safely accommodated and it would not cause significant detrimental harm to traffic movement on the public highway, as it is generally not considered that the recreational ground it will overburden the capacity of New Town Road. The application is therefore considered to be comply to Policy COM7 of the Local Plan 2015. On balance, the proposed development is broadly considered to comply with the aims of Policy COM4 of the Local Plan 2015 in terms of the scale or nature of traffic generated or upon residential amenity.
- 7.50 Finally, the proposed application site may contain protected species. The application has been submitted with a Preliminary Ecology Appraisal Report (November 2021, Version 4). The application is therefore considered to comply with Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environments SPD, as it has demonstrated how biodiversity impacts will be mitigated and a net gain secured.
- 7.51 The proposal is therefore recommended for approval.

## 8 APPENDICES

- 8.1 Appendix 1 – Recommended Conditions  
8.2 Appendix 2 – Previous committee report

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00880/OUT	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastcambs.gov.uk

National Planning Policy Framework -  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 - 20/00880/OUM Conditions

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

Plan Reference	Version No	Date Received
501		9th July 2020
Preliminary Ecological Appraisal Report		4 17th November 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance; Landscaping; Scale; Access; and Layout; (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 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 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to completion of the works.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 on Saturdays and none on Sundays 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 The ecological mitigation measures as indicated in the Preliminary Ecology Appraisal Report (November 2021, Version 4) and submitted as part of this application shall be undertaken in accordance with that specified measures indicated in this document and in accordance with any site licence requirements that may be required. The enhancements shall be installed prior to first use and therefore permanently retained in perpetuity.
- 7 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to the commencement of use, the applicant will apply for and fund a Traffic Regulation Order to restrict waiting and loading at all times along New Town Road from the junction with the A1123 for a distance of not less than 20m on both sides of the carriageway.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 No external floodlighting to be installed without prior written approval from the Local Planning Authority.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall take place unless and until:
- a. A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

- 10 Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy COM4 of the Local Plan 2015.

- 11 The playing field shall be used for outdoor sport and recreation and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 11 Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitch/es and to accord with Policy COM4 of the Local Plan 2015.
- 12 Prior to the bringing into use of the playing fields a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- 12 Reason: To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Policy COM4 of the Local Plan 2015.



**AGENDA ITEM NO. 5****MAIN CASE**

<b>Reference No:</b>	<b>20/00880/OUT</b>		
<b>Proposal:</b>	<b>Change of use from agricultural land to recreational land to create a new recreational ground for the parish to include pitches, parking, changing rooms, access and associated works</b>		
<b>Site Address:</b>	<b>OS Land Parcel 7216 Bury Lane Haddenham Cambridgeshire</b>		
<b>Applicant:</b>	<b>Haddenham Parish Council</b>		
<b>Case Officer:</b>	<b>Emma Barral Planning Officer</b>		
<b>Parish:</b>	<b>Haddenham</b>		
<b>Ward:</b>	<b>Haddenham</b>		
	<b>Ward Councillor/s:</b>	<b>Gareth Wilson</b>	
<b>Date Received:</b>	<b>20 August 2020</b>	<b>Expiry Date:</b>	<b>11<sup>th</sup> December 2020</b>
			<b>[V120]</b>

1. **RECOMMENDATION**

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

- Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM4 states that new community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated. The level of traffic generated by the proposed development cannot be safely accommodated and it would cause significant detrimental harm to traffic movement on the public highway, as there is a high probability that it will overburden the capacity of New Town Road. The application is therefore considered to be contrary to Policy COM4 and COM7 of the Local Plan 2015, due to detrimental harm to the highway network.
- Policy ENV7 of the East Cambridgeshire Local Plan 2015 states that all development proposals will be required to protect 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. Policy ENV 7 also states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an

ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. The proposed application site may contain protected species. However, no ecology report has been submitted with the application and therefore the ecological impacts of the proposed development cannot be fully assessed. The application is therefore considered to be contrary to Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environments SPD, as it has not demonstrated how biodiversity impacts will be mitigated and a net gain secured.

## 2. SUMMARY OF APPLICATION

- 2.1 The application submitted seeks Outline Planning Consent (with all matters reserved) for the change of use from agricultural land to recreational land to create a new recreational ground for the Haddenham Parish Council (applicant) to include football pitches, parking, changing rooms, access and associated works. The applicant has described the proposed development as the first phase of a wider recreational scheme within the parcel of land in question (red line plan) which will initially provide an additional 3 Football Pitches with access and parking for 30 cars.
- 2.2 Haddenham Parish Council have indicated that they are initially looking at providing three 84 metres (275 feet) by 58 metres (190 feet) football pitches (which could be reconfigured to a full size football pitch measuring 104 metres (341 feet) by 70 metres (229 feet) plus two 49 metres (160 feet) by 66 metre (216 feet) smaller pitches) but they are in discussion with the Cambridge Football Foundation regarding the actual configuration they would support. A car parking area and changing room would also be proposed. However, please note that the block plan submitted is indicative as the matters of access, layout, appearance, scale and landscaping are currently not being considered.
- 2.3 The Applicants statement provides that “The Parish Council has agreement to purchase approximately 6.5 Acres (2.6 hectares) of the 11.6-acre (4.5 hectares) field (OS parcel no 7216). There are potentially two options for vehicular access; via New Town Road off the A1123 through Pocket Park, which is owned by the Parish Council. A gated opening would be made between the site and Pocket Park although it is envisaged the hedge would remain intact as a barrier/screen between the Recreational Area and the houses in New Town Road. The second option would be via Bury Lane and into the field through an existing gate access. It is intended that consultation will be carried out with residents as to the preferred access once outline permission has been granted”.
- 2.4 Haddenham Parish Council advised Officers that after receiving pre-application advice they would undertake consultations (an event) with the local community, given the number of concerns raised around the time of their first application (LPA Ref 20/00152/FUL). However, this has not been undertaken this year given the COVID 19 pandemic this year and the need to socially distance. Hence, the application is submitted as an Outline Planning Application to establish the principle of development to allow more specific details to be agreed at a later date through a Reserved Matters Application.

2.5 The application has been called to Planning Committee by Councillor Wilson because he has been asked by Haddenham Parish Council to do so. Councillor Wilson has commented that he feels that “the Highways objection is based on a misunderstanding of the use by our children’s football teams. As this project is already part of East Cambs Sporting Strategy and we are already fairly sure of a Football Foundation grant of up to £750,000 to help pay for football pitches and pavilion on the only flat field that we have been able to find after a three year search in Haddenham. Haddenham has 13 youth teams but only three pitches”.

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

### 3.0 PLANNING HISTORY

3.1 A previous application was submitted under LPA Ref 20/00152/FUL; however, this application was withdrawn on the 8<sup>th</sup> April 2020 with Haddenham Parish Council advising that they would re-submit at a later date once the necessary public consultation had taken place and when they had more detailed documentation to support the application.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the west of the village framework of Haddenham. The site can be accessed from a single track off Bury Lane from Aldreth Road to the south-east. To the north of the application site lies New Town Road which leads into Pocket Park to the south which is adjacent to the application site. The application site comprises an agricultural field.

4.2 It is noted that Haddenham Parish Council has an existing recreational ground within the village framework in the centre of the village. The existing facility has 2 pitches which are shared with the cricket ground. Given the existing shortage of pitches for the existing local teams, several have to play outside of the village in other locations.

### 5.0 RESPONSES FROM CONSULTEES

5.1 A site notice was displayed at the site on the 17<sup>th</sup> September 2020 and the proposal was advertised in the Cambridge Evening News on the 27<sup>th</sup> August 2020. Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's website.

**Environmental Health** - 21 August 2020- “We have given comments on this site in the past and I include these below for reference.

In principle I have no objections to raise for the change of use of the site but I would request a condition which stipulates that there is no external floodlighting to be installed without prior written approval from the LPA.

Other comments- I have read the Design and Access Statement and it states that “We envisage no floodlighting to the pitches on the site in this phase” but reading on it would appear as though this is something which may be considered in the future. In principle I have no objections to make for the change of use of the site but in any subsequent applications for the elements mentioned in the D&AS it is likely I will be requesting times of use as well as requesting evidence that the development will not affect the residential amenity of nearby residential properties. Until that time I would request a condition which stipulates that there is no external floodlighting to be installed without prior written approval from the LPA”.

**Technical Officer Access** - 3 September 2020- “All signage to be clear and good contrast. Accessible parking bays to be provided. Gravel road surface not suitable for wheel chairs. Please provide an approach path in a suitable surface for wheelchair supporters. Accessible toilet to be provide in the changing rooms with a ramp to the building”.

**Community & Leisure Services** - 3 September 2020- “The limitations of the existing recreation ground facilities in Haddenham have been recognised by users and stakeholders, and the Parish Council has addressed many of the qualitative weaknesses through improvements to the current site. They are making the most of what they have. But there are also limitations of space there: the Parish Council noted in its consultation response to our recent District playing pitch and outdoor facilities review that 6 of the 11 junior football teams currently play away from the village, and increasingly rely on the goodwill of those external host facilities. These limitations have been recognised in our strategy, and by the FA's draft Local Football Facilities Plan, which served both to review and build upon that work in respect of football in particular. The proposal to create a new playing field, to supplement the existing site, is a logical response to those limitations, and wholly consistent with these wider strategies. And the intention to broaden the scope of use to include other leisure activities, based on consultation with local residents, is potentially important in ensuring that the new facility helps to increase activity levels across the local community as a whole.

Clearly there is further work to be done in respect of the layout and design detail, and the phasing of the development; but I would be fully supportive of the proposal at this stage. I hope that these comments are of some assistance, but please let me know if you wish me to clarify or elaborate upon them in any way”.

**ECDC Trees Team** - 17 September 2020- “No objections to the change of use on any tree issues”.

**ECDC Trees Team** – 28<sup>th</sup> September- “Further to previous comments the access from New Town Road should ideally use as much of the existing track that provides access to the pumping station, this would significantly reduce to amount of tree lost to enable this development as illustrated on the plan below. Conditioning a soft landscaping scheme to include suitable mitigation planting and screening to aid the integration of this development into the surrounding landscape and reduce noise and light pollution will be advantageous”.

**Sport England** - 28 September 2020- "The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>.

This application falls within the scope of the above guidance as it relates to the creation of new playing fields.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

The Proposal and Assessment against Sport England's Objectives and the NPPF

This application seeks outline planning consent for new playing fields on 2.7 hectares of land to the south of New Town Road, Haddenham.

The East Cambs Playing Pitch Strategy (2020) identified a need for additional sports pitches in Haddenham, particularly for youth/mini football, and also identified the existing pitches at Haddenham Recreation Ground as being of poor quality. Some Haddenham teams therefore have to travel to pitches outside the village. Haddenham Rovers Colts FC run 12 teams at mini/youth level but have to use pitches at Wilburton Recreation Ground to meet their needs. They also use Haddenham Primary School. The need to improve Haddenham Recreation Ground is a high priority within the PPS, as is the need for additional pitches in Haddenham.

The application is only outline at this stage, and shows indicative pitch markings as well as additional car parking and a small pavilion.

I have noted that there are concerns from local residents regarding this application, with regard to additional traffic along New Town Road, and the loss of part of the pocket park at the southern end of this road.

By providing new pitches that could help address established local playing pitch deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle, though we accept that the use of this land would cause problems for local residents on match days.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport', and .

A copy of this guidance can be found at:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>

As the application is only in outline form, full details of site layout, pitch markings, pavilion details etc would need to be approved at reserved matters stage, if the application is approved.

### Conclusion

This being the case, Sport England offers its support for this application, as it is considered to meet Objective 3 as set out above.

Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning conditions should be imposed.

1. No development shall take place unless and until:
  - a. A detailed assessment of ground conditions of the land proposed for the new playing field land shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

*Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy \*\**

2. The playing field/artificial grass pitch shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: To protect the [playing field/artificial grass pitch] from loss and/or damage, to maintain the quality of and secure the safe use of sports pitch/es and to accord with LP Policy \*\*.*

3. Prior to the bringing into use of the playing fields a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

*Reason: To ensure that new facility/ies is capable of being managed and maintained to deliver a [facility] which is fit for purpose, sustainable and to ensure sufficient*

*benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with LP Policy \*\**

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice”.

**Parks And Open Space** - 28 October 2020- “I think all should be ok (in relation to the ditch along Bury Lane), as I have access from the track way to maintain the ditch. Is the POS going to the parish, if its likely to come to us, we will need access from adopted roads to enter the POS”.

**Local Highways Authority** - 20 October 2020- “The highways authority has the following comments on the proposal:

- This application is for all matters reserved. As such the access with New Town Road and the internal arrangement is to be determined at a later date and I therefore can only comment on the broader highways impacts
- New Town Road is a narrow residential street with no parking restrictions and high levels on-street parking occupation. There is no current enforceable powers to restrict parking on either side of the road and therefore the access road to this development is in my opinion unsuitable
- It is likely that coaches will be required to gain access to these facilities. However, given the above New Town Road is not suitable for such vehicles. If permitted it is likely that coaches will have to park on A1123 / West End which will obstruct the free flow of traffic and be detrimental to highways safety
- The shown internal parking layout has no turning or parking for coaches and therefore is not suitable for its proposed use. The access has no measurements so I am unable to determine if this would be suitable for all sized vehicles required
- ECDC as the parking authority and should make sure during the reserve matters stage that there is adequate parking and turning on site for a facility all required parking and vehicles sizes. New Town Road appears to have no additional or limited on-street parking capacity.

On balance and given the information submitted it is my opinion that New Town Road is not suitable for the numbers and vehicle type of use that would be required to facilitate this development”.

**Local Highways Authority** – 27 October 2020- “This is an outline application with all matters reserved so there is very little to comment on. Bury Lane was not shown

as vehicle access? This is also just a single track un-metalled road. If this was to be used it would have to be made up to a two way adoptable road with footways. I cannot provide comments on everything that has not been included and that is outside of the application and the approval sort. I don't believe that the New Town Road is suitable or there is enough room internally to provide the parking needed. In my opinion there would be a negative impact on the highway if permitted. However, I can only advise you on what I believe to be the impacts to the highway and on what has been submitted".

**Local Highways Authority- 3 November 2020-** "New Town Road is not suitable as an access road to a sports facility of this size and the number and sizes of vehicles that will be needed for it to function as such. Bury Lane might be ok but this application does not seek access arrangements. This is really more of an amenity issue at this stage as there is not enough information associated with all matters reserved access to properly consider all of the impacts to the highways. Personally I do not think this is the correct application type for this kind of development and a full application should have been submitted".

**Cambridge Ramblers Association - No Comments Received**

**Haddenham Parish Council - No Comments Received** as they are the applicant.

**Ward Councillors – Councillor Wilson-** "I have been asked by the Parish Council to call in this application, because we feel that the Highways objection is based on a misunderstanding of the use by our children's football teams. As this project is already part of East Cambs Sporting Strategy and we are already fairly sure of a Football Foundation grant of up to £750,000 to help pay for football pitches and pavilion on the only flat field that we have been able to find after a three year search in Haddenham. Haddenham has 13 youth teams but only three pitches".

5.2 Neighbours – A total of 49 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

31 New Town Road- Objection- Concerns for parking on New Town Road and the number of parking spaces (30) proposed given the number that three football matches would generate- everyone will drive. Concerns for queuing on the A1123 and space available on New Town Road. Concerns for noise and loss of privacy, anti-social behaviour and flood lights. Concerns for the loss of pocket park, concerns for biodiversity, planting and flooding.

6 Mill Yard- Objection- Concerns for parking on New Town Road and the number of parking spaces (30) proposed given the number that three football matches would generate- everyone will drive. Concerns for queuing on the A1123 and space available on New Town Road. Concerns for noise and loss of privacy, anti-social behaviour and flood lights. Concerns for the loss of pocket park, concerns for biodiversity, planting and flooding (same letter as 31 New Town Road).

17 New Town Road- Objection- Concerns for access. No public consultation event has taken place from the Parish Council. Concerns for biodiversity, emergency services having access, anti-social behaviour, noise pollution, light pollution (flood

lights). Concerns for highway safety along the A1123 and New Town Road. Cycling is not possible along New Town Road. Concern for the loss of pocket park as open space.

The Ark Baby and Toddler Group, Aldreth Village Centre- Objection- Concerns for the loss of pocket park as a green space, concerns for biodiversity. Increase in traffic New Town Road is unsuitable for the increase in traffic this proposal will bring. No public consultation from the Parish Council has taken place. Access should be provided from Bury Lane to the south.

18 New Town Road- Objection- Traffic relation concerns, significant concerns for the loss of pocket park and open space, there will be more than 30 vehicles needing to park and New Town Road is not suitable to support to level of cars as a result of the recreational ground on match days and training. Concerns for biodiversity loss and loss of species.

19 West End- Objection- Concerns for land ownership. Any alteration to the maintenance, surface or layout of Bury Lane will have serious and unacceptable consequences on the access to as well as the safety and security of all the land adjacent to Bury Lane. Concerns for flooding and drainage, concerns for trees, wildlife and biodiversity at pocket park. Concerns for noise pollution.

27 New Town Road- Objection- Pocket park is an established green space used by a lot of people, concerns for the noise impacts.

38 Aldreth Road- Objection- Concerns for historic views in Haddenham, concerns for species in pocket park, loss of habitat. Bury land junction is unsuitable for amount of traffic, light pollution from flood lights, antisocial behaviour, noise pollution in evening.

11 New Town Road- Objection- Concerns for the loss of pocket park and wildlife, increase in traffic to a small road, concerns for access.

30 New Town Road- Objection- Concerns for biodiversity, surface water, concerns for the loss of pocket park. Concerns for increase in traffic, level of parking proposed, highway safety and no cycle facilities. Council have chosen pocket park access rather than upgrading Bury Lane due to the costs. No public consultation event to get residents views on access options.

32 New Town Road- Objection- Loss of privacy, congestion, loss of trees, loss of wildlife, loss of pocket park.

50 High Street- Objection- Concerns for disruption to wildlife and many species including bats and badgers- no details in the planning submission in relation to biodiversity and net gain. Concerns for surface water drainage and flooding.

6 Tunbridge Lane- Objection- Newtown Road is a narrow, quiet cul-de-sac, with many cars already parking on the street – as there is not space width-ways for a car outside each house, we often have to park outside other peoples' houses, and the access can be greatly hindered when delivery vehicles, refuse collection lorries or emergency service vehicles are needed. Concerns for loss of pocket park and

wildlife. 30 car parking spaces if not sufficient for the number of pitches, access arrangements are unclear. Should alternative access not be made, all construction vehicles will have to access the recreational area through Newtown Road – this road is simply not suitable for such heavy traffic.

27 New Town Road- Objection- Concerns for the loss of pocket park, the proposal does not comply with COM4 of the Local Plan 2015. This not an accessible location, a significant level of traffic will be generated, no Transport Impact Assessment has been submitted, New Town Road is not suitable to the increase in traffic, inadequate parking facilities will put pressure on New Town Road. The proposals will have a huge impact on the character and appearance of the area. No public consultation has been carried out. Concerns for biodiversity, trees and habitats. The application is not supported by sufficient evidence. “This planning application should be refused as it is contrary to Policies COM3, COM4, ENV1, ENV2, ENV7, COM7 and COM8 of the ECDC Local Plan due to the inadequate road access, unacceptable impact upon traffic safety and parking issues, adverse and significant change of landscape character of the edge of the settlement and the loss of Pocket Park which is an important village open space. Additionally, increased noise, disturbance, loss of privacy, and emissions will all affect my enjoyment of my property adversely. These issues will all worsen further if future development as envisioned is proceeded with. These impacts cannot be mitigated against by planning conditions given the nature of the development. The Pocket Park is a well established village green space, and should be considered as such with regard to losing it to become access for the recreational ground. Not only does the park have an important social role for residents, it also contains many wildlife habitats and species, some of which are protected or endangered. There are also significant environmental impacts to consider both in the loss of at least a large section of the park, and the change in use of the field from agricultural to recreational land. In my view, no exceptional circumstances have been submitted which warrant a loss of our Pocket Park”.

6 Hinton Way- Objection- New Town Road is not suitable nor is Bury Lane. No public consultation has been undertaken by the Parish Council.

43 West End- Objection- The land is not suitable for football pitches, safety of access and along New Town Road. Concerns for the loss of pocket park, concerns for biodiversity and wildlife.

43 Aldreth Road- Supportive- Fully support the need for the facility and the essential need for the Colts Football Club which supports 200 children in the village, sport is essential for health and mental wellbeing.

9 Metcalf Way- Supportive- Should encourage sport and healthy activities, the facility will be an asset to the community.

29a Lode Way- Supportive- Haddenham Rove has around 200 children participating and 75 volunteers, benefits of football for children, there is a need for the facility.

44 Duck Lane- Supportive- The proposal will provide a much needed facility.

## 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 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide  
 Flood and Water  
 Natural Environments  
 Contamination

6.3 National Planning Policy Framework 2019

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

7.0 PLANNING COMMENTS

The main planning considerations relate to the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and parking provision, flood risk, drainage and biodiversity.

7.1 **Principle of Development**

7.2 The need for the scheme has been clearly demonstrated by the applicant. Haddenham has a Youth Football Academy with 11 teams and an adult club with 2 Men's teams. They share the two current pitches on the Parish's existing recreation ground. The recreation ground is also shared with the cricket club and this creates additional issues due to overlapping seasons. Despite the football clubs utilising Haddenham's Primary School pitch, 6 out of the 11 Academy teams have to source pitches in other villages and Haddenham Parish Council have advised that is becoming increasingly difficult year on year with increasing demand. Haddenham Parish Council is therefore keen to ensure that memberships do not drop as a result of the lack of space and facilities within the village.

7.3 In terms of the principle of development, Policy COM4 of the Local Plan 2015 is relevant and states as follows:

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

*Proposals for all new or improved community facilities should:*

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

7.4 While the site is not located within the settlement boundary of Haddenham, it is clear that there are no other suitable or available sites within the development envelope of Haddenham that would be able to facilitate the proposed recreational ground and football pitches. It is also considered that the site would be well located to its catchment population given that there is existing access from Bury Lane and the site is located directly to the south of Pocket Park. Therefore, the most appropriate foot and cycle links are from New Town Road leading into Pocket Park to access the site. Therefore, in relation to the first requirement of Policy COM4 of the Local Plan 2015, the facility would be well located.

7.5 In terms of traffic generation, Haddenham Parish Council have noted that the football pitches will be used Saturdays and Sundays during the football season and evenings for training when daylight permits and occasionally during the week for other activities such as “walking” football or exercise classes and other clubs for example Archery. During the pre-application stages County Highways commented in relation to the proposals that advised that “the proposal will create a significant demand for parking which unless sufficient dedicated parking is provided is likely to be displaced onto adjacent streets. While this may not have safety issues, it is likely to have a detrimental impact on the amenity of adjacent streets”. The matter of highways safety, access and car parking is addressed further below.

7.6 In relation to the impact upon the character and appearance of the locality and neighbour amenity, this would depend on the extent of development above the change of use of the land in isolation- which given that the application is for Outline Planning Consent, these details are indicative. Nonetheless, given the distances retained to the settlement boundary and New Town Road to the north of the application site, it does not appear that the proposed football pitches would result in significant harm to visual amenity. Moreover, given the distances retained to neighbouring dwellinghouses, the proposed development does not appear to result in harm to neighbour amenity. However, these matters are fully addressed below.

- 7.7 It is considered that the proposed development would not conflict with the last two points of the policy wording. As expressed above, while several of the requirements of Policy COM4 are met in relation to the location of the proposed recreational ground, others are not and therefore the principle of the development is not considered to be acceptable in relation to the scale and nature of traffic generated.
- 7.8 **Visual Amenity**
- 7.9 In terms of visual amenity, Policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The full details of the visual appearance, layout and scale have not been included within the application and would need to be assessed at reserved matters stage.
- 7.10 In terms of visual amenity, the application site is located within the open countryside and is surrounded by agricultural fields. Given this openness within the surrounding landscape any large buildings may result in visual harm to the countryside setting. The size, scale and location of the proposed changing room is not known; however a modestly sized building would not result in significant harm to visual amenity. Moreover, the provision of three football pitches alone are not considered to result in a significant degree of harm to visual amenity. The proposal is set back from the road well away from housing and the existing properties in New Town Road are screened from the development by the large mature hedge on the Boundary of Pocket Park with the new site.
- 7.11 Any lighting would need to be carefully assessed, however the applicant has expressed that they do not envisage floodlighting to the pitches on the site in this phase. Moreover, the applicant has expressed that they will provide 3m high (probably weld mesh or similar fencing) to the boundary with the rest of the field and as necessary behind goals and other areas as necessary to stop balls leaving the pitch/grounds. However, with detailed matters not being considered and the extent of the proposals unclear, it is difficult to fully assess the visual impact of fences within the application site.
- 7.12 The proposed change of use of the land in isolation from agricultural land to recreational land would not be significantly harmful to the rural character and appearance of the area. Therefore, the proposed recreational ground in this location could generally conform to the aims and objectives of Policy ENV2 of the Local Plan 2015 on these points alone and there is certainly enough space within the site for the desired use.
- 7.13 **Residential Amenity**
- 7.14 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 states that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There is more than sufficient distance between the indicative recreational ground layout and the neighbouring occupiers at Aldreth Road to the east and New Town Road to the north of the application site. These distances are considered sufficient to prevent overlooking or overshadowing impacts to neighbouring occupiers and it has been demonstrated that there is

sufficient room within the application site to achieve an acceptable layout for a recreational ground. The full impact of the proposed dwelling on the residential amenity of nearby occupiers would be assessed at reserved matters stage once all of the details are submitted.

- 7.15 The applicant has stated in their submission that they do not envisage floodlighting to the pitches on the site in this phase. However, this could be provided as part of a Reserved Matters Application or Discharge of Condition submission. The introduction of flood lighting may be detrimental to the character and appearance of the area and to residential amenity to the southern dwellings on New Town Road.
- 7.16 Environmental Health have not objected in relation to noise pollution. As such it would be unreasonable to object to the development on the issue of potential noise pollution to residents as a result of the proposed recreation ground. However, with so many unknowns this may affect the future layout of the proposed scheme if the application was to be approved. In terms of the impact to residential amenity as a result of traffic generation, these matters a further discussed below.
- 7.17 **Highway Safety and Car Parking**
- 7.18 The proposed means of access is reserved for future consideration. However, in order to access whether the principle of the development is acceptable, the proposed development must comply with Policy COM4 of the Local Plan 2015 which states that proposals for new community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated or upon residential amenity.
- 7.19 Policy COM7 of the Local Plan 2015 requires applications to provide safe and convenient access to the highway network and provide a comprehensive network of routes, giving priority for walking and cycling. Furthermore, Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality.
- 7.20 During the earlier pre-application discussion, Officers informally consulted County Highways in relation to the proposed development and they raised concern in relation to parking provision and the amenity of local residents given the influx of vehicles in the surrounding streets. Any discussions between Haddenham Parish Council and County Highways since the pre-application advice was issued and the submission of the current application are not known to Officers.
- 7.21 As expressed in the earlier part of this report, the applicants have provided options within their red line plan in relation to access arrangements to serve the recreational ground. There are potentially two options for vehicular access; via New Town Road off the A1123 through Pocket Park, or the second option would be via Bury Lane and into the field through an existing gate access. The applicants have stated that “it is intended that consultation will be carried out with residents as to the preferred access once outline permission has been granted”. As such, it is not clear whether both accesses are proposed to be used to serve the site.

- 7.22 On consultation with County Highways several concerns have been raised in relation to broader highway safety matters, as specific details relating to access are currently not being considered. Their objections relate primarily to New Town Road not being suitable for the numbers and vehicle type of use that would be required to facilitate this development. While the applicant has expressed that no coaches would need to access the facility, County Highways have maintained their objections to the proposed development. As such, County Highways consider that New Town Road is not suitable as an access road to a sports facility of this size and the number and sizes of vehicles that will be needed for it to function. While County Highways expressed that Bury Lane might be a feasible option, this option was not preferable at pre-application stage by Highways or Officers given that this is a single track. Moreover, the applicant has expressed that Bury Lane is a Private Green lane and they would not want to upgrade it to the adoptable standard suggested by County Highways. As expressed there are many unknowns with the current application, with one of the main issues being the level of information provided. Whether Pocket Park or Bury Lane will be used as the key access point is not clear, however the significant number of third party comments relating to highway safety, access, capacity and car parking in relation to the use of New Town Road have been carefully reviewed and noted.
- 7.23 Overall, County Highways have expressed as part of their consultation that the proposed development would be a negative impact on the highway if permitted. They have also expressed that this is really more of a capacity and amenity issue at this stage as there is not enough information associated with all matters reserved access to properly consider all of the impacts to the highways. Therefore, the proposed development is not considered to comply with the aims of Policy COM4 of the Local Plan 2015 in terms of the scale or nature of traffic generated or upon residential amenity. As such, Officers consider that any further intensification of use of this road will become a serious amenity issue for residents.
- 7.24 As already expressed, Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. In the views of the Local Highway Authority, the level of traffic generated by the proposed development cannot be safely accommodated and it would cause significant detrimental harm to traffic movement on the public highway, as there is a high probability that it will overburden the capacity of New Town Road. The application is therefore considered to be contrary to Policy COM7 of the Local Plan 2015.
- 7.25 In relation to car parking, Officers are content that there is sufficient space within the application site to accommodate 30 cars. While the layout of the development is reserved for future consideration, the indicative layout demonstrates that adequate parking and turning could be provided on site to serve the proposed recreational ground and this is considered to comply with Policy COM8 of the Local Plan 2015. However, with this being a layout issue it would be for any future reserved matters to consider and provide adequate parking spaces for motor vehicles and cycles in order for the scheme to comply with Policy COM8 of the Local 2015.
- 7.26 **Flood Risk and Drainage**

- 7.27 The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. A scheme for the disposal of foul and surface water drainage can be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 7.28 **Biodiversity**
- 7.29 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) advise that opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. Policy ENV 7 also states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development 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. Policy ENV7 goes on to state that Where there is reason to suspect the presence of protected species, trees and woodland, applications must be accompanied by a survey carried out by a qualified individual assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation.
- 7.30 The Council adopted its Natural Environment SPD on the 24<sup>th</sup> September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment, but also creates new areas for wildlife to thrive. Furthermore, the Natural Environment SPD also seeks for biodiversity net gain under policy NE6. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure.
- 7.31 As layout is not being agreed, the impact upon habitats and biodiversity is difficult to review. As noted above, there are significant unknowns given that this is an Outline Planning Application. While the proposed recreational use in relation to the proposed football pitches alone may have a limited impact upon biodiversity, the buildings/changing room and parking areas may have more of substantial impact. While Officers have visited the site and did not see any substantial biodiversity issues, the number of third party comments associated with the loss of habitats, species and biodiversity have been reviewed and acknowledged. It has been reported that the

application site is high in ecological potential and potentially in the presence of protected species. Therefore, the ecological impacts of the proposed development cannot be fully assessed as no ecology survey has been provided with the application. Without such surveys it is not possible for the concerns raised to be overcome and without this level of information it is unknown if the proposed development will have a determinantal impact on biodiversity in the local area. All proposals are required to provide mitigation measures and to lead to deliver a net gain in biodiversity proportionate to the scale of development.

7.32 The proposal therefore fails to adequately demonstrate that there would not be any significant harm caused to ecology, contrary to policies ENV1 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environments SPD.

7.33 **Trees**

7.34 In relation to trees, the Trees Officers have reviewed the proposals and have advised that any access from New Town Road should ideally use as much of the existing track that provides access to the pumping station, this would significantly reduce to amount of tree lost to enable this development as illustrated on the plan below. They also advised that conditioning a soft landscaping scheme to include suitable mitigation planting and screening to aid the integration of this development into the surrounding landscape and reduce noise and light pollution will be advantageous. The Applicant has stated in their submission that a tree planting scheme and/or any screening requirements will be carried out at the recommendations of ECDC Tree Officer. As such, it is considered that the requirements of Policy ENV7 of the Local Plan 2015 in relation to trees can be complied with subject to relevant conditions.

7.35 **Planning Balance**

7.36 The Outline Planning Application route was chosen by the applicant while they undertake public consultation and to agree the scheme with the Cambridge Football Association. The Outline Application seeks planning permission for the change of use of the application site from agricultural to recreational land for the provision of 3 new football pitches, access road and parking to provide for the increased demand within the village. There is no denying the need for the proposed development and there is support from the Councils Community and Leisure Services and Sport England. Comments were not received from the Cambridgeshire Football Association.

7.37 The application site is well related to the defined settlement envelope and is considered to be within a sustainable location. Furthermore, the proposed development would not cause any significant detrimental impacts to visual amenity however this would be further assessed as Reserved Matters Stage.

7.38 However, on balance, it is considered that these benefits do not outweigh the significant and demonstrable harm which would be caused in relation to capacity

and amenity issues of the public highway along New Town Road. Policy COM7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM4 of the Local Plan 2015 states that proposals for new community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated or upon residential amenity.

- 7.39 The level of traffic generated by the proposed development cannot be safely accommodated and would cause significant detrimental harm to traffic movement on the public highway, as there is a high probability that it will overburden the capacity of New Town Road. The application is therefore considered to be contrary to Policy COM4 and COM7 of the Local Plan 2015.
- 7.40 Finally, the proposed application site may contain protected species. However, no ecology report has been submitted with the application and therefore the ecological impacts of the proposed development cannot be fully assessed. The application is therefore considered to be contrary to Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environments SPD, as it has not demonstrated how biodiversity impacts will be mitigated and a net gain secured.
- 7.41 For these reasons the application is recommended for refusal.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/00880/OUT	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastc ams.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

**21/00410/FUL**

2 Hale Fen

Littleport

Ely

Cambridgeshire

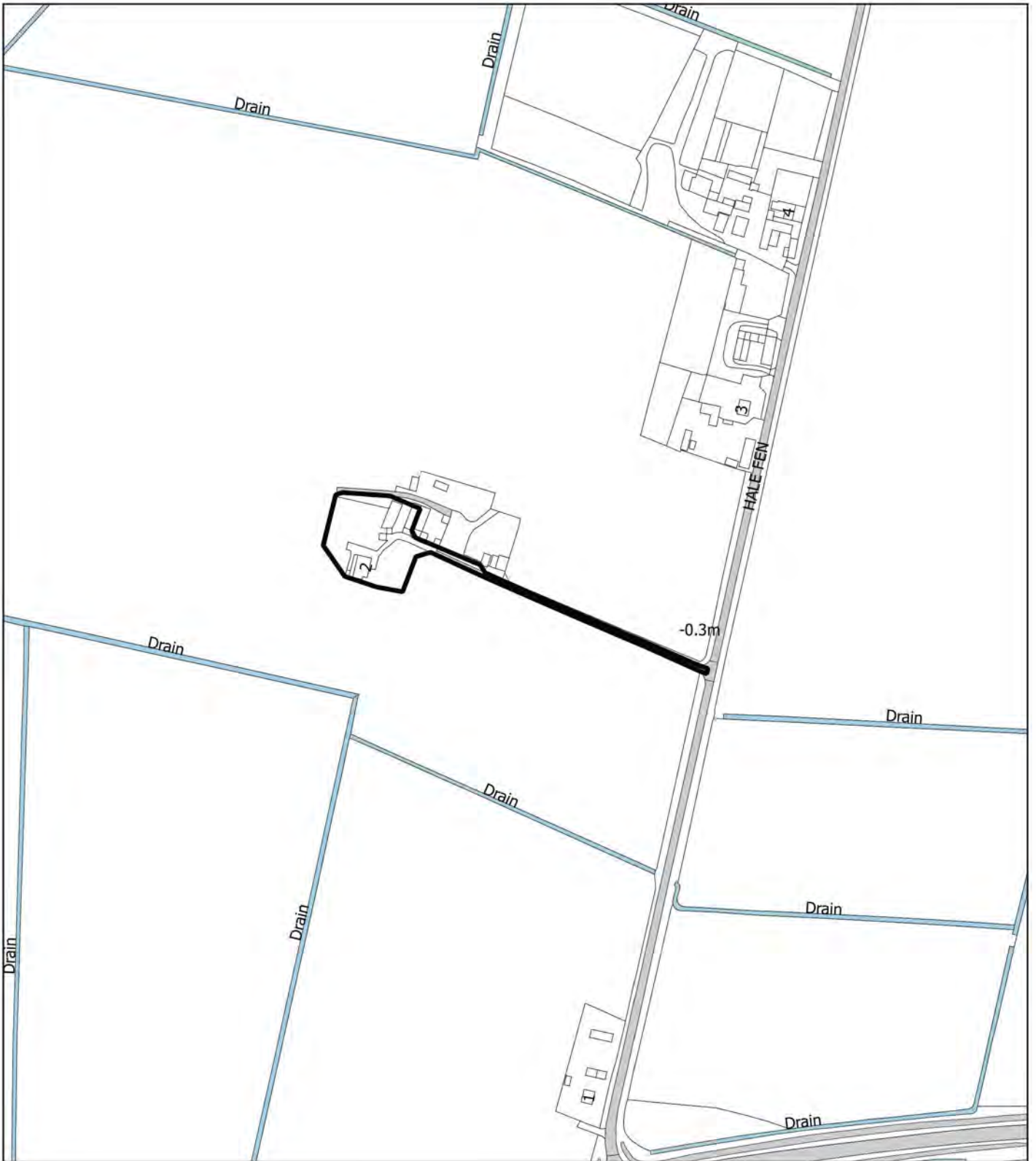
CB6 1EN

Replacement of existing dwelling house with new dwelling house and ancillary annexe with garaging

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=QQ0J0KGGGL700>





21/00410/F UL

2 Hale Fen  
Littleport  
CB6 1EN



East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:3,500



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**MAIN CASE**

**Reference No:** 21/00410/FUL

**Proposal:** Replacement of existing dwelling house with new dwelling house and ancillary annexe with garaging

**Site Address:** 2 Hale Fen Littleport Ely Cambridgeshire CB6 1EN

**Applicant:** Mr James Wilson

**Case Officer:** Emma Barral Planning Officer

**Parish:** Littleport

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

**Date Received:** 15 March 2021      **Expiry Date:** 8<sup>th</sup> December 2021  
**W120**

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**1.0 RECOMMENDATION**

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

- 1) The proposed replacement dwelling would be significantly different in terms of its design and would be larger in terms of its scale than the dwellinghouse that it would replace. By reason of its design, scale and unsympathetic physical appearance within the landscape, the development would have a substantial adverse impact upon the character and the setting of the surrounding countryside. The proposed dwelling would fail to demonstrate any of the required exceptional or innovative qualities, reflecting the highest standards of architecture that would serve to enhance its immediate setting or show any sensitivity in terms of its scale and design in respect of the defining characteristics of the surrounding local area. As such, the proposal would be contrary to the requirements of both Policies HOU8 and ENV2 of the East Cambridgeshire Local Plan and policy guidance provided in the National Planning Policy Framework (2021) in respect of providing for replacement dwellings within the countryside.
- 2) The proposed attached annex, while a functional link is clearly shown, by virtue of the excessive scale and footprint it is considered that the proposed annex has been designed as a separate residential dwellinghouse. The application plot could easily be subdivided by the future or current occupiers and due to the excessive scale of the annex this would not form ancillary accommodation. Dwellinghouses

outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. For these reasons the annex is considered to result in the creation of a separate new dwelling is contrary to Policies ENV2 and GROWTH2 of the East Cambridgeshire Local Plan 2015, and the Design Guide SPD, and is inconsistent with proposals for genuine ancillary accommodation.

## 2.0 SUMMARY OF APPLICATION

2.1 The application submitted seeks planning permission for the replacement of the existing dwellinghouse with new dwellinghouse and an ancillary annexe with a proposed garage.

2.2 Officers raised concern with the original proposed plans submitted on the 15<sup>th</sup> March 2021 for a replacement dwellinghouse, garages and attached annex. It should be noted that the existing dwellinghouse has an overall height of 8 metres (26 feet). The originally proposed scheme had an overall height of 10.4 metres (34 Feet) for the replacement dwellinghouse. Officers noted the excessively sized replacement dwellinghouse that was significantly larger in scale and height than the existing dwellinghouse (only photos are provided of this though existing drawings were required). The proposed dwellinghouse was considered to be clearly out of proportion with the existing dwellinghouse. While policy HOU8 of the Local Plan 2015 allows some flexibility and larger replacement dwellinghouses can be accepted, there were concerns with the scale of the dwellinghouse proposed. In addition, the scale of the proposed annex was considered to be excessive with a kitchen, wet room etc with access to its own garage- this is beyond the reasonable scale of an annex. As such, Officers advised the Planning Agent that they could not support the application as it does not comply with policy HOU8 of the Local Plan 2015 due the height, scale and bulk of the dwellinghouse.

2.3 Officers also gave the following advice in relation to proposed annexes- Annexes should in the first instance be an extension to the existing property. Where detached buildings are an option the conversion of an existing outbuilding would be acceptable. The annex should not be designed to be a separate planning unit or the creation of a new dwelling. There should be a clear functional relationship to the host dwellinghouse with the shared access, garden and parking area. While sited in close proximity to the host dwellinghouse (as an extension), the proposed annexe in the originally proposed scheme could be capable of being used as a separate residential dwellinghouse by the current or future occupiers. Dwellinghouses outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. To be an annexe the proposed annex needs to rely on the main dwellinghouse for key services and utilities, whereas the proposed annexe was considered to be self-sufficient and does not meet the tests of an annexe in the view of Officers.

2.4 Further to the above-mentioned concerns, Officers met with the Agent and applicants on site on the 11<sup>th</sup> June 2021 to further discuss the proposals. Officers expressed their concerns with the proposed development and its lack of compliance with the requirements of policy HOU8 of the Local Plan 2015. Design solutions were discussed which included reducing the dwellinghouse by at least 1.2 metres (3.9 feet), moving the garage away from blocking the principle elevation, removing the

games room from above the garage, reducing the excessive scale of the annex and showing a clear functional link to the main dwellinghouse.

2.5 Amended plans were submitted by the Agent on the 25<sup>th</sup> September 2021. The Agent submitted these with the following commentary-

1. "The main house has been reduced in height by 1.2m (3.9 feet) as agreed. As a result I have removed the third floor bedrooms for the scheme due to height restrictions and the staircase access from the first floor. The roof space will be used as attic storage initially but dormer windows are retained to preserve the aesthetic of the building.
2. The single garage has been removed as requested.
3. The garaging to the main house has been repositioned and reduced in height. As suggested by Mr Phillips, the garage has been moved to the side of the main house to create an uninterrupted main façade to the dwelling with the appearance of two 'wings'. Whilst the garage remains attached to the house it has been moved to the South. The orientation of the garage remains as before as it is intended at a future stage to fit solar panels to the south facing roof. To this end the roof is now asymmetric to allow the longer roof slope to face South. The roof height has been reduced and dormers removed and the previously accommodated 'Games' room has been relocated.
4. The oak surround to the secondary frontage door to the dwelling has been removed.
5. The games room has been relocated to the single storey North 'wing' with access from the Utility room.
6. The rear sunroom arrangement to the former, larger, annexe accommodation has been removed.
7. The ground floor area of the annexe has been significantly reduced with living accommodation to one open plan room the front of the single storey north 'wing', large enough for living room furniture, a dining table and kitchenette for coffee making etc. The annexe proposal will retain one first floor bedroom and bathroom".

2.6 Officers reviewed the amended plans and the consultation period for the amended plans expired on the 20<sup>th</sup> October 2021. Officers provided the following comments to the Agent setting out the concerns in relation to the amended proposal-

- "The existing dwellinghouse has an overall height of 8 metres (26 feet). The proposed scheme had an overall height of 10.4 metres (34 feet). Officers asked this to be reduced by 1.2 metres (3.9 feet). The amended proposed scheme has a height of 9.39 metres (30.8 feet) and therefore this has only been reduced by 1 metre. This is generally more acceptable given that policy HOU8 of the Local Plan 2015 states that "the replacement dwelling is of a scale and design which is sensitive to its countryside setting, with its height being similar to that of the original dwelling", however it is still considered to be generous to allow more than 1 metre taller than the height of the original dwellinghouse (when taking into account the proposed scale too).
- As the third floor is not habitable the proposed dormer windows should be removed from the scheme as they are not required and do not add architectural benefits to the dwellinghouse.

- I note the reduction and altered location of the double garage which does not obscure the principle elevation in the amended plans- however this is still excessive in height when viewed from the north elevation given that this is a single storey structure.
- The relocation of the games room has resulted in a larger footprint for the annex element. Mr Philips suggested that the games room form a single storey rear element to the main dwellinghouse.
- The proposed annex is still completely excessive in scale and footprint. While the reductions to the roof form are noted the footprint for the annex element is approximately 130sqm (including ground floor and first floor). The National Model Design Code (Part 2 Guidance Notes) on page 73 sets out space standards (minimum requirements) for dwellinghouses. For a 1 bedroom 2 storey dwellinghouse the space standard is 58sqm. The proposed annex is clearly in excess of this standard by over 60sqm and is therefore disproportionate- and this is an annex not a new dwellinghouse.
- Overall, I cannot see that significant reductions have been made to address Officers previous concerns. The proposal does not comply with policy HOU8 of the Local Plan 2015 for the above reasons”.

2.7 Further to this, the application was called to Planning Committee by Councillor Christine Ambrose-Smith who stated that “I have agreed to call in this application for determination by the Planning Committee. I will speak as the Ward Member and also declare my interest a member of the Planning Committee and not take part in the following discussion”.

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

### 3.0 PLANNING HISTORY

3.1 There is no relevant planning history relating to the application site.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located outside the development envelope of Littleport with the main settlement located to the south. The existing farmhouse on the application site is a building which is plain in nature with white rendered external walls throughout and a hipped roof with a ridge height of approximately 8.00m (26 feet) from ground level. The existing house is situated in a relatively remote location with a long private driveway from Hale Fen Road and surrounding fields in the ownership of the applicant’s family with no public footpaths in the immediate proximity. The proposed house is some 200m (656 feet) from Hale Fen Road and 400 (1312 feet) – 500m (1640 feet) from the A10 although it is clearly visible from the A10.

### 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.

**The Ely Group Of Internal Drainage Board - 7 April 2021-** “This application for development is within the Littleport and Downham Internal Drainage District. The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District”.

**The Ely Group Of Internal Drainage Board - 1 October 2021-** “The board has no further comment to make from a drainage point of view”.

**Littleport Parish Council-** 7 April 2021- “No comments”.

**Waste Strategy (E CDC) - 15 April 2021-**

“East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (96 feet) (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- Each new property requires two bins; this contribution is currently set at £52 per property.

- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number”.

**Environmental Health - 5 October 2021-** “Thank you for consulting me on the above proposal. As this is a replacement dwelling on a site which appears to have had no other previous use a contamination assessment is not required. Due to the proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission”.

**Environmental Health - 5 October 2021-** “It doesn't appear as though we were consulted on the initial application.

If Peter wishes to make any comments he will respond separately.

I would advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

07:30 - 18:00 each day Monday - Friday  
07:30 - 13:00 on Saturdays and  
None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

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

**Local Highways Authority** - 18 October 2021- “Subject to the following comments and recommendations: I have no objection to this application. The site benefits from an existing access for which no material intensification of use is anticipated. The proposed layout maintains suitable parking provision and space for turning”.

**Ward Councillors** – Councilor Christine Ambrose Smith- 14 May 2021- “This property is isolated with no near neighbours and it is sufficiently distant from the road that any difference in the scale of the old & new buildings would have little impact”.

**Ward Councillors** – Councilor Christine Ambrose Smith- 1 November 2021- “I have agreed to call in this application for determination by the Planning Committee. I will speak as the Ward Member and also declare my interest a member of the Planning Committee and not take part in the following discussion”.

- 5.2 A site notice was displayed near the site on 04.05.2021.
- 5.3 Neighbours – No neighbouring properties were notified as there are no surrounding neighbouring dwellinghouses. A full copy of the responses are available on the Council’s website.
- 6.0 The Planning Policy Context

*East Cambridgeshire Local Plan 2015*

- 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
- HOU 8 Extension and replacement of dwellings in the countryside
- COM 7 Transport impact
- COM 8 Parking provision
- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- GROWTH 5 Presumption in favour of sustainable development

*Supplementary Planning Documents*

Design Guide

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

Flood and Water

Natural Environments

Climate Change

*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 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

7.3 *Proposed Annex*

7.4 Annexes should in the first instance be an extension to the existing property. The proposed annex is attached and measures 13 metres (42 feet) in width which is sizeable for an annex and has a floorspace of 130sqm. The annex has a hallway, coat room, wet room, sitting room (with kitchenette) and a games and utility room that link to the ground floor of the main dwellinghouse. On the first floor the annex benefits from a bedroom, cupboard and bathroom with no link to the main dwellinghouse. When Officers met with the Agent and applicants' options for the annex were discussed at length given the scale of the annex originally proposed and functional link to the main dwellinghouse.

- 7.5 The annex should not form a separate planning unit. There should be a clear functional relationship to the host dwellinghouse with a shared access, garden and parking area. The annex would be linked by a door through the utility room which is proposed to be a shared space for both the main house and the annex. However, the annex would have a separate front door. To be an annexe it needs to rely on the main dwellinghouse for key facilities, services and utilities. The Agent has confirmed that “The proposed annexe is not a separate planning unit and there is a clear functional relationship between it and the main dwelling in that it has a shared rear access door, shared wet room, shared Utility room, shared vehicular access, shared garden and shared parking. The annexe will rely on the main dwellinghouse for all key services and utilities”.
- 7.6 In the amended plans received on the 25<sup>th</sup> September 2021 the annex was reduced in footprint (from 187sqm to 130sqm) and overall height to 7.7 metres (25 feet) to the ridge. However, the games room has been moved from above the attached garage element in the main house to the rear of the proposed annex as a single storey element. The proposed annex is still considered to be completely excessive in scale and footprint. While the reductions to the roof form are noted the footprint for the annex element is approximately 130sqm (including ground floor and first floor). However, the Agent has stated that this is 79sqm as they do not consider the games room and shared utility to be part of the annex accommodation. The National Model Design Code (Part 2 Guidance Notes) on page 73 sets out space standards (minimum requirements) for dwellinghouses. For a 1 bedroom 2 storey dwellinghouse the space standard is 58sqm. The proposed annex is clearly in excess of this standard even with the developer’s interpretation of the rooms that form the annex and these standards relate to new dwellinghouses not ancillary annexes.
- 7.7 While a function link is clearly shown with internal doors, Officers considered that the proposed annex could easily be capable of being used as a separate residential dwellinghouse by the current or future occupiers. The application plot could easily be subdivided and due to the excessive scale of the annex this would not form ancillary accommodation. Dwellinghouses outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. To be an annexe it needs to rely on the main dwellinghouse for key facilities, services and utilities, whereas this proposed annexe is self-sufficient and does not meet the tests of an annexe in the view of Officers due to its excessive scale and footprint.
- 7.8 *Replacement Dwellinghouse*
- 7.9 Policy HOU8 of the East Cambridgeshire Local Plan 2015 sets out the policy requirements for replacement dwellings. The location is countryside outside of the development envelope of Littleport and, as such; the requirements of Policy HOU8 of the Local plan would apply to any replacement dwelling on the site. Proposals which seek to extend or replace an existing dwelling in the countryside will only be supported where they accord with policy HOU8 of the Local Plan 2015. Policy HOU8 of the Local Plan 2015 states as follows-

Local Plan policy HOU8 requires replacement dwellings in the countryside to:

- Be of a scale and design which is sensitive to its countryside setting with its height being similar to that of the original dwelling. If an alternative height is proposed, the applicant will be expected to demonstrate that the scheme demonstrates exceptionally high quality of design and enhances the character and appearance on the locale.
- The proposal is within the existing curtilage
- The residential use has not been abandoned
- Proposals accord with policy ENV2 on design and other relevant policies
- Proposals have regard to maximising carbon neutrality

7.10 The proposed replacement dwellinghouse is located within the existing curtilage and the residential use of the existing dwellinghouse has not been abandoned. The Agent has addressed maximising carbon neutrality and this is further explored below.

#### 7.11 Character and Appearance

7.12 Policy HOU8 requires that the replacement dwelling is of a scale and design which is sensitive to its countryside setting, with its height being similar to that of the original dwelling. The proposal features a distinctly different design to that of the existing farmhouse dwellinghouse. The existing dwellinghouse has an overall height of 8 metres (26 feet). The proposed scheme had an overall height of 10.4 metres (34 feet). Officers asked this to be reduced by at least 1.2 metres (3.9 feet). The amended proposed scheme has a height of 9.39 metres (30.8 feet) and therefore this has only been reduced by 1 metre (3 feet) meaning in total this is 1.4 metres (4.49 feet) taller than the existing dwellinghouse. It is still considered to be generous to allow more than 1 metre (3 feet) taller than the height of the original dwellinghouse (when taking into account the proposed scale too). In relation to the scale of the proposed dwellinghouse, the width of the existing dwellinghouse is 14 metres (46 feet). The full width of the proposed dwellinghouse together with the attached garage element and annex is 34 metres (111 feet) which is excessive when compared to the scale of the original farmhouse that exists on site. The annex element alone measures 13 metres (42 feet) in width which is sizeable for an annex as discussed above. Given that the annex is 13 metres (42 feet) in width, 7.7 metres (25 feet) in height and has a floor space of 130sqm it is more similar to the dwellinghouse that would be replaced, although it is noted the existing housing a floorspace of approximately 224sqm.

7.13 The proposal does not respect the element of HOU8 which refers to a level of cohesion with “the original dwelling” which is a traditional rural cottage. In the supporting statements for the proposal the Agent states that the proposed dwellinghouse would be a brick built farmhouse with traditional detailing and a number of rural building elements incorporated, in style and materials. The excessive width and scale together with the excessive height results in a replacement dwellinghouse that does not comply with policy HOU8 of the Local Plan 2015 as the scale and design would not be sensitive to its countryside setting. The Agent has been advised that as the third floor is not habitable the proposed dormer windows should be removed from the scheme as they are not required and

do not add architectural benefits to the dwellinghouse. The Agent has expressed willingness to remove these. Officers also noted the reduction and altered location of the double garage which now does not obscure the principle elevation in the amended plans. However, this is still excessive in height when viewed from the north elevation given that this is a single storey structure and it reaches the height of the dormer windows in the roof space. The relocation of the games room has resulted in a larger footprint for the annex element, where the Agent has been previously advised to add it behind the proposed garage or to the rear of the main dwelling.

7.14 The Agent also states that “the house is situated in a relatively remote location with a long private driveway from Hale Fen and surrounding fields in the ownership of the applicant’s family with no public footpaths in the immediate proximity. The proposed house is some 200m from Hale Fen and 400 (1312 feet)– 500m (1640 feet) from the A10. As such the proposed increase in height is minimal given the distances that it will be viewed from”.

7.15 However, the proposed large detached dwelling with garage and annex would remain a clearly visible and prominent addition to the local rural landscape and would remain significantly larger in terms of its scale and significantly incongruous in terms of its design than the dwelling it would replace. The dwellinghouse would be extremely prominent in the rural landscape when viewed from the A10 to the south and along Hale Fen to the east. The existing dwellinghouse can clearly be seen from the A10 therefore the mass and bulk of the rear of the garage element which is 6.2 metres (20 feet) in height would be visible and prominent. The footprint of the garage element alone is similar to the size of the existing farmhouse.

7.16 Policy HOU8 allows for consideration of a substantial increase in the size of a replacement dwelling provided that the proposed development can be demonstrated to be of an exceptionally high quality of design that would serve to enhance both the character and the appearance of the locality. The replacement dwelling located in the countryside lacks any of the required exceptional or innovative qualities reflecting the highest standards of architecture, that would either serve to enhance its immediate setting or show any sensitivity, in terms of its scale and design, in respect of the defining characteristics of the local area. As such, the proposal would be contrary to the requirements of both Policies HOU8 and ENV2 of the East Cambridgeshire Local Plan 2015 in respect of replacement dwellings within the countryside.

7.17 Residential Amenity

7.18 Policy ENV2 of the East Cambridgeshire Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. A distance of 230 metres (754 feet) would be retained to the common boundary with the 3 Hale Fen (and the pet care store) to the north-east and given the orientation of the proposed dwellinghouse, it is not considered that the replacement dwellinghouse would result in unacceptable harm by way of loss of light, overshadowing, loss of privacy, overlooking or loss of outlook enough to warrant an objection on these grounds alone. To the south-east lies 1 Hale Fen and given that a distance of over 300 metres (934 feet) would be retained to the closest building to the south-east, the proposed development would not create a significant

overbearing impact or loss of light to the neighbouring property. Furthermore, it is considered that an acceptable distance would be retained in order to prevent any harmful overlooking from the first-floor windows proposed in the side facing elevations.

7.19 The proposed dwelling is significantly distanced from other nearby dwellings along Hale Fen to prevent any impact upon residential amenity of these properties. Due to the distance of the proposed replacement dwellinghouse and annex from the nearby residential properties, it is considered that the proposal would not create any significant adverse impacts upon the residential amenity of any nearby properties. It is therefore considered that the proposal accords with Policy ENV2 of the Local Plan 2015 in respect of residential amenity.

#### 7.20 Highways

7.21 Local Plan policy COM7 requires development proposals to provide safe and convenient access to the highway network. Local Plan Policy COM8 states that a dwelling should have parking provision for two motor vehicles on the site for the proposed dwellinghouse. In addition, enough space should be provided for vehicles to park and manoeuvre.

7.22 The site is located to the west of Hale Fen Road and will use an existing access. Enough space will be provided for vehicles to park and manoeuvre in the front garden area. Two additional spaces are proposed in the attached garage element. The Highways Authority have commented that “The site benefits from an existing access for which no material intensification of use is anticipated. The proposed layout maintains suitable parking provision and space for turning”. The Highways Authority have no objection to the proposal, so raises no concerns and it is considered to be acceptable. It is therefore considered that the proposed development would not create any significant detrimental impacts upon highway safety or parking, in accordance with Policies COM7 and COM8 of the Local Plan. The proposal is considered to be compliant with Policy COM7 and COM8 of the Local Plan 2015, as it provides safe and convenient access to the highway network, and Chapter 9 of the NPPF which promotes sustainable transport.

#### 7.23 Climate Change

7.24 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications. The agent was invited to address the Climate change SPD that requests applicants may wish to look at minimising demand through design and maximising energy efficiency. The agent was informed of the requirements in the SPD and has commented that “The new house and annexe will have a detailed design and construction which seeks to better the requirements of the Code for Sustainable Homes. The overall energy performance will exceed the requirements set out within the Building Regulations with SAP calculations prepared by an accredited

assessor and an EPC at completion of the build to confirm an EPC rating of A which will demonstrate a significant improvement of the rating of the existing dwelling. The new house will use ground source or air source heat pump technology with underfloor heating to increase energy efficiency and reduce carbon emissions. Secondary heat sources are to be used to benefit the SAP rating in the form of wood burners. The new house will be constructed using a timber frame to promote sustainable timber use and the use of organic building materials and the timber boarding shown will be authentic rather than fibre cement. Robust detailing in the timber frame construction and the use of sustainable insulation types will enhance the overall sustainability of the construction and eliminate air leakage. The proposed house will benefit from a rainwater harvesting system for reuse of grey water and the use of low water systems will increase water efficiency. The water usage will easily comply with the requirements of Part G of the Building Regulations. The main areas of hard landscaping will be gravel and therefore permeable for efficient rainwater drainage". As such, the proposed scheme would comply with the aims and objectives of policy ENV4 and the Climate Change SPD.

7.25 Trees and Biodiversity

7.26 Policy ENV7 of the East Cambridgeshire Local Plan 2015 sets out that all development proposals will be required to protect the biodiversity value of land and buildings and minimise harm to or loss of environmental features, such as trees. The existing site benefits from its existing soft landscaping with areas of grass, existing fruit trees and other established trees and hedging.

7.27 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) advise that opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. The Council adopted its Natural Environment SPD on the 24<sup>th</sup> September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment, but also creates new areas for wildlife to thrive.

7.28 New tree planting is proposed as shown on the attached Site Layout Plan Drawing 911/191/12D together with new native species hedge planting to the eastern and southern boundaries of the existing domestic curtilage. The proposals, also include the addition of bird boxes will enhance the existing natural habitats of native wildlife. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. The proposed development therefore complies with Policy ENV7 of the East Cambridgeshire Local Plan 2015, Policy NE6 of the Natural Environment SPD.

7.29 Flood Risk

- 7.30 Paragraph 11 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Paragraphs 159-163 of the NPPF state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.31 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.
- 7.32 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Table 3 of the NPPF Planning Practice Guidance makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted unless the development is necessary.
- 7.33 Paragraph 162 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding.
- 7.34 Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites within the Parish of Littleport suitable for the erection of a single dwelling which are outside of Flood Zone 3.
- 7.35 However, as the proposed development is for a replacement dwelling to replace an existing detached dwelling, the flood risk impacts are considered to be reduced, provided that the proposal meets the exception test and appropriate mitigation measures can be provided. A Flood Risk Assessment has been submitted with the application and the Agent has commented that "the conclusions and requirements will be strictly adhered to during the redevelopment process". As such, a Condition could be appended to the planning permission ensuring there are no significant flood risks impacts created.
- 7.36 The applicant has proposed to discharge surface water via a soakaway which is stated on Drawing Ref 911/191/12 Rev D. The plan also states that foul sewage would be disposed of by a package treatment plan which is also stated on Drawing Ref 911/191/12 Rev D. The details of this can be secured by condition to prevent

the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

7.37 Other Material Matters

7.38 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 regards to unexpected contamination and remediation measures if required. The conditions advised by Environmental Health are not all required given the small-scale nature of the application site. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

7.39 Planning Balance

7.40 The proposed replacement dwelling does not comply with planning policy and would create significantly detrimental effects on the visual amenity of the streetscene and the character of the wider area. The scale, height and design of the proposed replacement dwellinghouse does not comply with the aims and objectives of Policies ENV2 and HOU8 of the Local Plan 2015.

7.41 The proposed attached annex, while a function link is shown, by virtue of the excessive scale and footprint of the proposed attached annex, it is considered that the proposed annex could be capable of being used as a separate residential dwellinghouse by the current or future occupiers. The application plot could easily be subdivided and due to the excessive scale of the annex this would not form ancillary accommodation. Dwellinghouses outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. For these reasons the annex is considered to result in the creation of a separate new dwelling is contrary to Policies ENV2 and GROWTH2 of the East Cambridgeshire Local Plan 2015, and the Design Guide SPD, and is inconsistent with proposals for genuine ancillary accommodation.

7.42 The application is therefore recommended for refusal for these reasons.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00410/FUL	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>

**21/00706/ESF**

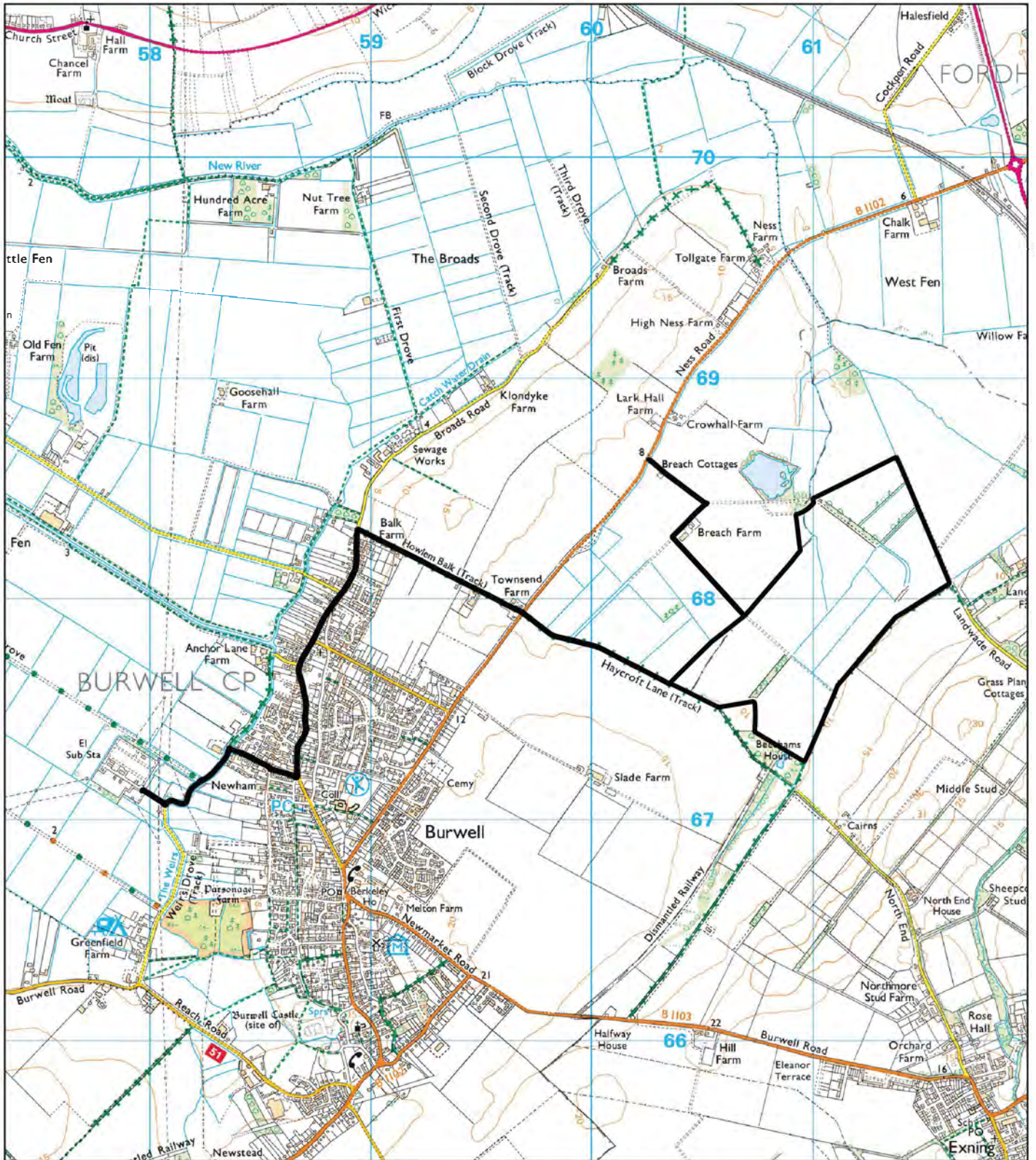
Solar Farm Land To The East Of Breach Farm  
Ness Road  
Burwell

Proposed Development of a Solar Farm and Ancillary Development

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=QSKOGVGG0CT00>





21/00706/ESF



Solar Farm Land to the  
east of Breach Farm  
Ness Road  
Burwell

East Cambridgeshire  
District Council

Date: 17/11/2021  
Scale: 1:25,000



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**MAIN CASE**

**Reference No:** 21/00706/ESF

**Proposal:** Proposed Development of a Solar Farm and Ancillary Development

**Site Address:** Solar Farm Land To The East Of Breach Farm Ness Road  
Burwell

**Applicant:** Burwell 11 Solar Limited

**Case Officer:** Andrew Phillips Planning Team Leader

**Parish:** Burwell

**Ward:** Burwell  
Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received:** 29 April 2021      **Expiry Date:** 10 December 2021  
W121

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1.0 **RECOMMENDATION**

1.1 Members are recommended to approve subject to the recommended conditions below, the conditions can be read in full on the attached appendix 1; and Delegate authority to the Planning Manager, in consultation with the Chairman of Planning committee, to make minor amendments to the conditions at Appendix 1, and/or impose additional conditions to reflect the conditions that may be required by West Suffolk District Council.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Lifetime of the development
- 4 Soft Landscaping
- 5 Landscape Management
- 6 Max Electrical Output
- 7 Archaeological
- 8 Archaeological Post Investigation Assessment
- 9 Construction/Piling Times
- 10 Construction Environmental Management Plan (CEMP)
- 11 Noise Control
- 12 Hard Landscaping
- 13 Vehicular Gates
- 14 Access drainage

- 15 Site Entrance Road works
- 16 External Lights
- 17 Details of Battery Energy Storage System (BESS)
- 18 Emergency Response Plan
- 19 Water Quality Control
- 20 Landscape and Ecological Management Plan (LEMP)
- 21 Ecological Protection
- 22 Surface Water Drainage
- 23 SuDS Management
- 24 Surface Water Drainage
- 25 Earthing and Harmonics Report

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal is on a site of approximately 73 hectares (180 acres) and would be in situ if approved for 40 years.
- 2.2 The proposal is seeking approval for the following:
- Circa 150,000 Photovoltaic Solar Panels
  - 22 Battery Storage Containers
  - 22 Inverter/Transformer Stations
  - 1 Storage Container
  - 1 Switchgear Building
  - 1 Control Room Building
  - Grid Connection Cable to National Grid's Burwell Substation
  - Circa 3.1km of new/resurfaced internal access tracks (3m/9.8ft wide)
  - 1 improved access points of Ness Road (B1102)
  - Circa 40 4m (13 feet) high CCTV Cameras
  - As well as fencing, culverts and planting
- 2.3 The solar array would export up to 49.995MWe of renewable electricity to the National Grid during peak operation.
- 2.4 The vast majority of the proposed solar farm is within West Suffolk with a relatively small proportion of the solar panels within East Cambridgeshire. This is therefore a cross-boundary application, where the same application is being determined by both East Cambridgeshire District Council and West Suffolk Council and Officers have worked closely together with the relevant consultees in considering the proposal. In addition to the small proportion of solar panels, the vehicular access into the site is within East Cambridgeshire and located off Ness Road (B1102) and the Grid Connection follows the byway Howlem Bank before going down North Street in order to connect to the Burwell Substation.
- 2.5 This application is required to be determined by Planning Committee, due to the Council's Constitution because of the scale of solar panels.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online

service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

- 3.1 Where a site which is the subject of a planning application straddles one or more local planning authority boundaries, the applicant must submit identical applications to each local planning authority. The following reference is the identical application which has been submitted to West Suffolk.

DC/21/0968/FUL - Planning application - solar farm with ancillary development and vehicular access (amended plans and additional information received on 21 September 2021 and Environmental Statement Addendum received on 15 October 2021).

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the northeast of Burwell and located to the northwest of Exning and to the west of Landwade. The site is primarily agricultural land with tree lines and hedgerows crisscrossing the site.
- 4.2 The vast majority of the site is within West Suffolk, though there are two relatively small strips of solar panels and the site access onto Ness Road within East Cambridgeshire.
- 4.3 The site measures approximately 73 hectares (180 acres). While the site is primarily Flood Zone 1, some of the site is within Flood Zones 2 and 3.

### 5.0 RESPONSES FROM CONSULTEES

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

#### **Burwell Parish Council –**

26 May 2021

“Burwell Parish Council Objects to this proposal. Concern if Burwell can sustain the amount of Solar Farms proposed for the Village. Impact on the village when cables are laid to the sub-station, can the cables not be connected to those at Goosehall Solar Farm and or discussions held with Sunnica so that disruption for the village is minimised. Impact on landscape.”

30 June 2021

“Burwell Parish Council has objections to this application as it does not resolve the original concerns that were raised at the meeting on 25.5.2021.

Concern if Burwell can sustain the amount of Solar Farms proposed for the Village. Impact on the Village when cables are laid to the sub-station, can the cables not be connected to those at Goosehall Solar Farm and or discussion with Sunnica so that disruption for the Village can be minimised. Impact on landscape.”

27 October 2021

“Objection - The amendment does not resolve previous issues raised by the Council.”

**Environment Agency –**

1 June 2021

“We have reviewed the above application and we have no objection.

**Pollution Prevention**

The proposed development will be acceptable if the following measure is implemented and secured by way of a planning condition on any planning permission.

**Condition**

The development hereby permitted shall not be commenced until such time as a water quality risk assessment report has been submitted to, and approved in writing by, the local planning authority. The report shall include:

- the specification of any electrical transformers, batteries, and any other equipment on site (as applicable) with regard to the volumes and composition of any potentially polluting substances;
- assessment of the risks (including from leakage, fire, explosion, malicious interference) to water quality presented by any electrical transformers, batteries, ancillary or other equipment or materials within the development, and details of the measures to be implemented to control those risks.

The risk control measures proposed by the report shall be implemented as approved.

**Reason**

There is a lack of information within the submitted application regarding potential pollution risk in the event of an incident. For a development of this scale and life expectancy it is appropriate for the water quality risks to be properly addressed and controlled as applicable.

**Informative**

Early consideration should be given to the need for dewatering during the construction phase of the development. Dewatering operations can be subject to abstraction licensing and environmental permitting requirements and pose a pollution risk where managed improperly. More information regarding the relevant authorisations can be found at

<https://www.gov.uk/government/publications/temporary-dewatering-fromexcavations-to-surface-water>.

**Flood Risk**

The site is situated in an area at very low to high risk of surface water flooding but part of the site is in Flood Zone 3 according to the flood map for planning. However, the type of development is classed as less vulnerable in the vulnerability table and therefore is appropriate for FZ3a. Therefore, we have no objection to the proposed development but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) summary in chapter 8.0 of the Environment Statement volume 1, April 2021, are adhered to. In particular:

- The proposed development ensures that the inverter/transformer stations, storage buildings, control building, switchgears building and battery storage containers are located outside flood zone 3a.
- Finished floor levels be set 0.15 m above adjacent ground levels.
- The area under the drip line of the solar panels be seeded with a suitable grass mix.
- The proposal does not impact flood risk elsewhere and safe access and egress are provided via Ness Road (B1102) in any flood event.”

11 November 2021

“have reviewed the amended documents and have no comments to add to the comments made in our previous letter; AC/2021/130228/01 dated 1 June 2021 the condition recommended is still pertinent.”

**Cambs Wildlife Trust - 18 May 2021**

“I have considered the submitted EIA and ecological reports in the light of impacts within Cambridgeshire. As most of the site is in West Suffolk, there may be other impacts within Suffolk that I am not aware of and have not considered.

The submitted ecological report produced as part of the EIA, covers all the relevant issues and makes appropriate avoidance, mitigation and enhancement recommendations for nature conservation sites, habitats and protected and priority species. It has highlighted the potential for pollution impacts on the New River and Monk's Lode County Wildlife Site, which eventually flows to Wicken Fen SSSI / SAC.

It is proposed to create wildflower-rich grassland under the solar panels and to create over 1km of new hedgerows, as well as protect and retain field margin vegetation next to ditches. A biodiversity management plan has been prepared setting out how the new habitats and landscape will be managed during operation of the development and this plan is acceptable.

The EIA includes a summary page from the Defra Biodiversity Net Gain calculator, but without seeing the full spreadsheet version of the calculator I cannot comment in detail, but would note that the predicted net biodiversity gain appears a reasonable prediction based on the existing and proposed habitats.

If planning permission is granted, the recommendations in the ecology chapter of the EIA (section 5, Table 5.1.1) should be secured through the use of appropriately worded planning conditions. In addition, a Construction Environmental Management Plan should be used to control construction activities, and to prevent any pollution incidents potentially affecting the New River and Monk's Lode County Wildlife Site (which flows to Wicken Fen SSSI / SAC). Implementation of the Biodiversity Management Plan should be secured for the lifetime of the development. As this plan is initially for 10 years, but the solar farm will be operational for longer, it should be updated as necessary, with additional monitoring at set periods to confirm the proposed landscape and habitats survive and are well managed throughout the lifetime of the development, and to prove that the predicted biodiversity net gain is achieved.”

**Lead Local Flood Authority –**

1 June 2021

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

1. No formal surface water strategy proposed

The applicant has not proposed to formally manage surface water from the proposed solar panels or proposed areas of impermeable area, with the assumption that surface water from these areas will soak into the ground. Whilst it is broadly accepted that solar farms do not respond in the same way as impermeable surfaces, they can lead to localised channelling of rainfall, particularly on sloping sites. This has the potential to increase flood risk downstream. Options such as the inclusion of a French drain at the base of each row to intercept flows, inclusion of a swale(s) at the lowest parts of the site and designing panels with horizontal slots across the surface area should be considered as measures to manage surface water.

As the development will involve the development of 0.14 hectares of impermeable area in addition to the proposed solar panels, surface water must be appropriately managed from this area. The strategy to infiltrate surface water into the ground should be supported by infiltration testing in accordance with BRE DG 365 standards.”

28 October 2021

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

1. Drainage Layout Drawing Required

The applicant has submitted a document outlining the proposed surface water management across the site. It is understood that the proposals are to include filter drains under the PV row drip lines, to capture and infiltrate surface water. This approach to managing the surface water from PV panels is supported by the LLFA, however more detail should be provided, such as an indicative drainage layout plan and proposed filter trench locations. It should also be clearly set out how the access roads throughout the solar farm propose to manage surface water runoff. Treatment of surface water should be in line with the pollution mitigation indices outlined within Chapter 26 of the CIRIA SuDS Manual (C753).”

19 November 2021

“we can remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of features such as filter trenches to assist in the infiltration of surface water as it falls from the PV panels. The access track will be constructed with a porous material to allow surface water to infiltrate directly into the ground.”

It seeks conditions in regards to surface water drainage, SuDS maintenance and control of surface water during construction.

**Swaffham Internal Drainage Board – 19 May 2021**

It has no comment to make

**Cadent Gas Ltd (at times writing as National Grid) –**

17 May 2021

“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.”

Continues to discuss apparatus effected and requirements.

19 May 2021

“Cadent Gas have No Objection to the above proposal.

To help prevent damage to our assets we request that an Informative Note is added into the Decision Notice as below:

Cadent Gas own and operate the gas infrastructure within the area of your development.

We do not object to the proposal in principle.”

11 June 2021

“Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

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

As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 21 days from the date of this response. Please contact us at [assetprotection@nationalgrid.com](mailto:assetprotection@nationalgrid.com) if you have not had a response within this time frame.

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.”

11 June 2021

“As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 21 days from the date of this response. Please contact us at [assetprotection@nationalgrid.com](mailto:assetprotection@nationalgrid.com) if you have not had a response within this time frame.”

14 June 2021

“Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land

which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to."

16 June 2021

"Cadent Gas have No Objection to the above proposal.

To help prevent damage to our assets we request that an Informative Note is added into the Decision Notice as below:

Cadent Gas own and operate the gas infrastructure within the area of your development.

We do not object to the proposal in principle.

Please note the presence of a high pressure gas pipeline in close proximity (entrance) to the proposed development. The pipeline has a 3m building proximity distance (BPD). No buildings including footings and overhangs are permitted within 3m of the pipeline. Landscaping 3m either side of the pipeline is also restricted and must have formal written approval from Cadent Gas before commencing. The developer is to engage with [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) before commencing any works on site.

The high pressure pipeline is classed as a 'Major Accident Hazard High Pressure Pipeline' therefore the application will need to be put through the HSE LUP process to confirm if the proposal is acceptable."

18 June 2021

"No Objection with Condition: This has been previously answered under EA\_GE3B\_3SWX\_755730. As the solar farm lies outside of the pipeline easement and across a road, we are happy to issue a No Objection on the Condition that we receive an Earthing and Harmonics Report prior to Construction beginning. National Grid reserve the right to Object to the development should that report not be received."

22 June 2021

"National Grid exercises its right to place a Holding Objection to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line -

Overhead Electricity Line, Electricity Substation Site, Electricity Tower, Underground Electricity Cable, Low Pressure Gas Mains.”

28 June 2021

“Our engineer would like some information, details & plans on what the proposed works are in the vicinity of National Grid Substation Burwell.”

26 October 2021

“After receiving the details of your planning application, we have completed our assessment. We have no objection to your proposal from a planning perspective.”

### **National Grid - Electricity –**

10 June 2021

“National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line –Overhead Electricity Line, Electricity Substation Site, Electricity Tower, Underground Electricity Cable, Low Pressure Gas Mains.”

6 July 2021

“National Grid exercises its right to place a Holding Objection to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line - Overhead Electricity Line, Electricity Substation Site, Electricity Tower, Underground Electricity Cable, Low Pressure Gas Mains.

National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset.

Statutory electrical safety clearances must be maintained at all times. National Grid recommends that no permanent structures are built directly beneath our overhead lines. These distances are set out in EN 43 - 8 Technical Specification for "overhead line clearances Issue 3 (2004) To view EN 43 - 8 Technical Specification for "overhead line clearances Issue 3 (2004). [http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl\\_final/appen dixIII/applIII-part2](http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appen dixIII/applIII-part2)

National Grid requires 3D drawings to be provided at the earliest opportunity (DWG, DGN or DXF)

The statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to a normal road surface. Further detailed information can be obtained from the Energy Networks Association's ([www.energynetworks.org.uk](http://www.energynetworks.org.uk)) Technical Specification E-43-8 for "Overhead Line Clearances", Issue 3 (2004).

To view the "Development Near Overhead Lines" Document.

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=23713>

To view the National Grid Policy's for our Sense of Place Document.

<http://www2.nationalgrid.com/UK/Services/Land-and-Development/A-sense-of-place/>

The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines."

Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum 'sag' or 'swing' conditions. Overhead Line profile drawings should be obtained using the above contact details.

If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of our towers. These foundations extend beyond the base area of the tower. Pillar of Support drawings should be obtained using the contact details above.

Due to the scale, bulk and cost of the transmission equipment required to operate at 275kV or 400kV we only support proposals for the relocation of existing high voltage overhead lines where such proposals directly facilitate a major development or infrastructure project of national importance which has been identified as such by government.

To promote the successful development of sites crossed by existing overhead lines, and the creation of well-designed places, National Grid has produced 'A Sense of Place' guidelines, which look at how to create high quality development near overhead lines and offer practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines."

27 July 2021

National Grid exercises its right to place a Holding Objection to the above proposal which will cross our High-Pressure Gas Pipeline – Feeder"

6 October 2021

"National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line -Overhead Electricity Line, Electricity Substation Site, Electricity Tower, Underground Electricity Cable, Low Pressure Gas Mains. I have enclosed a location map to show the location of National Grid's Overhead Lines within the vicinity of your proposal and associated information below. Thank you for your enquiry, we are issuing a No Objection."

12 October 2021

"National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline - Feeder. I have enclosed a location map to show the location of National Grid high-pressure gas pipeline(s) within the vicinity of your proposal and associated information below. We are happy to provide a No Objection to these plans. The Customer has agreed to provide an Earthing and Harmonics report prior to construction commencing"

## **Anglian Water Services Ltd –**

10 June 2021

“The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>”

July 2021

“Whilst the proposal is not connecting to our network the cable route may impact on Anglian Water existing assets. These existing assets will need to be taken into account when designing and delivering the cable route. It is important to note that certain assets cannot be diverted or built over, such as mains water pipes. We recommend the applicant obtain maps detailing the location of our water and water recycling infrastructure and assets, both underground and above ground assets. They can do this by visiting our website <https://www.anglianwater.co.uk/developing/drainage-services/locating-our-assets/>

Anglian Water would ask that the following text be included within the decision notice should permission be granted.

Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. If sewers need to be diverted this will be at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus, It should be noted that the diversion works should normally be completed before development can commence.”

8 October 2021

“Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments. If this is to change, please re-consult with us.”

**Historic England - 25 October 2021**

“We have reviewed the additional information submitted and find that it does not answer our concerns relating to the impact on the village of Burwell through this development. These concerns are as per our comments submitted to yourselves on 3rd June 2021.

We therefore have no further comments to make on the amendments submitted. Our view remains the same as that in the comments submitted to you on 3rd June.

### Policy Context

- Paragraph 194 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance.
- Paragraph 199 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be).
- Paragraph 200 of the NPPF states that any harm to or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the scheme.

### Historic England's Position

Historic England consider that the application has not properly described the harm that could be caused to the setting of the Burwell North Street Conservation Area through development within its wider setting. The Burwell North Street Conservation Area Appraisal makes reference to the importance of the wider Fenland setting of the village which needs to be considered further. We therefore consider that the application does not meet the information requirements of paragraph 194. The proposed solar farm would alter the wide ranging views as described in the Conservation Area appraisal and have a negative impact upon the significance of the North Street Conservation Area. We therefore consider that the application does not meet paragraphs 199 and 200 of the NPPF.

### Recommendation

Historic England has concerns regarding the application on heritage grounds.”

17 November 2021

“Our response to your planning consultation is not an objection – it raises concerns relating to the cable route and to the character of the Burwell Conservation Area based on East Cambs own conservation area appraisal noting the open agricultural character of land being important to its significance. But, we have not objected. We have not objected to the West Suffolk application either.

We have stated that there is a low level of less than substantial harm and allowed the LPA to make your own judgement of whether this low level of harm is outweighed by the public benefits of the scheme as required by paragraph 202 of the NPPF.”

### **Conservation Officer –**

20 May 2021

“No heritage implications for East Cambridgeshire.”

16 November 2021

“The application site is some distance east of the village and given the separation distance and buffering effect of intervening development, its impact on the North Street conservation area is likely to be minimal. The cable connection route runs

along the carriageway in North Street and whilst naturally its installation phase will involve some temporary disruption, it will leave no permanent above-ground presence in the conservation area.

Recommendation: no objection”

**Environmental Health –**

3 June 2021

“We have commented on this site in the past

“I welcome the restricted hours for ground piling. With regard to lighting the ES advises – “No permanent lighting is proposed other than emergency security lighting. I have no issues to raise with this. The ES advises – “A CEMP would be developed for the construction phase of the development. This is likely to comprise an overarching CEMP framework to be applied to all phases of the development...”. I look forward to receiving this. I have read the NIA prepared by NVC Ltd and dated 25th March 2021. I have no issues to raise with the methodology and findings of the report and would support their recommendation for a suitably worded condition to limit noise at the nearest sensitive receptors similar to the one proposed in the report”

12 October 2021

No comments in regards to amendment

**Design Out Crime Officers –**

25 May 2021

“Thank you for the opportunity to review the above proposed development. I have reviewed relevant documents and drawings and fully supportive of the security measures being considered. This should ensure community safety and vulnerability to crime is being addressed. This area of Cambridgeshire has seen some reports of rural crime including poaching. In this regard I have made our rural crime team and Countryside Watch aware of this application. No objections but if the applicant would like site specific site security advice in the future more than happy to be involved. No further comments at this stage.”

8 October 2021

“I can confirm this office has reviewed the amendments received and wish original comments to stand - no objections in terms of community safety and reducing vulnerability to crime.”

**Cambridgeshire Fire and Rescue Service –**

25 May 2021

With regards to this application, should the Planning Authority be minded to grant approval, the Fire Authority would request that a suitable planning condition is applied that requires the Applicant to engage with Cambridgeshire Fire & Rescue Service to ensure that adequate emergency access to the site is provided along with a suitable fire mitigation strategy, which also encompasses environmental considerations in an emergency, prior to commencement of the development of the site.

**Local Highways Authority –**

7 June 2021

“The Transport Statement text states that the access will be 6m for a length of 50m to allow articulated vehicles to pass. The drawing 2921-01-D01 should be amended to reflect this. The application boundary shown on this plan is inconsistent with others submitted.

The Transport Statement also states that under normal operating conditions the site will be served by LGVs. Vehicle tracking should be provided to demonstrate that said vehicle can enter and exit the site without unintentionally overhanging the centreline of Ness Road.

The 2.4m x 215m visibility splay at the access is appropriate. We normally request that when the nearside of the carriageway falls outside of the visibility splay, a tangential visibility also be shown. However, it is clear that in this instance the tangential visibility will also fall within public highway.

Given that the main traffic impact and large vehicles will be visiting the site during construction, a construction traffic management plan will be beneficial. This plan should consider management of large deliveries to avoid meeting on the narrow track and also any potential limitations arising from restricted headroom along the access due to overhead lines. The construction plan should also detail how articulated vehicles and low loaders can turn around on-site during construction, to avoid long reversing distances onto the public highway.

The vehicle tracking in drawing 2921-01-ATR1 (insert 7) is not contained within the access track and the application boundary. The tracking plan, and if necessary, the access track, should be amended accordingly.

Given the length of narrow access, I recommend that you consult with the Fire & Rescue service.

**Conditions**

HW9A: Prior to the commencement of use any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.

HW22A: The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Non Standard Condition: Prior to commencement of use, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.”

23 June 2021

"The re-submitted vehicle tracking plans and access visibility plan addresses my previous comments and as such I do not object to this application.

However, I advise that a construction traffic management plan be required for this site to safely manage construction traffic, in particular to minimise any potential conflict of low loaders at the site access. When a low loader is entering the site from Ness Road, vehicles exiting the site may need to be held back to prevent collisions and blocking of Ness Road. Please append recommended conditions.

**Asset Information Definitive Map Officer –**

10 May 2021

"The proposed cable route runs along Public Byway Open to All Traffic No. 15 and No. 16, Burwell. Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width which may differ from what is available on the ground. The applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at [https://www.cambridgeshire.gov.uk/residents/travel-roads-and\\_parking/roads-and-pathways/highway-licences-and-permits/](https://www.cambridgeshire.gov.uk/residents/travel-roads-and_parking/roads-and-pathways/highway-licences-and-permits/).

**Informatives**

Should you be minded to grant planning permission then we would also be grateful that the following informatives are included: • Public Byway Open to All Traffic No. 16 and No. 17, Burwell must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway). • No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971). • Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980). • The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1). • Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them"

**National Air Traffic Services Ltd -**

Comments received on 13 and 14 May 2021 and 7 October stating:

"The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of

this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.”

**Defence Infrastructure Organisation Safeguarding (Wind Turb) –**

14 July 2021

“Thank you for consulting the Ministry of Defence (MOD) on the above development which was received by this office on 11/05/2021. The applicant is seeking full planning permission for the proposed development of a Solar Farm and Ancillary Development. The application site is approximately 11.2km from the centre of the runway at RAF Mildenhall and occupies the statutory aerodrome birdstrike safeguarding consultation zone surrounding the aerodrome. After reviewing the documents, I can confirm that the MOD has no objections to this proposal”

**Cambridge Ramblers Association –**

1 June 2021

“Our concern is with the proposed arrangements for the cables associated with plans for a solar farm to the east of Breach Farm, Ness Road, Burwell. We note that, at present, Haycroft Lane is a pleasant restricted byway which leads to several rights of way to Landwade, Fordham, Exning and Burwell. It is not clear what surface this route will have in future, nor what arrangements have been made for any diversions whilst construction is underway. Should planning permission be granted for the solar farm we would ask that the cable route is in land adjacent to Haycroft Lane, not along it. We are similarly concerned about the potential impact of the cabling works on Howlem Balk, both long term and during construction.”

**Ramblers Association South –**

28 June 2021

“Almost the whole of the current site is in Suffolk but it is to be accessed from Ness Road, Burwell. In recent years, at least three sites of similar size have been approved by East Cambs DC, in the Burwell area, all, like this one, intended to feed the major sub-station to the west of Burwell village. In the absence of any knowledge to the contrary, it would appear that the current application is speculative, but the perceived policy of East Cambs makes it difficult to justify an outright rejection, particularly with the monster cross-border 'Sunnica' proposal, not to be determined at local level, still lurking in the background; indeed the 'Sunnica' cable route may well cross a corner of the current site. Question? How much is 'enough' or will speculative applications continue to be received? Our main interest here is to assess the likely impact of the proposals on the local rights of way network, all byways, as it happens, and all have been walked in the last day or so.

Starting from just beyond the north-western end of Landwade Road, the walked route headed south west through a linear thicket for about 500m along Exning restricted byway,(rb), 25, parallel to the south-west boundary of the site. Whilst this section of the route is generally of adequate walking width, its margins are bounded

by what were once hedges, screening the site at present. Beyond the 'hedge' to the north-west is a deep ditch and it is envisaged that a security fence will be erected beyond that, with room to enable ditch clearance by machine.

Emerging from the thicket, with an open field to the left, the route becomes field-edge with a better managed hedge to its right, the only view of the site being via a field access. This situation continues to about 200m prior to the junction with Exning rb.26, when the site boundary turns north-west with a wooded nature reserve to its right. Reaching the junction, the route turned right along rb.26, soon passing into Cambridgeshire near Beeching's House and the former railway line, becoming Burwell byway 16, Haycroft Lane, a hedged track which continues to the B1102, with intermittent glimpses of the site through gaps.

None of the byways, restricted or otherwise, described above, nor Landwade Road and North End, should be used in connection with the construction of the solar farm or during its lifetime. It was not possible to view the north-west and north-east boundaries apart from at a distance and near the start of the perambulation, where there is a concrete road and a very deep ditch.

Despite the rather bleak landscape, the site is well provided with hedges and shelter belts, not just along its boundaries, but also around some of the smaller fields that it comprises. There are also many ditches. These features should be retained and further planting should be carried out adjacent to the external boundaries, where none exist at present. A planted buffer strip might be appropriate along the north-east boundary, and elsewhere, to soften the impact of any security fencing that may be provided.

Bearing in mind what has been said earlier about the use of the byways, the cable routes shown on plan, following Haycroft Lane and Howlem Balk, both with byway status, give cause for concern and are reported to become 'in part a mud-bath' during the Winter months. Should permission be given for their use as cable routes, then alternative routes should be provided for legitimate users until such time as reinstatement is carried out, or preferably, a permanent alternative should be created, perhaps based on the extension of the concrete road, referred to earlier, and its addition to the Definitive Map."

**ECDC Trees Team –**

17 June 2021

"The submitted soft landscaping is acceptable though there is a missed opportunity for additional hedge planting lining the access road this could provide a substantial linier foraging feature for birds and bats as well as general wildlife habitat creation."

**West Suffolk District Council Local Planning Authority – 15 November 2021**

Confirmed that it was seeking to approve the application following drainage matters being resolved.

**West Suffolk District Council Local Ecology and Landscape Officer –**

2 November 2021

See appendix 2

**Suffolk Preservation Society**

(Cc'ed to East Cambs)– 14 June 2021

The introduction and conclusion of their comments are:

“I write on behalf of the Suffolk Preservation Society (SPS) in response to the above parallel application for a 49.9MW solar farm on 192 acres (78 hectares) of grade 3 agricultural land in Landswade. SPS supports the transition towards a zero-carbon energy system and recognises that this requires an increase in renewable energy generation, including solar. We support renewable energy schemes which balance the necessary considerations of our natural environment, heritage, landscape and the views of local people and allow local communities to positively shape their energy futures. We wish to comment on the loss of high-grade agricultural land; the landscape and visual impacts, the impacts upon the local footpath network; the incomplete assessment of impacts on heritage assets; and the lack of local public support. We also call for the cumulative impacts of the scheme to be to be considered by the local authority in relation to a proximate large scale solar installation proposed by Sunnica. Our comments are limited to those areas of the development site that impact on Suffolk and an absence of comment on some parts of the scheme across the county boundary should not be read as any form of tacit acceptance...

In conclusion therefore, SPS recognises the urgent need for renewable energy and is in full support of renewable energy projects done well, suitably located, scaled, assessed, mitigated and where necessary compensated. Regrettably, the Breach Farm scheme involves the loss of a significant amount of prime agricultural land. Furthermore, the cumulative impacts of extant, consented and emerging solar farm proposals all in close proximity to Burwell substation and/or to each other across the East Cambs/Suffolk border will result in a fundamental shift in landscape character. When travelling between Burwell and Mildenhall, the kinetic experience will be one of repeated solar farms which, in combination, will bring about a transformation of identity from agrarian to industrial. Furthermore, the proposed mitigation (even at 5 years) is considered to be insufficient to achieve its objectives and the proposals will result in material harm to visual amenity, heritage and landscape character. In the event that officers are minded to support the application, it is strongly recommended that the layout is amended and the solar panels are set back from the perimeter by a minimum of 5-6m and buffer strips of grasses and wild flowers are provided to create biodiversity net gain. Furthermore, new hedgerows should include standard trees at 100m intervals.”

They have also provided comments in regards to Government advice, lack of public consultation, site selection, cumulative impact, landscape and impact on heritage.

**Suffolk County Council (Conservation Team) –**

19 October 2021

“This proposed solar farm site is situated within area of extremely high archaeological potential as defined by the Historic Environment Record and due to its topographically favourable position for early occupation, adjacent to a former watercourse and on light soils. Within the proposed development area, cropmark enclosures have been recorded (EXG 155), as well as finds scatters of Roman and medieval date (EXG 039). Immediately adjacent to the proposed development area,

a Roman coin hoard (EXG 151) has been recovered, as well as the remains of an Anglo Saxon reliquary box and human remains EXG 150). An extensive area of Roman archaeology has been recorded immediately to the east of the site, with archaeological excavations and finds scatters identifying Roman occupation for almost a mile (EXG 012, 013 and 036), believed to relate to a Roman Villa complex. Extensive finds scatters of prehistoric and particularly Roman and Anglo-Saxon date have been identified surrounding the proposed development area, indicative of both settlement and funerary activity (EXG 039, 078, 085), along with cropmarks of enclosures likely to relate to the remain of prehistoric burial monuments (EXG 042-44). A geophysical survey of the site has detected a number of anomalies which may be archaeological in nature. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area and the proposed development would cause ground disturbance that has potential to damage or destroy any below ground heritage assets that exist. As a first phase of archaeological evaluation has recorded limited archaeological remains, there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. In this case the following two conditions would be appropriate:

No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

The solar farm shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition. REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS3 of Forest Heath District Council Core Strategy Development Plan Document (2010) and the National Planning Policy Framework (2019).”

**Planning Casework Unit - No Comments Received**

**Ward Councillors** - No Comments Received

**CCC Growth & Development** - No Comments Received

**Waste Strategy (ECDC)** - No Comments Received

**Cambridgeshire Archaeology** - No Comments Received

**The National Trust** - No Comments Received

**Emma Forrest Civil Aviation Authority** - No Comments Received

5.2 A site notice was displayed near the site on 11 May 2021 and a press advert was published in the Cambridge Evening News on 21 October 2021.

5.3 Neighbours – 128 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

81a North Street – 13 October 2021

Supports the application as it is important to reduce carbon footprint. However, is seeking additional biodiversity improvements.

50 North Street – 10 June 2021

"1. I would like to object to this solar farm on the grounds that it will blight another area around Burwell. 2. There are so many around the village ---Heath Road, Factory Road, Hightown Drove off Reach Road 3. I think Burwell has more than done its bit"

100 North Street –

"I am opposing this awful scheme because first of all enough is enough; why is Burwell being threatened with being surrounded by non-stop positioning of solar panels blighting the countryside. They have already been built on farmland here; now the proposition is to take even more, at a time when having left the EU we should aiming for more self sufficiency not less! Why has it been deemed that Burwell should be ruined, and why have we not been told about this?"

29 Burwell Road – 17 May 2021

"The proposal is out of the local plan. There has already been a large scale solar farm granted planning and since sold on. These applications are being applied for piecemeal and the likelihood join the proposed Sunnica solar. Wake up East Cambs. We have some of the best and only grade 2 arable land in the UK. Not for solar"

31 Hately Drive – 17 May 2021

"The cable appears to run across the B1102 Ness Rd, then down North St and Hythe Lane. On a previous Sunnica application the cable run went under the B1102 further up the road and around Burwell. Could Sunnica not plan ahead and create a parallel cable duct to run alongside their first application plan which would obviate the digging up of North Street and Hythe Lane as this would cause massive amounts of disruption to most of the residents of Burwell."

121a North Street – 12 May 2021

“The development is outside the local plan. Ref ness road and slide farm applications. It is also on a public bridleway/footpath. Also, with the close proximity of two existing and another large proposed solar farm (Sunnica)it is not needed.”

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
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 5	Strategic green infrastructure
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide  
Contaminated Land  
Cambridgeshire Flood and Water  
Renewable Energy Development (Commercial Scale)  
Natural Environment  
Climate Change

6.3 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 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
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

Planning Guidance 067 Reference ID: 7-067-20140306

7.0 PLANNING COMMENTS

7.1 Environmental Statement

7.2 The application was screened under planning reference 21/00062/SCREEN where it was concluded that:

“It is considered that due to the size of the proposed solar farm and with the significant amount of energy farm developments which are in situ, consented and being proposed in the locality there will be a cumulative significant impact upon the landscape and visual character of the area and the amount of high quality farmland being used. In addition, Historic England has confirmed that there is a potential significant impact on the historic environment and thus this must be included within the Environment Statement.”

- 7.3 It is generally considered that by 2050 the world will have a homo sapien (humans) population of around 9 to 10 billion (currently around 7.5 billion). There is substantial scientific argument that we can currently feed 10 billion people, though not necessarily sustainably. Starvation is, therefore, currently down to greed and bad management of food production/storage/distribution and not down to lack of agricultural land.
- 7.4 The 73 hectare (180 acres) site is made up of:
- 4.8 hectares/11.9 acres (6.4%) Grade 2 Agricultural Land
  - 46.7 hectares/115.4 acres (64%) Grade 3a Agricultural Land
  - 18.3 hectares/45 acres (25.1%) Grade 3b Agricultural Land
  - 3.2 hectares/7.9 acres (4.4%) non agricultural
- 7.5 The site is therefore made up of 70% of land which should be considered as the best and most versatile agricultural land. Grade 2 agricultural land is considered as very good and grade 3a is considered of good quality. The loss of grade 2 should always be carefully considered due to it having only minor limitations that will affect food production.
- 7.6 The developer has argued that if the site remains in intensive arable production it is likely that the organic matter in the topsoil will continue to degrade by oxidation (this releasing carbon dioxide into the atmosphere) and will lower the quality of the agricultural land in the long term.
- 7.7 The developer goes on to state that the cumulative loss of agricultural land from the approved solar farms and planned solar farms (primarily Sunnica) uses 515 hectares (1272.6 acres) of the best and most versatile agricultural land, which represents 0.8% of East Cambridgeshire and the former Forest Heath Districts supply.
- 7.8 The majority of the site will still be able to be used as grazing land and this area could improve in agricultural quality in 40 years. With the site still being able to be used for low intensive farming and the long term improvement; it is considered the proposal will lead to a low level to moderate detrimental impact (in regards to Environmental Impact) in the short-medium term with long term benefits (post 40 years). It is also noted that no planning permission is needed to change land from arable to pastoral farming.
- 7.9 In regards to potential significant effect upon the rural character of the area, the continued amount of solar farms (both potentially, approved and operational) in the local area could have a substantial impact to how people experience the countryside in this area of East Cambridgeshire.

- 7.10 This site sits approximately in the middle between the edge of the proposed energy farm of Sunnica (excluding cable lines) and the solar farms between Wicken and Soham, those on the western edge of Burwell and the solar farms to the southeast of Burwell. It is also noted the additional solar farms being sought in Swaffham Prior. However, the latest proposed solar farm being proposed in Swaffham Prior has not yet progressed beyond Scoping (21/00854/SCREEN and 21/01276/SCOPE).
- 7.11 At theoretical worst the proposal may therefore act as a bridge between the different solar farms being developed and sought within the districts of East Cambridgeshire and West Suffolk. However, it must be noted that there is a ridge that runs between Exning and Landwade that would visually separate this scheme from Sunnica (if Sunnica, were to be approved). In addition, the developer's argument within the Environmental Statement that with the distance and existing landscape between this proposal and the other solar farms (approved, existing and sought) there would be "very little potential for any cumulative interaction between the schemes to occur". On the whole this argument is accepted.
- 7.12 However, the proposed cable route along the byway to the south of the site is likely to cause significant and detrimental impact to the ability to enjoy this recreational route for pedestrians, cyclists and horse riders in the short term (during construction period). However, it is accepted that by the 5<sup>th</sup> year post construction the impact upon the visual character of this recreational route will be negligible. It is noted that West Suffolk District Council Local Ecology and Landscape Officer and Cambridgeshire County Council's Asset Information Definitive Map Officer are not objecting to the proposal.
- 7.13 The proposal is not considered to have any noticeable impact upon the setting of Ely Cathedral, as backed by Historic England and the Conservation Officer.
- 7.14 It is noted that Cambridgeshire archaeologists have deferred to their Suffolk counterparts, due to the site primarily being in Suffolk. The conditions requested by Suffolk County Council in regards to archaeology will be duly added. While these are not this Council's standard wording it is considered better practice in this case given that the majority of archaeological works will be on their side of the border and that it has been Suffolk County Council taking the lead.
- 7.15 While there is likely to be a large short term disturbance to the residents within the Conservation Area (North Street) this impact will only last during the construction phase. As stated by Historic England the level of harm at worst is considered to be less than substantial. This harm would be clearly outweighed by the significant public benefit of renewable energy and on this basis it would not be justifiable to refuse the application on these grounds.
- 7.16 The proposal complies with policies ENV6, ENV11, ENV12 and ENV14 of the Adopted Local Plan.
- 7.17 Principle of Development
- 7.18 The requirement to limit the global temperature to a maximum of 1.5C (compared to pre-industrial temperatures) should be considered as fundamental and needs to be

secured within the next ten years. The Government published the 'Net-Zero Strategy: Build Back Greener' in October 2021, which has a key policy of a fully decarbonised power system by 2035. This follows on from the 27 June 2019 when the United Kingdom (UK) passed legislation requiring the Government to reduce emissions of greenhouse gases by 100% compared to 1990 levels to ensure that the net zero target will be met by 2050.

7.19 This scheme of 49.9MW can power approximately 32,500 houses.

7.20 The NPPF states under para 158:

“When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”

7.21 Policy ENV6 of the Adopted Local Plan states:

“Proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated and made acceptable in relation to:

- The local environmental and visual landscape impact.
- Impact on the character and appearance of the streetscape/buildings.
- Key views, in particular those of Ely Cathedral.
- Protected species.
- Residential amenity.
- Safeguarding areas from nearby airfields; and
- Heritage assets

Renewable energy proposals which affect sites of international, national and local nature importance or other irreplaceable habitats will be determined against the relevant sections of Policy ENV7.

The visual and amenity impacts of proposed structures will be assessed on their merits, both individually and cumulatively.

Provision should be made for the removal of facilities and reinstatement of the site, should they cease to operate.”

7.22 The Council's Renewable Energy SPD states:

“In summary proposals for renewable energy generation will be considered on their merits, on a case by case basis. The Council will take account of any

environmental, economic or social benefits...The Council will refuse planning permission for commercial scale renewable energy schemes where it is considered that there are significant adverse impacts which outweigh the wider benefits of renewable energy development identified above. The Council will also consider to what extent any adverse impacts can be mitigated through the design and siting of proposals or by applying appropriate planning conditions. The views of local communities, residents, parish and town councils, community groups and all elected representatives relating to commercial scale renewable energy schemes will also be given significant weight in the determination of planning applications.”

7.23 On the 21 October 2019 East Cambridgeshire District Council declared a climate emergency, with the Leader of the Council stating:

“We acknowledge that the Council has a significant role to play in protecting and improving the environment for future generations and so we made the decision to amend our own climate change motion to formally declare a climate emergency.”

We are proud of the work we already do as a Council to reduce our impact on the environment and we welcome the opportunity to join over 200 other Councils across the UK who are also working to fight climate change. On behalf of our residents, we as a Council will be taking the appropriate actions. The most ambitious piece of work already underway by the Council is the development of a joint bid with Cambridgeshire County Council to Innovate UK to design an energy system to deliver net zero carbon emissions from energy use in East Cambridgeshire by 2050; the project focuses on shifting transport, gas and oil use to electricity and to grow the electricity network to cater for the change.”

7.24 This follows a year after the Intergovernmental Panel on Climate Change (IPCC) stated the world had 12 years to ensure global temperatures do not raise by more than 1.5C. Going beyond a rise of 1.5C will have a significant effect on the world’s liveability. It has also stated that if there is not a 45% reduction in CO2 levels from 2010 levels by 2030 the 2050 target will not be met.

7.25 The requirements of the Climate Emergency will require a complete change on how humans respond to the Earth; as either the rapid change to climate caused by humans will create a more hostile/unpredictable climate or humans will have to radically change their diet (in both senses of the definition: food/activities) and provide a continuous fight against climate change.

7.26 In short scientists advise that if climate change is not substantially tackled by 2030 it will be the cause of the death of large numbers of the species that inhabit the world including humans. The International Committee of the Red Cross consider there to be 250,000 more deaths in the human population each year between 2030-2050, including from malnutrition, due to climate change.

7.27 In regards to principle it is concluded that a solar farm in this location is acceptable in principle due to the clear policy guidance at both national and district level; in addition to the clear international requirements to tackle climate change. The benefit of renewable solar energy is considered to be granted very substantial weight. The proposal will help to ensure the Council meets the 2050 target by providing renewable energy early that will be up and running prior to 2030. In order

to reasonably argue for this application to be refused it would need to be demonstrated that significant and demonstrable harm either individually or cumulatively, which cannot be mitigated against would be caused by the proposal and that is not considered to be the case.

- 7.28 The additional benefits and harm, alongside the assessment in accordance with policy ENV6 of the Local Plan which specifically relates to renewable energy development are covered in the remainder of the report.
- 7.29 Residential Amenity
- 7.30 It is considered due to the nature of the proposal and the location of residential properties in relation to the site, that while it is operational, the proposal will have very limited impact upon residential amenity.
- 7.31 It is noted that the construction of solar farms can lead to substantial impact upon the amenity of surrounding residents; demonstrated by peoples' previous concerns in regards to Goosehall Farm solar farm, located to the west of Burwell.
- 7.32 On this basis it is considered reasonable to both condition when general construction/deliveries take place and a tighter time frame of when piling can be undertaken (if required); on this basis the comments from the Environmental Health Officer are supported. This should grant a balance between allowing the solar farm to be constructed, while providing protection to the local residents during that period. In addition, the case officer supports the Environmental Health Officer in removing rights to install additional external lights and the requirement for a Construction Environmental Management Plan (CEMP). It should be noted that while the CEMP can help minimise the impact of construction; it must also be noted that conditions provide controls on the site and are far more difficult to impose or enforce for off-site impacts. So, while a CEMP can require a preferred route for heavy good vehicles, the Council's Enforcement Team cannot easily monitor if this is being complied with or enforce as we cannot control the use of the public highway.
- 7.33 It is considered that subject to suitable conditions the proposal will be acceptable in regards to policies ENV2 and ENV6 of the Adopted Local Plan.
- 7.34 Visual Amenity
- 7.35 The vast majority of the site is located within West Suffolk as set out in this report. West Suffolk have confirmed that they are in support of this cross-boundary application. West Suffolk District Council Ecology and Landscape Officer is not raising any objection to the proposal as amended. Given that the vast majority of this proposal is within West Suffolk this should be granted substantial weight in the determination of this application.
- 7.36 Within the submitted Environmental Statement the viewpoints within East Cambridgeshire are 4-7 and 10; viewpoint 9 should also be carefully considered as it is within the transition between Cambridgeshire and Suffolk.

- 7.37 Viewpoint 7 – located on Ness Road (near High Ness Farm) approximately 1,000m (3280 feet) from the edge of the solar farm. It is accepted that the harm at worst would be moderate; though given the distance, existing landscape and time for new landscape to develop the impact upon this view would likely be minimal.
- 7.38 Viewpoint 10 – located on Ness Road and opposite the site entrance. The developer has confirmed that the existing track is approximately 3.8m (12.8 feet) wide and would be widened to 6m (19.7 feet) (2.2m widening) at the site entrance for a distance of 50m (123 feet) to allow HGVs to pass during construction. There is no photomontage for this viewpoint post construction. The development would clearly change the existing typical farm access into a roadway. While this would lead to some harm upon the rural character, it is considered to be minimal.
- 7.39 Viewpoint 6 – Located on Ness Road (near the layby) approximately 800m (2624.7 feet) from the edge of the solar farm. Given the existing farm building of Breach Farm, existing landscape and proposed landscaping it is accepted that the proposal will have a small impact upon the character of the area from this viewpoint.
- 7.40 Viewpoint 5 – Located on Ness Road (edge of built form of Burwell) approximately 1000m (3280 feet) away from the edge of the solar farm. Given the distance and existing landscape it is accepted that any impact on this viewpoint is unlikely to be greater than negligible.
- 7.41 Viewpoint 4 – Located on Haycroft Lane (byway) approximately 200m (656 feet) away from the edge of the solar farm. At year 1 post construction the solar panels will be clearly visible and is considered that the level of harm would be significantly detrimental. However, by year 5 the landscape will have established and this will reduce the impact on the byway to negligible.
- 7.42 Viewpoint 9 – Located on Haycroft Lane (byway) adjacent to the site. At year 1 post construction the solar panels and other infrastructure will be clearly visible and will define the view across the countryside; on this basis it will have a significant detrimental harm to enjoyment of this part of the countryside. However, by year 5 the view will change to one of hedgerows and will be in keeping with the existing character of this area of countryside. The long term impact is accepted as being negligible.
- 7.43 Overall, while the proposal in the short term will have a large negative impact to those traveling next to the site, the long distance views of this landscape are unlikely to be noticeably effected from the viewpoints within East Cambridgeshire. It is on the basis that once the landscaping has established at worst the proposal will have minor harm; it is on this basis that the proposal is considered to meet with policies ENV1, ENV2 and ENV6 of the Adopted Local Plan.
- 7.44 Highways
- 7.45 The site is accessed off Ness Road, though there will be substantial road works required within Burwell (primarily North Street) in order to allow network connection to the Burwell Substation.

- 7.46 The Local Highways Authority raise no objections to this proposal subject to conditions in regards to access and to ensure construction traffic is managed. These conditions are considered reasonable in order to ensure appropriate access, specifically in the short term during construction, when the greatest impact will be on the public highway.
- 7.47 It is considered more appropriate to include construction traffic management (as requested by County Highways) in a Construction Environmental Management Plan (CEMP) that should also include how the cable route will be suitably constructed.
- 7.48 The proposal is considered to meet with the requirements of policies COM7 and COM8 of the Adopted Local Plan, subject to the relevant conditions.
- 7.49 Aviation
- 7.50 The developer provided a Glint and Glare Assessment that stated there would be no expected impact on aviation.
- 7.51 It is noted that the Ministry of Defence, National Air Traffic Services Ltd and Cambridge Airport Ltd raise no objections to this proposal. There is no reason to believe that these experts in their field have assessed the development incorrectly. On this basis, the proposal will not have any detrimental impact upon aviation in the local area in accordance with policy ENV6 of the Adopted Local Plan.
- 7.52 Fire Safety
- 7.53 It is noted that both Cambridgeshire and Suffolk Fire Services are seeking conditions in order to ensure that any fire on site is appropriately controlled. The professional advice of these experts is accepted and given that the majority of the site is within Suffolk the Suffolk Fire Service recommended conditions should be duly added.
- 7.54 Ecology
- 7.55 The site is on farmed arable land and the developer is seeking to improve biodiversity by approximately 33%. The developer also provided updated reports on bird, water vole and otters surveys, as well as badgers (report is confidential).
- 7.56 The site is in proximity to the internationally designated sites of Chippenham Fen Ramsar and Fenland Special Area of Conservation (SAC), six SSSIs and a County Wildlife Site of New River and Monks Lodge.
- 7.57 No objections have been received from the Cambridgeshire Wildlife Trust and West Suffolk Ecology and Landscape Officer. West Suffolk have recommended several conditions in order to ensure biodiversity is protected, again given the amount of the site that is within their district it is considered appropriate for them to take the lead on this matter. The biodiversity gain is primarily through new habitats via landscaping.

- 7.58 The proposal complies with policies ENV6 and ENV7 of the Adopted Local Plan and the Natural Environment SPD.
- 7.59 Flood Risk and Drainage
- 7.60 The site is primarily in Flood Zone 1, though parts of it are also located with Flood Zones 2 and 3. The Environment Agency and Lead Local Flood Authorities have no objections to the development subject to conditions to control surface water and to prevent water contamination.
- 7.61 The developer has assessed the proposal as a less vulnerable use, which is appropriate in flood zone 2 and 3. However, the Case Officer considers the proposal to fit more comfortable within Essential Infrastructure that is still acceptable subject to an exception test to ensure:  
“In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood” (Planning Guidance 067 Reference ID: 7-067-20140306).”
- 7.62 However, even if the proposal is considered under the high risk category of essential infrastructure the proposal is still considered to be acceptable. It is accepted there is a significant need for renewable energy that goes beyond the need for the provision of a couple of solar farms in the area and this is a wider substantial benefit to the community that outweighs the flood risk.
- 7.63 There is also an argument that creating solar farms (clean energy) and by meeting the 2050 target will reduce the future risk of both severe droughts and floods.
- 7.64 It is also noted that the development is seeking to place its inverts/transformers, storage buildings, control building, switchgear building and batter storage outside of Flood Zone 3a.
- 7.65 The proposal is considered to comply with policy ENV8 of the Adopted Local Plan, as well as the requirements of the NPPF and the Flood and Water SPD.
- 7.66 Post 40 Years
- 7.67 A condition is recommended to ensure that the Council controls the restoration of the land at the end of the operational life of the solar farm.
- 7.68 Planning Balance
- 7.69 With the need to create energy from sustainable methods, allowing continued economic growth, the transition to electric cars and the reduction in using natural gas to heat properties places a significant requirement on the planning system to allow renewable energy schemes. The scheme is also highly likely to improve biodiversity and drainage on the site; as well as long term benefits to agricultural land quality. The merits of the scheme far outweigh any short term harm identified.
- 7.70 It is considered that the cumulative impacts are not great enough to harm the landscape in the long term and warrant the refusal of this application. However, it is

likely there will be detrimental impact to the overall enjoyment of the countryside in the short term given the amount of solar farm construction in the area.

7.71 It has been assessed that the proposal will have less than substantial harm to heritage. However, this level of harm is clearly outweighed by the public benefit of renewable energy and the requirement of an archaeology condition.

7.72 The proposal is considered to comply with the adopted Local Plan, Renewable Energy Development SPD, Natural Environment SPD and National Policy (NPPF).

7.73 On this basis it is recommended that the application is approved, subject to the recommended conditions.

## 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:

- Principle of development
- Fundamental need for renewable energy
- East Cambridgeshire has declared a climate emergency
- No objections from statutory bodies

## 9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

9.2 Appendix 2 – West Suffolk Ecology and Landscape Officer comments

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### Background Documents

### Location

### Contact Officer(s)

21/00706/ESF

Andrew Phillips  
Room No. 011  
The Grange  
Ely

Andrew Phillips  
Planning Team Leader  
01353 665555  
andrew.phillips@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 21/00706/ESF Conditions

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

Plan Reference	Version No	Date Received
2921-01-03	REV F	21st September 2021
2921-01-12	REV B	21st September 2021
FIGURE 4.1 GENERAL ARRANGEMENTS 2021	REV A	21st September
FIGURE 4.10	REV A	21st September 2021
FIGURE 5.2B	REV A	21st September 2021
2921-01-ATR1	B	21st June 2021
2921-01-ART02	B	21st June 2021
2921-01-D01	B	21st June 2021
2921-01-01	A	29th April 2021
2921-01-02	A	29th April 2021
2921-01-05	A	29th April 2021
2921-01-06	A	29th April 2021
2921-01-04		29th April 2021
2921-01-07		29th April 2021
2921-01-08		29th April 2021
2921-01-09		29th April 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 This permission is for a limited period only, expiring 40 years from the date of this decision or 6 months after the solar panels on site are no longer being used for the production of energy. After this date, the site shall be reinstated to arable agricultural land in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority prior to the expiration of this permission.

The scheme shall address, though not limited to, the following areas:

- Soil Management
- Hours of works
- Lighting
- Noise
- Traffic and highway impacts,
- Public Rights of Way
- Wildlife
- Soft landscaping including protection measures

- 3 Reason: The application has been assessed and determined on this basis.

- 4 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of 15 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.
- 4 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to the commencement of use of the development, a scheme for the maintenance of the soft landscaping for the lifetime of the development, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 5 Reason: To ensure the longevity of the landscaping scheme and benefit to biodiversity, in accordance with policy ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 6 The, hereby approved, solar farm shall only export up to 49.995MWe of renewable electricity to the National Grid during peak operation.
- 6 Reason: The application has been assessed and determined on this basis.
- 7 No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and: a. The programme and methodology of site investigation and recording b. The programme for post investigation assessment c. Provision to be made for analysis of the site investigation and recording d. Provision to be made for publication and dissemination of the analysis and records of the site investigation e. Provision to be made for archive deposition of the analysis and records of the site investigation f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-

commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 8 The solar farm shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under the previous condition and the provision made for analysis, publication and dissemination of results and archive deposition.
- 8 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015.
- 9 Construction times and deliveries, with the exception of fit-out and excluding piling, shall be limited to the following hours:

07:30 - 18:00 each day Monday - Friday  
07:30 - 13:00 on Saturdays and  
None on Sundays, Public or Bank Holidays

Any piling construction work is limited to:

09:00 - 17:00 each day Monday - Friday  
None on Saturdays, Sundays, Public or Bank Holiday

- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The aims and scope of the CEMP should reflect that set out in the Environmental Statement at sections 4.3.32-33 and include:
  - Details of the final design to control tonal noise characteristics from plant with completion of the works to be verified on site by a specialist noise consultant and notification in writing to the Local Planning Authority of the completion and verification of the works.
  - Mitigation measures for vibration.
  - Measures to limit the effects of temporary construction lighting.
  - Measures to ensure successful retention of existing vegetation including use of protective fencing.
  - Phasing details and timescales for construction.
  - Protocols governing the establishment of temporary contractors' compounds to reduce any potential adverse effects upon the amenity of the surrounding area.
  - Provisions for public communication to inform local people and rights of way users about construction activities at the site.
  - An updated Biodiversity updated Biodiversity Management Plan (BMP) including details of update surveys undertaken prior to construction.
  - Pre-commencement checks on any construction areas affecting existing habitats including the ditch network by an on-site ecologist or ecological clerk of works.
  - Runoff control and pollution prevention measures to protect aquatic/bankside habitats.

- A photographic survey to be carried out to determine the condition of the carriageway and footways prior to commencement of the works.
- Means of access for construction traffic
- Details of routes for construction traffic on the highway network and monitoring and review mechanisms.
- Details of measures to prevent mud on the highway from vehicles leaving the site during construction.
- Details of deliveries times to the site.
- Details of measures to ensure pedestrian and cycle safety.
- Programme of works including measures for traffic management and operating hours.
- Parking and turning provision for vehicles of site personnel, operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials.
- The maintenance of a register of complaints and record of actions taken to deal with such complaints at the site office.

The approved CEMP shall be adhered to at all times during the construction phase.

- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, suitable highway management and water management during construction in accordance with policies ENV2, ENV8 and COM7 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.
- 11 The level of noise emitted from the site during daytime periods shall not exceed the representative background sound level determined at the nearest noise sensitive premises as set out within the submitted Noise Assessment. During night-time periods level of noise emitted from the site shall not exceed the representative background sound level +4dB or an absolute level of 30dB LAeq15mins, whichever is the higher.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, suitable highway management and water management during construction in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until full details of hard landscape (including fencing) works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and to prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to commencement of use any gate or gates to the vehicular access shall be set back a minimum of 9 m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.

- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to commencement of use, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge. The approved details shall be fully constructed prior to first use.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 and ENV6 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to commencement of development details of the Battery Energy Storage System (BESS) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following as a minimum:
- Details of component procurements and construction techniques, including reference to all relevant guidance and legislation;
  - Details of the automatic fire detection and suppression systems to be incorporated in the development design;
  - Measures to incorporate redundancy in the design to provide multiple layers of protection;
  - Measures to contain and restrict the spread of fire through the use of fire-resistant materials, including adequate separation between elements of the BESS; and
  - Measures to ensure that sufficient water is available for manual firefighting, including the location of fire hydrants.
- 17 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 18 Prior to commencement of development an Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
- Details of the hazards associated with lithium-ion batteries;
  - Isolation of electrical sources to enable firefighting activities;

- Measures to extinguish or cool batteries involved in fire;
- Management of toxic or flammable gases;
- Measures to minimise the environmental impact of an incident, including containment of fire water run-off, prevention of ground contamination and water course pollution and the release of toxic gases;
- Handling and responsibility for disposal of damaged batteries; and
- Establishment of regular onsite training exercises.

The Emergency Response Plan shall be maintained and reviewed on a regular basis (at least once every 2 years) in conjunction with West Suffolk Sustainable Communities and any material changes notified to Cambridge and Suffolk Fire and Rescue.

- 18 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 19 Prior to the commencement of development a water quality risk assessment report shall be submitted to, and approved in writing by, the local planning authority. The report shall include:
- the specification of any electrical transformers, batteries, and any other equipment on site (as applicable) with regard to the volumes and composition of any potentially polluting substances;
  - assessment of the risks (including from leakage, fire, explosion, malicious interference) to water quality presented by any electrical transformers, batteries, ancillary or other equipment or materials within the development, and details of the measures to be implemented to control those risks.
- The risk control measures proposed by the report shall be implemented as approved.
- 19 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.
- 20 No development above ground level shall take place until, a landscape and ecological management plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a. Description and evaluation of features to be managed
  - b. Ecological trends and constraints on site that might influence management
  - c. Aims and objectives of management
  - d. Appropriate management options for achieving aims and objectives
  - e. Prescriptions for management actions
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
  - g. Details of the body or organization responsible for implementation of the plan
  - h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 20 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.
- 21 The development shall be carried out in strict accordance with the Protection Measures and legislative compliance measures set out in table 5.1.1 of the submitted Ecological Assessment Report.
- 21 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.
- 22 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Technical Note prepared by Westwood Services Ltd (ref: 5081 Final v1.1) dated 21 September 2021 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 use.
- 22 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 23 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 use of the site. 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.
- 23 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 24 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall

be brought into operation before any works to create buildings or hard surfaces commence.

- 24 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 25 No development shall commence until an Earthing and Harmonics Report has been submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the agreed details.
- 25 Reason: To ensure proper infrastructure for the site in the interests of public safety. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

## **West Suffolk Ecology and Landscape Officer Comments**

DC/21/0968/FUL

Land To the East of Breach Farm Ness Road Burwell East  
Cambridgeshire

Planning application - solar farm with ancillary development and vehicular access.

Comments following submission of amended and updated documents submitted September and October 21

The proposals include a solar farm, access road and cable route to Burwell substation. The proposals do not appear to include any information or assessment of the effects of the construction of the cable route, but maybe this is because it is outside of West Suffolk.

The layout of the solar farm has been modified to increase the separation distance between the PROW and the proposed solar panels along the southern and eastern boundaries of the site and include additional planting to mitigate visual effects.

### Ecology

The applicant has submitted a Breeding Bird Survey Report (v2 31.08.21), water vole and otter survey, biodiversity net gain calculations and an Ecology Note (15 September 2021) in addition to the Ecological Assessment Report (Avian Ecology 19.04.21) previously submitted. Most recently the applicant has submitted an addendum to the ES which updates the Environmental statement in light of this new information.

The applicant has now submitted the Biodiversity Net Gain Metric 2.0 calculation tool - worksheet to support the claim that measurable biodiversity net gain will be achieved. It is not clear whether the culverting of the ditches to create the 6 road crossing points has been included in the calculations. Based on the results of the calculation tool, the ES addendum reports that the biodiversity net gain that could potentially be achieved in respect of habitat units would be around 33%, and in respect of linear units 53%. This is higher than is likely to be mandated by the Environment Bill once it gains consent.

A breeding bird survey has been undertaken and concluded that the change in use of the site would not impact breeding birds because although the bird assemblage is indicative of farmland habitats most species were associated with the field boundary vegetation which is unlikely to be directly impacted. The exception being skylarks which were present in low numbers (two singing males recorded). The assessment concluded that there would be temporary displacement of this species during construction but no long-term adverse effects on local populations of this species due to improved foraging and potentially breeding opportunities resulting from the operational solar farm.

An otter and water vole survey has now been submitted. The measures in the report, which include stand-off buffer of at least 5-6m from the banks of onsite ditches, pre-commencement check by an experienced ecologist, and implementation of reasonable avoidance measures (RAMs) during construction.

Runoff control and pollution prevention to protect aquatic/bankside habitats should be incorporated into the CEMP.

The introduction of wildflower meadow mix to the site is welcomed, however, from the information submitted it appears that this will be only a very small proportion of the site limited to the area outside of the fence and on the edges of existing ditches, and woodlands. **The vast majority will be 'low maintenance pasture'** and more wildflower grassland would be the preferred approach. The agent has suggested that there is scope for the grazing mix below the solar panels to be reviewed and this could be achieved through a planning condition to secure a detailed landscaping scheme for the site. Such a condition should be included.

The Protection measures and the legislative compliance measures included in table 5.1.1 of the Ecological Assessment Report should be implemented in full secured through condition.

### Biodiversity Management Plan (BMP)

The replacement of failed tree and shrub planting (section 5.1.3) should be for at least 5 years. In addition to this it is important that the hedges and tree belts on the site are retained and maintained intact for the lifetime of the project; this should be clear within the BMP.

Notwithstanding the content of the BMP submitted, an updated version of this document should be secured to take into account measures including

- o reasonable avoidance measures (RAMs) for otter and water voles,
- o update to the management of hedges as detailed in the landscape and visual matters note, i.e. that hedgerows would be maintained to a minimum height of 3-3.5m and would be allowed to grow out to 5m before being re-cut
- o management of woodland and tree belts.

A tree protection plan should be conditioned (see section 3.1.2 of the Biodiversity Management Plan)

### Landscape

The methodology of the landscape and visual assessment is acceptable in relation to the effects of the solar farm, and generally follows GLIVA3. The methodology sets a high bar for what is considered to be significant. In section 5.3.12 the report states that ***judgement in relation to this LVIA is that a greater than 'moderate' level of effect is more likely to be significant. This is because such an effect would generally result from larger magnitudes of change on higher sensitivity receptors.***

The amended proposals which set the panels further back from the site boundaries in the south and east have reduced the potential for visual effects from the adjacent PRow including in the winter when views through hedges are more likely. Where there are existing gaps (viewpoints 3 and 9) setting back the security fence and panels will reduce the residual effects both in the short term, because the panels will recede, and in the long term as screening becomes more effective. There remain some longer views from the wider countryside however these are confined to the agricultural land to the northwest and southeast where there are few, if any, receptors.

The changes to the visual assessment are shown in the table below to reduce the significance of long-term effects.

The *Landscape and Visual Matters Note/Response (September 21)* argues that the beneficial effects on the landscape fabric reported in the ES will arise from the long-term retention of hedgerows and species rich grassland which would endure following decommissioning. Whilst it is agreed that any hedges and woodland planting might be retained when the development site reverts to arable (section 4.3.37), there is no guarantee of this or that the species rich grassland would be retained.

Detailed landscape proposals for the site should be conditioned.

Summary of effects as assessed in the landscape report

	Construction	Year 1 operation	Residual
Landscape character - Lowland Village Chalklands and Rolling Estate Chalklands	-	Adverse, not significant	Beneficial
Planned Peat Fen and Settled Fenlands	-	Adverse, not significant	Beneficial
Viewpoint 1- Landwade Road	-	Moderate adv	Moderate adv
2 - Public byway, at Site boundary (NE corner)	Significant	Min/mod adv	<del>Min/mod adv</del> negligible
3 - Public byway, at Site boundary (East)	Significant	Significant Mod/major adv	<del>Moderate adv</del> Min/mod adv
8 - North End Road (south at corner)	-	Minor/mod adv	Minor/mod adv
9- Haycroft Lane (southern edge)	Significant	Significant Mod/major adv	Negligible
4 - Haycroft Lane (southwest)	Significant	Moderate adv	Negligible
5 - Ness Lane, Burwell (north east corner of settlement)	-	Negligible	Negligible
6 - Lay-by, Ness Road	-	Minor adv	Minor adv
10 - Ness Road, opposite Site entrance/ Breach cottages	Significant	Minor adv	Minor adv
7 - Ness Road, near High Ness Farm	-	Minor/mod adv	Minor/mod adv

The landscape report makes the point in section 5.3.11 that the *acceptability of landscape and visual effects is a matter to be weighed in the planning balance alongside other factors. What is important is that the likely environmental effects of any proposal are transparently assessed and described in order that the relevant determining authority can bring a balanced and well-informed judgement to bear as part of the decision-making process.*

Planning policy DM13 requires that landscape mitigation and compensation measures should be implemented to ensure that harm to the locally distinctive character is

minimised. Additional mitigation has been included to reduce the effects from the PRow with consequential reduction of the wider glimpsed views.

Policy DM 13 also requires that development proposals should demonstrate that their location scale, design, and materials will protect and where possible enhance the character of the landscape, including the settings of settlements. There is concern that the proposed development would impact the setting of Burwell, an island in the fenland landscape.

### Landscape proposals

The Landscape proposals are shown on plan 2921-01-12. The plan illustrates the network of roads which will be surfaced and amount to 3.1km. Many of these roads are shown to be located immediately adjacent to the existing woodland tree and hedge network, however these must be outside of the 5-6m easement proposed for these features (5.5.15).

More information is required about the management that would be undertaken to minimise shading of taller hedgerows and tree belts (section 5.2.2). Sufficient easements should be required so that these interventions are not required as this is likely to have an effect on the amenity of the woodlands/tree belts and their ability to provide effective landscape mitigation. The retention of the tree belts for the lifetime of the project is required.

Topping of trees is not considered to be an appropriate form of woodland management; it can contribute to reduction in life expectancy of some trees. Where there is concern that adjacent trees are likely to overshadow panels in the future, the panels should be set back to avoid this occurring. The applicant should submit a tree shadow plan to illustrate the shadow pattern of the tree-belts and demonstrate that the solar farm has been designed to avoid impacts associated with inappropriate future management.

### CEMP

If planning permission is to be approved a project specific construction environmental management plan (CEMP) must be secured. The aims and scope of the CEMP should reflect that set out in the ES at sections 4.3.32-33 and include the following measures set out in the landscape assessment section 5.5.1, 5.5.4 and 5.5.10 should include:

- Measures to ensure the successful retention of existing vegetation (for example, use of protective fencing);
- Measures taken to limit the effects of temporary construction lighting;
- Protocols governing the establishment of the temporary **contractor's** compound(s), to reduce any potential adverse effects upon the amenity of the surrounding area
- Provisions for public communication to inform local people and footpath/cycle route users about construction activities at the site



**21/01142/FUL**

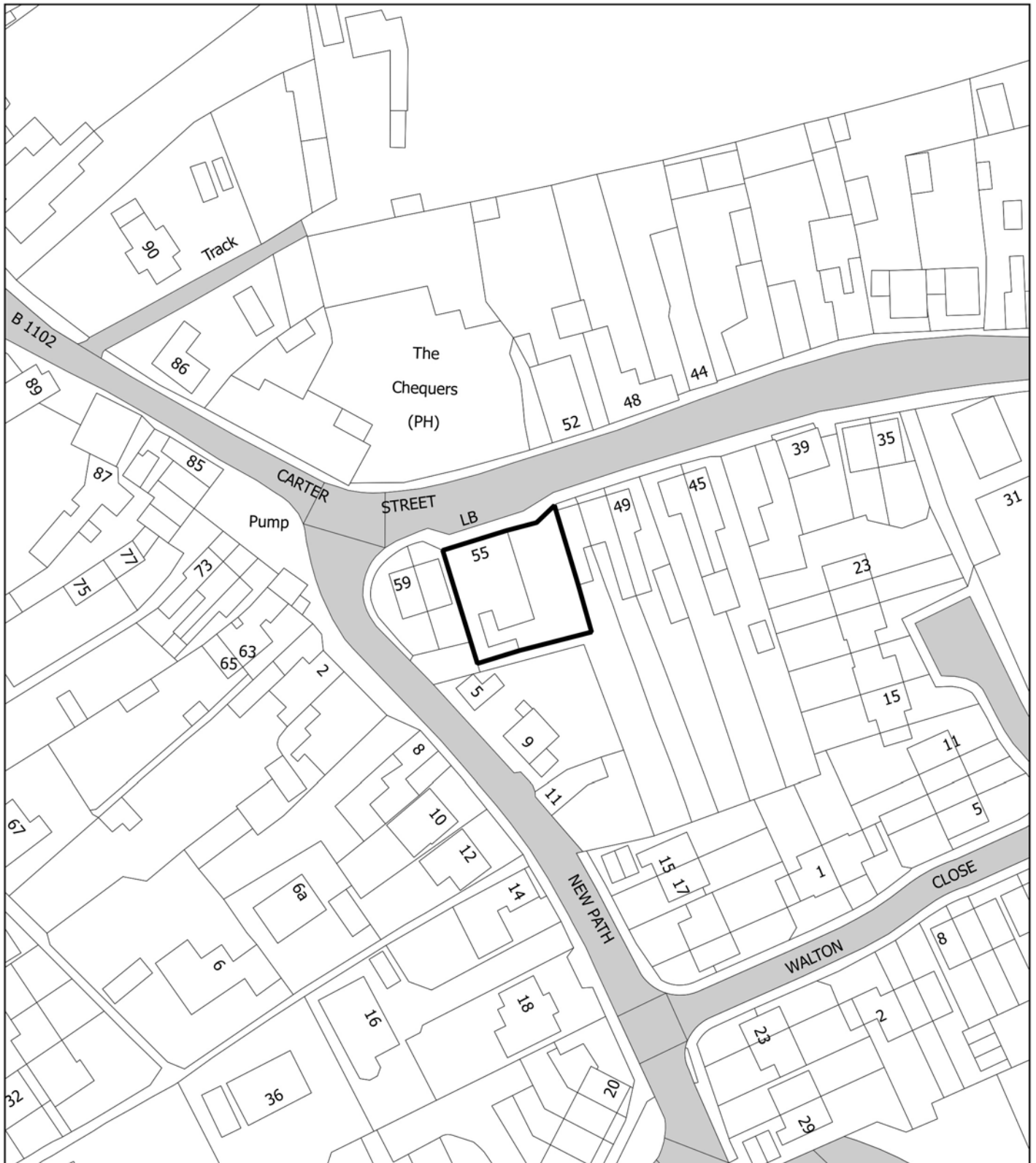
55 Carter Street  
Fordham  
Ely  
Cambridgeshire  
CB7 5NG

Proposed Part Change of Use from Retail (A1) to Takeaway (Sui-Generis)

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=QX9I69GGLTN00>





21/01142/FUL

55 Carter Street  
Fordham



East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 21/01142/FUL

**Proposal:** Proposed Part Change of Use from Retail (A1) to Takeaway (Sui-Generis)

**Site Address:** 55 Carter Street Fordham Ely Cambridgeshire CB7 5NG

**Applicant:** S V Garages UK Ltd

**Case Officer:** Rachael Forbes Planning Officer

**Parish:** Fordham

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

**Date Received:** 3 August 2021      **Expiry Date:** 8<sup>th</sup> December 2021

**Report Number W122**

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

The proposed development fails to provide sufficient levels of car parking provision for the intensification of use proposed and this under provision is likely to lead to increased demand for on street car parking spaces in an area where existing commercial premises and residential dwellings rely on on-street parking. No justification has been provided for the lower levels of parking provision. Furthermore, there is no space on site for turning and manoeuvring to allow vehicles to leave the site in a forward gear. This will result in vehicles reversing out on to a busy road and a blind bend. The proposal is therefore contrary to Policies COM 4, COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015, Policy 11 of the Fordham Neighbourhood Plan and chapters 9 and 12 of the NPPF which seek all developments to provide a safe access and adequate car parking.

**2.0 SUMMARY OF APPLICATION****2.1** The application seeks the proposed part change of use from an existing retail unit to a Takeaway (Sui Generis). The application sets out that the Takeaway would occupy 127sqm (1367.02sqft) of the existing building and the retail use would retain 66sqm (710.418sqft).

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

2.3 The application has been called into Planning Committee by Cllr Huffer for the following reason:

'Following the Fordham Parish Council meeting on Monday, I have been asked to call this item into Committee as they believe that the parking requirement is unfair and unnecessary and the notion of a facility such as this has much local support'.

### 3.0 PLANNING HISTORY

3.1

74/00475/FUL	NEW SHOP FRONT	Approved	05.11.1974
96/00244/FUL	Installation of roller security shutter to entrance/exit (Retrospective).	Approved	24.05.1996
97/00705/FUL	Enclosure of rear yard to form Bakery Preparation Room	Approved	28.10.1997
00/00905/ADI	CO-OP Logo & Letterings, Service Menu, Projector Sign	Approved	03.01.2001
03/00226/FUL	Installation of ATM and accompanying satellite dish	Approved	30.04.2003
03/00227/ADI	Projecting sign and ATM surround	Approved	30.04.2003
09/00454/ADI	1no fascia sign and 1 double-sided hanging sign	Approved	10.08.2009
20/01481/FUL	Change of use of ground floor space from retail to cafe, development of two residential units at first floor level and extensions and alterations including parking arrangements	Application withdrawn	06.04.2021

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 55 Carter Street is occupied by a vacant single storey food store, which was previously the Co-op which has been relocated to the site opposite. The site is within the development envelope of Fordham. It is within the vicinity of two Listed Buildings; 79, 81, 83 and 85 Carter Street (NHLE 1126387) which consists of four cottages under one listing and The Chequers (NHLE 1126388). The street scene is a mixture of residential and commercial, however the buildings immediately surrounding 55 Carter Street are residential.

#### 5.0 RESPONSES FROM CONSULTEES

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

##### 5.2 **Parish Council** - 25 August 2021

'Whilst Fordham Parish Council cannot see any planning reasons to object - the main concerns remain regarding road safety issues and the danger of constant heavy traffic. We have received several letters of objection from residents. Fordham Parish Council uphold their concerns and hope the environmental issues will be taken into account when considering this application.'

##### 5.3 **Ward Councillors** – 28<sup>th</sup> October 2021

Following the Fordham Parish Council meeting on Monday, I have been asked to call this item into Committee as they believe that the parking requirement is unfair and unnecessary and the notion of a facility such as this has much local support.

##### 5.4 **Technical Officer Access** - 19 August 2021

1. An accessible parking space should be considered in the small car park.
2. Ramps to be provided to the door to the takeaway and the shop.
3. Automatic doors preferred.
4. Provision of a lower counter area for those customers in wheelchairs.
5. Signage to be in clear fonts with good colour contrast.
6. Step free access at customer entrance.
7. The counter should be at suitable heights to accommodate all customers.
8. Flexible seating preferred as this then accommodates all customers
9. Any on site parking should include Blue Badge spaces laid out to part M.

##### 5.5 **Local Highways Authority** - 24 August 2021

'I have no objection to this application as the proposals do not include changes to the existing off-street car parking, the access or existing layby.'

##### 5.6 **Local Highways Authority** - 1 September 2021

'Upon discussion with the case officer, it has become apparent that the proposal is likely to result in a material intensification of use of the site. To ensure the proposals do not have negative safety implications, the applicant should demonstrate that

appropriate levels of off-street parking can be provided in accordance with East Cambridge Local Plan parking policy for the intended use class and scale of development.

In response to the anticipated intensification, the car park access will need to be a minimum of 5m in width with 2m x 2m visibility splays to either side. Sufficient space will also be required internally to allow all anticipated vehicles to turnaround so that reversing onto Carter Street (at the location of a blind bend) is avoided.'

5.7 **Environmental Health** - 18 August 2021

'I don't have any issues to raise with the proposed hours of opening in Section 19 of the Application Form and would request that they are conditioned. I would also request that deliveries to the business are also restricted to these times.

Section 9 of the Planning Statement advises -

"The use of the unit as a takeaway fish and chip shop will possibly give rise to cooking smells. Therefore prior to occupation and as part of the detailed design a specialist contractor will be appointed to design the extraction and filtrations systems. The final details are to be confirmed and can be subject to a condition within the planning consent."

I would also request that a noise assessment, undertaken by a competent person, shall be submitted specifying the predicted impact of noise on noise sensitive properties and shall detail mitigation measures (if necessary) to ensure noise levels at sensitive receivers are within appropriate limits. Mitigation measures shall be agreed in writing with the local planning authority and implemented prior to the use of the development and adhered to thereafter. This noise assessment should be measured and/or calculated in accordance with BS 4142:2014+A1:2019.'

5.8 **Waste Strategy (ECDC)** - 13 August 2021

'The waste team would request that a litter bin is provided by the shop and taken in each night at the end of trade or a permanent bin is fitted at the front of the shop for which the business would be responsible for emptying in order to limit the volume of loose waste that might affect the nearby area.'

5.9 **CCC Growth & Development** - No Comments Received

5.10 **Conservation Officer** - 11 August 2021

'No conservation implications'

5.11 A site notice was displayed near the site on 24 August 2021 and a press advert was published in the Cambridge Evening News on 12 August 2021.

5.12 **Neighbours** – 12 neighbouring properties were notified and the responses received are summarised below. Nine letters of objection have been received; seven of these from separate addresses and two additional comments from addresses that had

already objected. 1 letter of support has been received. A full copy of the responses are available on the Council's website.

Several of the letters of objection also included pictures of the parking situation and the highway safety issues.

#### Highway Safety & Parking:

- Very busy road and dangerous bend.
- The exits from the new Co-op and Chequers are blind.
- There has already been one death since the relocation of the Co-op.
- There is already competition for on-street parking from existing properties and those accessing commercial facilities in the area.
- The current car parking at 55 Carter Street is limited (5 spaces) which leaves little space for customers if they are planning for four staff and with a restricted turning area.
- Existing safety issues with daily 'near misses' from traffic on the bend with numerous daily delivery lorries turning into and existing the Co-op car park, vehicles crossing oncoming traffic from a blind bend, along with buses and agricultural traffic.
- There have been several accidents, regular damage to parked cars and one pedestrian fatality.
- A fish and chip shop will lead to increased traffic at the same time as the evening peak travel time. The proposal would not reduce the number of cars travelling to this particular area of Fordham or parking in this already congested area.
- The customers of the Co-op do not use the car park and park on the street.
- The Local Highway Authority officer's comments are brief and lack detail.

#### Impact on the Street Scene:

- The proposal will not enhance the street scene, it will lower the character of Carter Street which includes historic buildings as mentioned in the Fordham Neighbourhood Plan.
- It is not in keeping to have a takeaway next to Victorian houses and opposite Listed Buildings.
- The signage of such establishments is rarely in keeping with the character of a small village.
- This development may detract from a Locally Important View outlined as historically important in the Fordham Neighbourhood Plan. (FV06 – View west along Carter Street to The Chequers and The Pound).

#### Noise:

- Trading hours until 10pm will encourage loitering and noise late at night outside. If the application is successful, trading hours should be until 9.30pm.
- If approved, could deliveries be 08:00-17:00 Monday-Friday and 08:00-13:00 Saturday and none on Sunday.
- Concerns regarding the noise generated from extraction fans, refrigerator fans or extraction exhausts and odour from fat fryers. If approved, there should be

provision of good quality extraction fans on external walls and an odour protection system on exhausts.

- Concerns regarding the potential for anti-social behaviour and damages.
- An increased amount of noise and pollution has already been witnessed as a result of the expansion of the Co-op.
- Would like to see details of extraction systems that will be used for the fryer as residents already suffer from odours from the existing Chinese and Indian takeaways.
- There are already 12+ chip shops within a 6 mile radius.

Drainage:

- There are issues with drains on the road outside and 'ponding'. During heavy rain there is a large puddle of surface water from 53-55 Carter Street.

Other:

- Concerns regarding litter and waste disposal.
- No information has been provided about the second business (the shop). A shop and takeaway in this area is overdevelopment.
- There are outlets on the new estate with parking where this would be more appropriate.
- The takeaway is not appropriate for a residential area due to privacy issues, noise and general disturbance.

One letter of support has been received raising the following points:

- The building has an established use for retail and existing car parking arrangements have existed for many years.
- The dangers to pedestrians will exist whether the site is retail or residential.
- The change of use will have little impact on car parking requirements as the fish and chip shop will be open limited hours, unlike the previous shop.
- The busy road bend will always be an issue but this property is on the right-hand side of the bend where there is good visibility.
- Fordham Parish Council have been successful in a bid to provide safety measures in this location.

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 3	Shop fronts and advertisements
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 12	Listed Buildings

COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Fordham Neighbourhood Plan 2018

Policy 2: Character and Design  
 Policy 6: Locally Important Views  
 Policy 8: Wildlife & Habitats  
 Policy 11: Car Parking

6.3 Supplementary Planning Documents

Shop Fronts Design Guide  
 Flood and Water  
 Natural Environment SPD  
 Climate Change SPD

6.4 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 6 Building a strong competitive economy
- 7 Ensuring the vitality of town centres
- 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 & enhancing the historic environment

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

The main considerations in the determination of this application are the principle of development, visual impact and impact on the heritage assets, residential amenity, highway safety and parking, ecology, flood risk and drainage and any other matters.

7.1 Principle of Development:

7.2 The application seeks the part change of use from an existing retail unit to a takeaway. The proposed takeaway will occupy 127sqm (1367.02sqft) of the existing building and the retail use would retain 66sqm (710.418sqft). The existing Use Class of the building is E(a) which is the display or retail sale of goods, other than hot food. The takeaway use is Sui Generis, which means 'a class of its own'. This use is specifically defined and excluded from classification by legislation.

7.3 The Use Class Order was amended in September 2020. Retail was previously classed as A1 and takeaway as A5. The East Cambridgeshire Local Plan, 2015 still uses the pre-September 2020 Use Classes in the policies. For the purposes of this

report, Use Classes shall be referred to by the current classes, E(a) and Sui Generis, unless referring to specific policies, specifically COM 8, Parking Provision.

- 7.4 Policy GROWTH 2 states that within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted provided that there is no significant adverse impact on the character and appearance of the area and that all material planning considerations are satisfied.
- 7.5 Policy COM 1 states that the approach of the policy seeks to focus main town centre uses within the identified town centres in the district (Ely, Littleport and Soham), wherever possible, however it is recognised that small scale local facilities such as food outlets are vital for the sustainability of many rural communities within the district. Support may be given to the provision of small-scale localised facilities in villages and neighbourhoods outside town centres (such as corner shops, food and drink outlets and small-scale leisure facilities), where it can be demonstrated that the development would meet a clear localised neighbourhood need and the development is not of a scale and type which should be located within identified town centres.
- 7.6 Policy COM 4 states that proposals for new or improved community facilities should be located within settlement boundaries wherever possible. Proposals for all new or improved community facilities should be well located and accessible to its catchment population (including by foot and cycle), not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated, not have a significant adverse impact on the character of the locality, or the amenity of nearby properties, demonstrate that opportunities to maximise shared use have been explored and be designed to facilitate future adaptation for alternative community uses or shared use.
- 7.7 In respect of Policy COM 1, it is considered that the proposed takeaway would fall into the remit of a small-scale localised facility and is not of such a scale and type that it should be located in an identified town centre. There has not been a demonstration of a clear localised need, however, the takeaway is proposed to be situated within existing commercial premises and there are other types of takeaway present in the area. In respect of need, the Councillor call in states that there is much local support, however, many objections from residents have also been received, with only 1 letter of support, as summarised within paragraph 5.12 above.
- 7.8 In respect of COM 4, it is considered that the proposal would be well located and accessible to its catchment population and would not have a significant adverse impact on the character and appearance of the area. It is considered that the proposal represents a shared use and could be adapted for future community uses, as Takeaways (Sui Generis) can change use to Class E without planning permission. It is considered that with the imposition of planning conditions that the proposal would not result in a significant impact to residential amenity, however, the proposal would have a detrimental adverse impact to highway safety, which is fully assessed in the relevant section.
- 7.9 While the proposal is considered to comply with Policy GROWTH 2 and broadly comply with the objectives of Policy COM 1, the proposal is considered contrary to Policy COM 4 due to the detrimental impact to highway safety.

- 7.10 Visual Amenity and Impact on the Heritage Assets:
- 7.11 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.
- 7.12 Policy ENV 2 states all new development proposals, including extensions and alterations to existing buildings and structures will be expected to ensure 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.
- 7.13 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Listed Buildings.
- 7.14 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 states that proposals that affect the setting of a Listed Building will only be permitted where they would:
- Preserve or enhance those elements that make a positive contribution or better reveal the significance of the heritage asset
  - Not materially harm the immediate or wider setting of the Listed Building
  - Facilitate the long-term preservation of the building.
- 7.15 Policy COM 4 states that proposals for new or improved community facilities should not have a significant adverse impact on the character of the locality.
- 7.16 Policy 2 (Character and Design) of the Fordham Neighbourhood Plan states that delivering high quality design is responding to context, such as the size and shape of the site; views of the site, nearby buildings or other features; topography of the site and its surrounds; and materials and vernacular design. Proposals can respond positively to context through the mix of buildings, their scale, their height, their bulk, the space between buildings and their positions, materials used, rhythm of the building and its fenestration, roof angles, landscaping, and specific design features, amongst many other considerations.
- 7.17 Policy 6 (Locally Important Views) of the Fordham Neighbourhood Plan states that development proposals should not obstruct or detract from a Locally Important View. Any proposal that has potential to impact on these views should be accompanied by supporting information to demonstrate why the proposal will not have a negative impact on the view.
- 7.18 The proposal seeks to divide an existing building for part use as a takeaway and part use as a shop. The Planning Statement sets out that the internal and external shop areas would be refurbished to meet with the requirements of the prospective tenant, however, the existing shop front would generally be retained with minor alterations to provide dedicated access doors and signage fascia to both units. There is no proposal to change the side and rear elevations of the property or to alter the configuration of the existing outbuildings to the rear or the car parking

arrangement. The Planning Statement does note that the final design, material and colour choice including signage for the new shop fronts are yet to be confirmed. The signage is likely to require advert consent which is a separate application process.

- 7.19 The main change to the exterior is the replacement of one of the existing windows to provide a door to the shop, as the takeaway will utilise the existing door. The plans note that the windows and doors will be powder coated aluminium framed double glazed windows and doors; this appears to be the existing situation.
- 7.20 The Planning Statement sets out that the proposal will enhance the street scene. There have been comments submitted that the proposal would not enhance the street scene and it will lower the character of Carter Street, that it may detract from a Locally Important View and that it is not in keeping to have a takeaway next to Victorian houses and opposite Listed Buildings. The existing building is more modern than most in the street scene and therefore is not necessarily in keeping with the street scene at present, however, the proposal does not significantly change the external appearance of the building. Details of the final design, including materials and colour of the shop front could be conditioned, which would give the Local Planning Authority control over this element and as noted above, the signage would require a separate application for advert consent. It is considered that in views west along Carter Street, that the building is not especially visible; it is lower in height than those around it and subject to an appropriate shop front design and signage, would not be any more visible than it is at present. Any shop front design and signage would need to comply with the guidance set out in the Shop Front Design Guide SPD and Policy ENV 3 of the Local Plan.
- 7.21 The existing building is in the vicinity of two Listed Buildings, 79, 81, 83 and 85 Carter Street (NHLE 1126387) which are four cottages under one listing and The Chequers (NHLE 1126388). As noted above, there are very few external changes proposed and therefore it is considered that the proposal would not result in harm to the setting of the Listed Buildings. The Conservation Officer has been consulted as part of the application has commented that the proposal has no conservation implications.
- 7.22 It is considered that the proposal would not result in significant harm to the character and appearance of the area, would not result in harm to the setting of the Listed Building and would not detract from a Locally Important View and is therefore considered to comply with Policies ENV 1, ENV 2, ENV 12 and COM 4 of the East Cambridgeshire Local Plan, 2015 and Policies 2 and 6 of the Fordham Neighbourhood Plan.
- 7.23 Residential Amenity:
- 7.24 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.25 Policy 2 of the Fordham Neighbourhood Plan states that development proposals must deliver high quality design through providing adequate amenity space for

future occupiers of the proposals and not resulting in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.

- 7.26 Policy COM 4 states that proposals for new or improved community facilities should not have a significant adverse impact on the amenity of nearby properties.
- 7.27 55 Carter Street has five immediately adjacent neighbours; 51, 53, 55 and 59 Carter Street and 9 New Path. Nine letters of objection have been received; seven of these from separate addresses and two additional comments from addresses that had already objected.
- 7.28 The objections raised in respect of residential amenity are largely in relation to noise and disturbance, parking and privacy. In respect of noise and disturbance the specific issues raised are trading hours, deliveries, noise from cooking equipment, anti-social behaviour and litter. The proposed opening times are 12:00-14:30 and 17:00-22:00 Monday-Saturday. Concern has been raised that the late opening hours will encourage loitering and noise late at night. The opening hours proposed are similar to those at other nearby businesses. The Co-op is open from 07:00-22:00 every day, The Chequers is open 17:30-22:00 every day and the Chinese restaurant (Links) is open 17:30-22:45 Monday to Thursday, 12:00-14:00 and 17:30-22:45 Friday and Saturday and is closed on Sunday.
- 7.29 The Council's Environmental Health Officer has commented that they have no issues to raise with the proposed opening hours and would request that they are conditioned and have also requested that deliveries to the business are restricted to these times.
- 7.30 In respect of cooking equipment, the Planning Statement acknowledges that the use will give rise to cooking smells and therefore a specialist contractor would be appointed to design the extraction and filtration system. This is also noted on the submitted drawing WPCL0452 PL-03. The Council's Environmental Health Officer has not requested that these are submitted as part of the application and therefore these details could be sought via a planning condition.
- 7.31 The Council's Environmental Health Officer has requested that a noise assessment is submitted specifying the predicted impact of noise on noise sensitive properties and detail any mitigation measures necessary to ensure noise levels at sensitive receivers are within appropriate limits. He has confirmed that this can be sought via a condition.
- 7.32 In respect of anti-social behaviour, the property is an existing commercial property which could be brought back into use as a shop or any other use within Class E without requiring planning permission. Furthermore, the surrounding commercial premises have similar opening hours and the takeaway will not open any later than the Co-op situated across the road or the other two takeaways mentioned above.
- 7.33 In respect of litter, the Planning Statement sets out that a bin store and waste recycle store would be provided to the rear of the car parking areas. The Council's Waste Strategy Team have requested that a litter bin is provided by the shop and taken in each night at the end of trade or a permanent bin is fitted at the front of the shop for which the business would be responsible for emptying in order to limit the

volume of loose waste that might affect the nearby area. It is considered that details of this could be secured by condition.

- 7.34 In respect of privacy, with the exception of the changes to the shop front detailed above, there are no other changes proposed to the outside of the building and no additional windows are proposed. It is therefore considered that the proposal would not result in an overlooking impact to neighbouring properties. Further to this, as there is no change to the dimensions of the building, it is considered that there will be no impact in respect of overbearing and overshadowing over and above that which may already exist.
- 7.35 It is considered that many of the issues raised in respect of the impacts to residential amenity could be controlled by the imposition of a suitably worded condition. The proposal is therefore considered not to result in significant adverse impacts to residential amenity and is therefore considered to comply with Policies ENV 2 and COM 4 of the East Cambridgeshire Local Plan, 2015 and Policy 2 of the Fordham Neighbourhood Plan.
- 7.36 Highway Safety and Parking:
- 7.37 Policy COM 4 states that proposals for new or improved community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated.
- 7.38 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network.
- 7.39 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards.
- 7.40 Policy 11 (Car Parking) of the Fordham Neighbourhood Plan states that development proposals will be required to meet the parking standards in the up to date Local Plan as a minimum and proposals which exceed this minimum will, in principle, be welcomed, provided this does not give rise to a poor quality design overall and proposals that are likely to result in unplanned on-street parking will not be supported.
- 7.41 There have been multiple concerns raised by residents around the highway safety and parking issues resulting from this application including that the road is already busy and there is a dangerous bend, competition for on street parking, limited parking at the site and existing safety issues which would be exacerbated by the development.
- 7.42 In their initial comments, Fordham Parish Council stated that the main concern remained regarding road safety issues and the danger of constant heavy traffic, however they could not see any planning reason to object. The reason for the committee call in is that the parking requirement is unfair and unnecessary.
- 7.43 There are no records of when the existing building was built; the oldest record of a planning application is from 1974 which was for a new shop front. The address

listed is Co-op Stores. The existing car park has approximately 5 spaces, however no detailed parking provision has been shown on the submitted drawings.

- 7.44 The East Cambridgeshire Local Plan, 2015 states that for A1 retail food, the car parking space requirement is up to 1 space per 14m<sup>2</sup>, (150.695sqft) for A1 retail non food, the car parking space requirement is up to 1 space per 20m<sup>2</sup> (215.278sqft) and for A5 takeaway the car parking space requirement is up to 1 space per 5m<sup>2</sup> (53.8196sqft).
- 7.45 The Council's car parking standards split A1 use into two types; A1: Retail (food) and A1: Retail (non-food). It is unknown which A1 category the shop would fall into (food or non food) but the parking spaces required for A1 retail food and takeaway would be 30.1 spaces and the requirement for A1 retail non food and takeaway would be 28.7 spaces. The proposed site plan shows the shop section is not included in the red line but is shown in the blue line and it is unclear as to whether the car park will be solely for the use of the takeaway or for both uses. For the takeaway use alone, 25.4 spaces would be required. Even when only taking the takeaway use into account, the shortfall is 20.4 spaces, which will increase if the A1 (whether it is food or non-food) use is also taken into account. The proposal is contrary to Policy 11 of the Fordham Neighbourhood Plan as it does not meet the parking standards which the Neighbourhood Plan sets out should be met as a minimum.
- 7.46 It should be noted that although the shop section of the proposal does not require planning permission, it has not been included in the red line on the proposed site plan and therefore may lose all its parking to the takeaway.
- 7.47 Officers note that the existing building could be used as a shop as this is the lawful use of the building and it would have less parking than the requirements set out in the Local Plan. However, the parking provision in the Local Plan is higher for a takeaway than it is for a shop which indicates that it is considered to be a much more intensive use.
- 7.48 As well as being significantly short of parking spaces, the site also has no space for turning and manoeuvring which could potentially lead to vehicles reversing out of the site onto a busy road with a blind bend and potentially clashing with the entrance to the Co-op directly opposite. There is also no scope for the turning, manoeuvring or parking of delivery vehicles. Furthermore, the application form states that there will be four full time employees and although it is unlikely they would all be on shift at the same time, there is potential that they could occupy some of the limited parking spaces available, reducing the car parking even further for visitors.
- 7.49 The Local Highway Authority (LHA) have been consulted as part of the application and initially raised no objection to the proposal as it did not propose changes to the existing off-street parking, access or existing layby. However, upon discussion with the case officer and an explanation that we are still applying the existing parking standards in the Local Plan to the new use classes, the LHA revised their response and commented that the applicant should demonstrate that appropriate levels of off-street parking can be provided, the access would need to be a minimum of 5m (16.4042ft) in width with 2m (6.56ft) x 2m visibility splays to either side and sufficient

space would also be required internally to allow all anticipated vehicles to turnaround so that reversing onto Carter Street (at the location of a blind bend) is avoided.

- 7.50 It is noted that application 17/00146/FUL for the relocation of the Co-op was refused at Planning Committee with the first reason for refusal being the impact to highway safety and the second being the shortfall of parking spaces. This decision was overturned on appeal as the Planning Inspector considered that the proposal would not result in a detrimental impact to highway safety and that there was sufficient parking provided. The Council considered that 38 spaces were required, however, 23 spaces was considered sufficient by the Inspector. Given that the new Co-op site has a shortfall of 15 spaces under what is required by the Local Plan, the under provision of car parking at 55 Carter Street is only likely to exacerbate the competition for on street parking in the area. It is noted that in the Planning/Heritage Statement for 17/00146/FUL, the applicant had stated that the increased amount of parking spaces at the new Co-op site would reduce the threat of on-street parking when compared to the existing store (the site subject to this application).
- 7.51 It is considered that the under provision of parking, along with the intensification in use of the site would result in a detrimental impact to highway safety. The significant lack of parking spaces would result in increased competition for on street parking on a busy road which has several commercial properties in close proximity to each other and residential dwellings which also rely on on-street parking. It would also result in unplanned on-street parking, contrary to the Fordham Neighbourhood Plan. Furthermore, the site does not have sufficient space for vehicles to turn, manoeuvre and leave the site in a forward gear.
- 7.52 The proposal is therefore considered contrary to Policies COM 7, COM 8 of the East Cambridgeshire Local Plan, 2015 and Policy 11 of the Fordham Neighbourhood Plan.
- 7.53 Ecology:
- 7.54 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development 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. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 7.55 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.

- 7.56 Policy 8 (Wildlife and Habitats) of the Fordham Neighbourhood Plan states that 'Overall a net gain in biodiversity should be achieved, demonstrated by appropriate evidence prepared by a suitably qualified person on behalf of the applicant.'
- 7.57 The Planning Statement states that as the proposal is on an existing commercial site, the potential for impacts to biodiversity would be low. Officers agree with this statement given that the site consists of the existing building and a car park area. Although net gain has not been demonstrated as part of the application, it is considered that the limited physical changes proposed to the building do not lend themselves to biodiversity enhancements. The existing building is likely to be too low for bat or bird boxes and the yard is hardstanding. Given this, it is considered that it would not be reasonable to seek a scheme of biodiversity enhancements on this occasion.
- 7.58 The proposal is therefore considered to comply with Policy ENV 7 of the East Cambridgeshire Local Plan, 2015, the Natural Environment SPD and Policy 8 of the Fordham Neighbourhood Plan.
- 7.59 Flood Risk and Drainage:
- 7.60 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where:
- It would intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigation measures can be agreed and implemented.
  - It would increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or by impeding the flow or storage of flood water.
  - It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
  - The risk of flooding would cause an unacceptable risk to safety; or
  - Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowance.
- 7.61 The site is within flood zone 1 and is therefore within an area at the lowest risk of flooding and therefore the development at this location is considered to be acceptable.
- 7.62 There have been comments made that there are issues with drains on the road outside and 'ponding' and during heavy rain there is a large puddle of surface water from 53-55 Carter Street. The proposed change of use is not creating any additional footprint or hardstanding and therefore it is unlikely that it will result in additional impacts to surface water drainage.
- 7.63 The proposal is therefore considered to comply with Policy ENV 8 of the East Cambridgeshire Local Plan, 2015 and the Flood and Water SPD.

7.64 Other Material Matters:

7.65 There have been comments received that no information has been provided about the second business (the shop) and that a shop and takeaway in this area is overdevelopment. The existing use of the building is Class E and therefore it can be used as a shop without planning permission. As noted above, signage for the shop may require advertisement consent which is a separate process.

7.66 Comments have been received that there are outlets on a new estate in Fordham with parking where this would be more appropriate. While this may be the case, the Local Planning Authority can only assess the application that is in front of them.

7.67 Energy, water efficiency and renewable energy in construction:

7.68 Local Plan Policy ENV4 states: '*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*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. No measures have been put forward as part of the application. While this does weigh against the application, it would not form a reason for refusal.

7.69 Planning Balance:

7.70 It is considered that the proposed part change of the existing building to a takeaway would not result in a significant adverse impact to the character and appearance of the area due to minimal external works taking place. It is considered that subject to robust, appropriately worded conditions seeking details of the extraction and filtration system, a noise impact assessment and provision of a litter bin that the proposal would not result in a significant adverse impact to residential amenity. The proposal is also considered to be acceptable in respect of ecology and flood risk.

7.71 However, the application will result in an intensification of use of the existing site. The proposal has not demonstrated adequate parking levels and the number of spaces available are significantly lower than those set out in Policy COM 8 of the East Cambridgeshire Local Plan, 2015 and it is considered that this will result in further on street parking on a busy road which already has a mixture of commercial and residential uses vying for space. Furthermore, the site has inadequate turning and manoeuvring space which would result in vehicles reversing onto the highway and no provision has been made for delivery vehicles. The site is also located opposite the access to the Co-op and near a blind bend. The proposal is therefore considered to result in a significant detrimental impact to highway safety and is contrary to Policies COM 4, COM 7, COM 8 of the Local Plan, 2015, Policy 11 of the Fordham Neighbourhood Plan and chapters 9 and 12 of the NPPF

8.0 APPENDICES

8.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01142/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555 rachael.forbes@eastcambs.gov.uk
74/00475/FUL	Ely	
96/00244/FUL		
97/00705/FUL		
00/00905/ADI		
03/00226/FUL		
03/00227/ADI		
09/00454/ADI		
20/01481/FUL		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>

Fordham Neighbourhood Plan:

<https://www.eastcambs.gov.uk/sites/default/files/FordhamNPRefVrsn310818.pdf>



**21/01146/FUL**

29 Isaacson Road

Burwell

Cambridge

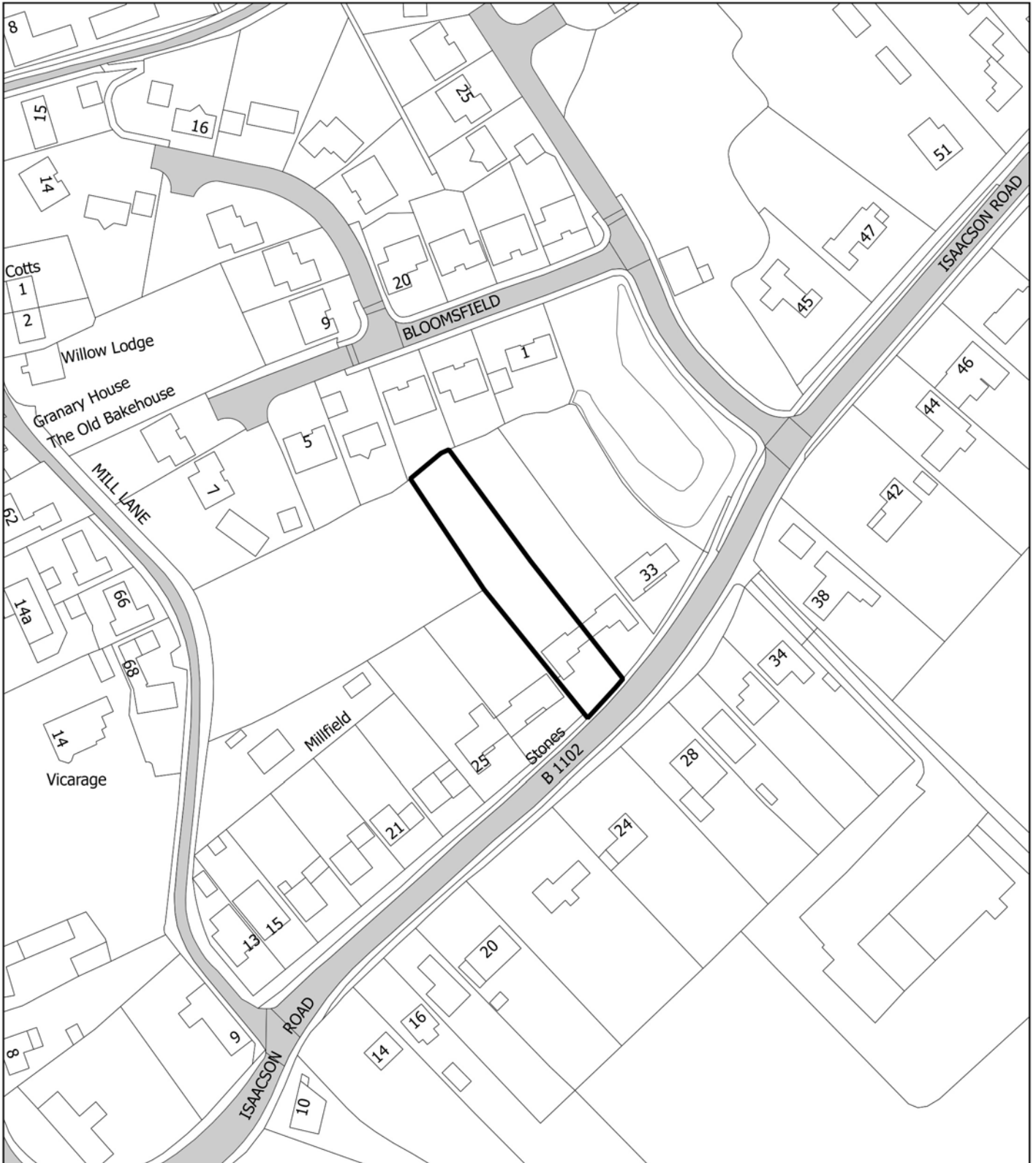
CB25 0AF

Demolition of existing attached garage and proposed two storey side extension

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=QXAZLVGGLU000>





21/01146/FUL

29 Isaacson Road  
Burwell



East Cambridgeshire  
District Council

Date: 17/11/2021  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 21/01146/FUL

**Proposal:** Demolition of existing attached garage and proposed two storey side extension

**Site Address:** 29 Isaacson Road Burwell Cambridge CB25 0AF

**Applicant:** Mr Charles Pilgrim

**Case Officer:** Molly Hood Planning Officer

**Parish:** Burwell

**Ward:** Burwell  
Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received:** 4 August 2021      **Expiry Date:** 7<sup>th</sup> December 2021  
**Report Number W123**

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**1.0**      **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
- 1) The proposal by virtue of its design, scale and siting is considered to result in a dominant and visually harmful development that fails to enhance or enrich the appearance of the existing dwelling or the streetscene. The design and scale of the front projections are detrimental to the character of the dwelling and its wider grouping of the four properties. The proposal fails to have regard for the supplementary planning documents and is not considered to be high quality design in accordance with Chapter 12 of the NPPF. By virtue of its scale, design and location the proposal is considered to result in a form of development which would be substantially harmful to the existing dwelling and the immediate streetscene. As such the proposal is contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD and Chapter 12 of the NPPF.
  - 2) The proposed development, by virtue of its location and fenestration placement is considered to result in significantly detrimental impacts to the residential amenity of No.31 Isaacson Road and No.27 Isaacson Road. The two side elevation windows on the eastern elevation serving the bedroom and playroom would introduce a level of overlooking which is currently not existing and would lead to detrimental overlooking and loss of privacy of No.31. Furthermore, the bedroom window on the west elevation would result in detrimental overlooking to

the amenity area of No.29 Isaacson Road. The introduction of the additional side elevation windows is considered to have cumulative overlooking and perceived overlooking impacts with the existing side and rear elevation fenestration, introducing a degree of glazing which would result in harm to neighbouring properties. As such the proposal is contrary to policy ENV2 of the East Cambridgeshire Local Plan 2015 and Chapter 12 of the NPPF which seeks all new development to ensure there are no significantly detrimental impacts on the residential amenity of nearby occupiers.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission for the demolition of the single storey side projection forming a single garage, utility and study and joins onto the adjacent properties garage. Following its demolition permission is sought for the construction of a two storey side extension to form an integral garage, utility, play room and a new master bedroom with walk-in wardrobe and en-suite. The two storey extension will measure approximately 4.1m (13.4ft) in width, 10.6m (34.7ft) in depth and have a ridge height of 8.5m (27.8ft) and provide an additional front projection.
- 2.2 Permission is also sought for the conversion of the loft space, including raising the ridge height of the existing front projection, the inclusion of three roof lights to the front roof slope and one large dormer to the rear. The loft conversion will also utilise the loft space of the proposed two storey extension.
- 2.3 The application has been called into Planning Committee by Councillor Brown to allow for wider debate on the merits, or otherwise, of the application.
- 2.4 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

16/01481/FUL	Single storey rear extension including demolition of conservatory and loft conversion	Approved	29.12.2016
18/01054/VAR	Variation of condition 1 (Approved Plans) and removal of condition 5 (Visual Screen) of previously approved 16/01481/FUL for single storey rear extension including demolition of conservatory and loft conversion	Approved	24.09.2018

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is a link detached property situated within the defined development envelope for Burwell. The dwelling has a well-sized front curtilage

offering off street parking and a large rear curtilage where part sits adjacent to the boundary for the High Town Conservation Area. The dwelling is joined to No.31 via the garages and shares similarities in its form and design. To the south-west of the site is a further pair of link detached properties, which are again similar in form and design. There are some differences between the properties, as No.27's first floor extends further and No.29 is rendered. The remainder of the wider streetscene is mixed with detached properties that range from single to two storey dwellings.

## 5.0 RESPONSES FROM CONSULTEES

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

### **Conservation Officer - 20 August 2021**

No conservation implications

### **Local Highways Authority - 25 August 2021**

This application is not proposing to make any changes to the existing access to Isaacson Road and is maintaining space for parking and turning. The submitted plans demonstrate that there is space for up to six vehicles to park off-street. However there appears to be only be sufficient space for three vehicles to park if space for turning is to be maintained. As the property is accessed from a B road, vehicles should not be encouraged to reverse into the public highway. I therefore recommend that the LPA consider whether the provision of three parking spaces for a six-bedroom home complies with local policy.

I do not have any other concerns relating to this application. Should the applicant be granted any permission, please append the following conditions.

HW9A: Prior to the commencement of use, any gate or gates to the vehicular access shall be set back a minimum of 5m from the rear edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.

### **Parish - 25 August 2021**

Burwell Parish Council has No Objections to this application

### **Ward Councillors – 8<sup>th</sup> November 2021**

I would like to call-in this application to Planning Committee to allow for a wider debate on the merits, or otherwise, of the application.

5.2 A site notice was displayed near the site on 13 August 2021. Four neighbouring properties were notified. Two responses were received, expressing the following concerns:

- Concerned over the roof of their garage and wall following demolition, referencing the Party Wall Act.
- Concerns were raised about the joint drains on the boundary, both the front and back of the properties.

- The windows on the side and rear of the extension will overlook their private rear amenity space.
- The comments also advise that whilst the extension is balanced it is not subservient.
- We are to the west of No.29 and note the recent amendment which removes some windows and obscure glazes the eastern windows.
- On the west side I would like to propose the window in bedroom 6 is also obscure glazed for privacy, as the bathroom window is already obscured glazed but not sure about the landing.
- As you appreciate this is all to ensure our privacy as these windows look directly over our rear garden and not the side wall as No.29 is set further back into the garden.

5.3 A full copy of the responses are available on the Council's website.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character  
 ENV 2 Design  
 ENV 4 Energy and water efficiency and renewable energy in construction  
 COM 8 Parking provision

### 6.2 Supplementary Planning Documents

Design Guide  
 Climate Change SPD

### 6.3 National Planning Policy Framework 2021

12 Achieving well-designed places  
 14 Meeting the challenge of climate change, flooding and coastal change  
 16 Conserving & enhancing the historic environment

### 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area. It should be noted that the dwelling received permission under application 16/01481/FUL to convert the loft space of the original property, which included one roof light to the front and two dormers on the rear. Permission 16/01481/FUL has been implemented as the single storey rear extension has been constructed, however the loft conversion has not been carried out.

## 7.2 Residential Amenity

- 7.2.1 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. Concerns have been received from both adjacent properties about the level of overlooking and privacy issues from the side elevation windows of the proposal.
- 7.2.2 The proposal involves the demolition of the existing single storey side projection which joins to the neighbours garage. To ensure demolition does not harm the neighbour's amenity construction times could be conditioned and a demolition method statement could be conditioned. Neighbour concerns were expressed over the wall of their garage; however, this is not a material planning consideration and will fall down to the Party Wall Act. The agent has advised that a party wall agreement will be entered into and it is their intention to brick the neighbours garage wall.
- 7.2.3 The application seeks permission to construct a two storey side extension to the north-east of the property. The extension will project 4.1m (13.4ft) from the existing two storey built form and span a depth of 10.6m (10.6ft), allowing a separation distance of 1m (3.2m) from the north-eastern boundary. The neighbouring properties garage will be immediately adjacent to the extension and the built form will span either side of it. Whilst the proposal will introduce a significant level of built form to the side of the property, its location and proximity is not considered to result in detrimental overbearing, overshadowing or oppressive impacts to No.31. Furthermore, the location and scale of the two storey extension is not considered to result in significantly detrimental impacts to the other surrounding properties.
- 7.2.4 The proposal introduces new elevational windows to the side and rear of the property. It is accepted the new bedroom window on the rear elevation will add to the existing level of overlooking but it is not significantly different to the existing rear windows relationship to the neighbouring properties. However, some of the proposed windows pose significant concern to the amenity of the adjacent properties through the cumulative impact through either the new glazing itself or the addition on top of the existing fenestration.
- 7.2.5 On the eastern elevation there is one existing window which serves the bathroom and the current application, after the amendment, proposes five new openings. The proposal has been amended to remove two first floor side elevation windows which served bedroom 1 and made the walk in wardrobe window obscure glazed. The east elevation still includes a bedroom window which will serve the loft conversion and two ground floor windows and door to serve the utility and playroom. The utility door and the more central ground floor playroom window will be situated in line with the adjacent properties garage and are not considered to cause significant harm. The ground floor playroom window nearest the rear of the property will have views towards the neighbouring property and due to the difference in ground levels it is considered the habitable room will overlook No.31. In addition, the eastern loft window of the two storey extension will also overlook No.31.

- 7.2.6 Amendments were requested to remove both of these windows but these were not accepted by the applicant. The topography of the site is sloped down to the north and the property currently has a raised patio beyond the existing rear extension. The two storey extension will follow the same floor levels of the existing dwelling and as such, it will be raised from the ground levels of the garden, meaning the windows will be higher and have greater views to next door. It is considered the introduction of these habitable room windows at both the ground and first floor would result in detrimental harm to the residential amenity of No.31. There will be an introduction of overlooking from the side elevation which will not only compromise the privacy of the rear amenity space due to the height of the bedroom window, but also the rear elevation due to the location of the playroom window.
- 7.2.7 On the western elevation there are five existing elevational windows, three of these serving habitable rooms. The proposal seeks to add a further elevational window to accommodate the loft conversion and this will serve the bedroom. Whilst a loft conversion was accepted previously under application 16/01481/FUL the side elevation window was only to serve the stairway and not a habitable room. This current application has altered the room the window serves and it is considered the window would have significant views into the private amenity space of No.27 Isaacson Road compromising the neighbour's amenity.
- 7.2.8 In summary, the application is considered to be significantly detrimental to the residential amenity of No.31 and No.27 Isaacson Road due to both the individual and cumulative impacts of the new side elevation windows paired with the existing side and rear fenestration. The proposed fenestration would result in detrimental overlooking, perceived overlooking and loss of privacy to the neighbouring properties, contrary to policy ENV2 and paragraph 130(f).

### 7.3 Visual Amenity

- 7.3.1 Policy ENV2 requires all development proposal to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Development proposals which fail to have regard for local context or take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable. Chapter 12 of the NPPF seeks for high quality, beautiful and sustainable buildings. Paragraph 134 advises that where development is not well designed it 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. Concerns have been received about the extension not being subservient to the dwelling.
- 7.3.2 The proposal will be highly visible in the streetscene of Isaacson Road and the development will make substantial changes to the volume of built form and appearance. The application includes demolition, new two storey built form, increases in ridge heights of existing form and a loft conversion. The principle of demolishing the existing single storey side projection and replacing with a two storey side extension is considered acceptable, however the scale of the extension proposed is considered to be significantly harmful.

- 7.3.3 The proposed two storey extension will match the ridge height of the existing property (8.5m/27.8ft) and includes a front projection with an 8m (26.2ft) ridge height. Part of this application also includes increasing the ridge height of the existing front projection by 1.2m (3.9ft) to provide additional floor space in the loft conversion. The loft space in both front projections will be used as walk-in-wardrobes and will not form the main habitable areas for the bedroom. The 8m (26.2ft) ridge heights of the front projections will add a significant proportion of massing to the front of the dwelling and is considered to result in a level of built form which is dominant. In addition, the increased ridge heights will be out of character with the directly adjacent properties. Whilst there are a variety of properties within the wider streetscene of Isaacson Road, the key characteristics of this property are that it forms a pair with No. 31 and is similar in form to No.25 and No.27 (in particular the front projections). The two storey side extension and separation will alter the original character of the dwelling; however, the ridge heights of the front projections are a feature where the symmetry can be retained and ensures the dwelling is still sympathetic to No.31, No. 27 and No.25. With the volume of additional floor space being created the dwelling starts to become top heavy and results in an unbalanced appearance. The reduction of the ridge height on the front projections and subsequently the removal of this space as additional accommodation would not compromise the applicant's ability to still be able to achieve a well sized loft conversion.
- 7.3.4 Amendments were suggested to reduce the ridge heights of the front projection to the existing 6.8m (22.3ft) ridge, which would be a reduction of 1.2m (3.9ft). It would ensure these projections are subservient to the main dwelling, in character and not visually prominent in the streetscene of Isaacson Road. This would still allow for a sizeable loft conversion and maintain the footprint of the two storey extension without compromising the character of the streetscene and the dwellings placement in four alike property types. However, these amendments were not adopted and the applicants wished to proceed with the original proposal. The agent advised of other properties nearby, however these are either not within the immediate streetscene or are unique detached properties.
- 7.3.5 With the current additions to the property, the existing dwelling would be overpowered, the character removed and the original property would not be clearly legible. The Design Guide SPD seeks for extensions to not be dictated by a desire for a particular amount of additional floor space, with the form and proportions of the original dwelling determining the extent to which it can be extended. It is considered the current proposal has been driven by the desire of additional floor space and fails to have regard for the existing development on the site or its surroundings. As such as the proposal is considered to be out of keeping with existing characteristics, resulting in a significant mass of built form which would not result in a positive or complementary relationship.
- 7.3.6 The proposal fails to have regard for the supplementary planning documents and is not considered to be high quality design in accordance with Chapter 12 of the NPPF. The scale of the loft conversion would not have a sympathetic relationship with the existing dwelling and fails to enhance or enrich the character and appearance of the area. The proposal is contrary to policies ENV1 and ENV2 of the Local Plan 2015, the Design Guide SPD and the NPPF.

#### 7.4 Parking Provision

7.4.1 Policy COM8 of the East Cambridgeshire Local Plan 2015, requires proposals to supply appropriate car parking. The driveway to the side will be retained and will still be utilised for off street parking. The Local Highway Authority note no changes are proposed to the existing access to Isaacson Road and space is maintained for parking and turning. The Officer advised the submitted plans demonstrate there is space for up to six vehicles to park off-street. However there appears to only be sufficient space for three vehicles to park if space for turning is to be maintained. As the property is accessed from a B road, vehicles should not be encouraged to reverse into the public highway. I therefore recommend that the LPA consider whether the provision of three parking spaces for a six-bedroom home complies with local policy. Policy COM8 requests two parking spaces per residential dwelling and the bedroom numbers of a dwelling doesn't influence the parking provision. The dwelling can accommodate at least two off street parking spaces and the proposal therefore complies with policy COM8.

#### 7.5 Energy and Water Efficiency and Renewables

7.5.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states 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. The agent advised that natural light is important to the applicant, as well as the improved feelings of 'well being', this will mean much less reliance on artificial lighting and the electricity required. It is appreciated that windows lose more heat than an external wall, but all of the windows and external doors (save for the recent rear extension) are proposed to be replaced. These will have significantly improved heat loss performance. Efficiency has been considered in the proposal and it is considered to deliver an energy efficient development and as far possible reduce carbon. The proposal is considered to address policy ENV4 and the Climate Change SPD.

#### 7.6 Planning Balance

7.6.1 The proposal is considered to result in detrimental harm to the residential amenity of surrounding occupiers through the introducing fenestration in locations which compromise the amenity space of the adjacent occupiers. The proposal will also result in significant harm to the character of the property and the streetscene through the scale and design of the development. As such the proposal is recommended for refusal.

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#### **Background Documents**

21/01146/FUL  
16/01481/FUL  
18/01054/VAR

#### **Location**

Molly Hood  
Room No. 011  
The Grange  
Ely

#### **Contact Officer(s)**

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

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>



**21/01280/ADI**

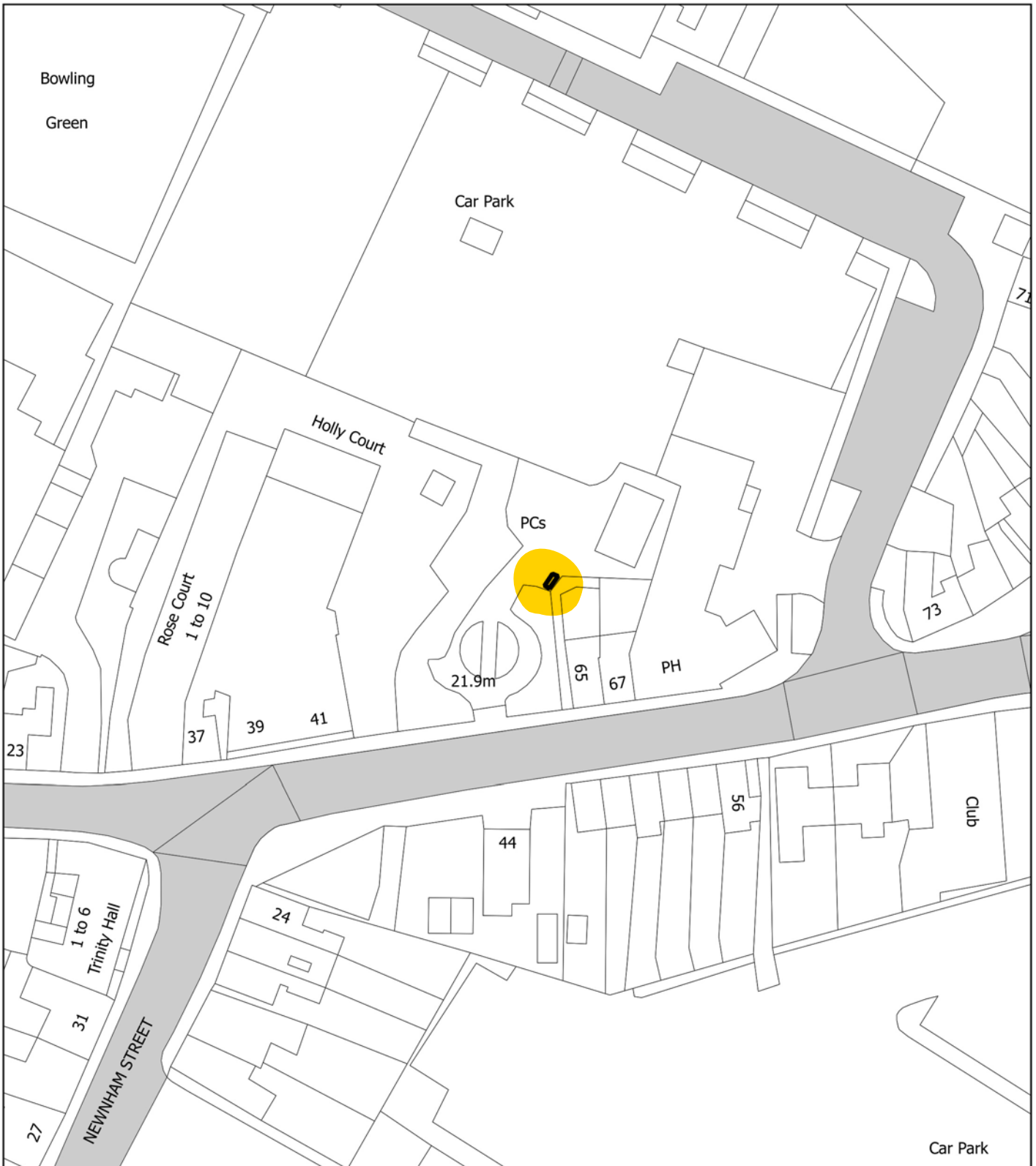
Multiple Sites Across Ely  
Cambridgeshire

Installation of multiple digital signage screens around the City of Ely

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=QZS185GG0CT00>





21/01280/ADI

Central Ely (1)  
Multiple sites around Ely



East Cambridgeshire  
District Council

Date: 17/11/2021  
Scale: 1:750



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AGENDA ITEM NO 10



21/01280/ADI

Central Ely (2)  
Multiple sites around Ely



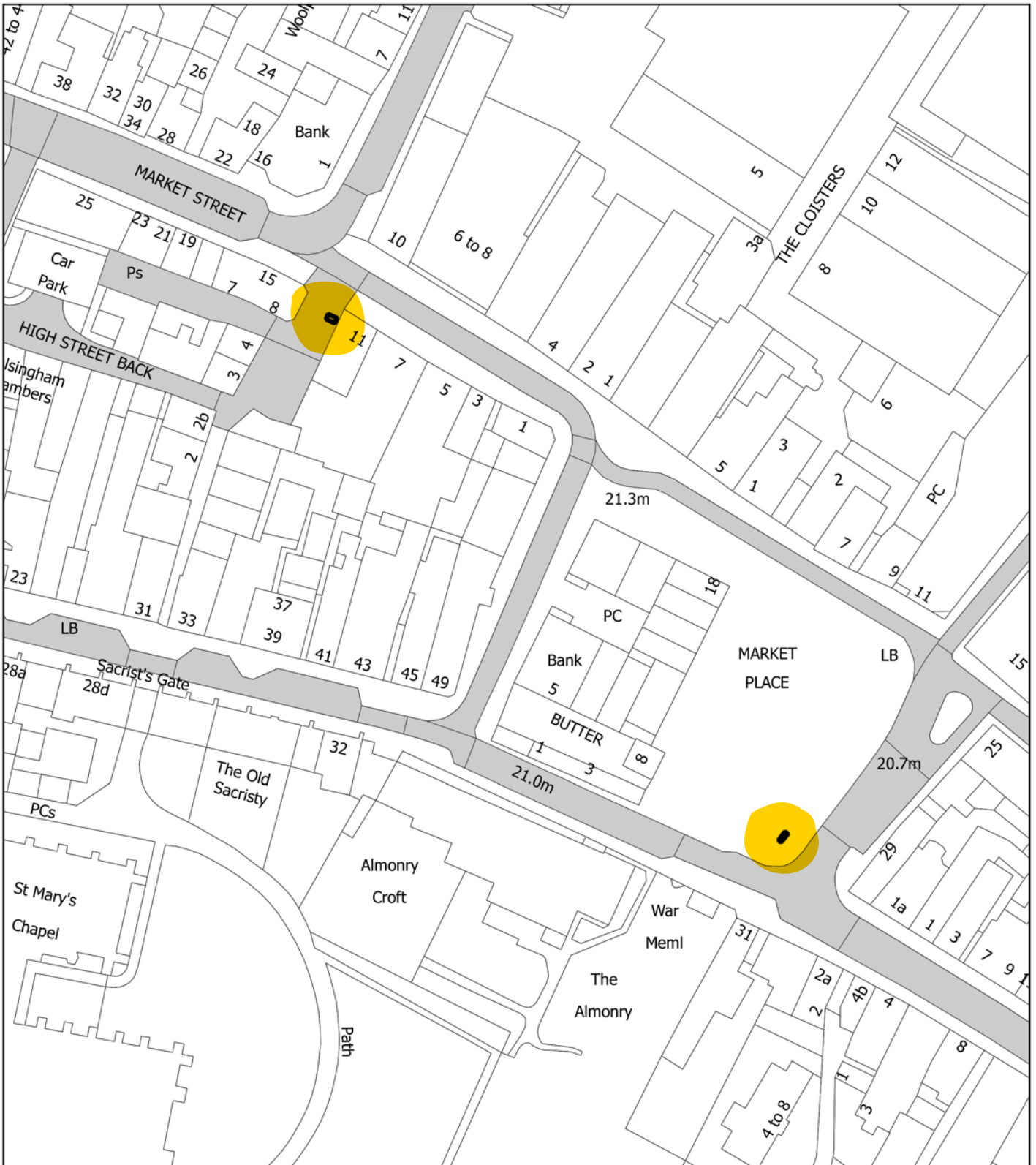
East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:2,000



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AGENDA ITEM NO 10



21/01280/ADI

Central Ely (3)  
Multiple sites around Ely

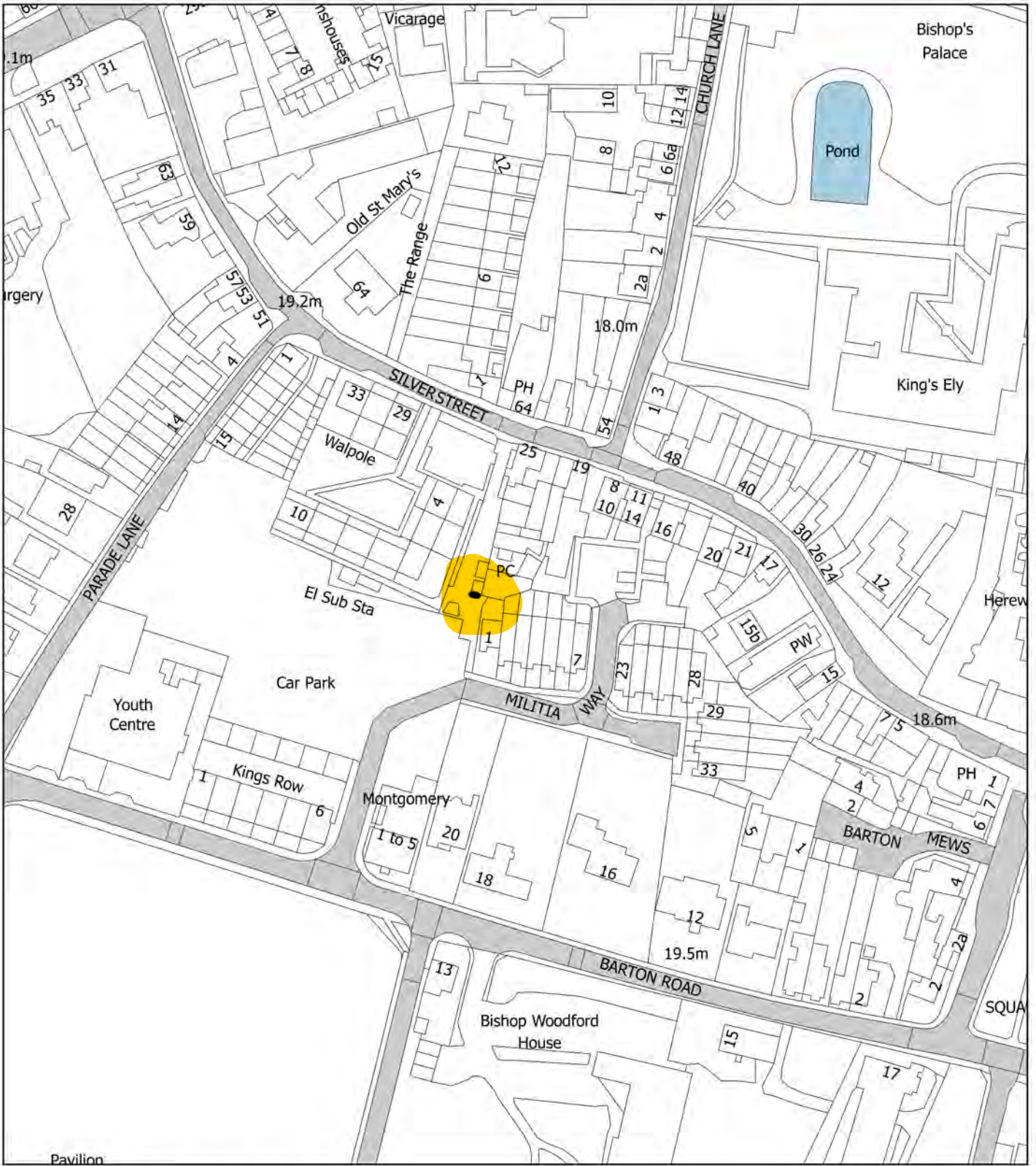


East Cambridgeshire  
District Council

Date: 17/11/2021  
Scale: 1:1,000



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21/01280/ADI

Central Ely (4)  
Multiple sites around Ely

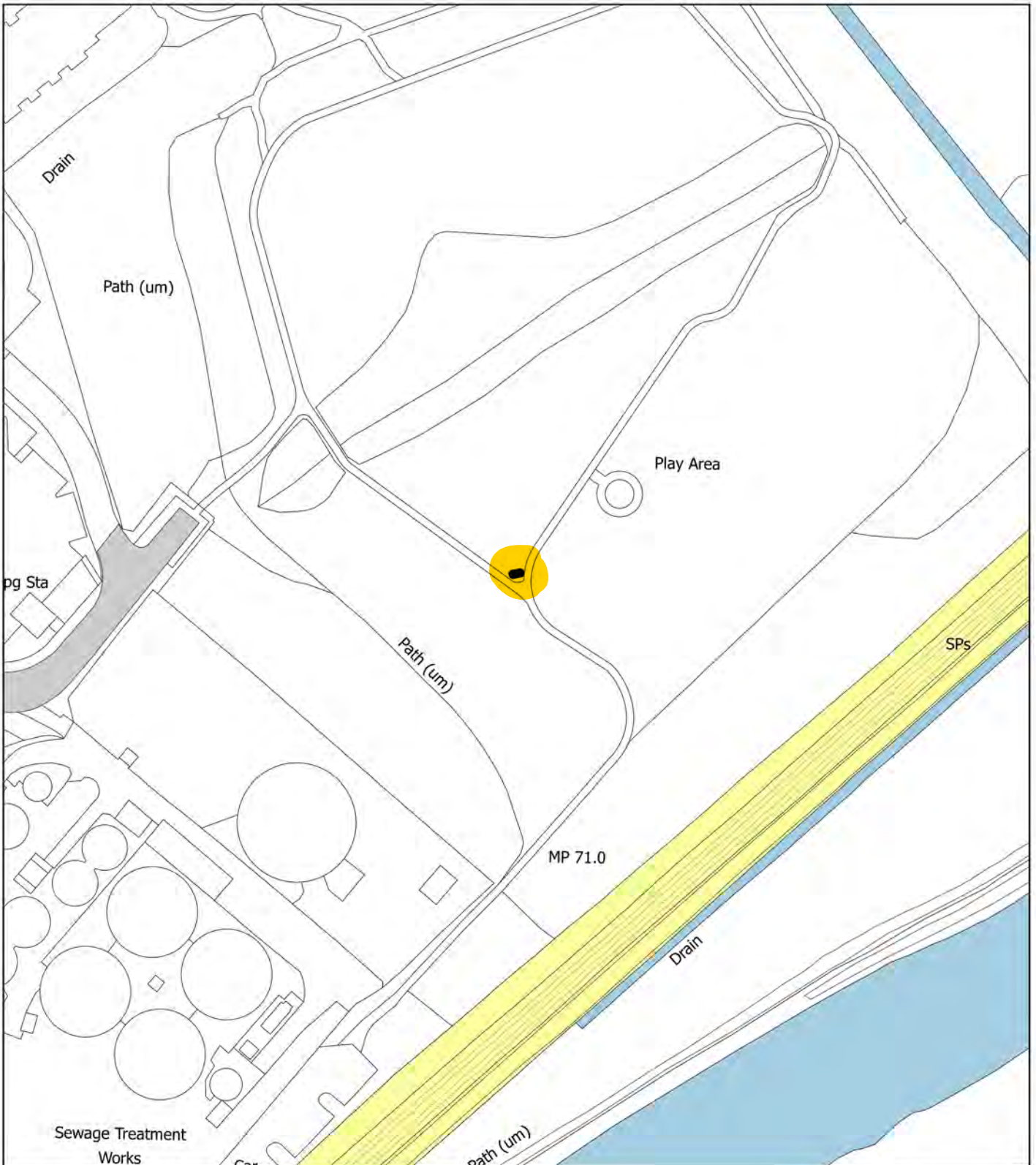


East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:1,500



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21/01280/ADI

South East (1)  
Multiple sites around Ely



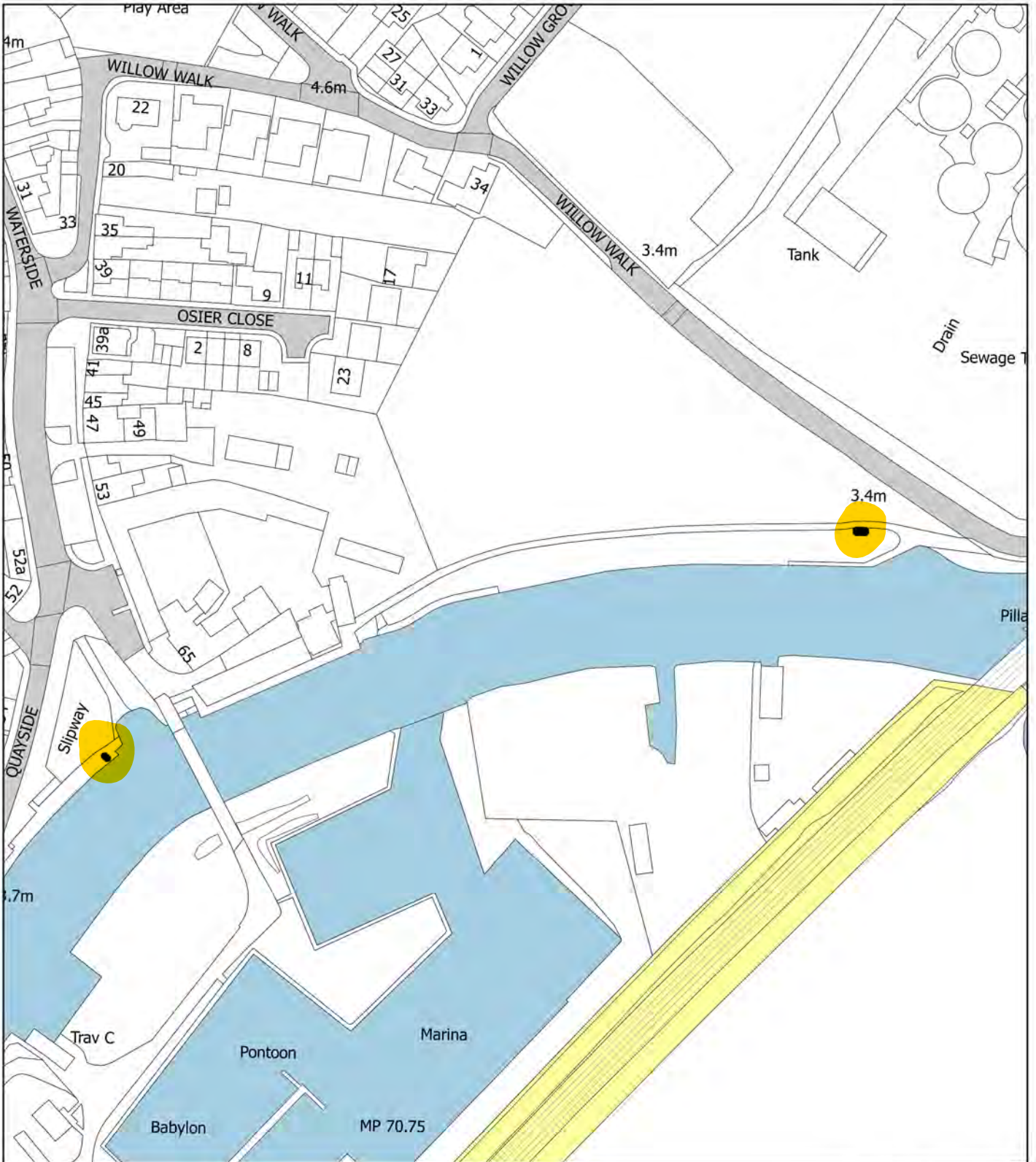
East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:1,500



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AGENDA ITEM NO 10



21/01280/ADI

South East (2)  
Multiple sites around Ely

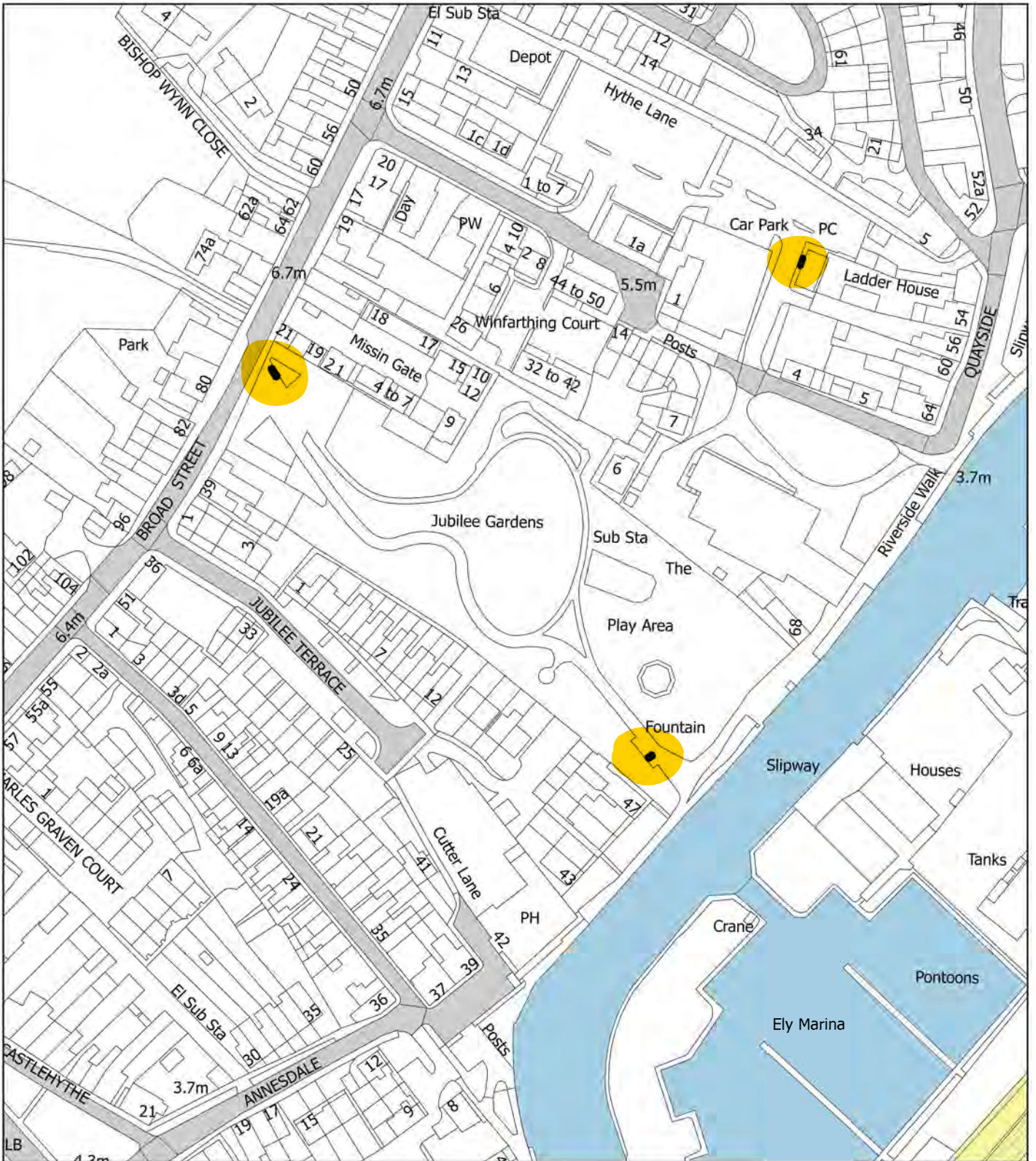


East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:1,500



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21/01280/ADI

South East (3)  
Multiple sites around Ely

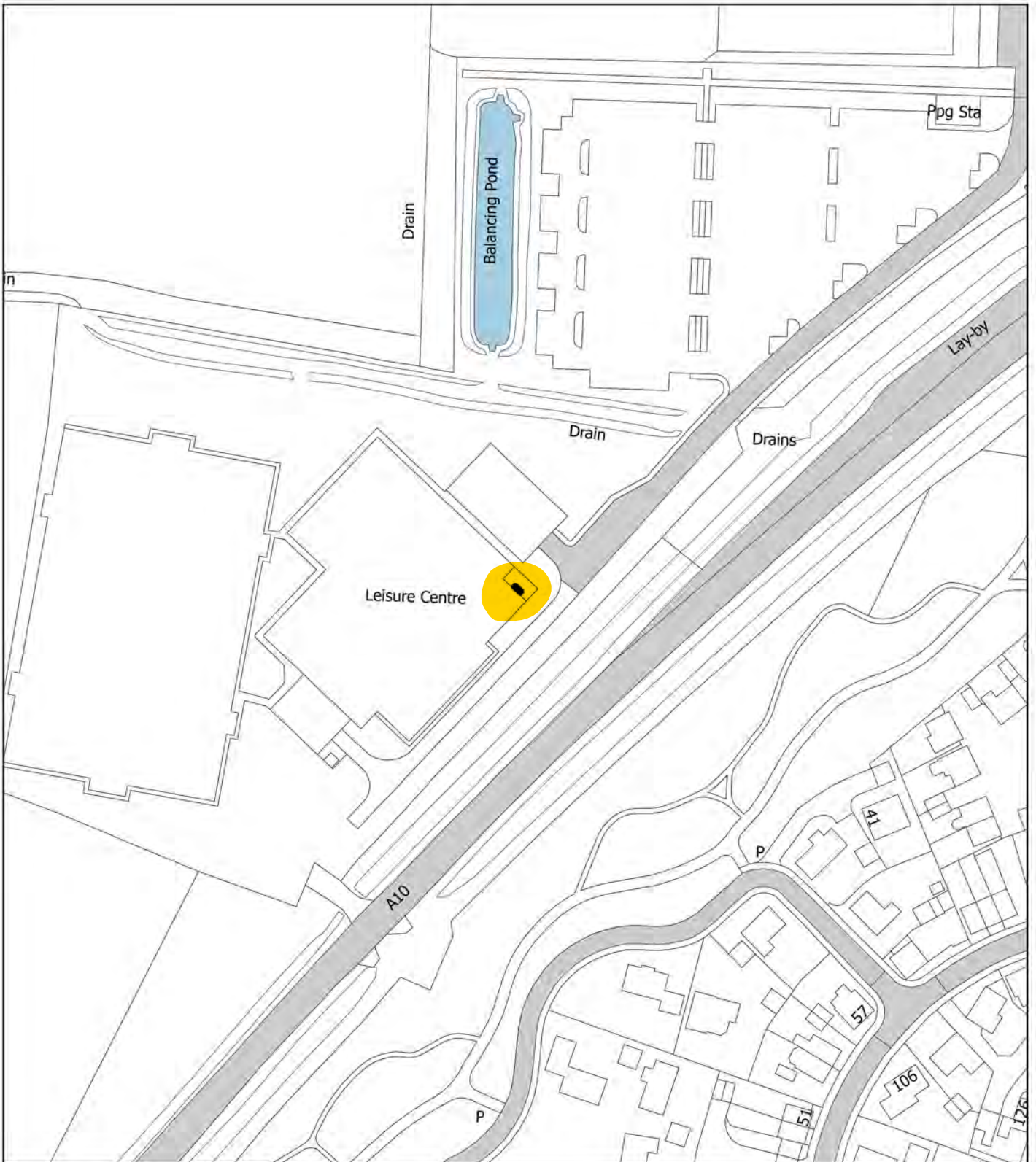


East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:1,700



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21/01280/ADI

West Ely  
Multiple sites around Ely



East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 21/01280/ADI

**Proposal:** Installation of multiple digital signage screens around the City of Ely

**Site Address:** Multiple Sites Across Ely Cambridgeshire

**Applicant:** East Cambridgeshire District Council

**Case Officer:** Holly Chapman Planning Officer

**Parish:** Ely

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

**Date Received:** 4 October 2021      **Expiry Date:** 10 December 2021  
**Report Number W124**

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**1.0**      **RECOMMENDATION**

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

1. Approved Plans
2. Consent for display of advertisement
3. Standard advertisement safety
4. Maintenance of the advertisements
5. Structure/hoarding advertisement safety
6. Removal of advertisement
7. Time Limit – 10 years
8. Removal of the existing Tourism Information Points
9. Luminance of the advertisements (Oct to March)
10. Luminance of the advertisements (Apr to Sept)
11. Noise

**1.2**      The conditions can be read in full on the attached Appendix 1

**2.0**      **SUMMARY OF APPLICATION**

**2.1**      The application submitted seeks planning permission for the installation of twelve digital advertisements, with interactive touch screens, in multiple locations throughout the city of Ely. The original submission included 16 advertisements, four of which have since been removed from the proposals for reasons set out within this report. The proposals are intended to replace a number of the existing Tourist Information Points (TIPs).

2.2 The proposals comprise four types of advertisement, the details of which are set out within the Table 1:

	<b>Single Sided Totem</b>	<b>Single Sided Totem (Solar)</b>	<b>Double Sided Totem</b>	<b>Wall Mounted Screen</b>
<b>Height</b>	2.35m (7'9")	2.35m (7'9")	2.35m (7'9")	0.85m (2'10")
<b>Width</b>	1.04m (3'5")	1.04m (3'5")	1.04m (3'5")	1.32m (4'4")
<b>Depth</b>	30cm (12")	30cm (12")	30cm (12")	0.15m (6")
<b>Screen Size</b>	140cm (55")	110cm (43")	140cm (55")	125cm (49")
<b>Luminance</b>	2,500 cd/m <sup>2</sup> (dimmbable)	2,500 cd/m <sup>2</sup> (dimmbable)	2,500 cd/m <sup>2</sup> (dimmbable)	2,500 cd/m <sup>2</sup> (dimmbable)
<b>Noise</b>	No	No	No	No
<b>Totem/Screen Surround Colour</b>	Black	Black	Black	Black
<b>Lettering Size</b>	6cm (2.4")	6cm (2.4")	6cm (2.4")	6cm (2.4")
<b>Lettering Colour</b>	White	White	White	White

*Table 1 – Proposed Advertisements*

2.3 The proposals are to be sited in the following locations around the city:

1. Barton Road Car Park – Single Sided Totem
2. Jubilee Gardens (Riverside – South) – Double Sided Totem
3. Jubilee Gardens (Top – North) – Single Sided Totem
4. High Street Passage – Double Sided Totem
5. Waterside – Double Sided Totem
6. Forehill – Single Sided Totem
7. Ship Lane Car Park – Wall Mounted
8. Newnham Street Car Park – Double Sided Totem
9. Market Place – Single Sided Totem
10. Pegasus Walk – Double Sided Totem
11. Ely Country Park – Single Sided Totem (Solar)
12. The Hive Leisure Centre – Double Sided Totem

2.4 Advertisements proposed at The Gallery, Steeple Row, St Mary's Green and Ely Museum have been removed from the proposals.

2.5 The proposed content of the advertisement remains indicative at this stage, but it is understood from the information submitted with the application that the content of the screens would comprise tourist and wayfinding information, to replace the older and outdated information on the existing TIPs.

2.6 The advertisements are proposed to be illuminated for 24 hours across the day given their function as wayfinding structures.

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

### 3.0 PLANNING HISTORY

15/01097/ADI	Display of various signs including illuminated signage to advertise new KFC restaurant	Approved	26.11.2015
15/01093/ADI	Various signs including illuminated signage for new McDonalds Restaurant	Approved	26.11.2015
15/00876/ADI	1 x fascia sign, 3x externally illuminated GRP HH logos, 1 x reverse applied door etch logo and 20x reverse applied etch logos	Approved	21.09.2015
15/00875/ADN	1x Totem sign & 3x pole mounted signs	Approved	21.09.2015
17/02208/ADI	2 No. Building Signs	Approved	08.02.2018
81/00006/ADV	FREE STANDING BRICK PILLAR WITH DIRECTIONAL SIGN	Refused	02.07.1981
13/00238/ADN	3No. Advertisement Signs	Approved	13.06.2013
20/01053/ADN	The addition of 2no high level projecting aluminium signs to the listed building, 3no A1 aluminium poster cases to replace the existing poster cases on the southern courtyard wall and 2no aluminium signage panels to either side of the entrance gate into the Museum courtyard	Approved	05.10.2020

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application sites comprise in part locations whereby existing tourism information points (TIPs) are already in existence (seven of the twelve advertisements.) Five 'new' advertisements are therefore proposed as part of the application proposals which do not currently exist.

4.2 All sites, with the exception of The Hive Leisure Centre, lie within the Ely Conservation Area. A number of the proposed advertisements lie within proximity to Grade II listed

buildings and buildings of local importance. These will be identified throughout this report where relevant.

- 4.3 The proposed advertisements at Waterside and Pegasus Walk are located within Flood Zone 2 and Flood Zone 3.
- 4.4 The proposed advertisements at Pegasus Walk and the Country Park are located outside of the development envelope for Ely. The proposed advertisement at The Hive Leisure Centre lies outside of the development envelope for Ely but falls within the Leisure Allocation (Policy ELY10).
- 4.5 The proposed advertisements at Waterside, Pegasus Walk, Country Park, Ship Lane Car Park and Forehill lie within the Water Treatment Works Safeguarding Area. (Policy 16 'Consultation Areas' of the Minerals and Waste Local Plan 2021). Notwithstanding, under Policy 16, the Minerals and Waste Planning Authority are not required to be consulted as part of applications for advertisements.

## 5.0 RESPONSES FROM CONSULTEES

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

### 5.2 **Local Highways Authority** - 22 October 2021

States: "Subject to the following comments and recommendations:

I do not object to the principle of this application as all signage is suitably located so as not to cause an obstruction or impact upon safety.

However, the application form states that the signs' luminance levels will be 2,500 cdm-2. Based on guidance from the Institute of Lighting Professionals, no illuminated signage (up to 10 m<sup>2</sup>) in an urban or suburban environment should exceed 600 cdm-2 during the night. Provided the luminance is limited to 600 cdm-2 during hours of darkness, I do not object to the application. If the signs are brighter they risk acting as a distraction to highway users or may temporarily impede their vision. Please can the applicant elaborate on night-time luminance levels?

Should the applicant be granted permission, they will need to contact Cambridgeshire County Council's Street Works team to arrange for the appropriate licenses and permission to install the signage within the highway.

### **Local Highways Authority (following amendments)** - 10 November 2021

States: "Subject to the following comments and recommendations:

As the sign brightness is to dim during hours of darkness, I do not object to the application. Where the proposed signs are located within the public highway, the locations are unlikely to cause any obstruction or otherwise impact on highway safety.

### 5.3 **Conservation Officer** - 25 October 2021

States: "Historic England's 2018 'Streets for All - Advice for Highway and Public Realm Works in Historic Places' notes: 'The quality of our environment is a measure of our quality of life and contributes significantly to the experience of visitors and customers. To achieve (or sustain) a high quality environment, public realm and highways works need to be both functional and attractive, using materials of appropriate quality and durability for the setting and purpose (and enabling on-going maintenance), as well as achieving a positive aesthetic impact. In historic places this means ensuring works complement the character of the area, sustain the significance of its historic buildings and spaces, and potentially also enhance access to heritage or understanding of its significance. It is important that designers identify the significance of places and value of historic public realm features (from paving or street furniture to green spaces) where they contribute to the quality or identity of

historic places, and seek to sustain this value. The introduction of street furniture requires coordination. Its style, colour and materials should all be inspired by its surroundings and it should be sited with reference to existing building and footway lines. As a rule, advertising panels tend to be incompatible with the visual sensitivity of historical and rural settings and the need to reduce clutter... Poorly sited advertising can have a degrading effect on the character of conservation areas and the setting of listed buildings, especially when digital screens and internally illuminated signs are used.' As this is a group application, the individual sites have been summarised as follows:

Site	Assets affected	Unit type	Heritage sensitivity	Townscape sensitivity
Barton Road Car Park	Ely CA	Single	Low	Low
Country Park	Ely CA	Double	Low	Low
Ely Museum courtyard	Ely CA Old Gaol Grade II LB	Wall mounted	High	Low
Forehill	Ely CA Opposite Grade II LBs	Single	Medium	Medium
High Street Passage	Ely CA	Double	Medium	Medium
Jubilee Gardens River Side	Ely CA	Double	Low	Medium
Jubilee Gardens Top	Ely CA	Single	Low	Medium
Market Place	Ely CA Opposite Grade II LBs	Single	Medium	High
Pegasus Walk	Ely CA	Double	Low	Medium
Ship Lane Car Park	Ely CA	Wall	Low	Low
St Mary's Green	Ely CA St Mary's Church Grade I LB Oliver Cromwell House Grade II* LB Old Fire Engine House Grade II LB	Double	High	High
Steeple Row	Ely CA Ely Cathedral Grade I LB	Double	High	High
The Gallery	Ely CA Bishop's Palace Grade I LB Ely Cathedral Grade I LB	Double	High	High
The Hive		Double	Low	Low
Waterside	Ely CA Opposite Grade II LBs	Double	Medium	High
Newnham St Car Park	Ely CA	Double	Low	Low

Although the units are information points, their technology and visual impact are effectively the same as digital adverts and the same reservations cited in 'Streets for All' apply around their deployment in heritage-critical locations. The sites at St Mary's Green, Steeple Row and The Gallery are especially sensitive in this regard due to the concentration and status of surrounding listed buildings, and the impact of units here cannot be supported from a conservation perspective. Furthermore a wall-mounted unit at Ely Museum will require listed building consent, and its impact would be more justifiable if this were a freestanding unit against, but not directly attached to, the building.

It is recommended that the units at St Mary's Green, Steeple Row and The Gallery are omitted and alternative sites sought and that the unit in the Ely Museum courtyard is altered to a freestanding single-sided model. Given that there are a number of public car parks, for example, which are not currently included in the scheme, there should be ample scope to accommodate the three displaced units elsewhere.

Recommendation: amendments recommended"

**Conservation Officer (following amendments) - 08 November 2021**

States: "The amended schedule of 29/10/21 omitting the units at St Mary's Green, the Gallery & Steeple Row is welcome. On balance, the remainder are considered acceptable.

Recommendation: no objection"

**5.4 City of Ely Council - 26 October 2021**

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

**City of Ely Council (following amendments) - 9 November 2021**

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

**5.5 Historic England - 25 October 2021**

States: "On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Ely is a small city, the historic core of which is centred around the Cathedral and the former monastic claustral buildings. It is broadly confined by the River Great Ouse to the east and the modern day A10 to the west. The city is expanding with new developments to the north and the south.

The historic core of Ely contains a large number of listed buildings within a small area. The Cathedral of the Holy Trinity is Grade I listed but surrounding this are the scheduled monuments of the claustral buildings and the other Grade I listed buildings of The Bishops Palace, The Almonry, The Chapel of the Infirmary and The Queens Hall to name only a few. There are also Grade II\* listed Buildings as well as numerous examples of Grade II listed buildings. The historic core of the city is therefore densely packed with listed buildings, all of which are susceptible to changes within their setting.

Given the high survival rate of historic street patterns and buildings within the Conservation Area, the highly graded buildings are experienced broadly free of brightly lit modern clutter. While there is the usual array of street lights there are discreetly designed and modestly lit and street furniture is mostly placed so as to minimise the harm to the historic setting of these wonderful heritage assets. Ely Conservation Area Appraisal states it is "one of the jewels of England" but this places great responsibility upon professionals to make sure that modern interventions respect the traditional character of this important city.

Impact of the proposed development

It is proposed to erect electronic screens in 16 different locations to display visitor information in a modern and interactive way. It is hoped these will encourage visitors to visit different parts of the city.

The heritage assessment submitted with this application provides minimal information relating to the highly graded heritage assets, preferring to rely heavily on the Conservation Area Appraisal and concentrating briefly on the mitigation proposed to the harm caused in that area. There is little reference to the setting of the grade I and grade II\* listed buildings which could be affected and there is no information on how the proposal will affect this significance.

Most of the screens are placed in locations which would cause minimal harm to either the Conservation Area or highly graded assets however, the screens placed at St Mary's Green, The Gallery and Steeple Row have the potential to impact upon the setting of a number of heritage assets:

**St Marys Green**

This screen would be placed in one of the most historically sensitive parts of Ely. Surrounding the Green are the Grade I listed Church of St Mary, the Grade I listed Bishops Palace, Grade II\* listed Oliver Cromwells House and numerous grade II listed buildings. St

Mary's Green is shown on historic OS maps as being an area of open space but in the modern day it is a crossing area with street lights, pedestrian crossings, benches and broadband cabinets - all of this directly in one of the main views from the road into the city towards the cathedral. The proposed illuminated panel would sit in the centre of this space where it would join a finger post direction marker a bench and a bin. This adds further, prominent clutter into this important area There is an existing non-illuminated board by Oliver Cromwell's House which seems to be used for displaying A4 posters. While not ideal in this location it is unobtrusive and could perhaps be made better use of.

#### The Gallery

This is an incredibly sensitive location. It is between the Grade I Listed Cathedral of the Holy Trinity and the Grade I listed Bishops Palace as well as being within the setting of the Grade I listed Queens Hall and the Grade I Listed Great Hall. It is one of the most important views of the cathedral and aside from bollards and street lights (both used sparingly) it is one of the most unspoiled. An illuminated board in this location would therefore impact upon the setting of these 4 highly graded heritage assets.

#### Steeple Row

This footpath runs alongside the cathedral open space between the rear of grade II and grade II\* listed buildings and a line of trees. It is a pretty view from the entrance to steeple row taking in the view across the cathedral to the Bishops Palace beyond. The grade II\* listed 3 Palace Green is also within this view. The illuminated board would be prominent in this location, particularly at night where, as proposed there would also be 1 other illuminated board, both of which would be visible from each other. This would detract from the setting of the listed buildings in the vicinity.

There is no information relating to whether these screens are proposed to replace the existing noticeboards in various locations or whether they are an addition. This needs to be clarified.

#### Policy Context

Paragraph 194 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage asset affected including any contribution made by its setting.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's importance (the more important the asset, the greater that weight should be).

Paragraph 200 states that any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification; and,

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

#### Historic England's Position

Historic England have considered the proposal on heritage grounds and consider that there is a potential for less than substantial harm, low in scale to the setting of highly graded heritage assets through three of the screens proposed in this application. These locations are described above.

The screens are all sited in sensitive, historic locations which sit in key areas surrounded by highly graded heritage assets. Two of the screens will be visible from each other leading to a dominance of these illuminated screens within the street scene. The screen in St Mary's Green will contribute to a proliferation of clutter and public realm paraphernalia which detracts from the former open setting of St Marys Church. We therefore consider that for these reasons the application does not accord with paragraphs 199 and 200 of the NPPF.

The application contains no detail relating to the significance of the setting of the identified highly graded heritage assets or the impact that the scheme would have. There is no detail, no map regression or reference to the historic environment record. There is no mention of whether these are replacement or additional boards and for this reason the application is not in accordance with the information requirements of paragraphs 194 and 200 of the NPPF.

We therefore consider that there is the potential for less than substantial harm, low in scale to the significance of the heritage assets identified above and your local authority should carry out the planning balance as required by paragraph 202 of the NPPF.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 199, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us."

### **Historic England (following further information) – 18 November 2021**

States: "Following the submission of the amended plans showing the removal of the screens at The Gallery, Steeple Row, St Mary's Green and Ely Museum Courtyard, we have no further concerns on heritage grounds and do not object to this application.

### **Recommendation**

Historic England has no objection to the application on heritage grounds.

### **5.6 Environmental Health (following amendments) – 2 November 2021**

States: "We do not appear to have been initially consulted.

I have read the Planning Statement which advises that the screens have a brightness sensor and so will automatically dim outside of daylight hours however, it is not clear how much they will dim.

I am not aware of an ECDC Policy on illuminated signage but I have attached two other LA policies to this email for reference.

Candelas per square metre (cd/m<sup>2</sup>) is the recognised measure of brightness. It measures the amount of light emitted in a given direction for a given unit area of the sign surface.

Hart District Council have an upper limit of 2,000 cd/m<sup>2</sup> for an illuminated area up to 0.5 m<sup>2</sup> in a shopping or commercial area.

This proposal is for two different types of illuminated signage with surface areas of 2.4m<sup>2</sup> (where Hart have an upper limit of 1,200 cd/m<sup>2</sup> for a shopping or commercial area or 600 cd/m<sup>2</sup> for a poorly lit/unlit area) and an illuminated surface area of 1.35 m<sup>2</sup> (where Hart have an upper limit of 1,600 cd/m<sup>2</sup> for a shopping or commercial area or 800 cd/m<sup>2</sup> for a poorly lit/unlit area).

**Table 1: Levels of Maximum Luminance**

Illuminated Area (m <sup>2</sup> )	Zone 1 (cd/m <sup>2</sup> )**	Zone 2 (cd/m <sup>2</sup> )**
Up to 0.5	2,000	1,000
0.5 - 2.0	1,600	800
2.0 - 5.0	1,200	600
5.0 - 10.0	1,000	600
Over 10.0	800	400

Zone 1 covers Fleet Road in Fleet and other shopping and commercial areas, and all other areas where adequate street lighting is provided.

Zone 2 covers all the poorly lit and unlit areas of the District i.e. areas where there is no street lighting or where street lighting is negligible.

The Application Form states that the proposed signs will be internally illuminated to 2500 (cd/m<sup>2</sup>) and so I do have concerns to raise. It is assumed that this figure is for daytime illumination so I would want to know what the dimmed rating is (or if it's continually varying the brightness depending on the external light levels).

It would also be useful to confirm whether they will play audio.”

**Environmental Health (following further discussion with the Planning Officer) – 18 November 2021**

Responding to a query by the Planning Officer on the recommended 600cd/m<sup>2</sup> luminescence of the proposed advertisements during night time hours proposed under draft Conditions 9 and 10 at Appendix 1 of this report, the EHO has confirmed that they would have no issues to raise with the conditions proposed as they meet the Institution of Lighting Professionals guidance on The Brightness of Illuminated Advertisements.

- 5.7 **Technical Officer Access** - No Comments Received  
NB: Whilst no comments have been received as part of the consultation of the application, the application was submitted with a letter from the Access Group fully supporting the proposals. A full copy of this letter can be found on the file.
- 5.8 **Cambridge Ramblers Association** - No Comments Received
- 5.9 **Asset Information Definitive Map Team** - No Comments Received
- 5.10 **Ward Councillors** - No Comments Received
- 5.11 **Consultee For Other Wards In Parish** - No Comments Received

## 5.12 **Cambridgeshire Archaeology** - No Comments Received

5.13 A site notice was displayed near all of the application sites on the 15<sup>th</sup> and 26<sup>th</sup> October 2021 and a press advert was published in the Cambridge Evening News on 14 October 2021.

5.14 **Neighbours** – 109 neighbouring properties were notified and the thirteen responses (all objecting) received are summarised below. A full copy of the responses is available on the Council's website.

### Character, Appearance and Heritage

- Out of keeping
- Interfere with historic views towards the cathedral and other historic architecture
- Contradict Council's past careful stewardship of the area
- Do not preserve or enhance the Conservation Area
- Contradictory heritage statement
- Harmful to the character of the area
- Affects public views
- Affects street scene
- Contrary to Policy
- Form and character
- Loss of public amenity
- Setting of a Listed Building
- Visual amenity
- Concerns over size
- Concerns over noise

### Public/Highway Safety

- Concerns over highway safety and visibility
- Pollution issues (light)
- Concerns over glare
- Concerns over flashing/bright screens

### Other Matters

- Concerns over content of the advertisement
- Concerns over the groundworks necessary
- Concerns over the power source for the advertisements
- Concerns over the cost of the advertisements
- Concerns over maintenance
- No justification as to why existing information boards are inadequate
- Targets for vandalism
- Technology is already obsolete
- Block the view of existing business and subsequent impact upon tourism
- Impacts upon public/popular tourist photograph locations
- Concerns over the interaction of people with the signs and hygiene

### Climate Change

- Concerns over the environmental impact of the advertisements (energy consumption)

5.15 It is relevant to note that a number of the above objections and concerns were raised with regard to the previously proposed advertisements at St Mary's Green, Steeple Row and The Gallery, which have now been removed from the proposals.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 3	Shop fronts and advertisements
ENV 11	Conservation areas
ENV 12	Listed buildings
COM 7	Transport impacts

#### *Supplementary Planning Documents*

Design Guide  
Ely Conservation Area Appraisal

#### *National Planning Policy Framework 2021*

6	Building a strong, competitive economy
8	Promoting healthy and safe communities
12	Achieving well-designed places
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

## 7.0 PLANNING COMMENTS

The main considerations in the determination of this application are the impacts on the character and appearance of the area, and the setting and significance of the heritage assets, and highway/pedestrian safety

### 7.1 Background

7.2 The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and amendments to these regulations. Advertisements are controlled with reference to their effects on amenity and public safety only, and related material planning considerations of the East Cambridgeshire Local Plan 2015. 'Amenity' includes both visual and aural. 'Public Safety' can include crime prevention.

7.3 On a procedural matter, the proposals include the erection a number of single/double sided 'totem' structures, which will also require a degree of subterranean works in order to anchor them to the ground. It is relevant that S336(1) of the Town and Country Planning Act 1990 (as amended) sets out that the definition of an 'advertisement' includes any "similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly".

7.4 The proposed totem advertisements are therefore considered to satisfy the above definition, and can therefore be considered as part of this application for advertisement consent. Section 222 of the Town and Country Planning Act 1990 (as amended) goes on to clarify that express planning consent for a structure is not required where its primary purpose is to display advertisements. Notwithstanding, this is subject to the advert itself obtaining express consent.

7.5 The subterranean works included within the proposals are also considered to comply with the above Section 222.

7.6 Amenity and Public Safety

- 7.7 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. ENV 2 also seeks to ensure that proposals create safe environments addressing crime prevention and community safety. Policy ENV 3 seeks to ensure that the size, design, colour and number of any advertisements or signs respects the character, scale, design and location of the building and shop front on which is being displayed, as well as the street scene and the character of the area in which they are sited.
- 7.8 Policy ENV 11 of the ECDC Local Plan 2015 requires that proposed development within a Conservation Area be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area. Policy ENV 12 of the ECDC Local Plan 2015 makes clear that proposals that affect a Listed Building will not be permitted where it would have a detrimental impact on the visual, architectural or historic significance of the asset.
- 7.9 Policy COM 7 of the ECDC Local Plan 2015 requires that proposals provide safe and convenient access to the highway network, as well as protecting existing rights of way, giving priority for walking and cycling.
- 7.10 The Ely Conservation Area Appraisal identifies a number of character areas within the Ely Conservation Area and their defining characteristics, as well as important architectural and heritage features, sensitivities and views. The appraisal will be referenced where relevant within this report.
- 7.11 The Design Guide SPD does not specifically address advertisements, but emphasises the need for all development to give consideration to highway safety and crime prevention, as well as heritage and amenity.
- 7.12 Chapters 12 and 16 of the NPPF seeks to ensure high quality development which respects, enhances and conserves the character and appearance of an area and heritage assets and their settings.
- 7.13 Section 16 of the NPPF (Paragraphs 184 – 202) also seeks to ensure that heritage assets are conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 202 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.14 Chapter 15 of the NPPF sets out that planning decisions should seek to 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.
- 7.15 An assessment of the amenity and public safety impacts of each of the proposed advertisements is set out below.

- 7.16 Barton Road, Newnham Street and Ship Lane Car Parks
- 7.17 **Amenity** – The proposed advertisements will replace existing TIP boards adjoining or affixed to public conveniences within the existing car parks and are to be located along pedestrian footpaths. The proposed advertisements would be seen within the context of existing functional infrastructure and street furniture including CCTV cameras, lamp posts to which signage is affixed, post boxes, bins and salt bins. Whilst within a Conservation Area, the proposed advertisements are all therefore considered to be located in areas with low heritage and townscape sensitivity. There are no listed buildings, structures or monuments nearby the advertisements which are considered to be affected by the proposals.
- 7.18 The proposed advertisements would result in a noticeable change for pedestrians utilising the footpaths, given that the advertisements are of a larger scale than the existing TIP boards and would be illuminated. Notwithstanding, the character of the application sites is considered to be dominated by the presence of the car parks and the functional infrastructure they contain. For this reason, and given that the proposals would replace existing TIP boards, the introduction of the advertisements in these locations is not considered to result in a significant change or harm to the setting or significance of the Conservation Area, and would not be out of keeping with the character and appearance of the areas. The proposed advertisements would not be prominent in views from the streets surrounding the car parks given their siting within the car parks themselves. The Conservation Officer has raised no specific objection to these proposed advertisements.
- 7.19 It is considered that the introduction of the proposed advertisements in these locations is also logical, functional and not unexpected, as the car parks themselves will represent the starting point for a number of journeys throughout the city. The proposed advertisements in these locations, providing wayfinding and tourism information, would therefore be useful.
- 7.20 The proposed advertisements would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, but would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see ‘Luminance Condition’ section below). This would further reduce the prominence of the advertisements during later hours, whereby the illumination and subsequent light spill would have a greater visual amenity impact if not controlled. The proposed advertisements would not emit any noise, and this will be secured by way of a planning condition.
- 7.21 The dimming of the advertisements during the night time would also preclude detrimental residential amenity impacts upon No.1 Militia Way, No.65 Newnham Street and No.1 Ship Lane (the nearest residential properties to the Barton Road Car Park, Newnham Street Car Park and Ship Lane Car Park respectively) in terms of light spill.
- 7.22 For these reasons, the visual and aural amenity of the proposed advertisements is considered to result in no harm to the significance or setting of the Conservation Area or the character and appearance of the areas, or the residential amenity of nearby occupiers. The proposed advertisements are therefore considered to comply with Policies ENV 1, ENV 2, ENV 3 and ENV 11 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.23 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisements being dimmed to no more than 600cd/m<sup>2</sup> during night time hours (see ‘Luminance Condition’ section below). The Access Group have also not raised any concerns with proposals.

- 7.24 The advertisements would not block the view of CCTV cameras, which are set at a much higher level than the proposed advertisement, and the dimming of the advertisement during the night time will reduce glare upon the cameras to ensure the effectiveness of crime prevention and detection measures is not diminished.
- 7.25 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policy ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.26 Jubilee Gardens (Riverside (South) and Top (North))
- 7.27 **Amenity** – The proposed advertisements would be located in place of the existing TIPs at the top and bottom of Jubilee Gardens.
- 7.28 The top (northern-most) advertisement will be set back from the highway of Broad Street within a large area of hardstanding. The existing TIP is seen within the context of a variety of functional infrastructure along Broad Street and within the gardens themselves, including traffic lights, lamp posts, bins, utility boxes, a bench, bollards and large tree planters, and the proposed advertisement would also be seen in this context. Broad Street is not entirely devoid of advertisements, but illumination of advertisements has been kept to a minimum. The proposed advertisement would be located in proximity to a single Grade II listed building (25 Broad Street), and in proximity to a number of locally important buildings.
- 7.29 The bottom (southern-most) advertisement would be seen in the context of the existing bike racks, lamp posts and benches, although the character of the southern part of Jubilee Gardens is generally more open than the northern part, with the long run of TPO trees stretching along the waterfront. The proposed advertisement in this location would not be located in close proximity to any listed buildings, although would be visible in the views of Grade II listed Maltings Cottage along the eastern boundary of Jubilee Gardens.
- 7.30 The heritage sensitivity of both sites is considered to be low given the quantity of listed buildings in proximity to the proposals and the relationship of the advertisements with these heritage assets. Nevertheless, their townscape sensitivity is considered to be medium given the higher visibility of the proposals within the street-scenes of Broad Street, Jubilee Gardens and the waterfront.
- 7.31 The proposed advertisements are contemporary in nature, and whilst the darker colour of their outer shell and white lettering is considered to be generally unobtrusive given that this would emulate the existing TIPs, the scale of the proposed advertisements themselves is considered to result in a prominent form of development within the Conservation Area and street-scenes. The illumination of the advertisements and the proposed large screens, with changing graphics and the possibility of multiple colours at any given time, is also considered to contribute to the prominence of the proposed structures within the street-scenes, within which illumination and digital adverts have been controlled. The proposals would ultimately introduce an uncharacteristic form of advertisement within the Conservation Area.
- 7.32 This prominence would nevertheless be aided by the set back of the advertisements from Broad Street and the waterfront, and the starkness of the advertisements will be softened to a degree by the existing functional infrastructure surrounding them. The advertisements would therefore not be seen in isolation.
- 7.33 Whilst the proposed advertisements would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, they would be

dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see 'Luminance Condition' section below). This would further reduce the prominence of the advertisements during later hours, whereby the illumination and subsequent light spill would have an unacceptable visual amenity impact if not controlled in these more sensitive townscape areas. The proposed advertisements would not emit any noise, and this will be secured by way of a planning condition.

- 7.34 There are no residential dwellings nearby the application sites which would be detrimentally impacted by the proposed advertisements in terms of residential amenity in this location.
- 7.35 Despite the above, it is considered that the introduction of the advertisements in this location would result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of the nearby heritage assets given their location, scale and illumination. Paragraph 202 of the NPPF thereby requires that this harm is balanced against the public benefits of the proposals.
- 7.36 The proposed advertisements are intended to provide tourist and wayfinding information, and must therefore be sited in locations typically expected to experience high levels of footfall. The proposals replace existing TIPs for this reason. The proposed advertisements will form part of a cohesive wayfinding scheme to aid tourists and locals alike throughout the city, by providing what are intended to be interactive tourist information points in critical tourist locations. The improvement of wayfinding throughout the city, as well as educational information about the city itself, is considered to provide social and economic benefits for the city. These public benefits are considered to justify and outweigh the less than substantial harm identified.
- 7.37 For these reasons, whilst the proposals are considered to result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of nearby heritage assets, this harm has been outweighed by the public benefits of the proposals. Therefore, on balance, the visual and aural amenity of the proposed advertisement is considered to be acceptable and would comply with Policies ENV 1, ENV 2, ENV 3, ENV 11 and ENV 12 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.38 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisements being dimmed to no more than 600cd/m<sup>2</sup> during night time hours (see 'Luminance Condition' section below). The Access Group have also not raised any concerns with proposals.
- 7.39 The proposed advertisements are not considered to pose a threat to crime prevention upon their introduction, as the advertisements would not block the view of CCTV cameras.
- 7.40 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policy ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF
- 7.41 High Street Passage
- 7.42 **Amenity** – The proposed advertisement would be located within the existing bike racks within the High Street Passage. Whilst the advertisement will be set back into the passage, the width of the passage and its location at the pedestrian and vehicular juncture of Market Street, Market Place and Newnham Street affords a number of public views onto the application site. Views of the application site, and the site itself, are punctuated by existing

street furniture and infrastructure, including lamp posts, bollards, utility boxes, salt bin, bin and benches.

- 7.43 The advertisement would be located in proximity to a Grade II listed building (3 High Street Passage) and a high density of locally important buildings. The Ely Conservation Area Appraisal notes that the view along Newnham Street facing towards High Street Passage is an important view, providing views of the cathedral in the narrow and angled gap between the buildings.
- 7.44 The heritage and townscape sensitivity of the application site is therefore considered to be medium, given the proximity of the application site to listed buildings, the important view and the visibility of the advertisement within the street-scene.
- 7.45 Market Street, Market Place and High Street Passage incorporate a variety of colour schemes in existing shopfronts, the majority of which have been sensitively designed. The contemporary design, darker colour of the outer shell of the advertisement and white lettering are therefore considered to be generally unobtrusive in this context.
- 7.46 Nevertheless, the scale of the proposed advertisement is considered to result in a prominent form of development within the Conservation Area and street-scene. The illumination of the advertisement and the proposed large screens, with changing graphics and the possibility of multiple colours at any given time, is also considered to contribute to the prominence of the proposed structure within the street-scene, within which illumination and digital adverts have been controlled. The proposals would ultimately introduce an uncharacteristic form of advertisement within the Conservation Area.
- 7.47 The proposed advertisement would not be seen in isolation given the presence of existing functional infrastructure and street-furniture, and this will go some way in reducing the starkness of the advertisement within the street-scene. The proposed advertisement is also not considered to impinge upon important views of the cathedral through the passage, as it would be sited forward of an existing building (currently 'Boswell's') which provides a visual stop within the passage. The siting of the advertisement would not therefore preclude views of the Cathedral from this direction.
- 7.48 Whilst the proposed advertisement would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, it would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see 'Luminance Condition' section below). This would further reduce the prominence of the advertisement during later hours, whereby the illumination and subsequent light spill would have an unacceptable visual amenity and heritage impact if not controlled in this more sensitive townscape area. The proposed advertisement would not emit any noise, and this will be secured by way of a planning condition.
- 7.49 There are no residential dwellings nearby the application site which would be detrimentally impacted by the proposed advertisements in terms of residential amenity in this location.
- 7.50 Despite the above, it is considered that the introduction of the advertisement in this location would result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of the nearby heritage assets given their location, scale and illumination. Paragraph 202 of the NPPF thereby requires that this harm is balanced against the public benefits of the proposals.
- 7.51 As set out above, the proposals are considered to deliver a social and economic public benefit to the city by providing a cohesive tourist and wayfinding information network.

- 7.52 For these reasons, whilst the proposals are considered to result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of nearby heritage assets, this harm has been outweighed by the public benefits of the proposals. Therefore, on balance, the visual and aural amenity of the proposed advertisement is considered to be acceptable and would comply with Policies ENV 1, ENV 2, ENV 3, ENV 11 and ENV 12 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.53 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisements being dimmed to no more than 600cd/m<sup>2</sup> during night time hours (see ‘Luminance Condition’ section below). The Access Group have also not raised any concerns with proposals.
- 7.54 The proposed advertisement is not considered to pose a threat to crime prevention upon its introduction, as the advertisement would not block the view of CCTV cameras.
- 7.55 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policy ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.56 Waterside
- 7.57 **Amenity** – The proposed advertisement would be located further to the east of the existing TIP along the waterfront. The application site is very open in its character, and whilst set within the context of riverside moorings, the application site is generally uncluttered and would be set in front of a large grassed verge with an established willow tree. The application site is very prominent in public views from the water way itself, along the river side (Ship Lane), from Waterside, Pegasus Walk, Babylon Bridge and Back Lane.
- 7.58 The application site is also located in front of group of prominent Grade II listed buildings (54-64 Quayside), Quayside House, 52 Waterside, Malthouse Adjoining Number 53, and The House Adjoining Number 55. The application is visible in views of these listed buildings.
- 7.59 The contemporary design, darker colour of the outer shell of the advertisement and white lettering are not considered to be inherently harmful in this location. Nevertheless, the scale of the proposed advertisement is considered to result in a prominent form of development within the Conservation Area and street-scene. The illumination of the advertisement and the proposed large screens, with changing graphics and the possibility of multiple colours at any given time, is also considered to contribute to the prominence of the proposed structure within the street-scene, within which illumination and digital adverts have been controlled. The proposals would ultimately introduce an uncharacteristic form of advertisement within the Conservation Area.
- 7.60 The proposed advertisement is not however considered to impinge significantly upon the setting or significance of the nearby listed buildings. Whilst visible in views of the listed buildings, the proposed advertisement is set a significant distance from the heritage assets. The water front is also very open, meaning that wide and unobstructed vistas of the listed buildings can be afforded. The introduction of the single advertisement, which would also remove an existing TIP, is not therefore considered to pose as a significant visual obstruction to these views. The proposed advertisement would also be set down at a lower level than the street level, and this would minimise its prominence in the Conservation Area when viewed from the north and west.

- 7.61 Whilst the proposed advertisement would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, it would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see ‘Luminance Condition’ section below). This would further reduce the prominence of the advertisement during later hours, whereby the illumination and subsequent light spill would have an unacceptable visual amenity and heritage impact if not controlled in this more sensitive townscape area. The proposed advertisement would not emit any noise, and this will be secured by way of a planning condition.
- 7.62 There are no residential dwellings nearby the application site which would be detrimentally impacted by the proposed advertisements in terms of residential amenity in this location.
- 7.63 Despite the above, it is considered that the introduction of the advertisement in this location would result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of the nearby heritage assets given their location, scale and illumination. Paragraph 202 of the NPPF thereby requires that this harm is balanced against the public benefits of the proposals.
- 7.64 As set out above, the proposals are considered to deliver a social and economic public benefit to the city by providing a cohesive tourist and wayfinding information network.
- 7.65 For these reasons, whilst the proposals are considered to result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of nearby heritage assets, this harm has been outweighed by the public benefits of the proposals. Therefore, on balance, the visual and aural amenity of the proposed advertisement is considered to be acceptable and would comply with Policies ENV 1, ENV 2, ENV 3, ENV 11 and ENV 12 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.66 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisements being dimmed to no more than 600cd/m<sup>2</sup> during night time hours (see ‘Luminance Condition’ section below). The Access Group have also not raised any concerns with proposals.
- 7.67 The proposed advertisement is not considered to pose a threat to crime prevention upon its introduction, as the advertisement would not block the view of CCTV cameras.
- 7.68 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policy ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.69 Forehill
- 7.70 **Amenity** – The proposed advertisement would be located on a highly prominent corner junction of Broad Street and Forehill, nearby an existing bench, bin, utility box, lamp posts and a road sign. There are a number of Grade II listed buildings (39, 41 and 47 Forehill) nearby the application site, and the proposed advertisement would be visible in views of these buildings. There are also a number of locally important buildings nearby the application site. For these reasons, the heritage and townscape sensitivities of the application site are considered to be medium.
- 7.71 Forehill incorporates a variety of colour schemes in existing shopfronts, the majority of which have been sensitively designed as noted within the Ely Conservation Area

Appraisal. The contemporary design, darker colour of the outer shell of the advertisement and white lettering are therefore considered to be generally unobtrusive in this context.

- 7.72 Nevertheless, the scale of the proposed advertisement is considered to result in a prominent form of development within the Conservation Area and street-scene. The illumination of the advertisement and the proposed large screens, with changing graphics and the possibility of multiple colours at any given time, is also considered to contribute to the prominence of the proposed structure within the street-scene, within which illumination and digital adverts have been controlled. The proposals would ultimately introduce an uncharacteristic form of advertisement within the Conservation Area in a very prominent location.
- 7.73 The proposed advertisement is not however considered to impinge upon important views up and down Forehill itself given its siting, and would only be peripheral to these views. The proposed advertisement would also not be seen in isolation given the presence of existing functional infrastructure and street-furniture, and this will go some way in reducing the starkness of the advertisement within the street-scene.
- 7.74 Whilst the proposed advertisement would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, it would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see ‘Luminance Condition’ section below). This would further reduce the prominence of the advertisement during later hours, whereby the illumination and subsequent light spill would have an unacceptable visual amenity impact if not controlled in this more sensitive townscape area. The proposed advertisement would not emit any noise, and this will be secured by way of a planning condition.
- 7.75 There are a number of residential dwellings nearby the application site, in particular the dwellings under construction at The Old Tannery to the north of the proposed advertisement. The proposed advertisement would be sited away from these properties, and the dimming of the advertisements during the night time would further preclude detrimental residential amenity impacts upon these properties during the night time in terms of light spill.
- 7.76 Despite the above, it is considered that the introduction of the advertisement in this location would result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of the nearby heritage assets given their location, scale and illumination. Paragraph 202 of the NPPF thereby requires that this harm is balanced against the public benefits of the proposals.
- 7.77 As set out above, the proposals are considered to deliver a social and economic public benefit to the city by providing a cohesive tourist and wayfinding information network.
- 7.78 For these reasons, whilst the proposals are considered to result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of nearby heritage assets, this harm has been outweighed by the public benefits of the proposals. Therefore on balance, the visual and aural amenity of the proposed advertisement is considered to be acceptable and would comply with Policies ENV 1, ENV 2, ENV 3, ENV 11 and ENV 12 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.79 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisements being dimmed to no more than 600cd/m<sup>2</sup> during night time

hours (see 'Luminance Condition' section below). The Access Group have also not raised any concerns with proposals.

- 7.80 The proposed advertisement is not considered to pose a threat to crime prevention upon its introduction, as the advertisement would not block the view of CCTV cameras.
- 7.81 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policy ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.82 Market Place
- 7.83 **Amenity** – The proposed advertisement would replace an existing TIP near the pedestrian entrance to the Market Place from Forehill. The existing TIP is surrounded by functional infrastructure and street-furniture, as well as the presence of vendors within the market on market days and throughout the week. The application site occupies a key pedestrian route and location, as the Market Place lies at the confluence of Forehill, High Street, Market Place, Brays Lane and The Vineyards. The application is therefore highly visible in public views onto the site.
- 7.84 The application site is also surrounded by a number of Grade II listed and locally important buildings, including Grade II listed Club Hotel; Archer House; 2 Fore Hill; Wall to the Garden of the Almonry and Painted Chamber; and Almonry, Sacrists Hall, Gate and Goldsmiths Tower The Almonry. The application site would be visible in views of these listed buildings.
- 7.85 The heritage sensitivity of the application site is therefore considered to be medium, and the townscape sensitivity of the site high.
- 7.86 Market Place and the surrounding streets incorporate a variety of colour schemes and styles in existing shopfronts. The contemporary design, darker colour of the outer shell of the advertisement and white lettering are therefore considered to be generally unobtrusive in this context. It is also noted that, whilst external illumination is not a prominent feature within the Market Place or surrounding streets, many of the shop fronts are illuminated internally of an evening and night time.
- 7.87 The scale of the proposed advertisement is however considered to result in a prominent form of development within the Conservation Area and street-scene. The illumination of the advertisement and the proposed large screens, with changing graphics and the possibility of multiple colours at any given time, is also considered to contribute to the prominence of the proposed structure within the street-scene, within which illumination and digital adverts have been controlled. The proposals would ultimately introduce an uncharacteristic form of advertisement within the Conservation Area in a very prominent location.
- 7.88 The proposed advertisement would also not be seen in isolation given the presence of existing functional infrastructure and the activities of the Market Place itself, which will compete visually with the proposed advertisement. The existing infrastructure and context of the application site will therefore go some way in reducing the starkness of the advertisement within the street-scene.
- 7.89 Whilst the proposed advertisement would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>), it would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see 'Luminance Condition' section below). This would further reduce the prominence of the advertisement during later

hours, whereby the illumination and subsequent light spill would have an unacceptable visual amenity impact if not controlled in this more sensitive townscape area. The proposed advertisement would not emit any noise, and this will be secured by way of a planning condition.

- 7.90 There are a no residential properties near the application site that are considered to be detrimentally impacted by the proposals.
- 7.91 Despite the above, it is considered that the introduction of the advertisement in this location would result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of the nearby heritage assets given their location, scale and illumination. Paragraph 202 of the NPPF thereby requires that this harm is balanced against the public benefits of the proposals.
- 7.92 As set out above, the proposals are considered to deliver a social and economic public benefit to the city by providing a cohesive tourist and wayfinding information network.
- 7.93 For these reasons, whilst the proposals are considered to result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of nearby heritage assets, this harm has been outweighed by the public benefits of the proposals. Therefore, on balance, the visual and aural amenity of the proposed advertisement is considered to be acceptable and would comply with Policies ENV 1, ENV 2, ENV 3, ENV 11 and ENV 12 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.94 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisements being dimmed to no more than 600cd/m<sup>2</sup> during night time hours (see ‘Luminance Condition’ section below). The Access Group have also not raised any concerns with proposals.
- 7.95 The proposed advertisement is not considered to pose a threat to crime prevention upon its introduction, as the advertisement would not block the view of CCTV cameras.
- 7.96 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policy ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.97 Pegasus Walk
- 7.98 **Amenity** – The proposed advertisement would be located within the grass verge along the riverside (Pegasus Walk), in front of the existing pump-out and water facilities associated with the moorings infrastructure along the riverside. A bin and a number of lamp posts are also located nearby the application site. There are no listed buildings or buildings of local importance nearby the application site. Pegasus Walk is generally verdant and open in nature, enclosed by a number of prominent and established trees.
- 7.99 The heritage sensitivity of the site is therefore considered to be low, but the townscape sensitivity is considered to be medium given the open nature of the application site and its visibility along Pegasus Walk, Willow Walk and the waterfront.
- 7.100 The contemporary design, darker colour of the advertisement’s enclosure and white lettering is considered to be generally unobtrusive within the open space along Pegasus Walk, and the use of colourful screens is also not considered to be inherently harmful in this location, subject to luminance being controlled during the night time.

- 7.101 Nevertheless, the scale of the proposed advertisement is considered to result in a prominent form of development within the Conservation Area and street-scene. The illumination of the advertisement and the proposed large screens, with changing graphics and the possibility of multiple colours at any given time, is also considered to contribute to the prominence of the proposed structure within the street-scene, within which no illuminated or large scale advertisements can be found. The proposals would ultimately introduce an uncharacteristic form of advertisement within the Conservation Area in a prominent location.
- 7.102 The proposed advertisement would however not be viewed in isolation, and would be seen in the context of the existing pump-out and water facilities along the water front. The proposed advertisement would therefore form part of a group of structures along the riverside, and would not result in the spreading of these structures throughout the open space. It is therefore considered that the existing functional infrastructure and street-furniture along the riverside this will go some way in reducing the starkness of the advertisement within the street-scene. The pump-out enclosure would also limit views of the advertisement from the riverside itself.
- 7.103 Whilst the proposed advertisement would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, it would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see ‘Luminance Condition’ section below). This would further reduce the prominence of the advertisement during later hours, whereby the illumination and subsequent light spill would have an unacceptable visual amenity impact if not controlled in this more sensitive townscape area. The proposed advertisement would not emit any noise, and this will be secured by way of a planning condition.
- 7.104 There are no residential dwellings nearby the application site that would be affected by the proposals.
- 7.105 Despite the above, it is considered that the introduction of the advertisement in this location would result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of the nearby heritage assets given their location, scale and illumination. Paragraph 202 of the NPPF thereby requires that this harm is balanced against the public benefits of the proposals.
- 7.106 As set out above, the proposals are considered to deliver a social and economic public benefit to the city by providing a cohesive tourist and wayfinding information network.
- 7.107 For these reasons, whilst the proposals are considered to result in less than substantial harm to the Conservation Area, its setting and significance, and the setting of nearby heritage assets, this harm has been outweighed by the public benefits of the proposals. Therefore, on balance, the visual and aural amenity of the proposed advertisement is considered to be acceptable and would comply with Policies ENV 1, ENV 2, ENV 3 and ENV 11 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.108 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisements being dimmed to no more than 600cd/m<sup>2</sup> during night time hours (see ‘Luminance Condition’ section below). The Access Group have also not raised any concerns with proposals.
- 7.109 The proposed advertisement is not considered to pose a threat to crime prevention upon its introduction, as the advertisement would not block the view of CCTV cameras.

- 7.110 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policy ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.111 Ely Country Park
- 7.112 **Amenity** – The proposed advertisement will be located at a juncture of footpaths running through the Ely Country Park. The park is characterised by large areas laid to grass, dense hedgerow and treed boundaries. There are two large equipped play and exercise areas either side of the central path running through the site. The country park is generally rural in its character, albeit comprising maintained grassed areas and punctuated by various built forms.
- 7.113 Whilst the proposed advertisement is of scale, the advertisement would not be only structure of scale within the park, and the advertisement is not therefore considered to be unduly prominent. The darker colour of the advertisement and white lettering is considered to be unobtrusive in the country park location. The use of colourful screens is also not considered to be inherently harmful in the rural location, subject to luminance being controlled during the night time.
- 7.114 The Cathedral is visible from the country park, which itself lies within the Conservation Area boundary. Notwithstanding, this is not considered to be a key view of the cathedral, which is visible from many points in and around the city. Furthermore, the contemporary nature of the advertisement is not considered to be inherently harmful to the rural character of the country park or the Conservation Area, and the slimline nature of the proposed advertisement reduces the overall bulk of the freestanding structure within the park to minimise its visual impact and prominence. The Conservation Officer has raised no concerns with the advertisement, and for the reasons above the proposals are not considered to result in any harm upon the setting or significance of the Conservation Area, or the character and appearance of the area.
- 7.115 The proposed advertisement would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, but would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see ‘Luminance Condition’ section below). This would further reduce the prominence of the advertisement during later hours, whereby the illumination and subsequent light spill would have a greater visual amenity impact if not controlled. The proposed advertisement would not emit any noise, and this will be secured by way of a planning condition.
- 7.116 There are no nearby residential dwellings which would be impacted by the proposed advertisement in this location.
- 7.117 For these reasons, the visual and aural amenity of the proposed advertisement is considered to result in no harm to the character and appearance of the area, or the residential amenity of nearby occupiers. The proposed advertisement is therefore considered to comply with Policies ENV 1, ENV 2, ENV 3 and ENV 11 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.118 **Public Safety** – The Local Highways Authority have raised no objections to the proposals. The Access Group have also not raised any concerns with proposals.
- 7.119 The proposed advertisement is not considered to pose a threat to crime prevention upon its introduction, as the advertisement would not block the view of CCTV cameras.

- 7.120 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policies ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.121 The Hive Leisure Centre
- 7.122 **Amenity** – The proposed advertisement will be located outside of The Hive Leisure Centre, nearby the entrance doors. The Hive Leisure Centre is contemporary in its design, with large areas of floor to ceiling glazing and a prominent awning at the entrance to the centre.
- 7.123 The proposed advertisement will be located under the awning to the building, and would only be visible in direct views onto the front elevation of The Hive. Given the location and scale of the proposed advertisement in comparison to The Hive building, which is substantial in scale, the advertisement would not be prominent or compete with the host building of The Hive in any way. The contemporary style of the advertisement and its colour scheme is also considered to be in-keeping with the style of The Hive itself.
- 7.124 The proposed advertisement would be illuminated (static – with varying images and content) to a high level of brightness during the day (maximum 2,500cd/m<sup>2</sup>, but would be dimmed to a maximum of 600cd/m<sup>2</sup> during the night time (see ‘Luminance Condition’ section below). This would further reduce the prominence of the advertisement during later hours, whereby the illumination and subsequent light spill would have a greater visual amenity impact if not controlled. The proposed advertisement would not emit any noise, and this will be secured by way of a planning condition.
- 7.125 There are no nearby residential dwellings which would be impacted by the proposed advertisement in this location.
- 7.126 For these reasons, the visual and aural amenity of the proposed advertisement is considered to result in no harm to the character and appearance of the area, or the residential amenity of nearby occupiers. The proposed advertisement is therefore considered to comply with Policies ENV 1, ENV 2 and ENV 3 of the ECDC Local Plan 2015, the Design Guide, and the NPPF, subject to the imposition of the conditions set out within Appendix 1.
- 7.127 **Public Safety** – The Local Highways Authority have raised no objections to the proposals, subject to the advertisement being dimmed to no more than 600cd/m<sup>2</sup> during night time hours (see ‘Luminance Condition’ section below). The Access Group have also not raised any concerns with proposals.
- 7.128 The proposed advertisement is not considered to pose any greater threat to crime prevention upon its introduction. The advertisement would not block the view of any CCTV cameras and the dimming of the advertisement during the night time will reduce glare upon any cameras nearby to the advertisement.
- 7.129 For these reasons, the proposals are not considered to result in unacceptable public safety concerns and would comply with Policies ENV 2 and ENV 7 of the ECDC Local Plan 2015 and the NPPF.
- 7.130 Luminance Condition
- 7.131 The application proposals will be subject to a luminance condition, restricting the luminance of the proposed advertisements during the night time. This is considered necessary for the reasons provided above to limit visual and heritage impacts, in the interests of residential amenity and in the interests of highway safety.

- 7.132 The maximum brightness of the proposed advertisements is 2,500cd/m<sup>2</sup>. This is approximately 10x brighter than a standard domestic television, and is necessary in outdoor environments to ensure the screens are visible even with glare from the sun.
- 7.133 The Environmental Health Officer has not raised any objections to the proposed brightness of the screens during the day time, but has raised concern over the brightness of the screens during the night time. The Local Highways Authority have also recommended that the screens be no brighter than 600cd/m<sup>2</sup> during the night in the interests of highway safety.
- 7.134 Given that the UK experiences both Greenwich Mean time (GMT) and British Summer Time (BST), the times of darkness can vary drastically during these periods. Times of darkness can also vary between the two solstices and equinoxes. As the proposed advertisements would be active 24 hours a day, any planning condition limiting luminance must take heed of the above changes in daylight to ensure that, with the changing seasons, the brightness of the advertisements is not unduly prominent during hours of darkness.
- 7.135 During GMT (the end of October to the following end of March) each year, the sun can typically rise as late as 8:00am and set as early as 16:00pm. Whilst the sun will begin to rise earlier and set later towards March, as a worst-case scenario, it is considered that the advertisements should be dimmed to a maximum of 600cd/m<sup>2</sup> between the hours of 16:00-08:00 across these months.
- 7.136 During BST (the beginning of April to the end of October) each year, the sun can typically rise a late as 07:00am and set as early 18:30pm. Whilst the sun will rise much sooner and set much later throughout BST, particularly in peak summer, as a worst case scenario, it is considered that the advertisements should be dimmed to a maximum of 600cd/m<sup>2</sup> between the hours of 18:30-07:00 across these months.
- 7.137 Members are reminded that GMT and BST are unlikely to fall on exactly the same day year to year, as the clock changes take place on the last Sunday of the October and March each year respectively. To account for this variance, the conditions are proposed reflect the following dates and times:
- 1<sup>st</sup> October to 31<sup>st</sup> March – advertisements shall be dimmed between 16:00 to 08:00
- 1<sup>st</sup> April to 30<sup>th</sup> September – advertisements shall be dimmed between 18:30 to 07:00
- 7.138 The above dates account for the variance in GMT and BST, as well as being specific and not unduly complex.
- 7.139 The Environmental Health Officer has accepted the above dates, times and luminance as being acceptable in the proposed twelve locations.
- 7.140 Time Limit
- 7.141 Given the scale and nature of the proposals, the traditional five-year consent period is considered to be unreasonable. The Applicant has sought consent for 30 years. This is considered to be excessive, and would not be in the best interests of protecting amenity and public safety. It is nevertheless considered that a 10-year consent would be reasonable, and should the Applicant wish to retain the advertisements after this period, the proposals can be re-assessed as part of a new submission prior to the expiration of the original consent.

7.142 Other Material Matters

7.143 Public comments received for the proposals raise concerns over the construction impacts of the advertisements, the power sources, their cost, their maintenance, hygiene and concerns over their obsolescence. These are not considered to be material considerations under this application, or in general planning terms.

7.144 Concerns also been raised over the advertisements blocking views of existing businesses and tourist photo spots. These concerns were raised more specifically in the context of the advertisements proposed at St Mary's Green and The Gallery, which have now been removed as part of the proposals.

7.145 Vandalism of the proposed structures has also been raised by members of the public. The LPA have a duty to consider the impacts of the proposals upon crime prevention. As the proposed advertisements would not obstruct any CCTV cameras, nor would they result in significant glare upon CCTV cameras given the dimming of the advertisements during the night time, the advertisements are not considered to impinge upon crime prevention or detection.

7.146 Concern has also been raised over the climate change impact of the proposals, but this cannot be considered under an advertisement consent application.

7.147 Planning Balance

7.148 The advertisement proposals include the installation of twelve illuminated digital advertisements, to be located throughout the city. A proportion of the proposed advertisements would result in less than substantial harm to the character and appearance of the area, the setting and significance of the Conservation Area and nearby heritage assets. Notwithstanding, the social and economic public benefits of the proposals in providing a cohesive wayfinding and tourism information network are considered to outweigh the harm identified in accordance with Paragraph 202 of the NPPF. For the reasons set out within this report, the proposals are considered to comply with Policies ENV 1, ENV 2, ENV 3, ENV 11 and ENV 12 of the ECDC Local Plan 2015, the Design Guide, the Ely Conservation Area Appraisal and the NPPF, subject to the imposition of the conditions set out within Appendix 1.

7.149 The proposals are therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – Recommended Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01280/ADI	Holly Chapman Room No. 01, The Grange Ely	Holly Chapman, Planning Officer 01353 665555 holly.chapman@eastcambs.gov.uk
National Planning Policy Framework - <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a>		
East Cambridgeshire Local Plan 2015 - <a href="http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf">http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf</a>		
Ely Conservation Area Appraisal <a href="https://www.eastcambs.gov.uk/sites/default/files/Ely%20Final%20Copy.pdf">https://www.eastcambs.gov.uk/sites/default/files/Ely%20Final%20Copy.pdf</a>		

APPENDIX 1 - 21/01280/ADI Conditions

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

Plan Reference	Version No	Date Received
Double Sided 55 Totem		17th September 2021
Wall mounted 49 Digital Screen		17th September 2021
Barton Road Car Park	A	17th September 2021
Country Park	A	17th September 2021
Forehill	A	17th September 2021
High Street Passage	A	17th September 2021
Jubilee Gardens (River Side)	A	17th September 2021
Jubilee Gardens (Top)	A	17th September 2021
Market Place	A	17th September 2021
Pegasus Walk	A	17th September 2021
Ship Lane Car Park	A	17th September 2021
Single Sided 55 Totem		17th September 2021
The Hive	A	17th September 2021
Waterside	A	17th September 2021
Newnham Street Car Park	A	17th September 2021
Wayfaring and Digital Signage	D	12th November 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2 Reason: To comply with the statutory provisions of the Advertisement Regulations.
- 3 No advertisement shall be sited or displayed so as to:
  - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
  - b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air: or
  - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3 Reason: In the interests of highway safety, in accordance with policies COM7 of the East Cambridgeshire Local Plan 2015.
- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5 Reason: To ensure the safety and amenity of the public and in the interests of highway safety in accordance with policies ENV2 and COM7 of the East Cambridgeshire Local Plan 2015.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

- 6 Reason: To ensure the safety and amenity of the public, in the interests of highway safety and safeguard the character and appearance of the area in accordance with policies ENV2 and COM7 of the East Cambridgeshire Local Plan 2015.
- 7 The consent expires 10 years from the date of this permission
- 7 Reason: To comply with the statutory provisions of the Advertisement Regulations in the interests of highway safety and visual amenity.
- 8 The existing Tourism Information Points at Barton Road Car Park (1x); Jubilee Gardens (waterfront and Broad Street ends)(2x); the Market Place (1x); Ship Lane Car Park (1x); Waterside (1x); and Newnham Street Car Park (1x) shall be removed from the site within 28 days of the installation of the advertisements hereby approved in these locations.
- 8 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 9 Between the 1st October to 31st March in any given year, the advertisements hereby permitted shall be illuminated to a maximum of 600cd/m<sup>2</sup> between the hours of 16:00 to 08:00.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in the interests of highway safety, and to safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Buildings, in accordance with policies ENV2, ENV11, ENV12 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 10 Between the 1st April to 30th September in any given year, the advertisements hereby permitted shall be illuminated to a maximum of 600cd/m<sup>2</sup> between the hours of 18:30 to 07:00.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in the interests of highway safety, and to safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Buildings, in accordance with policies ENV2, ENV11, ENV12 and COM 7 of the East Cambridgeshire Local Plan 2015.
- 11 The advertisements hereby permitted shall not emit any noise.
- 11 Reason: To safeguard residential and public aural amenity, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



**21/01288/FUL**

7 Centre Road  
Soham  
Ely  
Cambridgeshire  
CB7 5AU

Demolition of existing outbuilding and conservatory, construction of a two storey side and rear extension with associated works

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=QYPLTSGGMV800>





21/01288/FUL

7 Centre Road  
Soham



East Cambridgeshire  
District Council

Date: 16/11/2021  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 21/01288/FUL

**Proposal:** Demolition of existing outbuilding and conservatory, construction of a two storey side and rear extension with associated works

**Site Address:** 7 Centre Road Soham Ely Cambridgeshire CB7 5AU

**Applicant:** Mr Daniel Lawrence

**Case Officer:** Molly Hood Planning Officer

**Parish:** Soham

**Ward:** Soham South  
Ward Councillor/s: Ian Bovingdon  
Dan Schumann

**Date Received:** 31 August 2021      **Expiry Date:** 7<sup>th</sup> December 2021  
**Report Number W125**

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

- 1) The proposal by virtue of its design, scale and siting is considered to result in a dominant and visually harmful development that fails to enhance or enrich the appearance of the existing dwelling or the streetscene. The proposal will result in a significant mass of built form which more than doubles the footprint of the existing property and would not result in a positive or complementary relationship. Furthermore, the two storey extension is detrimental to the symmetry and character of the semi-detached pair and wider grouping of the five semi-detached properties. The proposal fails to have regard to the supplementary planning documents and is not considered to be high quality design in accordance with Chapter 12 of the NPPF. By virtue of its scale, design and location the proposal is considered to result in a form of development which would be substantially harmful to the existing dwelling, its semi-detached pair and the immediate streetscene. As such the proposal is contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD and Chapter 12 of the NPPF.
- 2) The two storey extension, by virtue of its scale and location is considered to result in significantly detrimental impacts to the residential amenity of No.5 Centre Road. The 6m projection of two storey built form would introduce a

significant massing of built form to the rear elevation of No.5. Due to the directional orientation of the site and location of the built form it is considered that this element would result in significant overshadowing, loss of light and oppressive impacts to the adjoining neighbour's rear elevation windows as well as private amenity space. As such the proposal is contrary to policy ENV2 of the East Cambridgeshire Local Plan 2015 and Chapter 12 of the NPPF which seeks all new development to ensure there is no significantly detrimental impacts on the residential amenity of nearby occupiers.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission for the demolition of the existing outbuilding on the site and the rear elevation conservatory. Permission is sought for the construction of a two storey extension which projects off the rear elevation and extends to the side of the property, beyond the southern side elevation. In addition, a single storey rear extension is proposed and would join onto the two storey addition.
- 2.2 At ground floor the built form will project 6m (19.6ft) from the rear elevation and at a width of 9.4m (30.8ft). Built form is slightly reduced at first floor as the width is 7.5m (24.6ft) but still projects 6m (19.6ft) from the existing rear elevation. The single storey element is a flat roof design with a ridge height of 3.2m (10.4ft) and the pitched roof of the two-storey extension will have a ridge height of 7.45m (24.4ft).
- 2.3 Furthermore, a small porch is proposed on the front elevation measuring 1.5m (4.9ft) in depth, 2m (6.5ft) in width and will have a ridge height of 3.3m (10.8ft).
- 2.4 The application has been called into Planning Committee by Councillor Bovingdon as Centre Road consists of properties of all types and many have extensions/additions. Similar properties with extensions exist in the area and as far as I can see from looking at the site, it will not have an adverse affect on the area. Indeed other adjoining roads have had far more contentious planning passed. We need to have some consistency in planning decisions and that is why I feel it should be called in as this decision will be inconsistent with others and will probably result in an appeal.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

## 3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is a semi-detached property situated within the defined development envelope for Soham. The dwelling has a large detached outbuilding to the west and off street parking to the south. A large curtilage extends to the rear and angles off to the west. The proposal is part of five semi-detached properties

which all remain largely uniform in size. Only one of the properties has an existing single storey rear extension and porch. One detached property was approved at appeal in February 2006 between No.13 & No.11 Centre Road.

## 5.0 RESPONSES FROM CONSULTEES

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

**Parish - No Comments Received**

**Ward Councillors – 15 November 2021**

Centre Road consists of properties of all types and many have extensions/additions. Similar properties with extensions exist in the area and as far as I can see from looking at the site, it will not have an adverse affect on the area. Indeed other adjoining roads have had far more contentious planning passed.

We need to have some consistency in planning decisions and that is why I feel it should be called in as this decision will be inconsistent with others and will probably result in an appeal.

I am happy for you to direct my comments of consistency to the planning committee also.

**Consultee For Other Wards In Parish - No Comments Received**

5.2 A site notice was displayed near the site on 6 October 2021 and seven neighbouring properties were notified. Two responses were received and are summarised below. A full copy of the responses are available on the Council's website.

- The main concern is that a two bedroom becomes a four bedroom which in the future will likely mean more cars. There are concerns that these will be parked on the road where there is a bend which could be hazardous.
- Not received any documents of the building going up at the bottom of the site.
- Also not received documents for building at No.41 Orchard Row or the change of use to the builders yard at No.43 Orchard Row.
- All of the yards listed are the same are as my property.

## 6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 4 Energy and water efficiency and renewable energy in construction

COM 8 Parking provision

## 6.2 Supplementary Planning Documents

Design Guide  
Climate Change SPD

## 6.3 *National Planning Policy Framework 2019*

- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

## 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area.

### 7.2 Residential Amenity

7.2.1 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. The proposal will increase the level of built form to the west of the dwelling, introducing two storey accommodation. The curtilage for the dwelling angles off to the west of the site and therefore the built form is only 1.3m (4.2ft) from the boundary at its closest point. The pair of semi-detached dwellings to the south follow the curve of the road and therefore No.9 is at an angle from No.7. Whilst two storey built form will extend for 6m (19.6ft) in close proximity to the boundary with No.9, it is setback within the site to avoid any overshadowing or oppressive impacts to the side elevation windows of the neighbour at No.9. The location and scale of the two-storey extension is not considered to compromise the amenity of the rear curtilage for No.9 and as such this neighbour relationship is considered acceptable. Furthermore, the location of the porch is not considered to result in significantly detrimental impact to amenity.

7.2.2 No.5 is the adjoining property and the single storey built form is the closest aspect with only 0.2m (0.6ft) separating the side elevation and the boundary. The flat roof design of the single storey rear projection does minimise the bulk of built form up to the boundary with No.5, however there are significant concerns with the depth of the two storey accommodation. The first floor is 2.4m (7.8ft) from the boundary and will project at a depth of 6m (19.6ft). Given the directional orientation of the site, the two storey extension will result in a disruption to direct sunlight to the immediate amenity space and the rear elevation of No.5.

7.2.3 There are concerns regarding overbearing, overshadowing and oppressive impacts to the first and ground floor windows of the neighbouring property as those windows sit in close proximity with No.7. The proposal would introduce a substantial level of built form on to the rear of No.7 and the projection is considered to introduce a massing which is significantly detrimental to residential amenity. Therefore, the proposal is unacceptable and fails to comply with Policy ENV2 of the Local Plan,

2015, which seeks that all new developments ensure that there are no significantly detrimental effects on the residential amenity of nearby neighbours.

### 7.3 Visual Amenity

- 7.3.1 Policy ENV2 requires all development proposal to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Development proposals which fail to have regard for local context or take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable. Chapter 12 of the NPPF seeks for high quality, beautiful and sustainable buildings. Paragraph 134 advises that where development is not well designed it 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.
- 7.3.2 Firstly, the scale and location of the porch is not considered to be harmful to the appearance of the dwelling or the streetscene. No.3 Centre Road has an existing single storey porch on the front elevation and therefore it would not be out of character in the streetscene. The property also still benefits from Permitted Development Rights and could construct a similar style porch as the footprint does not exceed the limits under Class D of Part 1, Schedule 2.
- 7.3.3 The proposal will be highly visible in the streetscene of Centre Road, in particular when approaching from the south-east. Whilst the extension is set back and extends to the rear elevation it will be notable from the streetscene and change the character of the dwelling. The proposal will add a significant proportion of massing to the side of the dwelling and almost infill an important gap between the side elevation and the edge of the site. The proposal is considered to result in a level of built form which is dominant, unbalancing and harmful to the character of the pair within the streetscene as well as the uniformity of the other four semi-detached pairs.
- 7.3.4 The Design Guide SPD advises for semi-detached or terraced properties, the retention of symmetry should be retained where possible and as a result, it will rarely be acceptable to construct a two-storey side extension to one property only. This property forms part of a semi-detached pair which in turn is a part of five pairs in this section of Centre Road. The proposal would disrupt the symmetry between No.5 & No.7 Centre Road it would be the first to introduce two storey built form to the side/rear of the dwelling. One other property has extended the dwelling in a similar setback side/rear extension but this remains single storey and doesn't disrupt the symmetry to the semi-detached pair.
- 7.3.5 Amendments were suggested to remove the projection to the side elevation and reduce the depth of the extension, still allowing for a sizeable two storey rear extension but not impacting the semi-detached symmetry. However, these amendments were not adopted and the applicants wished to proceed with the original proposal. The agent advised of two storey extensions in the nearby area, but those properties front onto the streetscene of Fordham Road and are therefore not relevant as these are not within the immediate streetscene of the site.

Furthermore, the agent referenced the detached residential property between No.13 and No.11 Centre Road. This detached property was allowed at appeal and the Planning Authority recommended its refusal on the grounds of residential amenity harm and the siting and design of the property appearing unduly prominent and alien within the streetscene, contrary to the existing rhythm of the house layout locally. Whilst this detached property is present in the streetscene its impact and character is very different to that of a two storey extension to a semi-detached dwelling.

7.3.6 With the proposed additions to the property, the existing dwelling would be overpowered by the massing and its appearance compromised. The proposal would result in an extension which is larger than the footprint of the original dwelling. The existing three bedroom property is approximately 88sqm (947sqft) and the proposed extensions to the rear has a footprint of 102sqm (1097sqft). The Design Guide SPD seeks for extensions to not be dictated by a desire for a particular amount of additional floor space, with the form and proportions of the original dwelling determining the extent to which it can be extended. It is considered the current proposal has been driven by the desire of additional floor space and fails to have regard for the existing development on the site or its surroundings.

7.3.7 As such as the proposal is considered to be out of keeping with existing characteristics, resulting in a significant mass of built form which fills the width of the plot and would not result in a positive or complementary relationship. Furthermore, the two storey extension is detrimental to the symmetry and character of the semi-detached pair and wider grouping of the five semi-detached properties. The proposal fails to have regard for the supplementary planning documents and is not considered to be high quality design in accordance with Chapter 12 of the NPPF. The two storey extension would not have a sympathetic relationship with the existing dwelling and fails to enhance or enrich the character and appearance of the area. The proposal is contrary to policies ENV1 and ENV2 of the Local Plan 2015, the Design Guide SPD and the NPPF.

#### 7.4 Parking Provision

7.4.1 Policy COM8 of the East Cambridgeshire Local Plan 2015, requires proposals to supply appropriate car parking. Concerns have been received about the impact of the increase in bedrooms and the parking. In line with the policy COM8 only two parking spaces are required for a residential property and the driveway to the side of the property can adequately accommodate this. There are no significant concerns that the increase in footprint would be detrimental to highway safety through parking provision.

#### 7.5 Energy and Water Efficiency and Renewables

7.5.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states 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. The agent has advised the project

seeks to provide a sustainable development and is designed to exceed building regulation standards. Whilst no exact details of efficiency measures have been given, there is initial consideration. The proposal is considered to address policy ENV4 of the Local Plan, 2015 and the Climate Change SPD.

## 7.6 Other Matters

7.6.1 Public comments have been received about development in the rear curtilage, however the dwelling still benefits from Permitted Development Rights and therefore the works could fall under Class E, however no confirmation has been received from the agent. No formal application has been submitted for these works in the rear curtilage.

## 7.7 Planning Balance

7.7.1 The proposal is not considered to comply with the relevant planning policies of the adopted Local Plan and would create significantly detrimental effects on the visual amenity of the streetscene, the character of the wider area and lead to an overpowering extension. Furthermore, the proposal would result in significantly detrimental impacts to residential amenity of the adjoining property. The application is therefore recommended for refusal.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
21/01288/FUL	Molly Hood Room No. 011 The Grange Ely	Molly Hood Planning Officer 01353 665555 molly.hood@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>



## Planning Performance – October 2021

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

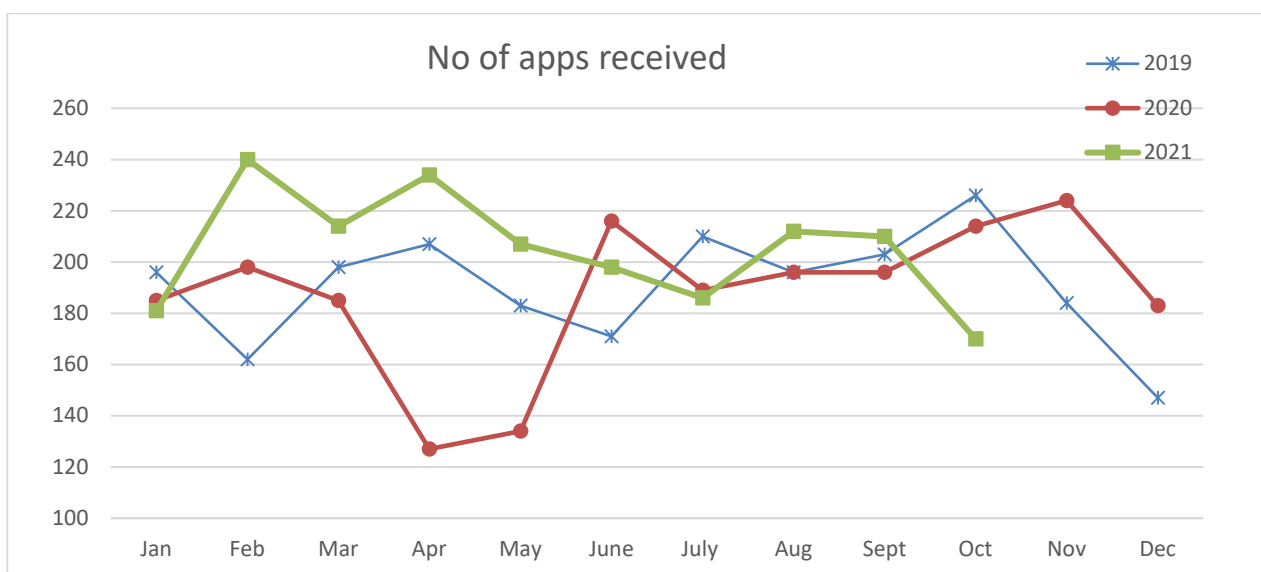
All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
<b>Validation</b>	<b>159</b>	<b>7</b>	<b>28</b>	<b>39</b>	<b>13</b>	<b>31</b>	<b>41</b>
<b>Validated within 5 days (%)</b>	<b>97%</b>	<b>(ECDC target of 75%)</b>					
<b>Determinations</b>	<b>160</b>	<b>3</b>	<b>40</b>	<b>37</b>	<b>23</b>	<b>32</b>	<b>25</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>93%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>91%</b> (90% within 8 weeks)	<b>69%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>148</b>	<b>3</b>	<b>35</b>	<b>36</b>	<b>19</b>	<b>31</b>	<b>24</b>
<b>Refused</b>	<b>12</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>

<b>Open Cases by Team (as at 18/11/2021)</b>							
<b>Team 1 (3.8 FTE)</b>	<b>168</b>	<b>15</b>	<b>49</b>	<b>17</b>	<b>29</b>	<b>58</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>145</b>	<b>16</b>	<b>39</b>	<b>35</b>	<b>13</b>	<b>42</b>	<b>0</b>
<b>Team 3 (4 FTE)</b>	<b>166</b>	<b>10</b>	<b>34</b>	<b>40</b>	<b>29</b>	<b>50</b>	<b>0</b>
<b>No Team (3 FTE)</b>	<b>72</b>	<b>9</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>46</b>

**No Team includes – Trees Officer, Conservation Officer and Agency Worker**

The Planning department received a total of 170 applications during October which is an 20% decrease of number received during October 2020 (214) and 19% decrease to the number received during September 2021 (210).



### Valid Appeals received – 5

Planning reference	Site Address	Decision Level
20/00296/OUM	Land Rear of 163 to 187 High Street Bottisham	Committee
21/00093/FUL	51 West Fen Road Ely	Delegated
21/00384/FUL	Stetchworth Park Stud Church Lane Stetchworth	Delegated
21/00803/FUL	Land between 31 and 37 Brinkley Road Dullingham	Delegated
ENFORCEMENT	Wildtracks Offroad Activity Park Chippenham Road Kennett	

### Appeals decided – 0

### Upcoming Hearing dates – 1

Planning reference	Site address	Decision Level	Hearing date
20/00641/FUL	Hurst Farm West Fen Road Ely	Delegated	14/12/2021

### Upcoming Public Inquiry Dates – 2

Planning reference	Site address	Decision Level	Inquiry First date	Inquiry Last date
19/00717/OUM	Broad Piece Soham	Committee	11/01/2022	18/01/2021
20/00296/OUM	Land Rear of 163 to 187 High Street Bottisham	Committee	25/01/2022	03/02/2021

### Enforcement

New Complaints registered – 12 (0 Proactive)

Cases closed – 21 (1 Proactive)

Open cases/officer (2.6FTE) – 180 cases (7 Proactive)/2.6 = 69 per FTE

### Notices served – 1

Notice Type	Site address	Date Served
Enforcement Notice	150 Station Road Dullingham Newmarket	07/10/2021

### Comparison of Enforcement complaints received during October

Code	Description	2020	2021
<b>ADVERT</b>	Reports of unauthorised adverts	0	0
<b>COND</b>	Reports of breaches of planning conditions	5	5
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area	0	0
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area	0	0
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	2	0
<b>OP</b>	Reports of operational development, such as building or engineering works	6	3
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	1	0
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	3	1
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	2	0
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	0	0
<b>USE</b>	Reports of the change of use of land or buildings	4	3
<b>TOTAL</b>		<b>23</b>	<b>12</b>